

# Circuit Justice Assignments 1802-1984

Penny A. Hazelton

## ***SUPREME COURT OF THE UNITED STATES CIRCUIT JUSTICE ASSIGNMENTS 1802-AUGUST 1984***

The assignment of Supreme Court Justices to the six Circuit Courts of Appeal was originally provided for by the Act of April 29, 1802 (2 Stat. 156) following the reorganization of the federal courts by the Act of February 13, 1801 (2 Stat. 90). No complete list of Circuit Justices has been found for allotment under the Act of April 13, 1792 (1 Stat. 253 § 3), but see *Federal Cases* reference, *infra*.

Currently, allotment is made under 28 USC § 42 (1982 ed.) by the Chief Justice of the United States. A complete list of Circuit Justice allotments has been compiled because no single source, as cited below, is entirely complete or accurate. The sources used in this compilation are as follows:

### 1. *United States Reports*

The allotment has been reported in *U.S. Reports*, after the title page or before the index, since volume 40 (15 Peters) (OT 1841). Often the specific date of assignment is not given.

### 2. *Journal of the United States Supreme Court*

The allotment has been reported in the *Journal* on the date of any change beginning with the first volume, OT 1891. The allotments were indexed beginning in OT 1932.

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Ms. Hazelton is Assistant Librarian for Research Services, U.S. Supreme Court Library. The compiler gratefully acknowledges the invaluable research assistance of Brian Britt, 1984 summer intern, U.S. Supreme Court Library and Janice Lombardo, Secretarial Assistant to the Research Services Department of the U.S. Supreme Court Library.

### 3. *Federal Cases, Book I*

A list of Circuit Justice assignments by Circuit can be found at pages xiii-xvi covering 1791 to 1894. Some errors have been discovered.

### 4. *Legislative History of the United States Circuit Courts of Appeals and the Judges Who Served During The Period of 1801 Through May 1972*, U.S. Senate, Committee on the Judiciary, Committee Print, 92d Congress, 2d Session, 1972.

This print updates a 1958 committee print by the same title (U.S. Supreme Court Library Committee Prints, vol. 151-7). The information in this work is not complete and has some inaccuracies since *U.S. Reports* was the compiler's only source.

### *Users Note*

The user will note several changes from the lists in *Federal Cases* and the Judiciary Committee Print. While we are fairly confident that all Justices assigned are listed, the date of the allotment and the ending date have caused considerable problems. All allotments from 1891 have been verified through the *Journal of the Supreme Court* and/or *U.S. Reports*. Allotments made between OT 1841 and OT 1890 have been verified, where possible, through *U.S. Reports*. Allotments prior to OT 1841 have been taken from the *Federal Cases* list and verified, where possible, with *U.S. Reports*.

### *Dates of Service*

The effective date of the allotment has been verified in one of the sources mentioned above and is reasonably accurate from OT 1891. Prior to OT 1891, if the effective date could not be verified the date used is the one in the *Federal Cases* list.

We have assumed, for purposes of consistency and clarity, that a particular Justice served until another Justice was allotted permanently to that Circuit. In fact, there were often months or years between the illness, death or retirement of one Justice and the permanent allotment of another Justice to that Circuit. However, for purposes of our list, the end date of each allotment is the day before

the next permanent (not temporary) allotment. Thus, for example, although Justice Robert H. Jackson died in October 1954, the list shows that he served as Circuit Justice to the Second Circuit until April 3, 1955—the day before Justice John M. Harlan was permanently allotted to that circuit.

### *Temporary Allotments*

When the order of the Chief Justice specified that a Justice was allotted “temporarily” to a Circuit, we have listed the Justice under that Circuit even though that assignment may have been for a short term. These temporary allotments always overlap with the dates of service of another Justice and have been indented on our list to avoid confusion. We cannot verify the length of service on a temporary allotment since this was usually an interim measure when a Justice died or retired until his successor was on the bench. Thus, no ending date of service is given.

### CIRCUIT COURT JUSTICES—CA 1

	FROM	TO
William Cushing <sup>1</sup>	7-1-1802	11-17-1811
Joseph Story <sup>2</sup>	11-18-1811	9-19-1845
Levi Woodbury <sup>2</sup>	9-20-1845	12-21-1851
Benjamin Robbins Curtis <sup>1</sup>	12-22-1851	1-11-1858
Nathan Clifford <sup>2</sup>	1-12-1858	5-1-1881
John M. Harlan	5-2-1881	1-29-1882
Horace Gray	1-30-1882	10-19-1902
Rufus W. Peckham	10-20-1902	12-7-1902
Oliver Wendall Holmes	12-8-1902	3-27-1932
Louis Dembitz Brandeis	3-28-1932	4-23-1939
Felix Frankfurter	4-24-1939	10-14-1962
Arthur J. Goldberg	10-15-1962	10-10-1965
Abe Fortas	10-11-1965	5-25-1969
William J. Brennan	5-26-1969	PRESENT

<sup>1</sup>This allotment is not verified in *U.S. Reports*.

<sup>2</sup>The exact date for this allotment is not verified in *U.S. Reports*.

## CIRCUIT COURT JUSTICES—CA 2

	FROM	TO
William Paterson <sup>1</sup>	7-1-1802	11-9-1806
Brockholst Livingston <sup>1</sup>	11-10-1806	8-31-1823
Smith Thompson <sup>2</sup>	9-1-1823	3-2-1845
Samuel Nelson	3-3-1845	12-10-1872
Ward Hunt	12-11-1872	1-29-1882
Stephen Johnson Field	1-30-1882	4-2-1882
Samuel Blatchford	4-3-1882	7-14-1893
Horace Gray	7-15-1893	4-1-1894
Henry B. Brown	4-2-1894	2-2-1896
Rufus W. Peckham	2-3-1896	1-9-1910
Horace H. Lurton	1-10-1910	1-8-1911
Charles E. Hughes	1-9-1911	6-11-1916
Louis D. Brandeis	6-12-1916	3-15-1925
Harlan F. Stone	3-16-1925	10-13-1941
Robert H. Jackson	10-14-1941	11-12-1945
Stanley Reed	11-13-1945	10-13-1946
Robert H. Jackson	10-14-1946	4-3-1955
Stanley Reed*	4-26-1954	
Felix Frankfurter*	11-22-1954	
John M. Harlan	4-4-1955	1-6-1972
Felix Frankfurter*	3-24-1957	
William J. Brennan*	6-29-1959	
Thurgood Marshall	1-7-1972	PRESENT

## CIRCUIT COURT JUSTICES—CA 3

	FROM	TO
Bushrod Washington <sup>2</sup>	7-1-1802	2-10-1830
Henry Baldwin	2-11-1830	4-7-1846
Robert C. Grier <sup>2</sup>	4-8-1846	4-3-1870
William Strong	4-4-1870	1-9-1881
Joseph P. Bradley	1-10-1881	1-31-1892
John M. Harlan	2-1-1892	10-16-1892
George Shiras, Jr.	10-17-1892	3-8-1903
Henry Brown	3-9-1903	5-28-1906

\*Temporary allotment.

<sup>1</sup>This allotment is not verified in *U.S. Reports*.

<sup>2</sup>The exact date for this allotment is not verified in *U.S. Reports*.

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## CIRCUIT COURT JUSTICES-CA 3 (Cont)

	FROM	TO
Edward D. White	5-29-1906	12-23-1906
William H. Moody	12-24-1906	1-8-1911
Horace H. Lurton	1-9-1911	3-17-1912
Mahlon Pitney	3-18-1912	1-21-1923
Pierce Butler	1-22-1923	3-15-1925
Louis D. Brandeis	3-16-1925	6-1-1930
Owen J. Roberts	6-2-1930	10-14-1945
Harold H. Burton	10-15-1945	10-15-1956
William J. Brennan	10-16-1956	PRESENT

## CIRCUIT COURT JUSTICES—CA 4

	FROM	TO
Samuel Chase <sup>1</sup>	7-1-1802	11-17-1811
Gabriel Duvall <sup>2</sup>	11-18-1811	3-14-1836
Roger Brooke Taney <sup>2</sup>	3-15-1836	12-5-1864
Salmon P. Chase	12-6-1864	3-31-1874
Morrison Remick Waite	4-1-1874	4-1-1888
John M. Harlan	4-2-1888	12-16-1888
Melville W. Fuller	12-17-1888	1-8-1911
Edward D. White	1-9-1911	10-23-1921
William H. Taft	10-24-1921	6-1-1930
Charles Evans Hughes	6-2-1930	10-13-1941
Harlan F. Stone	10-14-1941	10-13-1946
Fred M. Vinson	10-14-1946	10-11-1953
Earl Warren	10-12-1953	6-8-1970
William J. Brennan*	6-24-1957	
Warren E. Burger	6-9-1970	PRESENT

## CIRCUIT COURT JUSTICES—CA 5

	FROM	TO
John Marshall <sup>2</sup>	7-1-1802	3-14-1836
Philip Pendleton Barbour <sup>2</sup>	3-15-1836	3-2-1841
Peter Vivian Daniel <sup>2</sup>	3-3-1841	3-2-1845

\*Temporary allotment

<sup>1</sup>This allotment is not verified in *U.S. Reports*.<sup>2</sup>The exact date for this allotment is not verified in *U.S. Reports*.

## CIRCUIT COURT JUSTICES-CA 5 (Cont)

	FROM	TO
John McKinley <sup>2</sup>	3-3-1845	3-21-1853
John Archibald Campbell <sup>1</sup>	3-22-1853	3-9-1863
James Moore Wayne <sup>2</sup>	3-10-1863	1-14-1869
Noah Haynes Swayne	1-15-1869	4-3-1870
Joseph P. Bradley	4-4-1870	1-9-1881
William Burnham Woods	1-10-1881	1-22-1888
John M. Harlan*	5-27-1887	
Lucius Q. C. Lamar	1-23-1888	3-14-1893
Howell E. Jackson	3-15-1893	4-1-1894
Edward D. White	4-2-1894	1-8-1911
Joseph R. Lamar	1-9-1911	6-11-1916
Edward D. White	6-12-1916	10-29-1916
James C. McReynolds	10-30-1916	2-18-1923
Edward T. Sanford	2-19-1923	6-1-1930
Louis D. Brandeis	6-2-1930	3-27-1932
Benjamin N. Cardozo	3-28-1932	11-7-1937
Hugo L. Black	11-8-1937	1-6-1972
Potter Stewart*	10-12-1971	
Lewis F. Powell, Jr.	1-7-1972	PRESENT

## CIRCUIT COURT JUSTICES—CA 6

	FROM	TO
Alfred Moore <sup>1</sup>	7-1-1802	3-25-1804
William Johnson <sup>2</sup>	3-26-1804	1-8-1835
James Moore Wayne <sup>2</sup>	1-9-1835	3-9-1863
John Catron <sup>2</sup>	3-10-1863	4-9-1867
Noah Haynes Swayne	4-8-1867	1-29-1882
Stanley Matthews	1-30-1882	5-12-1889
John M. Harlan	5-13-1889	3-9-1890
David J. Brewer	3-10-1890	1-31-1892
Henry B. Brown	2-1-1892	4-1-1894
Howell E. Jackson	4-2-1894	2-2-1896

\*Temporary allotment.

<sup>1</sup>This allotment is not verified in *U.S. Reports*.

<sup>2</sup>The exact date for this allotment is not verified in *U.S. Reports*.

John M. Harlan  
William Burnham Woods  
James Moore Wayne  
Stanley Matthews  
Harold D. Clarke  
Harold D. Clarke  
William Burnham Woods  
Felix Frankfurter  
Potter Stewart  
Earl Warren  
Byron White  
Sandra Day O'Connor

Thomas M. Cooley  
Robert T. Cooley  
John M. Harlan  
Noah Haynes Swayne  
David D. Brewer  
John M. Harlan  
Melville Fuller  
John M. Harlan  
Henry D. Taft  
William Howard Taft  
Horace Gray  
James C. McReynolds  
John H. Wheeler  
George Sutherland  
Pierce F. Burchard  
Willis Van Devanter  
Benjamin N. Cardozo

\*Temporary  
<sup>1</sup>This  
<sup>2</sup>The

## CIRCUIT COURT JUSTICES-CA 6 (Cont)

	FROM	TO
John M. Harlan	2-3-1896	3-17-1911
William R. Day	3-18-1911	1-21-1923
James C. McReynolds	1-22-1923	10-13-1941
Stanley Reed	10-14-1941	3-24-1957
Harold H. Burton*	3-4-1957	
Harold H. Burton	3-25-1957	10-13-1958
William J. Brennan*	6-24-1957	
Felix Frankfurter*	7-19-1958	
Potter Stewart	10-14-1958	9-30-1981
Earl Warren*	2-6-1968	
Byron R. White*	7-2-1981	
Sandra Day O'Connor	10-1-1981	PRESENT

## CIRCUIT COURT JUSTICES—CA 7

	FROM	TO
Thomas Todd <sup>1</sup>	3-3-1807	5-8-1826
Robert Trimble <sup>2</sup>	5-9-1826	2-10-1830
John McLean	2-11-1830	1-23-1862
Noah Haynes Swayne <sup>2</sup>	1-24-1862	4-7-1867
David Davis	4-8-1867	4-21-1878
John M. Harlan	4-22-1878	12-18-1892
Melville W. Fuller	12-19-1892	4-1-1894
John M. Harlan	4-2-1894	2-2-1896
Henry B. Brown	2-3-1896	3-8-1903
William R. Day	3-9-1903	3-17-1911
Horace H. Lurton	3-18-1911	10-18-1914
James C. McReynolds	10-19-1914	10-29-1916
John H. Clarke	10-30-1916	1-21-1923
George Sutherland	1-22-1923	3-15-1925
Pierce Butler	3-16-1925	4-9-1929
Willis Van Devanter	4-10-1929	11-7-1937
Benjamin N. Cardozo	11-8-1937	2-5-1939

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\*Temporary allotment.

<sup>1</sup>This allotment is not verified in *U.S. Reports*.

<sup>2</sup>The exact date for this allotment is not verified in *U.S. Reports*.

## CIRCUIT COURT JUSTICES-CA 7 (Cont)

	FROM	TO
Felix Frankfurter	2-6-1939	4-23-1939
William O. Douglas	4-24-1939	2-11-1940
Frank Murphy	2-12-1940	10-13-1941
James Francis Byrnes	10-14-1941	2-28-1943
Frank Murphy	3-1-1943	10-13-1949
Sherman Minton	10-14-1949	10-15-1956
Harold H. Burton	10-16-1956	3-24-1957
Tom C. Clark	3-25-1957	10-8-1967
Felix Frankfurter*	6-24-1957	
Abe Fortas*	6-16-1967	
Thurgood Marshall	10-9-1967	1-6-1972
William H. Rehnquist	1-7-1972	12-18-1975
John Paul Stevens	12-19-1975	PRESENT

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Steph  
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## CIRCUIT COURT JUSTICES—CA 8

	FROM	TO
John Catron <sup>2</sup>	3-8-1837	3-9-1863
David Davis <sup>2</sup>	3-10-1863	4-7-1867
Samuel Furman Miller	4-8-1867	11-2-1890
David J. Brewer	11-3-1890	1-8-1911
Willis Van Devanter	1-9-1911	4-9-1929
Pierce Butler	4-10-1929	2-11-1940
Stanley Reed	2-12-1940	10-13-1941
Frank Murphy*	6-2-41	
Frank Murphy	10-14-1941	2-28-1943
Wiley Rutledge	3-1-1943	10-13-1949
Tom C. Clark	10-14-1949	3-24-1957
Charles E. Whittaker	3-25-1957	4-1-1962
Tom C. Clark	4-2-1962	4-15-1962
Byron R. White	4-16-1962	6-8-1970
Harry A. Blackmun	6-9-1970	PRESENT

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\*Temporary allotment.

<sup>2</sup>The exact date for this allotment is not verified in *U.S. Reports*.

## CIRCUIT COURT JUSTICES—CA 9

	FROM	TO
John McKinley <sup>2</sup>	4-22-1827	3-2-1845
Peter Vivian Daniel <sup>2</sup>	3-3-1845	3-9-1863
Samuel Furman Miller <sup>2</sup>	3-10-1863	4-7-1867
Stephen Johnson Field	4-8-1867	12-12-1897
David J. Brewer	12-13-1897	2-20-1898
Joseph McKenna	2-21-1898	3-15-1925
George Sutherland	3-16-1925	2-6-1938
Stanley Reed	2-7-1938	2-11-1940
William O. Douglas	2-12-1940	12-18-1975
Hugo Black*	6-24-1957	
John M. Harlan*	6-25-1963	
William H. Rehnquist*	11-17-1975	
William H. Rehnquist	12-19-1975	PRESENT

## CIRCUIT COURT JUSTICES—CA 10

	FROM	TO
Stephen Johnson Field	6-22-1863	7-23-1866
[CA 10 abolished by Act July 23, 1866 (14 Stat. 209, c. 210.)]		
Willis Van Devanter	4-10-1929	11-7-1937
Pierce Butler	11-8-1937	2-11-1940
Stanley Reed	2-12-1940	10-13-1941
Frank Murphy	10-14-1941	2-28-1943
Wiley Rutledge	3-1-1943	10-13-1949
Tom C. Clark	10-14-1949	3-24-1957
Charles E. Whittaker	3-25-1957	4-1-1962
William O. Douglas	4-2-1962	10-14-1962
Byron R. White	10-15-1962	PRESENT

## CIRCUIT COURT JUSTICES—CA 11

	FROM	TO
Lewis F. Powell, Jr.	10-1-1981	PRESENT

\*Temporary allotment.

<sup>2</sup>The exact date for this allotment is not verified in *U.S. Reports*.

## CIRCUIT COURT JUSTICES—D.C. CA

	FROM	TO
Charles Evans Hughes	12-19-1938	10-13-1941
Harlan F. Stone	10-14-1941	10-13-1946
Fred M. Vinson	10-14-1946	10-11-1953
Earl Warren	10-12-1953	6-8-1970
Hugo Black*	6-24-57	
Warren E. Burger	6-9-1970	PRESENT

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\*Temporary allotment

*for your convenience.*

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