

THE FOURTH CIRCUIT COURT OF APPEALS “HIGHLIGHTS OF ITS HISTORY”

OF ALL THE CIRCUIT HISTORIES, that of the Fourth Circuit is one of the richest in detail. Federal Judges in the mid-Atlantic South played an important role in defining national power during a tumultuously partisan era in American politics. These judges served a national judicial system in the throes of politically sensitive changes. They had worked at first under the provisions of the Judiciary Act of 1789, then under the Federalist-inspired Judiciary Act of 1801 and finally under the Act of 1802 promoted by the triumphant Republicans. Circuit courts staffed by Supreme Court Justices and district judges, and briefly by separate circuit judges, rarely heard cases of enduring importance. Some, however, remain judicial landmarks. Among them is the great treason trial of Aaron Burr. Its vital story is recounted in a videotape cassette produced as part of the “Equal Justice Under Law” series sponsored by the Committee on the Bicentennial of Independence and the Constitution of the Judicial Conference of the United States. The late Clement F. Haynsworth, Jr., Chief Judge of the U. S. Court of Appeals for the Fourth Circuit from 1964 to 1981, chaired the Committee which brought this effective dramatization into the nation’s classrooms.

The Civil War had a dramatic impact on the South and on its links with the national judicial system. In the war’s wake came new demands on that restored system. Circuits were realigned in 1866 at which time the Fourth Circuit assumed its present five-state composition. Three years later, Congress established a separate office of Circuit Judge for each of the nine existing circuits. Further increases in regional judicial business and in the docket of the Supreme Court led to establishment in 1891 of the circuit courts of appeals. Among them was the United States Court of Appeals for the Fourth Circuit encompassing the states of Maryland, Virginia, West Virginia, North Carolina, and South Carolina. The seat of the Fourth Circuit Court of Appeals in Virginia’s capital is the Customs House, completed in 1858, now named after native Virginian Lewis F. Powell, Jr., Associate Justice of the United States Supreme Court from 1971 to 1987. The Fourth Circuit is one that values still its traditions, its civility, its continuity, and its commitment to equal justice under law. Its judges continue the long practice of stepping-down from the bench after every oral argument to shake the hands of the lawyers in the case. From Richmond, the Court’s judges have reached out through the Fourth Circuit Judicial Conference to far-flung district, bankruptcy and magistrate judges as well as to the various state benches and bars within the circuit. The conference owes its genesis to Chief Judge John J. Parker (1925-1958) who in 1931 organized the nation’s first circuit conference which was held at the Grove Park Inn in Asheville, North Carolina.