

# Idaho's Federal Courts 1863-2010

*Article III of the U.S. Constitution* established the U.S. Courts to deal with cases beyond the jurisdiction of the States. Congress initially created two trial courts: the District Court and the Circuit Court. In 1891, Congress created a third court, the Circuit Court of Appeals. Idaho's first separate U.S. District Court came with statehood in 1890. Before that, the same Idaho courts would hear both territorial and U.S. cases, following either territorial or U.S. laws depending upon the case. This created regular jurisdictional issues as attorneys argued that Idaho Territorial District Court was improperly titled "U.S. District Court." As a practical matter, renting separate courtrooms would have been difficult when the same judges heard both U.S. and territorial cases on the very same day.

*Idaho's U.S. Attorney's Office* was established when Idaho became a territory in 1863. Like other early political appointees, the new U.S. Attorneys (then called U.S. District Attorneys) often arrived in Idaho from the eastern U.S. after appointment. They earned a small fee for each case they handled, and most also had their own private law practices. President Lincoln appointed Richard Williams the first U.S. Attorney for the District of Idaho in 1863. Williams served only briefly before Lincoln appointed George C. Hough in 1864 at the request of Idaho lawyers who wanted a local appointee. President Ulysses S. Grant appointed Joseph W. Huston to the position in 1869. Huston served for nine years. Three U.S. Attorneys followed Huston in quick succession: Norman Buck (1878), James B. Butler (1880), and Wallace White (1881). James H. Hawley was appointed in 1886. Fremont Wood was the last territorial U.S. Attorney (appointed in 1889) and the first U.S. Attorney assigned to the new state of Idaho in 1890.

*In the early years*, Idaho's U.S. Attorneys prosecuted a wide range of cases. There were lawsuits brought by southern sympathizers and Secessionists, charges of electoral fraud and political misconduct, misconduct of federal judges, mob violence, intimidation by members of the Territorial Legislature, discrimination against Chinese immigrants, hostility among white settlers and Indians, minerals and mining claim issues, Mormon polygamy charges, and drunkenness and other wrongdoing by the Territorial Governor and other officials.

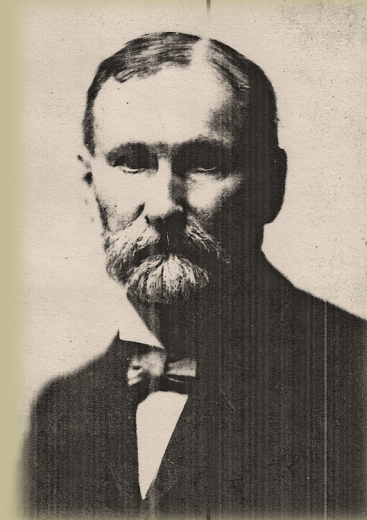
*When Idaho became a state*, Congress placed it in the well-established U.S. Ninth Circuit Court. There were two federal courts: U.S. Circuit Court was the primary federal trial court with jurisdiction over appeals from U.S. District Court, civil suits involving more than \$500, and civil and criminal cases involving federal statutes; U.S. District Court had jurisdiction over crimes with fines of \$100 or less and certain civil cases including land seizures. Both courts had jurisdiction over suits relating to U.S. treaties and those to which the U.S. was a party. The U.S. District Judge presided over both U.S. District Court and U.S. Circuit Court, but the court records were kept separately. The 1891 establishment of the U.S. Circuit Court of Appeals removed appellate jurisdiction from the Circuit Court, which was abolished in 1912.

*A new U.S. District Judge* position (a lifetime appointment) was created in Idaho in 1891. Among the applicants for this coveted position was James H. Beatty, an early front-runner who faced the opposition of Idaho's Republican Senators George L. Shoup and Fred T. Dubois, as well as all three members of the Idaho Supreme Court (Isaac N. Sullivan, Joseph W. Huston, and William M. Morgan). Most of the opposition related to ongoing political clashes, rather than Beatty's legal abilities. The political opposition to Beatty even extended to a personal charge by a New York lawyer accusing Beatty of having associated with prostitutes while he was a candidate for Governor of Idaho. In the end, President Benjamin Harrison selected Beatty and submitted his name to the U.S. Senate for confirmation in 1891. Some said Harrison made the appointment to punish Senators Shoup and William J. McConnell for opposing a bill the President wanted passed. Others claimed that Beatty was appointed through the efforts of Simeon Reed of the Bunker Hill & Sullivan Mine who was said to have needed Beatty's help in resolving issues pertaining to his title to the mine.

*Beatty opened both U.S. District Court and U.S. Circuit Court* at Boise City in April of 1891, while the U.S. Senate was still considering his nomination. Former Territorial Supreme Court Justice John R. McBride was the first lawyer admitted to practice in the new federal courts. A.L. Richardson was the Clerk of the Court and Fremont Wood was the U.S. Attorney. According to the *Idaho Statesman* (April 7, 1891), Beatty appointed Richard Z. Johnson, Albert Hagan, Heyburn, McBride, and H.W. Weir to draw up rules of practice for U.S. Court. By 1892, Idaho was divided into three federal districts and Beatty traveled among court sessions at Boise City, Pocatello, and Moscow, Idaho, as well as spending time at court in California. Although Moscow was the designated court location in



**Joseph W. Huston**  
(Idaho State  
Historical Society)



**James H. Beatty**  
(Idaho State  
Historical Society)

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**Federal courthouse at Boise, 1905.**  
(Idaho State Historical Society)

northern Idaho, Beatty once held a special session of court at Coeur d'Alene to try cases relating to the miners' riots in the Coeur d'Alene Mining District. His change of venue aroused the ire of attorneys and the local newspapers. That was the last time a session would be held at a northern Idaho location other than Moscow for many years. Frank S. Dietrich, appointed by President Theodore Roosevelt, succeeded Beatty in 1907. He served in U.S. District Court until 1927, when he became the first Idahoan appointed to the U.S. Ninth Circuit Court of Appeals.

*The first federal courthouse* was built at Boise in 1905, serving double duty as a U.S. Post Office. Both U.S. Circuit Court and U.S. District Court met there until the Circuit Court was abolished in 1912. U.S. District Court continued to meet there until a new federal courthouse was built in 1968. In the early twentieth century, new federal courthouses were built at Moscow (1911) and Pocatello (1916). All three buildings

were later listed in the National Register of Historic Places for their significance in Idaho and U.S. history.

*In the years between the two World Wars*, Idaho's U.S. Courts continued to hear a range of cases relating to agriculture, taxation, reclamation, mining, labor unions, and Indian issues, as well as challenges to federal New Deal programs intended to address the economic Depression. Charles C. Cavanah, a Republican, was appointed U.S. District Court Judge for Idaho in 1926, replacing Dietrich when he was appointed to the U.S. Ninth Circuit Court of Appeals.

*The Ninth Circuit Court of Appeals* added two new judgeships in 1937 to ease the escalating workload. This provided President Franklin D. Roosevelt with the opportunity to appoint judges sympathetic to the New Deal. One of the appointments was Idaho lawyer William Healy, who had been general counsel for the Farm Credit Administration and was an ardent New Deal supporter.

*Disparate political ideologies* in the Ninth Circuit Court during this period resulted in ongoing conflicts between judges who were New Deal supporters and those who resisted what they believed to be excessive government intervention in the private sector. Panels of three judges, appointed at random, heard most appeals. By this time, it was evident that the political composition of the judicial panels could significantly affect the outcome of a given case. As one historian noted, ". . . clever judges distinguished away precedents with which they disagreed" in order to carry out their own political agendas. The situation highlighted the need for procedural reform, a topic that would become a matter of ongoing debate beginning in the late 1930s. Also up for debate was whether the Ninth Circuit, which heard appeals from twenty-eight U.S. District Judges, had become too large and should be divided, a discussion that would continue into the 1940s.

*One new U.S. District Court Judge* was appointed in Idaho during the 1940s. President Roosevelt appointed Chase A. Clark in 1943 to replace Cavanah. Clark served until 1964, when President Lyndon B. Johnson appointed Raymond C. McNichols. A new U.S. District Court judgeship was created in 1954 and President Dwight D. Eisenhower appointed Fredrick M. Taylor its first judge. In 1959, Eisenhower nominated another Idaho District Judge, M. Oliver Koelsch, to the U.S. Ninth Circuit Court of Appeals where he served until 1976.



**Postcard showing federal courthouse at Pocatello, early 1900s.**



**Federal courthouse at Coeur d'Alene, 1928.**  
(Idaho State Historical Society)

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*Ongoing concerns* about the size of the U.S. Ninth Circuit Court of Appeals and its three-judge panels, whose decisions could bind appeals judges not on the panels, continued into the 1940s. To address these issues and concerns about extensive travel time for judges, attorneys, and their clients in conjunction with Ninth Circuit cases, a bill was proposed by a Washington State senator in 1941 to split the Ninth into an Eleventh Circuit that would include Idaho. Most Ninth Circuit Judges immediately opposed the bill because of the resulting uneven workload, among other issues. Instead, they added additional court sittings in Seattle and Portland to reduce travel time for litigants.

*Late in 1941, the U.S. Supreme Court approved* the use of *en banc* panels in which all members of the Circuit Court of Appeals could sit in review of a case. This decision was a major innovation in the federal court system, allowing Circuit Court of Appeals judges to be added without the concern that minority decisions could bind the majority of the court. Ultimately, Congress did not split the Ninth Circuit, although proposals to do so continued to arise for decades.

*Two new federal court systems* were established during the last decades of the twentieth century, Magistrate and Bankruptcy. The new position of U.S. Magistrate was authorized for Idaho in 1984. Magistrates were appointed by U.S. District Judges to assist them in handling certain types of cases. They could conduct civil trials as long as the parties consented, and could preside over misdemeanor trials when the defendants waived their right to a trial before a U.S. District Judge. In 1990, the Judicial Improvements Act changed the title of the position from Magistrate to Magistrate Judge. Idaho's first U.S. Magistrate, Mikel H. Williams, was appointed in 1984. With the rising number of cases, Larry M. Boyle filled a second Magistrate Judge seat in 1992.

*As part of the reorganization* of the national bankruptcy system, the U.S. Commission on Bankruptcy Laws recommended establishing formal bankruptcy judgeships in 1973. Previously, referees appointed by U.S. District Judges oversaw bankruptcy cases in the U.S. Courts. In 1973, the U.S. Supreme Court assigned the title of Bankruptcy Judge to the referees. Congress established the formal position of U.S. Bankruptcy Judge in 1978. These judges would now preside over bankruptcy cases in courts that would be separate from the U.S. District Courts. Idaho's first bankruptcy referee and judge was Merlin S. Young who served from 1969 to 1984. When Young retired, Congress was still determining the jurisdictional process for the bankruptcy system and was operating on repeated extensions of pre-existing law. Because of this, Young's retirement left no bankruptcy judge in Idaho. According to his successor, Alfred C. Hagan:

*. . . nobody knew at that point what a bankruptcy judge was. There was even some consideration there was no such thing as a bankruptcy judge because Congress had failed to extend the law. All judges were ordered not to hear cases.*

*Since the procedure* to appoint a bankruptcy judge was not established, Chief Judge Marion J. Callister appointed Hagan a U.S. Magistrate, and he went to work as a bankruptcy judge. Hagan served from 1984 to 1998. Jim D. Pappas was appointed Bankruptcy Judge in 1990. He served as Chief Bankruptcy Judge (1993-2004) and chaired the Ninth Circuit Conference of Bankruptcy Judges. In 2005, he was appointed to the Ninth Circuit Bankruptcy Appellate Panel. Terry L. Myers was appointed Bankruptcy Judge in 1998 and Chief Bankruptcy Judge in 2004.

*The U.S. Attorney's Office for the District of Idaho* opened a branch office at Coeur d'Alene in 1996 to cover Idaho's ten northern counties. The Eastern Idaho Branch Office opened in 1999 at Pocatello's new U.S. District Courthouse to handle cases in eighteen eastern Idaho counties. Betty H. Richardson became the first female U.S. Attorney for Idaho in 1993, serving until 2001. The new federal courthouse opened at Pocatello in 1999 after a six-year construction process. The building was considered one of the most user-friendly, highly automated and secure federal judicial facilities in the U.S. It was also the first federal courthouse in the U.S. with a private art collection.

*Republican presidents appointed* the majority of Idaho's federal judges during the last years of the twentieth century. President Richard M. Nixon named J. Blaine Anderson a U.S. District Court Judge in 1971. Anderson served on the District Court bench until 1976 when President Gerald R. Ford appointed him to the Ninth Circuit Court of Appeals. Ford appointed Marion J. Callister to the District Court seat vacated by Anderson in 1976. In



U.S. Ninth Circuit area.

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**Judge Edward J. Lodge**  
(U.S. Courts)

1981, President Ronald Reagan appointed Harold L. Ryan a U.S. District Judge. President George H.W. Bush appointed Edward J. Lodge U.S. District Judge in 1989. Lodge, who may have presided over more murder trials than any other judge in Idaho, served as Chief Judge from 1992 to 1999 and was president of the Idaho Judges Association. Reagan appointed Stephen S. Trott to the Ninth Circuit Court in 1988. Trott assumed Senior Judge status in 2004. In 1990, President George H.W. Bush appointed Thomas G. Nelson to the Ninth Circuit Court of Appeals.

*The one appointment by a Democrat*, President Bill Clinton, came in 1995 when B. Lynn Winmill was appointed to Ryan's seat. Winmill became Chief U.S. Judge in 1999. In 2007, state District Judge N. Randy Smith was appointed to the Ninth Circuit Court of Appeals. Candy Wagahoff Dale was appointed Idaho's first female federal magistrate judge in 2008. State District Judge Ronald E. Bush was also appointed U.S. Magistrate Judge that year.

*At the close of the twentieth century*, a new, state of the art federal courthouse opened at Pocatello in 1999. Ten years later, in 2009, a new federal courthouse opened at Coeur d'Alene, Idaho.



**Federal courthouse at Coeur d'Alene.**  
(U.S. Courts)

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## Links:

Federal Judicial Center History of the Federal Judiciary: [www.fjc.gov/history/home.nsf/page/index.html](http://www.fjc.gov/history/home.nsf/page/index.html)

U.S. Courts for the Ninth Circuit: [www.ca9.uscourts.gov](http://www.ca9.uscourts.gov)

Ninth Judicial Circuit Historical Society: [www.njchs.org/](http://www.njchs.org/)

U.S. Attorney's Office District of Idaho: [www.justice.gov/usao/id/office.html](http://www.justice.gov/usao/id/office.html)

Pocatello Arts Council: [www.pocatelloarts.org/projects/courthouse.shtml](http://www.pocatelloarts.org/projects/courthouse.shtml)