

# THE DISTRICT OF OREGON IN THE U.S. SUPREME COURT<sup>1</sup>

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## INTRODUCTION

What roles do district courts play in the federal judicial system? They are the point of entrance for most cases, except agency appeals that go directly to the courts of appeals. Most court of appeals cases, and thus most Supreme Court cases, originate there, and for many years, cases regularly went to the Supreme Court directly from three-judge district courts.<sup>2</sup> District courts produce the final decisions in cases that are not appealed and take actions concluding cases remanded to them. District courts are also agents serving the appellate courts, both the district courts' immediate principals, the courts of appeals, and the ultimate principal, the Supreme Court. How district court rulings fare on appeal is an indication of how those courts have performed as agents, with appellate reversals being one mechanism by which the principals signal the agent to stay in line, while affirmances serve as reinforcement for lower court rulings the principal favors.

Basic factual determinations are made in the district courts, which also provide the initial rulings on points of law that will be reviewed on appeal. Certainly the record created and the opinions written in the district court rulings in a number of ways. 0.0527 TwrstricRichardson and Vines recognized that the Supreme Court

<sup>3</sup> One way was to “ignore lower court deliberations altogether, citing no data from the trial record and not discussing the merits of the opinions delivered in the courts below,” true of almost half of the cases in their small sample.<sup>4</sup> More moderate reliance in which the appellate courts “depend partially on lower court actions, citing the trial record, and referring briefly to the decisions” took place in less than one-sixth of their cases.<sup>5</sup> And extensive reliance, in which they “rely heavily on lower court deliberations, citing lower court opinions at length, commenting on their merit, and depending on their opinions in deciding the case,” occurred in somewhat over one-third of the cases.<sup>6</sup> In almost half of the latter instances, constituting roughly one-sixth of the total set of cases, “the function of the lower court citation was only to justify a dissenting opinion,”

researchers have paid little heed to the district courts, at least beyond the subject of judicial selection.<sup>8</sup> What happens to district court rulings is among the topics on which there is scant information. To help remedy this deficiency, a study was undertaken of how rulings of one district court fare in the Supreme Court. This study of the federal judicial system “from the bottom up” provides greater focus on the district court’s importance than does the more typical “top down” approach to Supreme Court decisions, which emphasizes the constraints those decisions create for lower courts.

This Article reports how decisions of the U.S. District Court for the District of Oregon fared in the Supreme Court once the U.S. Court of Appeals for the Ninth Circuit dealt with the district court’s rulings. The time examined is the thirty-year period from the 1969 through 1998 Terms of the Supreme Court, with an Epilogue on the 2000 Term. Among the questions addressed are the following: If the court of appeals affirmed the district court, how did the Supreme Court treat those rulings? Were they reversed in turn? When the district court’s position was reversed or vacated by the court of appeals, did the Supreme Court restore and ultimately vindicate the district court by, in turn, reversing the court of appeals judgment? The goal is to see whether the Supreme Court’s ultimate result served to uphold the district court’s disposition or to overturn it, or, better stated, whether the justices’ ruling was *consonant with* or *at variance with* the district court’s action.

The cases treated in this Article are those very few that survived an extended gauntlet to reach the Supreme Court and receive something more than denial of review. These cases may not be fully representative of a district court’s work, as areas of law of particular significance to that court are likely to be over-represented among those that reach the justices. What is provided here is only part of a complete picture of a federal district court’s activity, which includes many cases not taken to the court of appeals and, of those which are appealed, those in which certiorari-5.8Tw[(acat of )ong thlint aa Tw[6s 71elinoicr,5.9(e) includh7i s Oregon

sitting with the court of appeals, initially to become socialized and then later to provide necessary judicial manpower,<sup>11</sup>