THE LIVES AND CAREERS OF JUDGES AND OTHER EMPLOYEES IN THE FEDERAL JUDICIAL SYSTEM: SOME POINTERS ON RESEARCH

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A variety of records and publications are useful in researching the lives and careers of judges, marshals, clerks of court, and other employees in the federal judicial system, including records of the federal government held by the National Archives and Records Administration. This article identifies some of those sources, with an emphasis on nineteenth-century records.

PUBLISHED SOURCES

Generally, researchers should begin their work by exhausting any published sources. These often provide valuable biographical data and clues to archival records that may verify and expand upon the published information. A natural starting point is to determine what has already been written in biographies or professional journals about the subject and his or her colleagues and friends, and the law and history of the relevant jurisdiction. Useful indices to historical and legal journals include America: History and Life, Historical Abstracts, Index to Legal Periodicals, and the Legal Resources Index. An Online Computer Li-

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brary Center search should be conducted to find books catalogued under the subject’s name and related materials.¹

In addition, much basic biographical information about notable individuals has been published in general, geographic, occupational, and ethnic group encyclopedias and directories, such as *Judges of the United States*² and *The United States Marshals of New Mexico and Arizona Territories, 1846-1912.*³ The most comprehensive index to publications such as these is the *Biography and Genealogy Master Index,*⁴ which serves as a finding aid to several million biographies in more than 350 current and retrospective biographical dictionaries. County and other local histories, and contemporaneous state and local bar directories, city directories, and telephone books should not be overlooked.

Newspaper articles and obituaries are often rich sources of biographical information. Although researching such articles is especially time-consuming in the absence of a comprehensive index, the time spent is well worth the effort. The great and mundane issues of the day are discussed; prominent persons’ civic and charitable activities are mentioned. Articles referring to federal judges most frequently appear in connection with their appointment to, and resignation from, the bench, and before, during, and after major trials. As an example, the trial of several men from Oberlin, Ohio, charged with violating the Fugitive Slave Law generated numerous articles during the spring of 1859, including summaries of trial testimony, in newspapers all across northern Ohio.

Judges’ judicial and legal philosophies are, of course, evident from their opinions. Published opinions are available in law libraries in the printed opinions of a judge’s jurisdiction, or electronically through Lexis or Westlaw,⁵ which also carry many late-twentieth-century unpublished opinions.

The most comprehensive source for identifying federal employees is the *Official Register of the United States,* which the federal government published biennially from 1816 to 1959.⁶ The *Official Register* lists an employee’s position or title;

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¹As of this writing, the Online Computer Library Center is an electronic database of the holdings of several thousand libraries.
⁵Explaining the legal research process is beyond the scope of this article. Books on the subject include Christina L. Kunz, et al., *The Process of Legal Research,* 2d ed. (Boston, 1989).
⁶From 1907 to 1959, the government reduced publication costs by listing only the highest-ranking employees.
agency and place of employment; and compensation, which is usually stated as an annual salary for court employees. It may also indicate the employee’s state or country of birth and the state, county, and congressional district in which he or she resided at the time of appointment.

Basic Genealogical Sources

Basic biographical information about federal judges and other court employees can be found in sources that genealogical researchers routinely use, some of which are in the custody of the National Archives. Others are available at the state or county level. Many federal and local records are available on microfilm.

The U.S. federal population census, taken every ten years, is available from 1790 to 1920. Censuses from 1790 to 1840 list only the names of the heads of household plus the number of household members in different age categories. Censuses from 1850 to 1920 list every household member’s name, age, occupation, and state or country of birth. The later censuses also provide such information as the value of real estate owned (1850-70); the value of personal property owned (1860-70); relationship to head of household (1880-1920); parents’ birthplaces (1880-1920); year of immigration (1900, 1910, 1920); naturalization status (1900, 1910, 1920); street address in cities (1880-1920); and whether the head of household owned or rented the

7 Many “how-to” books on genealogical research are widely available in public libraries.


9 The microfilmed federal population census, 1790-1920, for example, is available in many public libraries and historical societies, as well as at the thirteen National Archives Regional Archives. The National Archives Microfilm Rental Program is limited to the federal population census and Revolutionary War military service and pension records. The National Archives sells its microfilm publications for $34 per roll. Many federal, state, and local microfilmed records are available for rental through the American Genealogical Lending Library, P.O. Box 329, Bountiful, Utah 84011, or through Family History Centers operated by the Church of Jesus Christ of Latter-day Saints.

10 To protect personal privacy, the federal population census is not available to the public for seventy-two years.
dwelling, and, in the former case, whether the dwelling was mortgaged (1900-1920). 11

Details about farms or manufacturing businesses owned by those in the census may appear in the "nonpopulation" schedules of agriculture (1850-80) or industry/manufacturing (1820 and 1850-80). These schedules provide details about annual production, the amount of wages or number of persons employed, the amount of capital invested, and related factors. 12 In addition, "slave schedules" for 1850 and 1860 list, under the name of the slaveholder, the sex and age of each slave. 13

An act of 1862 (12 Stat. 432) subjected lawyers to an annual $10 license, and they are thus listed in Internal Revenue tax assessment lists for the period of 1862-74. 14

Military-service records from the Revolutionary War through the Spanish-American War provide information about soldiers' war service. Pension application files based on a soldier's military service may provide additional information about his military experiences, as well as his medical condition and family. 15

At the state and county level, details about the size and value of real-estate holdings can easily be found by searching the deed and mortgage records at the county recorder's office. Real-estate and personal-property tax lists may provide additional information. Vital records provide exact dates and other information concerning births, marriages, and deaths, and may indicate the cause of death. Probate records provide much information about decedents' property and heirs. For judges and other employees of the county or state, there may be court case files, and employment or other relevant records. If a subject was involved as a litigant or witness in legal proceedings, state and local court case files, docket books, and other judicial records should be examined.

11For more information about federal census records, see Guide to Genealogical Research, supra note 8 at ch. 1.
12Many of these are available on microfilm from the National Archives or state historical societies or archives, or through the microfilm rental programs listed in note 9.
13Note, however, that these schedules do not indicate names of slaves.
14Internal Revenue Service Tax Assessment Lists are available on microfilm for the following western states: California, 1862-66; Idaho, 1865-66; Montana, 1864-72; and Nevada, 1863-66. For more information about available microfilmed tax records for these and other states, see Genealogical and Biographical Research: A Select Catalog of National Archives Microfilm Publications (National Archives, 1983). For historical information about these records, see Cynthia G. Fox, "Income Tax Records of the Civil War Years," Prologue: Quarterly of the National Archives 18 (Winter 1986), 250-59.
15For more information, see Guide to Genealogical Research, supra note 8 at chs. 4-9.
JUDICIAL AND RELATED RECORDS
IN THE NATIONAL ARCHIVES

The National Archives and Records Administration is the repository of the permanently valuable records of the U.S. federal government.\(^{16}\) It arranges records by federal agency, each of which (or each major part thereof) is designated a "record group" that has a name and a number, such as "Records of the U.S. District Courts, Record Group 21."\(^{17}\) Basic information about federal records held by the National Archives can be found in the Guide to Federal Records in the National Archives of the United States [Washington, D.C.: Government Printing Office, 1995],\(^{18}\) and in Microfilm Resources for Research: A Comprehensive Catalog of National Archives Microfilm Publications [Washington, D.C., National Archives, rev. 1996].\(^{19}\) Published finding aids for particular record groups may also exist, such as inventories or preliminary inventories, a number of which are mentioned in this article.\(^{20}\) In addition, there may be unpublished finding aids, such as inventories or box lists, which describe particular records in more detail.\(^{21}\)

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\(^{16}\)The National Archives Establishment was created by the Act of June 19, 1934, and renamed the National Archives and Records Service in 1949, when it became part of the General Services Administration. In 1985 it regained status as an independent federal agency and was renamed the National Archives and Records Administration.

\(^{17}\)In general, the National Archives assigns record group numbers in the order in which it receives records from federal agencies. Thus, for example, the Records of the War Labor Policies Board were designated Record Group 1, since that agency's records were the first ones received by the National Archives. Record group names change occasionally, when agency names change.

\(^{18}\)Older versions are often still available in libraries under the title Guide to the National Archives of the United States (1974; reprint, Washington, D.C., 1987).

\(^{19}\)For National Archives publications, call 1-800-234-8861, or write to Publication Sales "branch code," National Archives, Washington, DC 20408. Researchers interested in learning more about the National Archives, the records in its custody, and its publications are encouraged to subscribe to The Record, a free newsletter it publishes five times per year. Researchers who publish their work should consult Citing Records in the National Archives of the United States, General Information Leaflet No. 17 (Washington, D.C., rev. 1997) for proper citation format.


\(^{21}\)Contact the appropriate National Archives reference branch or regional archives for more information.
The National Archives arranges records by the federal agency that created them, each of which is designated a "record group." [NARA, Washington, D.C.]

Descriptive pamphlets for microfilm publications may also be available.\(^\text{22}\)

Within a record group, records are arranged in the manner in which the agency arranged its records. A record series consists of records arranged in a particular filing scheme by the agency, such as letters sent or letters received.\(^\text{23}\) Inventories and preliminary inventories prepared by staff of the National Archives provide the following information about each record series:
Name of the record series; date span of the series; series entry number; amount of the records (cubic or linear footage); ar-

\(^{22}\)Microfilm publications have names and numbers, such as *Admiralty Case Files of the U.S. District Court for the Northern District of California, 1850-1900*, National Archives Microfilm Publication M1249 (401 rolls). Descriptive pamphlets are available for some microfilm publications. These provide a brief administrative history of the agency and description of the records, as well as a general description of the contents of each roll. Unpublished roll lists are available for microfilm publications that do not have a descriptive pamphlet; these indicate in general terms the contents of each roll.

\(^{23}\)In this article, I have italicized series titles in order to distinguish them from the surrounding text. For more information about archival theory and practice, see Marygene F. Daniels and Timothy Walch, eds., *A Modern Archives Reader: Basic Readings on Archival Theory and Practice* (Washington, D.C., 1984), or articles in *The American Archivist* and other professional archival journals.
rangement of the records [alphabetical, chronological, or other system]; a brief description of the records; and whether the record series serves as a finding aid to other series (i.e., a register or index). There may also be an indication of whether the records are available on microfilm. In addition, brief histories of the agency and its major subcomponents are included. Understanding the filing scheme and how the record series relates to other records is essential to conducting thorough archival research.

Several record groups relate to the federal court system and its judges and other court employees. Chief among these are the Records of the U.S. Supreme Court, Record Group 267; Records of the U.S. Courts of Appeals, RG 276; Records of U.S. District Courts, RG 21 (also contains records of U.S. Circuit Courts); General Records of the Department of Justice, RG 60; Records of the Solicitor of the Treasury, RG 206; Records of the Pardon Attorney, RG 204; General Records of the Department of State, RG 59; Records of U.S. Attorneys and Marshals, RG 118; and Records of the Court of Claims Section (Justice), RG 205. If the judge under study presided over cases involving other federal agencies, those agencies may also have created pertinent files. Files relating to the Senate confirmation of federal judges are among the Records of the U.S. Senate, RG 46.

U.S. Supreme Court (RG 267)

The judicial power of the United States is vested by the Constitution in "one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." The older, mostly pre-1955, records of the Court are described in Preliminary Inventory No. 139, Preliminary Inventory of the Records of the Supreme Court of the United States, comp. Marion M. Johnson (Washington, D.C.: National Archives, 1973). However, many post-1955 Supreme Court records are also in the custody of the National Archives, including the Court's case files through 1990.

The records of the U.S. Supreme Court include dockets, indexes to case files, minutes, case files, journals, opinions, correspondence of the clerk with justices and others, oaths of office

24Published and unpublished finding aids necessarily become out of date as more records become available. In addition, over time the National Archives has changed the names of some series titles for greater uniformity in describing archival records.


26Researchers should contact the Archives I Textual Reference Branch of the National Archives, 700 Pennsylvania Avenue, N.W., Washington, DC 20408-6001, for additional information and assistance.
of the justices, and records relating to admissions to the bar of the Court. Many of the records are available on microfilm, including the *Dockets of the U.S. Supreme Court, 1791-1950*, National Archives Microfilm Publication M216 (27 rolls); *Index to Appellate Case Files of the U.S. Supreme Court, 1792-1909*, National Archives Microfilm Publication M408 (20 rolls); *Appellate Case Files of the U.S. Supreme Court, 1792-1831*, National Archives Microfilm Publication M214 (96 rolls); *Minutes of the U.S. Supreme Court, 1790-1950*, National Archives Microfilm Publication M215 (41 rolls); and *Attorney Rolls of the U.S. Supreme Court, 1790-1951*, National Archives Microfilm Publication M217 (4 rolls). These, as well as other unfilmed records, should serve as primary source material to supplement study of the published opinions of the Court.

**U.S. Courts of Appeals (RG 276)**

The courts of appeals are intermediate courts created by an act of March 3, 1891, to relieve the Supreme Court of considering appeals in cases originally decided by federal trial courts. They also review and enforce orders of federal administrative bodies. The older, noncurrent records of the these courts, such as dockets, minutes, opinions, and case files, are in the custody of the National Archives Regional Archives serving the state in which the court sits.\(^{27}\)

**U.S. District and Circuit Courts (RG 21)**

Pursuant to the authority granted by Article III, Section 1 of the U.S. Constitution, Congress enacted the Judiciary Act of September 24, 1789 [1 Stat. 73], which, among other things, established thirteen judicial districts. From time to time since then, the number of judicial districts and district courts has increased.

The noncurrent records of U.S. district courts and circuit courts are in the custody of the National Archives Regional Archives serving the state in which the judicial district is located.\(^{28}\) Some of the records have been microfilmed.\(^{29}\) Records of these courts vary, depending upon the nature of each court's

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\(^{27}\)For addresses and telephone numbers of the thirteen Regional Archives, see *The Regional Archives System of the National Archives*, National Archives General Information Leaflet No. 22 (Washington, D.C., 1996).

\(^{28}\)Ibid.

\(^{29}\)For more information, see *Microfilm Resources for Research: A Comprehensive Catalog of National Archives Microfilm Publications* [Washington, D.C., rev. 1996] [hereafter cited as *Comprehensive Catalog*].
Researchers should consult *Microfilm Resources for Research: A Comprehensive Catalog of National Archives Microfilm Publications*, to ascertain whether the records in which they are interested are available in this format. (NARA, Washington, D.C.)

docket and the nature of the record-keeping systems it employed. Each court generally has separate dockets for civil matters (law and equity before adoption of the Federal Rules of Civil Procedure), and criminal, bankruptcy, appellate (circuit courts only), and admiralty matters. There may also be appearance, bar, execution, trial, and other dockets.

Docket books or other indexes are finding aids to cases filed with the court. Minute books record actions taken by the court chronologically. Case files include pleadings, briefs, and other material filed with the court, as well as judgments, orders, or opinions of the court. Judgment dockets, records, registers, or rolls indicate the judgment or final decree of the court for the recovery of debts, damages, or costs. Orders and decrees indicate the decisions made by the court in particular cases. Prac-
ally show the name of the defendant, the form of process to be issued and the date of issuance, and the amount of the claim or judgment involved. There may also be bonds, rule books, ledger books, receipts, transcripts, and other miscellaneous records.

These records should be the heart of any study of a particular district or circuit federal judge’s opinions, philosophy, and role in shaping the law of the judicial district.

**Department of Justice (RG 60)**

The records of the Department of Justice include a wide variety of records relating to the administration of the department, its personnel, and its caseload in the federal courts. In addition, there are many records related to the administration of the federal courts and their personnel. The record group includes the records of the Attorney General’s Office before the creation of the Department of Justice in 1870. The basic finding aid for RG 60 is Preliminary Inventory No. 194, *Preliminary Inventory of the Department of Justice, Record Group 60*, comp. Marion Johnson [Washington, D.C.: National Archives, 1981].

The duties relating to the administration of justice exercised by the Department of Justice upon its creation in 1870 (and by its predecessors before that date) included the supervision of the accounts of district attorneys, marshals, clerks, and other officers of the courts, who were then paid principally from fees; the control of the judiciary fund from which the expenses of the courts and the safekeeping of prisoners were paid; and the provisions of facilities in state, territorial, or other prisons for the imprisonment of federal prisoners for whom facilities were not available in the judicial districts where they were convicted.30

For example, among the records of the Office of the Attorney General are *Letters Received, 1809-1870*. These are arranged by source of letter (such as president, various executive departments, and judicial districts) and thereunder chronologically. The Department of Justice continued the same filing scheme from its creation until September 1884; incoming correspondence during this period are in the *Source-Chronological Files, 1871-1884*.31 Thus letters from U.S. District Judge Isaac C. Parker, who was appointed in 1874, are in the letters received from the Western District of Arkansas, which also includes

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30 Marion Johnson, comp., *Preliminary Inventory No. 194, Preliminary Inventory of the General Records of the Department of Justice, Record Group 60* [Washington, D.C., 1981], 2 [hereafter cited as Johnson, *Preliminary Inventory No. 194*].

31 Ibid. at 6 and 13.
letters from other federal, state, and local officials, and citizens in that district. Parker's letters during the period, for example, relate to the execution of a convict, other matters regarding prisoners, court funds, the bonds and accounts of the U.S. marshal, and recommendations for the appointment of an assistant U.S. attorney.\textsuperscript{32}

In September 1884, the department changed its filing scheme for incoming correspondence to an annual numbering system known as the Year Files, 1884-1903, in which each subject of correspondence was given the file number of the first letter received on that subject followed by the year itself. Each subsequent letter in the year dealing with that subject was given that file number as well as a current number.\textsuperscript{33} For example, File 2725/1885 relates to examinations of the accounts of Arizona U.S. Marshal C.P. Dake and his deputies, including Wyatt Earp. In the twentieth century, the department's record-keeping practices became more complicated as the number of filing systems increased.\textsuperscript{34}

The records of the Department of Justice likewise contain copies of correspondence and instructions it sent to federal judges, U.S. marshals, U.S. attorneys, clerks of court, and others. These outgoing letters are generally arranged chronologically in various series. Much of the material is available on microfilm. Among these are the Letters Sent by the Department of Justice: General and Miscellaneous, 1818-1904, National Archives Microfilm Publication M699 (81 rolls); Letters Sent by the Department of Justice Concerning Judiciary Expenses, 1849-1884, National Archives Microfilm Publication M700 (24 rolls); Letters Sent by the Department of Justice to Judges and Clerks, 1874-1904, National Archives Microfilm Publication M703 (34 rolls).

Correspondence, docket, opinion, and other files relating to specific subject matter also exist, such as antitrust, interstate commerce, internal revenue, customs, and California land-claims cases.\textsuperscript{35}

The records of the Department of Justice also include records of files relating to specific federal judges and other judicial em-

\textsuperscript{32}See Select Letters and Related Documents from the Files of the Department of Justice Concerning Judge Isaac C. Parker, 1875-1896, National Archives Microfilm Publication M2015 (1 roll).

\textsuperscript{33}Johnson, Preliminary Inventory No. 194, supra note 30 at 15.

\textsuperscript{34}See generally ibid. Interested researchers should study the preliminary inventory as a matter of course.

\textsuperscript{35}For further information, see ibid. District court records relating to California land claims have been microfilmed; for further information, see Comprehensive Catalog, supra note 29 at 2.
ployees and nominees. Examples of records that serve as finding aids to other records include separate card indexes to files on U.S. commissioners, ca. 1886-1910; federal judges and clerks of court, ca. 1889-1912; and U.S. attorneys and marshals, ca. 1900-1912.36 These series indicate the name of the judicial employee, the subject matter of correspondence, and the year or numerical file in which the correspondence can be found. There is also an Index to Names of U.S. Marshals, 1789-1960, National Archives Microfilm Publication T577 (1 roll), and Indexes of Applicants by District, 1889-1903.37

Other personnel files include appointment files for judicial districts, 1853-1933; circuit court judges, 1855-1901; judges of the U.S. Court of Claims, 1855-1901; Supreme Court justices, ca. 1853-1971; and U.S. Supreme Court candidates who were not commissioned, 1853-1924.38 There are also Records Relating to Members of the Supreme Court, 1853-1932, Correspondence Concerning Deputy Marshals, 1896-1937, Application Files for Clerical Personnel of the U.S. Customs Court, 1911-1937, and Federal Judgeship Candidate Files, 1960-1972.39

Some records relating to western states have been microfilmed, such as Records Relating to the Appointment of Federal Judges, Attorneys, and Marshals for the Territory and State of Idaho, 1861-1899, National Archives Microfilm Publication M681 (9 rolls); Records Relating to the Appointment of Federal Judges, Attorneys, and Marshals for Oregon, 1853-1903, National Archives Microfilm Publication M224 (3 rolls); and Records Relating to the Appointment of Federal Judges and U.S. Marshals for the Territory and State of Washington, 1853-1902, National Archives Microfilm Publication M198 (17 rolls).

Payroll records relating to regular assistant U.S. attorneys, marshals, and judges of the U.S. Supreme Court, circuit courts, district courts, and court of claims, are extant for 1870 to 1907.40

Office of the Solicitor of the Treasury (RG 206)

The Office of the Solicitor of the Treasury was originally created in the Treasury Department by an Act of Congress of May 29, 1830 (4 Stat. 414), and abolished by an act of May 10,

36Johnson, Preliminary Inventory No. 194, supra note 30 at 15.
37Ibid. at 59.
38Ibid., at 26, 60-62.
39Ibid. at 60-62.
40Ibid. at 31.
1934 (48 Stat. 759). The principal function of the office was the
collection of debts owed to the United States by individuals
that required legal proceedings for enforcing payment. To per-
form this function effectively, the solicitor (or his predecessors)
had the authority to direct and instruct U.S. district attorneys,
clerks of court, and marshals in the judicial districts in all mat-
ters relating to the prosecution of such suits.41 As one of the
chief legal officers of the federal government, the solicitor of
the treasury carried on extensive correspondence with various
government agencies and officials.42 The records are described
in Preliminary Inventory No. 171, Preliminary Inventory of the
Records of the Solicitor of the Treasury, comp. George S. Uli-

The records include indexes and registers that serve as find-
ing aids to the solicitor's voluminous correspondence. Most of
the correspondence is arranged by the name of the office of the
recipient or sender, and thereunder chronologically. For exam-
ple, there are separate series of letters received from the attor-
ney general, 1822-98; U.S. district attorneys, marshals, and
clerks of court, 1801-98; U.S. attorneys, 1839-45; U.S. marshals,
1839-45; and U.S. clerks of court, 1839-45.43 The Letters Re-
ceived from U.S. District Attorneys, Marshals, and Clerks of
Court, 1801-1898, for example, include letters from officials in
Alaska, 1885-95; Arizona, 1865-96; California, 1851-98; Idaho,
1861-96; Montana, 1865-96; Nevada, 1863-96; Oregon, 1848-97;
and Washington, 1854-97.44 There are likewise separate series
of letters and regulations or circulars sent to these officials.45
U.S. attorneys, marshals, and clerks of court also submitted
annual, term, and special reports to the solicitor of the treasury
concerning suits being prosecuted in their districts. These se-
ries are generally arranged by the type of officer making the
report, thereunder by state, thereunder by judicial district, and
thereunder chronologically.46

There are several series of case files and related indexes and
registers of suits prosecuted by the solicitor of the treasury.47
These were not the official files of the suits maintained in the

41George S. Ulibarri, comp., Preliminary Inventory No. 171, Preliminary
Inventory of the Records of the Solicitor of the Treasury (Washington, D.C.,
1968), 1.

42Ibid. at 3.

43Ibid. at 9.

44Ibid. at 9 and 29.


46Ibid. at 22-23.

47Ibid. at 4 and 16-22.
federal courts, but, rather, files maintained for some cases for the solicitor’s convenience in conducting business.48

The miscellaneous records of the Office of the Solicitor of the Treasury include a single-volume Register of U.S. Judges, District Attorneys, Marshals, Clerks of Court, and Depositaries of Public Moneys, 1849-1850, which indicates for each official the state and judicial district where employed, name, place of residence, date of appointment, and sometimes date of retirement.49 There is also a single Register of Payments to Courts by Clerks, 1837-1839, which records moneys collected as a result of suits,50 and a single volume of Accounts of District Attorneys and Clerks of Court, 1853-1857, which indicates amounts received by the solicitor as a result of suits.51

Office of the Pardon Attorney (RG 204)

The Constitution vests in the president the "Power to grant Reprieves and Pardons for offences against the United States, except in Cases of Impeachment."52 Included is the full discretionary power to pardon or remit, in whole or in part, any punishment to which an individual may have been sentenced by a federal court. The Office of the Pardon Attorney, which was established in the Department of Justice in 1891,53 has responsibility for receiving petitions, investigating them, and issuing a recommendation as to whether executive clemency should be granted.

The basic finding aid for RG 204 is Preliminary Inventory of the Records of the Office of the Pardon Attorney, Record Group 204, comp. Gaiselle Kerner [Washington, D.C.: National Archives, 1955]. The records include Pardon Case Files, 1853-1946, various indexes to pardon cases, pardon warrants, correspondence, and related records. Letters from federal judges may exist in pardon case files of convicted criminals over whose cases they presided. For example, Pardon Case H-689, relating to Sah-quah-nee, includes a recommendation for commutation of punishment by Judge Isaac C. Parker of the Western District of Arkansas.

48Ibid. at 16.
49Ibid. at 25.
50Ibid. at 24.
51Ibid. at 25.
52Art. II, sec. 2.
Department of State (RG 59)

Today, the Department of State is primarily concerned with diplomatic matters. From the beginning of the Republic through much of the nineteenth century, however, it exercised responsibility over many domestic matters, including administering the appointment process of judicial officers, marshals, and attorneys, among others, and the supervision of federal judges, clerks of district courts, U.S. marshals, and U.S. attorneys.

The Applications and Recommendations for Public Offices, 1797-1901, are arranged roughly by presidential administration, and thereunder alphabetically by the name of the applicant. Much of the material is available on microfilm.

Several registers or indexes may prove useful. The Register of Applications for Appointment to Miscellaneous Federal Offices, 1813-1823 and 1834-1889 includes applicants to the office of district judge and district attorney. Each entry shows the name of the applicant, the position desired, and the names of persons recommending the applicant. In addition, the Register of Applications Referred to Other Agencies, 1869-1889, includes the name of the applicant, the date and nature of application, the nature of recommendations received, any protests against the appointment, and the agency to which the application was referred. The Card Record of Appointments Made from 1776 to 1960 is arranged alphabetically by name of appointee, and includes the date of appointment and type of position. The Lists of Miscellaneous Federal Officers, 1789-1912, which are mostly arranged by name of office and thereunder chronologically by date of appointment, include Supreme Court justices, judges of the U.S. Court of Claims, district courts, circuit courts, and courts of the District of Columbia.

54Inventory No. 15, Inventory of the General Records of the Department of State, 1789-1949 (Washington, D.C., 1992), 218 [hereafter cited as Inventory No. 15].
55Ibid. at 42-43.
56Applications made during the presidencies of Adams through Grant (1797-1877) are available on microfilm. See Comprehensive Catalog, supra note 29 at 26. Applications for the presidencies of Hayes through McKinley (1877-1901) have not been microfilmed; for assistance, consult the Archives II Textual Reference Branch, National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001.
57Inventory No. 15, supra note 54 at 219.
58Ibid.
59Ibid. at 226.
60Ibid. at 226-27.
There are also separate lists of U.S. district attorneys, 1789-1887, and federal judges, 1789-1888.\textsuperscript{61}

Persons who resigned or declined public office may be included in the *Letters of Resignation and Declination of Federal Office, 1789-1905, 1904, and 1974*, for which there is a card index.\textsuperscript{62} Other miscellaneous records relate to the nomination and commissioning of federal judges, marshals, and attorneys. These include copies of Senate resolutions, 1794-1979, giving consent to or rejecting presidential nominations for attorneys, circuit judges, and associate justices of the Supreme Court.\textsuperscript{63}

There are also acceptances of appointment and orders for commissions, 1789-1893,\textsuperscript{64} and record copies of commissions of federal judges, 1837-88; permanent marshals, 1825-88; temporary marshals, 1829-87; permanent U.S. attorneys, 1825-88; and temporary U.S. attorneys, 1829-87.\textsuperscript{65}

In addition, the attorney general shared with the secretary of state the responsibility of making recommendations to the president on petitions for pardon from 1789 until about 1853. Pertinent records in the cases were maintained in the State Department, and the secretary of state had the main responsibility for the administrative work in connection with pardons, including the receipt of petitions, investigation, correspondence, and issuing and recording the pardon warrants.\textsuperscript{66} After about 1853, most of these responsibilities were transferred to the attorney general, except the issuing of pardon warrants, which remained with the secretary of state until about 1870.\textsuperscript{67}

*Records of U.S. Attorneys and Marshals (Record Group 118)*

The offices of U.S. attorney and U.S. marshal were created by the Judiciary Act of September 24, 1789. The officials holding these positions are appointed for each judicial district by the president, and since 1870 the Department of Justice has exercised general supervision over them.\textsuperscript{68}

U.S. attorneys investigate violations of federal criminal laws;

\textsuperscript{61}Ibid. at 229.
\textsuperscript{62}Ibid. at 220.
\textsuperscript{63}Ibid. at 221.
\textsuperscript{64}Ibid.
\textsuperscript{65}Ibid. at 224-25.
\textsuperscript{66}Ibid. at 249. Record series are described at 249-51.
\textsuperscript{67}Ibid. at 249.
\textsuperscript{68}Marion M. Johnson, comp., Preliminary Inventory NC-51, "Preliminary Inventory of the Records of U.S. Attorneys and Marshals, Record Group 118" [National Archives, 1964], 1.
present evidence of such violations to a grand jury; prosecute federal criminal cases; and act as the government’s attorney in civil litigation in which the United States is involved or has an interest.\(^{69}\)

U.S. marshals execute and serve all lawful writs, processes, and orders issued to them by U.S. courts and other competent authorities, and act as local disbursing officers for the Department of Justice and the federal courts. As disbursing officers, the U.S. marshals have customarily made disbursements for salaries and expenses of U.S. attorneys, marshals, and federal courts within their districts. Since the establishment of the Administrative Office of U.S. Courts in 1839, the marshals have disbursed funds appropriated for the maintenance and operation of federal courts only at the discretion of that office.\(^{70}\)

Records of these officials include dockets, case files, and correspondence, which provide information on the administration of justice in the judicial district. Most of these records are in the custody of the National Archives Regional Archives serving the state in which the judicial district is located, and researchers should contact the appropriate Regional Archives for more information.

**U.S. Court of Claims (RG 123) and Court of Claims Section of the Department of Justice (RG 205)**

The Act of Congress of February 24, 1855 (10 Stat. 612) established the Court of Claims to pass upon claims of citizens against the U.S. government. Although it is out of date, the basic finding aid for records created by this court is Preliminary Inventory No. 58, *Records of the United States Court of Claims, Record Group 123*, comp. Gaiselle Kerner (Washington, D.C.: National Archives, 1953).

The act establishing the Court of Claims also provided for a solicitor to represent the interests of the government before the court. Under an act of June 25, 1868 (15 Stat. 75), the office of solicitor was abolished and its functions were transferred to the attorney general and then, upon establishment of the Department of Justice in 1870, to that department. Since then, claims matters have been handled by a unit known by various titles but formally designated as the Claims Division by Department of Justice Order No. 2507, effective January 1, 1934. The same order created the Tax Division, to which Court of Claims tax

\(^{69}\)Ibid.

\(^{70}\)Ibid.
matters were transferred, while Native-American claims were transferred to the Land Division.\textsuperscript{71}

The basic finding aid for records created by this Department of Justice subcomponent is Preliminary Inventory No. 47, Preliminary Inventory of the Court of Claims Section of the Department of Justice, Record Group 205, comps. Gaiselle Kerner and Ira N. Kellogg, Jr. [Washington, D.C.: National Archives, 1952]. The records include various series of indexes, dockets, case files, and correspondence. These may provide additional information concerning specific cases heard by the U.S. Court of Claims and the role of the judges of that court in resolving the cases. Since the cases are brought by individuals, most of the records cannot easily be identified with any particular section of the United States except for those relating to the District of Columbia, French spoliations, Indian depredations, and the enrollment and claims of the Eastern Cherokee. The Indian depredation case records relate uniquely to the history of the western United States, and include indexes, dockets, case files, and correspondence regarding claims by individuals against the U.S. government for compensation for property forcibly taken by American Indians between 1814 and 1890.\textsuperscript{72}

\textit{U.S. Senate (RG 46)}

The U.S. Constitution provides that the president "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court, and all other Officers of the United States." As a result of the Senate's power to give or withhold consent, its records include nomination files relating to the appointment of federal and territorial judges and others.\textsuperscript{73} For detailed information on the records of the Senate, and how to research and cite them accurately, consult the \textit{Guide to Records of the United States Senate at the National Archives, 1789-1989} [Washington, D.C.: National Archives, 1989], S. Doc. 100-42 (Serial 13853).

The National Archives has two useful finding aids to nomination files for the period 1789 to 1946. The first is Special List 20, \textit{Papers of the United States Senate Relating to Presidential}

\textsuperscript{71}Gaiselle Kerner and Ira N. Kellogg, Jr., comps., Preliminary Inventory No. 47, Preliminary Inventory of the Court of Claims Section of the Department of Justice, Record Group 205 [Washington, D.C., 1952], 1.

\textsuperscript{72}Ibid. at 18-20.

\textsuperscript{73}Under current rules of the Senate and the House of Representatives, as of November 1997, unpublished records of the Senate are closed for twenty years and of the House for thirty years, and files of investigative committees are closed for fifty years.
Nominations, 1789-1901, comp. James C. Brown [Washington, D.C.: National Archives, 1964]. The second is an unpublished typescript by James C. Brown, comp., “Papers of the United States Senate Relating to Presidential Nominations, 1901-1946” [1968]. In addition, the nominee may be mentioned in records of the Senate committee to which the nomination was referred.

The researcher should also research the Senate Executive Journal, 1789-present, which records proceedings on treaties and nominations. The messages of the president placing a candidate’s name in nomination are included. Floor debate or speeches concerning the nomination may be found in the Annals of Congress [1789-1824], Congressional Globe (1833-73), or Congressional Record (1873-present). Reports and documents published by Congress are found in the Congressional Serial Set, which is indexed by the CIS U.S. Serial Set Index, 1789-1969. Other useful indexes to congressional records include the CIS U.S. Congressional Committee Hearings Index, 1833-1969, and the CIS U.S. Committee Prints Index, which serves as a finding aid to more than fifteen thousand committee prints issued from the early nineteenth century to 1969.

Other Archival Resources

The personal papers of judges or their associates may have been donated to universities or state or local archival institutions. A useful, though not comprehensive, resource for determining the location of such material is the Index to Personal Names in the National Union Catalog of Manuscript Collections, 1959-1984 (Alexandria, Va.: Chadwyck-Healey, 1988), and the set to which it refers, the National Union Catalog of Manuscript Collections [Washington, D.C.: Library of Congress, 1959–]. Another source is the Research Libraries Information Network, an electronic finding aid to manuscript collections. If a search of these sources is negative, the researcher is well advised to write to the appropriate state and local archival

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74 For more information, contact the Center for Legislative Archives, National Archives and Records Administration, Washington, DC 20408.
75 To locate all unpublished Senate hearings through 1964, consult CIS Index to Unpublished U.S. Senate Committee Hearings, 1823-1964 [Bethesda, 1986].
78 Bethesda, 1980.
or historical institutions to determine whether such papers may be found there.

CONCLUSION

Careful and methodological use of the resources mentioned in this article should produce substantial information, useful in writing biographies of federal judges and other court employees. Researchers are also advised to exhaust any published and archival sources relating to the subject's other careers.