Shaw

FEDERAL COURT INJUNCTIONS ON STATE CRIMINAL PROCEEDINGS

Until the last decade courts of equity refused to use the injunction to impede the enforcement of criminal law. Recent developments have undercut the basis for this noninterference due to an increasing concern over the due process to provide relief against official action interfering with the right to own and use property. In 1894 the Supreme Court held that a federal court could enjoin the initiation of criminal proceedings to enforce the invalid rate regulations fixed by a State RR. Commission. (Reagen V. Farmers Loan & Trust Col, 154 U.S. 362--1894) Although many courts failed to allow injunctive relief, a substantial number of comparatively recent American cases had granted injunctions against criminal proceedings. (See "Injunctions Against Criminal Proceedings," 14 Harvard Law Rev. 293--1900)

Although this above injunction proceedure centers around statutes of states and the violation of the statute, certain unique cases have occurred which greatly expand the scope of injunctive decree in criminal proceedings.

In United States v. Wood, 295 F 2d772 (5th Cir., 1961), cert. denied, 369 U.S. 850 (1962), a prosecution of a civil rights worker on a breach of the peace charge was enjoined. The Government, not the criminal defendant, was the plaintiff, and the interests protected were those of the Negro voters of the county who, it was feared, would be intimidated by the prosecution regardless of the outcome of the trial. Implicit in this decision was the belief that the arrest and prosecution was discriminatory enforcement of the ordinance, for neither the ordinance's validity nor its applicability was challenged.

In the Wood case, the defnedant, a Negro from Tennesse, attempted to aid a negro couple in registering to vote in Missippippi. He was pistol-whipped by the register of Walthall County after his attempt to register the two eligible voters. Shortly after this incident he was arrested for "disturbing the peace and bringing an uprising among the people." The U. S. Court of Appeals granted an injunction on the Mississippi court.

Cooper v. Hutchinson, 184 F2d119 (3rd Cir,--1950), is one of the few cases involving a petition for an injunction running directly against a court. The defendant, a state judge, had refused to allow the plaintiff's out-of-state counsel, who had already prepared and conducted part of the case, to continue to defend the plaintiff against a capital charge because the honorable counsel continued to object to evidence. The court of appeals ordered the district court to retain jurisdiction until the state appellate courts could review the action, holding open the possibility of an injunction of relief where denied by the state courts

Noted: See 78 Harvard Law Review 996. Parts of this paper are directly taken from page 1027 of the Harvard Law Review, v.79.

1. Title II of the Civil Rights Act of 1964 [4255 2000a-2000a-b] constitutes express authorization within the meaning of this section for a federal district court to stay state court prosecutions when the injunctions are otherwise appropriate. See Title 28 United States Code Annoted
S 2283, subsection 1; Dilworth V. Riner,
343 F(2d) 226

2. U.S. courts can act via injunction and Jurisdiction:
    1. When authorized by an act of Congress
    2. When necessary in aid of its jurisdiction
    3. When necessary to protect an effectuate its judgments

3. The Federal injunction on state court proceedings has been used often in recent civil rights cases. See 390 F 2d 56 et. al.

4. For further studies see the following cases:

385 F2d 746
390 F2d 56
262 FS 877
262 FS 882 (j)
266 FS 270
273 FS 685
274 FS 553
278 FS 119
281 FS 581
281 FS 654
337 F2d 590
337 F2d 601 (j)
360 F2d 697
242 FS 527
242 FS 528
255 FS 81
255 FS 414
380 US 484

14 LE(2) 27
8 AL(3) 18
8 S.SC. 1120
369 U.S. 850 *
8 LE(2) 9 *
82 S.C. 933 *
304 F2d 589
306 F2d 228
310 F2d 442
322 F2d 781
323 F2d 359
323 F2d 601
331 F2d 835 (j)
265 F2d 318
73 AL2 1169 *
88 FS 774
2NJ 540
67 A2d 298
187 F2d 621
203 FS 25
210 FS 711

215 FS 291
227 FS 560
227 FS 582 (j)
229 FS 447 (d)
229 FS 936
229 FS 1015
371 F2d 373
372 F2d ### 824
377 F2d 64
385 F2d 740
266 FS 570
273 FS 135
19 AL(3) 464
342 F2d 167

Key: (j)= dissenting opinion
(d)= distinguished
* = original case

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