

1978—Pub. L. 95-598, title II, §241(b), Nov. 6, 1978, 92 Stat. 2671, directed the addition of item for chapter 90, “District Courts and Bankruptcy Courts”, which amendment did not become effective pursuant to section 402(b) of Pub. L. 95-598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

1976—Pub. L. 94-583, §4(b), Oct. 21, 1976, 90 Stat. 2897, added item for chapter 97.

CHAPTER 81—SUPREME COURT

Sec.	
1251.	Original jurisdiction.
[1252.	Repealed.]
1253.	Direct appeals from decisions of three-judge courts.
1254.	Courts of appeals; certiorari; certified questions.
[1255, 1256.	Repealed.]
1257.	State courts; certiorari.
1258.	Supreme Court of Puerto Rico; certiorari.
1259.	Court of Appeals for the Armed Forces; certiorari.

AMENDMENTS

1994—Pub. L. 103-337, div. A, title IX, §924(d)(2)(B), Oct. 5, 1994, 108 Stat. 2832, substituted “Court of Appeals for the Armed Forces” for “Court of Military Appeals” in item 1259.

1988—Pub. L. 100-352, §§1, 2(c), 5(a), June 27, 1988, 102 Stat. 662, 663, struck out item 1252 “Direct appeals from decisions invalidating Acts of Congress”, struck out “appeal;” after “certiorari;” in item 1254, and struck out “appeal;” after “State courts;” in item 1257 and after “of Puerto Rico;” in item 1258.

1983—Pub. L. 98-209, §10(a)(2), Dec. 6, 1983, 97 Stat. 1406, added item 1259.

1982—Pub. L. 97-164, title I, §123, Apr. 2, 1982, 96 Stat. 36, struck out item 1255 “Court of Claims; certiorari; certified questions” and item 1256 “Court of Customs and Patent Appeals; certiorari”.

1961—Pub. L. 87-189, §2, Aug. 30, 1961, 75 Stat. 417, added item 1258.

DEFINITIONS OF COURTS AND JUDGES

Section 32 of act June 25, 1948, as amended by act May 24, 1949, ch. 139, §127, 63 Stat. 107, provided:

“(a) All laws of the United States in force on September 1, 1948, in which reference is made to a ‘circuit court of appeals’; ‘senior circuit judge’; ‘senior district judge’; ‘presiding judge’; ‘chief justice’, except when reference to the Chief Justice of the United States is intended; or ‘justice’, except when used with respect to a justice of the Supreme Court of the United States in his capacity as such or as a circuit justice, are hereby amended by substituting ‘court of appeals’ for ‘circuit court of appeals’; ‘chief judge of the circuit’ for ‘senior circuit judge’; ‘chief judge of the district court’ for ‘senior district judge’; ‘chief judge’ for ‘presiding judge’; ‘chief judge’ for ‘chief justice’, except when reference to the Chief Justice of the United States is intended; and ‘judge’ for ‘justice’, except when the latter term is used with respect to a justice of the Supreme Court of the United States in his capacity as such or as a circuit justice.

“(b) All laws of the United States in force on September 1, 1948, in which reference is made to the Supreme Court of the District of Columbia or to the District Court of the United States for the District of Columbia are amended by substituting ‘United States District Court for the District of Columbia’ for such designations.

“(c) All laws of the United States in force on September 1, 1948, in which reference is made to the ‘Conference of Senior Circuit Judges’, or to the ‘Judicial Conference of Senior Circuit Judges’ are amended by substituting ‘Judicial Conference of the United States’ for such designations.

“(d) This section shall not be construed to amend historical references to courts or judicial offices which

have no present or future application to such courts or offices.”

§ 1251. Original jurisdiction

(a) The Supreme Court shall have original and exclusive jurisdiction of all controversies between two or more States.

(b) The Supreme Court shall have original but not exclusive jurisdiction of:

(1) All actions or proceedings to which ambassadors, other public ministers, consuls, or vice consuls of foreign states are parties;

(2) All controversies between the United States and a State;

(3) All actions or proceedings by a State against the citizens of another State or against aliens.

(June 25, 1948, ch. 646, 62 Stat. 927; Pub. L. 95-393, §8(b), Sept. 30, 1978, 92 Stat. 810.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§341, 371(7), (8) (Mar. 3, 1911, ch. 231, §§233, 256, 36 Stat. 1156, 1160; Oct. 6, 1917, ch. 97, §2, 40 Stat. 395; June 10, 1922, ch. 216, §2, 42 Stat. 635).

This section reconciles provisions of sections 341 and 371(7), (8) of title 28, U.S.C., 1940 ed., with Article 3, section 2 and Amendment 11 of the Constitution.

Sections 341 and 371 of title 28, U.S.C., 1940 ed., were not wholly consistent with such constitutional provisions. Said section 341 provided that the Supreme Court should have original jurisdiction of controversies between a State and citizens of other States or aliens, whereas the 11th Amendment prohibits an action in any Federal Court against a State by citizens of another State or aliens.

The original jurisdiction conferred on the Supreme Court by Article 3, section 2, of the Constitution is not exclusive by virtue of that provision alone. Congress may provide for or deny exclusiveness. *Ames v. Kansas*, 1884, 4 S.Ct. 437, 111 U.S. 449, 28 L.Ed. 442; *U.S. v. 4,450.72 Acres of Land, Clearwater County, State of Minnesota*, D.C. Minn., 1939, 27 F.Supp. 167, affirmed 125 F.2d 636.

Sections 341 and 371 of title 28, U.S.C., 1940 ed., did not confer expressly exclusive jurisdiction on the Supreme Court in civil cases between States, *Louisiana v. Texas*, 1899, 20 S.Ct. 251, 176 U.S. 1, 44 L.Ed. 347, as has been provided in subsection (a)(1) of the revised section. The language at the beginning of said section 341, for which said subsection has been substituted, was ambiguous and made it appear that an action by a State against the United States would be within the exclusive jurisdiction of the Supreme Court. However, in *U.S. v. Louisiana*, 1887, 8 S.Ct. 17, 123 U.S. 32, 31 L.Ed. 69, the Supreme Court, in a case appealed from the Court of Claims, held to the contrary.

So, also, in actions by the United States to condemn lands of a State or to enforce penalties for violation of a Federal statute against a State-owned utility, the United States district courts have jurisdiction. See *United States v. State of Utah*, 1931, 51 S.Ct. 438, 283 U.S. 64, 75 L.Ed. 844; *United States v. 4,450.72 Acres of Land, Clearwater County, State of Minnesota*, D.C. Minn. 1939, 27 F.Supp. 167, affirmed 125 F.2d 636; *United States v. State of California*, 1936, 56 S.Ct. 421, 297 U.S. 175, 80 L.Ed. 567.

The intent of section 371(7), (8) of title 28, U.S.C., 1940 ed., that the jurisdiction of the courts of the United States should be exclusive of the courts of the States in controversies to which a State is a party, and suits against ambassadors, public ministers, consuls and vice consuls, is preserved and clarified by this section and section 1351 of this title.

The revised section preserves existing law with reference to foreign ambassadors, other public ministers and consuls. Under subsection (a)(2) the Supreme Court has exclusive jurisdiction of actions or proceedings against the ambassadors or public ministers of other nations.