



Historical Society News

The present is the living sum-total of the whole past - Thomas Carlyle

The Historical Society of the United States Courts in the Eighth Circuit

Volume Eight 2001

Blackmun Rotunda

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The Blackmun Rotunda on the 27th floor of the Thomas F. Eagleton Courthouse in St. Louis is dedicated to the memory and legacy of Justice Harry A. Blackmun. Justice Blackmun served as a Supreme Court Justice from 1970 until his retirement in 1994. Before that, he served as a judge for the United States Court of Appeals for the Eighth Circuit from 1959 until 1970. While he is best known for his role on the Supreme Court, he also wrote many important decisions as an Eighth Circuit Judge. The Rotunda now houses a permanent display describing Justice Blackmun's life from the time of his childhood through his retirement from the Supreme Court.



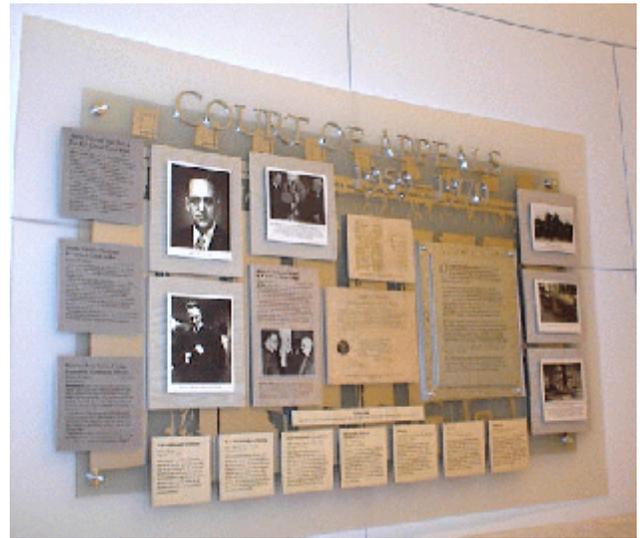
The display consists of the Portrait Wall on the north side of the rotunda, and, on the opposite walls, a four panel display that describes four

phases of Justice Blackmun's life and career: The Early Years 1901 - 1959, Court of Appeals 1959 - 1970, Supreme Court 1970 - 1994, and Later Years 1994 - 1999. The contents of the display include photos and memorabilia donated by the Blackmun family, as well as various news items and commentary from those who knew and worked with Justice Blackmun.

The materials and finishes for the Portrait Wall and the panel display were chosen to complement and express the same strong architectural elements and finishes found throughout the Thomas F. Eagleton Courthouse. Cherry wood paneling provides the backdrop for Justice Blackmun's portrait and recalls the woodwork found in the courtrooms. Cut out stainless steel lettering above the portrait complements the warmth of the wood and the oil portrait, while also recalling the white metal accents found throughout the building.



The four panels that provide the framework on which Justice Blackmun's story is related are mounted to the Rotunda walls with bronze and stainless ornamental hardware. The panels themselves are made of layered translucent acrylic and sheer fabric encapsulated resin. Each of the four panels contains a distinct but subtle silk-screened image that serves as a "place-in-time"



background for the content in that panel. With an eye toward preservation and protection of the originals, the photos and memorabilia donated have been digitally reproduced and printed on museum grade paper for display in the panels.

Additional Blackmun materials, such as awards, magazine covers, and one of his judicial robes are located in a hallway adjacent to the Rotunda. The opposite hallway contains portraits and brief descriptions of the lives of three other Eighth Circuit Judges, Charles E. Whittaker, David J. Brewer, and Willis VanDevanter, who went on to serve as Justices for the U.S. Supreme Court.



There is also a Court of Appeals succession chart, showing names and dates of service for all judges who have served on the Eighth Circuit.

The dedication of the Blackmun Rotunda will take place on Wednesday, July 11th, at 4:30 p.m. in the En Banc Courtroom. 🍷

Eighth Circuit History Project

Professor Jeffrey B. Morris has nearly completed the draft of an extensive written history of the U.S. Court of Appeals for the Eighth Circuit. While the manuscript is not yet in its final form, the Court of Appeals Branch of the Historical Society expects to submit the manuscript for review by a prospective publisher in the very near future.

Professor Morris is a distinguished legal historian and respected author who is currently Professor of Law at the Jacob D. Fuchsberg Law Center of Touro College in New York. He is a former Judicial Fellow, and served on the staff of Chief Justice Warren E. Burger for several years. Professor Morris has also taught at the University of Pennsylvania, the City College of the City University of New York, and Brooklyn Law School.

Professor Morris has written or edited more than a dozen books, including a fine history of the Second Circuit entitled, *Federal Justice in the Second Circuit*, the revised edition of *The Encyclopedia of American History*, and, most recently, *Calmly to Poise the Scales of Justice*, which was published earlier this year and chronicles the history of the courts of the District of Columbia Circuit.

Professor Morris has been working on preparing his history of the Eighth Circuit for the past several years, during which time he has conducted extensive research and interviews. Professor Morris has visited the circuit on a number of occasions as part of his work on this project.

Professor Morris' history is a natural extension of the excellent but abbreviated history entitled, *A History of the United States Court of Appeals for the Eighth Circuit*, which was authored by Theodore J. Fetter in conjunction with the nation's bicentennial 25 years ago. 🍷

Court Historians

The Historical Society of the United States Courts in the Eighth Circuit has encouraged each of the federal courts located within the circuit to consider appointing an official court historian to assist the courts with matters relating to the preservation and celebration of their history.

The first court to appoint such a court historian was the District of Nebraska which appointed Professor John R. Wunder of the University of Nebraska-Lincoln as its historian a few years ago.



Hon. Richard W. Peterson

Professor Wunder is presently engaged in preparing a written history of the court.

More recently, the Honorable Richard W. Peterson, attorney and retired United States Magistrate Judge of Council Bluffs, Iowa, was appointed court historian for the Southern

District of Iowa. Judge Peterson had previously served as president of the Historical Society from 1989 to 1999.

In making the appointment, Chief Judge Ronald E. Longstaff called upon Judge Peterson to advise the court on matters concerning preservation of materials relating to its history, and consult with the court on appropriate programs, exhibits, and related activities that present and celebrate the court's history.

The Historical Society is hopeful that each of the federal courts throughout the circuit will eventually appoint a court historian to assist and coordinate the preservation and celebration of our rich judicial history. 🍀

State and Federal Court Historical Societies Annual Meeting

The Fourth Annual Meeting of state and federal court historical societies was held this past fall in New Orleans in conjunction with the annual meeting of the American Association for State and Local History.

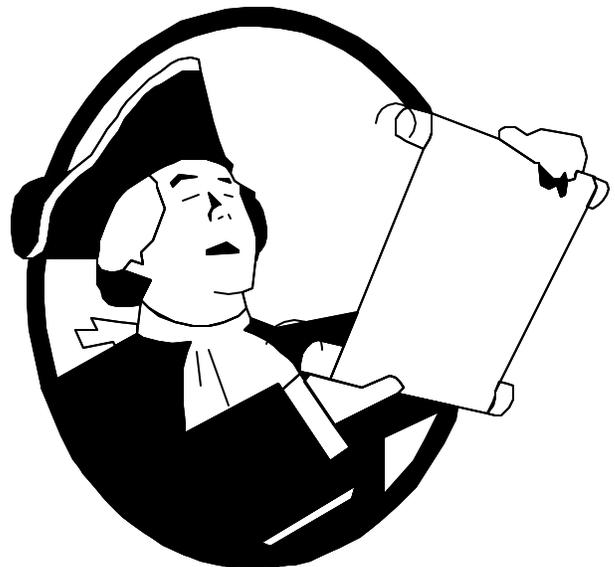
This "conference within a conference" was attended by a variety of representatives from across the country, including the Michigan Supreme Court Historical Society, the Pennsylvania Supreme Court Historical Society, the Alabama Bench and Bar Historical Society, the North Carolina Supreme Court Historical Society, the Massachusetts Supreme Judicial Court Historical Society, and the United States Supreme Court Historical Society. Additionally, there were individuals representing historical societies and projects involving the Fifth, Eighth, Ninth, and Tenth Circuit Courts of Appeal, as well as the

Historical Societies for the U.S. Court for the Southern District of Indiana and the Eastern District of Michigan.

The conference was organized and coordinated by Carol Billings, the director of the Louisiana Law Library, and Brad Williams, director of the Ninth Judicial Circuit Historical Society.

The conference involved a variety of interesting and helpful presentations relating to the planning and preparation of exhibits, public programming, and outreach programs. There was also a very helpful roundtable discussion regarding fundraising and strategies for strengthening financial support. Dr. Frances Ross and Tom Boyd attended the conference from the Eighth Circuit.

The Fifth Annual Conference is scheduled to take place on September 15, 2001, in conjunction with this year's AASLH annual meeting in Indianapolis. 🍀



Around the Circuit

Iowa

Arkansas

Arkansas Branches Near Completion of Judicial Biographies Project

The Eastern and Western Districts of Arkansas are nearing completion of an ambitious written history project involving the preparation of biographies of all of the federal judges who have served in Arkansas during the period covering the time of Arkansas' statehood in 1836 through 1960.

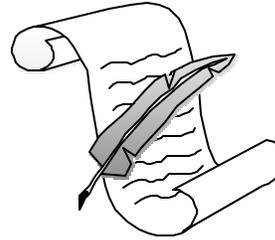
This project, which has moved forward under the leadership and direction of the Honorable Henry Woods, will eventually include biographies of 16 judges that have been written by a variety of distinguished judges and attorneys.

Work on this project initially began back in 1987 with a series of oral histories based on interviews with federal judges in Arkansas. Oral histories have now been prepared with respect to each of the judges who had been appointed in the Eastern and Western Districts up to the early 1990's.

Professor Frances Ross of the University of Arkansas has coordinated the preparation and editing of these biographies. The Honorable Richard Arnold is preparing a written overview of the history of the courts during the corresponding time frame.

Upon completion of the remaining judicial biographies, these materials will be submitted for publication. This work will surely provide an invaluable resource for scholars, lawyers, and citizens interested in judicial history.

John F. Dillon Essay Competition



The John F. Dillon Essay Competition is co-sponsored by the Court of Appeals Branch of the Historical Society for the United States Courts of the Eighth Circuit and the John F. Dillon Inn of Court of

Davenport, Iowa. An annual award of \$500.00 is presented to the University of Iowa law student who submits the finest paper dealing with legal history or jurisprudence.

Judge Dillon had served as a distinguished member of the Iowa Supreme Court and the United States Court of Appeals for the Eighth Circuit. Judge Dillon left the bench to resume the practice of law and devote more time to scholarship in a wide variety of areas of the law. Judge Dillon was a renowned expert in municipal law and served as president of the American Bar Association. At the time of his death, Judge Dillon was considered one of the greatest lawyers and scholars of his time.

The award was originally created through a bequest made from the estate of the Honorable John F. Dillon at the time of his death in 1914. Judge Dillon established a writing competition at the University of Iowa to encourage research and scholarship in the fields of legal history and jurisprudence. The Court of Appeals Branch and the Dillon Inn of Court have resurrected this essay competition to encourage these same types of scholarly activities.

The winner of the award for the 2000-2001 academic year is Matthew D. Spohn for his paper

entitled, *Understanding America's Scenic Parks as Cultural Property*.

The winner of last year's award for the 1999-2000 academic year was Kyle T. Murray for his paper entitled, *Looking for Lochner in All the Wrong Places: The Iowa Supreme Court and Substantive Due Process Review*.

The members of the award committee include the Honorable Donald P. Lay, Senior Judge of the United States Court of Appeals for the Eighth Circuit; Professor Mark Killenbeck of the University of Arkansas Law School; and Thomas H. Boyd, of Winthrop & Weinstine, P.A.



Minnesota

Judge to Justice: from the Eighth Circuit to the U.S. Supreme Court

This exhibit is currently housed in the fifth floor display case in the U. S. Courthouse in St. Paul, Minnesota. The display commemorates the lives of the four Eighth Circuit Judges who rose to the U. S. Supreme Court bench: Harry A. Blackmun, David J. Brewer, Willis Van Devanter and Charles E. Whittaker.

The exhibit consists of biographical material, articles, photos and lists of important decisions. It will run indefinitely.

Missouri

Limbaugh Rare Book Collection

The Honorable Stephen N. Limbaugh, Judge for the Eastern District of Missouri, and other members of the Limbaugh family, have most generously donated an impressive collection of rare legal treatises to the United States Court of Appeals for the Eighth Circuit. This collection was originally owned by Judge Limbaugh's father, the late Rush Hudson Limbaugh, Esquire, who had acquired the books over a period of 50 years. In donating these rare books, they pass on the legacy of the Limbaugh family for the edification of the Eighth Circuit bench and bar.

The collection was officially donated in 1997, but the books remained in Judge's Limbaugh's care until the Courts moved to the Thomas F. Eagleton U.S. Courthouse, at which time the Eighth Circuit Library acquired sufficient space to properly house them. Actual transfer of the books took place in January, 2001 when the District Court for the Eastern District of Missouri moved into the new Courthouse.



The Hon. Stephen N. Limbaugh in front of
Limbaugh Collection

The Limbaugh Collection is now on display in the U.S. Courts Library, 8th Circuit, located on the

22nd floor of the Thomas F. Eagleton U.S. Courthouse in St. Louis, Missouri. The books are housed in two handsome oak and glass display cabinets, also donated by the Limbaugh family, in the Library's Archives and Rare Books room. Circuit Librarian Ann Fessenden is Curator of the collection.

The Limbaugh books date back to the 18th and 19th centuries and include the classic works of Blackstone and Coke which are among the cornerstones of Anglo-American law. Most notable are the much sought-after first English and American editions of Sir William Blackstone's *Commentaries on the Laws of England*. The first English edition is a four volume set published in Oxford, 1765-69. Though rebound, the volumes contain the original printing. The first American edition, published 1771-73 in Philadelphia, has Blackstone's four volumes plus a fifth appendix volume including correspondence between Blackstone and others. This set has the original printing and casing.

The First Part of the Institutes of the Laws of England, or a Commentary upon Littleton by Sir Edward Coke also graces the collection. Published in 1738, this is the 12th edition of what is known as *Coke on Littleton*. It contains the original text in Latin with Coke's translation and Coke's notes. For a listing of the complete collection, please contact the Eighth Circuit Library.

The Limbaugh family's donation of this important collection of rare books will be officially acknowledged by the Court sitting En Banc on Tuesday, July 10, 2001 at 9 a.m. in the Eagleton Courthouse. Speakers will be Chief Circuit Judge Roger L. Wollman, Judge Stephen N. Limbaugh, Judge Richard S. Arnold and Circuit Librarian Ann Fessenden. A reception will follow.

Eagletons Donate "Regionalism" Artwork

The Thomas F. Eagleton U.S. Courthouse in St. Louis, which opened last year, features a wonderful display of "Regionalism" art contributed by the building's namesake, Senator Thomas F. Eagleton, and his wife, Barbara Ann Eagleton.

The Eagletons have donated three studies prepared by John Steuart Curry (1897-1946). Curry, along with Grant Wood and Thomas Hart Benton, created a uniquely American art in the 1930's and 1940's, which sought to capture vanishing scenes of rural America as the influences of industrialization and urbanism spread across the country. The works donated by the Eagletons are Curry's preparatory studies for large murals of American historical themes.

Westward Migration (1936) is a celebration of the settling of the American West that depicts a family of bold pioneers amidst other settlers using all manner and means to travel westward. This work was a study for a mural for the U.S. Justice Department in Washington, D.C.



In another study that was originally intended for a mural in the Justice Department, *Freeing of the Slaves* (1935) depicts the emancipation of slaves and the arrival of European immigrants. A mural reworked from this study was eventually installed

in the University of Wisconsin Law School Library.



Justice Defeating Mob Violence (1936) features the robed figure of a judge protecting the oppressed against the imminent violence of a vengeful mob. This study provides a dramatic illustration of the rule of law in our country.



These studies provide a thought-provoking addition to this magnificent new federal courthouse.

North Dakota

Judge Bright WWII Medal Ceremony

Senator Kent Conrad presented World War II medals to Judge Myron H. Bright and

posthumously to Mrs. Fritzie Bright on April 11, 2001. Mr. Jim Brent, Cass County Veterans Officer, arranged for the medal ceremony. Judge Bright hoped that Mrs. Bright would be able to accept her honors as she was so proud of her military service, but this was not to be. Her loving grandchildren were all present as Judge Bright received the Asia-Pacific Campaign Medal, WWII Victory Medal and All-American Campaign Medal, and Mrs. Bright posthumously received the WWII Victory Medal, All-American Campaign Medal and the Good Conduct Medal. The Brights were one of only five Fargo area couples who served together in World War II.

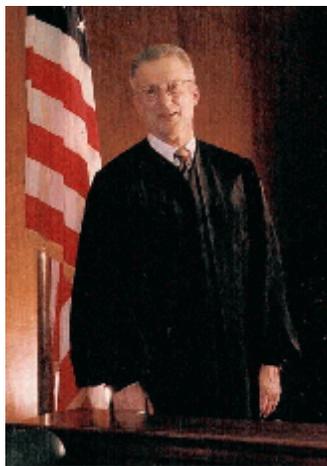
Judge Bright was chosen as a distinguished speaker for the Memorial Day Veterans Ceremony on May 28, 2001. Representing the World War II Veterans, he gave tribute to all American veterans who have served in a war throughout the history of our country.



Hon. Myron H. Bright and Senator Kent Conrad

In Memoriam

The Honorable D. Brook Bartlett



Judge Bartlett practiced law in Kansas City Missouri with the law firm of Stinson, Mag, Thomson, McEvers, and Fizzell. He then served as an Assistant and then a First Assistant in the Missouri Attorney General's Office. He returned to Kansas

City to practice with Blackwell, Sanders, Matheny, Weary, and Lombardi.

In 1981, President Ronald Reagan appointed Judge Bartlett to the United States District Court for the Western District of Missouri. Judge Bartlett was elevated to Chief Judge in 1995. During his tenure as Chief Judge the new courthouse in Kansas City, Missouri was planned and built. Judge Bartlett passed away on January 21, 2000 while serving as Chief Judge.

Ms. Karen Iverson Bartlett, Judge Bartlett's wife and an attorney, said "Brook strove to give those who appeared before him a chance to tell their story in a venue of respect and compassion, and he succeeded time and again."

Justice Clarence Thomas, United States Supreme Court, who worked with Judge Bartlett at the Missouri Attorney General's Office, observed that "...Judge Bartlett enjoyed a wonderful reputation among his fellow jurists and among members of

the bar. He was considered deliberate, analytical, thoughtful, and dedicated to fairness and impartiality, but even more, he was a good man and he was my friend."

The Memorial Service and Portrait Dedication Ceremony in memory of the Honorable D. Brook Bartlett was held at the Charles Evans Whittaker Courthouse in Kansas City, Missouri, August 25, 2000 at 3:00 p.m. 🕒

Portrait Ceremonies

Court of Appeals

Judge C. Arlen Beam



Judge Beam's portrait is unveiled by his granddaughters. Photo courtesy of *The Daily Record*.

Honorable C. Arlen Beam. The portrait will hang in the Eighth Circuit Courtroom.

Chief Judge Roger L. Wollman presided over the proceedings. Other Eighth Circuit Judges in attendance were Honorable Richard Arnold, Honorable George Fagg, Honorable Pasco Bowman, Honorable James Loken, Honorable David Hansen, and Honorable Morris Arnold. The Honorable James P. O'Hara, Magistrate Judge for the District of Kansas, and former law clerk,

served as master of ceremonies. The Judge's entire family was present, as well as many Nebraska judges, dignitaries, and former law clerks. The Judge and Mrs. Beam's two granddaughters unveiled the portrait.

Guest speakers were Governor Mike Johanns, former Nebraska Governor Charles Thone, former partner Larry Ruth, former law clerk and current chair-elect of the Nebraska State Bar House of Delegates Robert Rossiter, Jr., current law clerk Moira White Kennedy, and Greg Beam, youngest son of the honoree.

All spoke of Judge Beam's integrity, kindness, fairness, compassion; his gentle ability to teach his law clerks; his knowledge of the law; his "quiet example" of how to conduct oneself and his love for his family.

Governor Thone noted that when asked for three recommendations for a Nebraska federal district judge in 1981, his reply was "C. Arlen Beam," "C. A. Beam," and "Arlen Beam." He also noted that shortly thereafter President Ronald Reagan did nominate and after confirmation did appoint Judge Beam. Judge Beam then became a circuit judge in 1987.

Following the portrait ceremony, a reception was held in the courthouse. After the reception, former and current law clerks and staff hosted a luncheon at the Joselyn Art Museum.

Judge John B. Sanborn, Jr.

A ceremony was held on November 15, 2000, to unveil a portrait of the Honorable John B. Sanborn, Jr. (1883-1964) that will hang in the Sanborn Room at Landmark Center, the former U.S. Courthouse in St. Paul, Minnesota. Judge Sanborn served on the U.S. District Court for the

District of Minnesota from 1925 to 1931, and thereafter on the U.S. Court of Appeals for the Eighth Circuit from 1931 until 1964. The portrait was commissioned by Judge Sanborn's grandniece, Jennifer Gross, and painted by St. Paul artist, Merry DeCourcy.

Chief Judge Paul Magnuson of the U.S. District Court for the District of Minnesota presided over the portrait ceremony, which included remarks by Judge Donald P. Lay who argued cases before Judge Sanborn prior to joining the Eighth Circuit himself. The program also included comments by Judge Sanborn's nephew, Bill Clapp, as well as the artist, Ms. DeCourcy. The portrait ceremony coincided with the opening of a display prepared by Judy Brooks which features letters, articles, and photographs on Judge Sanborn's life and career. The display is located on the lower level of Landmark Center.



Hon. John B. Sanborn in earlier picture

Judge Sanborn's appointment to the U.S. District Court for the District of Minnesota came at the height of the Prohibition Era when Minnesota courts were backlogged with an enormous volume of liquor cases. However, Judge Sanborn kept the court current. His performance on the federal district court reflected Judge Sanborn's innate intelligence, industry, and efficiency. While he was on the district court, Judge Sanborn frequently sat by designation with the Eighth Circuit. On several of those occasions, he sat on panels with his distinguished and well respected cousin, Walter H. Sanborn, who served as a distinguished circuit judge from 1892 until 1928. Chief Judge Harvey Johnson later referred to Walter and John Sanborn as the "Hands of the Eighth Circuit" in reference to Learned and Augustus Hand of the Second Circuit.

In 1931, President Hoover appointed Judge Sanborn to the United States Court of Appeals for the Eighth Circuit. Judge Sanborn served as a circuit judge until the time of his death 33 years later. Judge Sanborn achieved a fine reputation as a circuit judge. He had a keen and thorough understanding of the law. Indeed, Judge Sanborn seemed to have almost encyclopedic knowledge that allowed him to simply and directly analyze the issues that came before the court.

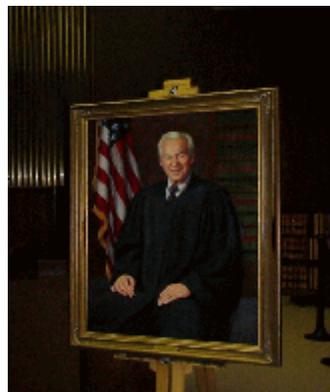
Judge Sanborn did not have a law clerk until he was appointed to the Eighth Circuit in 1931. At that time the nation was in the midst of the Great Depression, and Judge Sanborn actually intended to spare the government an unnecessary expense by continuing to go without a law clerk. However, one applicant persisted until Judge Sanborn finally agreed to hire him. This young man was Harry Blackmun who had recently graduated from the Harvard Law School. In 1959, Justice Blackmun succeeded Judge Sanborn on the Eighth Circuit. After he was appointed to the U.S. Supreme Court, Justice Blackmun said, "So far as I'm concerned, John Sanborn should have come to Washington, not I."

District Courts

District of Minnesota

During the last two years, the District of Minnesota has honored its senior judges with portrait ceremonies. In Minneapolis, **Judge David S. Doty's** portrait was unveiled on June 30, 1999, **Judge Harry H. MacLaughlin's** on April 17, 2000, and **Judge Earl R. Larson's** on August 7, 2000. In St. Paul, portrait ceremonies were held for **Judge Robert G. Renner** on November 2, 1999, and **Judge Donald D. Alsop** on January 13, 2000.

Judge Edward J. Devitt



Judge Edward J. Devitt was also among the St. Paul honorees. On May 1, 2001, the portrait of the late Judge Devitt was unveiled in Courtroom 1 in St. Paul. Many former colleagues, law clerks, court staff, and friends were present.

Wonderful and loving remarks and reminiscences about Judge Devitt were made by Chief Judge Paul Magnuson, Senior Judge Donald Alsop, retired Minnesota State Court Judge Harold Schultz, former law clerk Brian Short and Judge Devitt's daughter, Terry Hoffman.

Judge Devitt earned a reputation as one of the nation's foremost trial judges. Among his accomplishments are co-authoring the respected treatise, *Federal Jury Practice and Instructions*, which sets the basic rules of how federal trial courts are to be run, and inspiring the Edward J. Devitt Distinguished Service to Justice Award. Named after Judge Devitt, this prestigious award recognizes federal judges who have achieved exemplary careers and have made significant contributions to the administration of justice, the advancement of the rule of law and the improvement of society as a whole.

District of Western Missouri

The Memorial Service and Portrait Dedication Ceremony in memory of the **Judge D. Brook Bartlett** was held at the Charles Evans Whittaker Courthouse in Kansas City, Missouri, August 25, 2000 at 3:00 p.m. For information about Judge Bartlett's career, see the In Memoriam section. ☺

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