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Passing of the Gavel

From Left: Former Chief Judges Bissell, Brown and Simandle with Chief Judge Linares

On June 29, 2017, the Historical Society proudly commemorated the "Passing of the Gavel" from the Hon. Jerome B. Simandle to the Hon. Jose L. Linares, our Court's 16th Chief Judge. The commemoration took place in the ceremonial courtroom of the U.S. Post Office and Courthouse in Newark, and featured remarks from Historical Society President Keith Miller, Esq., former Chief Judge Simandle, and a moving introduction by Joseph Linares, Esq., Chief Judge Linares' son. During his remarks, Chief Judge Linares noted some of our Court's many unique attributes, and poignantly concluded with the following observation:

> *The job that we do in the preservation of the American way of life, the protection of the Constitution, the protection of the rights of our citizens, has never been more paramount in my opinion, and I look forward to working with this Court to insure that our job is properly done.*

The Historical Society joins the entire Federal Family in both thanking former Chief Judge Simandle, and welcoming Chief Judge Linares.

A Special Commentary: Judge Simandle Reflects Upon His Tenure As Our Court's Chief

Hon. Jerome B. Simandle, C.J.U.S.D.C. (2012-2017)

Earlier this year, the Hon. Jerome B. Simandle concluded his more than five-year tenure as our Court's 15th Chief Judge. Thereafter, at the request of Historical Society Chairman Donald A. Robinson, Esq., Judge Simandle generously agreed to share his reflections upon the time he spent as Chief Judge — and indeed, upon the nearly 35-years (and counting) he has served as a judicial officer of our Court. To that end, the Historical Society posed a series of questions intended to touch upon Judge Simandle's personal experience as Chief Judge, and his more general views of that critical position. What follows are Judge Simandle's thoughtful responses to those questions, which have yielded an interesting and important contribution to the Federal Family's ever-growing historical record. The Historical Society is deeply grateful to Judge Simandle for dedicating his time and talent to this endeavor.

Historical Society: *Having recently completed more than five-years of service as Chief Judge, what did you find the most challenging aspects of that position?*

Judge Simandle: It was challenging to find time to address the day-to-day and long-term demands of administering a large and active court while maintaining a full civil and criminal case docket. As Chief Judge, I relied heavily upon our talented and experienced court administrators, and I frequently called upon our District and Magistrate Judges to take on special projects. Ultimately, the Chief Judge tries to address matters of court-wide concerns by building consensus while not overburdening judges with matters of lesser import. Finding that balance is a matter of experience, instinct, and (sometimes) luck.

Historical Society: *Unexpectedly rewarding?*

Judge Simandle: I could not have anticipated the overwhelming support and goodwill of our own judges, each of whom is so talented and concerned with making our court as good as it can be. To have all judges pulling in the same direction on the important issues and challenges was a great gift.

The Historical Society provided one of the very most gratifying moments in sponsoring the 225th Anniversary Gala of our beloved district court. In particular, the outstanding efforts of Magistrate Judge Douglas E. Arpert (who arranged for the Newark Boys Choir and the West Point Band to perform), then-Historical Society President and now-Magistrate Judge Leda Dunn Wettre (who gave a memorable introduction to Justice Alito, the keynote speaker), and Tom Curtin, a great supporter of the Historical Society and the long-time Chair of the Lawyers Advisory Committee (who served as the Master of Ceremonies). That was a sparkling evening when the entire Court Family celebrated.

I treasured speaking on behalf of our court at many public events, including more than a dozen swearing-in ceremonies for new judges, the various bench/bar conferences, multicultural celebrations, and community events across the state.

Historical Society: *Particularly taxing — whether temporally, or simply given the nature of the responsibility?*

Judge Simandle: Several external challenges required a lot of time and energy to craft and execute a response. Those included the governmental shut-down and budgetary sequestration in 2012 and 2013, the filings of over 2,000 flood insurance cases after Superstorm Sandy, and the steep rise in civil case filings in an already busy court (from 7,879 in SY 2011 to 12,944 in SY 2017) including many multidistrict litigation cases transferred to our court.

Improving court access for pro se litigants, a major court goal because such cases are about 20% of our docket, was achieved through restructuring our Prisoner Litigation Office, improving information on our website, launching clinical pilot programs with Seton Hall Law School and Rutgers School of Law for pro bono representation in settlement efforts for non-prisoner and prisoner cases respectively, and strengthening the Pro Bono Panel of attorneys willing to accept appointments in worthy cases.

Another continuing challenge included dealing with unfilled judicial vacancies as well as the need for Congress to create more judgeships for our court. Even if current vacancies were filled, the Judicial Conference determined that we should have at least three additional district judgeships, just to return to the high-normal range of workload per judge in federal courts.

Physical and security needs required extra efforts. Building good relationships and communications with our landlord the General Services Administration (and the Postal Service in Newark's Lautenberg Post Office and Courthouse Building) has led to improvements in our physical environment, both short-term and long term, in each of our beautiful, historic courthouses.

The deaths of three dear colleagues — Judges Stanley S. Brotman, Dickinson R. Debevoise, and Joseph E. Irenas — in relatively close succession amounted to a huge personal and institutional loss. I miss them every day.

Responding to inquiries from the press and public required accurate facts and clear communication. Since I hoped to promote transparency and responsiveness, I took these questions seriously and did my best to explain the court's processes when appropriate.

Historical Society: *You served under five Chief Judges prior to becoming Chief Judge yourself; the first was the Hon. Clarkson S. Fisher, and the last was the Hon. Garrett E. Brown, Jr. How did that collective experience inform your approach to being Chief Judge?*

Judge Simandle: Oh my! What court can point to a finer run of Chief Judges than those four? And I would quickly add their predecessors, Chief Judges Mitchell H. Cohen, Lawrence Whipple, and George Barlow. Each was so talented and showed they cared deeply about our court and staff, as well as the lawyers who practice before us. I knew our judges, staff, and lawyers had come to expect a Chief Judge who valued our distinctive Court Family, who promoted excellence and professionalism in our bench and bar, and who would marshal our resources toward innovation and growth of our capacity, and I only hoped I was up to the high standards of my predecessors.

Historical Society: *Were any interactions with your predecessors particularly impactful?*

Judge Simandle: Chief Judge Fisher presided over the process that selected me as a magistrate judge in Camden in 1983, and he gave me a seal of approval and a confidence booster by appointing me as a judicial member of the first Lawyers Advisory Committee. This taught me how meaningful it can be for the Chief Judge to reach out to the newer judges and give them such opportunities and support.

Chief Judge John F. Gerry taught me as his law clerk, magistrate judge, and district judge colleague, and I can't imagine my professional life without his mentoring and support for those years. As Chief Judge, he initiated our modern court governance plan and its committee structure that still are the blueprint for organizational success. He is probably the only Chief Judge in U.S. history to dedicate three large new courthouses during his term. He invested all of us with the mandate to reach beyond ourselves in service of the court. I never discovered the secret of his knack for making the Chief Judge's job look easy!

Former Chief Judge John F. Gerry

Chief Judge Anne E. Thompson continues to teach me that courage and heart matter a lot, and that preparation and hard work make our judicial processes succeed. I was grateful she appointed me to chair several of our court's committees dealing with the rules, case management, and the budget and clerk's office. Judge Thompson was never too busy to pause to ask about the family and discuss the events of the day. Her continuing service as a senior judge is inspirational for me.

Chief Judge John W. Bissell brought a leadership style of precision and grace, teaching by example of judicial professionalism. In his understated way, he guided our court toward greater unity following a debate — early in his tenure in 2001 — whether to split into northern and southern districts. He had a spirit of reconciliation that addressed the rough spots, made us better, and moved us forward.

Chief Judge Garrett E. Brown, Jr., set a standard of being omnipresent in our district that may never be equaled. He brought our court into the first ranks of patent jurisdictions, setting up the Local Patent Rules Advisory Committee, which I was pleased to chair and which taught me a lot. He took time to orient me to become his successor, which made our transition better.

Historical Society: *Did any notable challenges arise during your tenure as Chief Judge that had not been encountered by your predecessors?*

Judge Simandle: In a 228-year-old court, you might think we've seen it all. My answer to the third question posed above probably covers it.

Historical Society: *Is there any aspect of your tenure as Chief Judge that is a particular point of pride?*

Judge Simandle: I was proud that our Court Family in each courthouse and as a whole — reflected a renewed sense of unity, purpose, and stewardship. We shared a cause of public outreach to enhance understanding and acceptance of our court, while seeking to demystify the court for newer lawyers. I was proud that President Barack Obama visited our Re-Entry Court and Judge Madeline Arleo in November, 2015, where he stayed overtime and publicly praised it as an example of what our judicial system is doing right. I was proud to stand with New Jersey's Chief Justice Stuart Rabner on six occasions to present the State of the Judiciary speech on our Court's behalf and to have so many good things to say about our progress. And I was proud to receive the ceremonial Chief Judge's Gavel from my predecessor Judge Brown and to turn it over to my successor, Chief Judge Jose Linares, knowing our Court would be in good hands.

N.J. Chief Justice Rabner and Judge Simandle

Historical Society: *After serving more than five-years as Chief Judge, could you describe the transition to Senior Judge, and how you intend to continue to serve the Court in that capacity?*

Judge Simandle: I'm enjoying coming up for air and addressing my docket full time, being available to Chief Judge Linares in ways he finds helpful, and paying more attention to my outside life. Fellow senior judges say it takes a year or two to notice the difference in work load (which contains all the old cases and half the new ones going forward). For now, I'm also chairing various committees of this court and of the Third Circuit and hoping to do what I can to repay the trust our judges and lawyers gave me.

Historical Society: *Finally, is there anything about the Chief Judge's role that most members of the Federal Family don't know, but you feel they should?*

Judge Simandle: It has been mostly a lot of fun. Despite the responsibilities, there aren't many protocols on how best to do the job, and that's a good thing. There is room for creativity and personal growth. The Chief Judge shapes the agenda of the court, presides at court meetings, and makes sure the decisions are implemented. I wish each of my colleagues could have the opportunity to be the Chief Judge and to enjoy it as much as I did.

In Fond Memory of the Hon. William H. Gindin

By: Hon. Judith H. Wizmur, U.S.B.J. (Ret.)

A gentleman judge: that moniker is most appropriate to describe and remember the Honorable William H. Gindin, who passed away on May 24, 2017. He was a judge who respected all who came before him, a judge who listened patiently and with compassion to attorneys and litigants, a judge who engaged actively and enthusiastically with members of the bankruptcy bar, and a judge who relished the intellectual challenges presented by the Bankruptcy Code.

Hon. William H Gindin
(1931-2017)
U.S.B.J. (1984-2004)

When Judge Gindin was appointed to the bankruptcy bench in late 1984, it was a new era in the history of the bankruptcy courts. The enactment of the new Bankruptcy Code in 1978 fundamentally changed the nature of the practice, opening up the practice to an influx of new practitioners, including those from large, multi-faceted law firms. The bankruptcy court was in a period of transition, and needed a leader to chart its course. From the outset of his tenure on the bench, and through his service as Chief Judge of the Bankruptcy Court of the District of New Jersey, Judge Gindin was incredibly impactful in forging a community of bankruptcy judges and practitioners who aspired to achieve the highest standards of professional excellence. He loved the court as an institution, and was passionate about nurturing a sense of integrity, civility and collegiality — a sense that we were all members of the court family. Besides his wonderfully warm and engaging personality, he used various vehicles to create these bonds. He actively encouraged and supported the involvement of judges and attorneys in the American Inns of Court movement. During his time as Chief Judge, the New Jersey Bankruptcy Inn of Court was established. As well, Judge Gindin played an instrumental role in instituting our annual Bench - Bar Conference, which now bears his name. The Conference brings together the bankruptcy bench and bar, both consumer and commercial, from the entire district, to learn together and to socialize together.

I had the privilege of working closely with Bill from the beginning of my judicial career. Before we became bankruptcy judges, we both served as New Jersey Administrative Law Judges. Bill had been a bankruptcy lawyer and Chapter 13 Trustee in his earlier career, and his elevation to the bankruptcy bench was the realization of his fondest dream. He seemed to approach each day like a child in a toy store, always marveling at the incredibly varied and interesting aspects of his cases. His sharp intellect enabled him to frame and to analyze issues effectively, and his ability to articulate his thoughts clearly and concisely on complex concepts was impressive. He couldn't wait to take the bench each day.

Bill took me under his wing and became a wonderful mentor to me. His incredibly enthusiastic attitude about each legal issue he was presented with was infectious. Unlike Bill, who had a vast amount of knowledge about bankruptcy law, I had never practiced bankruptcy before I became a bankruptcy judge, and suffice it to say that I had a lot to learn. Bill was never too busy to help me to understand a particular concept, or to work through the complexities of a particular case. We shared lots of memorable moments together, both professionally and personally. I am eternally grateful for his friendship and his mentorship.

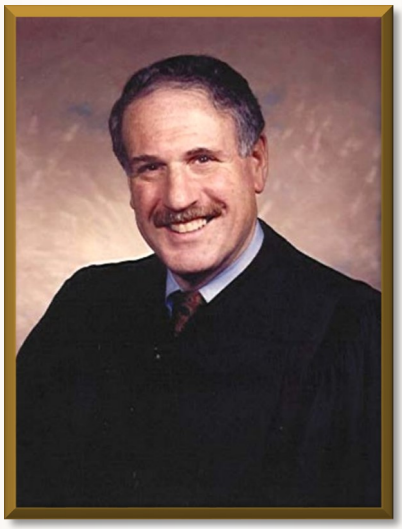
Editor's Note: On November 2, 2017, the Historical Society — along with the District and Bankruptcy Courts — proudly co-sponsored a Memorial for Judge Gindin in the ceremonial courtroom of the Trenton Courthouse. The Memorial was presided-over by the Hon. Kathryn Ferguson, Chief Judge of the Bankruptcy Court, and included touching remembrances of Judge Gindin. At the conclusion of the Memorial, the Historical Society hosted a reception for the many members of our Federal Family in attendance. The Historical Society is deeply grateful to former Chief Judge Wizmer for preparing the foregoing elegant remembrance.

Dedication of the Camden Courthouse Attorney Conference Room In Honor of Judge Irenas

On the afternoon of November 14, 2017, our Court dedicated the Attorney Conference Room in the Camden Courthouse to the Hon. Joseph E. Irenas, U.S.D.J., who passed away in 2015. Former Chief Judge Simandle, Judge Irenas' colleague in Camden for nearly a quarter-century, served as the Master of Ceremonies. Indeed, the attendees that filled the ceremonial courtroom of the Mitchel H. Cohen U.S. Courthouse were addressed by an array of distinguished speakers, including Chief Judge Linares, former Chief Judges Anne E. Thompson and John W. Bissell, William T. Reilly, Esq. (Judge Irenas' former partner at McCarter & English), the Hon. Katherine Polk Failla, U.S.D.J. (Judge Irenas' former law clerk and Judge in the E.D.Pa.), and Judge Joseph H. Rodriquez. At the conclusion of the dedication, Nancy Irenas — Judge Irenas' wife of 53 years — offered a touching response. Collectively, through heartfelt and often humorous reminiscences, the dedication chronicled Judge Irenas' more than fifty-year career as a prominent member of New Jersey's bar and federal bench. Notable excerpts from the dedication are reproduced below.

Joe Irenas left us, obviously, too soon and too sudden . . . . However, he left us taking with him our appreciation and our adoration, not only for the type of jurist that he was, but also by the way he dealt with life itself and the many travails that he had toward the end of his life with his own illnesses, and the courage, dignity, and tenacity with which he dealt with those issues. It was something to be admired.
— Chief Judge Linares

The term "Profiles in Courage" . . . was the work of John F. Kennedy, a book he wrote apparently in 1957. That, of course, preceded any opportunity for Joe Irenas to have appeared on those pages. But if that book were written again today, and if one of us who knew him as we do were in the position to speak of people who demonstrated a true profile of courage, I can't think of a better example than Joe Irenas.
— Judge Bissell



Hon. Joseph E. Irenas
(1940-2015)
U.S.D.J. (1992-2015)

The biggest thank you is to my angel, Heather Stapleton who gave my husband a wonderful reason in the last ten years of his life to get out of bed in the morning and come to work, doing the job he loved most in the place he loved most.
— Nancy Irenas

I am sure all of my fellow clerks who are here with me are especially grateful to the folks here, the judges in this district, who have appropriately decided to name the conference room after Judge Irenas.

We believe that this is a very fitting way to honor the Judge's decades of service to this Court and to commemorate the extraordinary sense of fairness and justice that he administered while there, and as well to note his devotion to the law and to the practitioners of the law, including among them attorneys.
— Judge Failla

So Reggie Jackson comes back and goes, hey, that's ball players' beer. So Joe started an explanation. I forget what he said, but he had — he could have struck out Reggie Jackson that night just by throwing lob balls. Jackson walks back up the aisle and goes, "gee, there's this guy back there . . . ."
— Bill Reilly

I remember he once said to me, "always remember not to underestimate people." Now, think about how meaningful that word is, "don't underestimate people." He was lightly telling me, give people the benefit of the doubt. Don't be judgmental . . . Joseph Irenas would say lightly, treat people as you would like to be treated; assume they are better than they seem. — Judge Thompson

If life's meaning is found in touching and helping others, then we're all beneficiaries of Joe's meaningful life. — Judge Rodriquez

The District of New Jersey's ReNew Federal Prisoner Reentry Program: A Model for Our Nation

By: Jessica S. Allen, Esq.

In any courtroom across America, it is unusual to see the judge, prosecutors, probation officers, and public defenders working collaboratively on behalf of former prisoners recently released from custody. However, this exact scene regularly plays out in the District of New Jersey's "ReNew" Court in Newark and Camden. The ReNew program is a partnership among the United States Attorney's office, the Federal Defender's Office, United States Probation and the United States District Court. In Newark, on every other Tuesday, Judges Madeline Cox Arleo and Michael A. Hammer preside over ReNew Court, one in the morning and one in the evening. Similarly, in Camden, Judges Noel Hillman and Karen Williams oversee the ReNew Court every two weeks on Tuesday evenings. The program was created to help individuals being released from federal prison or a halfway house successfully return to society.

President Barak Obama during his visit to Newark in November, 2015, pictured with Paul Fishman, then-U.S. Attorney for the D.N.J., and the Hon. Madeline C. Arleo, U.S.D.J.

Prosperous living in the community after prison is not easy for many ex-offenders, leading to recidivism for scores of them. Recognizing that breaking this cycle benefits not only these returning individuals, but the entire community, and with the support of then Attorney General Eric Holder, the partnership was formed and ReNew was created. The program provides its participants with a wealth of resources to successfully reenter society. They are given close supervision as well as services, including job placement and training, education and vocational skills, treatment and counseling. Participants can also find assistance with housing, reestablishing personal relationships, reinstatement of driving privileges, regaining valid identification, and a host of other social, legal and health related services necessary for reintegration into society.

In January 2013, the District of New Jersey launched the pilot court, led by Judge Arleo in Newark, to assist Essex County residents or those individuals returning to the county. The District opened a second court in Camden in June 2015 led by Judges Hillman and Williams to assist individuals residing or working in Camden County. Federal reentry efforts in Newark were doubled in January 2016 with the opening of a second court led by Judge Hammer. In 2016, the Association of the Federal Bar of New Jersey began a pro bono reentry project to assist with the District's ReNew program. The reentry project is headed by attorneys Zahid Quaraishi and Victor Afanador with twenty-four law firms volunteering their time. As part of the Camden ReNew

> *"Equipping Reentrants with the right tools and support during and after their incarceration can help break the cycle of recidivism that traps so many of their peers. It's inspiring work . . . ."*
>
> *— Paul Fishman, 4/29/16*

Court, attorneys Ralph A. Jacobs, Anthony J. DiMarino, Stanley King, and William R. McLaughlin volunteer their time to assist program participants. The Camden Court has also partnered with Rutgers University, which conducts valuable research about the program, and Rutgers School of Law at Camden's Federal Prisoner Reentry Pro Bono Project, led by managing attorney, Mr. McLaughlin. Without the support of the volunteer attorney partners, who help the participants navigate legal issues, mostly in Municipal Court and the Motor Vehicle Commission, the ReNew court would be unable to offer the breath of services it currently does.

After successful completion of 52 weeks of strict requirements, program participants graduate annually from ReNew. Since 2013, ReNew has held four graduation ceremonies in Newark and two graduation ceremonies in Camden, and has graduated a combined total of over 55 participants. Many ReNew participants have gone on to college, training programs and have held a wide range of positions, from commercial truck drivers, to EMTs to union members and organic farm workers. The program is voluntary. Individuals with significant risk of recidivism and who otherwise meet other program requirements are eligible to participate.

ReNew's success has received national praise. In November 2015, during his visit to New Jersey, President Obama lauded the program and all the District of New Jersey partners as an example of how, with assistance, formerly incarcerated people can rebuild their lives and thus rebuild their communities. Another highlight has been two wedding ceremonies for participants, presided over by Judge Arleo. The Newark and Camden Teams also host holiday celebrations in November and December with meals for participants, their family and friends. At these festive events, donated items, which include food baskets and incentive awards, are distributed. All members of the Bar and federal family are welcome to join in this celebration.

The ReNew team is leading the way for former inmates to find opportunities and the building blocks to rejoin their communities as productive members, who, in turn, may then pay it forward to others in need of help after prison life. Anyone interested in volunteering or helping in any capacity is welcome to contact any members of the Renew team in Newark or Camden.

Hon. Madeline C. Arleo, U.S.D.J.

Hon. Noel L. Hillman, U.S.D.J.

Hon. Michael A. Hammer, U.S.M.J.

Hon. Karen M. Williams, U.S.M.J.

2016 Clarkson S. Fisher Award Co-Winning Submission
"The Pirate Jackalow"

By: Amy M. Leonetti, Esq. & Stephanie Forbes, Esq.

An artist's rendering of the ill-fated vessel Spray and the pirate Jackalow

Jackalow is a true story of a pirate, who in 1860 robbed and murdered his two friends, threw their bodies overboard and made off with their ship. Jackalow was tried in the United States District Court, District of New Jersey, and his case went before the Supreme Court of the United States. His case presented an interesting question about the jury's role in determining where the crime was committed, for purposes of the Vicinage Clause.

Jackalow knew his victims John and Elijah Leete of Connecticut because they had crewed ships together. Jackalow had even worked on the Leete's farm. The Leetes mortgaged their farm to purchase a sailing ship, which they named the Spray. In March 1860, the Spray set sail from Guilford, Connecticut, to New York City. The Spray reached New York City and sold its cargo of goods for $500.00 in gold and bills.

Homeward bound and en route to Guilford, Connecticut, the Spray anchored in Norwalk Harbor, where witnesses heard cries of "Murder!" and "Open the Cabin Door!" They believed Jackalow shot Elijah on the deck and then shot Jonathon in the cabin, and threw the bodies overboard. After Jackalow anchored later that day, he gave contradictory accounts of Jonathon and Elijah Leete falling overboard.

The Spray was towed to New York harbor and searched. Police found the bed in the cabin was covered with blood. They found a pair of unloaded pistols, one that had recently been discharged. The Captain's money box was empty. No bodies were found. A reward of $1,000 was put out for Jackalow's arrest. Four men found Jackalow in Newark and took him to the Jersey City Police Station. Jackalow was searched and bags of gold and silver worth $400 were found tied to his body. He was wearing Jonathon Leete's coat.

The reading of an indictment was scheduled in the U.S. District Court, District of New Jersey for September 25, 1860, before D.N.J. Judge Philemon Dickerson and Supreme Court Justice Robert Cooper Grier, then riding circuit. The Indictment charged Jackalow with violating the Act of 1820, namely:

> If any person shall, upon the high seas, commit the crime of robbery upon any of the ship's company, such person shall be adjudged to be a pirate.

Justice Grier instructed that it was not necessary to produce the corpse to prosecute murder. The penalty was death.

While the grand jury was still sitting, Jonathon Leete's body was recovered in a creek in Queens. The forehead of the corpse had two wounds which appeared to be the result of a hammer or hatchet. The grand

jury handed down indictments against Jackalow. The trial was set for January for a special term of the circuit court in Trenton.

After the trial began, the defense moved for acquittal based on lack of jurisdiction. The defense argued Long Island Sound was not the high seas, therefore jurisdiction was not proper where Jackalow was apprehended. Although Judge Dickerson believed the Sound was not on the high seas, he decided to continue trial and have the jury return a special verdict. The jury was also charged with fixing the locality of the robbery. Jackalow was found guilty of robbery but only for stealing Jonathon's coat, valued at $1. The jury found that at the time of the robbery, the Spray was lying on the waters adjoining the State of Connecticut and Westchester County in the State of New York. The defense moved to set aside the verdict.

Hon. Philemon Dickerson
Judge for the D.N.J.
(1841-1862)

Judge Dickerson believed there was no jurisdiction but Justice Grier disagreed, so they issued a certificate of division to the U.S. Supreme Court. While the certificate of division was pending Elijah Leete's body was discovered off the Norwalk Islands.

The Supreme Court noted that The Vicinage Clause requires crimes to be tried in the district where committed, but only if the crime was committed within a U.S. State. See generally U.S. v. Jackalow, 66 U.S. 484, 486-87 (1861). If the crime was committed on the high seas, outside the limits of any State, the crime could be tried where the offender was apprehended. Jackalow was apprehended in New Jersey.

The Supreme Court noted that the jury had not been asked to return a special verdict on the issue of whether Jackalow committed a crime within a state, as required by the Vicinage Clause. The Supreme Court held that the question of the boundaries of a state, for jurisdiction purposes, was a question for the jury. The Court directed the circuit court to set aside the special verdict and grant a new trial. The New York Times misinterpreted the Court's holding and falsely reported that Jackalow was sentenced to death.

The Government was unable to locate witnesses and continued to have doubts about jurisdiction. Justice Grier reportedly stated: "'If the Supreme Court of the United States can't make up its mind . . . I am not going to come so near committing judicial murder as to set twelve men guessing at it.'" Jackalow was advised to leave the country and never return, and wisely he complied.

Editor's Note: The foregoing is a written adaptation of the co-award winning submission, which was originally crafted as a narrated video. The Historical Society thanks the authors for converting their submission into a publishable format. Additionally, the Historical Society notes that both the video and the authors' original transcription thereof (which contains extensive citation to source documents) are maintained in the Historical Society's archives.

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