

United States District Court
Southern District of California
940 Front Street
San Diego, California 92101-8916

Chambers of
Judith N. Keep
District Judge

May 15, 1998

Commission on Structural Alternatives for the
Federal Courts of Appeals
Washington, D.C. 20544

Dear Commission Members,

First, I wish to thank you for the diligence and hard-work that I know you are bringing to this most difficult task.

I would have sought permission to testify at your hearing in San Francisco, but I will be out of the country, so I am writing my thoughts instead.

Judge James Browning once told me that a key reason to keep the Ninth Circuit together is because in this Circuit, key sides of almost every major legal issue being tackled in this nation are represented. I frequently have thought about that statement, and believe that in his unique, succinct way he has captured the heart of what I wish to convey.

Although all judges must be sensitive to the opinions of the people we serve, we federal judges spend the bulk of our time groping with issues of national law. It is the strength of this Circuit that issues concerning illegal entry of Mexicans may develop in San Diego, that issues of employment of illegal aliens may develop in Las Vegas, that issues of schooling of illegal aliens may develop in San Francisco, and that issues of Medicare for same may develop in Idaho.

Those issues may then be appealed to a panel where the judges may be from Alaska,

Washington, and Hawaii.

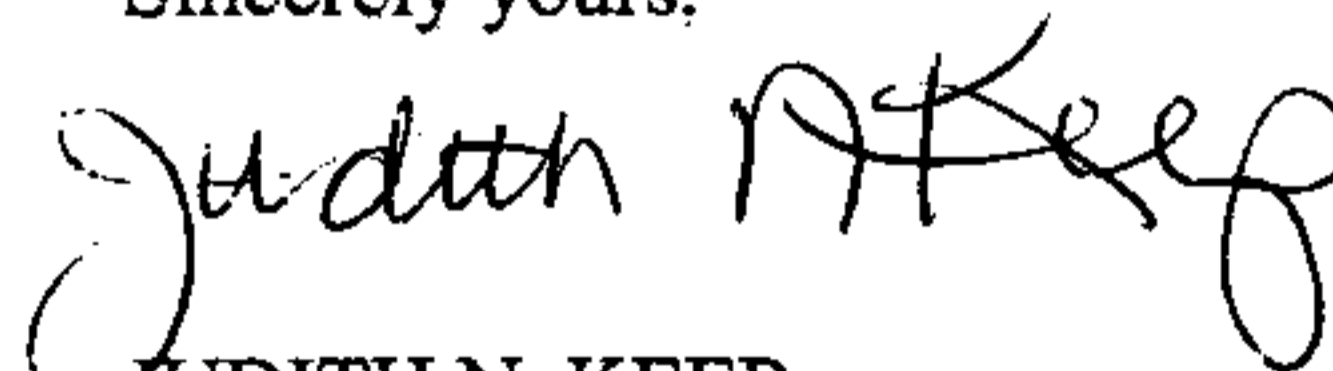
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In this scenario, although the district judges have a chance to rule first on various issues, and include in their analysis, if appropriate, how the problem affects the local jurisdiction and factor that effect into the decision, the appellate panel itself will be in a position to do a "reality check" on the local judge to make certain that the national law has been interpreted correctly.

Moreover, even though the issue of immigration may impact a district such as ours more than many in the country, it is still a national issue, one with which people throughout the nation are struggling on many levels, e.g., ethical, financial, political. It is good for the nation, I submit, for an appellate court to be composed of judges from representative areas of the nation when the circuit tackles many of the sensitive issues the influx of immigration may foster.

I have used immigration as an example, but for many issues the point is the same: we are a nation in flux, struggling in the legal arena with a technological revolution, a human rights movement, a world-wide migration of people, shortages of resources, and an effort to redefine what this nation is all about in this post-cold war era. The strength of this circuit, I submit, is that there are so many different points of view on the district court level and the circuit court grappling with these very troublesome national issues.

Sincerely yours,



JUDITH N. KEEP
United States District Court Judge
Southern District of California

cc: Judge Hug
Judge Browning