



Federal Admiralty and Maritime Jurisdiction

Part 1: Introduction

September 20, 2022

This Legal Sidebar post is the first in a five-part series that discusses the bases and scope of U.S. admiralty and maritime jurisdiction. Last year, a [supply-chain bottleneck](#) arose at the nation’s ports with as many as 101 container ships waiting for berths at the nation’s Los Angeles and Long Beach ports in the weeks before Christmas. These [delays](#) added to the time it took to deliver the goods to market and increased the costs of transporting them. Claims for breaches of maritime contracts related to shipping delays may fall within U.S. admiralty and maritime jurisdiction. As a result, Congress may be interested in how this area of law operates. Additional information on this topic can be found at the [Constitution Annotated: Analysis and Interpretation of the U.S. Constitution](#).

The federal courts’ jurisdiction over admiralty and maritime cases derives from the Constitution and federal statutes. [Article III of the Constitution](#) extends the federal judicial power to “all Cases of admiralty and maritime Jurisdiction.” By giving the federal judiciary jurisdiction over admiralty cases—and authorizing Congress to regulate that jurisdiction—the Framers sought to ensure that federal courts would resolve cases that might implicate the nation’s foreign policy. The Framers also recognized that uniform federal admiralty jurisdiction could protect maritime commerce from the diverse and unpredictable procedural rules that state admiralty courts had applied under the [Articles of Confederation](#).

Beginning with the [Judiciary Act of 1789](#), Congress established the federal district courts and granted them “exclusive” and “original” subject matter jurisdiction over any “civil case of admiralty or maritime jurisdiction.” [Congress](#) also allowed state courts to exercise concurrent jurisdiction over admiralty cases in which plaintiffs seek traditional common-law remedies. Under the “saving to suitors clause” in Section 9 of the Judiciary Act, courts retain concurrent jurisdiction over most contract and tort claims that fall within federal admiralty jurisdiction because a plaintiff may bring a personal action against an individual defendant seeking common-law remedies (e.g., payment of money damages). However, in general, plaintiffs must pursue actions in federal court when they seek remedies that lie against property *in rem*, such as the seizure of a vessel to enforce a maritime lien.

Much of the Supreme Court’s jurisprudence on admiralty jurisdiction has examined the territorial extent of such jurisdiction and which types of cases fall within this limited grant of jurisdiction. Generally, courts consider the location in which a tort or crime occurs to be a major factor when determining whether the tort or crime falls within admiralty jurisdiction. The [Court](#) has held that, under the

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Constitution, admiralty jurisdiction extends to all navigable public waters, regardless of whether they are saltwater or freshwater, or subject to the ebb and flow of the tide. [Admiralty jurisdiction](#) also extends to contracts, regardless of where they are entered into or to be performed, provided that their subject matter is “essentially maritime.”

When a federal court exercises admiralty jurisdiction over a case, it follows a special set of procedural rules. (A federal court exercising admiralty jurisdiction is sometimes said to be “sitting in admiralty.”) Notably, jury trials are unavailable in [civil admiralty proceedings](#) unless Congress provides otherwise. Thus, in federal admiralty proceedings, the judge typically decides issues of both law and fact.

When a federal or state court exercises admiralty jurisdiction over a case, the judge must apply the substantive rules of federal maritime law, which is a type of federal common law that Congress may revise. In the absence of controlling federal maritime law, [federal courts](#) have sometimes applied substantive state law in admiralty cases when it would not interfere with the uniformity of federal maritime law. In some cases, such as those involving maritime torts in a state’s territorial waters, the [Court](#) has held that state law may supplement federal maritime law with additional remedies.

This Legal Sidebar series examines the Constitution’s grant of federal judicial power over cases of admiralty and maritime jurisdiction. The [next Sidebar](#) provides an overview of the historical development of admiralty and maritime jurisdiction in the United States. Subsequent Sidebars examine Supreme Court decisions that interpret the [territorial](#) and [conceptual](#) scope of this jurisdiction. The series concludes by discussing when [concurrent federal and state jurisdiction](#) exists over maritime claims and, alternatively, when such claims fall within the federal courts’ exclusive admiralty jurisdiction.

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