sumes the form of a suit at common law.[1241] Review of state court decisions by the United States Supreme Court is intended to protect the federal interest and promote uniformity of law and decision relating to the federal interest.[1242] The first category of conflict surfaces here. The second broader category arises from the fact that state interests, actions, and wishes, all of which may at times be effectuated through state courts, are variously subject to restraint by federal courts. Although the possibility always existed,[1243] it became much more significant and likely when, in the wake of the Civil War, Congress bestowed general federal question jurisdiction on the federal courts,[1244] enacted a series of civil rights statutes and conferred jurisdiction on the federal courts to enforce them,[1245] and most important proposed and saw to the ratification of the three constitutional amendments, especially the Fourteenth, which made an ever-increasing number of state actions subject to federal scrutiny.[1246]

The Autonomy of State Courts

Noncompliance With and Disobedience of Supreme Court Orders by State Courts.—The United States Supreme Court when deciding cases on review from the state courts usually remands the case to the state court when it reverses for "proceedings not inconsistent" with the Court's opinion. This disposition leaves open the possibility that unresolved issues of state law will be decided adversely to the party prevailing in the Supreme Court or that the state court will so interpret the facts or the Court's opinion to the detriment of the party prevailing in the Supreme Court.[1247] When it is alleged that the state court has deviated from the Supreme

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[1241] Through the "saving to suitors" clause, 28 U.S.C. § 1333(1). *See* Madruga v. Superior Court, 346 U.S. 556, 560–61 (1954).

[1242] *See* "Organization of Courts, Tenure, and Compensation of Judges" and "Marbury v. Madison," supra. *See also* 28 U.S.C. § 1257.

[1243] *E.g.*, by a suit against a state by a citizen of another state directly in the Supreme Court, Chisholm v. Georgia, 2 U.S. (2 Dall.) 419 (1793), which was overturned by the Eleventh Amendment; by suits in diversity or removal from state courts where diversity existed, 1 Stat. 78, 79; by suits by aliens on treaties, 1 Stat. 77, and, subsequently, by removal from state courts of certain actions. 3 Stat. 198. And for some unknown reason, Congress passed in 1793 a statute prohibiting federal court injunctions against state court proceedings. *See* Toucey v. New York Life Ins. Co., 314 U.S. 118, 120–32 (1941).

[1244] Act of March 3, 1875, 18 Stat. 470.

[1245] Civil Rights Act of 1871, § 1, 17 Stat. 13. The authorization for equitable relief is now 42 U.S.C. § 1983, while jurisdiction is granted by 28 U.S.C. § 1343.

[1246] *See* H. Wechsler, The Nationalization of Civil Liberties and Civil Rights (1969).

[1247] Hart & Wechsler (6th ed.), supra at 431–531. Notable examples include Martin v. Hunter's Lessee, 14 U.S. (1 Wheat.) 304 (1816); Cohens v. Virginia, 19 U.S. (6 Wheat.) 264 (1821); Ableman v. Booth, 62 U.S. (21 How.) 506 (1859). For studies, *see* Note, *Final Disposition of State Court Decisions Reversed and Remanded by the Supreme Court, October Term 1931 to October Term 1940*, 55 Harv. L. Rev. 1357 (1942);