

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

INTERNATIONAL UNION, UNITED MINE WORKERS OF AMERICA, ET AL.

v. BAGWELL ET AL.

CERTIORARI TO THE SUPREME COURT OF VIRGINIA

No. 92-1625. Argued November 29, 1993—Decided June 30, 1994

A month after enjoining petitioners (collectively, the union) from conducting unlawful strike-related activities against certain mining companies, a Virginia trial court held a contempt hearing, fined the union for its disobedience, and announced that the union would be fined for any future breach of the injunction. In subsequent contempt hearings, the court levied against the union over \$64,000,000 in what it termed coercive, civil fines, ordering most of the money to be paid to the Commonwealth and the counties affected by the unlawful activities. After the strike was settled, the court refused to vacate the fines owed to the Commonwealth and counties, concluding that they were payable in effect to the public. Ultimately, it appointed respondent Bagwell to act as Special Commissioner to collect the unpaid fines. The Virginia Court of Appeals reversed and ordered that the fines be vacated. The Virginia Supreme Court, reversing in its turn, rejected petitioners' contention that the fines were criminal and could not be imposed absent a criminal trial.

Held: The serious contempt fines imposed here were criminal and constitutionally could be imposed only through a jury trial. Pp. 5-19.

(a) A criminal contempt fine is punitive and can be imposed only through criminal proceedings, including the right to jury trial. A contempt fine is considered civil and remedial if it either coerces a defendant into compliance with a court order or compensates the complainant for losses sustained. *United States v. United Mine Workers of America*, 330 U. S. 258, 303-

304. Where a fine is not compensatory, it is civil only if the contemnor has an opportunity to purge, such as with per diem fines and fixed, suspended fines. Pp. 5-9.

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(b) Most contempt sanctions share punitive and coercive characteristics, and the fundamental question underlying the distinction between civil and criminal contempts is what process is due for the imposition of any particular contempt sanction. Direct contempts can be penalized summarily in light of the court's substantial interest in maintaining order and because the need for extensive factfinding and the likelihood of an erroneous deprivation are reduced. Greater procedural protections are afforded for sanctions of indirect contempts. Certain indirect contempts are particularly appropriate for imposition through civil proceedings, including contempts impeding the court's ability to adjudicate the proceedings before it and those contempts involving discrete, readily ascertainable acts. For contempts of more complex injunctions, however, criminal procedures may be required. Pp. 13-17.

(c) The mere fact that the contempt fines here were announced in advance did not render them civil. Criminal laws generally provide notice of the sanction to be imposed, and the union's ability to avoid the contempt fines was indistinguishable from the ability of any citizen to avoid a criminal sanction. Other considerations confirm that the fines challenged here are criminal. Neither the parties nor the Commonwealth's courts have suggested that the fines are compensatory. The union's sanctionable conduct did not occur in the court's presence or otherwise implicate the core of the judicial contempt power, where lesser protections may be appropriate. Nor did the union's contumacy involve simple, affirmative acts, where the sanctions' force is primarily coercive and elaborate factfinding is not required. Instead the court levied fines for widespread, ongoing, out-of-court violations of a complex injunction, effectively policing the union's compliance with an entire code of conduct the court itself imposed. The contumacy lasted many months and spanned several counties, and the fines assessed were serious. Under these circumstances, disinterested factfinding and evenhanded adjudication were essential, and the union was entitled to a criminal jury trial. Pp. 13-17.

244 Va. 463, 423 S. E. 2d 349, reversed.

BLACKMUN, J., delivered the opinion for a unanimous Court with respect to Parts I, II-A, II-C, and III, and the opinion of the Court with respect to Part II-B, in which STEVENS, O'CONNOR, SCALIA, KENNEDY, SOUTER, and THOMAS, JJ., joined. SCALIA, J., filed a concurring opinion. GINSBURG, J., filed an opinion concurring in part and concurring in the judgment, in which REHNQUIST, C. J., joined.