

Courthouses from 1789 to the Present: Philadelphia, Easton, Reading, and Allentown¹

At its inception in September 1789, the Court had one judge, Francis Hopkinson, with a staff of one, the Clerk of Court, Samuel Caldwell. The civil and criminal jurisdiction of the Court was then limited with a small number of cases before it concerning mostly maritime or admiralty matters. It did not have its own courthouse but borrowed space in the Pennsylvania State House, now known as Independence Hall. In fact, the Court did not have a home specifically erected by the federal government for its use until the Civil War. Up until that time it had sat in no fewer than six different locations. While Congress reduced the geographic size of the District in 1818² with the creation of the U.S. District Court for the Western District of Pennsylvania, and again in 1901,³ with the creation of the U.S. District Court for the Middle District of Pennsylvania, it was not until 1904 that it considered the Court busy enough for a second judgeship.

Today, the Eastern District of Pennsylvania is one of the largest and busiest of the ninety-four federal districts throughout the United States. It has twenty-two authorized judgeships, which is augmented by senior judges who assist with the Court's workload. The diversity of the bench in race, gender, ethnicity, religion, and background contrasts sharply with the similarity of the all male bench during the Court's first century and a half. Until 1949, all the judges of the Court had either been born or had grown up in Pennsylvania. With the appointment of Thomas J. Clary in that year, the Court would always have one or more judges who had first come to the Philadelphia area to attend college or law school or had arrived later as an adult.

The Court occupies most of a twenty-two story high-rise courthouse in Philadelphia, as well as a four story courthouse in Allentown, together with leased space for courtrooms in Easton and Reading.

¹ Excerpted from Hon. Harvey Bartle, III, Mortals With Tremendous Responsibilities – A History of the United States District Court for the Eastern District of Pennsylvania (Philadelphia: St. Joseph's University Press, 2011). Reproduced with the permission of the author, Judge Harvey Bartle, III, and the publisher, Saint Joseph's University Press. Any quotes contained herein that do not cite to another source are taken from this book.

² Act of April 20, 1818, Ch. 108, 3 Stat. 462.

³ Act of March 2, 1901, Ch. 801, 31 Stat. 880.



A. City of Philadelphia

1. 1789 to 1791: the Pennsylvania State House, now known as Independence Hall

Congress voted to “ordain and establish” federal courts “inferior” to the Supreme Court,⁴ by passing the Judiciary Act which President Washington signed into law on September 24, 1789. The Act created thirteen district courts including the United States District Court for the District of Pennsylvania. There was one court for each of the eleven states, which by that time had ratified the Constitution, as well as a court for Maine, which was then part of Massachusetts and one for Kentucky which was then part of Virginia.

The Act authorized one district judge for each court. The Pennsylvania District Court was designated by the Act to be held alternatively at Philadelphia and “York Town,” a hamlet approximately one-hundred miles west of Philadelphia in York County. It had served as the nation’s temporary capital from September 1777 through late June 1778 when the Continental Congress met there during the British occupation of Philadelphia. The Court has no record of any judicial business ever having been conducted at that location.

Judge Francis Hopkinson, the first judge of the then named Pennsylvania District Court, opened the first session of the Court on November 10, 1789, in the Pennsylvania State House (later renamed Independence Hall). At this first proceeding of the Court, the Mayor and Recorder of Philadelphia, as well as members of Congress, attended along with a “number of respectable citizens.” The commissions of Judge Hopkinson, the United States Attorney for the District of Pennsylvania William Lewis, and the Marshal for the District Clement Biddle were “proclaimed” and a number of “Gentlemen of the Bar” admitted.

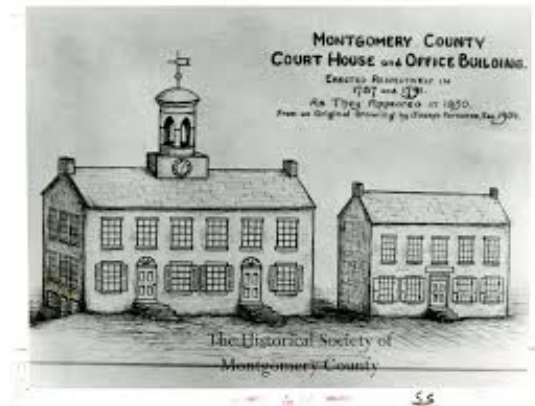
⁴ U.S. Const. art. III, § 1.



2. 1791 to 1824: Old City Hall, Southwest Corner of Fifth and Chestnut Streets

In August 1791, what is now known as Philadelphia's Old City Hall was completed and ready for occupancy. The handsome Georgian edifice, which still stands immediately east of Independence Hall at the southwest corner of Fifth and Chestnut Streets, became the home of the District Court. At that time, the City shared the building with the federal courts. The United States Supreme Court sat on the first floor from 1790 until 1800 while Philadelphia was the nation's capital. The District Court courtroom was on the second floor.

In 1818, Congress divided the District of Pennsylvania into the Eastern District of Pennsylvania with court to be held in Philadelphia, and the Western District with a new federal judge to be appointed to sit in Pittsburgh.



3. Summer and Fall of 1799: Montgomery County Courthouse, Norristown

The Court remained at Philadelphia's City Hall at Fifth and Chestnut Streets until 1824, except for a temporary absence during the summer and fall of 1799, when it sought refuge in the Montgomery County Courthouse in Norristown because of the yellow fever epidemic in Philadelphia.



4. 1824 to 1826: Congress Hall, Sixth and Chestnut Streets

In 1824, the Court moved a few yards west from City Hall to Congress Hall, originally constructed as the Philadelphia County Courthouse, at Sixth and Chestnut Streets.



5. 1826 to 1830: Second Floor of Franklin Institute, Seventh Street South of Market Street

After a two year stay at Congress Hall, the Court relocated again. A ten-year lease, effective January 1, 1826, was signed for the use of the second floor of the Franklin Institute on Seventh Street, just south of Market Street, Philadelphia. The Court occupied that venue only until April 1, 1830, when the United States Marshal, who had responsibility for leasing court space and paying the rent, negotiated a release of the Government's obligations to the Franklin Institute. The building still stands and now houses the Philadelphia History Museum at the Atwater Kent.



6. 1830 to 1854: Independence Hall

In 1830, the Court returned to Independence Hall where it remained on the second floor for the next twenty-four years until 1854.



7. 1854 to 1863: American Philosophical Society Hall, West Side of Fifth Street

Until 1854, the County of Philadelphia consisted of more than two dozen townships, boroughs, and districts in addition to the City of Philadelphia, whose boundaries at that time encompassed only the area between Vine and South Streets from the Delaware River on the east to the Schuylkill River on the west. In 1854, the Pennsylvania General Assembly consolidated the City and County, making the two jurisdictions co-terminus.

With this consolidation, the Court moved out of Independence Hall where it had sat since 1830. In June 1854, the Government leased for the Court the ground and second floors of the Hall of the American Philosophical Society situated immediately south of Philadelphia's City Hall on the west side of Fifth Street. The space had previously housed the offices of the City's Mayor, among others. In 1856, the government offered to purchase the Hall and its lot for the Court for \$78,000, but because of a deed restriction, the United States Attorney General refused to approve the acquisition.

Until July 1, 1863, the American Philosophical Society Hall continued to be leased for the use of the Court, although the Court had vacated the premises before that time. The minutes of the Society reflect that in June of 1863 the Court sought permission to remove its papers from the Hall's "N.E. attic."



8. 1863 to 1884: United States Post Office and Courthouse Building, Southside of Chestnut Street East of Fifth Street

In February 1863, in the midst of the Civil War, a new United States Post Office, with a small wing at the rear of the building for use by the Court, costing \$60,000 was dedicated. It was located on the south side of Chestnut Street east of Fifth Street, less than a block from the American Philosophical Society Hall and next to what had been the Second Bank of the United States. A wing extended south to Library Street. The new structure contained marble floors and steam heat and was the first building constructed in Philadelphia specifically to house a federal court. Many dignitaries including Postmaster General Montgomery Blair, Secretary of the Interior John Usher, and Governor Andrew Curtin, were present for the grand opening festivities which featured a band, a dinner and the unfurling with great fanfare of an American flag from a rooftop staff. The second floor of the wing that bordered on Library Street provided accommodations for the Court, which moved into that space in May 1863. A contemporary newspaper article commented, "The whole arrangement tends to the comfort and will meet the wants of the Post Office as well as the United States Courts, in an admirable manner, there being convenience within the structure for both departments."



9. 1884 to 1938: United States Post Office and Courthouse Building, West Side of Ninth Street Between Market and Chestnut Streets

In 1872, the University of Pennsylvania vacated its property a few blocks away from the Library Street Courthouse on the west side of Ninth Street between Market and Chestnut Streets and moved to its more spacious campus in West Philadelphia. The Government, having purchased the property, constructed a large five-story granite United States Courthouse and Post Office on the site with the main post office on the first floor and the Court on the second. It was designed in the French Second Empire style and was completed in 1884. On the cornice high above the entrance on Ninth Street stood a large allegorical sculpture in marble entitled “Law, Prosperity, and Power” by Daniel Chester French. He later sculpted the widely acclaimed statue of Abraham Lincoln at the Lincoln Memorial in Washington, D.C.

The new edifice exhibited a far grander appearance than its more modest predecessor and evidenced the wider role that the federal courts were destined to play in American life. Nonetheless, the building would be dwarfed by Philadelphia’s new City Hall, which was being erected in the same architectural style at Broad and Market Streets. This elegant structure with its tower topped with Alexander Calder’s statue of William Penn would occupy an entire block and contain not only a number of large courtrooms for the various state trial courts serving Philadelphia County but also a courtroom to accommodate the Supreme Court of Pennsylvania.



10. 1938 to 1940: United States Custom House, Second and Chestnut Streets

For a period of over two years, the Court moved to temporary quarters at the Custom House at Second and Chestnut Streets, following the demolition in 1937 of the 1884 courthouse, and the construction of a new courthouse at the same location.



11. 1940 to 1975: Robert N.C. Nix, Sr. Federal Courthouse, 900 Market Street

By the late 1920's, the Court had outgrown the courthouse on Ninth Street which had been its home together with the post office since 1884. When that nineteenth century courthouse was built, it had to provide space for only one Eastern District judge. By 1930, the Eastern District had three judges: Oliver B. Dickinson, J. Whitaker Thompson, and William H. Kirkpatrick, all of whom needed chambers and courtrooms. Moreover, since 1891, when the United States circuit courts of appeals were created, appellate judges of the Third Circuit had to be accommodated. Not only had the number of judges increased but so had the size of the judicial staff. The office of the Clerk and the office of the United States Attorney were all located in that now outmoded building.

In 1931, Congress approved the construction of a new courthouse in Philadelphia at an estimated cost of \$2.9 million, but construction was delayed. Plans were proposed the next year for an addition to the existing courthouse, but these were soon shelved. Some suggested that a new complex should be located on the Benjamin Franklin Parkway to avoid city congestion. In September 1932, the Treasury Department announced the selection of Harry Sternfeld and the Ballinger Company of Philadelphia as architects for a new courthouse to be constructed on Ninth Street between Market and Chestnut Streets on the same site as the existing 1884 Courthouse.

With the approaching 1932 presidential election and the onset of the Depression, the project was again postponed, this time for several more years. In 1936, then District Judge Albert B. Maris (later a Judge of the Third Circuit Court of Appeals) corresponded with United States Senator Joseph F. Guffey in an effort to halt the demolition of the old courthouse and to urge the construction of an annex across the street from Independence Hall on Chestnut Street between Fifth and Sixth Streets. The Senator replied that it was now too late.

Finally, in September 1937, the Treasury Department wrote to District Judge Oliver B. Dickinson, the senior active judge, "It is contemplated to begin demolition of the present Post

Office and Court House building, Philadelphia, Pennsylvania, on or about December 1, 1937. It will, therefore, be necessary to vacate the building prior to that date.” The Court, as a result of this directive, moved to temporary quarters in the Custom House at Second and Chestnut Streets where it remained for over two years.

The 1884 Courthouse and Post Office on Ninth Street was demolished in the winter of 1937-1938. The sculpture of “Law, Prosperity, and Power” adorning the edifice was saved from the wrecker’s ball and was moved to George’s Hill in Fairmount Park where it can be seen today. A new courthouse arose, built as one of the New Deal’s Public Works Projects. It was designed in the Art-Moderne style, with extensive use of pink marble in the interior and an exterior of limestone and granite ornamented with two large rectangular bas-relief sculptures symbolizing justice on both the Market and Chestnut Street sides of the building. On the Ninth Street facade were placed bas-relief medallions representing the seals of the first thirteen states to ratify the Constitution, together with two inscriptions carved in the stone: “The Law is the last result of human wisdom acting upon human experience for the benefit of the public” from Samuel Johnson and “And if a man also strive for masteries, yet is he not crowned, except he strive lawfully” from the Bible. Gone were the fireplaces of the old courthouse, but now air-conditioning would permeate the building.

The post office again occupied the ground floor as in the old courthouse. Above the post office were both the Eastern District and the Court of Appeals for the Third Circuit. The new courthouse contained twelve judicial chambers on the second floor with six handsome wood-paneled courtrooms, with high ceilings, and a law library. Although the building was originally planned for ten stories, it was constructed with only six because of a shortage of funds.

The post office part of the building opened in late 1939, and the Court moved into its new quarters on May 6, 1940, with a special en-banc session presided over by Judges William H. Kirkpatrick, George A. Welsh, Harry E. Kalodner, and Guy K. Bard. Also housed there were the Internal Revenue Service, the FBI, Postal Inspectors, Bankruptcy referees, the United States Attorney’s Office, and the Eastern District’s United States Marshal and his staff. The new courthouse was soon bustling with activity, and in the long hall outside the courtrooms on the second floor a pall of smoke could be seen from the lawyers gathered during a recess for conversation and a quick cigarette. The designation of courthouses as smoke-free was an idea whose time had not yet come.

The Court still occupies part of the old courthouse at Ninth and Market Streets. The Bankruptcy Judges and Bankruptcy Clerk are located there.

In 1948, Congress created the position of Chief Judge for every federal district that had more than one judge. It did so “in view of the great increase of administrative duties” that were being performed informally by the senior district judge, that is, the judge who was senior in service. The Chief Judge, according to the statute, shall be the judge “senior in commission” and “shall have precedence and preside at any session which he attends.”

By the late 1940's, the Eastern District now had seven authorized judgeships, Other districts had experienced similar increases. Support staff including that of the Clerk's Office was continuing to grow. By the mid-1940's, the Court was hiring salaried court reporters for the first time. It had simply become a necessity that the district courts become more structured for purposes of administration. Since William H. Kirkpatrick was the judge senior in commission in 1948, he became the first Chief Judge in the Eastern District of Pennsylvania. He served in that role for ten years, until 1958, when he took senior status.



12. 1975 to Present: James A. Byrne United States Courthouse, 601 Market Street

By the late 1960's, the courthouse built in the late 1930's at Ninth and Market Streets was no longer adequate. A proposal in the 1950's to add four additional floors never came to fruition. In the 1960's, Chief Judge Thomas J. Clary became the leading advocate for a new judicial home, and his voice and the voices of others were heard. A site was ultimately selected on the north side of Market Street between Sixth and Seventh Streets, which was at one time part of "skid row" but now adjoined Independence National Historical Park. The construction of the twenty-two story courthouse was not without problems or controversy. It lacked the architectural grandeur or the fine appointments of its predecessor. Of more practical concern, it was erected over an old creek bed with foundation pylons that were later determined to be only forty-five feet deep rather than the required ninety feet to bedrock. As a result of this miscalculation, the new building began to tilt shortly after occupancy. The matter was rectified, but to this day the foundation level is regularly monitored. Finally, there was some consternation among the judges that the courthouse was being named for James A. Byrne, a former Congressman from the Kensington section of Philadelphia who had served as United States Marshal for the Eastern District in the 1940's. Known to his friends and acquaintances as "Digger," Byrne was not a lawyer but rather, as his nickname suggests, an undertaker.⁵

The courthouse opened in 1975 and has remained the home of both the Eastern District and the Court of Appeals to the present. It was designed with a plaza and main entrance fronting on Sixth Street. Near that entrance on the inside of the building is a sculpture by Louise

⁵ The decision to name the courthouse after James A. Byrne was not well received by a number of judges in the Third Circuit. *See* attached Exhibits 1 to 11. The concern about Mr. Byrne, who was referred to as an "agreeable man," was based largely on him being active in politics. Mr. Byrne, an ex-congressman defeated in his own party for renomination in 1972, was a political party leader and city committeeman of the 31st ward of Philadelphia. Mr. Byrne was not a lawyer, and played no part in the courthouse project. It is unclear why Congress chose to name the courthouse after him. Interestingly, however, the Act naming the courthouse after James A. Byrne was passed only three days after several congressmen paid tribute to him on the House floor. *See* attached Exhibit 12.

Nevelson called “Bicentennial Dawn.” The design notwithstanding, most use the more easily accessible Market Street doors. The address of the Courthouse, recognizing reality, is 601 Market Street.

Unlike all previous places of holding court, the judges designated this one in March 1987 as smoke-free except for certain limited areas including chambers. Today, smoking is off limits throughout the courthouse.

Most district judges have a large courtroom and a spacious chambers. The chambers have floor-to-ceiling windows with a panoramic eastward view not only of the Benjamin Franklin Bridge and the Delaware River, but also of Independence Hall and the Christ Church burial ground where Francis Hopkinson, the Court’s first judge, is interred. Just west of the courthouse on the southwest corner of Seventh and Market Streets is a reconstruction of the Graff House where Thomas Jefferson drafted the Declaration of Independence in 1776.

This time no post office occupies the first floor of the courthouse. Instead, there is a vast lobby, which initially had inadequate lighting. The first floor also includes a large display case and a spacious law library. On the north side of the lobby is a corridor connecting to a large ceremonial courtroom which has a bench that seats twenty-two judges. On the walls hang the portraits of the early judges starting with Francis Hopkinson and of later judges who presided as Chief Judge of the Eastern District of Pennsylvania.

The lobby is usually a place of calm where people enter and exit the courthouse in an orderly manner and where quiet conversation often transpires. From time to time, judges, lawyers, and guests gather there for receptions held after sessions in the nearby ceremonial courtroom to induct a new judge, to memorialize a deceased colleague, or to unveil a judicial portrait. In the early part of 1979, the tranquility normally experienced in the lobby was disturbed. It became the site of a controversy over the exhibition of art, which eventually resulted in a lawsuit. Under a federal program to encourage the use of public buildings for cultural and educational purposes and to stimulate pedestrian traffic, the works of local artists were displayed in the lobby. Some of the paintings featured females whose countenance left nothing to the imagination. Other artwork contained purportedly offensive political content.

Chief Judge Joseph S. Lord, III, acting in his administrative capacity, directed that ten paintings of nudes be removed forthwith by the General Services Administration (“GSA”) which administered the federal program. Leaving no doubt about his feelings on the matter, he declared emphatically that the subject matter was not fit for viewing by priests, nuns, or school children.

The publicity and stir over the removal of the nude paintings had barely subsided when artwork allegedly critical of the FBI appeared in the lobby. Chief Judge Lord promptly banished it from the courthouse. He was quoted as having said, “I order it out and I don’t care who takes it out as long as it’s out.”

At that point, Philadelphia lawyer Henry Sawyer filed a lawsuit in this Court for an injunction to overturn Judge Lord’s directive and its execution by the General Services Administration. The matter was assigned to Judge John P. Fullam. After Sawyer presented the case and made an impassioned argument in support of liberty and freedom of speech, Judge Fullam, ruling from the bench, ordered the politically offensive art to be restored to the lobby.

In the Summer of 1998, a major problem arose with the exterior walls of the courthouse in Philadelphia. Several bricks fell onto the sidewalk below after a violent storm. Upon inspection, it was soon discovered that the façade of the twenty-two story structure was in danger of collapse because the original contractors had not properly fastened the bricks to the exterior frame. The government had no choice but to rectify this dire safety hazard by recladding the entire edifice. It took more than a year at a cost to the taxpayers of over \$25 million. The courthouse now has an exterior with a million new bricks, together with a wide horizontal granite band, far above the street, inscribed in large letters with the words “Justice the Guardian of Liberty,” the same legend as is emblazoned on the East Pediment of the Supreme Court building in Washington, D.C. These words are also carved into the new granite segment of the exterior wall adjacent to the Market Street entrance of the courthouse.

Other changes took place in the appearance of the interior of the courthouse. Through the efforts of Circuit Chief Judge Edward R. Becker and Senator Arlen Specter, an appropriation was obtained from Congress to refurbish the expansive lobby to make it more inviting. The lighting was vastly improved and three transparent floor-to-ceiling panels were installed containing quotations referencing due process of law, the right of trial by jury, and justice. One was authored by Daniel Webster: “Justice is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together.” Another originated with Martin Luther King, Jr.: “True peace is not merely the absence of tension; it is the presence of justice.” Since these renovations, the first floor of the courthouse has been designated as the Edward R. Becker Lobby.

The lobby of the courthouse was not handicapped-accessible from the Market Street entrance when it was constructed in the mid-1970’s. A set of interior steps existed as a barrier from the lower part of the lobby to its main upper area. A small elevator was later installed to travel the short distance from one level to the other. As a result, those in wheelchairs or who are otherwise unable to climb stairs can enter and exit the building without difficulty.

The present courthouse was built with space to accommodate future growth. While originally the United States Attorney's Office, the Pretrial and Probation Offices, and other federal agencies were located there, they have long since departed to other nearby venues due to the expanded needs of both the Eastern District and the Court of Appeals. The two Courts, their Clerk's Offices and support staffs, the United States Marshals Service, and the law library, now fill the courthouse to capacity.

James A. Byrne Courthouse Exhibits

1. Letter from Judge Albert Branson Maris, Third Circuit Court of Appeals dated June 17, 1974
2. Letter from Judge Phillip Forman, Third Circuit Court of Appeals dated June 18, 1974
3. Letter from Judge Max Rosenn, Third Circuit Court of Appeals dated June 18, 1974
4. Letter from Judge Albert Branson Maris, Third Circuit Court of Appeals dated June 18, 1974
5. Letter from Judge Albert Branson Maris, Third Circuit Court of Appeals dated June 19, 1974
6. Letter from Judge Austin L. Staley, Third Circuit Court of Appeals dated June 19, 1974
7. Letter from Judge Daniel H. Huyett, III, United States District Court Eastern District of Pennsylvania dated June 19, 1974
8. Letter from Judge Clarence C. Newcomer, United States District Court Eastern District of Pennsylvania dated June 20, 1974
9. Letter from Chief Judge Collins J. Seitz, Third Circuit Court of Appeals dated June 20, 1974
10. Letter from Judge Albert Branson Maris, Third Circuit Court of Appeals dated June 20, 1974
11. Letter from Judge Harry E. Kalodner, Third Circuit Court of Appeals dated June 20, 1974

12. 118 Cong. Rec. 37106-37108 (October 18, 1972) (Tribute to the Honorable James A. Byrne)
13. Ewart Rouse, *New Courthouse Judged the Best*, THE PHILADELPHIA INQUIRER, Sept. 1, 1975, at B1

CHAMBERS OF
ALBERT BRANSON MARIS
SENIOR UNITED STATES CIRCUIT JUDGE
5050 UNITED STATES COURTHOUSE
PHILADELPHIA, PA. 19107

June 17, 1974

Honorable Collins J. Seitz,
Chief Judge of the Third Circuit,
Federal Building, Lock Box 32,
844 King Street,
Wilmington, Delaware 19801

Dear Collins:

Our inspection of the new federal courthouse in Philadelphia last week satisfied me that the physical arrangements for the court of appeals and the circuit judges will be quite adequate although there may well be a temperature problem to be dealt with, as Judge Rosenn suggests.

With one aspect of the project I am profoundly disturbed, however. This is the apparent intention of the General Services Administration to require the building to be called the James A. Byrne Federal Courthouse. To name a federal courthouse for an ex-congressman who is still an active political ward leader and who was defeated in his own party primary for renomination to Congress in 1972 seems to me in atrociously bad taste and an affront to the federal courts. Mr. Byrne is an agreeable gentleman but he is not a lawyer or an especially distinguished citizen and it passes my understanding why it is appropriate to name a federal courthouse for him.

I think, moreover, that there is something basically wrong in naming a federal courthouse for a living person, and especially for one still in political life. For the connection of the name of a living person with the building may well give some of the more naive members of the public a false idea that he has special influence with those who administer justice within it. I believe it has always been past practice not to name a public building, let alone a courthouse, for any living individual, even though he be the most highly respected in the community.

I hope, therefore, that the Judicial Council may

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Honorable Collins J. Seitz

June 17, 1974

take appropriate action looking toward securing the renaming of the new courthouse. And meanwhile I hope that all the judges and the court personnel will content themselves, as I shall, with describing the new building, on stationery and elsewhere, simply as the "Federal Courthouse, 6th and Market Streets, Philadelphia, Pa. 19106."

Sincerely yours,

Albert B. Marin

Copies to all Circuit Judges
Mr. Quinn
Mr. Doyle

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

PHILLIP FORMAN
SENIOR JUDGE

June 18, 1974

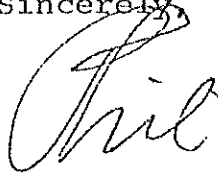
FEDERAL BUILDING
TRENTON, NEW JERSEY 08605

Honorable Collins J. Seitz
Chief Judge of the Third Circuit
U. S. P. O. & Courthouse
Wilmington, Delaware 19801

Dear Collins:

The very temperate criticism expressed in Judge Maris' June 17 letter to you of the intervention of the General Services Administration to call the new Federal Courthouse the "James A. Byrne Federal Courthouse" is extremely well-taken. I endorse it unqualifiedly and hope the Council will take all appropriate action to prevent this outrageous affront to good taste.

Sincerely,

A handwritten signature in cursive script, appearing to read "Phil", written over the word "Sincerely,".

cc: All Circuit Judges

UNITED STATES COURT OF APPEALS
THIRD CIRCUIT

MAX ROSENN
CIRCUIT JUDGE

June 18, 1974

FEDERAL BUILDING
WILKES-BARRE, PENNSYLVANIA 18701

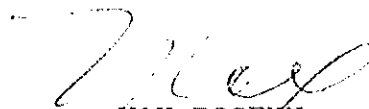
Honorable Collins J. Seitz
Chief Judge of the Third Circuit
Federal Building
Wilmington, Delaware 19801

Dear Collins:

I have just finished reading Judge Maris' letter to you of June 17. I thoroughly understand his distress with the name of the new Federal Courthouse and fully agree with the views he expresses.

I believe that the Judicial Council should initiate appropriate action to rename the courthouse. I believe the time is propitious now because we have two United States Senators from the Philadelphia area, one of whom is the minority leader. I request that the matter be placed on the agenda for our next meeting.

Sincerely,



MAX ROSENN

MR/bts

cc: All Senior and Active Circuit Judges

CHAMBERS OF
ALBERT BRANSON MARIS
SENIOR UNITED STATES CIRCUIT JUDGE
5050 UNITED STATES COURTHOUSE
PHILADELPHIA, PA. 19107

June 18, 1974

Honorable Joseph S. Lord, III,
Chief Judge, United States District Court,
6002 United States Courthouse,
Philadelphia, Pa. 19107

Dear Joe:

I have been following the progress being made on the new courthouse and it seems to be coming along well. With one aspect of the project I am profoundly disturbed, however. This is the apparent intention of the General Services Administration to require the building to be called the James A. Byrne Federal Courthouse. To name a federal courthouse for an ex-congressman who is still an active political ward leader and who was defeated in his own party primary for renomination to Congress in 1972 seems to me in atrociously bad taste and an affront to the federal courts. Mr. Byrne is an agreeable gentleman but he is not a lawyer or an especially distinguished citizen and he had no special part in the courthouse project. It passes my understanding why it is appropriate to name the federal courthouse for him.

I think, moreover, that there is something basically wrong in naming a federal courthouse for a living person, and especially for one still active in political life. For the connection of the name of a living person with the building may well give some of the more naive members of the public a false idea that he has special influence with those who administer justice within it. I believe it has always been past practice not to name a public building, let alone a courthouse, for any living individual, even though he be the most highly respected in the community.

I have asked Chief Judge Seitz to request the Judicial Council to take appropriate action looking toward securing the renaming of the new courthouse. And I would be most grateful if you, as Chief Judge of the District

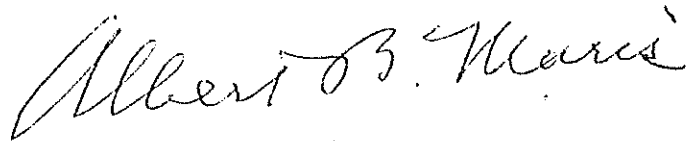
2.

Honorable Joseph S. Lord, III

June 18, 1974

Court, would take appropriate action also. Meanwhile I hope that all the judges and the court personnel will content themselves, as I shall, with describing the new building, on stationery and elsewhere, simply as the "Federal Courthouse, 6th and Market Streets, Philadelphia, Pa. 19106."

Sincerely yours,

A handwritten signature in cursive script, reading "Albert B. Morris". The signature is written in dark ink and is positioned to the right of the typed name.

Copies to all District Judges
Chief Judge Seitz
Mr. Harding
Mr. Doyle

CHAMBERS OF
ALBERT BRANSON MARIS
SENIOR UNITED STATES CIRCUIT JUDGE
5050 UNITED STATES COURTHOUSE
PHILADELPHIA, PA. 19107

June 19, 1974

Honorable Joseph S. Lord, III,
Chief Judge, United States District Court,
6002 United States Courthouse,
Philadelphia, Pa. 19107

Dear Joe:

Appropos of my letter of June 18th, you may have noticed, as I did, that Ex-Congressman James A. Byrne, who is now the Democratic leader and city committeeman of the 31st ward of Philadelphia, voted on Monday evening for Councilman Joseph L. Zazyczny, Mayor Rizzo's candidate for Democratic city chairman, and against Senator Peter J. Camiel, the present chairman, who was reelected by 48 votes to 21. This sort of political activity hardly seems a qualification for having a courthouse named for him!

Sincerely yours,

Albert B. Maris

Copies to all District Judges
Chief Judge Seitz
Mr. Harding
Mr. Doyle

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

CHAMBERS OF
AUSTIN L. STALEY
UNITED STATES
SENIOR CIRCUIT JUDGE

June 19, 1974

725 UNITED STATES POST OFFICE
AND COURT HOUSE
PITTSBURGH, PA. 15219

Honorable Collins J. Seitz
Chief Judge of the Third Circuit
Wilmington, DEL. 19801

Dear Collins:

I have read Albert's letter of June 17th with regard to the name of the new Federal Courthouse, and I agree with him in every respect.

Incidentally, while I was in Hawaii, they finished a county courthouse which they wished to name for James Burns, who was then the active Governor and who adamantly refused to have it named for him because he was still alive. I think he showed good taste and the people in Hawaii appreciated it.

I agree with my colleagues that our Council should do everything possible to stop the naming of the new Federal Courthouse for James A. Byrne.

Sincerely,

Austin L. Staley
Austin L. Staley. *JB*

cc: All Circuit Judges.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA 19107

DANIEL H. HUYETT 3RD

JUDGE

June 19, 1974

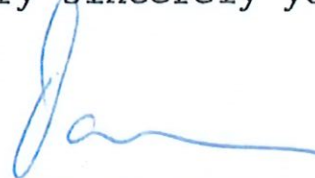
Honorable Albert Branson Maris
Senior United States Circuit Judge
5050 United States Courthouse
Philadelphia, Pa. 19107

Dear Judge Maris:

I am in complete accord with your June 18, 1974 letter concerning the naming of the new courthouse. I have had thoughts identical to yours for some months but have not brought them up at a meeting of our Board of Judges on the theory that it was a rather hopeless thing. I admire your position and I have asked our Chief Judge to place this upon the agenda of our meeting next week which is our last meeting until September.

With kindest personal regards.

Very sincerely yours,

A handwritten signature in blue ink, appearing to be 'Dan' with a long horizontal flourish.

Daniel H. Huyett, 3rd

DHH/dr

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

CLARENCE C. NEWCOMER
JUDGE

5020 UNITED STATES COURTHOUSE
PHILADELPHIA, PENNSYLVANIA 19107

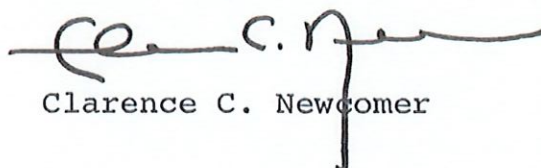
June 20, 1974

Honorable Albert Branson Maris
Senior United States Circuit Judge
5050 United States Courthouse
Philadelphia, Pa. 19107

Dear Judge Maris:

Thank you for your letter of June 18th to Chief Judge Lord concerning the naming of the new federal courthouse. I have been personally outraged every time I have thought about this matter but I hardly felt that I was in a position to initiate any action on it. I agree with your thinking wholeheartedly and offer you whatever support my small voice may afford.

Sincerely,



Clarence C. Newcomer

CCN:1b

Hon. Collins J. Seitz
cc: All District Judges
John J. Harding, Esquire
Mr. Pat Doyle

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

COLLINS J. SEITZ
CHIEF JUDGE

UNITED STATES POST OFFICE AND COURT HOUSE
WILMINGTON, DELAWARE 19801

June 20, 1974

The Honorable Albert B. Maris
Senior United States Circuit Judge
United States Courthouse
Philadelphia, Pennsylvania 19107

Re: James A. Byrne Federal Courthouse

Dear Albert:

I shall be glad to put the above matter on the next Council agenda.

I should note that I had Judge Adams look into the matter and he found out that it was done by an Act of Congress. Thus, the problem of effectuating a change would not be easy. Indeed, I suggest that the difficulty may be insurmountable because of the "politics" of the matter.

I also discussed the matter with Judge Lord. They will have it on their agenda next week. He is also not sanguine because of the friendship between Congressman Barrett and Byrne.

I personally feel that the judges could not directly mount any effective campaign to repeal the law. I think your suggestion that we refer to the building simply as the

Hon. Albert B. Maris

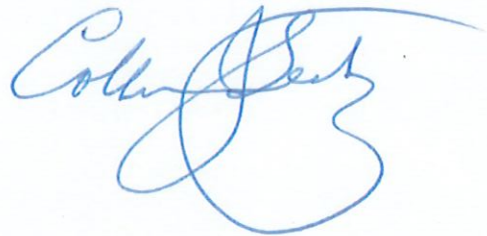
Page 2

June 20, 1974

Federal Courthouse or the United States Courthouse would do the trick.

No response is necessary.

Sincerely,

A handwritten signature in blue ink, appearing to read "Colin Seely". The signature is fluid and cursive, with a large loop at the end.

cc: Thomas F. Quinn, Clerk
William A. (Pat) Doyle

CHAMBERS OF
ALBERT BRANSON MARIS
SENIOR UNITED STATES CIRCUIT JUDGE
5050 UNITED STATES COURTHOUSE
PHILADELPHIA, PA. 19107

June 20, 1974

Honorable Collins J. Seitz,
Chief Judge of the Third Circuit,
Federal Building, Lock Box 32,
844 King Street,
Wilmington, Delaware 19801

Dear Collins:

Searching through the statutes at large I have just found that the designation of the new Philadelphia courthouse as the James A. Byrne Federal Courthouse was made by section 38 of the Act of October 21, 1972, Pub. L. 92-520, 82 Stat. 1025. That section reads:

"SEC. 38. The United States courthouse to be constructed in the block bounded on the south side by Market Street, north by Art [sic] Street, east by Sixth Street and west by Seventh Street, Philadelphia, Pennsylvania, shall hereafter be known and designated as the 'James A. Byrne Federal Courthouse'. Any reference in a law, map, regulation, document, record or other paper of the United States to such building shall be held to be a reference to the 'James A. Byrne Federal Courthouse'."

The statute in which this designation was made also named 34 other federal buildings, including the William J. Green Federal Building in Philadelphia, for senators, congressmen and, in one instance and one only, for a deceased federal judge, Judge Johnson J. Hayes, who formerly presided in the building named for him. The statutory designation of our new building as the James A. Byrne Federal Courthouse undoubtedly complicates the problem of securing a change in name, although I do not believe that this is impossible, given the right approach. But, at least, the second sentence of the statutory provision makes it clear that any shorter descriptive reference to the building will be held to be an adequate reference to it under its Congressional name. It will,

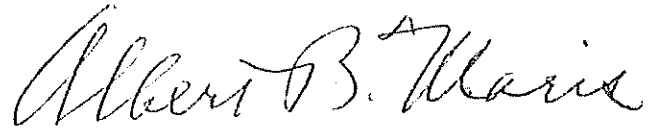
2.

Honorable Collins J. Seitz

June 20, 1974

therefore, be entirely in order, I believe, for us to describe the building on our stationery and elsewhere merely as the Federal Courthouse, Sixth and Market Streets, Philadelphia, Pa. 19106. The fact that the new courthouse is in a different postal zone from the present courthouse should certainly be enough to differentiate them.

Sincerely yours,

A handwritten signature in cursive script, reading "Albert B. Maria". The signature is written in dark ink and is positioned to the right of the typed name.

Copies to all Circuit Judges
District Judges
Mr. Quinn
Mr. Harding
Mr. Doyle

United States Court of Appeals
For The Third Circuit

Chambers of
Harry F. Kalodner
United States Circuit Judge

June 20, 1974

United States Courthouse
Philadelphia, Pa. 19107

Honorable Collins J. Seitz
Chief Judge of the Third Circuit
U. S. Post Office & Courthouse
Wilmington, Delaware 19801

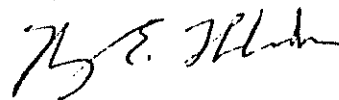
Dear Collins:

I am in complete accord with Judge Maris' views as to the naming of the new courthouse the "James A. Byrne Federal Courthouse."

Byrne was an undistinguished congressman of less than pedestrian performance. There is no reason in the world why our new courthouse should be saddled with his name.

We should take every possible action to correct this preposterous situation.

Sincerely,



cc: All Circuit Judges
Mr. Quinn
Mr. Doyle

Free air rights in Chelsea—At 30th Street and 9th Avenue, I forced the Post Office to allow the air rights to the Morgan Annex to be used for low and moderate income housing, at no cost to New York City taxpayers.

ON SOCIAL SECURITY

The Abzug bill to increase social security benefits by 25%—I introduced several bills to reform the Social Security system. The bill, known as H.R. 1, which passed the Senate on October 5, 1972, included numerous provisions suggested by my bills, including:

Increased "widows" benefits from the present 82½% to the full 100% of the husband's entitlement;

Permission for social security beneficiaries to earn up to \$3,000 (presently \$1,680) annually without loss of benefits;

A "guaranteed" minimum annual payment of \$3860 to each aged couple;

Medicare payments for outpatient drugs; Reduction of the retirement age from 62 to 60;

Reduction of widows' retirement age from 60 to 55.

Other key issues—Some of my proposals which have not been enacted into law include:

A cabinet Department for Elderly Affairs; Elimination of the 3-year limit in applying for Medicare, housing and property tax relief for the elderly;

Employment for the middle-aged and elderly;

Pension insurance and portability programs;

Elimination of Medicare premiums and deductions; and

Grants to private groups to provide transportation for the elderly.

ON CIVIL LIBERTIES

Emigration of Soviet Jews—I sponsored a resolution calling upon President Nixon to raise the question of treatment of Soviet Jews when he visited Moscow. I sponsored legislation to limit guarantees on U.S. companies' private investment in the U.S.S.R. if Jews are not allowed to emigrate. I sponsored and fought for legislation authorizing \$85 million to Israel for resettlement there of Soviet Jews who did manage to emigrate.

The Fort Worth Five—I have opposed the imprisonment of these Irish-American patriots for refusing to testify before a Texas grand jury. I introduced a bill which would allow transfer of grand jury investigations to a location convenient for witnesses, and joined with other members in pressuring the Justice Department to free the men while their case was on appeal. Frank Durkin, attorney for the men, credited my bill in part with helping to get defendants freed on bail.

Northern Ireland—I testified before the Foreign Affairs Committee on the need for full civil rights in Northern Ireland, dissolution of the Stormont government, and a plebiscite on unification. I co-sponsored the Bingham and Carey resolution.

Other key issues—I voted against funds for the House Internal Security Committee; against funds for the Subversive Activities Control Board; and for the bill to create an independent corporation to provide legal services for the poor.

ON ENVIRONMENTAL PROTECTION

The struggle for urban mass transit funds—I fought in committee and on the House floor to free highway trust fund money for subways, buses and other mass transit uses. I led the fight on the floor to make \$700 million directly available to the cities.

The Abzug Water Pollution Control Bill—\$1 billion dollars for New York State—I introduced a bill to clean up our lakes and

rivers and I fought hard for strict provisions through Public Works Committee's year-long consideration of the bill. The version sent to the President October 4, 1972, included a number of amendments which I proposed, including:

Reimbursement of localities for funds already spent on pollution abatement (worth nearly \$1 billion to N.Y. State);

User charges, requiring industrial users of municipal water treatment plants to pay for the waste they produce and pour into the municipal system;

Citizens' lawsuits against polluters and against public agencies which fail to stop pollution;

75% federal funding for local construction of water treatment plants.

Other key issues—I voted for strengthening the Environmental Protection Agency; and against nuclear testing at Amchitka Island.

ON WOMEN'S RIGHTS

The Equal Rights Amendment—I co-sponsored and worked very actively for the equal rights amendment to the Constitution which now has won approval from 20 of the necessary 38 states.

Maternity protection—The legislation which I introduced would assure adequate pre-natal care for all and guarantee that women would not be penalized for taking maternity leave time from their jobs and careers.

The Equality Act of 1972—I introduced the Equality Act of 1972. This bill prohibits sex discrimination in public education, federally assisted programs, housing sale and rental, and provides equal pay for equal work.

Other key issues—I have spoken out and introduced legislation forbidding sex discrimination in the granting of credit and got passed into law prohibitions on discrimination against women in major federally-funded programs.

ON TAXES

Abzug co-sponsors major tax reform proposals—I am the co-sponsor of several tax reform proposals, all of which have the effect of forcing the very wealthy to pay their fair share of taxes and reduce the tax burden on the middle class and the poor.

ON HEALTH CARE

Extending medicare coverage—The Medicare Bill which I co-sponsored eliminated all deductibles and premiums. It eliminates limits on the length of hospital stay. It extends coverage to include eye and dental care, prescription drugs and it includes automatic enrollment in supplementary Medicare.

A national program of medical insurance—I am a co-sponsor of the Kennedy-Griffith Bill which would establish a national Federal system of health insurance and encourage group medical practice.

ON PUBLIC SAFETY

Federal funds to put more cops on the beat—I am co-sponsor of a bill to provide federal funds to increase the size of local police forces and upgrade the quality of local police protection.

Reform of the Criminal Justice System—The Bill which I co-sponsored, provides grants for speedy trials, improved correctional facilities, and direct local funding of criminal justice programs.

Jobs for ex-addicts—I have introduced a bill to create a National Environment Service Corps to be staffed by individuals convicted of drug violations.

More housing police—I have introduced a bill to provide more housing police in public housing projects.

TRIBUTE TO THE HONORABLE JAMES A. BYRNE

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 60 minutes.

Mr. MORGAN. Mr. Speaker, I rise to join with my colleagues in paying tribute to my good friend, JIM BYRNE. His departure from the Congress is an occasion for deep personal regret on my part, for I shall miss him very much in the days to come.

JIM BYRNE has compiled an outstanding record of service to the people of his district, to our State of Pennsylvania, and to the Nation.

Before he ever arrived in the House of Representatives, he was engaged in productive public life in Pennsylvania, serving as U.S. Marshal for the Eastern District of Pennsylvania, chief disbursing officer for the State treasury, and as a member of the Pennsylvania State Legislature from 1950 to 1952.

So outstanding was his work in those positions that the people of Pennsylvania's Third Congressional District determined to send him to be their representative in the House. They renewed their mandate to him for 10 consecutive elections.

Mr. Speaker, Pennsylvania's Third District is Philadelphia's center city and the neighborhoods around it. It truly is an American melting pot with a variety of ethnic and racial groups residing there. It has its rich and its poor, its educated and its barely literate.

It is a tribute to the genius of JIM BYRNE for 20 years he gave a great majority of that disparate electorate the kind of representation they desired in Congress. He always put the service of his people first, working to see to it that they received a fair shake in their dealings with the Federal Government, whether on social security or on veterans' benefits or on their mail service.

JIM was never too busy to give his best efforts to aiding those constituents who came to him for help.

Just as he has served his district, so has JIM worked toward the well-being of the State of Pennsylvania. It has been my privilege to serve with him as a member of the Pennsylvania delegation.

Finally, there is his outstanding record of service to the Nation. As fifth ranking member of the Committee on Armed Services, JIM BYRNE has been a part of the major decisions on America's defensive posture since the inception of the Korean war.

He has been a strong proponent of the idea that our Nation's defensive capabilities should always be second to none and he has consistently cast his vote in favor of strategic and conventional forces sufficient to meet the myriad challenges of our times.

As chairman of subcommittee No. 4 of the Armed Service Committee, JIM has been particularly active in looking out for the health, education and general welfare of the men and women of

the Armed Forces, and of their dependents.

As a result of his energetic sponsorship of measures to aid our fighting men, our military is the best fed, receives the best medical and dental care, and is the best educated in the world.

Every man and woman wearing the American uniform had a friend in JIM BYRNE, whether they knew him or not. They share our loss as JIM prepares to leave this body and enter into a well-deserved retirement.

JIM, your many friends in the House wish you all the best for the future. May you return here often to visit us and give us the benefit of your experience and sage advice on the many difficult issues which the future will bring.

Mrs. Morgan joins me in wishing you, JIM, and your wife, Virginia, good health and all possible happiness in the days ahead.

Mr. YATRON. Mr. Speaker, I would like to pay tribute to my good friend and colleague, the Honorable JAMES A. BYRNE. JIM has been an asset to the State of Pennsylvania where he has served his district since 1952. His service in these legislative halls has been outstanding and I have tremendous admiration for JIM BYRNE.

As a member of the Pennsylvania Delegation, I know that JIM is one of the State's finest legislators. Pennsylvania has lost a most dedicated man—a representative who has always thought of the welfare of his District, State, and Nation. There is no doubt that he has dedicated his life to superb service for his constituents during his 10 terms as a Congressman.

JIM BYRNE is an accomplished man in every sense of the word. He was a dedicated Member of the Pennsylvania State Legislature. In the House of Representatives, a member of the Armed Services Committee and the Merchant Marine and Fisheries Committee, he has shown depth, good judgment and wise counsel in the concern he has had for America's interests.

Mrs. Yatron joins me in wishing him every success in his future endeavors as he returns to Pennsylvania.

I salute JAMES A. BYRNE as a man who has made an indelible mark in Congress and as a man whose friendship I shall always treasure.

Mr. NIX. Mr. Speaker, Congressman JAMES ALOYSIUS BYRNE is my friend. He has been a friend and colleague for well over 30 years and I hope our friendship continues for another 30 years. I believe it will.

I would like to comment on his leaving from the House of Representatives by pointing out that his career is one of ceaseless labor here for 20 years.

His career was one performed on a high level for many thousands of Philadelphians and Americans. A career that in 20 years knew no days of slack performance. He is a Congressman's Congressman. He was a constituent's Congressman, as those who saw him during the thousands of hours of service can tell you.

He was for many years a chairman of

an Armed Services Subcommittee. He served on three subcommittees of the Committee on Merchant Marine and Fisheries.

The Merchant Marine Committee was vital to the interests of the Port of Philadelphia, as vital as his service on the Armed Services Committee was to the maintenance of the Philadelphia Naval Yard's role in our national defense effort.

What the American people do not realize is that Cabinet officers and executive officials are much like Christmas help. They come and go and it is the Congress that plays a great role in making national policy. Congressman BYRNE played a great but unsung role in such policy.

I know him as a companion in arms in many bitter battles including the fight for civil rights.

As a friend, I will miss his daily friendship and companionship here in the House of Representatives.

But, I know all of us will be reminded from day to day that we have gained the most knowledgeable constituent in the United States.

His career has entered a new phase. Ours will, too, as we learn of things we can do for Philadelphia from one of Philadelphia's most illustrious sons, the Honorable JAMES ALOYSIUS BYRNE. We may have lost a Congressman, but we have gained a constituent.

This is not necessarily a sad occasion because he will go on serving his city through the Democratic Party. His career has covered many miles and many turns, as a businessman, Federal Marshal, State and local official and 20 years as a Congressman.

I look forward to his friendship, to working with him for Philadelphia's great future and the future of the United States in Philadelphia. I will merely say goodbye and hello to my old friend and say that the Congress and two of its major committees have lost a great deal, while Philadelphia will gain in his more concentrated service in the future.

Mr. DENT. Mr. Speaker, I appreciate this opportunity to join with my colleagues and particularly with my fellow Pennsylvanians in paying tribute to JIMMY BYRNE. As this is perhaps the last day we have to serve with him here on the floor of the House, it is a sad occasion—especially since he is my close personal friend.

However, as Congress grinds on in its usual preadjournment melee, I realize that JIMMY may actually be happy to be passing on to calmer and happier personal pursuits. I know that our loss will be the gain of his family and friends in Philadelphia, and we certainly wish him every success.

I have served with JIMMY BYRNE since the first day I came to Congress. I appreciated his guidance during my days as a freshman and have continued to rely on him for exchanging ideas which have guided my thinking on many issues. I will sorely miss his counsel and the fine rapport we have enjoyed.

JIMMY has been a fine legislator and a man of character and guts such as we Pennsylvanians are proud to claim as native sons. He has left the kind of mark

on the House which will make it hard to follow in his footsteps.

Keep in touch, JIM, we need you and will miss you.

Mr. GAYDOS. Mr. Speaker, I feel specially privileged today, to have an opportunity to express my sincere feelings regarding my colleague and personal friend, JAMES A. BYRNE of Philadelphia. One of the first Members of Congress I had the pleasure of meeting on the floor of the House was JAMES BYRNE, who, incidentally, considerably introduced himself to me, the new Member. This gesture is typical of JIM BYRNE's consideration and compassion for his colleagues in the House and for people generally. His constituents, I know, have long recognized this great quality of real feeling and concern of his fellow man.

JIM BYRNE was a tireless worker and made meaningful and effective contributions to the Pennsylvania delegation in its attempt to represent all of Pennsylvania in a myriad of problems common to all of Pennsylvania. His presence will be sorely missed by all of his friends and in particular by the Pennsylvania delegation. I join with all of JIM's friends in wishing him Godspeed and many years of health and happiness in and during his retirement years.

Mr. ROONEY of Pennsylvania. Mr. Speaker, JAMES A. BYRNE, a dear friend and colleague of the Pennsylvania delegation will retire at the end of the 92d Congress. With JIMMY's retirement the House will lose one of its finest Members.

We will miss JIMMY for many reasons; for his wit, for his kindness and for his counsel. If ever there was a Member's Member then JIMMY is that man.

JIMMY is always concerned with everyone's problems, the Members, the officers and the employees who love him dearly. He was always there when you needed him.

As a dedicated member of the House Armed Services Committee, JIMMY served during the trying times of the Vietnam conflict, always concerned with his country and his fellowman. As a member of the Merchant Marine and Fisheries Committee, JIMMY lead many fights for the merchant seaman and their welfare. Always for equity for all.

I wish JIM and his lovely wife Virginia the very best. May God bless them.

Mr. BARRETT. Mr. Speaker, I am most pleased to have this opportunity to join in paying tribute and expressing my high esteem for my dear friend and colleague, Congressman JAMES A. BYRNE from Philadelphia.

Let me say that I have known JIMMY BYRNE for many, many years. He is a man, known for his veracity and rectitude. He has spent many years serving the people of his district. He has been close to them, understanding their problems and concerns; JIMMY has served the city of Philadelphia, the State of Pennsylvania and this Nation for more than just the two decades that he has been a Member of this House.

Although JIMMY leaves the Halls of Congress, I do not think he will leave the field of public service. He is one of Philadelphia's outstanding ward leaders.

His guidance and counsel have always been of great value and I am sure will continue to be so.

We will miss him here, his wit, his humor and his charm as well as his advice and assistance.

Of JIMMY BYRNE it can be said that to know him is but to love him.

Mr. EILBERG. Mr. Speaker, for 20 years the Third Congressional District of Pennsylvania, as well as the city of Philadelphia, has been represented in Congress by a dedicated and able servant—the Honorable JAMES A. BYRNE. It is a privilege to join in a salute to this much beloved gentleman.

During his years in Congress JIMMY BYRNE has served with distinction as a member of the House Committee on Armed Services, as well as the House Committee on Merchant Marine and Fisheries. His vast knowledge of military matters has been of infinite value to our city and to our Nation.

However, JIMMY BYRNE's greatest contribution has been the outstanding service he provided his constituents. During his term in office the people of his district always knew they had a hardworking friend in Washington. He did much for many.

I am proud to have served with JIMMY BYRNE and wish him and his lovely wife, Virginia, all the best.

Mr. BENNETT. Mr. Speaker, I rise in praise for our beloved colleague JAMES BYRNE. I have had the honor of serving with him on the Armed Services Committee for many years and it has been indeed a pleasure and an inspiration. He has always been a man full of compassion for the serviceman and a strong supporter of what our country has needed in its defense. Yet he has never failed to be on the side of economy when it could be secured without imperiling our national security. Our country owes him much; and I wish for him and his lovely wife every happiness in their retirement.

Mr. CLARK. Mr. Speaker, I want to join with my colleagues in paying tribute to JAMES A. BYRNE. Those of us who have worked so closely with him will remember him for his leadership, dedication, understanding, and most of all, friendship. I have always admired his down-to-earth approach. His service, not only to the people in Pennsylvania, but to so many throughout the entire country, will not be forgotten. To you, JIMMY, my warmest wishes for the best in health, happiness and memories.

Mr. MOORHEAD. Mr. Speaker, it is always difficult to say goodbye to your colleagues who are retiring, or otherwise, finishing their congressional careers. It is doubly hard when that person is a member of your State delegation and a friend. Such a man is JIMMY BYRNE.

I've known JIMMY ever since I came to Congress 14 years ago. He has been a good friend and an able adviser.

He has served the people of Philadelphia in an able and efficient manner.

I know of no man who loves this body more and has more respect for the institutions of government than JIMMY BYRNE.

His service on the Armed Services

Committee was marked by dedication and concern for the magnitude of the issues which that committee handled daily.

I will miss JIMMY BYRNE and I know his friends on the Pennsylvania Delegation and throughout the House will miss him too.

I am sure that when he returns to his native Philadelphia, he will find the relaxation and contentment that he so richly deserves.

H.R. 17072—A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1954 TO ALLOW A CREDIT AGAINST THE INDIVIDUAL INCOME TAX FOR TUITION PAID FOR THE ELEMENTARY OR SECONDARY EDUCATION OF DEPENDENTS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. CAREY) is recognized for 5 minutes.

Mr. CAREY of New York. Mr. Speaker, I am taking this special order along with other cosponsors of H.R. 17072 (Mr. BYRNES of Wisconsin and Mr. BURKE of Massachusetts) in order to provide a detailed analysis of this important legislation.

This is an analysis of the bill as it has been acted upon by the Ways and Means Committee. I think it important that Members have the opportunity to carefully consider this analysis in advance of the 93d Congress. In this way we hope to insure that H.R. 17072 be one of the first items for consideration in the new Congress, and that its prompt passage be assured.

Mr. Speaker, I request unanimous consent that the analysis of H.R. 17072 be included at this point in the Record.

I. SUMMARY

The purpose of the bill is to provide tax relief to low- and middle-income parents who bear increasingly severe financial costs of educating their children in nonpublic elementary and secondary schools. If this relief is not provided for these parents, it is probable that many of them will be forced to stop sending their children to nonpublic schools, substantially eliminating the benefits received from these schools, and increasing school costs for taxpayers generally.

The bill provides an individual income tax credit for tuition paid by parents (or certain other persons who support schoolchildren) for the elementary and secondary education of their children. The credit is 50 percent of tuition paid up to a maximum credit of \$200 per year for each child. The total credit available is reduced by \$1 for every additional \$20 of the parents' total adjusted gross income over \$18,000. To qualify for the credit, tuition must be paid to a school that meets specified standards, and the children must be full-time students as defined in the bill.

II. REASONS FOR THE BILL

Many low- and middle-income parents who now send their children to nonpublic schools bear a very heavy financial burden. The cost of this education has increased substantially in recent years, and it is expected that this increase will continue. At the same time, the cost of public schools also is rising substantially, and taxes keep increasing to meet these cost increases. As a result, nonpublic school parents must pay for the increased costs of both public and nonpublic schools, even though they relieve the public school of the cost of educating their children. For

many of these parents, this financial burden is becoming too great and this undoubtedly is an important factor in accounting for the declining enrollments of many nonpublic schools and in the closing of many of them. The school closings prevent those families that are able to pay from providing their children with nonpublic school education.

Nonpublic schools represent an integral part of our society. Nonpublic schools provide a diversity of choice, and also healthy competition for public education. They provide the means for a number of Americans to express themselves socially, ethnically and culturally through educational institutions, and they provide stability to urban neighborhoods by giving parents important reasons to stay in the cities. Through diversity and innovation in education, these schools stimulate other schools to higher quality. Finally, nonpublic schools relieve the public school system, and thus all taxpayers supporting public schools, of very substantial costs. It has been estimated that the costs of the taxpayers which would arise from the closing of nonpublic schools would be great.¹

A key to the diversity and competition of nonpublic schools is that they are sustained by the voluntary actions of parents and others. Individual initiative has formed and maintained the unique quality of nonpublic schools, and it is important that this basis of support be maintained. As a result it has been concluded that any Government assistance given should be in a form which reinforces these voluntary actions. Moreover, historically, the Federal Government has encouraged and assisted individuals who support education by relieving them of part of their Federal income tax. Since 1917, the Federal income tax laws have allowed taxpayers a deduction from taxable income for amounts given to nonprofit educational institutions.

Two commonly accepted methods for easing tax burdens are allowing a deduction for income subject to tax or allowing a deduction for the tax itself (that is, a tax credit). As noted above, the charitable contributions deduction encourages voluntary support of education. Recently, voluntary contributions to political campaigns have been encouraged with the alternatives of a credit or a deduction. The retirement income credit has been used to aid the elderly with relatively low incomes.

It was concluded that in the present situation the credit is the best solution. A credit against tax gives more assistance than a deduction to low- and middle-income taxpayers who bear the greatest relative financial burden in sending their children to nonpublic schools. This is true because a deduction usually would be available only to those taxpayers who itemize their deductions and these generally are higher-income taxpayers. In addition, because of the progressive rate schedule, a deduction provides the greatest dollar benefit to higher income taxpayers, while a tax credit provides the same dollar benefit to all taxpayers.

It was also concluded that a credit for tuition best serves its purposes when it is a credit for only a proportion of the tuition paid. The 50-percent credit provided by this bill insures that the educational institution must rely on substantial voluntary support, since with a credit on this basis each parent must use his own funds to a substantial extent if he is to send his child to a nonpublic school. If the school does not meet an important need, parents will not spend their

¹ The President's Commission on School Finance estimated that public school operating costs would increase from \$1.3 billion to \$3.2 billion, and capital costs from \$4.7 to \$10 billion. President's Commission on School Finance, "Schools, People, and Money," p. 55 (1972).

Integration — Penn. Festival
Holding committee trains and SEPTA
on holiday schedules. PATCO on Sun-
day, schedule.

Transportation — Penn. Transit Boarding commuter trains and SEPTA on holiday schedules. PATCO to Sunbury, Pa. 12/25/94.

For the end of the year, the young ladies should let the Christian Register send them a copy.

Integration — Penn. Festival
Holding committee trains and SEPTA
on holiday schedules. PATCO on Sun-
day, schedule.

After all, they're *been* doing it for 12 years.

Peet and Wood are members of a prominent "inner circle" around the Christian Nation — says Peet, his father and one of his brothers. Before that, with possession in their routine service.

For the good of the world, they should be, the Christian Nation says.

Community College Talks Resume

By WILLIAM MURPHY

After a two-day hiatus, talks between the University of Pennsylvania and the Philadelphia Community College District resumed today. The talks, which began last week, are being held in a room at the University of Pennsylvania.

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THE SCENE

In Philadelphia and Its Suburbs



THE SCENE BRINGS YOU a picture of Philadelphia yesterday, judging by the diverse appearance of the unusually busy street, many of you must have noticed. This is looking east on Market Street in South Street.

On The Street: Traveling Music

SEPTA, the local Philadelphia's New York bus last week and trying to figure out which way would turn her in. A graduate of the city, she said the only way to get out of the city was to go to the city. She said the only way to get out of the city was to go to the city.

Offbeat: No Freudian Trip

The recent visiting professor at the Hahnemann Medical Center — psychologist Dr. Anna Freud, daughter of Sigmund Freud — will make a "Freudian" trip to the city. She will be visiting the city and will be visiting the city.

Doing Well: Liborians Elected

Bernard Liborin, executive vice president of the Philadelphia Gas Institute, has been elected president of the National Association of Gas Engineers for the year 1975. He was elected president of the National Association of Gas Engineers for the year 1975.

Crime: Fits Says No to the PLO

Philadelphia District Attorney Robert F. Callahan, Jr. has said he will not support the PLO. He said he will not support the PLO. He said he will not support the PLO.

Kids: Cycle Safety

A new state education program intended to teach children how to ride their bicycles safely will begin this year at every elementary school in the state. The program is intended to teach children how to ride their bicycles safely.



A MUSLIM BAZAAR draws crowds to the Civic Center for a three-day showing of ethnic and cultural exhibits. At one exhibit, a hand-made bag is polished before being put on sale. Today is the final day of the bazaar.



Armed Man Slain by Policeman

A recently paroled man who had been arrested for a robbery, was shot and killed by a policeman. The man was shot and killed by a policeman.

The man was shot and killed by a policeman. The man was shot and killed by a policeman.

Bus Passenger Robs Driver at End of Ride

A SEPTA bus driver turned over \$25 of his own money yesterday to a robber who had been riding on the bus. The driver turned over \$25 of his own money to a robber.

Offbeat Ideas Proposed for Bicen Lodgings

Various offbeat ideas have been proposed for the Bicentennial Lodgings. The ideas include a variety of different types of lodgings.

She Wears Only a Crown

A woman who wears only a crown has been elected queen of the Bicentennial. She has been elected queen of the Bicentennial.

Offbeat Ideas Proposed for Bicen Lodgings

Various offbeat ideas have been proposed for the Bicentennial Lodgings. The ideas include a variety of different types of lodgings.



Various offbeat ideas have been proposed for the Bicentennial Lodgings. The ideas include a variety of different types of lodgings.

Not Look-Likes

The way the system works, the look-alike system is not a good idea. The look-alike system is not a good idea.

Phila. Man Found Stabbed to Death

A man was found stabbed to death in Philadelphia. The man was found stabbed to death in Philadelphia.

Various offbeat ideas have been proposed for the Bicentennial Lodgings. The ideas include a variety of different types of lodgings.

Personal Inspection

A personal inspection of the Bicentennial Lodgings has been conducted. The inspection has been conducted.

COURTROOM, From 1B

The courtroom scene in the Bicentennial Lodgings is a very interesting one. The courtroom scene is a very interesting one.

Blood Bank Open For Donations

A blood bank has been opened for donations in Philadelphia. The blood bank has been opened for donations.

Prisoners' Allocations

The allocation of prisoners in the Bicentennial Lodgings is a very interesting one. The allocation of prisoners is a very interesting one.

Lucky 11th Floor

The 11th floor of the Bicentennial Lodgings is a very lucky one. The 11th floor is a very lucky one.

Declared Uninsurable

The Bicentennial Lodgings have been declared uninsurable. The lodgings have been declared uninsurable.

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The Bicentennial Lodgings have been declared uninsurable. The lodgings have been declared uninsurable.



B. City of Easton

1. 1930 to 1990: Second Floor, United States Post Office, Second and Ferry Streets

Congress enacted a law on June 27, 1930, authorizing the holding of federal court in the Eastern District of Pennsylvania in the city of Easton.⁶ With the exception of a brief period of time from 1789 to 1790 when court was authorized to be held in the city of York, this was the first time that the Court was authorized to be held continuously outside of Philadelphia.

The federal court facility was located on the second floor of the United States Post Office at Second and Ferry Streets.

The court facility at the Post Office building in Easton lacked an elevator and was not handicap accessible. The facility also lacked many of the security features found in modern courtrooms. As a consequence, plans were made in the 1980's to relocate the court to a more up-to-date facility.

⁶ Act of June 27, 1930, Ch. 634, 46 Stat. 820.



2. 1990 to Present: Fourth Floor, Holmes Building, 101 Larry Holmes Drive

In December of 1990, the Court was relocated across the street to leased space on the fourth floor of the Holmes Building at 101 Larry Holmes Drive. The complex takes up the entire 8,860 square foot fourth floor and includes judicial chambers, a courtroom, a jury deliberation room, private conference rooms, a law library, and a substation for United States Marshals with three holding cells for prisoners. The new courtroom was made handicap accessible.



C. City of Reading

1. 1970 to 1988: Fourth Floor, Berks County Trust Company Building, 35 North Sixth Street

In 1970, Congress enacted legislation authorizing the Eastern District to establish court stations in Allentown and Reading.⁷

Shortly thereafter, the Court leased space on the fourth floor of the Berks County Trust Company building (then known as the American Bank Building) located at 35 North Sixth Street. The six-story building was originally constructed in 1909.

A second courtroom and chambers were later constructed in the building.

⁷ Act of June 2, 1970, Pub. L. No. 91-272, 84 Stat. 294, 297; 28 U.S.C. § 118(a).



2. 1988 to 2020: Fourth Floor, Madison Building, 400 Washington Street

The Court remained at the Berks County Trust Company building until 1988 when the Court leased space on the fourth floor of the Madison Building at 400 Washington Street.

The Madison Building was originally constructed between 1926 and 1927 to serve as the headquarters of the Metropolitan Edison Company. A twelve-story building, it is one of the tallest buildings in Reading. In 1952, it was purchased by the American Casualty Company/CNA Insurance. In 1983, it was placed on the National Register of Historic Places.

The owner of the Madison Building in later years did not maintain the building in a manner consistent with General Services Administration (“GSA”) requirements, and as a result, plans were developed to move the Court to another location.



3. 2020 to Present: The Gateway Building, 201 Penn Street

In 2017, the GSA negotiated and signed a new ten year lease to relocate the Eastern District Court, Bankruptcy Court, United States Marshals Service and Probation offices to the Gateway Building located at 201 Penn Street, two blocks away from the Madison Building.

The renovations to the leased space in the Gateway Building were completed, and the Court moved to the Gateway Building in February, 2020, where it remains today.



D. City of Allentown

1. 1977 to 1995: Old Lehigh County Courthouse, 501 West Hamilton Street

In 1977, the Court leased 6800 square feet of space at the rear of the second floor of the Old Lehigh County Courthouse at the northwest corner of Fifth and Hamilton Streets for the purpose of establishing federal court facilities in Allentown for the first time. A ceremony to commemorate the opening of the facility was held on December 16, 1977. Federal court was held at the Old Lehigh County Courthouse until the mid-1990's when a new federal courthouse was constructed in Allentown.

The then Chief Judge, Edward N. Cahn, who had been serving the Court from leased space in the Old Lehigh County Courthouse, encouraged the Court to construct a new federal courthouse in Allentown. He was joined in these efforts by the leadership of the Bar Association of Lehigh County and by local community leaders.

The James A. Byrne United States Courthouse in Philadelphia, which was constructed and opened in late 1975, was experiencing overcrowding by the late 1980's and early 1990's. A study was undertaken that suggested that the United States Court of Appeals for the Third Circuit, which occupied the top floors of the Byrne Courthouse, should consider relocating to the former United States Courthouse located at Ninth and Market Streets to ease the overcrowding. The Court of Appeals declined to move. This decision accelerated the interest in construction of a new courthouse in Allentown to help alleviate the problem of courthouse overcrowding in Philadelphia.

In the fall of 1992, Congress approved funding for the construction of a federal courthouse in downtown Allentown at the southwest corner of Fifth and Hamilton Streets. A ceremonial groundbreaking for the building was held on November 19, 1993.



2. 1995 to Present: Edward N. Cahn United States Courthouse and Federal Building, 504 West Hamilton Street

Construction was completed in the fall of 1995. The building was opened in November of 1995 and it was dedicated on December 29, 1995. It is the largest federal court facility outside Philadelphia for the nine- county United States District Court for the Eastern District of Pennsylvania.

The building is a four-story structure with a basement level of secure parking and consists of 89,000 gross square feet. There are three courtrooms and chambers for two district court judges and one magistrate judge. The cost of the project in 1995 was approximately \$17 million.

The architects designed the building to fit into the neighboring building landscape. Materials such as limestone, cement, and masonry were used to reflect in color, finish, and scale the Old Lehigh County Courthouse across the street, the Post Office building across the street, and the church structure behind the Courthouse.

Approximately sixty federal employees work in the building. Tenants in the building include the United States District Court, Pretrial Services, Probation, United States Marshals Service, Federal Bureau of Investigation, Drug Enforcement Administration, and General Services Administration.

An artist from upper New York State by the name of Jenny Holzer designed sixteen green granite benches with sayings carved on the benches. The title of this artwork is “Allentown Benches: Selections from the Truism and Survival Series.” The benches are placed in public areas of the building on the first, third, and fourth floors.

Ms. Holzer uses language as a visual arts medium. To create her work she draws from social, political, and cultural commentaries, as well as her own writings. She presents these texts and carvings on stone benches and in other artwork. She says that she uses words as an artistic medium in order to “provoke thinking, emotion, and conversation.” The words are intended to elicit both reflection and passion from readings, as she chose statements that variously

compliment and contradict one another. This was her first General Services Administration commissioned artwork.

The land upon which the courthouse is situated was originally owned by the United States Postal Service. The courthouse was constructed using the General Services Administration design-build program, which allows for the award of a single contract to cover architecture, engineering, and construction. Under an agreement with the General Services Administration, the Post Office contracted with Keating Building Corporation of Bala Cynwyd, Pennsylvania to both design and build the new courthouse. After completion of construction, title was transferred in 1995 by the United States Post Office to the General Services Administration for consideration of \$16.7 million.

In March of 1999, proposed legislation naming the new courthouse after then retired District Judge Edward N. Cahn passed the House by voice vote and without debate. However, the legislation stalled in the Senate due to concern over whether retired Judge Cahn might have an unfair advantage if he appeared as a lawyer in a courthouse named after him. In response to this concern, Judge Cahn promised not to practice law in the courthouse and on August 20, 2001, Congress named the building the “Edward N. Cahn Federal Building and United States Courthouse.”⁸ A naming ceremony for the building was held on November 19, 2001. Judge Cahn was the first Lehigh County citizen to serve as a United States District Judge, and played a key role in securing the design, construction, and government funding necessary for the courthouse project.

⁸ Act of August 20, 2001, Pub. L. No. 107-31, 115 Stat. 213.

E. City of Lancaster

1. 1992 to Present

On October 6, 1992, Congress authorized an additional place for the Eastern District to hold court, in Lancaster, Pennsylvania. *See* 27 U.S.C. § 118(a) (“Court for the Eastern District shall be held at Allentown, Easton, Lancaster, Reading and Philadelphia.”). The President included twenty-seven million dollars for the construction of a new courthouse in Lancaster in his budget proposal for 2010. The U.S. Senate authorized the spending however, the proposed funding was not included in the final budget bill adopted by both houses of Congress that year. The Eastern District remains authorized to hold court in Lancaster, but does not currently have a designated location for court use.