

Edward N. Cahn

Born: June 29, 1933, in Allentown, Pennsylvania

**Federal Judicial Service:**

Judge, U.S. District Court for the Eastern District of Pennsylvania

Nominated by Gerald R. Ford on November 18, 1974, to a seat vacated by John Morgan Davis.

Confirmed by the Senate on December 18, 1974, and received commission on December 20, 1974. Served as chief judge, 1993-1998.

Service terminated on December 31, 1998, due to retirement.

**Education:**

Lehigh University, B.A., 1955

Yale Law School, LL.B., 1958

**Professional Career:**

Private Practice, Allentown, Pennsylvania: 1958-1974

U.S. Marine Corps Reserve: 1958-1964

Member, Judicial Conference of the United States: 1994-1997

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## Judicial Biography

\*Edward N. Cahn, a young lawyer in private practice in Allentown, Lehigh County, was appointed to the District Court in January 1975. He was the only judge named by President Gerald R. Ford to the Eastern District. In the 1990's, he was to serve as Chief Judge of the Court, succeeding Louis Bechtle. For three years he was the District Court representative from the Third Circuit on the Judicial Conference of the United States, the policymaking body for the federal courts presided over by the Chief Justice.

From 1975 to 1977, Judge Cahn presided in Philadelphia. From 1977 until his retirement in 1998, he served in Allentown.<sup>1</sup>

He was born on June 29, 1933, in Allentown, graduated from Allentown High School, and graduated magna cum laude from Lehigh University in 1955, where he was a member of Phi Beta Kappa. He received his LL.B. from Yale University in 1958, and an Honorary Doctor of Laws from Lehigh University in 2002. He was admitted to the practice of law in 1959. He served as an Adjunct Professor at Rutgers-Camden Law School from 1985 to 1989, and as a Tresolini Lecturer in law at Lehigh University. He was a member of the Judicial Conference of the United States from 1994 to 1996, the Judicial Conference Committee on Judicial Resources from 1993 to 1998, and the Judicial Conference for the Third Circuit Court of Appeals from 1993 to 1998.

A selective service lawsuit filed in the Eastern District in 1972 had potentially widespread consequences. It dealt with the issue of gender discrimination. Robert Goldberg challenged the constitutionality of the Military Selective Service Act on the ground that only males were subject to registration and conscription. A three-judge court consisting of District Judges James Gorbey and Joseph Lord and Circuit Judge Max Rosenn was convened. Shortly thereafter, the draft ended and the case lay dormant for a number of years. Ultimately, the matter was reactivated, and Judge Cahn replaced the late Judge Gorbey on the three-judge panel.

In 1980, President Jimmy Carter asked Congress to reinstitute the registration process in order to facilitate a draft if one should ever be reinstated. He proposed that women as well as men register as a matter of equity. Congress authorized the President to require registration of males but rejected his request with respect to women.

The question now before the three-judge panel was whether the Military Selective Service Act was constitutional when it compelled men, but not women, to register. The panel ruled unanimously that the law violated the due process clause of the Constitution and enjoined

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\* The following material is excerpted from JUDGE HARVEY BARTLE, III, MORTALS WITH TREMENDOUS RESPONSIBILITIES, A HISTORY OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, 3-12 (Saint Joseph's University Press, 2011). Reproduced with the permission of the author, Judge Harvey Bartle, III, and the publisher, Saint Joseph's University Press.

<sup>1</sup> From December of 1998, when Judge Cahn retired, until November of 2002, no district judge served on a regular basis at the Allentown federal courthouse.

enforcement of registration on the ground that it did not treat men and women equally. In an opinion by Judge Cahn, the Court stated:

It is undisputed that the MSSA [Military Selective Service Act] creates a gender-based classification and that the government has the burden of justifying that classification. . . . We . . . hold that the complete exclusion of women from the pool of registrants does not serve “important governmental objectives” and is not “substantially related” . . . to any alleged government interest. Thus, the MSSA unconstitutionally discriminates between males and females.

The Court’s order was stayed by Justice William Brennan to give the Supreme Court an opportunity to consider the matter. After argument, the Supreme Court reversed. Chief Justice William Rehnquist wrote for the majority that the District Court must defer to Congress which has the exclusive power under the Constitution to raise and maintain an Army and a Navy and to make rules and regulations for the land and naval forces. According to the high Court, Congress had made a valid policy decision that women in the military were not to engage in combat and therefore should not be required to register for a possible draft. Consequently, men and women were not similarly situated for purposes of a draft or registration for a draft and the Military Selective Service Act did not violate due process.

Judge Cahn was assigned and presided over a Multidistrict Litigation (“MDL”) involving allegations that major sugar refiners and others East of the Mississippi River had conspired to fix prices of refined sugar in violation of § 1 of the Sherman Act.

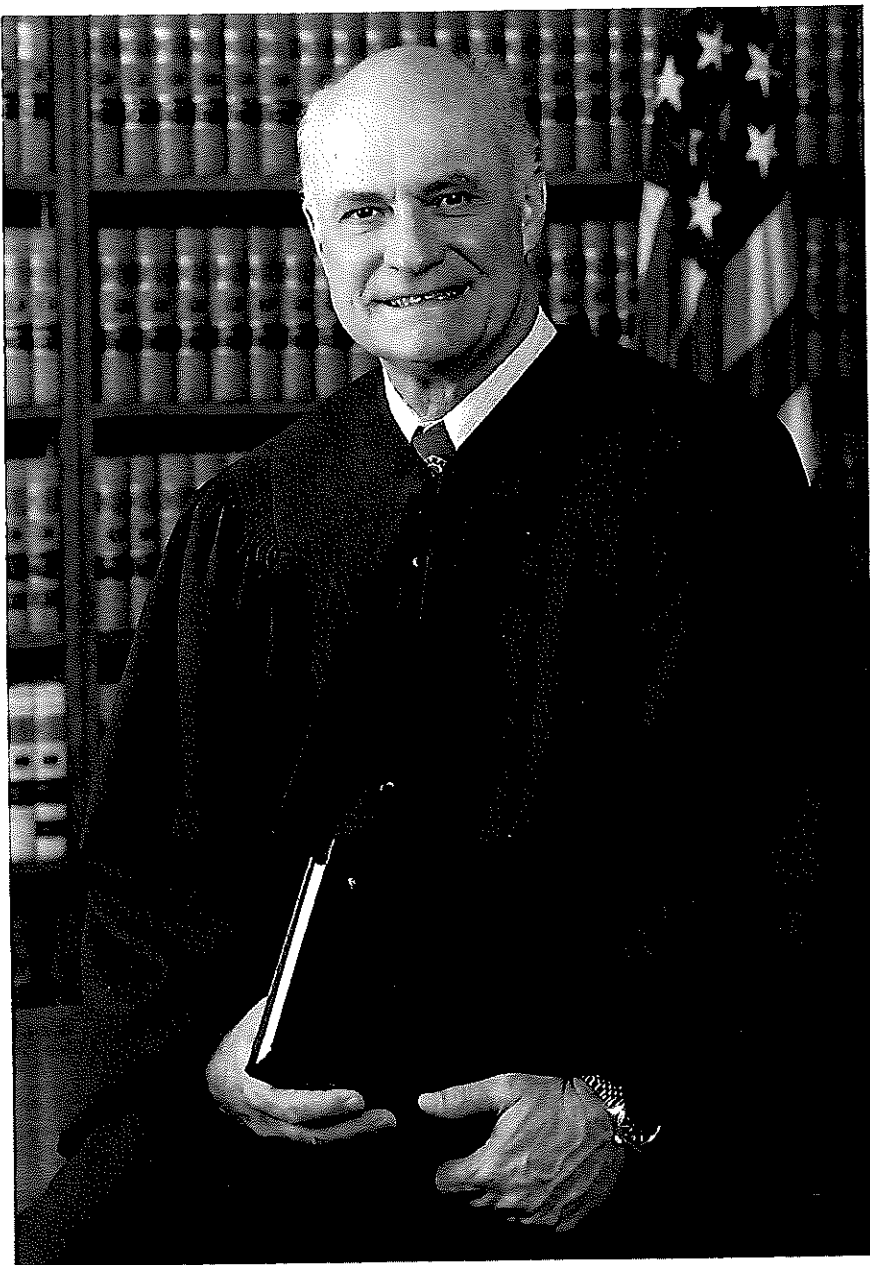
With the induction of Judge Cahn in 1975, the Court had a judge sitting in Allentown for the first time since that city was designated by Congress as a court station in 1968. The Commissioners of Lehigh County kindly permitted him to use the old Lehigh County Courthouse with its vintage courtroom since there was no adequate federal facility nearby. In the early 1990’s, a federal courthouse was built in Allentown where both civil and criminal cases arising out of that geographic area are now tried. It is situated on Hamilton Street across from the old county courthouse and a block from Zion’s Reformed Church where the Liberty Bell was hidden during the Revolution after it was removed from Independence Hall to keep it out of the grasp of the British Army about to occupy Philadelphia. The courthouse contains the portraits of Judges William H. Kirkpatrick and J. Cullen Ganey, who were from neighboring Northampton County, as well as that of Judge Cahn, who is a native of Lehigh County. All three served as Chief Judge of this Court.

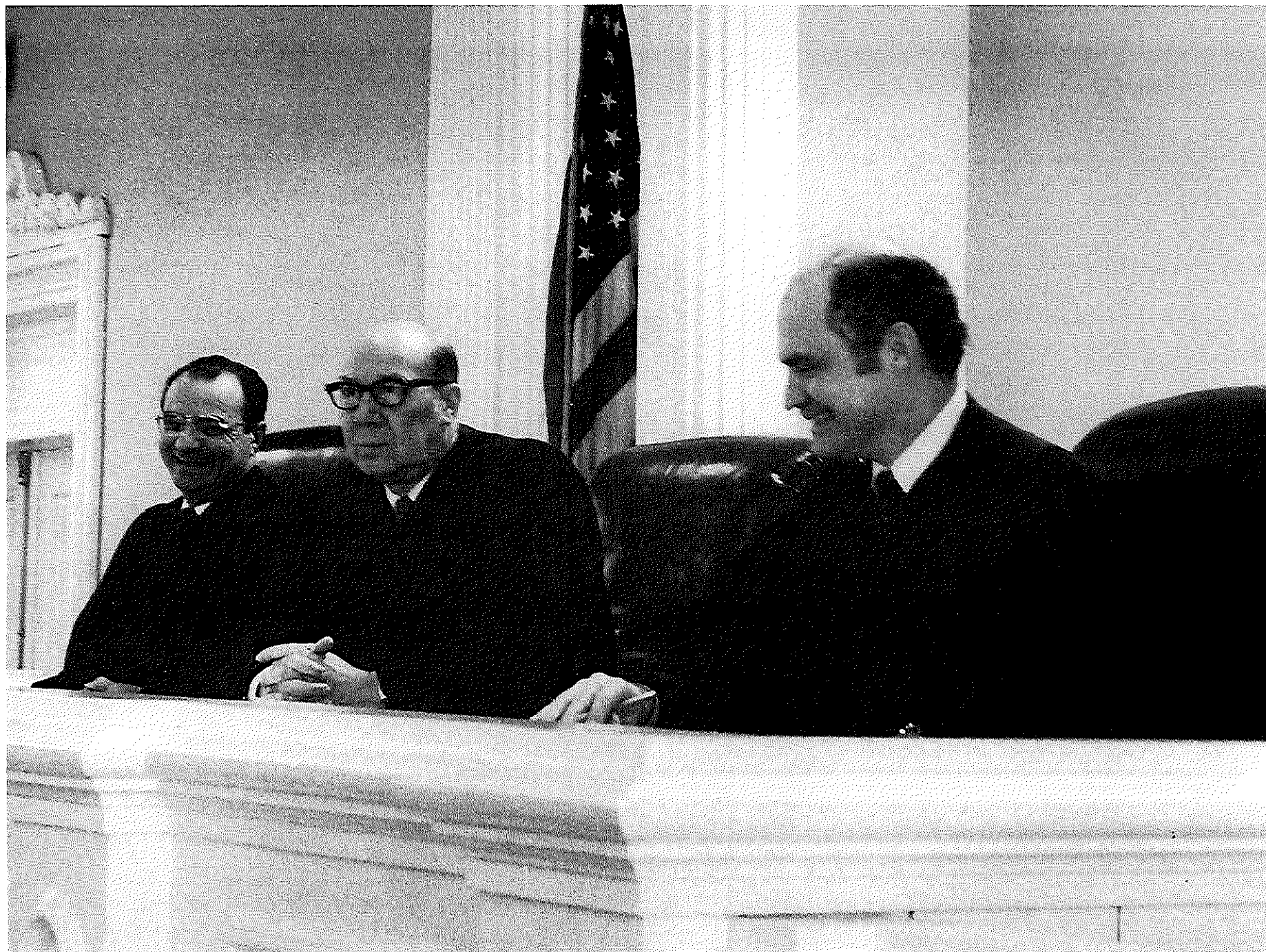
Judge Cahn served as Chief Judge from 1993 to 1998. He retired from the Court on December 31, 1998, and then returned to the private practice of law. On August 20, 2001, the Allentown Federal Courthouse was named by the United States Congress the “Edward N. Cahn Federal Building and United States Courthouse” in his honor.

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### Biographical Materials

1. Transcript of induction proceedings, administration of the oath of office, January 31, 1975, Philadelphia, Pennsylvania – Honorable Edward N. Cahn.
2. Naming Ceremony of the Edward N. Cahn United States Courthouse and Federal Building, November 19, 2001.
3. Judicial photograph of Honorable Edward N. Cahn.
4. Transcript of Official Ceremonies Commemorating Opening of Allentown, Pennsylvania Federal Court facility held on December 16, 1977.
5. Series of three photographs taken on December 16, 1977 of Judge Alfred L. Luongo, Chief Judge Joseph S. Lord, III, and Judge Edward N. Cahn, on the occasion of the opening of the federal courtroom in Allentown, Pennsylvania in the old Lehigh County Courthouse.













IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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ADMINISTRATION OF THE OATH OF OFFICE  
AS JUDGE OF THE UNITED STATES DISTRICT  
COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

to

HON. EDWARD N. CAHN

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Philadelphia, Pennsylvania  
Friday, January 31, 1975

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HON. JOSEPH S. LORD, III, Chief Judge  
(Presiding)

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PATL J. MCGOWAN  
Official Court Reporter  
3651 U. S. Courthouse  
Philadelphia, Pa. 19107  
WA-5-9480

## PRESENT:

HON. JOSEPH S. LORD, III, Chief Judge (Presiding)

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HON. JOHN MORGAN DAVIS, Senior Judge

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HON. ALFRED L. LUONGO, District Judge  
HON. JOHN P. FULLAM, District Judge  
HON. CHARLES R. WEINER, District Judge  
HON. E. MAC TROUTMAN, District Judge  
HON. EDWARD R. BECKER, District Judge  
HON. DONALD W. VAN ARTSDALEN, District Judge  
HON. J. WILLIAM DITTER, JR., District Judge  
HON. JAMES H. GORBAY, District Judge  
HON. RAYMOND J. BRODERICK, District Judge  
HON. CLARENCE C. NEWCOMER, District Judge  
HON. CLIFFORD SCOTT GREEN, District Judge  
HON. HERBERT A. FOGEL, District Judge  
HON. JOSEPH L. McGLYNN, Jr., District Judge

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(Convened at 2:05 p.m.)

CHIEF JUDGE LORD: Good afternoon, ladies and gentlemen; small ladies and gentlemen. Welcome to the Eastern District of Pennsylvania, which you have seen today in its customary state of confusion. It is good that you could come in on a typical court day.

(Laughter in the courtroom.)

CHIEF JUDGE LORD: We have, of course, a very happy occasion today, and that is to welcome to the Bench and to administer the oath of office to a new judge.

This is always a happy occasion for us. In view of certain salary deficiencies, that may not be so happy for him, but we hope to make that up with pleasant companionship and pleasant company and tremendous intellectual stimulation.

(Laughter in the courtroom.)

CHIEF JUDGE LORD: The Court will recognize Robert M. Landis, Esq., the representative of the Judicial Committee of the American Bar Association. Mr. Landis.

MR. LANDIS: May it please the Court: It is with great pleasure that I appear before this Court on an occasion of this kind as the representative of the American Bar Association Standing Committee of the Federal Judiciary.

As I think many here know, the American Bar Association Standing Judiciary Committee has the responsibility to make

an investigation into the qualifications and credentials of persons who are being considered for the federal court, and to make a report on those findings to the Department of Justice.

The Committee is truly representative of the Bar of the United States and, specifically, of the Trial Bar.

It consists of a member from every judicial circuit who has the responsibility of performing the functions in that circuit, and, as again most of you know but some of you may not, in performing those functions we seek out the best informed persons -- the judges, the lawyers, the law school professors and deans -- to derive a representative picture of the qualifications of the persons who are considered for this high calling.

A report is then made to the total Committee which considers it and in turn reports to the Department of Justice. The result of these activities we see before us today in the person of Edward N. Cahn.

An outstanding, active, vigorous, industrious trial lawyer from Lehigh County.

A man of sound and indeed high academic attainments, having been valedictorian of his class at Lehigh, a magna cum laude graduate, and also having graduated from Yale Law School.

It is with great pleasure that I appear here as the representative of the ABA Committee to join in the ceremonies in the investiture of Edward N. Cahn as a judge of this distinguished

Court, the United States District Court for the Eastern District of Pennsylvania.

CHIEF JUDGE LORD: Thank you very much, Mr. Landis.

On behalf of the Court I may say that we are well aware of the important role played by the Committee on the Federal Judiciary of the American Bar Association. This is not your occasion, it is Ed Cahn's occasion, but, nonetheless, I cannot help but remark on the importance of the work that your committee does and how much it gives to the high quality of the judiciary in the federal court.

We are always happy to have with us our brethren from the Court of Appeals, and I note the presence of Judge VanDusen from the Court of Appeals for the Third Circuit.

I will not I think mention anyone else because when I do invariably I get into trouble by forgetting to name someone, and it is much safer I think and much safer from my standpoint in all events to name nobody except to say that there are illustrious people here, not only from Lehigh County, but from Washington, from GSA, which provides our quarters and our towels and everything else, a tremendously important branch of the Government, seriously, I mean it, and we are very happy to have them with us.

The Court will recognize William S. Hudders, Esq., of the Lehigh County Bar.

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MR. HUDDERS: If Your Honors please: It gives me or



it gave me great pleasure to stand in this room in November of 1960 and move for the admission of Ed Cahn as a member of the Bar of this Court and as a member of the Bar of the Circuit Court.

Today it is my privilege to stand here in some degree representing the half-million people of Lehigh and Northampton Counties who are equally proud to have a representative among you on this Bench.

I should also say that I speak for the 500 lawyers of those two counties who are very happy to realize that one of the best of both Bars will now be with you on your Bench and add to the already distinguished array of jurists that are here.

Now, when I asked Ed what I should say on this occasion, he said, "Oh, tell them something about our part of the Pennsylvania Dutch County." Now, of course, I want to tell you that I have never flouted the orders of any judge, and, believe me, I am not going to flout the orders of a chap who is going to be a judge within this hour.

As all of you know, Allentown, Bethlehem and Easton are the principal cities of the Lehigh Valley complex. In population the area is the third largest area in the State of Pennsylvania and, of course, in these Bicentennial times it may be proper to note that Allentown was the place where the Liberty Bell was hidden in 1777 while the British were eating high off the hog here in Philadelphia.

Bethlehem, of course, is very proud of its Moravian

brothers and sisters who entertained Benjamin Franklin, George Washington and Lafayette, as well as many other notables of the period.

Easton, at the forks of the Delaware, was the site of many indian parlays and Easton, of course, is very, very proud of George Taylor, one of the signers of the Declaration of Independence.

Now, today, those two counties are a teeming industrial complex. The nation's number 2 steel company is sprawled over both of those counties. Allentown is the truck capital of the world, and Easton is the seat of Lafayette College, just one of the five other colleges in the area.

Now, I know Ed Cahn is interested in the Lehigh Valley and in having a station of this Court in the now idle 1812 Lehigh County Courthouse with its beautifully refurbished courtroom in federal decor.

Now, should you choose to do so, the courtroom is now ready for the fall of the gavel; for the fall of the gavel even this Monday morning.

Within a month we will have in your hands updated statistics as to the locally-originated case load, but a station in Allentown will not only serve the local area, it will be ideal for those multi-party protracted litigations that just go on for weeks and weeks.

Transportation facilities are excellent, as are the

hotel facilities. Allentown is 1-1/2 hours from where I stand by motor and 2-1/2 from Time Square.

The county governments and the great industries of the valley have created the Allentown-Bethlehem-Easton Airport, which is served by three major airlines. Every day there are two non-stop flights in either direction to and from Boston, to and from Pittsburgh, and from Washington. Time, one hour.

Every day there are two non-stop flights to and from Chicago. Time, less than two hours. As so many people within 50 miles of the airport realize, the nation is at the doorstep of the Allentown-Bethlehem-Easton area.

Now, I hope I have done my bidding about the Pennsylvania Dutch country, for this is really Ed Cahn's day.

Now, he is truly a product of this area. It was early evident that nature endowed him with great talents of body and of mind. Those talents he has trained and disciplined throughout his life. You will recall the Good Stewart who doubled the talents that his master gave him. So has Ed Cahn.

A National Honor Student at Allentown High School, he was also a varsity basketball star for three seasons. In his senior year he was the high-scoring member of the Pennsylvania Intercollegiate Championship Team. Earning an academic scholarship to Bethlehem's Lehigh University, he played on its basketball team for four years, was captain in his senior year, and university career high scorer. He was an athlete, Phi Beta Kappa, and was

graduated magna cum laude.

In 1958 he was graduated from Yale Law School, and after a short hitch in the Marines, he commenced the practice of the law.

Upon his admission he soon built an ever-growing practice, and as time went on he was a standout as a trial lawyer.

You will find that Ed Cahn is a thorough and painstaking, hard worker. The second best is not for him.

In a courtroom he has always been well prepared. He is accustomed to search for the facts and when he has found them he knows what they mean and, perhaps more importantly, he understands that an array of facts sometimes hides other things. His mind has been finely honed to understand and handle complex legal issues, and grappling with a problem he has got an instinct for the jugular.

He knows and understands the flow of the law and his solutions are imaginative. With his background as a formidable and respected opponent at trial, he has been well-prepared for the Bench.

Now, I also want to say that there are three other people, and that is his charming wife, Alice, and his two daughters, Jessica and Melissa, and he acquired them somewhere along the line of the things that I have been recounting.

But, I must not forget. Ed is a champion of the basketball courts. There was the high school game with the score in the -- well, a tie score in the closing minutes, when 10 men

with 20 hands, 20 elbows and 20 feet were in a mighty chaos under the basket. With supreme effort Ed came out with the ball and charged down the court, pursued by nine other men. He made that basket and scored two telling points for the other side.

(Laughter in the courtroom.)

MR. HUDDERS: Now, let me hasten to tell you that since that day, on that kind of a court or in any other court, Ed Cahn has never again scored for the other side.

Your Honors, may I give you your new brother, Ed Cahn.

CHIEF JUDGE LORD: Thank you very, very much, Mr. Hudders.

I think that what you witnessed when the Court came on the Bench today, from what I have now heard Ed Cahn would be a welcome addition.

(Laughter in the courtroom.)

CHIEF JUDGE LORD: We will be looking forward to getting the figures from you, Mr. Hudders, on the litigation originating in Allentown, together with your plan for financing it.

(Laughter in the courtroom.)

CHIEF JUDGE LORD: Will the clerk read the commission.

MR. HARDING (Clerk of the Court): Edward Cahn, please approach the lecturn.

(Edward Cahn, Esq., stands at the Bar of the Court.)

MR. HARDING: May it please the Court:



GERALD R. FORD

PRESIDENT OF THE UNITED STATES OF AMERICA

To all who shall see these presents, Greeting:

Know Ye, That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Edward N. Cahn, of Pennsylvania, I have nominated, and, by and with the advise and consent of the Senate, do appoint him United States District Judge for the Eastern District of Pennsylvania, and do authorize and empower him to execute and fulfill the duties of that office according to the Constitution and laws of the said United States, and to have and to hold the said office, with all the powers, privileges and emoluments to the same of right appertaining, unto him, the said Edward N. Cahn, during his good behavior.

In Testimony Whereof, I have caused these letters to be made patent and the Seal of the Department of Justice to be hereunto affixed.

Done at the City of Washington this 20th day of December, in the year of our Lord one thousand nine-hundred and seventy-four, and of the Independence of the United States of America, the 199th.

Signed Gerald R. Ford, President of the United States.

And signed William B. Saxbe, Attorney General.

CHIEF JUDGE LORD: Thank you.

Will everyone rise, please.

Place your left hand on the Bible, raise your right

hand, and repeat after me:

I, Edward W. Cahn, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a United States District Court Judge according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States, and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same, that I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

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CHIEF JUDGE LORD: Thank you, Judge Cahn.

The Court would like to have Mrs. Cahn and Mr. Daller robe Judge Cahn.

(Robing of Judge Cahn by Mrs. Cahn and Mr. Daller.)

CHIEF JUDGE LORD: You will eventually have to learn to do that yourself.

(Laughter in the courtroom.)

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CHIEF JUDGE LORD: Will Robert A. Weinert, Esq., and Robert M. Landis, Esq., escort Judge Cahn to the foot of the Bench.

(Robert A. Weinert, Esq. and Robert M. Landis, Esq., escorted Judge Cahn to the foot of the Bench, whereupon Judge Cahn joined his colleagues on the Bench.)

CHIEF JUDGE LORD: On behalf of the Court I congratulate Judge Cahn and I congratulate the Court.

It goes without saying that we are happy to have you with us, especially one with such an illustrious background.

You now bring to full strength our Court which, with 19 judges, active judges, plus our three senior judges, is the second largest in the United States, second only in size and numbers to the Southern District of New York, but second to none in the caliber of its judges and, we hope, its achievements.

I am sure that we all have every confidence that you will carry these forward.

We are happy to have you share our caseload, take some burdens from our shoulders, such as they may be, but, more importantly, we are happy to have someone of your caliber, someone of your friendliness and nature become a part of this Court.

Again, on behalf of the Court I welcome you, and I would entertain whatever rebuttal you wish to make.

(Laughter in the courtroom.)

JUDGE CAHN: Chief Judge Lord, judges of both state and federal courts who are here today. When I was on active duty

with the United States Marine Corps Reserve, the commanding general spoke on the occasion of the Marine Corps birthday. He said, "A man can go far in this life with a good mother and a good wife." I am fortunate to have had both, and I am indebted to both for the sacrifices they have made in my behalf.

My father too has been instrumental in providing for my education, especially in giving me the opportunity to study at Yale Law School.

Many other teachers, coaches, lawyers and friends have helped me develop the confidence to deal with legal problems. I would like, however, to single out my high school basketball coach, J. Milo Sowards, as a person who taught and exemplified courage and dedication to purpose, which characteristics are indispensable to any lawyer or judge.

Specifically, I want to mention that both of our United States Senators have been primarily responsible for the appointment of an Allentonian to this Bench, and I, as well as the entire Lehigh Valley community, appreciate the fact that for the first time in the history of Lehigh County there will be local representation on this Court.

When I appeared in Washington before the Subcommittee of the Senate Judiciary Committee, both Senator Scott and Senator Schwieker accompanied me. Although four other applicants were there on that day, I was the only one who was accompanied by both United States Senators.

I clearly recognize the formidable task I face to develop the skills and knowledge required of a federal judge. I must and I will do the necessary background work in that regard.

Most of my experience, however, has been with proceedings in state or county courts, and I must say that I intend to emulate the traits of those judges I have respected and admired.

You should not infer from this that I expect to attain this goal but merely that I intend to use the careers of those judges as a guide to the high standards to which I aspire but which may not be attainable.

In this regard the standard which I would set for myself in the area of integrity would be the career of President Judge James F. Henniger of the Court of Common Pleas of Lehigh County, who enjoyed the total confidence of the community in that regard.

Judge Kenneth H. Koch, my first preceptor, recognizes that the law as a sociological institution is one of the last bulwarks against the collapse of our ideals, and I intend to consider his philosophy in my career.

In the area of the mastery of the subject matter before the Court, I will set as my example Judge Martin J. Coyne of the Orphans Court Division of the Court of Common Pleas of Lehigh County, who is recognized as a scholar in the Estates field by all lawyers who practice before him.

The career of Lehigh County Judge Donald E. Wieand will serve as a guide for the development of the ability to think



legal problems through in an incisive and cogent manner.

I intend to emulate the former President Judge of the Orphans Court of Lehigh County, Ethan Allan Gearhart, in regard to his ability to empathize with persons who appeared before him.

A good judge must be compassionate, and I think Judge Henry V. Scheirer exemplifies this requisite.

Although I never had the opportunity to practice before Judge Theodore R. Gardner, I will follow his precept in that his word was always as good as his bond.

Finally, I hope that I can accomplish the transition from private practice to the Bench as quickly and effectively as Lehigh County judges John E. Backenstoe and Maxwell E. Davison did.

I recognize that the Bench of the District Court for the Eastern District of Pennsylvania is recognized throughout the nation for its learning and legal ability. The federal judges here have been very generous in their efforts to assist me in every way, and I intend to avail myself of these opportunities.

I do not expect it will be easy to accomplish the goals I have set for myself, but I pledge to my family and friends, to the Bar Association and to Chief Judge Lord and the other judges of this Court that I will do my utmost to be a credit to the federal judiciary and to enhance the established reputation of this Court.

I am sad at leaving the general practice of law and

I will treasure the fond associations I have enjoyed with my fellow lawyers. I am looking forward to new challenges, and, with God's help, I intend to be successful in meeting them.

CHIEF JUDGE LORD: Thank you very much, Judge Cahn.

Do any of my brethren wish to say anything?

Judge Davis.

JUDGE DAVIS: Taking senior judge status, which was required, it was a little difficult for me to adjust to, but I am very happy that my adjusting to it has resulted in our getting such an eminent member of our Court. We are glad to have you.

I, of course, was interested in Mr. Hudders' statement of the Lehigh Valley, because I was raised in Reading, in Berks County, I am still a member of the Berks County Bar, and I still remember the athletic rivalry between Reading and Allentown: The Pretzel Town against the Peanut Town. It was good to know that you were able to be in there fighting for your city. We expect the same way in which you will fight for this Court.

Thank you.

CHIEF JUDGE LORD: Thank you, Judge Davis.

JUDGE DAVIS: Thank you.

CHIEF JUDGE LORD: There being nothing further, this Court stands adjourned.

Do you wish to remain on the Bench, Judge Cahn, to greet any of these people?

JUDGE CANN: I may step down here.

CHIEF JUDGE LORD: Very good.

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(Concluded at 2:30 p.m.)

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**EDWARD N. CAHN**  
**UNITED STATES COURTHOUSE & FEDERAL BUILDING**

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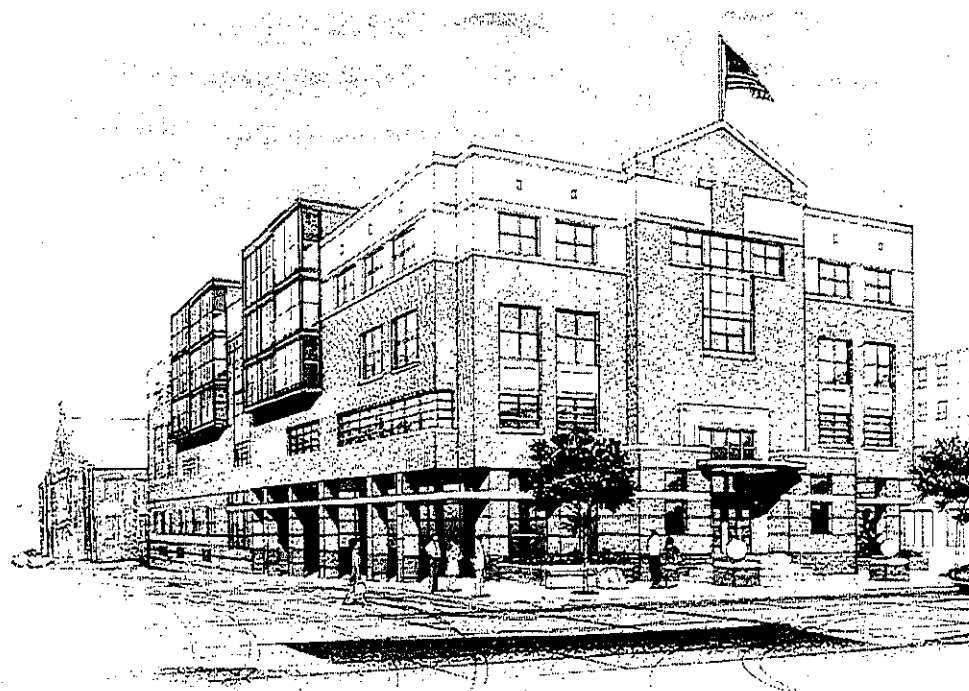
Opened in December 1995 at a cost of \$17 million, the federal facility in Allentown which we today take pride in designating the Edward N. Cahn United States Courthouse and Federal Building encompasses 89,000 square feet and is designed to hold three United States District Court courtrooms and chambers, as well as space for court support staff and offices for various affiliated Federal Agencies. The facility is four stories tall, with a level of secured parking.

The creation of this facility was made possible by collaboration between the court, the United States Postal Service and the General Services Administration. Brilliantly designed to take architectural clues from its beautiful surroundings in historic Allentown, this masonry and stone structure reflects in color, and in finish, as well as in scale, the adjacent Old Lehigh County Courthouse, the post office that abuts it to the east, and the church school and rectory to the rear of the building.

It is with great pleasure and pride that the court today pays tribute to an outstanding jurist by placing his name forever on this outstanding facility.

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# N A M I N G C E R E M O N Y



**EDWARD N. CAHN**  
**UNITED STATES COURTHOUSE**  
**AND FEDERAL BUILDING**

504 West Hamilton Street  
Allentown, Pennsylvania

Monday, November 19, 2001  
10:15 a.m.

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ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OFFICIAL CEREMONIES	:	TRANSCRIPT OF
COMMEMORATING OPENING	:	
OF ALLENTOWN, PENNSYLVANIA	:	PROCEEDINGS
STATION.	:	

Friday, December 16, 1977  
Allentown, Pennsylvania

BEFORE: HONORABLE JOSEPH S. LORD, IXI, Chief Judge  
HONORABLE ALFRED L. LUONGO, J.  
HONORABLE EDWARD N. CAHN, J.

Joel Gerztenfeld, C.S.R.  
Official Court Reporter  
United States Court House  
Room 2722, 601 Market Street  
Philadelphia, Pennsylvania 19106  
WA-5-9480

/ Exhibit "D"

CHIEF JUDGE LORD: Good morning, ladies and gentlemen. I'd like to acknowledge the presence here today of Judge Fullam, John P. from the United States District Court for the Eastern District of Pennsylvania. He was here.

JUDGE FULLAM: Still is.

CHIEF JUDGE LORD: I guess he still is, and Pat Doyle, a Circuit Executive for the Third Circuit, Nick Vinci, the Chief Deputy United States Marshal, and Magistrate Rapoport, United States Magistrate in Allentown. David Marston, the United States Attorney was to be here, but he found another Democratic Politician and is busy now indicting him.

We'll recognize William Wickkiser, the President of the Lehigh County Bar Association. And before you begin, Mr. Wickkiser, I'd like to say that I'm heartily encouraged by the program because everyone of the agenda notes refers to William Wickkiser, Esquire, for brief remarks.

MR. WICKKISER: May it please the Court, Distinguished Members of the Bench and Bar, Distinguished Guests, Ladies and Gentlemen.

As President of the Bar Association of Lehigh County, I should like to welcome you to Lehigh County, to its "Old" Court House and to this most beautiful courtroom.

December 16, 1977, today, is an important day in

the history of our Bar Association. It is a first for us. For today, and never before, we celebrate the opening of the Allentown Station of the United States District Court for the Eastern District of Pennsylvania.

The expectation of this day began in the hearts and minds of our Bar Membership many years ago. The first concrete steps toward this goal was taken January 31, 1975, when one of our own members was sworn in as a Federal Judge, Judge Edward N. Cahn.

Lehigh County had its first Federal Judge, and within three years its first Federal Station.

Our Association supported and worked hard for the appointment and supported and worked hard for this Federal Station. We take pride in both.

The opening of the station, of course, will bring some sacrifices to our membership mostly in the mode of travel.

We're going to have to give up those winter drives down Route 309 through the ice and the snow. We're going to have to give up the competition of driving for your life on the Schuylkill Expressway.

We're going to have to give up the pleasure of the railroad train trips to Philadelphia boarding the Super Chief or the Orange Blossom Limited in days past in Allentown or Bethlehem or Coopersburg or Quakertown where you boarded it.

We're even going to have to give up hurried airplane trips or even a helicopter ride to Center City Philadelphia.

And in the memories of some of you gentlemen, you will think of giving up even the ride on the speeding trolley car from Eighth and Hamilton Streets to Norristown and on to 69th and Market Streets in Philadelphia.

But the profession has gained. We have the convenience of Allentown, the convenience for the lawyers, the convenience for our clients, the conveniences for our witnesses. We have the use once again of this most beautiful courtroom, and we have the revival in its use of the memory of the great judges and lawyers who have served in this room, of the causes tried here, of the justice that was done here, and the justice that will be done here.

We have in the use of this station another forum in which to unveil the noble traditions of our profession.

Yes, an important day for the Bar Association of Lehigh County and I direct our Historian to note this day and mark it well in the history of our association. Thank you.

I have messages. I received a call from the United States Attorney. He would not commit that it was political, but he said he was busy on very serious

Government matters, Chief.

I'll read a telegram directed to the Bar Association of Lehigh County.

"Permit me to join in extending a warm welcome to you and the United States District Court Station which opens today in the Historic Lehigh County Court House. This day marks the culmination of an effort that spans more than a decade in which former Senator Hugh Scott, Senator Richard Schweiker and I joined the Lehigh County Bar Association and many officials to have a Federal Court Station established here. My congratulations to you, personally, Judge Cahn on the fact that you will be the first Federal Judge to sit in this station. It is a proud moment for Lehigh County. I share in the hope that the administration of justice in America has been enhanced a bit more by the addition of this court in our community. My warm regards to everyone in attendance.

Fred B. Rooney

Member of Congress."

I have a second telegram.

"Please extend my greetings to those gathered for the ceremony establishing the United States District Court for the Eastern District of Pennsylvania in Allentown. Deeply regret unable to join you personally. I am glad that this moment is finally a reality after many years of

hard work. Best wishes.

U.S. Senator Dick Schweiker"

With the Court's permission. . .

CHIEF JUDGE LORD: Thank you, sir. The Court will recognize Raymond C. Haggerty, Jr., Esquire, President of the Northampton County Bar Association.

MR. HAGGERTY: If it please the Court, the Honorable Chief Judge Lord, Judge Luongo, Judge Cahn, Members of the Bench and Bar of Lehigh County, Members of the Bench and Bar of Northampton County, Honored Guests:

It is indeed a pleasure to be here for the establishment of a Station of the United States District Court for the Eastern District of Pennsylvania in this Historic Lehigh County Court House.

The year 1977 will be remembered as the year when the age of retirement was extended.

The use of this beautiful building as a Federal Station extends its use for the purpose for which it was built.

The presence of a Federal Court in Allentown will provide convenient access to the District Court for both the lawyers and clients of the Lehigh Valley.

On behalf of the Bar Association of Northampton County, I express our gratitude for the fulfillment of

a longawaited hope and desire. Thank you.

CHIEF JUDGE LORD: Thank you, Mr. Haggerty.

It is my privilege to read a letter from the Honorable Collins J. Seitz, Chief Judge of the Third Circuit. And it's addressed to:

"The Bar Association of Lehigh County  
Lehigh County Court House  
Allentown, Pennsylvania

Dear Members: I regret that I will not be able to accept your thoughtful invitation to attend the ceremonies marking the establishment of a station of the United States District Court for the Eastern District of Pennsylvania in the Lehigh County Court House and the luncheon to follow. I realize that a great many people have contributed to this auspicious occasion but I must say that no one did more, from my viewpoint, than Mr. William S. Hudders.

I know that this facility will be a source of satisfaction to the Lehigh County Bar Association and more importantly, to the citizens of that area. I would appreciate it if at the appropriate time, an expression of my sentiments could be brought to the attention of those present.

With all good wishes to you.

Sincerely,

Collins J. Seitz"

I will now recognize William S. Hudders,  
Esquire.

MR. HUDDERS: With the permission of Your Honors .

CHIEF JUDGE LORD: Mr. Hudders.

MR. HUDDERS: Ladies and Gentlemen, and Distinguished  
Guests, I think that the right note was struck by Judge  
Seitz when he said this was an important occasion for  
the citizens of Lehigh County and, of course, for the  
citizens of this entire area. After all back in 1971  
when I spoke to Judge Seitz about this at the conference  
of the Third Circuit, he immediately espoused the idea.  
So that he has been in the corner of the citizens of this  
county for a long time.

I should like to say that when you speak for an  
amorphous mass such as the citizens of Lehigh County,  
you hardly know exactly what to say, and yet as I think  
about the clients who come to our desks they would usually  
say, must I go to Philadelphia? Why must I go to  
Philadelphia? Must I pay you to go to Philadelphia too?  
And the expense situation was immediately conjured up.

Well, we now are so grateful that Your Honors  
have brought the Courts to the people. And you know,  
there's a parallel for this. Allentown was named after  
a former Chief Justice of the Colony, William Allen.  
William Allen was an interesting character. He was



educated in the Middle Temple in Cambridge, and he came to Philadelphia not as a lawyer but as a merchant, a land speculator. He gathered immense wealth. I mean he was even a bit of a privateer or launched ships as a shipping magnate, and engaged in a little bit of privateering too. He owned over 10,000 acres from the forks of the Delaware. Easton was then the principal town, and this was known as Mr. Allen's town.

In any event, about some 200 years ago when he was Chief Justice and the Bench consisted of two other justices, he conceived the idea that it was time to bring the Courts to the people, and he introduced into the legislature, and incidentally there was no prohibition of sitting in the legislature and being Chief Justice at the same time. He introduced into the legislature a bill, a Circuit Court Bill to bring the Courts to the people. He pointed out in 1767 that the business of the Court had increased thirty fold and they still had three judges and there ought to be two more judges, so that there would be judges to ride circuit which meant coming up into the upper counties. And, of course, along about that time the Chief Justice was much interested in having somebody else ride circuit because he was then along in years and having lived the good life, he did have the gout. So, finally, the bill was passed and the Court

was expanded, and there was a riding of the circuit.

Now, the reason he had some difficulty curiously enough was that there were some lawyers in Philadelphia that were opposed to having the Court sit outside of Philadelphia. It's a bit of a, I don't know whether it's a historical parallel or not, but in any event I'll make no further comment.

There's another aspect of a great feeling in the community, not only this idea that people will only begin to realize the advantages of having the Court here, but along with the fact that the Liberty Bell was hidden here when the British lived high off the hog in Philadelphia. Our people are not only proud of that fact, but historically they have been proud of this beautiful Court House, and all of them are so glad that Your Honors are sitting here so that this will not fall under the wrecker's hammer.

I might say a word or two about the Courts. You know, it seems that well, this county was set up in 1812 and in 1814 the Court House was here. First of all, our Pennsylvania German forebearers, and there must have been a crime wave because they built the prison before they built the Court House. But finally in 1814 when the dogs of war were roaring in Europe, they started on this Court House, and then again in 1864, and incidentally the original Court House was the transept there and the

little room to the left was the original courtroom. In 1864 when the dogs of war were again abroad in the land, they built commended a building of this structure, and low and behold in 1914 the guns of August brought forth the new courtroom. So apparently whenever war time rolls around or at least on those three occasions, thought is given to expanding the Court House.

Well, many things as Bill Wickkiser has said could be said about the battles in this courtroom. And the story I like to tell most of all is not a story of a battle, it's a story of something just as mundane as a guilty plea. And this is a story of a poor old fellow who as we would say here he was a good Pennsylvania German citizen, and he didn't exactly have all of his buttons, and he was constantly being brought before the Court for chicken stealing or some utterly inconsequential thing of the sort.

And on this occasion he was there for the third time and Judge Iobst was on the Bench and said to him in the most fatherly manner,

Well, now, John, what am I going to do with you? You were here three years ago and I gave you one month. Yes, Judge, I see.

And then two years ago you were here and I gave

you two months. Yes, Judge I see.

And last year you were here and I gave you three months. Yes, Judge.

And Judge Iobst said, what am I going to do with you? He said I send you to jail again and again and again and here you are, and it does no good. What would you say if I sent you to jail for the rest of your life? Well, Judge, if you would do that I don't think I would live that long.

So I may say to Your Honors long live this Court and thank you so much for being here.

CHIEF JUDGE LORD: Thank you very much, Mr. Hudders. I would like now to ask Judge Cahn's colleague and mine, Judge Luongo to say a few words.

JUDGE LUONGO: Thank you, Chief Judge Lord. I'll try my best to follow the examples of brevity that has been set by the preceding speakers.

I want to express my complete pleasure at being here on this historic occasion. I can certainly empathize with Mr. Wickkiser and the comments that he made about the apprehension in traveling to Philadelphia in the ice and snow at this time of the year because I had similar apprehensions about coming up here into the wilds of Lehigh County in mid December. God indeed must be smiling down on this occasion to have blessed us with

this gorgeous mid December day or it perhaps reflects his view and his appreciation of what is going on here now.

If anyone had told me five or six or eight or ten years ago when the subject of an Allentown Station was first broached, and I can't recall how long ago it was, that Chief Judge Lord and I would be sitting presiding at a ceremony such as this in Allentown in 1977, I would have been completely amazed.

I must say to you that there was not a great deal of support for opening a new station. It is a testimonial to the persistent efforts of the members of the Lehigh County Bar and in particular Mr. Hudders. And it is a testimonial beyond that to our appreciation for your having sent to us that beautiful person, Judge Edward Cahn, and it is a sign of our affection for him that we finally agreed that this perhaps would be a proper station.

Now that it's here, of course, you can expect the full cooperation of all of us in continuing it and enjoying it and hoping that it will be of great service to you. I want you to understand that this opening of this new station is contrary to the nationwide trend. There has been a movement in recent years from Washington to reduce rather than increase the numbers of stations,

and the numbers of places of holding court in order to contribute to the efficiency of the operation of the system. But as has been pointed out by Mr. Wickkiser, and Mr. Hudders, this does not take into account the very important factor of being close to the people. And what we're doing here today serves that very important purpose, and I for one am very happy to be a part of it. Thank you.

CHIEF JUDGE LORD: As you all know Allentown was legislatively authorized as a seat of the Court, I think, approximately ten or maybe fifteen years ago but was never implemented until this moment in time. I think we would be remiss if we did not have a word of thanks to the County Commissioners of Lehigh County for their cooperation with the Federal Government in making the best possible arrangements for the Federal Government to activate this facility, and I might say this totally charming facility. We have, as you know, in Philadelphia a new Court House. It is a magnificent structure. It leaves something to be desired sometimes in its operation. The air conditioning is somewhat out of balance at times, and GSA is sometimes a little difficult to deal with, but be that as it may, it is a magnificent structure. But this has the total charm of the beginnings of America, and you're to be congratulated, and I think Judge Cahn

is to be congratulated on having such a courtroom and such a Court House to sit in.

Judge Luongo and I had some doubts about our arrival here this morning. I've heard mention of rigors of travel to Philadelphia or rather the pleasures as Mr. Wickkiser mentioned and referred to them. And I do think Mr. Wickkiser, if you're really going to miss those, we could probably prevail on Judge Cahn to sit down there more than he sits here. Just let us know, but Judge Cahn gave us very specific directions on how to get here, so specific in fact that one person could not have driven here. I think there was one point where he said you go to a white stone, and they were as I say very very detailed. He did at one point tell us to go to Eighth and Hamilton Street and turn right. The only place that he slipped up at all was that he overlooked telling us that Hamilton has been changed to the mall, and when I saw the dome of the Capitol in the distance I said to Judge Luongo, I think we've gone too far. And we did get back as you can see at all events.

I certainly want to echo what Judge Seitz said about Bill Hudders, his tireless efforts in making this possible, and re-echo what Judge Luongo said about Judge Cahn. I must say that he went about it in a persistent, pernicious, pervasive kind of a way that made it

absolutely, absolutely impossible to refuse to open the Allentown facility.

Allentown has been good to us in a different direction from this Court House too, and that is in the Judge that you sent us. In the short time that he has been with us, the comparatively short time, we are eternally grateful to Allentown for sending us Ed Cahn for our Bench, so that the confluence of both of them in this Courtroom, in this Court House is a happy event for the Eastern District of Pennsylvania. Judge Cahn.

JUDGE CAHN: Chief Judge Lord, Judge Luongo, Distinguished Guests and Friends. This ceremony marks the consummation of this community's effort to establish a Federal Judicial Station in Allentown. Previous speakers have commented on the work of various public officials toward the opening of this station. I wish to acknowledge the presence of Attorney William Steckel former Zone Two Chairman of the Pennsylvania Bar who is here as the specific representative of the President of the Pennsylvania Bar. I personally wish to thank Chief Judge Lord for his interest in and support of this project.

Also, Mr. Pat Doyle, our Circuit Executive, was instrumental in expediting the execution of the lease between General Services Administration and the Commissioners



of Lehigh County. Mr. Doyle was most helpful in collecting data for submission to Judge Rosenn. Judge Rosenn was appointed by Chief Judge Seitz of the Court of Appeals to review the data to determine if the opening of this station was warranted.

While this data was being collated, the Commissioners of Lehigh County permitted the Federal Courts the free use of this facility. Both the present and the past Commissioners irrespective of their political persuasion were very cooperative in that regard.

Without the staunch support of the County Commissioners, the opening of this station would still be unrealized.

Also of great importance was the success of Senator Scott and Schweiker and Representatives Rooney and Biester in securing the passage of enabling legislation. This gold courtroom is not actually under lease to the Federal Government. The lease provides that the courtroom to the rear of this courtroom is actually leased, but that the Federal Government may use this courtroom on a schedule basis.

When Lehigh County gets approval for its sixth Judge from the Pennsylvania Legislature, I have assured Judge Coyne that there will be no problems in arranging

cooperative scheduling in this building. Similarly, Judge Coyne has allowed the Federal Judiciary the use of air conditioned courtrooms in the Lehigh County Court House during the hot and humid weather.

I acknowledge the presence here of President Judge Coyne, Judge Wisland, Judge Backenstos, Judge Koch, Judge Scheirer, Judge Gearhart, all of whom are or were Judges of the Court of Common Pleas of Lehigh County.

Their presence is a tangible symbol of the cooperation between the Federal Judiciary and State Judiciary. On occasion Federal Administrative Law Judges have used and will continue to make use of these courtrooms, and I suspect that some of my colleagues may on occasion make arrangements to sit here.

Since 1814 several great Judges have graced this Bench. Both Chief Judge Lord and Judge Luongo now join that elite group. I thank both of you for participating in this ceremony.

CHIEF JUDGE LORD: Thank you very much Judge Cahn, and I may say the pleasure was ours.

Will you adjourn Court, Mr. Henderson.

(Court adjourned.)

I Certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Date

Official Court Reporter