



J. William Ditter, Jr.

Born: October 19, 1921, in Philadelphia, Pennsylvania

Died: April 7, 2019, in Perkiomenville, Pennsylvania

Federal Judicial Service:

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

Nominated by Richard M. Nixon on September 28, 1970, to a new seat authorized by 84 Stat. 294.

Confirmed by the Senate on October 8, 1970, and received commission on October 15, 1970.

Assumed senior status on October 19, 1986.

Service terminated on April 7, 2019, due to death.

Education:

Ursinus College, B.A., 1943

University of Pennsylvania Law School (now Carey Law School), LL.B., 1948

Professional Career:

U.S. Naval Reserve, Retiring in 1968 at rank of Captain: 1942-1968

Law Clerk, Court of Common Pleas of Montgomery County, Pennsylvania: 1948-1950

Assistant District Attorney, Montgomery County, Pennsylvania: 1951, 1953-1955, 1956-1960;

First Assistant District Attorney: 1956-1960

Private Practice, Ambler, Pennsylvania: 1953-1963

Judge, Court of Common Pleas of Montgomery County, Pennsylvania: 1964-1970

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Judicial Biography

*In 1970, President Richard M. Nixon named four judges, all Republicans, to fill newly authorized seats for the Eastern District. They were Edward R. Becker, Donald W VanArtsdalen, Daniel H. Huyett 3rd, and J. William Ditter Jr., each of whom resided in a different county. They progressed through confirmation in lockstep.

The last of the four 1970 appointees by President Nixon was J. William Ditter Jr. of Montgomery County. His father had represented the County in Congress from 1933 until his death in a navy plane crash in 1943. Ditter served in the Navy during World War II and again during the Korean conflict. Later during his legal career, he was the County's First Assistant District Attorney and a named partner in an Ambler law firm. In 1963, the voters elected him as a judge of the Court of Common Pleas of Montgomery County where he had been one of the court's two law clerks in his younger days.

Ditter, who lived on a farm, had long engaged in a variety of agricultural activities. Emulating Sherlock Holmes, he was an avid keeper of bees for many years. He was also a gifted speaker and writer. Each December, his colleagues and friends eagerly awaited his Christmas letter in which he described with dry humor the holiday visit of his "Cousin Misty." Only the skeptics of this world believe her to be an apocryphal figure.

At five-year intervals after their appointments to the federal bench in 1970, Judges Becker, VanArtsdalen, Huyett, and Ditter hosted a luncheon for all their district court colleagues at the nearby Down Town Club.

In November 1971, the Reading (Railroad) Company, because of its grave financial condition, took the same track as the Penn Central Railroad Company and filed for bankruptcy and then reorganization under the Regional Rail Reorganization Act. The assignment of a judge to this case had to be accomplished. In a similar fashion as with the Penn Central, the names of the judges were placed into a hat at a judges' meeting, and a name was drawn. The winner was J. William Ditter, Jr., who happened to have been absent from the meeting that day. After this turn of events, it was said that Judge Ditter had a perfect attendance at all subsequent gatherings of judges where Court business was conducted. The Reading Reorganization was likewise a protracted undertaking which also took years and over 3,500 orders to resolve. Ultimately, the Reading's rail properties were transferred to Conrail for approximately \$186,000,000 from the Government. All the Reading creditors were paid as were its stockholders. The reorganization was ultimately resolved in 1980.

In 1972, Michael Stanley Green and other persons boarded a plane in Philadelphia before its scheduled flight to New York. As it approached Kennedy Airport, the defendant and his companion pulled a pistol and a shotgun on the flight attendants and demanded \$600,000 as well

* 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.

as parachutes. They warned they had a bomb that would explode in ninety minutes and demanded that the plane return to Philadelphia. The pilot, as instructed, returned to Philadelphia, but running low on fuel landed contrary to the order of the hijackers. After the members of the crew were tied up and passengers held hostage for a prolonged period while the temperature in the plane rose to over 100° F, the hijackers finally exited this plane and transferred to another on which had been placed \$500,000 and three parachutes. The plane headed south toward Jamaica but, after some harrowing experiences, it finally landed on a small field in Texas where the hijackers finally surrendered after negotiation with the FBI. After a guilty verdict was handed down by a jury before Judge Ditter, Green received a sixty-year prison sentence.

In *Americans United for Separation of Church and State, Inc. v. United States Department of Health, Education and Welfare*, the government was challenged over the conveyance of seventy-seven acres of land in Chester County to the Valley Forge Christian College, operated by the Assemblies of God. The land was transferred under a federal law which authorized the sale or lease of surplus government property to tax-exempt institutions for health and educational purposes. The law also allowed a certain discount known as a public benefit allowance. Although the total value of the property was some \$577,500, the government granted a 100% public benefit allowance so that the property was turned over without any payment by the College.

The Americans United for Separation of Church and State, Inc., and a number of individuals, sued on the ground that the transfer violated the clause of the First Amendment which prohibits Congress from making any law respecting an establishment of religion. Judge Ditter dismissed the action because the plaintiffs lacked standing. The Court of Appeals reversed. The Supreme Court took the case and by a vote of 5 to 4 reversed the judgment of the Court of Appeals. It concluded that Judge Ditter was correct. Chief Justice Rehnquist wrote that merely being a taxpayer was not sufficient in and of itself to constitute standing to enforce the Establishment Clause. The plaintiffs themselves, according to the majority of the Court, were not suffering any actual or threatened injury from the conveyance of the property to the College. The Chief Justice emphasized that “Article III [of the Constitution] . . . is every bit as important in its circumscription of the judicial power of the United States as in its granting of that power. . . .”

Judge Ditter took to heart the advice, often ignored, of his judicial predecessors Francis Hopkinson and William Kraft that judges should avoid verbosity and keep their written opinions short and concise. His decision in this case consisted of one and a half pages of double-spaced type. In contrast, the Court of Appeals’ majority and dissenting opinions ran for twenty-one printed pages of smaller type in the Federal Reporter 2d, and the Supreme Court opinions consumed forty-nine printed pages in the official United States Reports.

It was under Chief Judge Luongo’s leadership that the Historical Society of the United States District Court for the Eastern District of Pennsylvania was established in 1984. Others who were instrumental in its formation were Judge Ditter, Patrick T. Ryan, Esquire, and the Court Clerk Michael E. Kunz.

The Society is a non-profit organization whose purpose is to heighten the public's awareness of the Court's many contributions to American history. Included among its various activities are legal symposia and lectures as well as an annual black-tie dinner. Judge Ditter was largely responsible for the Society's nationally heralded calendar, complete with historical themes and accompanying sketches, which was formerly published each year since 1985. The Society also commissions portraits of judges to hang in the Courthouse.

A little more than a year after the last of the Clinton appointees had been sworn in and a few months after George W. Bush had assumed the Presidency, the tragic events of September 11, 2001 befell America. On that fateful day, over 2,900 innocent people died when al Qaeda members hijacked and crashed two commercial airliners into the Twin Towers in New York City, flew a third hijacked airliner into the Pentagon, and seized a fourth which the heroic passengers brought down over Western Pennsylvania before it too could strike an occupied structure. When word reached Philadelphia that morning as to what had occurred in New York City, judicial business ceased and the courthouse closed for the remainder of the day as no one was able to focus on the work at hand, and no one was certain what would happen next. It was the first time in anyone's memory that the doors of the courthouse were shut during the day other than on weekends, holidays, or snow days.

Over four years later, in the first part of 2006, a highly publicized trial arising out of the horror of that day was broadcast by closed circuit television into the courthouse in Philadelphia. Zacarias Moussaoui, one of the conspirators alleged to have been involved in the hijackings, was indicted in Alexandria in the Eastern District of Virginia. He ultimately pleaded guilty, and a lengthy jury trial was then held to determine whether the death penalty should be imposed.

Congress had enacted legislation requiring the trial to be broadcast to other courthouses for the convenience of family members of victims so that they, but not the public, could observe the proceedings nearer their homes. Judge Leonie Brinkema of the Eastern District of Virginia designated the United States Courthouse in Philadelphia as one of those venues. Special passes were provided to the distraught viewers, and enhanced security was put in place. Many family members of those who died attended every day, and their emotions were palpable.

The rules for the trial directed that a judge preside in any courtroom into which the broadcast was to be transmitted. Judges VanArtsdalen, Ditter, and Reed as well as Magistrate Judge Peter Scuderi took turns doing so for approximately seven weeks during the opening statements of counsel, the presentation of evidence and arguments, the taking of the verdict, and the imposition of sentence. The jury declined to inflict the death penalty, and Moussaoui was imprisoned for life without the possibility of release.

A requirement imposed on every federal judge by Congress is the annual filing of a completed financial disclosure form with the Administrative Office of the United States Courts. On one occasion, Judge Ditter received an inquiry requesting an explanation of his farm income of \$171.50, which had resulted from the sale of "one-half a hog, a few dozen eggs, and some honey." He responded in his customary thorough and straightforward manner:

Actually we grew both sides of the hog and sold what I believe was the starboard side -- although when one tries to figure whether scrapple and sausage came from the right or the left, it may be difficult to be precise. In any event, the hog grew on the same property at which my family and I reside although not at our actual place of residence. We kept the hog in a hog pen and we occupied the house. This seemed to work out satisfactorily from the standpoint of all concerned. At least there were no complaints from the people and if the hog was unhappy, he did not let on.

Part of the farm income came from the sale of eggs. The eggs came from chickens which, although they were on our property, did not live in our place of residence. We provided a hen house for them. From what little I know of the physiology of a chicken I would believe that an egg grows. To hear the chickens discuss it, post-event, one could only conclude that each egg had been manufactured with a great deal of skill and care.

The remaining part of the farm income came from the sale of honey. Once again, the bees that produced the honey did not live in our actual place of residence. They had their own quarters which we call beehives and while one or two from time to time may have gotten into the house (a problem we did not have with either the hog or the chickens) we did not make them feel welcome and tried to make reasonable efforts to exclude them. Honey comes from nectar. I think that much of the nectar gathered by our bees was found on other persons' properties although I must admit I have made no real effort to trace it. In my judgment honey does not grow at all nor is it manufactured. Therefore, it must come under the heading "etc."

I hope this clears up any questions the committee may have about our farm income but I will be happy to furnish further explanation if you feel it necessary for me to do so.

Judge Ditter's response apparently satisfied the inquirer as no follow-up occurred.

Judge Ditter assumed senior status on October 19, 1986, and continued in that role on the Court until his death on April 7, 2019 in Perkiomenville, Pennsylvania, at the age of 97.