



Clarence C. Newcomer

Born: January 18, 1923, in Mount Joy, Pennsylvania

Died: August 22, 2005, in Stone Harbor, New Jersey

Federal Judicial Service:

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

Nominated by Richard M. Nixon on November 17, 1971, to a seat vacated by C. William Kraft, Jr.

Confirmed by the Senate on November 23, 1971, and received commission on November 30, 1971. Assumed senior status on January 19, 1988.

Service terminated on August 22, 2005, due to death.

Education:

Franklin and Marshall College, A.B., 1944

Dickinson School of Law (now Penn State Dickinson Law), J.D., 1948

Professional Career:

U.S. Naval Reserve Lieutenant: 1943-1946

Private Practice, Lancaster, Pennsylvania: 1950-1971

Special Deputy Attorney General, Commonwealth of Pennsylvania: 1953-1954

Assistant District Attorney, Lancaster County, Pennsylvania: 1960-1968

District Attorney, Lancaster County, Pennsylvania: 1968-1972

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Judicial Biography

In 1950, Judge Newcomer entered into private practice in Lancaster, his home for more than 50 years, and served several positions in that county. From 1950-1957, he was a solo practitioner, and later became partner in the law firm of Rohrer, Honaman, Newcomer & Musser. During that time, he also served as a Pennsylvania Special Deputy Attorney General from 1953-1954. Committed to public service, Judge Newcomer served as a Lancaster Assistant District Attorney from 1960-1964, as a First Assistant District Attorney from 1964-1968, and as the Lancaster County District Attorney from 1968-1972, when he was also a partner with the law firm of Newcomer, Roda & Morgan.

*In 1971, in accordance with Senator Hugh Scott's goal of geographic diversity, President Richard M. Nixon chose Clarence C. Newcomer, only the second nominee in the Court's history from Lancaster County. Newcomer had served in the Navy in the South Pacific during the Second World War and like Judge VanArtsdalen had been elected to a term as his county's District Attorney. At the time of his nomination, he was a partner in a law firm in Lancaster.

Judge Newcomer presided over a similar protracted race discrimination class action and related individual actions filed against United States Steel Corporation by African-American production and maintenance employees at the corporations' Fairless Works.

As a result of *Roe v. Wade*, the Pennsylvania General Assembly quickly passed the Abortion Control Act of 1974, but it was not long before a three-judge panel comprised of Judge Green, Judge Newcomer, and Circuit Judge Arlin Adams declared portions of the Act unconstitutional, including provisions requiring parental consent for a minor to have an abortion and the provision requiring spousal consent in all cases. Several years later Judge Bechtel held that Pennsylvania's prohibition against Medicaid funding for abortions other than those necessary to save the life of the mother violated federal law.

During the three decade career on the federal bench, Judge Newcomer presided over several mob and public corruption cases, and in 1994 invalidated a state senate election he found to be overwhelmingly tainted by fraud. The Almanac of the Federal Judiciary cited several other noteworthy cases, including a 1993 ruling that a law firm's refusal to promote a female associate to partner violated the Civil Rights Act and a 1997 ruling that states cannot discriminate against new residents by paying them lower welfare benefits than longtime residents. In April, Judge Newcomer presided over a civil trial in which a jury awarded residents displaced by the MOVE bombing a \$12.83 million verdict against the City of Philadelphia.

Judge Newcomer assumed senior status on January 19, 1988 and served in that capacity until his passing on August 22, 2005 in Stone Harbor New Jersey, at the age of 82.

* 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.