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.