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

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. Maris

Copies to all Circuit Judges
Mr. Quinn
Mr. Doyle

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

PHILLIP FORMAN
SENIOR JUDGE

FEDERAL BUILDING
TRENTON, NEW JERSEY 08605

June 18, 1974

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,

Phil

cc: All Circuit Judges

UNITED STATES COURT OF APPEALS

THIRD CIRCUIT

MAX ROSENN
CIRCUIT JUDGE

FEDERAL BUILDING
WILKES-BARRE, PENNSYLVANIA 18701

June 18, 1974

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

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,

Albert B. Maris

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.

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,

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:lb
cc: Hon. Collins J. Seitz
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

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

No response is necessary.

Sincerely,

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,

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,

Albert B. Maris

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 E. Kalodner
United States Circuit Judge

United States Courthouse
Philadelphia, Pa. 19107

June 20, 1974

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,

H. E. Kalodner

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 $3360 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 WOMENS' 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 leave-taking 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 goodby 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, incidently, considerately 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 lower- 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. Th 50-percent credit provided by this bill insures that the educatonal 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

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[1] The President's Commission on School Finance estimated that public school operating costs would increase from $1.3 million 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).

The Scene 2
The Arts 4
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Living 6

The Philadelphia Inquirer
metropolitan

section B

Monday, Sept. 1, 1975

By BOB LANCASTER

Frustration, Play by Play

This is Buddy Axtell's agent, your friendly neighborhood bartender at Feeny's Tavern in Havertown, describing an unusual crisis which many of us experienced last week and which, like hay fever and the pennsylvania Polka, seems to have become endemic to this locale in this summer-to-forget season.

"It's late Wednesday night, and I'm coming to the end of another 14-hour day in the tavern business," Buddy reported. Only two pairs of guys at the bar passing quietly about their jobs as families, sipping on their last few drinks for the evening.

"Behind the bar, I busy myself cleaning glasses and ashtrays, subconsciously, instinctively, almost robotlike, with my eyes fixed in space and my mind 3,000 miles away in Los Angeles. The radio is on, and I'm listening as Richie Ashburn describes the home-run derby inning of the Phillies-Dodgers game.

"As the knuckle- and unbelievably painful-tasting pitch by pitch, my only reactions are the nervous burning of my molars and the gradual corroding of an already spastic colon.

Pent-Up Frustration

"Father relieves for Ridgefield, New Buckner will bat for Russell (Seventeen games out of first place — what's Alston trying to prove?) Buckner lingers over Reed's head, and a run scores. Hooton flups one to right, and two more score. Lopes doubles. Lacey's overdue fly scores TWO — TWO! — Lopes making it from second base! Ashburn's voice fills with anguish and despair. Unbelievable! Oh, brother!!!

"My emotions, so deeply hidden in this callous old capsule present child by years of countless Phillies losses, and my composure, so coolly maintained by a veneer of recently acquired maturity, can bear it no longer. Together they explode in a chaotic Vesuvian eruption as I raise a weighted ashtray above my head and hellow to three farmers across the United States: 'Stick it in their ear!'

"I shout, I curse, I recede. Only the accumulated experience of years of professional negotiated restraint keep the ashtray in the human white-knuckled hand from being smashed in frustration.

"The sudden agonized shouts and curses cause two of the remaining patrons to choke on their Hallowed-brand brew. The other two snap out of deep conversation with wide eyes staring at me in total shock. No one says anything, and within seconds they inform us they were. My curses ceased, my fists, my cash, our heart in awe.

How to Keep Cool?

"Throughout the remainder of the broadcast, I gradually return to my characteristic quiet and stability. After the last call, Lasorda out, and a humiliating 10-0 loss to the Dodgers, I realize what I've done and am ashamed of myself.

"I realize how confident I was in May of the Phillies, my Phillies, literally winning the title. I realize how exact was the season of victory when they led Pittsburgh in August. But most importantly, most embarrassingly, I realize that I really like my cash, and I can only hope that my Phillies won't do the same thing."

"P. S. It's now after 3:30 a.m., and I've stayed up reading Charles Feeney's review of the Phillies of 1974 in the Official Baseball Guide of 1975. Reading it again I recall it as a bravery to console myself. Encouraging maybe. Warning perhaps? I think Pete Rose is driving me crazy, if I can't already tell!"

Buddy had got himself back together about daylight, when he finally got two square hits in the row. Because he could at least be relaxed, knowing he'll tell that, that in view of our pitching staff, we have no chance. "Keep the faith."

Offbeat Ideas Proposed for Bicen Lodgings

By EDGAR WILLIAMS

"Look," Edward J. Piorek said. "Everybody knows about the overnight that was made in Philadelphia in 1876. Well, this will be the second time, for Philadelphia, 100 years later. A great sports miracle."

Piorek, president of Mrs. Piorek's Kitchens, Inc., was talking about the Host/Lodging Friend to Friend program, conceived by his firm and dedicated to the proposition that hundreds of the Philadelphia area could help solve one of the most difficult problems posed by next year's Bicentennial celebration — lodging visitors.

The concept is simple. Residents would open their homes to visiting relatives and friends during the Bicentennial. Friend to provide, for a fee, food topper. Just pop-overs.

Piorek's plan is by far the most elaborate of the early schemes currently being developed by entrepreneurs here and could provide lodging for the expected crush of visitors to the city during the Bicentennial.

The statistics of the lodging problem are simple enough. As there [illegible] million to 20 million people (depending on which poll you read) will be coming to Philadelphia next year. When they arrive, they will find their within a 40-mile radius of the Liberty Bell, there are about 25,000 hotel rooms and up to 9,000 dormitory rooms.

On busy nationally next summer, especially around the Fourth of July and the Declaration Progress in early August, the demand for lodging is going to outstrip the supply.

Piorek's solution to the problem is the only one that does not involve the existence of money.

"What it comes down to," Piorek said, "is that through the Friend to Friend program, each people the [illegible] and Mrs. Jones, wants to participate in the program of the Bicentennial to assume that." Multiply the dozens by thousands of other such families, and you have superb [illegible] facilities and a help to the hordes of visitors expected in Philadelphia next year.

"The wonderful thing is that it's a [illegible] system. It's just a matter of applying the people to people principle and making it work."

Whatever the merits of the Piorek plan, it seems likely the services of Bicentennial visitors without directly or indirectly to the residents of the Philadelphia area.

What is being done for them? Enter the entrepreneurs.

For starters, Philadelphia '76 Inc., the Bicentennial planning corporation here, has contracted with Hospitality Management Inc. (HMI) of Omaha, Neb., to handle lodging reservations.

(See VISITORS on 2-B)

The federal courthouse operations have moved from the old building (left) to a new, 22-story office tower at Seventh and Market Sts.

New Courthouse Judged the Best

By EMART ROUSE

There were the "little" complaints: The keys to a grand jury room and a number of offices did not fit the locks.

Some office personnel "lost" their chairs.

The elevators did not always stop at [illegible] floors, and the toilet in at least one of the judge's chambers did not flush properly.

The "little" complaints aside, it was — in the words of Federal Clerk Emil Frye — "an incredibly smooth move" into its quiet Judge Joseph S. Lord 3d — an extremely efficient courthouse."

The move from the old, six-story federal courthouse at Ninth and Market Streets to the new 30-million, 22-story courthouse at Seventh and Market was accomplished last week, as ordered by a General Services Administration (GSA) task force.

It was a monumental task involving the transfer of tons of law books, documents and office furniture. The subsequent confusion that some had anticipated failed to materialize.

But the overall efficiency of the move was not the only thing that pleased the officials and office personnel.

"There's no question that this is the most modern and most efficient courthouse in the United States today," exulted Judge Lord, the chief judge of the District Court.

"And it probably will be the last of its kind. Fiscal considerations will make any move of this type overwhelming prohibitive," he added.

This courthouse, named after former Philadelphia congressman James A. Byrne, completes a two-building complex, joining the 16-story William J. Green Jr. Federal Building at 600 Arch St.

The latter was completed in 1973. The buildings have a common basement.

Judges had complained that the old court building — which was built in 1856 and which was shared with the post office — was "overcrowded" and lacked [illegible] facilities.

There will be more than 30 courtrooms in the new courthouse — officials disagree whether the exact total will be 35 or 37.

There are at least two on each floor from the second through the 17th. Each judge — except those of the U.S. Third Circuit Court of Appeals — has a courtroom, [illegible] and [illegible] suite.

(See COURTHOUSE on 2-B)

Car-Test Failures Deceiving

N. J. Says Waiting In Heat Alters Data

TRENTON—Thousands of vehicles are failing New Jersey's inspection program because of long waits at the stations, according to data released by the State Department of Environmental Protection (DEP).

A DEP spokesman said the long waits had caused countless vehicles to be rejected that actually meet the state's emission standards.

"The daily average station waiting time has been shown to have a significant effect on the auto exhaust inspection failure rate," said John Elston, principal environmental engineer for DEP's Bureau of Air Pollution Control.

He said it was believed that the waiting caused heat to build up in engines, thereby increasing emissions.

The DEP reported that the inspection failure rate in July had been a record 13.1 percent. State officials had expected a failure rate between 11 and 11 percent.

Elston said failure rates began to rise unexpectedly in the late spring last year. It was then that "individual inspection stations were reporting peak failure rates during periods of warm weather," Elston said, adding that long waiting lines also were common.

After some special tests, Elston said, it was learned that "heat buildup in the engine compartment can cause 15% emissions variability, resulting in an overall idle carbon monoxide increase."

When at all points in the layout is that the hot and long lines make it harder to pass the test. Daniel Cooperthorpe, Elston's assistant, said that, although further study was needed, "The single most significant factor in the July increase in rejections is the waiting time."

Fireman Killed By Huge Voltage

CHARTIERS, Pa. — A fireman was electrocuted and five other firemen suffered from smoke inhalation while fighting a fire in this Washington County town Saturday.

The victim was identified as James Jones Jr., 21, of Bells Vernon in nearby Westmoreland County. Authorities said his back brushed against a 2,300-volt line as he descended a ladder outside the burning building.

One of the firemen overcome by smoke inhalation was hospitalized in fair condition. The other four were released after treatment.

Military Job Toll of 32,000 Feared in N.J.

TRENTON — Labor and Industry Commissioner Joseph A. Hanna said today that the threatened reduction of military bases here in New Jersey would cost 32,000 jobs.

Hanna said Saturday that the Army's possible actions would involve the loss of 9,558 civilian jobs at the Picatinny Arsenal, the transfer of 1,500 civilian jobs and four companies to Aldelphi, Md., and a shutdown of Fort Dix involving the loss of 3,295 jobs.

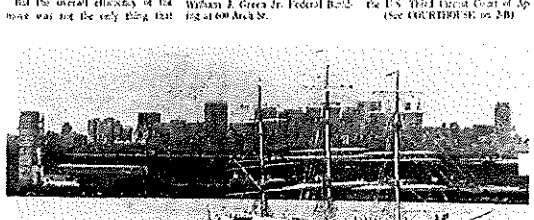
"At the present time, New Jersey ranks 16th among the states in total federal employment. It is significant to me that Maryland ranks first, Alabama 13th and Georgia 15th. These are the very states that would benefit by the relocation of functions from Picatinny, Fort Monmouth and Fort Dix."

Hoffman said that a recently released report indicated that the "ripple effect" of the military closings on other businesses and employers could cause job losses as high as 50,000 if Picatinny closes, three of Fort Dix' main tenants close and 1,500 of civilian Fort Monmouth employees are moved.

Man Slain in Home

A man was beaten to death yesterday in a struggle with an intruder who had entered his West Philadelphia home, police said.

The victim, Calvin Davis, 42, of [illegible] near 48th Street, died of [illegible]



The square-rigger Christian Radich being escorted into Philadelphia by pleasure craft

Adventurers at Sea Arrive

Norwegian Ship a School for Sailors

By JACK SILVERSON

Their faces set in masks of manly determination, the twin helmsmen of the Norwegian square-rigger Christian Radich eased their 295-ft., 358-ton command between Pea Patch and the Delaware River early yesterday morning with the confidence of professionals.

Peter Hughes and David Nelson knew what they were doing.

After all, they've been doing it for the last 20 weeks or so.

Peter and David are members of the [illegible] crew. They, [illegible] crew and, like most of the other cadets, they're still looking forward to their first shave.

The Christian Radich is a training ship for Oslo's Norwegian Boys to sea, usually for a three-month cruise, and returns with 70 seagoing men.

The cadets, with a couple of exceptions, are 15 to 17 years old and a couple aboard the Christian Radich is their first taste of the seaman's life. Basically, it is also the first step toward a career in Norway's merchant marine fleet.

Some of the cadets will go on to [illegible] the sea, [illegible] the crew said that was fine. Regardless of their seagoing future, said [illegible] and health at sea is one [illegible] of the voyage.

Mail, however, and food [illegible] are decidedly, extremely aboard a merchant ship.

[illegible] Peter, 16, [illegible] Hughes, [illegible] Pa., who [illegible] Mayor March — says he, like his father and one of his four brothers before him, will pursue a career in the merchant service.

For Dave and the rest of the young cadets aboard her, the Christian Radich [illegible]

What's Open And Closed For the Day

Here is a list of facilities open or closed, and of services suspended or operated today, Labor Day.

Federal, state and city offices — Closed. Emergency housing problems may be reported by telephoning MU 6-1776.

Trash and garbage collection — none. Trash will be collected a day late for the rest of the week.

Banks and stock exchanges — Closed.

State liquor stores — Closed.

Libraries — Closed.

Swimming Pools — Open.

Recreation Centers and playgrounds — Closed.

Mail — No home delivery, except for special delivery.

Zoo — Open.

Museums — Independence Hall, Academy of Natural Sciences, Atwater Kent Museum and Betsy Ross House — Open; Franklin Institute, Pennsylvania Academy of Fine Arts, Philadelphia Art Alliance, Rodin Museum and the University Museum — Closed.

Transportation — Penn Central Reading commuter trains and SEPTA on holiday schedule. PATCO on Sept. [illegible]

FBI Arrests Man In 2 Bank Robberies

The FBI announced the arrest of a Philadelphia man yesterday in connection with the daylight robbery of the Northeast National Bank branch at 8500 Thestnut Ave.

Neil J. Welch, special agent in charge of the Philadelphia office of the FBI, identified the suspect as Richard Wade, 31, of the 5600 block of Spruce Street. Wade, who was arrested at his home, will be arraigned tomorrow before a U. S. magistrate in the Federal Building.

Welch said Wade could be charged with the $5,120 robbery of the Philadelphia bank, as well as the Aug. 1 robbery of a New York City Chase Manhattan Bank branch, during which $9,000 was taken. Three other persons are implicated, who are [illegible]

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Community College Talks Resume

By WILLIAM K. MARIMOW

[illegible]

[illegible] Richard Bloom, one of the faculty members who had opposed the college's plan, said that at the Board of School Directors meeting tonight he would be prepared for a compromise. "I personally feel we had to [illegible] Friday," he added.

Despite Bloom's conciliatory words, William A. Wheeler, Jr., the college's chief negotiator, said he saw little room for compromise.

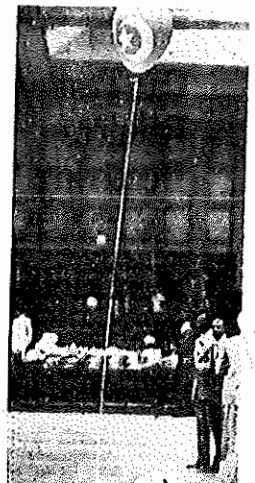
[illegible] Wheeler said. "The [illegible] is that we have to be able to [illegible] the money we have."

Wheeler said the board would not be willing to [illegible] the college's budget, which is [illegible] by Monday.

Bloom said the faculty would be willing to [illegible] the college's budget, which is [illegible] by Monday.

The college has already proposed a tuition increase that would raise the average cost for faculty members from $[illegible] to $[illegible], a 18.9 percent increase.

But Bloom said that offer was still on the table, but "I certainly hope and expect it will be improved."



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 bracelet is polished before being put on sale. Today is the final day of the bazaar.

CHILD CARRYING A BALLOON

Armed Man Slain by Policeman

A policeman fatally shot a man early yesterday after he robbed a restaurant and stabbed the policeman in a Mayfair restaurant, police reported.

The dead man was identified as Anthony Majewski, 37, of Cotton Street near Rhawn Street. He was dead on arrival at Northeastern Memorial Hospital. He had been shot four times.

Policeman Martin Schuh, 38, attached to the Fifth District station house at Ridge Avenue and Green Lane Street, gave this account of the incident:

Shortly after 1 a.m., he was sitting in the Sign N Steak Restaurant, 1128 Main St., when Majewski entered and began verbally abusing and threatening patrons.

Schuh, who is assigned to foot patrol in the area, told the man that he was going to arrest him for disorderly conduct. When he tried to handcuff him, Majewski pushed the handcuffs aside, pulled out an eight-inch steak knife and cut the policeman on the face and forearm. Schuh said he drew his gun and fired six shots.

Bus Passenger Robs Driver at End of Ride

A SEPTA bus driver turned over $26 of his own money yesterday after he was given a holdup note at Broad and Spruce Streets, police said.

The driver, Napoleon Bontgoute, 31, said the passenger boarded the "A" Bus at Ridge Avenue and Green Lane and rode five stops to City Hall. At Broad and Spruce Streets, the passenger pulled out a gun, demanded the driver's money and fled. There was one other passenger on the bus, but he was not robbed.

THE SCENE

In Philadelphia and Its Suburbs

THE SCENE BRINGS YOU a picture of Philadelphia yesterday, which, judging by the desolate appearance of the normally busy street, many of you must have solved. This is looking east on Market Street at South Street.

On The Street: Traveling Music

SEPTA, take heed. A Philadelphian in New York the last week was trying to figure out which subway would take her to Delancey Street. A preschool son, she called the city transit authority and explained where she was and where she wanted to be. The reply she received was exasperated.

"It's very fancy, on 69 Delancey Street, you know. The subway chimes in on, when having reached Main St. and Erie," came the muffled answer in a hissing tone. The exasperated Philadelphia began to laugh and to call the subway information center. Finally, he gave her directions and sang her a cheery good-by. She departed, delighted with the musical interlude.

Offbeat: No Freudian Trip

The newest visiting professor at the Hahnemann Medical Center — psychoanalyst Dr. Anna Freud, daughter of Sigmund Freud — isn't really a "visiting" professor at all.

Although she was called a visiting professor several weeks ago in a nationally distributed story, Dr. Freud, 69, director of the Hampstead Child Therapy Course and Clinic in London, will not actually teach at Hahnemann. Or visit Hahnemann. Or even take a bus on Broad Street.

The title was given because of the exchange program Hahnemann has with Dr. Freud's clinic. Dr. Freud is a leading authority on the psychoanalytic study of children.

Doing Well: Lichowitz Elected

Bernard Lichowitz, executive vice president of the Philadelphia Geriatric Center, has been elected president of the National Association of Jewish Homes for the Aged.

Lichowitz is currently chairman of the Pennsylvania Board of Licensure for Nursing Home Administrators and a past president of the Pennsylvania Association of Non-Profit Homes for the Aged.

Crime: Fitz Says No to the PLO

Philadelphia District Attorney Emmett Fitzpatrick, has come out with an appeal that the United Nations revoke its invitation to the palestine Liberation Organization to take part in a U.N. crime prevention conference opening today in Geneva.

Joining with other district attorneys across the country against the inclusion of the PLO, Fitzpatrick said he found it "self-defeating to include a terrorist group in a law-enforcement conference."

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 that wants it.

The State Department of Education plans a big push to encourage schools to use the course.

"In some schools, they just invite the police chief in to talk to the kids a couple of times a year," said John Marlish, state safety education director.

Offbeat Ideas Proposed for Bicen Lodgings

VISITORS, From 1-B

[illegible] and visitor information through a toll-free number and a computerized reservation system.

The toll-free service is expected to be [illegible] in mid-1976, and it will go into operation shortly after. By using it, [illegible] Philadelphia Bicentennial visitors throughout the nation will be able to learn about lodging and the area's sights, and when

[illegible] will furnish the names and addresses of [illegible] in the city.

"For every room that we book, we get a flat fee of $1 from the hotel, motel, campground or college dorm where the booking is made," said Bill Daly, Bill executive director. "Regardless of the length of the booking or the size of the bill, the fee is the same."

At no extra cost, Bill will have other services of interest. As part of its service agreement with Philadelphia '76, it will book advance ticket sales for various events, arrange ceremonial interpreters and market Philadelphia "souvenirs."

Bolz said the tickets [illegible] are not "booked by" with Bill. "Our interest is that they sell the entire series, or as many as they need to."

Not Look-Alikes

The way the system works, the hotels and other lodgings will be charged a monthly room-and-space rental with Bill, which then feeds the information into its computer. The information is kept practically up-to-the-minute, which means that when a reservation is made and confirmed — even if there proves to be a delay in a refund arrives, that room will be booked.

Two more criteria the Bill wants for the Philadelphia area: [illegible] Westcott's Bicentennial Redevelopment Corporation, [illegible] Quidnick, the agency established by the Province of Quebec to house the tens of thousands who [illegible] attended the 1976 Olympic Games. Bicentennial also says a strong tie and guarantees that [illegible] will be honored.

Bicentennial also inspects every room offered for rent, certifies it and sets a standard fee. No room can be offered legally in the province that was without government certification. In Philadelphia, there seems to be little [illegible] that lodging rates will be standardized.

[illegible] is a wide [illegible] that Bill, at least [illegible] conference in the area are preparing to book — for a price — accommodations for Bicentennial visitors in private homes.

Bicentennial Host Houses, operated by Ted Hirt and Joel Levin, has had a record 150 participants in Germantown, Chestnut Hill and Mount Airy [illegible] looking for visitors. Every [illegible], Host Houses expects to have [illegible] guests.

Personal Inspection

Visitors staying in a Host House [illegible] accepted will be treated [illegible] like [illegible] a room with shared baths. The homeowner will keep Host Houses up to Bicentennial standards [illegible] personal inspection before they [illegible] their list.

The reason for a number of Host Houses [illegible] is to attract [illegible] to the [illegible] of the city. Host [illegible] expect [illegible] to [illegible] [illegible] [illegible]