

CHIEF JUDGE EDWARD R. BECKER:  
A TRULY REMARKABLE JUDGE

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INTRODUCTION

As a federal judge, Chief Judge Edward R. Becker has served the country—and the word “served” is no euphemism when applied to him—for thirty years. First a trial judge, then an appellate judge, and now the Chief Judge of the United States Court of Appeals for the Third Circuit, his tenure on the federal bench literally spans a generation, and at this point he is the fourth most senior active federal judge.<sup>1</sup> A career in the judiciary such as Chief Judge Becker’s gives us an opportunity to reflect on not only this remarkable man but also on the role of the judiciary in our constitutional scheme.

This Tribute is divided into two parts. First, Chief Judge Becker is the quintessential “*mensch*,” the Yiddish word for a fundamentally good man. He is the virtuous man that the Framers hoped would be attracted to public service because they believed such men were necessary to make this experiment in constitutional democracy work.<sup>2</sup> The second part is a survey of Judge Becker’s opinions on First Amendment issues, which provides not only a sense of his high standards as a judge but also a window into the remarkable depth and breadth of the constitutional issues a federal judge can be asked to address over time.

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<sup>1</sup> According to commission date, Judge Amanuel Real, Judge Harold Pregerson, and Judge H. Emory Widener, Jr., are the first, second, and third most senior active judges, respectively.

<sup>2</sup> See Marci A. Hamilton, *Discussions and Decisions: A Proposal To Replace the Myth of Self-Rule with an Attorneyship Model of Representation*, 69 N.Y.U. L. REV. 477 (1994); Marci A. Hamilton, *The People: The Least Accountable Branch*, 4 U. CHI. L. SCH. ROUNDTABLE 1 (1997).

## I. CHIEF JUDGE BECKER, THE MAN

A tribute to Chief Judge Becker such as this is the minimum due him, and it is an honor to be one of those given the pleasure of singing his praises. He is a man of great judgment, integrity, and high moral values. As one fortunate enough to have been one of his clerks, from 1988 to 1989, I can testify to his remarkable qualities.

This is surely the only appellate clerkship in the United States where the judge greets his new clerks on their first day with a single rule: "no deference." One soon learns that the chambers (not just the judge and not just the clerk assigned to the particular case) debates the legal issues presented in many of the cases and that the judge desires, and even demands, that each clerk engage her judgment and tell him what she thinks of a case, including what she thinks of his views. Substance is the order of the day, but so is cordiality and good humor. The underlying assumption is never the rote application of a static law, but rather the exercise of judgment—even wisdom—in the context of a legal system that is dynamic but stable.

Judge Becker's elevation of substance over form is apparent in many aspects of his judicial role. Oral arguments before him are famous for going well beyond the court's prescribed time limits. Two motives are quite clear from the judge's refusal to abide by such limitations. First, he thinks that every relevant issue deserves a hearing, so if an issue he believes is important is not addressed at the argument or even in the briefs, he opens the forum to that discussion. Second, his job is to serve the litigants, not to control them needlessly, so if there is meritorious discussion to be had, he welcomes it, regardless of time constraints.

In chambers, the discussions between clerks and the judge are remarkable seminars in legal reasoning, with doctrine, common sense, and the question of "what is the right thing to do" taking turns. Because of the "no deference" rule, clerks must work hard, inevitably learn a tremendous amount, and are nurtured to improve their legal faculties. Those of us lucky enough to clerk for him often tell each other we had one of the very best clerkships in the country.

The judge, of course, did not simply adapt the consensus of the clerks' views from our debates in chambers, but rather himself determined the bottom line, discerned the points that must be made in each opinion, and meticulously critiqued every proposal by any clerk. While there may have been "no deference," there was a very high standard of excellence and diligence set by the judge himself.

No one works harder than he does; he is a man who believes rightly that every detail matters, who reads every brief in chambers with care, and who, because of the number of briefs filed, reads briefs in every spare moment, from his rides to chambers on the Market-Frankford elevated train to the precious minutes spent shaving (the results of which would indicate that this may be a dangerous habit).

His memory is prodigious both for people—if he does not know one of your cousins, you probably don't have any—and for detail. Not infrequently, he asks a clerk what she thinks about a seemingly irrelevant point that has been nagging him since he read the briefs (and that the clerk assumed was surplusage), only to take the discussion and debate down new paths necessary to reach a right holding in the case. For this reason, clerking for Judge Becker is not unlike being on *Jeopardy!* for five to six days out of every week, but it is more importantly a daily lesson in professional responsibility. Because of his attention to detail and nuance, his opinions tend to be comprehensive, careful, and extremely useful as a legal resource.

The standard of excellence in the Becker chambers is a standard that is derived from the judge's strong sense of being a public servant, one who is literally serving the public through the administration of justice. This sense of his mission resonates with the longstanding United States rule that judicial opinions belong to the people, not the judges who write them or the reporters who report them.<sup>3</sup> He has translated this principle of service to the public not only into the work ethic of his chambers, but also the practices of the Third Circuit, where, as Chief Judge, he has made it much more difficult to issue so-called judgment orders—unpublished opinions that declare a result without full explanation or precedential value.<sup>4</sup>

Judge Becker's public service does not end with his dedication to a thoughtful, diligent, and careful jurisprudence. He has been a workhorse for the Sentencing Guidelines, as a member of the executive committee of the Judicial Conference of the United States, and through individual efforts to improve the federal judiciary, including an unfortunately failed campaign to set the date of judicial

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<sup>3</sup> *Sir Wheaton v. Peters*, 33 U.S. (8 Pet.) 591, 654-68 (1834) (holding that reporters may not hold copyrights in judicial opinions).

<sup>4</sup> *Sir Anastasoff v. United States*, 235 F.3d 1054, 1056 (8th Cir. 2000) (leaving open the question of the constitutionality of the Eighth Circuit's Rule 28A(i), decreeing that unpublished opinions have no precedential effect). The court's reasoning was that while no opinion could have absolutely no precedential effect, the disturbing trend towards unpublished opinions did not permit the judiciary to dodge its obligations to the litigants.

clerkship hiring in the spring of the second year of law school.<sup>5</sup> The people simply could not ask for more from a federal judge—unflagging, unstinting, in short, remarkable.

What makes Judge Becker more than remarkable, though, is the fact that his extraordinary work ethic, which is not so uncommon among highly successful attorneys after all, has flowered in the midst of a life devoted to family and friends, clear enjoyment of his duties, and a commitment to good health. Here is a man whom we would all do well to emulate, to the extent that we can. He is not the workaholic his productivity might indicate if it were the result of any other human's endeavor, but one who has a rich life beyond his work. In fact, his family is a visible presence in every aspect of his life and he fits exercise into a schedule most of us mortals would believe had no such room. When I clerked for him, his mother was an invalid who lived alone in an apartment in Center City, Philadelphia. We would regularly depart from the courthouse and, with the judge setting a brisk pace, discuss one aspect of a case one way, and another aspect of that, or another case, on the way back. In the middle, he made sure his mother's needs were met and showed us that family devotion can and should be sewn into the fabric of the day, not shoved to the perimeter. For me, he was just the antidote to the law firm associate I met while interviewing at New York firms for a summer job during law school, who told me that he had never seen his children in the daylight.

His love of family extends well beyond his immediate family to his family of law clerks, his staff, and his many friends and acquaintances. As his "no deference" policy indicates, he is utterly lacking in the hubris that surely tempts those who don the federal judicial robe with its important power and its life tenure. Instead, he teaches by example a diametrically opposite lesson for those who might hold power; he is loyal, devoted to family, fundamentally decent, and never too busy to do a good deed in the midst of working tirelessly to achieve excellence. The voluminous, serious Becker jurisprudence is part of his legacy, but so is his creation of a universe of people that he has connected by mutual care and respect. He does not preach

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<sup>5</sup> Michael Grunwald, *No Order in Courting of Law Clerks; Judges Trample on Efforts to Rein In Annual Bidding for Students*, WASH. POST, Feb. 16, 1999, at A3; Deborah Pines, *Federal Judges Try To Fix Frantic Clerk Hiring Process*, N.Y. L.J., June 14, 1993, at 1. The system has degenerated to the point where the top law students are being hired into federal appellate clerkships during the fall of their second year, making the first year the prime, indeed the only, indication of legal ability the hiring judge has.

kindness or goodness; he just is. For every clerk that has the privilege to work for him, his personal example is a gift to be opened in future days when they are tempted to turn away from that which is good for whatever expedient end.

Judge Becker is, in short, the virtuous, gifted, hard-working public servant the Framers hoped would volunteer for the heavy labor of public service. In no small part because of individuals like him, the United States constitutional experiment is as successful as it is.

## II. CHIEF JUDGE BECKER, THE CONSTITUTIONAL LAW JURIST

The record of Chief Judge Becker's constitutional law opinions opens a window into the processes of the Becker chambers, but also into the work of the federal judiciary. In thirty years of serving on the district and then appellate benches, he has written opinions in 17 First Amendment cases, 37 Fifth Amendment cases, 62 Fourteenth Amendment cases, and more, for a total of 127 constitutional law cases altogether.<sup>6</sup> But these numbers provide only a profile of the body of work that is there. The cases cover a difficult-to-digest array of disputes with each one carefully calibrated to answer the questions presented carefully and thoroughly.

To give a sense of the Becker jurisprudence and of the federal docket in general, I will focus on a subset of his constitutional law opinions—the First Amendment opinions. I choose them not only because the First Amendment is one of my specialties, but also because one might think that the First Amendment is a fairly closed category of issues. The Becker First Amendment opinions delineate a strange and huge universe of issues a federal judge can face, even under a single category like the First Amendment.

Over the course of thirty years, the judge has written seventeen First Amendment opinions. He has, of course, joined many others, but he has written the opinion for the court in seventeen, and those opinions address an amazing range of factual situations, including a drug raid at a fraternity, a lottery kickback scheme, and emblems on corrections officials' uniforms.<sup>7</sup> Each exhibits the classic Becker approach: dig into the legal background, explain that background to

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<sup>6</sup> *See infra* app.

<sup>7</sup> *See* *Pi Lambda Phi Fraternity, Inc. v. Univ. of Pittsburgh*, 229 F.3d 435 (3d Cir. 2000) (drug raid at fraternity); *United States v. Smith*, 123 F.3d 140 (3d Cir. 1997) (lottery kickback scheme); *Troster v. Pa. State Dep't of Corrs.*, 65 F.3d 1086 (3d Cir. 1995) (emblems on uniforms).

the reader in a straightforward way, refuse to duck the hard or the boring (often procedural) issues, and reach a conclusion based on the best available indication of the Circuit's and the Supreme Court's jurisprudence. Remarkably, there is only one dissent from Judge Becker's reasoning in this group.<sup>8</sup> The opinions are bristling with issues of standards of review and procedural requirements, the nitty gritty of federal litigation he willingly takes on as part of his obligation to provide a full answer to the litigants in front of him. My purpose here is not to dissect the opinions doctrinally, but rather to describe the wide canvas on which a federal judge paints and the approach taken by the Becker chambers.

In *Pi Lambda Phi Fraternity, Inc. v. University of Pittsburgh*, a fraternity challenged the university's disciplinary action following a drug raid at the fraternity house on the grounds that it violated the First Amendment's right to free association.<sup>9</sup> Chief Judge Becker, writing for the court, explained quite cogently that the Supreme Court had recognized in recent cases two types of rights of association—intimate and expressive—and that the fraternity had engaged in neither First Amendment-related type of association and therefore had no First Amendment right to challenge the disciplinary action.<sup>10</sup> The opinion nimbly summarizes and assesses the Court's recent doctrine. As it pays close attention to the controlling law, it also resonates with common sense. Whatever the Framers may have meant by a right to association (a phrase of more recent vintage), it was not intended to nor should it provide a defense to the reasonable consequences of illegal drug use on a college campus.<sup>11</sup>

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<sup>8</sup> See *Rappa v. New Castle County*, 18 F.3d 1043 (3d Cir. 1994) (Garth, J., concurring and dissenting).

<sup>9</sup> 229 F.3d at 435.

<sup>10</sup> *Id.* at 442, 444, 447.

<sup>11</sup> Cf. David Cole, *Hanging with the Wrong Crowd: Of Gangs, Terrorists and the Right of Association*, 1999 SUP. CT. REV. 203, 206 (arguing that jurisprudence of association "should protect association in its physical manifestations as well as its abstract essence"); Shannon L. Doering, *Treading on the Constitution To Get a Foot in the Clubhouse Door*, 78 NEB. L. REV. 644, 645 (1999) (arguing that "the application of public accommodation laws against a group such as the Boy Scouts is an unconstitutional infringement of the group's right of 'expressive association'"); Nancy S. Horton, *Traditional Single Sex Fraternities on College Campuses: Will They Survive in the 1990's?*, 18 J.C. & U.L. 419, 444 n.128 (1992) ("Fraternities don't generally engage in these types of protected activities, at least not in the way constitutional protection is normally thought to be afforded to these activities." (quoting Nathaniel R. Jones, *The Future of Single-Sex Fraternities*, 23 FRATERNAL L. 1, 4 (1988))); Scott Patrick McBride, Comment, *Freedom of Association in the Public University Setting: How Broad Is the Right To Freely Participate in Greek Life?*, 23 U. DAYTON L. REV. 133, 135 (1997) ("[U]niversity

To illustrate the range of issues that a federal appellate judge can hear, sixteen years earlier Judge Becker wrote the opinion for the court in a case again involving university students, who this time tried to hold group sales demonstrations of china and cookware in dormitories.<sup>12</sup> In this case, the First Amendment's commercial speech doctrine came into play, making this only the third case in which the judge has written an opinion on this aspect of the First Amendment.<sup>13</sup> On the one hand, it is remarkable that a topic that is a staple in every First Amendment course in law schools would not be the subject of more opinions during thirty years on the bench, but on the other hand, it is yet another example of the amazing array of interactions that can find their way into the federal courts on constitutional challenges.

Eight years before the fraternity drug bust case, the judge was presented with a very different right of association claim. When the government sought an injunction to bar a union member with ties to organized crime from further activity with the union, the union raised a First Amendment right of association defense.<sup>14</sup> The opinion is vintage Becker as it painstakingly addresses the threshold issues of evidence, federal court rules, labor relations, and then the First Amendment. The detail even drove the judge to include a thorough outline, which is far more common in law review articles than judicial opinions.<sup>15</sup>

In *Wetzel v. Tucker*, Judge Becker, writing for an en banc court, waded into the treacherous doctrinal waters surrounding the question of when an employee of a public institution may be discharged for political affiliation.<sup>16</sup> Although there is a general default rule that public employees retain their rights of free speech and association, when such an employee is sufficiently involved in policymaking, the government may make choices favoring those with certain political viewpoints over others.<sup>17</sup> The case turned on which category of public job the "Authority Solicitor" of a public hospital fell into—

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requirements placed on Greek social organizations . . . may violate the constitutionally protected freedom of association.”).

<sup>12</sup> See *Am. Future Sys., Inc. v. Pa. State Univ.*, 752 F.2d 854 (3d Cir. 1984).

<sup>13</sup> See also *Rappa*, 18 F.3d 1043; *Felmeister v. Office of Attorney Ethics*, 856 F.2d 529 (3d Cir. 1988).

<sup>14</sup> *United States v. Local 560 (I.B.T.)*, 974 F.2d 315 (3d Cir. 1992).

<sup>15</sup> *Id.* at 320-21.

<sup>16</sup> 139 F.3d 380, 381 (3d Cir. 1998).

<sup>17</sup> *Id.* at 383 (citing *Elrod v. Burns*, 427 U.S. 347, 367-38 (1976), and *Branti v. Finkel*, 445 U.S. 507, 518 (1980)).

policymaking or not.<sup>18</sup> There were no cases that directly determined the result, therefore, the burden rested on Judge Becker to explain and justify the judgment employed to reach a conclusion. In a clear and persuasive opinion, Judge Becker held that the position was political in nature and therefore the discharge did not violate the First Amendment.<sup>19</sup>

Not only has the judge addressed, in the tricky context of the First Amendment, fraternity drug use, public employee discharges, and campaign contribution limitations, not discussed in detail here, but he also penned a case involving the secrecy of grand jury proceedings in the context of a state lottery kickback scheme. In *United States v. Smith*, Judge Becker held for the court that the press did not have an unfettered right to the papers from secret grand jury proceedings involving a state lottery kickback scheme.<sup>20</sup> Some of the material that the press sought was already made public, which would tend to make the material more accessible to the press.<sup>21</sup> The opinion, which holds that the papers need not be disclosed to the press, faces the facts squarely and proceeds methodically and carefully, explaining each step in its reasoning with clarity as it acknowledges the lacunae in the law. While the result is counterintuitive to some degree, it is persuasively explained and justified.

In 1995, the judge authored an opinion addressing free speech issues in yet another unusual context. A state corrections officer challenged the requirement that he wear an American flag on his uniform because he thought it was disrespectful of the flag.<sup>22</sup> He argued that the flag emblem was compelled speech in violation of the First Amendment.<sup>23</sup> The opinion's reasoning rejecting that claim is vintage Becker chambers:

[T]he Supreme Court has cautioned that the First Amendment should not be held to shield a limitless variety of conduct from governmental regulation. Thus, sympathetic as we may be to Troster's genuine patriotism as well as with his predicament, we cannot accept his suggestion that we hold, as a matter of "common sense" and law, that the mere act of wearing a uniform with a flag patch on it constitutes an

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<sup>18</sup> See *Wetzel*, 139 F.3d at 384.

<sup>19</sup> *Id.* at 385-86.

<sup>20</sup> 123 F.3d 140, 156 (3d Cir. 1997).

<sup>21</sup> *Id.* at 154.

<sup>22</sup> See *Troster v. Pa. State Dep't of Corrs.*, 65 F.3d 1086 (3d Cir. 1995).

<sup>23</sup> *Id.* at 1087.

expressive or communicative “use” of the flag.<sup>24</sup>

Respect for the First Amendment claims brought, a human acknowledgment of the difficult position for the claimant, and, ultimately, a resort to sound judgment gives the opinion legitimacy and weight.

The judge’s solid judgment was also on display in *Amato v. Wilentz*, in which a county brought an action against the Chief Justice of the New Jersey Supreme Court who barred Warner Brothers access to a county courthouse to film a movie scene.<sup>25</sup> His reason: he did not like the way in which African-Americans were to be depicted in the scene.<sup>26</sup> The county, which stood to receive \$250,000 from the studio, raised First Amendment challenges to the denial of access to the building.<sup>27</sup> While acknowledging that the Chief Justice’s content-based decision was troubling, and it certainly was, Judge Becker focused on the necessary threshold question to the First Amendment issue: did the county have third-party standing to assert the rights of the movie studio? In a thorough analysis of third-party standing, the Judge, writing for the court, reached the conclusion that fits with the law, but also with common sense: the county did not have the power to institute this suit on First Amendment grounds when the party directly harmed and capable of bringing the First Amendment challenge—Warner Brothers—could have and did not.<sup>28</sup>

The cases also provide a window into the evolution of society. Judge Becker’s first opinion implicating the First Amendment, in 1974, involved a challenge by Philadelphia firemen to beard and hair length regulations.<sup>29</sup> The firemen argued that they had a First Amendment right to have long hair regardless of the safety requirements of their jobs. In his inimitable way, the judge acknowledged their feelings about the matter:

[W]e have found here two men who are concerned about their personal appearance: Michini wants to fit in with his peers and Barbera wants to be fashionable. Of course, we find this understandable, but still this gains them no First Amendment protection [sufficient to override the

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<sup>24</sup> *Id.* at 1092.

<sup>25</sup> 952 F.2d 742 (3d Cir. 1991).

<sup>26</sup> *Id.* at 743.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at 750.

<sup>29</sup> See *Michini v. Rizzo*, 379 F. Supp. 837 (E.D. Pa. 1974).

regulations in this case].<sup>30</sup>

Common sense prevailed again.

In some ways, the task of applying any particular label to Judge Becker's opinions is a hopeless one. There is no trademark agenda, no pitch to any particular crowd, and certainly no grandstanding. To the contrary, he treats, in depth and at length, issues other judges would as soon move past, letting the issues determine the scope of any opinion rather than his predilection to address the same. His opinions do not reveal a man using his position to ride particular hobby horses, but rather a fair-minded man who views the cases before him as serious matters deserving his and his clerks' full attention. The vast variety of situations does not faze Judge Becker because he already treats each case as a fresh case on its own bottom.

The ethic of the Becker chambers comes through repeatedly as one reads these cases: his role is not to announce rules from on high, like Zeus, but rather to work through the existing law, to examine with a microscope all of the issues presented in a case, and to lay out the relevant reasoning with clarity in an organized fashion. Frankly, it is the work ethic of the ideal federal judge. No one could or should ask for more.

#### CONCLUSION

From the lens of Judge Becker's First Amendment cases, the work of the federal judiciary appears interesting but also daunting, if it is to be done well. A federal judge is by necessity a generalist, and Judge Becker has refused to transform that necessity into an excuse for avoiding hard, uninteresting issues or to let it argue for a lesser devotion to details. Instead, he has made it his mission to become a specialist in each issue before him, whether it has appeared before or will ever appear again. Every corner of a litigant's argument is scrutinized for chinks and research is done well beyond the four corners of the parties' arguments to test them. There is no adequate explanation for his remarkable devotion to intellectual rigor and excellence other than his sense of obligation to the citizens and the country he serves. He treats his position as a federal judge as a high calling and lives up to the ideal he has posited in chambers. This good man is the people's good fortune.

As I said on the occasion of the dedication of his portrait in the

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<sup>30</sup> *Id.* at 848.

Third Circuit, and it is worth repeating here, it is hard to be Chief Judge Becker. The world would be a better place if more aspired to his ideals and more succeeded as he does.

APPENDIX

ARTICLE 1

*Article 1, Section 7*

1. United States v. Gozlon-Peretz, 894 F.2d 1402 (3d Cir. 1990)

*Article 1, Section 8, Clause 3*

2. United States v. Rodia, 194 F.3d 465 (3d Cir. 1999)  
[Lutz v. York, Pa., 899 F.2d 255 (3d Cir. 1990) (included under Fourteenth Amendment)]
3. Swin Res. Sys., Inc. v. Lycoming County, Pa., 883 F.2d 245 (3d Cir. 1989)  
[United States v. Union Gas Co., 832 F.2d 1343 (3d Cir. 1987) (included under Eleventh Amendment)]

*Article 1, Sections 9 & 10*

4. Mathews v. Kidder, Peabody & Co., 161 F.3d 156 (3d Cir. 1998)  
[Artway v. Attorney Gen., 81 F.3d 1235 (3d Cir. 1996) (included under Article III)]  
[United States v. Menon, 24 F.3d 550 (3d Cir. 1994) (included under Fourth Amendment)]
5. United States v. Kopp, 951 F.2d 521 (3d Cir. 1991)
6. United States *ex. rel.* Forman v. McCall, 776 F.2d 1156 (3d Cir. 1985)
7. Royster v. Fauver, 775 F.2d 527 (3d Cir. 1985)
8. Crowell v. United States Parole Comm'n, 724 F.2d 1406 (3d Cir. 1984)
9. United States *ex. rel.* Forman v. McCall, 709 F.2d 852 (3d Cir. 1983)

ARTICLE 2

1. Ameron, Inc. v. United States Army Corps of Eng'rs, 809 F.2d 979 (3d Cir. 1986)

## ARTICLE 3

1. *In re* PWS Holding Corp., 228 F.3d 224 (3d Cir. 2000)
2. *Doe v. Nat'l Bd. of Med. Exam'rs*, 199 F.3d 146 (3d Cir. 1999)
3. *Artway v. Attorney Gen.*, 81 F.3d 1235 (3d Cir. 1996)
4. *Step-Saver Data Sys., Inc. v. Wyse Tech.*, 912 F.2d 643 (3d Cir. 1990)
5. *Cipollone v. Liggett Group, Inc.*, 893 F.2d 541 (3d Cir. 1990)

## SEPARATION OF POWERS

1. *In re* Richards, 213 F.3d 773 (3d Cir. 2000)
2. *Smith v. Magras*, 124 F.3d 457 (3d Cir. 1997)
3. *Neely v. Club Med Mgmt. Servs., Inc.*, 63 F.3d 166 (3d Cir. 1995)
4. *In re* Busy Beaver Bldg. Ctrs., Inc., 19 F.3d 833 (3d Cir. 1994)
5. *Consumer Party v. Davis*, 778 F.2d 140 (3d Cir. 1985)
6. *United Parcel Serv., Inc. v. United States Postal Serv.*, 455 F. Supp. 857 (E.D. Pa. 1978)
7. *United States ex rel. Parco v. Morris*, 426 F. Supp. 976 (E.D. Pa. 1977)

## FEDERAL QUESTION CASES

1. *Schall v. Joyce*, 885 F.2d 101 (3d Cir. 1989)
2. *United Servs. Auto. Ass'n v. Muir*, 792 F.2d 356 (3d Cir. 1986)
3. *Lancellotti v. Office of Pers. Mgmt.*, 704 F.2d 91 (3d Cir. 1983)

## FIRST AMENDMENT

1. *Pi Lambda Phi Fraternity, Inc. v. Univ. of Pittsburgh*, 229 F.3d 435 (3d Cir. 2000)
2. *Mariani v. United States.*, 212 F.3d 761 (3d Cir. 2000)
3. *Wetzel v. Tucker*, 139 F.3d 380 (3d Cir. 1998)
4. *United States v. Smith*, 123 F.3d 140 (3d Cir. 1997)  
[*Artway v. Attorney Gen.*, 81 F.3d 1235 (3d Cir. 1996) (included under Article III)]
5. *Troster v. Pa. State Dep't of Corrs.*, 65 F.3d 1086 (3d Cir. 1995)
6. *Rappa v. New Castle County*, 18 F.3d 535 (3d Cir. 1994)  
[*Donatelli v. Mitchell*, 2 F.3d 508 (3d Cir. 1993) (included under Fourteenth Amendment)]
7. *United States v. Local 560 (I.B.T.)*, 974 F.2d 315 (3d Cir. 1992)

8. *Amato v. Wilentz*, 952 F.2d 742 (3d Cir. 1991)  
[*Lutz v. York, Pa.*, 899 F.2d 255 (3d Cir. 1990) (included under Fourteenth Amendment)]
9. *Cole v. Flick*, 758 F.2d 124 (3d Cir. 1985)
10. *Am. Future Sys., Inc. v. Pa. State Univ.*, 752 F.2d 854 (3d Cir. 1984)
11. *Democratic Party of the United States v. Nat'l Conservative Political Action Comm.*, 578 F. Supp. 797 (E.D. Pa. 1983)
12. *Abraham v. Pekarski*, 537 F. Supp. 858 (E.D. Pa. 1982)
13. *Zenith Radio Corp. v. Matsushita Elec. Indus. Co.*, 529 F. Supp. 866 (E.D. Pa. 1981)
14. *Michini v. Rizzo*, 379 F. Supp. 837 (E.D. Pa. 1974)

## FOURTH AMENDMENT

- [*Urretia v. Harrisburg County Police Dep't*, 91 F.3d 451 (3d Cir. 1996) (included under Fifth Amendment)]
1. *United States v. Menon*, 24 F.3d 550 (3d Cir. 1994)
  2. *United States v. Kikumura*, 918 F.2d 1084 (3d Cir. 1990)
  3. *In re Search Warrant (Sealed)*, 810 F.2d 67 (3d Cir. 1987)  
[*United States v. Sebetich*, 776 F.2d 412 (3d Cir. 1985) (included under Fifth Amendment)]
  4. *United States v. Kulp*, 365 F. Supp. 747 (E.D. Pa. 1973)

## FIFTH AMENDMENT

1. *United States v. One Toshiba Color Television*, 213 F.3d 147 (3d Cir. 2000)  
[*West v. Vaughn*, 204 F.3d 53 (3d Cir. 2000) (included under Fourteenth Amendment)]
2. *United States v. Nathan*, 188 F.3d 190 (3d Cir. 1999)
3. *Unity Real Estate Co. v. Hudson*, 178 F.3d 649 (3d Cir. 1999)
4. *Paramount Aviation Corp. v. Augusta*, 178 F.3d 132 (3d Cir. 1999)  
[*Mathews v. Kidder, Peabody & Co.*, 161 F.3d 156 (3d Cir. 1998) (included under Article I, Section 9)]
5. *United States v. Nolan-Cooper*, 155 F.3d 221 (3d Cir. 1998)
6. *United States v. Murray*, 144 F.3d 270 (3d Cir. 1998)
7. *In re Tutu Wells Contamination Litig.*, 120 F.3d 368 (3d Cir. 1997)
8. *Urretia v. Harrisburg County Police Dep't*, 91 F.3d 451 (3d Cir. 1996)

9. *Lindsey Coal Mining Co. v. Chater*, 90 F.3d 688 (3d Cir. 1996)  
[*Artway v. Attorney Gen.*, 81 F.3d 1235 (3d Cir. 1996) (included under Article III cases)]
10. *Parry v. Rosemeyer*, 64 F.3d 110 (3d Cir. 1995)
11. *In re Gen. Motors Corp. Pick-Up Truck Fuel Tank Prods. Liab. Litig.*, 55 F.3d 768 (3d Cir. 1995)  
[*Wilmer v. Johnson*, 30 F.3d 451 (3d Cir. 1994) (included under Fourteenth Amendment Cases)]
12. *Resolution Trust Corp. v. Daddona*, 9 F.3d 312 (3d Cir. 1993)
13. *United States v. Spiropoulos*, 976 F.2d 155 (3d Cir. 1992)
14. *United States v. John*, 936 F.2d 764 (3d Cir. 1991)
15. *Young v. Kann*, 926 F.2d 1396 (3d Cir. 1991)  
[*Brown v. Grabowski*, 922 F.2d 1097 (3d Cir. 1990) (included under Fourteenth Amendment)]  
[*United States v. Kikumura*, 918 F.2d 1084 (3d Cir. 1990) (included under Fourth Amendment)]
16. *Thompson v. Owens*, 889 F.2d 500 (3d Cir. 1989)
17. *Montgomery Nat'l Bank v. Clarke*, 882 F.2d 87 (3d Cir. 1989)
18. *In re Real Estate Title & Settlement Servs. Antitrust Litig.*, 869 F.2d 760 (3d Cir. 1989)  
[*Marshall v. Lansing*, 839 F.2d 933 (3d Cir. 1988) (included under Fourteenth Amendment)]
19. *United States v. Katzin*, 824 F.2d 234 (3d Cir. 1987)
20. *United States v. Oliver*, 787 F.2d 124 (3d Cir. 1986)
21. *United Retail & Wholesale Employees Teamsters Union Local No. 115 Pension Plan v. Yahn & McDonnell Inc.*, 787 F.2d 128 (3d Cir. 1986)
22. *United States v. Sebetich*, 776 F.2d 412 (3d Cir. 1985)
23. *Tustin v. Heckler*, 749 F.2d 1055 (3d Cir. 1984)
24. *DeLeon v. Susquehanna Cmty. Sch. Dist.*, 747 F.2d 149 (3d Cir. 1984)
25. *Krynicky v. Univ. of Pittsburgh*, 742 F.2d 94 (3d Cir. 1984)
26. *Diggs v. United States*, 740 F.2d 94 (3d Cir. 1984)
27. *United States v. Baylin*, 696 F.2d 1030 (3d Cir. 1982)
28. *Neal v. Sec'y of the Navy*, 472 F. Supp. 763 (E.D. Pa. 1979)
29. *Oxford First Corp. v. PNC Liquidating Corp.*, 372 F. Supp. 191 (E.D. Pa. 1974)
30. *United States ex rel. Lowery v. Rundle*, 326 F. Supp. 821 (E.D. Pa. 1971)

SIXTH AMENDMENT

1. *United States v. Edmonds*, 80 F.3d 810 (3d Cir. 1996)  
[*Parry v. Rosemeyer*, 64 F.3d 110 (3d Cir. 1995) (included under Fifth Amendment)]
2. *Hull v. Freeman*, 932 F.2d 159 (3d Cir. 1991)  
[*United States v. Kikumura*, 918 F.2d 1084 (3d Cir. 1990) (included under Fourth Amendment)]
3. *Burkett v. Cunningham*, 826 F.2d 1208 (3d Cir. 1987)  
[*United States v. Sebetich*, 776 F.2d 412 (3d Cir. 1985) (included under Fifth Amendment)]  
[*Mastrota v. Robinson*, 534 F. Supp. 434 (E.D. Pa. 1982) (included under Fourteenth Amendment)]  
[*United States v. Atl. Richfield Co.*, 429 F. Supp. 830 (E.D. Pa. 1977) (included under Fourteenth Amendment)]
4. *Taylor v. United States*, 386 F. Supp. 132 (E.D. Pa. 1974)

SEVENTH AMENDMENT

1. *Dardovitch v. Haltzman*, 190 F.3d 125 (3d Cir. 1999)
2. *Zenith Radio Corp. v. Matsushita Elec. Indus. Co.*, 478 F. Supp. 889 (E.D. Pa. 1979)  
[*United States v. Atl. Richfield Co.*, 429 F. Supp. 830 (E.D. Pa. 1977) (included under Fourteenth Amendment)]

EIGHTH AMENDMENT

[*Urretia v. Harrisburg County Police Dep't*, 91 F.3d 451 (3d Cir. 1996) (included under Fifth Amendment)]

NINTH AMENDMENT

[*Stull v. Sch. Bd. of W. Beaver Junior-Senior High Sch.*, 459 F.2d 339 (3d Cir. 1972) (included under Fourteenth Amendment)]

ELEVENTH AMENDMENT

1. *United States v. Union Gas Co.*, 832 F.2d 1343 (3d Cir. 1987)
2. *Vecchione v. Wohlgemuth*, 426 F. Supp 1297 (E.D. Pa. 1977)

THIRTEENTH AMENDMENT

[*United States v. Union Gas Co.*, 832 F.2d 933 (3d Cir. 1988)]

(included under Eleventh Amendment)]

FOURTEENTH AMENDMENT

1. *Alvin v. Suzuki*, 227 F.3d 107 (3d Cir. 2000)
2. *Boyanoski v. Capital Area Intermediate Unit*, 215 F.3d 396 (3d Cir. 2000)
3. *Wilson v. Russo*, 212 F.3d 781 (3d Cir. 2000)
4. *West v. Vaughn*, 204 F.3d 761 (3d Cir. 2000)
5. *Stern v. Halligan*, 158 F.3d 729 (3d Cir. 1998)
6. *Imo Indus., Inc. v. Kickert AG*, 155 F.3d 254 (3d Cir. 1998)
7. *Ersek v. Township of Springfield*, 102 F.3d 79 (3d Cir. 1996)  
[*Urritia v. Harrisburg County Police Dep't*, 91 F.3d 451 (3d Cir. 1996) (included under Fifth Amendment)]  
[*Artway v. Attorney Gen.*, 81 F.3d 1235 (3d Cir. 1996) (included under Article III)]
8. *Wilmer v. Johnson*, 30 F.3d 451 (3d Cir. 1994)
9. *Guarino v. Larsen*, 11 F.3d 1151 (3d Cir. 1993)
10. *Donatelli v. Mitchell*, 2 F.3d 508 (3d Cir. 1993)
11. *Isidor Paiewonsky Assocs. v. Sharp Props., Inc.*, 998 F.2d 145 (3d Cir. 1993).  
[*United States v. Spiropoulos*, 976 F.2d 155 (3d Cir. 1992) (included under Fifth Amendment)]
12. *Frey v. Fulcomer*, 974 F.2d 348 (3d Cir. 1992)
13. *United States v. Parson*, 955 F.2d 858 (3d Cir. 1992)
14. *Knight v. Tape*, 935 F.2d 617 (3d Cir. 1991)  
[*Hull v. Freeman*, 932 F.2d 159 (3d Cir. 1991) (included under Sixth Amendment)]  
[*Young v. Kann*, 926 F.2d 1396 (3d Cir. 1991) (included under Fifth Amendment)]
15. *Brown v. Grabowski*, 922 F.2d 1097 (3d Cir. 1990)
16. *Shaw by Strain v. Strackhouse*, 920 F.2d 1135 (3d Cir. 1990)  
[*United States v. Kikumura*, 918 F.2d 1084 (3d Cir. 1990) (included under Fourth Amendment)]
17. *Lutz v. York, Pa.*, 899 F.2d 255 (3d Cir. 1990)  
[*Montgomery Nat'l Bank v. Clarke*, 882 F.2d 87 (3d Cir. 1989) (included under Fifth Amendment)]
18. *Marshall v. Lansing*, 839 F.2d 933 (3d Cir. 1988)  
[*United States v. Union Gas Co.*, 832 F.2d 1343 (3d Cir. 1987) (included under Eleventh Amendment)]

- [Burkett v. Cunningham, 826 F.2d 1208 (3d Cir. 1987) (included under Sixth Amendment)]
- [United States v. Sebetich, 776 F.2d 412 (3d Cir. 1985) (included under Fifth Amendment)]
- [DeLeon v. Susquehanna Cmty. Sch. Dist., 747 F.2d 149 (3d Cir. 1984) (included under Fifth Amendment)]
- [Krynicky v. Univ. of Pittsburgh, 742 F.2d 94 (3d Cir. 1984) (included under Fifth Amendment)]
19. Kunkel's Estate v. United States, 689 F.2d 408 (3d Cir. 1982)  
[Abraham v. Pekarski, 537 F. Supp. 858 (E.D. Pa. 1982) (included under First Amendment)]
20. Mastrotta v. Robinson, 534 F. Supp. 434 (E.D. Pa. 1982)
21. Lowery v. Cuyler, 521 F. Supp. 430 (E.D. Pa. 1981)
22. Zenith Radio Corp. v. Matsushita Elec. Indus. Co., 513 F. Supp. 1100 (E.D. Pa. 1981)
23. Locust v. Degiovanni, 485 F. Supp. 551 (E.D. Pa. 1980)  
[Neal v. Sec'y of the Navy, 472 F. Supp. 763 (E.D. Pa. 1979) (included under Fifth Amendment)]
24. United States v. Atl. Richfield Co., 429 F. Supp. 830 (E.D. Pa. 1977)
25. Crosley v. Davis, 426 F. Supp. 389 (E.D. Pa. 1977)
26. Filsam Corp. v. Dyer, 422 F. Supp. 1126 (E.D. Pa. 1976)
27. Gurly v. Wohlgemuth, 421 F. Supp. 1337 (E.D. Pa. 1976)
28. United States v. Brown, 417 F. Supp. 340 (E.D. Pa. 1976)
29. Local No. 1 (ACA), Broadcast Employees of the Int'l Bhd. of Teamsters v. Int'l Bhd. of Teamsters, 419 F. Supp. 263 (E.D. Pa. 1976)
30. United States *ex rel.* Bennett v. Prasse, 408 F. Supp. 988 (E.D. Pa. 1976)
31. DiAngelo v. United States, 406 F. Supp. 880 (E.D. Pa. 1976)
32. United States *ex rel.* Smith v. Johnson, 403 F. Supp. 1381 (E.D. Pa. 1975)
33. Peeke v. Penn Cent. Transp. Co., 403 F. Supp. 70 (E.D. Pa. 1975)
34. United States *ex rel.* Cannon v. Johnson, 396 F. Supp. 1362 (E.D. Pa. 1975)  
[Michini v. Rizzo, 379 F. Supp. 837 (E.D. Pa. 1974) (included under First Amendment)]
35. Vecchione v. Wohlgemuth, 377 F. Supp. 1361 (E.D. Pa. 1974)
36. United States *ex rel.* Russell v. Hendrick, 376 F. Supp. 158 (E.D. Pa. 1974)

37. *Bauer v. Sielaff*, 372 F. Supp. 1104 (E.D. Pa. 1974)  
[*Oxford First Corp. v. PNC Liquidating Corp.*, 372 F. Supp. 191 (E.D. Pa. 1974) (included under Fifth Amendment)]
38. *Schlesinger v. Bldg. Serv. Emp. Int'l Union, Local 252 (AFL-CIO)*, 367 F. Supp. 760 (E.D. Pa. 1973)
39. *Mackensworth v. Am. Trading Transp. Co.*, 367 F. Supp. 373 (E.D. Pa. 1973)
40. *Stull v. Sch. Bd. of W. Beaver Junior-Senior High Sch.*, 459 F.2d 339 (3d Cir. 1972)
41. *United States v. Lanni*, 335 F. Supp. 1060 (E.D. Pa. 1971)
42. *Charleston v. Wohlgeomuth*, 332 F. Supp. 1175 (E.D. Pa. 1971)
43. *United States ex rel. Burkett v. Rundle*, 329 F. Supp. 204 (E.D. Pa. 1971)
44. *Groff v. Wohlgeomuth*, 328 F. Supp. 1016 (E.D. Pa. 1971).
45. *United States ex rel. Tonzi v. Laird*, 327 F. Supp. 1389 (E.D. Pa. 1971)
46. *Lebowitz v. Forbes Leasing & Fin. Corp.*, 326 F. Supp. 1335 (E.D. Pa. 1971)

## NINETEENTH AMENDMENT

[*United States v. Union Gas Co.*, 832 F.2d 1343 (3d Cir. 1987)  
(included under Eleventh Amendment)]

## TWENTY-FOURTH AMENDMENT

[*United States v. Union Gas Co.*, 832 F.2d 1343 (3d Cir. 1987)  
(included under Eleventh Amendment)]

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