

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

United States v. A.D.

28 F.3d 1353 (3d Cir. 1994) · No. Nos. 93-3197, 93-3205, 93-3209, 93-3225 · Decided July 8, 1994

SUMMARY

The Third Circuit held that the Juvenile Delinquency Act does not mandate the categorical closure of juvenile delinquency proceedings or sealing of related court records. Instead, district courts retain authority to regulate access on a case-by-case basis by balancing the public's First Amendment interests against juvenile privacy and confidentiality interests. The court applied constitutional-avoidance principles in interpreting 18 U.S.C. §§ 5032 and 5038.

CASE DETAILS

COURT	United States Court of Appeals for the Third Circuit
WRITING FOR THE COURT	Stapleton, Circuit Judge; Sloviter, Chief Judge; Jane A. Restani, Judge, United States Court of International Trade, sitting by designation
JURISDICTION	Federal
DECIDED	July 8, 1994
DOCKET	Nos. 93-3197, 93-3205, 93-3209, 93-3225
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Newspaper publishers appealed orders of the United States District Court for the Western District of Pennsylvania denying their motions to open federal juvenile detention proceedings, unseal the records of those proceedings, and require future proceedings to be conducted in open court.
STANDARD OF REVIEW	De novo review of the statutory interpretation issue; access determinations are committed to the district court's informed discretion subject to factual findings and First Amendment requirements.
PRECEDENTIAL VALUE	precedential
PARTIES	PG Publishing Company, publisher of the Pittsburgh Post-Gazette, Tribune-Review Publishing Company v. United States of America

TOPICS

- statutory interpretation
- first amendment
- constitutional law
- appellate procedure
- mootness

PRACTICE AREAS

criminal procedure

constitutional law

juvenile delinquency

First Amendment access

QUESTIONS PRESENTED

1. Whether the confidentiality provisions of the Juvenile Delinquency Act, 18 U.S.C. §§ 5032 and 5038, mandate closure of all federal juvenile delinquency proceedings and sealing of all related records.
2. Whether the Act instead permits the district court to regulate access to juvenile proceedings and records on a case-by-case basis by balancing the public's interest in access against the juvenile's privacy and rehabilitation interests.
3. Whether the newspapers' appeal was moot after the underlying juvenile proceedings apparently concluded.

HOLDINGS

1. The Juvenile Delinquency Act does not mandate closed hearings and sealed records in all cases.
2. District judges have authority to regulate access to federal juvenile delinquency proceedings and records on a case-by-case basis by balancing the juvenile's privacy and rehabilitation interests against the public's and press's interests in access.
3. The appeal was not moot because the newspapers continued to seek access to the records, and the dispute was also capable of repetition yet evading review.

KEY QUOTATIONS

“We hold that the Act gives district judges authority to regulate access to the record of proceedings under the Act on a case-by-case basis through a balancing of interests.” (Opinion at 4)

“The Act does not mandate closed hearings and sealed records in all situations.” (Opinion at 22)

“Any denial or limitation of access must be supported by factual findings related to the circumstances of this particular case.” (Opinion at 22)

FACTUAL BACKGROUND

A.D. and T.Y., both juveniles, were arrested in connection with gang-related armed robberies of Pittsburgh-area convenience, clothing, and food stores. After the government initiated federal juvenile delinquency proceedings and sought detention, PG Publishing and Tribune-Review Publishing sought access to the detention hearings and related records. The magistrate closed the detention hearings, and the district court later denied the newspapers' motions to open the proceedings and unseal the records.

PROCEDURAL HISTORY

The United States initiated federal juvenile delinquency proceedings against A.D. and T.Y. and sought their detention. A magistrate closed the detention hearings on the ground that the Juvenile Delinquency Act required closure. The district court permitted the newspapers to intervene but denied their motions to open the

proceedings and unseal the records. The Third Circuit held that the Act does not mandate closure in every case and reversed and remanded for individualized consideration of access.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must exercise its discretion concerning whether, and to what extent, there should be public access to the records of the juvenile proceedings. Any denial or limitation of access must be supported by factual findings related to the circumstances of the particular case. Because the proceedings had apparently concluded, the district court need not decide attendance at those hearings, but it must separately consider access to the records.

CASES CITED

- Southern Pacific Terminal Co. v. Interstate Commerce Commission, 219 U.S. 498, 515 (1911)
- Weinstein v. Bradford, 423 U.S. 147, 149 (1975)
- Press-Enterprise Co. v. Superior Court, 478 U.S. 1, 3, 9 (1986)
- Press-Enterprise Co. v. Superior Court, 464 U.S. 501, 508-10 (1984)
- Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555, 569, 580 (1980)
- United States v. Simone, 14 F.3d 833, 840 (3d Cir. 1994)
- Republic of Philippines v. Westinghouse Electric Corp., 949 F.2d 653, 659 (3d Cir. 1991)
- United States v. Criden, 675 F.2d 550, 554, 556 (3d Cir. 1982)
- United States v. Raffoul, 826 F.2d 218, 224-25 (3d Cir. 1987)
- In re Gault, 387 U.S. 1, 15-19, 24 (1967)
- Globe Newspaper Co. v. Superior Court, 457 U.S. 596, 605, 607-08, 611 n.27 (1981)
- United States v. Brian N., 900 F.2d 218, 220 (10th Cir. 1990)
- DeBartolo Corp. v. Florida Gulf Coast Trades Council, 485 U.S. 568, 575 (1988)
- Murray v. The Charming Betsy, 6 U.S. (2 Cranch) 64, 118 (1804)
- Hooper v. California, 155 U.S. 648, 657 (1895)
- Smith v. Daily Mail Publishing Co., 443 U.S. 97 (1979)
- Oklahoma Publishing Co. v. District Court, 430 U.S. 308 (1977)
- Nixon v. Warner Communications, Inc., 435 U.S. 589, 597-99 (1978)
- Gannett Co. v. DePasquale, 443 U.S. 368, 384 (1979)
- United States v. Criden, 648 F.2d 814, 823, 829 (3d Cir. 1981)
- Publicker Industries, Inc. v. Cohen, 733 F.2d 1059, 1066, 1070 (3d Cir. 1984)
- Leucadia, Inc. v. Applied Extrusion Technologies, Inc., 998 F.2d 157, 161-65 (3d Cir. 1993)
- Littlejohn v. BIC Corp., 851 F.2d 673 (3d Cir. 1988)

- Bank of America National Trust & Savings Association v. Hotel Rittenhouse Associates, 800 F.2d 339 (3d Cir. 1986)
- In re Sealed Case, 893 F.2d 363 (D.C. Cir. 1990)

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