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Induction of the Honorable Roger J. Miner, United States District Judge, United States District Court, Northern District of New York, U.S. Courthouse, Albany, NY

Roger J. Miner '56

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INDUCTION
of
THE HONORABLE ROGER J. MINER
as a
UNITED STATES DISTRICT JUDGE
for the
NORTHERN DISTRICT OF NEW YORK

UNITED STATES COURTHOUSE
ALBANY, NEW YORK

OCTOBER 10, 1981
11:00 a.m.

JUDGES
of the
UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF NEW YORK

HON. HOWARD G. MUNSON,
Chief Judge

HON. NEAL P. McCURN

HON. JAMES T. FOLEY,
Senior Judge

HON. EDMUND PORT,
Senior Judge

1 JUDGE HOWARD G. MUNSON: Ladies and
2 gentlemen, this is a very auspicious morning. We are
3 here to induct Judge Roger Miner, of the State Supreme
4 Court, as a United States District Judge for the
5 Northern District of New York.

6 This audience is replete with
7 personalities and people who should be introduced.
8 However, I took a look at the list that the Miners had
9 invited and decided that we would be here until
10 3 o'clock if I did that.

11 However, there are a few people that I
12 would like to introduce. I understand that the mayor
13 of our host city, the Honorable and beloved Erastus
14 Corning is here, and good morning, Mayor Corning.

15 (Applause.)

16 I understand that Congressman Stratton
17 from the District is here also, and good morning
18 Congressman.

19 (Applause.)

20 I understand that Senator Stafford, and
21 Senator Bruno are here also, and Senators, would you
22 kindly rise.

23 (Applause.)

24 I understand the Minority Leader of the
25 New York State Assembly, Mr. Emery is here, also, and
Mr. Emery.

1 (Applause.)

2 Also Assemblyman Lane is here as I
3 understand it.

4 (Applause.)

5 One of President Reagan's appointees,
6 and the former Chairman of the Republican Party of the
7 State of New York is here, Dr. Kilbourn is here also.

8 (Applause.)

9 I have perhaps introduced people in the
10 reverse order, but I thought I would save Mrs. Miner
11 for last, and most of you know Jackie, and Jackie Miner,
12 please stand up.

13 (Applause.)

14 And after great expense and some problems,
15 the Miner children are here, Larry, Ronnie, Ralph and
16 Mark.

17 (Applause.)

18 As you probably know, the Northern District
19 of New York Congressmen have been good enough to give
20 us three active judges, but we also have two senior
21 judges. One of the active judges is not here, and that
22 is Judge McCurn. I have, however, a telegram from him
23 which reads, "We regret very much not being with you
24 today. A long-planned vacation prevents our attendance."

25 Let me interrupt here because Judge Miner

1 has told me that he is going for a vacation in December,
2 and I asked Judge McCurn if he has been talking to him
3 before he came on the bench.

4 "I join with my colleagues in welcoming
5 you to the Federal Bench. The years ahead promise to
6 be exciting and challenging and judicially stimulating
7 in our joint service to the People of the Northern
8 District. You add to the destiny and stature of the
9 bench, and most of all, Roger, I look forward to our
10 personal association which promises to be rewarding,
11 and particularly pleasant for Howard, Jim, Ed and myself.

12 "Nancy joins me in wishing you, Jackie
13 and your family the very best on this important and
14 joyful day."

15 I also have a telegram from Magistrate
16 Conan who is not feeling very well, which I will read.

17 "Please accept my sincere wishes for a
18 tenure of good health and fellowship in your new court
19 family."

20 There is a letter that I would like to
21 read to you -- actually there are two or three letters,
22 and one is from Senator D'Amato.

23 "Dear Roger: It is a pleasure to join
24 with your family and many friends who have gathered to
25 witness the oath of office you are taking today.

1 "While I am unable to attend personally,
2 be assured that I share in the sense of celebration that
3 surrounds this happy event.

4 "The People of the Northern District of
5 New York have in you a man of fairness, firmness and
6 compassion to attend to their judicial needs. I am
7 confident you will bring great dedication to this
8 distinguished Federal Bench.

9 "To you and your wife, Jackie, as well
10 as to your lovely family, I offer my sincere
11 congratulations."

12 I have a letter from Hamilton Fish, Jr.

13 "Dear Roger: Congratulations on the
14 auspicious occasion of your swearing-in as a Federal
15 Court Judge. It is certainly a privilege to have a
16 personal friend recognized, but even a greater privilege
17 to honor an eminent, qualified individual.

18 "Please accept my warmest congratulations
19 and pleasure at your nomination and achievement of
20 this position. I am sorry that I cannot join you, but
21 look forward to seeing you and Jackie soon here in
22 Washington. With warm personal regards, Ham."

23 Then I have a letter from Congressman
24 Solomon.

25 "Dear Roger: This is a wonderful day not

1 only for you and Jackie, but for all of the people of
2 New York who will be the beneficiaries of your judicial
3 decisions.

4 "I am extremely disappointed that I
5 cannot attend your induction ceremony, but I have a firm,
6 long-standing commitment elsewhere in our congressional
7 delegation that I must honor.

8 "President Reagan's decision to appoint
9 you as a Federal Judge in New York's Northern District
10 is another indication that the new Administration is
11 on the right track. The Federal Judiciary is an
12 extremely important branch of the government and the
13 country desperately needs competence, fair and erudite
14 men and women like you to serve as judges. I don't
15 know what qualifications the President gave the most
16 weight. Your impressive educational background, your
17 military service, your well-respected experience as a
18 New York State Supreme Court Judge, or your sensitive
19 public and community service, but certainly he arrived
20 at the right decision. I am sure that the people of
21 Hudson are proud of you. I know I am honored to have
22 you as my constituent, and I am confident that you will
23 bring credit to the Federal Bench. Congratulations,
24 Roger. I am very happy for you and the State of New York
25 and I hope that you will have many productive years on

1 the bench."

2 That is from Congressman Solomon.

3 I join in all of those remarks, but
4 Roger is extremely lucky today, I do not have to give a
5 speech. However, there are some eminent gentlemen in
6 the audience who have asked to, and Mr. and Mrs. Miner
7 have asked to speak on this occasion. Judge Miner, I
8 should say.

9 The first speaker will be Mr. Robert
10 Fiske, who was the United States Attorney for the
11 Southern District of New York, sometimes called "the
12 best law firm in the state." He is now with Davis Polk,
13 and is on the Standing Committee for the Federal
14 Judiciary. He is the representative of the American
15 Bar Association for the Second Circuit: Mr. Fiske.

16 MR. ROBERT B. FISKE, JR.: May it please
17 the Court: I would like to express my appreciation to
18 Chief Judge Munson for giving me the opportunity to
19 take a beautiful drive up the Taconic Parkway to be
20 here today on behalf of the American Bar Association
21 and its Standing Committee on Federal Judiciary.

22 As many of you know, the American Bar
23 Association Committee on the Federal Judiciary has no
24 candidates of its own. We do not propose or suggest
25 candidates to the Administration. Our function is to

1 review the names of candidates submitted to us by the
2 Attorney General to determine for the Attorney General
3 and for the Senate whether the individual in question
4 meets the standards of qualifications for the Federal
5 Bench.

6 This involves conducting an extensive
7 investigation among members of the Bench and the Bar,
8 and in a very welcome sense our Committee serves as a
9 conduit through which the views of the Bench and the Bar
10 are communicated to the Attorney General and to the
11 Senate.

12 In the case of Judge Miner, we interviewed
13 the members of this Court, and other prominent judges
14 who knew Judge Miner. We talked to the judges in the
15 Third Judicial District, we talked to the judges in
16 the Appellate Division, Third Department, and the judges
17 in the Court of Appeals, and we talked to a wide variety
18 of lawyers who have appeared before Judge Miner, not
19 only in the Third Judicial District, but also in the
20 Bronx, Brooklyn, Nassau and Suffolk where Chief Judge
21 Cooke has given Judge Miner the opportunity to preside
22 in the past.

23 We also reviewed a number of Judge
24 Miner's experiences, which cover a wide range of
25 interesting subjects ranging from whether the Public

1 Service Commission can prohibit the Consolidated Edison
2 from putting public messages into the envelope along
3 with the bill.

4 Judge Miner, and eventually the United
5 States Supreme Court both said yes. Somewhere along
6 the way the Appellate Division and the Court of Appeals
7 said no.

8 Another question was whether the State
9 Liquor Authority can prohibit topless dancing in
10 establishments that serve alcoholic beverages. Again,
11 Judge Miner said yes, and the United States Supreme
12 Court said yes.

13 After completing this very extensive
14 investigation and putting the results into a report,
15 which was circulated to the full Standing Committee on
16 the Federal Judiciary, I am very pleased to report that
17 the entire Committee unhesitatingly and unanimously
18 found that Judge Miner met the high standards for
19 qualification to the Federal Judiciary that our
20 Committee holds.

21 We congratulate him on his appointment
22 to the Federal Bench. We wish him a long, and I cannot
23 say prosperous, but I will say successful career as a
24 Federal Judge. Thank you.

25 (Applause.)

1 JUDGE MUNSON: I didn't know when we
2 invited Bob to speak that he was going to discuss
3 Roger's decision on topless dancing.

4 The next guest we have invited to speak
5 is Mr. David Williams a local attorney from Albany,
6 very well known in this area, and across the nation, and
7 is presently the President of the New York State Bar
8 Association, a long-time friend of mine and of Roger
9 Miner's. Dave Williams.

10 MR. WILLIAMS: Your Honor, and honored
11 guests: As President of the 34,000-member New York
12 State Bar Association I am most pleased to take part
13 in this ceremony.

14 On a personal note, as a practicing
15 attorney in this area who has appeared many times before
16 Judge Miner, it is doubly so.

17 There is nothing much more to say except
18 that on behalf of the Bar Association, and all of us,
19 we wish Judge Miner distinction on the bench, and we
20 know that he will bring distinction to the bench and we
21 are most pleased to be here. Thank you.

22 (Applause.)

23 JUDGE MUNSON: When we were putting the
24 program together I had a little chat with Judge and
25 Mrs. Miner, and they insisted that Judge Christiana, the

1 former Columbia County Judge be placed on the program
2 to say a few words, so at this time the Honorable
3 William F. Christiana.

4 JUDGE CHRISTIANA: May it please the
5 Court: Honorable Judges, distinguished guests, and
6 friends, it is my pleasant assignment this morning to
7 relate to you some details in the career of our newly-
8 appointed Federal Judge, Honorable Roger J. Miner.

9 It is quite appropriate that I be
10 selected to do so because I can honestly say I remember
11 the day he was born. His father, Abram Miner and I were
12 both fledgling lawyers in the law offices of the late
13 Judge John C. Tracy in Hudson on that April 14th, 1934.
14 We were both engaged in preparing a negligence case
15 when Abe received a phone call following which he
16 hastily said to me, "I've got to leave. You take over."
17 Well, I took over. We ultimately lost the case but
18 fortunately we did not lose Roger.

19 This is a memorable occasion for all of
20 us, but particularly impressive for those of us from
21 Columbia County. This is so because Columbia County
22 has not had a Federal Judge since 1813 when William P.
23 VanNess was appointed by President James Madison to
24 serve in the Southern District of New York. It is
25 reported that Judge Van Ness' judicial career was marked

1 by great ability and his decisions exhibited a wide
2 range of legal talent and learning.

3 We have every confidence Columbia's
4 second Federal Judge will emulate the achievements of
5 his eminent predecessor. A brief summary of Judge
6 Miner's career to date will, I submit, justify such
7 an expectation.

8 His preliminary education was obtained
9 in Hudson High School. He next attended Columbia
10 College, State University of New York, where he was
11 awarded a Bachelor of Science degree.

12 In 1956 he graduated cum laude from
13 New York Law School. From 1956 to 1959 he was a judge
14 advocate in the General's Corps of the Military Service,
15 stationed in Korea, a privilege not readily extended to
16 foreign lawyers. He is probably the only Federal Judge
17 in existence who can claim membership in the Korean Bar
18 Association, but then, I understand the annual dues
19 there are very modest.

20 Following his honorable discharge as a
21 captain, he returned to Hudson. From 1959 to 1975 he
22 practiced law with his father, Abram Miner, under the
23 label of Miner and Miner. But as one bruised adversary
24 remarked, "There was nothing very minor about it."

25 During this interval he served as

1 Corporation Counsel for the City of Hudson and later as
2 Assistant District Attorney of Columbia County. He was
3 elected District Attorney in 1968 and, from January 1,
4 1969 until December 31, 1974, he served with vigor and
5 efficiency in that capacity. He was elected a Justice of
6 the Supreme Court in November of 1975, the first Columbia
7 County lawyer to be so honored in some 35 years. Judge
8 Miner has been a prominent member of our State Judiciary
9 from January 1976 until he recently resigned to accept
10 his seat on the Federal Bench.

11 During his five years on the State Bench,
12 he has been noted for his judicial patience, his fairness
13 and his ability to tolerate a heavy workload. Along with
14 his quick mind you will find Judge Miner has a disarming
15 wit. I don't think Abe Lincoln had a more complete
16 repertoire of appropriate anecdotes.

17 When he was District Attorney he had so
18 many invitations that he had to take a long Caribbean
19 cruise to escape. He once introduced me, while serving
20 as toastmaster on an occasion when I was to be the
21 principal speaker. He said something like this, "I want
22 you mothers in the audience to know that your daughters
23 are safe so long as Judge Christiana remains on the bench."

24 The next day I think I overruled him on
25 an earlier objection.

1 Judge Miner has been active in community
2 and civic affairs over the years. I shall not attempt
3 to catalog these completely, but I shall mention a
4 representative few.

5 He has served as a director of the
6 United Way, as Exalted Ruler of the local Elks, as a
7 member of the faculty of Columbia Greene College, where
8 he taught criminal law. He has been active in the
9 Columbia County Historical Society and in the
10 Congregation Amshe-Emeth of Hudson, and the Temple
11 Isreal in Catskill. He is a member of the Columbia
12 County Bar Association, the New York State Bar
13 Association and the American Bar Association. He has
14 been the recipient of several community service awards.

15 It has often been stated that "The law
16 is a jealous mistress." Those of us who have served
17 on the bench perhaps appreciate the impact of that
18 adage more keenly than others. An ancient Greek
19 philosopher put the proposition concisely. He stated:

20 "Four requirements belong to a judge:

21 "1. To hear courteously.

22 "2. To answer wisely.

23 "3. To consider soberly.

24 "4. To decide impartially."

25 These are all orders, but it has been my

1 observation, made over some 48 years, that the judges of
2 our area have met and will continue to meet these tests.

3 Judge Miner's many friends believe he
4 will enrich the Federal Judiciary by his tenure. His
5 qualifications are eminent. His experiences along
6 life's broad highway, his zealous devotion to his
7 judicial duties, his ingrained common sense and his
8 unfailing humor will be a credit to the bench and the
9 Bar of the Northern District.

10 Finally, let me say my remarks should not
11 be interpreted as an excess of praise. They are intended
12 only as sympathetic encouragement. This is so because
13 the vast problems confronting courts at all levels
14 are too complex to justify random encomiums.

15 Judge Miner, in his decisions, will not
16 always be right. No one can ever be. Mistakes will be
17 made. These will be unavoidable, for no other reason
18 than we live in a rapidly-changing legal and social
19 order. We are witnessing an era of legal transition,
20 some say of legal turmoil. Established precedents
21 are being critically reexamined. The function of bail,
22 the rules of exclusion, the attorney-client privilege,
23 premarital rights, industrial pensions, labor-management
24 relations, civil rights, alien rights, to name a few
25 items, are under increasing scrutiny. "The life of the

1 law is not logic, it is experience." The Federal Bench
2 in short will be no haven for the fainthearted. But then,
3 I doubt if any bench ever was.

4 To conclude, an ancient Chinese blessing
5 declares: "May you live in the most interesting of
6 times." With the possible exception of the Fifth Century
7 B.C., I believe those of us born in the Twentieth Century
8 A.D. qualify.

9 And so, Roger, the torch of progress is
10 passed to you to help meet the coming challenges. We
11 extend to Mrs. Miner, your family and to you our sincere
12 congratulations. And I am sure all of us likewise
13 extend our best wishes to your distinguished predecessor,
14 Judge Foley, for good health and happiness in his
15 retirement.

16 (Applause.)

17 JUDGE MUNSON: Thank you very much,
18 Judge Christiana.

19 Now I have the pleasure of introducing
20 to you gathered here on this great day, Judge Conway,
21 a Justice of the New York State Supreme Court: Judge
22 Conway.

23 (Applause.)

24 JUDGE CONWAY: Judge Christiana, you are
25 a tough act to follow.

1 Judge Munson, Members of the Judiciary
2 distinguished guests, and members and friends of the
3 Miner family: Today is a great day in the life of our
4 Roger Miner. I am sure that the day he graduated from
5 high school, while still a teenager, that was a great
6 day in his life. The day he graduated from college was
7 another. Then law school graduation was a day he looked
8 forward to when he could enter the practice of law with
9 his distinguished father, Abram Miner from whom he has
10 inherited his fine judicial temperament.

11 His first trial as a practicing attorney
12 was a milestone in his life. Then came the day he was
13 elected District Attorney of Columbia County, which had
14 to be a great day.

15 Then came the day he was elected to the
16 Supreme Court of the State of New York in 1975, to take
17 office January 1st, 1976. That had to be a great day
18 in the public life of Roger Miner.

19 After five and one-half years of
20 distinguished judicial service throughout the Third
21 Judicial District and, oh yes, in Brooklyn and the Bronx
22 there came a day of great importance in his life when
23 he resigned from the Supreme Court effective July 31st
24 of this year in contemplation of this day.

25 I am sure that the day that his appointment

1 was made by the President of the United States to the
2 Federal District Court for the Northern District of New
3 York had to be another great day in the life of Roger
4 Miner.

5 The day of the confirmation of his
6 appointment by the United States Senate certainly was a
7 thrilling day for him and his family.

8 However, today is certainly the greatest
9 day of his life up to now. I am sure that he will have
10 many, many more great days in his life yet to come, with
11 the appointment to the Supreme Court of the United
12 States not out of his reach.

13 Today is the day that he steps into the
14 giant judicial shoes of one of the finest, scholarly,
15 kind, human Federal District Judges that this District
16 or any other District in the Federal or State Judicial
17 System has ever had, or now has, the Honorable James T.
18 Foley. Judge Foley to us is now, and always will be the
19 greatest.

20 I am sure that as a Senior Federal Judge
21 he will go on at a lesser pace, I hope, for many, many
22 more years to come, being the most admired member of
23 the judiciary that has ever sat in this court, or any
24 court in this state.

25 We here in Albany have been and are now

1 very fortunate in that we have with us two of the most
2 outstanding American public servants, Judge Foley and
3 Mayor Corning. Roger Miner, you have big shoes to fill.
4 And fill them you will.

5 Having served beside you and with you for
6 the past five or six years in Supreme Court I know that
7 you have the ability, the knowledge, the energy, the
8 temperament, the charm and the grace and the kindness
9 that will make you another Judge Foley in the Northern
10 District of New York.

11 In closing I wish you well, good health,
12 happiness and pleasure for all of the years that you
13 will serve as our Federal District Judge.

14 Thank you for letting us share with you
15 this great day in your life.

16 Roger, before I sit down, let me remind
17 you, as you step into those elephant shoes of Judge
18 Foley even a tiger can't eat an elephant, except one
19 bite at a time.

20 (Applause.)

21 JUDGE MUNSON: Thank you very much,
22 Judge Conway.

23 Before I introduce two of my favorite
24 judges, Judge Port and Judge Foley, I think that I
25 should introduce to this audience Judge Marketos, our

1 Bankruptcy Judge from Utica, and Judge Marketos.

2 (Applause.)

3 I do not see Judge Mahoney with us. He
4 is our Bankruptcy Judge here.

5 I also should introduce to you Bender
6 Solomon, the Magistrate from Albany.

7 (Applause.)

8 Judge Miner is very fortunate in many
9 ways, and one of the ways that he is fortunate is that
10 Judge Werker from Catskill, New York decided to move
11 down closer to the Southern District, and then we
12 adopted his territory, and so Judge Werker is out of a
13 job in the Northern District, but he was kind enough to
14 take the ride up the Taconic State Parkway and join us
15 today, we have with us Judge Henry Werker of the
16 Southern District and, Henry, would you like to say a
17 few words?

18 (Applause.)

19 JUDGE WERKER: In the first place, ladies
20 and gentlemen, I don't really think that Bill Christiana
21 did well by Judge Van Ness. He should have told you
22 that Judge Van Ness was indicted as being one of the
23 persons who participated in the Aaron Burr - Alexander
24 Hamilton duel. And subsequently organized the Hudson
25 City Savings Institution.

1 Roger's father and Roger practiced before
2 me when I was County Judge and Surrogate in Greene
3 County. They are both magnificent, competent people.
4 This district could not do better for a successor to
5 Jim Foley, and my congratulations and my heartfelt sympathy
6 goes to Roger as a Federal District Judge. Thank you.

7 JUDGE MUNSON: Thank you very much,
8 Judge Werker.

9 And now I am going to introduce to you
10 the gentleman who did for me what Judge Foley has done
11 for Judge Miner, were it not for Judge Port taking
12 senior status, and I being fortunate enough to have a
13 Republican president, and a Republican senator behind me,
14 I would not be here today so I thank you, Judge Port,
15 and one of my favorite judges, Edmund Port.

16 (Applause.)

17 JUDGE PORT: Chief Judge Munson,
18 Judge Foley, fellow judges, fellow lawyers and ladies
19 and gentlemen: These are always great occasions, these
20 swearing-in-ceremonies, and probably the less burdensome
21 and the most enjoyable day of a judge's life.

22 As far as Judge Miner is concerned, this
23 must be getting pretty boring, though. Judge this, and
24 Judge that, and courts, and just being in court, I guess.
25 Before I say anything concerning this particular event,

1 I would like to personally subscribe to the very kind
2 and generous remarks that Judge Conway made about Judge
3 Foley, who was my chief for some 17 years. Everything
4 he said could be repeated with emphasis.

5 As to Judge Miner, of course I have met
6 previously with him, and had the pleasure of knowing him.
7 He comes to this court with a long list of impressive
8 credentials. I am sure that he will leave with an
9 equally long list of impressive accomplishments.

10 Judge Miner, as one of the old senior
11 judges on this court, I welcome you on behalf of all of
12 the judges. We hope that you enjoy the work as we have
13 enjoyed it. We hope that you enjoy good health in
14 performing your services. Good luck to you and your
15 family.

16 (Applause.)

17 JUDGE MUNSON: Thank you, Judge Port.

18 I agree with Judge Port, and I support
19 everything that Judge Conway said about the gentleman
20 that I am about to introduce. The longer you know
21 Judge Foley the more you come to like him, and to
22 realize all of those qualities that he has, those that
23 were talked about by Judge Conway and others.

24 I am delighted to be here today on this
25 occasion for Judge Miner, because every other time that I

1 have come to Albany, or at least it seems to me for a
2 social occasion, it was another retirement for Judge
3 Foley. So I am glad to be here on the induction of
4 Roger Miner. I do not have to introduce Judge Foley
5 to you. He is everything that everyone says he is
6 and with that, Senior Judge Foley.

7 (Applause.)

8 JUDGE FOLEY: Thank you very much. I
9 have been speaking from this bench for 32 years, but
10 ordinarily I remain seated. But today I decided to
11 stand up. First, because they gave me a seat that
12 seems down near the floor, and I wanted to show you
13 that I am not that short.

14 But Chief Judge Munson, Members of the
15 Bar, and the State and Federal Judges, and the
16 distinguished guests, and members of the Miner family:
17 Of course, I would be an ingrate first class if I did
18 not thank Ed Conway, my friend for many years. I knew
19 his father, a great lawyer, and a great man, for the kind
20 remarks that he made about me. But I want to assure you
21 that I did not write his speech, and I did not
22 contribute anything to it.

23 But as a Chief Judge, and I have had that
24 opportunity for 17 years, I presided at many of these
25 swearing-in sessions. I presided at the swearing-in of

1 Judge Munson, Judge McCurn, and Judge Port.

2 I know from that experience that the
3 swearing-in day of a new judge, and the welcoming of
4 the judge to the Federal Bench, are the most happy
5 sessions that we have during our court business. And
6 today is going to be the same way, because I can tell
7 from the spirit and attitude of this large assembly
8 that that spirit of good will, good faith, and respect
9 for the judges and the Court is going to be maintained
10 throughout today, when we have this meeting in this
11 courtroom, and after the meeting that is followed by a
12 reception that the Miners are going to give for us.

13 And I think that I will tell you the
14 inside story. I was going to keep it a secret, but I
15 might just as well tell it. When Judge Miner was
16 nominated, and we did not know him too well because he
17 came from Columbia County, and that used to be serviced
18 by the United States District Court for the Southern
19 District of New York, but I met my two able, new, young
20 judges, McCurn and Munson, and they said, well, I guess
21 that he is a good judge from what we hear. We also
22 heard that he doesn't smoke or drink. And they wondered
23 about that, what kind of associate he would be.

24 I said, well, try and find out more about
25 it because I have lived long enough to know that you

1 shouldn't believe everything that you hear.

2 I was the first one to meet Judge Roger
3 Miner, and I am beginning to call him Roger, and I mean
4 it when I do that, because he is a pleasant man to be
5 with. We went over to Jack's Restaurant, and I said,
6 well, I'd better test him, and I got the menu, and I
7 said, "Judge, will you have a drink?" and he said, "Sure,
8 I will have a scotch and water."

9 So after the meal was about over he
10 lighted up a big cigar, and I couldn't get back quick
11 enough to tell my two able judges about the new judge
12 that we had, because I was trying to tell them, well,
13 if he doesn't smoke or drink he will suffer when you
14 have your judicial meetings. That is all over with now.

15 But I have met him five or six times
16 now, and I have had lunch with him, and talked to him
17 in my chambers, and he is eager to get started here.

18 I am sure that you all know President
19 Reagan's philosophy, and Judge Miner wants to prepare
20 himself and hit the ground running. Well, I can tell
21 him that next Tuesday he will hit the ground running,
22 and he will be running for a long time. It is a busy
23 court. But he is a ready-made judge. He did not even
24 have to buy a new robe, like most judges do.

25 But the lawyers in this area that

1 practiced before me, many of them, experienced, competent
2 top lawyers told me that he is a patient judge,
3 courteous, and has a sense of humor, and they all have
4 great faith he he is going to be a fine, outstanding
5 United States District Judge.

6 I am confident from my meetings with him,
7 and my talks with him that he is knowledgeable, and I
8 am fully confident that he will fill my shoes with
9 great competence, great industry, and be an outstanding
10 Judge in the Northern District of New York.

11 So I congratulate him on his appointment
12 by President Reagan, and I wish him good health, and
13 contentment for many years to come. He will be working
14 in this great, sophisticated capital city of Albany.
15 He will find there is never a dull day here. In the
16 city, of course, it is under the control of whom many
17 consider to be the outstanding mayor in the nation,
18 Mayor Erastus Corning, II.

19 This gives me a great variety of new
20 issues. Sitting here today I thought about it, and on
21 my right we have Chief Judge Munson, the expert on
22 rugby games, and then we have Judge Henry Werker, and
23 he was in the baseball industry when it was first
24 threatened, and he gave the best advice that baseball
25 players ever had. At the end of his decision he told

1 them to "Play ball." (Applause) And they didn't do it,
2 and I think that most of us think that they should have.

3 But it is a happy, warm day and I am
4 glad because it was a struggle for 14 years to get the
5 third judge authorized by the Congress, and I am just
6 pleased that I lasted long enough to see it. Thank
7 you very much.

8 (Applause.)

9 JUDGE MUNSON: Judge Foley, I thought we
10 were in agreement that Judge Miner was going to
11 Binghamton, and not to Albany.

12 We have two late arrivals with messages.
13 One from Judge Wachler from the Court of Appeals.

14 "I regret I cannot be with you to help
15 launch the beginning of your second brilliant judicial
16 career. The Federal gain is the State's loss. My best
17 regards, Sol Wachler, to Judge Miner."

18 And from Stanley Mailman:

19 "Dear Roger: On this auspicious day
20 congratulations are in order for the entire Miner
21 family. I am especially delighted for you, and know
22 that you will be a credit to the Federal Bench. I am
23 sorry I could not witness your father swearing you in.
24 Stanley Mailman."

25 I should say that I have turned over many

1 letters to the Judge and Mrs. Miner from many distinguished
2 citizens, and they all contain the same well wishes,
3 and acknowledgement of your qualifications, Judge Miner.

4 Now, we come to the part of the program
5 that we are here for, the investiture of Judge Miner.
6 I give you Mr. Scully, the Clerk of the Court.

7 CLERK SCULLY: May I have the permission
8 of the Court?

9 JUDGE MUNSON: Please do, Mr. Scully.

10 CLERK SCULLY: "Ronald Reagan

11 "President of the United States of America

12 "To all who shall see these presents,
13 greeting:

14 "Know ye: That reposing special trust
15 and confidence in the wisdom, uprightness and learning
16 of Roger J. Miner of New York, I have nominated, and, by
17 and with the advice and consent of the Senate do appoint
18 him United States District Judge for the Northern
19 District of New York, and do authorize and empower him
20 to execute and fulfill the duties of that office
21 according to the Constitution and Laws of the said
22 United States, and to have and to hold the said office,
23 with all the powers, privileges and emoluments to the
24 same of right appertaining, unto him, the said Roger J.
25 Miner, during his good behavior.

1 "In testimony whereof, I have caused
2 these letters to be made patent and the seal of the
3 Department of Justice to be hereunto affixed.

4 "Done at the City of Washington, this
5 28th day of September, in the Year of our Lord one
6 thousand nine hundred and eighty-one, and of the
7 independence of the United States of America the two
8 hundred fifth."

9 Signed by the President, Ronald Reagan,
10 and William French Smith, Attorney General.

11 The seal of the Department of Justice is
12 affixed.

13 JUDGE MUNSON: Thank you, Mr. Scully.

14 Now, it gives me pleasure to probably
15 give two gentlemen one of the greatest pleasures that
16 they will have in their lives. I call upon Mr. Abram
17 Miner, that distinguished attorney to present the oath
18 of office to his son, the Honorable Roger J. Miner.

19 MR. ABRAM MINER: May it please your
20 Honor: Please repeat after me:

21 "I, Roger J. Miner do solemnly swear
22 that I will administer justice without respect to
23 persons and do equal right to the poor and to the rich,
24 and that I will faithfully and impartially discharge and
25 perform all the duties incumbent upon me as a United

1 States District Judge, according to the best of
2 my abilities and understanding, agreeably to the
3 Constitution and Laws of the United States, and that I
4 will support and defend the Constitution of the United
5 States against all enemies, foreign and domestic,
6 that I will bear true faith and allegiance to the same.
7 That I take this obligation freely, without any mental
8 reservation, or purpose of evasion, and that I will
9 well and faithfully discharge the duties of this office
10 which I am about to enter. So help me God.

11 (Applause.)

12 JUDGE MINER: Chief Judge Munson, new
13 colleagues of the Federal Bench, former colleagues of the
14 State Bench, fellow attorneys, relatives and friends:
15 It feels pretty good to be here. I thank you all for
16 coming here this morning, and I am grateful to those
17 who have spoken, for their very kind words.

18 It goes without saying that this is one of
19 the most happy, exciting and important days of my life.
20 There are many, many people deserving of my heartfelt
21 thanks for making this day possible. To announce the name
22 of each person would extend this ceremony to a very late
23 hour.

24 However, I must express my special
25 gratitude to President Reagan for his confidence in me;
to Senator D'Amato, who recommended me to the President;

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4 assistance throughout the entire process; and to Bob
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6 Association Standing Committee on the Judiciary; and to
7 Paul Windels, the chairman, and all of the members of
8 Senator D'Amato's Judicial Secection Committee; to
9 Peter M. Brown, and his Federal Bar Council Committee
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12 Committee; to so many of you here today, as well as
13 others who endured questions from the F.B.I., the
14 Justice Department and the various Bar committees, and
15 who favorably commented on my personal and professional
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17 physician who certified that I am physically and
18 mentally competent to serve. (I hope that I will not
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20 law for 55 years, and still is the finest lawyer I have
21 even known; to my mother, who was unable to be here
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23 distances just to be with me today, especially the
24 Steiners from Miami; to Dean Shapiro, to Professor
25 Koffler who taught me the law of torts, and to the

1 entire delegation from my alma mater, New York Law
2 School; to our four sons, and the other long-suffering
3 family members who have shared our anxieties; and, most
4 of all, to my wife, Jackie, who did so much more than just
5 encourage me; it is safe to say that, without her courage,
6 steadfastness, persistence and love, I would not be here
7 today. One final note of thanks - to my late brother-in-
8 law, Eugene Mariani, whose allegiance and friendship I
9 shall never be able to replace. Although he was taken
10 from us over a year ago, I feel that he somehow is here
11 with us today. Thanks Gene.

12 I suppose that the story of how I came
13 to be here today began in a small village known as
14 Tourna in Central Europe shortly after the turn of the
15 century when my father's parents decided to emigrate to
16 the United States. Apparently the village was located
17 somewhere within the old Austro-Hungarian Empire, where
18 the landed gentry lived well and the rest of the people,
19 especially the minority groups, did not live quite so well.
20 Needless to say, the Miners did not enjoy the way of life
21 depicted in the operettas of Franz Lehar.

22 As events on the continent later proved,
23 their decision to leave was a very good one indeed.
24 After settling in Hudson and opening a small grocery
25 store they were finally able, by 1923, to raise the

1 \$100 to pay the first year's tuition at New York Law
2 School for their eldest son, my father; he earned the
3 balance of the money needed for his education and
4 graduated in 1926, passed the bar and returned to Hudson,
5 where he has been practicing ever since. I received my
6 degree in 1956 and joined my father in practice after
7 completing military service. This is simply another
8 example of the American dream fulfilled. I therefore
9 have always considered it a great pleasure and source of
10 immense satisfaction to preside at naturalization
11 ceremonies in the State Supreme Court because I knew that
12 my own grandparents had been received as citizens in
13 similar ceremonies. The hopes and dreams of these new
14 citizens for themselves and their children were reflected
15 in their faces as they took the oath of citizenship
16 before me. We are a nation of immigrants and, as
17 Professor Handler has written, "The history of
18 immigration is the history of America."

19 Although this is an occasion of joy for
20 me, there is sadness as well, because I must say
21 farewell to my brethren of the New York State Supreme
22 Court, this Third Judicial District. I have worked
23 with them and socialized with them in our seven-county
24 district for the past six years and have enjoyed every
25 minute of my association with them. There never was an

1 unkind word spoken and never a request for assistance
2 denied during the entire period of my service. At my
3 confirmation hearings before the Judiciary Committee,
4 Senator Denton of Alabama asked whether I believed that
5 the State Court Judges were competent to undertake
6 matters now within the primary jurisdiction of the
7 Federal Courts. I indicated to the senator that my
8 State Court colleagues are fully capable of undertaking
9 any judicial function assigned to them. Of course, the
10 State Judges are busy enough and are not looking for any
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14 Bench. There is no finer group of men anywhere.

15 My new colleagues have spoken very
16 eloquently here today. In the brief time that I have
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18 to me. They are an impressive group of men. I had the
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20 time ago. During the period I was with him, he disposed
21 of a number of important cases, including one involving
22 those foreign athletes who wanted to be involved in some
23 obscure sporting event here in Albany. It was in
24 observing Judge Munson decide that case that I came to
25 the realization that the United States Constitution is

1 an every day working tool in the Federal Courts. I am
2 proud to be serving under his leadership in this court.
3 Everybody in this area and this room knows Judge Foley.
4 He has graced this bench for more than 30 years with his
5 gentle manner and wisdom. He has guided and advised me
6 since the first day I appeared at this courthouse, and I
7 appreciate his kindness more than I can say. I did not
8 know that you were testing me that first day when we had
9 lunch together. I have not had the privilege of being
10 acquainted with Judge Port for very long, but I do know
11 that he served with distinction as the United States
12 Attorney prior to his outstanding service as a District
13 Judge. I am honored to serve with him. Unfortunately,
14 our colleague, Judge McCurn could not be with us today.
15 I have seen him in action on the bench and I can assure
16 you that he is well entitled to the respect that he has
17 earned as a member of this court.

18 When I took office as a Justice of
19 the New York State Supreme Court, my father advised me
20 that the two most important qualities required of a Judge
21 are patience and understanding. He did not say anything
22 about intellect but, having dealt with judges a great
23 number of years, he did not expect the impossible from
24 me. I shall continue to strive for patience and under-
25 standing. I shall endeavor to perform the tasks

1 assigned me with vigor and dispatch and with the
2 certain knowledge that the litigants in every case are
3 entitled to my very best.

4 Finally, I shall ever be mindful that
5 an independent and honorable judiciary is indispensable
6 to justice in our society. Upon the conclusion of any
7 contested litigation, there is a winner and a loser. My
8 goal simply is this - that the loser leave this court-
9 room without the slightest doubt that justice abides
10 here.

11 Mr. Chief Judge, the junior member of
12 your court is ready for duty.

13 JUDGE MUNSON: Thank you very much.

14 (Applause.)

15 Now, at the conclusion we will have
16 "America the Beautiful" sung by Mr. Harrison Somers.

17 MR. SOMERS: Congratulations, Judge
18 and Mrs. Miner, and thank you for this privilege. I
19 do not have the Philharmonic behind me to give me the
20 note.

21 (Singing of "America the Beautiful" and
22 "God Bless America" by Mr. Somers.)

23 JUDGE MUNSON: Thank you, and this
24 session of court is adjourned.

25 (Whereupon the proceedings were concluded.)

Judge Roger J. Miner
United States District Judge
Induction Speech
October 10, 1981

12 JUDGE MINER: Chief Judge Munson, new
13 colleagues of the Federal Bench, former colleagues of the
14 State Bench, fellow attorneys, relatives and friends:
15 It feels pretty good to be here. I thank you all for
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17 who have spoken, for their very kind words.

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19 the most happy, exciting and important days of my life.
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