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Remarks, Investiture of Hon. Thomas J. McAvoy

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INVESTITURE OF JUDGE THOMAS J. McAVOY
BINGHAMTON, NEW YORK
SATURDAY, APRIL 26, 1986

REMARKS

I AM VERY PLEASED TO RETURN TO THE NORTHERN DISTRICT BENCH IN ORDER TO PARTICIPATE IN THE INVESTITURE OF ITS NEWEST MEMBER, THOMAS J. McAVOY. JUDGE McAVOY BECOMES ONLY THE SEVENTEENTH JUDGE TO SERVE ON THIS BENCH SINCE THE NORTHERN DISTRICT WAS ESTABLISHED BY CONGRESS 172 YEARS AGO. IT WAS IN 1814 THAT THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW YORK WAS SPLIT INTO THE NORTHERN AND SOUTHERN DISTRICTS. SINCE THE OLD DISTRICT OF NEW YORK WAS THE FIRST COURT TO SIT UNDER THE SOVEREIGNTY OF THE UNITED STATES IN 1789, THE NORTHERN DISTRICT IS JUST AS MUCH ITS SUCCESSOR AS THE SOUTHERN AND JUST AS ENTITLED TO BE CALLED THE "MOTHER COURT." (CONTRARY TO WHAT SOME OTHERS MAY SAY). OF THE SEVENTEEN JUDGES WHO HAVE SERVED IN THE NORTHERN DISTRICT, FOUR CURRENTLY ARE IN SERVICE. SO YOU SEE, TOM, A SEAT ON THIS BENCH IS PRACTICALLY A GUARANTEE OF LONGEVITY.

THIS IS INDEED AN HISTORIC OCCASION. ALTHOUGH CONGRESS HAS AUTHORIZED THE HOLDING OF TERMS IN BINGHAMTON SINCE 1900, THERE HAS BEEN NO DISTRICT JUDGE FROM THIS AREA SINCE GEORGE W. RAY, A RESIDENT OF NORWICH IN CHENANGO COUNTY, WAS APPOINTED TO THIS BENCH IN 1902. BEFORE HIS JUDICIAL SERVICE, JUDGE RAY WAS ELECTED TO CONGRESS SEVEN TIMES AND PERFORMED IMPORTANT SERVICE

THERE AS CHAIRMAN OF THE JUDICIARY COMMITTEE. IN 1899 HE DECLINED THE INVITATION OF HIS CLOSE FRIEND, THEODORE ROOSEVELT, THEN THE GOVERNOR OF NEW YORK, TO SERVE ON THE STATE SUPREME COURT. HE SAID THAT IT WAS NECESSARY FOR HIM TO REMAIN IN CONGRESS TO DEAL WITH THE PROBLEMS ARISING OUT OF THE WAR WITH SPAIN, ESPECIALLY THOSE RELATING TO THE GOVERNMENT OF CUBA AND THE CONTROL OF THE PHILIPPINES (THE PROBLEMS DON'T SEEM TO CHANGE MUCH OVER THE YEARS). THREE YEARS LATER, WHEN TEDDY ROOSEVELT WAS PRESIDENT, RAY ACCEPTED HIS OFFER OF APPOINTMENT TO THE NORTHERN DISTRICT BENCH. I GUESS THAT ALL THE PROBLEMS IN CONGRESS HAD BEEN CLEARED UP BY THAT TIME. AT ANY RATE, IT SEEMS THAT IT NEVER HURTS TO BE A CLOSE FRIEND OF THE PRESIDENT. ALTHOUGH JUDGE RAY'S CAREER ON THE BENCH WAS IN MANY WAYS A STORMY ONE, IT ALSO WAS VERY PRODUCTIVE. WHEN HE WAS STRICKEN WITH A SERIOUS ILLNESS IN 1919, THE NEW YORK TIMES REPORT ON HIS CONDITION DESCRIBED HIM AS FOLLOWS: "HE IS KNOWN AS ONE OF THE HARDEST WORKING JURISTS ON THE BENCH AND INTIMATES SAY THAT HE HAS NOT TAKEN A VACATION IN TWENTY YEARS." I AM SURE THAT TOM WILL FOLLOW THE GREAT EXAMPLE OF JUDGE GEORGE W. RAY OF NORWICH.

THIS OCCASION IS HISTORIC FOR ANOTHER REASON AS WELL. JUDGE McAVOY IS THE FIRST JUDGE TO HOLD THE FOURTH SEAT IN THE NORTHERN DISTRICT, THIS NEW SEAT HAVING BEEN ESTABLISHED BY CONGRESS IN THE FEDERAL JUDGESHIP ACT OF 1984. THE NORTHERN DISTRICT WAS A ONE-JUDGE COURT UNTIL 1927, WHEN A SECOND JUDGESHIP WAS ADDED. THE THIRD JUDGESHIP WAS ADDED IN 1978, AND OUR COLLEAGUE, NEAL McCURN, PRESENTLY OCCUPIES THAT SEAT. ALTHOUGH WE NOW HAVE FOUR

TIMES AS MANY JUDGES AS WE STARTED WITH, WE HAVE FIFTY TIMES AS MANY CASES.

I AM HAPPY TO JOIN WITH ALL MY COLLEAGUES IN THE FEDERAL JUDICIARY IN WELCOMING TOM McAVOY TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK, A COURT FREIGHTED NOT ONLY WITH A GREAT TRADITION, BUT ALSO WITH ONE OF THE HIGHEST CASELOADS IN THE NATION. I KNOW THAT TOM WILL BE EQUAL TO THE TASK AND PREDICT THAT HIS CAREER ON THIS COURT WILL BE MARKED BY VERY DISTINGUISHED SERVICE. IN MY OPINION, HE HAS THE MOST IMPORTANT QUALITIES NEEDED FOR THE JOB - A WILLINGNESS TO LISTEN; AN ABILITY TO LEARN; THE PATIENCE TO UNDERSTAND; AND A SENSE OF JUSTICE. (HE ALSO HAS A GOOD SENSE OF HUMOR, AND THAT MAY BE THE MOST IMPORTANT QUALITY OF ALL).

TOM, MAY YOUR TENURE BE A LONG AND HAPPY ONE. I CONGRATULATE YOU ON THIS HAPPY OCCASION AND EXTEND MY BEST WISHES TO YOUR FAMILY AND MANY FRIENDS.