

1988

# Dedication of the James T. Foley United States Courthouse

Roger J. Miner '56

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Dedication  
of the

**JAMES T. FOLEY**  
**UNITED STATES COURTHOUSE**

Albany, New York

Thursday, October 27, 1988

## **JAMES THOMAS FOLEY**

A native New Yorker, James T. Foley has had a remarkable career serving both his state and nation with distinction. Born in Troy, Judge Foley graduated from Troy Catholic Central High School, from Fordham College in New York City and Albany Law School. He received his law degree in June 1934, and was admitted to the New York State Bar in September, 1934.

He entered private law practice in Troy in 1935, and in 1936 became associated with the Honorable Abraham C. Goldstein in such practice. In 1938 he served as assistant legal counsel during the New York State Constitutional Convention. From 1939 to 1942 he served as law clerk to New York State Supreme Court Justice William H. Murray of the Third Judicial District in addition to maintaining his private law practice as a trial lawyer and appellate counsel.

Foley interrupted his promising legal career and enlisted as an Apprentice Seaman in the U.S. Navy in February, 1942. After combat service in the Atlantic and Pacific Theaters, he was separated honorably in September, 1945 from active service with the rank of Lieutenant Senior Grade.

At the conclusion of World War II, Foley resumed his private law practice and position with Justice Murray. On February 2, 1949, President Harry S. Truman appointed him a United States District Judge for the Northern District of New York. At that time, he was the youngest judge on the federal bench. In May, 1963, Foley became Chief Judge of the Northern District, a position he held until June 30, 1980. He is now serving as a Senior Judge in the Northern District that has federal jurisdiction in thirty-two (32) New York State counties.

Judge Foley has presided at hundreds of criminal and civil court and jury trials throughout the Northern District, and has presided at such trials in the federal district courts in New York City, Brooklyn and Vermont. His designated official residence and Chambers has always been in the federal court house in the City of Albany.

Judge Foley is the recipient of a number of special honors and awards. The Albany Law School presented him with its Gold Medal for Distinguished Public Service in 1973, Siena College conferred an honorary Doctor of Laws Degree in 1979, and the Federal Bar Council awarded its Certificate in recognition of 35 years of outstanding judicial service. On January 1, 1986, the Tricentennial year for the City of Albany, Judge Foley acted as Master of Ceremonies at the Inauguration and Reception held in the Convention Center, Governor Nelson A. Rockefeller Empire State Plaza, administering the oath of office to the newly elected Mayor of Albany, Thomas M. Whalen, III.

Judge Foley is a member of the Troy Lodge of Elks, the American Legion, the Veterans of Foreign Wars and the Knights of Columbus. He is a member of the American Bar Association, the American Judicature Society, and the New York State and Rensselaer County Bar Associations.

Judge Foley resides in the Town of North Greenbush, with his wife of thirty-five (35) years, the former Eleanor M. Anthony. Their daughter, Mary Jude Foley, is an accomplished equestrienne who owns M.J. Farms, a boarding stable for fine show horses in North Greenbush, New York.

## **PROGRAM**

### **PRELUDE MUSIC**

Christian Brothers Academy Band

### **MASTER OF CEREMONIES**

William J. Diamond, Regional Administrator  
U.S. General Services Administration

### **PRESENTATION OF COLORS**

#### **THE NATIONAL ANTHEM**

### **INVOCATION**

The Right Reverend Monsignor Edward L. O'Malley  
St. Mary's R.C. Church, Albany

### **GREETINGS**

The Honorable Thomas M. Whalen  
Mayor of Albany

The Honorable James J. Coyne  
County Executive, County of Albany

The Honorable Mario Cuomo  
Governor, State of New York

The Honorable Neal P. McCurn, Chief Judge  
U.S. District Court, Northern District of New York

The Honorable Francis Bergan  
Judge, New York Court of Appeals (Retired)

The Honorable Roger J. Miner  
Judge, U.S. Court of Appeals, Second Circuit

### **PRESENTATION OF FLAG**

### **MUSICAL INTERLUDE**

"America The Beautiful" by Mary Jude Foley

### **REMARKS**

The Honorable Gerald B. Solomon  
U.S. Representative, 24th District of New York

The Honorable Sameul S. Stratton  
U.S. Representative, 23rd District of New York

The Honorable Alfonse M. D'Amato  
U.S. Senator, State of New York

The Honorable Daniel Patrick Moynihan  
U.S. Senator, State of New York

### **UNVEILING OF PLAQUE**

### **RESPONSE**

The Honorable James T. Foley

### **BENEDICTION**

The Reverend Harry Donaghy, Pastor  
St. Mary's R.C. Church, Troy

## **SPECIAL THANKS**

Commander Thomas Hayes  
U.S. Navy Recruiting District, Albany

Owen Johnson  
Bandmaster, Christian Brothers Academy Band

Brother William Martin  
Director, Christian Brothers Academy

Mary Beth Quinn  
Secretary to Judge Foley

Joseph R. Scully  
Clerk, U.S. District Court  
Northern District of New York

## **ABOUT THE BUILDING**

The United States Post Office, Courthouse and Custom House in Albany was completed and opened in 1934. A marble structure, it was constructed in the Art Deco style popular during that era and evident in many other government buildings.

The newly-named James T. Foley United States Courthouse is currently home to the local federal courts and the offices of approximately twenty-five different federal agencies.

Of special interest in the building are the nine large ceiling murals in the lobby, painted by a Depression-period artist under the work Projects Administration. The murals reflect a map of the world. The world as it was in 1935, when a young Albany lawyer named James T. Foley had just started his impressive legal career.

Public Law 100-489  
100th Congress

An Act

Oct. 14, 1988  
[H.R. 4188]

To designate the United States courthouse located at 445 Broadway in Albany, New York, as the "James T. Foley United States Courthouse".

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. DESIGNATION.

The United States courthouse located at 445 Broadway in Albany, New York, shall be known and designated as the "James T. Foley United States Courthouse".

SEC. 2. LEGAL REFERENCES.

Any reference in a law, map, regulation, document, record, or other paper of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "James T. Foley United States Courthouse".

Approved October 14, 1988.

LEGISLATIVE HISTORY—H.R. 4188:

HOUSE REPORTS: No. 100-859 (Comm. on Public Works and Transportation).  
CONGRESSIONAL RECORD, Vol. 134 (1988):  
Sept. 22, considered and passed House.  
Oct. 4, considered and passed Senate.

○

# Congress honors Judge Foley and his 'second home'

By James G. Cannon  
Times Union  
10-16-88

ALBANY — From his perch on the fourth floor of the federal courthouse in Albany, Senior U.S. District Judge James T. Foley has spent nearly four decades serving his name on decisions, mandamus and non-mandamus, some remembered, many forgotten.

On Oct. 27, the 78-year-old jurist appointed by President Harry S. Truman will become a permanent part of the monument itself when the state's Albany Post Office, Court House & Custom House at 1345 Broadway is renamed in his honor.

The U.S. House of Representatives and Senate voted to designate the 189-year-old, three-building the James T. Foley U.S. District Court.

The idea first was proposed several months ago by Court Clerk Joseph R. Scully and promoted in Congress by Rep. Samuel N. Stratton, D-Schenectady. New York's entire congressional delegation support at the bill.

"This building became my second home," Foley said. "To have my name associated with it as a United States courthouse is a great honor that I shall always regard with pride and humility."

Foley, who lives in North Greenbush with his wife

of 25 years, the former Eleanor Anthony, graduated from Catholic Central High School, Fredonia University and Albany Law School and spent four years with the Navy in World War II before launching his judicial career.

He began with a private practice in Troy, where he was born, and served as a law clerk to state Supreme Court Justice William H. Murray. In 1948, Foley, who was active in the Democratic Party, was an alternate delegate to the national convention in which Truman was nominated to run against Republican New York Gov. Thomas Dewey.

A few months later, Foley, with the backing of Albany Democratic boss David P. O'Connell, was reelected with a lifetime appointment. At 34, he was the youngest judge on the federal bench. The job paid \$15,000 annually.

"I always wanted to be what I am — a jurist, managing people — litigating, whatever justice."

The decisions are sometimes practiced with the dry wit that has become his trademark. Stratton recalls one decision in particular, ruling that he had the establishment of a Job Corps Center in North Greenbush.

"At Christmas time, 1974, the town of Bethlehem objected to efforts to establish the Job Corps Center here and went to court," Stratton said. "Judge Foley ruled against the town and in his opinion the judge noted the remarkable coincidence that an American born immigrant Bethlehem could find 'no room at the inn.'"

In 1983, Foley became chief judge of what is now the 25-county Northern District of New York and remained in that position until 1986, when he opted to become a "senior" judge. In that post, he retains his full-time salary, but follows a less hectic schedule in which he can choose the type of cases he wishes to hear. Foley now concentrates mainly on railroad transportation civil rights and administrative action matters.

In the past, Foley was in the forefront of environmental civil rights and administrative action matters.

In a 1972 decision, Foley overcame his reluctance to make the power of the federal court and wrote a strongly worded decision that led New York to improve the treatment of prison inmates.

"It is a hard task for the harmonization of a federal judge not to want to combat political and regulatory



JAMES FOLEY  
... a great honor

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## FOLEY

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that to him, even harsh and arbitrary." Foley wrote in a 25-page decision. "The failure in the past of legislators to take proper, congressional action to remedy adverse conditions has eroded the historical substance of federal courts to interfere with the administration of penal institutions."

Foley found routine strip searches and denial of outdoor exercise constituted "cruel and unusual punishment" in violation of the Eighth and 14th Amendments.

Perhaps his most memorable decision came in 1979 when he ordered hiring quotas for the State Police. Foley ruled the State Police had unlawfully discriminated against minorities and women and put in place a quota system that will remain until the racial makeup of the agency approximately reflects that of the population it serves.

"In a progressive society, inequities cannot be ignored on the basis that they were caused by the conduct of previous generations," Foley said in his ruling.

Paul Fynn, district manager of the Federal Central Services Administration, said Treasury will be closed for about two hours during the Oct. 27 observance. He said scores of federal and state judges, as well as an expected local political dignitaries, are expected to attend, creating a legislative night to attend, creating a legislative night to attend.

DEDICATION

JAMES T. FOLEY UNITED STATES COURTHOUSE

October 27, 1988

11:00 A.M.

Harry S. Truman, thirty-third president of the United States of America, unleashed two powerful forces -- the atomic bomb and James T. Foley. In designating this building the "James T. Foley United States Courthouse," Congress finally has recognized the more powerful of the two forces.

During his forty years of service as a Federal Judge, Jim Foley has exerted a far-reaching influence on the American System of Justice. Day in and day out, over that period of time, he has decided all his cases, great and small, with compassion; understanding; patience; fundamental fairness; good grace and with great learning and scholarship. His decisions have touched the lives of many, not only here in the Capital Region and the Northern District of New York, where he has served, but throughout the nation. His opinions have been cited far and wide and often have been referred to by the United States Supreme Court. Since he arrived at this building in February of 1949 at age 38, then the youngest federal judge in the country, Jim Foley has established precedent in many "cutting-edge" areas of the law -- in civil rights; in prisoners' litigation; in railroad disability; in trademarks; and in numerous others.



But to me, Jim Foley's greatest strength, his greatest force, has been as a teacher of judges. My father taught me how to be a lawyer, but Jim Foley taught me how to be a judge. He is a judge's judge and an exemplar of what every judge should be. Although he teaches by example, he also has been known to prod his colleagues in his kind and gentle way. "Have you read this new decision or that new decision?" "Have you noticed what Congress has enacted in this area or that area?" "Is your calendar up to date?" As a district judge, I stepped up my reading and writing in order to answer those questions properly, and so did my colleagues. Although I now serve on a different court, he still calls me every day that I am in Albany to ask me these same questions. He really thinks that appellate judges are more in need of guidance than anyone else.

There are lessons for all of us in Jim Foley's example -- kindness; generosity; charity; love for fellowman; patriotism; faith; diligence; dedication and humanity. All these qualities are grounded in a deep concern for people and the effect that the law has on their lives. For Jim Foley is a people person and always has enjoyed meeting his fellow citizens from all walks of life. My wife introduced him to Ivana Trump. He pronounced Ivana a "great lady" and she declared him "very cute." As yet, neither Donald nor Eleanor seems very concerned.

I consider it a great privilege and honor to know Jim Foley. To know him is to learn at first hand the lessons that he teaches. To know him is to love him. Lawyer, law clerk, seaman, naval

officer, district judge, chief judge and now senior judge in point of service in the nation, we fittingly honor this special man, who has honored all of us by his devoted and unselfish service to the nation. May he and his lovely wife, Eleanor, enjoy many more successful seasons at the August meet.

# James T. Foley U.S. Courthouse

445 Broadway, Albany, NY 12207

Spring of 2003

The James T. Foley U.S. Courthouse displays an excellent fusion of Classical and Art Deco style. Designed and constructed under the watchful eye of consulting architect Electus Darwin Litchfield, the Courthouse was completed on August 18, 1933 for the cost of \$ 3,325,000. (\$1,510,000 for the purchase of the site and \$1,815, 000 for construction.)

Kenny Brothers Construction Company of New York City was awarded the construction contract. Kenny Brothers agreed to complete construction in 500 working days by utilizing in excess of 200 workmen.

## Exterior Features

The 269 foot frieze fronting Broadway depicts the activities of a Post Office. Carved in marble are depictions of letter carriers, propeller driven airplanes, trains, steamships and trucks working to deliver mail worldwide.

The North end of the building is graced with a 150 foot frieze which depicts the activities of a traditional customs house. Scenes depicting immigration interviews, passport issuance and cargo inspections remind us that Albany's past is deeply rooted in it's history as an active port.

The frieze at the South end of the facility is devoted to the activities of the Court. The judge seated behind the bench watches as a witness is sworn in by the bailiff. Twelve attentive jurors observe this scene from the jury box. As was custom in those days, the three jurors to the far right bear a remarkable resemblance to the three prominent architects who worked on the project, John Gander, Electus Litchfield and Norman Sturgis.

## Interior Features

**Public vestibules:** On each end of the main lobby are public vestibules. Each vestibule is equipped with four light standards. Directly above each light standard is plaque displaying a figure holding one of the major forms of modern transportation, an airplane, a locomotive, a truck and a ship.

**Stairwells:** The stairwells are composed of decorative cast aluminum and were designed by the sculptor Enea Biafora. Within the design of the railing are ornamental panels with three motifs - an airplane, the scales of justice and a beaver (the official animal of New York State). On the stair landings are register grilles. Each grille is divided into two small side panels and a large center panel. Within the large center grille is a panel representing the Great Seal of the United States.

**Main lobby:** The main lobby is a long rectangular space 20'-7" wide by 186' long and 17'-1" high. It features nine ceiling maps executed in oil on canvas by Ethel M. Parsons. From North to South these maps depict North America, South America, Australia, the North Pole, the United States, Antarctica, Europe, Africa and Asia.

Separating the Parson maps are relief sculptures of postage stamps featuring famous Americans.

**Trivia Question:** Can you identify the famous Americans depicted in the relief sculptures of the postage stamps?

**Trivia Answers:**

From North to South the famous Americans depicted are:

Alexander Hamilton on the 30 cent stamp.  
Winfield Scott on a 24 cent stamp; and  
Henry Clay on a 12 cent stamp;  
George Washington on a 2 cent stamp;  
Benjamin Franklin on a 1 cent stamp;  
Andrew Jackson on a 2 cent stamp;  
Abraham Lincoln on a 6 cent stamp;  
Daniel Webster on a 15 cent stamp;

**FOLEY, JAMES THOMAS**

United States District Judge  
Northern District of New York

**Office address:**

P.O. Box 1709  
Post Office & Courthouse Bldg.  
Albany, New York 12201

**Phone:** (518) 472-5665 Com.  
562-5665 FTS

**Born:** Troy, New York  
July 9, 1910

**Home address:**

Teliska Avenue  
DeFreestville, R.D. #1  
Rensselaer, New York 12144

**Phone:** (518) 283-1321



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Judge Foley was appointed United States District Judge for the Northern District of New York on February 2, 1949 and entered on duty February 16, 1949. He served as Chief Judge from May 1, 1963 to June 30, 1980, at which time he took senior judge status. Judge Foley is a graduate of Fordham College, receiving an A.B. degree in 1931, and a graduate of the Albany Law School, receiving an LL.B. degree in 1934.

Judge Foley was a Lieutenant in the United States Navy Reserve from 1942 to 1945 and secretary to a New York State Supreme Court Justice, 1939 to 1942 and 1946 to 1949.

Judge Foley is married to the former Eleanor M. Anthony and has one daughter, Mary Jude. He is a member of the American Bar Association, the New York State Bar Association and the American Judicature Society. He is an honorary member of the Albany County Bar Association and the Onondaga County Bar Association; and member and trustee of the Rensselaer County Bar Association.

DOB: 8/12/90  
49  
41

J A M E S T. F O L E Y  
U N I T E D S T A T E S  
C O U R T H O U S E

UNITED STATES OF AMERICA

RONALD REAGAN

PRESIDENT

THIS BUILDING IS NAMED IN HONOR OF

J A M E S T. F O L E Y

A DISTINGUISHED JURIST OF THE U.S. DISTRICT COURT, NORTHERN DISTRICT OF N.Y., APPOINTED BY PRESIDENT HARRY S. TRUMAN IN 1949. CHIEF JUDGE FROM 1963 TO 1980, THEN SENIOR JUDGE. A WORLD WAR II NAVY SEAMAN AND LIEUT. A WARM AND ENDURING PRESENCE IN THIS CAPITAL CITY OF ALBANY.

SAMUEL S. STRATTON  
U.S. CONGRESSMAN  
23RD DISTRICT

DANIEL P. MOYNIHAN  
U.S. SENATOR

GERALD B. SOLOMON  
U.S. CONGRESSMAN  
24TH DISTRICT

ALFONSE M. D'AMATO  
U.S. SENATOR

RICHARD G. AUSTIN  
ACTING ADMINISTRATOR  
GENERAL SERVICES ADMINISTRATION

WILLIAM J. DIAMOND  
REGIONAL ADMINISTRATOR  
GENERAL SERVICES ADMINISTRATION

OCTOBER 1988

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