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## Eulogy: Hamilton Fish, Jr.

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Roger J. Miner  
U.S. Circuit Judge

**EULOGY  
HAMILTON FISH, JR.  
WEST POINT, NEW YORK  
JULY 27, 1996**

The Nation has lost a great American, and I have lost a great friend.

The world has turned many times since I met Ham Fish during his first campaign for Congress. My wife and I, and all of us who supported him then, knew that this was a different kind of candidate. His remarkable radiance came not from the fact that he was a descendant of distinguished ancestors who had served the Republic since its beginning. It came from his own outstanding qualities. Those qualities enabled him to stand shoulder to shoulder with his patriotic forebears in an unbroken line of dedicated service to the Nation.

Although Ham lost that first election, it enabled him to reach out to many citizens in his district and to explain his thoughts about the place that government should hold in their lives. His message was well enough received that he won the general election after a primary election in 1968. By the time of that primary election, we were close friends, so it was something of a surprise when I received a visit at my law office in Hudson from Ham's opponent in the primary, a fellow with whom I had been acquainted during his service as an Assistant District Attorney in Dutchess County. This man was well known in local legal circles for his somewhat bizarre conduct as a prosecutor. In any event, I told him that my wife and I were strong supporters of Ham Fish and could not help him. My visitor's name

was G. Gordon Liddy.

Ham won every election after that. "Ham's Our Man" was the motto. In his early years in Congress, when he still represented my district, I got to see a great deal of Ham. I enjoyed introducing him as a speaker at various clubs and organizations, and I listened to him speak on many occasions. He was a deliberate speaker, who conveyed his message in simple language, without fuss, fanfare or soaring rhetoric. He regularly spoke about what the government was doing and what it should be doing. Ham was straightforward with his constituents and always told it like it was.

He had a great sense of humor and always enjoyed the little stories that I told at the public gatherings where I would introduce him. I sometimes caught him taking notes of these stories and told him it was okay to use the material, and he did. He particularly enjoyed anecdotes about lawyers and judges. He was a lawyer who always held the legal profession close to his heart. There were two stories of mine that he especially enjoyed. The first was about the man who appeared before the judge without a lawyer. When the judge asked who would represent him, the man said, "God is my lawyer." The judge said: "You should have someone locally." His second favorite story was about the 85-year-old man who was sentenced to a 20-year prison term. The man said: "Judge, I am 85 years old, I cannot do 20 years." The Judge said: "Do as much as you can." Ham would laugh at these stories every time I told them, because he could

never remember a joke.

During his years of service in Congress, and especially during his lengthy service on the Judiciary Committee, Ham Fish demonstrated the moral leadership that distinguished his career. He played important roles in the passage of the Fair Housing Act, the Voting Rights Act, the Americans with Disabilities Act, and a host of other laws designed to give all Americans a fair shake. He was an outspoken advocate for international human rights. Ham was a great legislative lawyer and took an interest in the technical details of all the legislation that came before the Judiciary Committee. It was only a short time ago that Ham and I had a discussion about the large part he played in the implementation of the Berne Convention on Copyrights. Nothing got by the Judiciary Committee without the close scrutiny of Ham Fish.

As a member of that Committee, he took a great interest in the judicial branch of government. Ham was a great friend of the federal judges, and we all admired him for his work on our behalf and for his continuing support. Ham played no small part in my own appointment as a district judge and as a circuit judge. I guess that it is no secret that he tried his best to push me up one more step, and I shall forever be honored by his trust and confidence. Ham Fish believed in the independence of the judiciary, a concept that many persons in public life presently are having difficulty with. At my investiture as a circuit judge in 1985, Ham referred to the judiciary as a co-equal branch of

the federal government. He said that the Founders of the Republic had conferred upon federal judges an essential independence from undue influence and partisan political pressures. The purpose of that independence, Ham said, was to "allow a judge to make the necessary tough calls as well as the easy ones." The entire federal judiciary mourns one of its greatest proponents.

Ham was one who enjoyed the simple things in life. He liked good food and good wine but he frowned on extravagance of any kind. He never engaged in the high pressure fundraising that is characteristic of modern campaigns. He just didn't believe in spending a lot of money for campaigning. As a matter of fact, Ham didn't believe in spending much money for anything. His tastes were modest and his work was his life. If he wasn't working in Washington, he was meeting with his constituents in the district, always telling them what the government in Washington was doing and what he thought it should be doing. He very much enjoyed the times he could spend at his home in Millbrook. Twice a widower, Ham often was joined there by his four children, Hamilton, Nicholas, Peter and Alexa. He loved the times that he could spend with his children and grandchildren. I know that Ham was a sports fan. In the middle of a lively discussion at my home a couple of years ago, Ham excused himself to go upstairs to watch a football game on T.V.

After some years of courtship, Ham married Mary Ann on December 31, 1988. Mary Ann has been my special friend since the

world was very young. We sort of grew up together, and I know just how marvelous a person she is. I know that this was a marriage made in heaven and that Mary Ann made Ham very happy. We all had great fun during the wedding reception. It was a wonderful celebration of the marriage of two extraordinary people. There was a nip in the air that day, and I think I drank it. Anyway, just as Ham Sr. predicted on that wedding day, Mary Ann proved to be an important factor in Ham's life and work. As most of you know, she comes from a long line of politicians herself and has had a significant career in public service as well as politics. And most important of all, she was there for Ham until the very end.

Ham Fish was unique in many ways. He certainly was a gentleman of the old school. He participated in the rough and tumble life of a politician while maintaining his dignity and his decency. He had a strong moral compass and inner strength and was not of the kind who would do anything just to get elected. He was painfully honest and would never distort the truth to benefit himself or a cause he may have believed in. He was a statesman, deeply and always concerned about the welfare of his fellow citizens. Ham truly cared about the Nation and its future. He was a serious, serene man, who made major contributions to our society. His was always the voice of civility and, in that regard, his passing may mark the passing of an era. He taught us by precept and example that government can be a positive force and that equality is the soul of our nation.

Oliver Wendell Holmes said that "it is required of a man that he should share the passion and action of his time at peril of being judged not to have lived." Ham Fish shared in the action and passion of his time in abundant measure, and he lived a life of high purpose and great accomplishment. May we all have his courage and commitment so that we too may be judged to have lived a worthy life. There can be no better way to honor the memory of Hamilton Fish.