
Correspondence

United States Circuit Judge for the Second
Circuit Court of Appeals

7-22-1993

Letter from H. Elliott Wales

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ROGER J. MINER
U.S. CIRCUIT JUDGE
ALBANY NEW YORK

H. ELLIOT WALES

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July 22, 1993

Judge Roger Miner
U.S. Court House
445 Broadway
Albany, New York 12201

Dear Roger -

I have read your Seton Hall Law Review article on "traditional functions" of the Federal Court in protecting individual rights. I would agree with you as to the historic role of the Supreme Court and other federal courts, though I think the high court did slip in recent years on certain critical issues. In that regard I view your Court and other Courts of Appeals as more protective, c.f. Lamb's Chapel. With Ginsburg replacing White, and Drew replacing Starr in the Solicitor General's office, we should see a swing the other way.

I cannot believe Nadine Strossen (of ACLU) does not have substantial reservations as to the protective role in recent years of the high court. See footnote 120, at page 842 of your article.

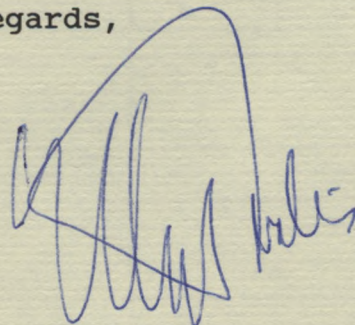
Last month I participated in a fifteen hour constitutional law program at NYU conducted by Professor Lawrence Sager. See footnote 106, at page 840 of your article. Sager is exceptionally bright, interesting, articulate, and I enjoyed the program.

Hope you are ridding yourself of all aches and pains, and keeping your weight down.

I enjoyed your sparring in dissent with Judge Louis Pollak, in US v. Rupert Gordon, 3/4/93, now reported at 987 F2d 902.

Regards,

HEW/ng

A handwritten signature in blue ink, appearing to read "H. Elliot Wales", is written over the typed name "H. Elliot Wales". The signature is fluid and cursive, with a large loop at the top.