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Memos and Letters: Law Clerks

Miscellaneous

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8-27-1993

## Letter to RJM from Jeffrey A. Van Detta

Jeffrey A. Van Detta

# KILPATRICK & CODY

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August 27, 1993

Hon. Roger J. Miner  
U.S. Circuit Judge  
U.S. Second Circuit Court  
of Appeals  
U.S. Courthouse  
P.O. Box 858  
Albany, NY 12202

Dear Judge:

Kathleen and I wanted to let you and Jackie know how good it was to see you both at this year's Annual Clerks' Brunch. We were very glad to see how well you were doing. We also enjoyed the opportunity to tour your beautiful new home and spend one of the most enjoyable afternoons we can remember with the two of you and the rest of our chambers "family."

I very much enjoyed your Seton Hall Law Review piece. I noted with interest your point (at pages 838-39) that the Third Amendment has yet to be "incorporated" into the Fourteenth Amendment. I suppose that there have not been many occasions since 1866 when a state has sought to quarter troops in private homes, but with the recent advent of "Clintonomics," the federal courts may yet have to face that issue!

A case that you might find interesting in connection with the theme of that article is Corfield v. Coryell, 6 F. Cas. 546 (C.C.E.D. Pa. 1823) (No. 3230), involving the privileges and immunities clause of Article IV. In Corfield, Justice Bushrod Washington extensively discussed individual rights "which are in their nature, fundamental" and "which belong, of right, to the citizens of all free governments; and which have, at all times, been enjoyed by the citizens of the several states which compose this Union from the time of their becoming free, independent, and sovereign." 6 F. Cas. at 551.

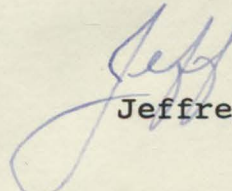


KILPATRICK & CODY

On a parting note, please find enclosed a few  
souvenirs of Atlanta.

Best wishes.

Sincerely,



Jeffrey A. Van Detta

JAV:pw  
Encls.

August 27, 1994

U.S. Courthouse  
P.O. Box 558  
Albany, NY 12201

Dear Judge:

Kathleen and I wanted to let you and Jackie know how  
good it was to see you both at this year's Annual Clerks' Dinner.  
We were very glad to see how well you were doing. We also  
enjoyed the opportunity to tour your beautiful new home and spend  
one of the most enjoyable afternoons we can remember with the two  
of you and the rest of our chambers "family."

I very much enjoyed your Seton Hall Law Review piece.  
I noted with interest your point (at pages 938-43) that the 13th  
Amendment has yet to be "incorporated" into the Fourteenth  
Amendment. I suppose that there have not been many occasions  
since 1868 when a state has sought to quarter troops in private  
homes, but with the recent advent of "Clintonopolis," the federal  
courts may yet have to face that issue!

A case that you might find interesting is *United States v. Cruikshank*,  
109 U.S. 410 (1883), involving the privileges and  
immunities clause of Article IV. In *Cruikshank*, Justice Swayne  
distinguished extensively between individual rights "which are in  
their nature, fundamental" and "which belong, of right, to the  
citizens of all free governments; and which have, of all times,  
been enjoyed by the citizens of the several states which compose  
this Union from the time of their becoming free, independent, and  
sovereign." 4 F. Cas. at 351.