10-10-1981

Induction of the Honorable Roger J. Miner, United States District Judge, United States District Court, Northern District of New York, U.S. Courthouse, Albany, NY

Roger J. Miner ’56

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INDUCTION

of

THE HONORABLE ROGER J. MINER

as a

UNITED STATES DISTRICT JUDGE

for the

NORTHERN DISTRICT OF NEW YORK

UNITED STATES COURTHOUSE

ALBANY, NEW YORK

OCTOBER 10, 1981

11:00 a.m.
JUDGES

of the

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF NEW YORK

HON. HOWARD G. MUNSON,
Chief Judge

HON. NEAL P. McCURN

HON. JAMES T. FOLEY,
Senior Judge

HON. EDMUND PORT,
Senior Judge
JUDGE HOWARD G. MUNSON: Ladies and gentlemen, this is a very auspicious morning. We are here to induct Judge Roger Miner, of the State Supreme Court, as a United States District Judge for the Northern District of New York.

This audience is replete with personalities and people who should be introduced. However, I took a look at the list that the Miners had invited and decided that we would be here until 3 o'clock if I did that.

However, there are a few people that I would like to introduce. I understand that the mayor of our host city, the Honorable and beloved Erastus Corning is here, and good morning, Mayor Corning.

(Applause.)

I understand that Congressman Stratton from the District is here also, and good morning Congressman.

(Applause.)

I understand that Senator Stafford, and Senator Bruno are here also, and Senators, would you kindly rise.

(Applause.)

I understand the Minority Leader of the New York State Assembly, Mr. Emery is here, also, and Mr. Emery.
(Applause.)

Also Assemblyman Lane is here as I understand it.

(Applause.)

One of President Reagan's appointees, and the former Chairman of the Republican Party of the State of New York is here, Dr. Kilbourn is here also.

(Applause.)

I have perhaps introduced people in the reverse order, but I thought I would save Mrs. Miner for last, and most of you know Jackie, and Jackie Miner, please stand up.

(Applause.)

And after great expense and some problems, the Miner children are here, Larry, Ronnie, Ralph and Mark.

(Applause.)

As you probably know, the Northern District of New York Congressmen have been good enough to give us three active judges, but we also have two senior judges. One of the active judges is not here, and that is Judge McCurn. I have, however, a telegram from him which reads, "We regret very much not being with you today. A long-planned vacation prevents our attendance."

Let me interrupt here because Judge Miner
has told me that he is going for a vacation in December, and I asked Judge McCurn if he has been talking to him before he came on the bench.

"I join with my colleagues in welcoming you to the Federal Bench. The years ahead promise to be exciting and challenging and judicially stimulating in our joint service to the People of the Northern District. You add to the destiny and stature of the bench, and most of all, Roger, I look forward to our personal association which promises to be rewarding, and particularly pleasant for Howard, Jim, Ed and myself.

"Nancy joins me in wishing you, Jackie and your family the very best on this important and joyful day."

I also have a telegram from Magistrate Conan who is not feeling very well, which I will read.

"Please accept my sincere wishes for a tenure of good health and fellowship in your new court family."

There is a letter that I would like to read to you -- actually there are two or three letters, and one is from Senator D'Amato.

"Dear Roger: It is a pleasure to join with your family and many friends who have gathered to witness the oath of office you are taking today."
"While I am unable to attend personally, be assured that I share in the sense of celebration that surrounds this happy event.

"The People of the Northern District of New York have in you a man of fairness, firmness and compassion to attend to their judicial needs. I am confident you will bring great dedication to this distinguished Federal Bench.

"To you and your wife, Jackie, as well as to your lovely family, I offer my sincere congratulations."

I have a letter from Hamilton Fish, Jr.

"Dear Roger: Congratulations on the auspicious occasion of your swearing-in as a Federal Court Judge. It is certainly a privilege to have a personal friend recognized, but even a greater privilege to honor an eminent, qualified individual.

"Please accept my warmest congratulations and pleasure at your nomination and achievement of this position. I am sorry that I cannot join you, but look forward to seeing you and Jackie soon here in Washington. With warm personal regards, Ham."

Then I have a letter from Congressman Solomon.

"Dear Roger: This is a wonderful day not
only for you and Jackie, but for all of the people of New York who will be the beneficiaries of your judicial decisions.

"I am extremely disappointed that I cannot attend your induction ceremony, but I have a firm, long-standing commitment elsewhere in our congressional delegation that I must honor.

"President Reagan's decision to appoint you as a Federal Judge in New York's Northern District is another indication that the new Administration is on the right track. The Federal Judiciary is an extremely important branch of the government and the country desperately needs competence, fair and erudite men and women like you to serve as judges. I don't know what qualifications the President gave the most weight. Your impressive educational background, your military service, your well-respected experience as a New York State Supreme Court Judge, or your sensitive public and community service, but certainly he arrived at the right decision. I am sure that the people of Hudson are proud of you. I know I am honored to have you as my constituent, and I am confident that you will bring credit to the Federal Bench. Congratulations, Roger. I am very happy for you and the State of New York, and I hope that you will have many productive years on
the bench."

That is from Congressman Solomon.

I join in all of those remarks, but Roger is extremely lucky today; I do not have to give a speech. However, there are some eminent gentlemen in the audience who have asked to, and Mr. and Mrs. Miner have asked to speak on this occasion. Judge Miner, I should say.

The first speaker will be Mr. Robert Fiske, who was the United States Attorney for the Southern District of New York, sometimes called "the best law firm in the state." He is now with Davis Polk, and is on the Standing Committee for the Federal Judiciary. He is the representative of the American Bar Association for the Second Circuit: Mr. Fiske.

MR. ROBERT B. FISKE, JR.: May it please the Court: I would like to express my appreciation to Chief Judge Munson for giving me the opportunity to take a beautiful drive up the Taconic Parkway to be here today on behalf of the American Bar Association and its Standing Committee on Federal Judiciary.

As many of you know, the American Bar Association Committee on the Federal Judiciary has no candidates of its own. We do not propose or suggest candidates to the Administration. Our function is to
review the names of candidates submitted to us by the Attorney General to determine for the Attorney General and for the Senate whether the individual in question meets the standards of qualifications for the Federal Bench.

This involves conducting an extensive investigation among members of the Bench and the Bar, and in a very welcome sense our Committee serves as a conduit through which the views of the Bench and the Bar are communicated to the Attorney General and to the Senate.

In the case of Judge Miner, we interviewed the members of this Court, and other prominent judges who knew Judge Miner. We talked to the judges in the Third Judicial District, we talked to the judges in the Appellate Division, Third Department, and the judges in the Court of Appeals, and we talked to a wide variety of lawyers who have appeared before Judge Miner, not only in the Third Judicial District, but also in the Bronx, Brooklyn, Nassau and Suffolk where Chief Judge Cooke has given Judge Miner the opportunity to preside in the past.

We also reviewed a number of Judge Miner's experiences, which cover a wide range of interesting subjects ranging from whether the Public
Service Commission can prohibit the Consolidated Edison from putting public messages into the envelope along with the bill.

Judge Miner, and eventually the United States Supreme Court both said yes. Somewhere along the way the Appellate Division and the Court of Appeals said no.

Another question was whether the State Liquor Authority can prohibit topless dancing in establishments that serve alcoholic beverages. Again, Judge Miner said yes, and the United States Supreme Court said yes.

After completing this very extensive investigation and putting the results into a report, which was circulated to the full Standing Committee on the Federal Judiciary, I am very pleased to report that the entire Committee unhesitatingly and unanimously found that Judge Miner met the high standards for qualification to the Federal Judiciary that our Committee holds.

We congratulate him on his appointment to the Federal Bench. We wish him a long, and I cannot say prosperous, but I will say successful career as a Federal Judge. Thank you.

(Applause.)
JUDGE MUNSON: I didn't know when we invited Bob to speak that he was going to discuss Roger's decision on topless dancing.

The next guest we have invited to speak is Mr. David Williams a local attorney from Albany, very well known in this area, and across the nation, and is presently the President of the New York State Bar Association, a long-time friend of mine and of Roger Miner's. Dave Williams.

MR. WILLIAMS: Your Honor, and honored guests: As President of the 34,000-member New York State Bar Association I am most pleased to take part in this ceremony.

On a personal note, as a practicing attorney in this area who has appeared many times before Judge Miner, it is doubly so.

There is nothing much more to say except that on behalf of the Bar Association, and all of us, we wish Judge Miner distinction on the bench, and we know that he will bring distinction to the bench and we are most pleased to be here. Thank you.

(Appplause.)

JUDGE MUNSON: When we were putting the program together I had a little chat with Judge and Mrs. Miner, and they insisted that Judge Christiana, the
former Columbia County Judge be placed on the program to say a few words, so at this time the Honorable William F. Christiana.

JUDGE CHRISTIANA: May it please the Court: Honorable Judges, distinguished guests, and friends, it is my pleasant assignment this morning to relate to you some details in the career of our newly-appointed Federal Judge, Honorable Roger J. Miner.

It is quite appropriate that I be selected to do so because I can honestly say I remember the day he was born. His father, Abram Miner and I were both fledgling lawyers in the law offices of the late Judge John C. Tracy in Hudson on that April 14th, 1934. We were both engaged in preparing a negligence case when Abe received a phone call following which he hastily said to me, "I've got to leave. You take over." Well, I took over. We ultimately lost the case but fortunately we did not lose Roger.

This is a memorable occasion for all of us, but particularly impressive for those of us from Columbia County. This is so because Columbia County has not had a Federal Judge since 1813 when William P. VanNess was appointed by President James Madison to serve in the Southern District of New York. It is reported that Judge Van Ness' judicial career was marked
by great ability and his decisions exhibited a wide range of legal talent and learning.

We have every confidence Columbia's second Federal Judge will emulate the achievements of his eminent predecessor. A brief summary of Judge Miner's career to date will, I submit, justify such an expectation.

His preliminary education was obtained in Hudson High School. He next attended Columbia College, State University of New York, where he was awarded a Bachelor of Science degree.

In 1956 he graduated cum laude from New York Law School. From 1956 to 1959 he was a judge advocate in the General's Corps of the Military Service, stationed in Korea, a privilege not readily extended to foreign lawyers. He is probably the only Federal Judge in existence who can claim membership in the Korean Bar Association, but then, I understand the annual dues there are very modest.

Following his honorable discharge as a captain, he returned to Hudson. From 1959 to 1975 he practiced law with his father, Abram Miner, under the label of Miner and Miner. But as one bruised adversary remarked, "There was nothing very minor about it."

During this interval he served as
Corporation Counsel for the City of Hudson and later as Assistant District Attorney of Columbia County. He was elected District Attorney in 1968 and, from January 1, 1969 until December 31, 1974, he served with vigor and efficiency in that capacity. He was elected a Justice of the Supreme Court in November of 1975, the first Columbia County lawyer to be so honored in some 35 years. Judge Miner has been a prominent member of our State Judiciary from January 1976 until he recently resigned to accept his seat on the Federal Bench.

During his five years on the State Bench, he has been noted for his judicial patience, his fairness and his ability to tolerate a heavy workload. Along with his quick mind you will find Judge Miner has a disarming wit. I don't think Abe Lincoln had a more complete repertoire of appropriate anecdotes.

When he was District Attorney he had so many invitations that he had to take a long Caribbean cruise to escape. He once introduced me, while serving as toastmaster on an occasion when I was to be the principal speaker. He said something like this, "I want you mothers in the audience to know that your daughters are safe so long as Judge Christiana remains on the bench."

The next day I think I overruled him on an earlier objection.
Judge Miner has been active in community and civic affairs over the years. I shall not attempt to catalog these completely, but I shall mention a representative few.

He has served as a director of the United Way, as Exalted Ruler of the local Elks, as a member of the faculty of Columbia Greene College, where he taught criminal law. He has been active in the Columbia County Historical Society and in the Congregation Amshe-Emeth of Hudson, and the Temple Israel in Catskill. He is a member of the Columbia County Bar Association, the New York State Bar Association and the American Bar Association. He has been the recipient of several community service awards.

It has often been stated that "The law is a jealous mistress." Those of us who have served on the bench perhaps appreciate the impact of that adage more keenly than others. An ancient Greek philosopher put the proposition concisely. He stated:

"Four requirements belong to a judge:

"1. To hear courteously.

"2. To answer wisely.

"3. To consider soberly.

"4. To decide impartially."

These are all orders, but it has been my
observation, made over some 48 years, that the judges of
our area have met and will continue to meet these tests.

Judge Miner's many friends believe he
will enrich the Federal Judiciary by his tenure. His
qualifications are eminent. His experiences along
life's broad highway, his zealous devotion to his
judicial duties, his ingrained common sense and his
unfailing humor will be a credit to the bench and the
Bar of the Northern District.

Finally, let me say my remarks should not
be interpreted as an excess of praise. They are intended
only as sympathetic encouragement. This is so because
the vast problems confronting courts at all levels
are too complex to justify random encomiums.

Judge Miner, in his decisions, will not
always be right. No one can ever be. Mistakes will be
made. These will be unavoidable, for no other reason
than we live in a rapidly-changing legal and social
order. We are witnessing an era of legal transition,
some say of legal turmoil. Established precedents
are being critically reexamined. The function of bail,
the rules of exclusion, the attorney-client privilege,
premarital rights, industrial pensions, labor-management
relations, civil rights, alien rights, to name a few
items, are under increasing scrutiny. "The life of the
law is not logic, it is experience." The Federal Bench in short will be no haven for the fainthearted. But then, I doubt if any bench ever was.

To conclude, an ancient Chinese blessing declares: "May you live in the most interesting of times." With the possible exception of the Fifth Century B.C., I believe those of us born in the Twentieth Century A.D. qualify.

And so, Roger, the torch of progress is passed to you to help meet the coming challenges. We extend to Mrs. Miner, your family and to you our sincere congratulations. And I am sure all of us likewise extend our best wishes to your distinguished predecessor, Judge Foley, for good health and happiness in his retirement.

(Appplause.)

JUDGE MUNSON: Thank you very much, Judge Christiana.

Now I have the pleasure of introducing to you gathered here on this great day, Judge Conway, a Justice of the New York State Supreme Court: Judge Conway.

(Appplause.)

JUDGE CONWAY: Judge Christiana, you are a tough act to follow.
Judge Munson, Members of the Judiciary
distinguished guests, and members and friends of the
Miner family: Today is a great day in the life of our
Roger Miner. I am sure that the day he graduated from
high school, while still a teenager, that was a great
day in his life. The day he graduated from college was
another. Then law school graduation was a day he looked
forward to when he could enter the practice of law with
his distinguished father, Abram Miner from whom he has
inherited his fine judicial temperament.

His first trial as a practicing attorney
was a milestone in his life. Then came the day he was
elected District Attorney of Columbia County, which had
to be a great day.

Then came the day he was elected to the
Supreme Court of the State of New York in 1975, to take
office January 1st, 1976. That had to be a great day
in the public life of Roger Miner.

After five and one-half years of
distinguished judicial service throughout the Third
Judicial District and, oh yes, in Brooklyn and the Bronx
there came a day of great importance in his life when
he resigned from the Supreme Court effective July 31st
of this year in contemplation of this day.

I am sure that the day that his appointment
was made by the President of the United States to the Federal District Court for the Northern District of New York had to be another great day in the life of Roger Miner.

The day of the confirmation of his appointment by the United States Senate certainly was a thrilling day for him and his family.

However, today is certainly the greatest day of his life up to now. I am sure that he will have many, many more great days in his life yet to come, with the appointment to the Supreme Court of the United States not out of his reach.

Today is the day that he steps into the giant judicial shoes of one of the finest, scholarly, kind, human Federal District Judges that this District or any other District in the Federal or State Judicial System has ever had, or now has, the Honorable James T. Foley. Judge Foley to us is now, and always will be the greatest.

I am sure that as a Senior Federal Judge he will go on at a lesser pace, I hope, for many, many more years to come, being the most admired member of the judiciary that has ever sat in this court, or any court in this state.

We here in Albany have been and are now...
very fortunate in that we have with us two of the most outstanding American public servants, Judge Foley and Mayor Corning. Roger Miner, you have big shoes to fill. And fill them you will.

Having served beside you and with you for the past five or six years in Supreme Court I know that you have the ability, the knowledge, the energy, the temperament, the charm and the grace and the kindness that will make you another Judge Foley in the Northern District of New York.

In closing I wish you well, good health, happiness and pleasure for all of the years that you will serve as our Federal District Judge.

Thank you for letting us share with you this great day in your life.

Roger, before I sit down, let me remind you, as you step into those elephant shoes of Judge Foley even a tiger can't eat an elephant, except one bite at a time.

(Applause.)

JUDGE MUNSON: Thank you very much, Judge Conway.

Before I introduce two of my favorite judges, Judge Port and Judge Foley, I think that I should introduce to this audience Judge Marketos, our
Bankruptcy Judge from Utica, and Judge Marketos.

(Applause.)

I do not see Judge Mahoney with us. He

is our Bankruptcy Judge here.

I also should introduce to you Bender

Solomon, the Magistrate from Albany.

(Applause.)

Judge Miner is very fortunate in many ways, and one of the ways that he is fortunate is that Judge Werker from Catskill, New York decided to move down closer to the Southern District, and then we adopted his territory, and so Judge Werker is out of a job in the Northern District, but he was kind enough to take the ride up the Taconic State Parkway and join us today, we have with us Judge Henry Werker of the Southern District and, Henry, would you like to say a few words?

(Applause.)

JUDGE WERKER: In the first place, ladies and gentlemen, I don't really think that Bill Christiana did well by Judge Van Ness. He should have told you that Judge Van Ness was indicted as being one of the persons who participated in the Aaron Burr - Alexander Hamilton duel. And subsequently organized the Hudson City Savings Institution.
Roger's father and Roger practiced before me when I was County Judge and Surrogate in Greene County. They are both magnificent, competent people. This district could not do better for a successor to Jim Foley, and my congratulations and my heartfelt sympathy goes to Roger as a Federal District Judge. Thank you.

JUDGE MUNSON: Thank you very much, Judge Werker.

And now I am going to introduce to you the gentleman who did for me what Judge Foley has done for Judge Miner, were it not for Judge Port taking senior status, and I being fortunate enough to have a Republican president, and a Republican senator behind me, I would not be here today so I thank you, Judge Port, and one of my favorite judges, Edmund Port.

(Appause.)

JUDGE PORT: Chief Judge Munson, Judge Foley, fellow judges, fellow lawyers and ladies and gentlemen: These are always great occasions, these swearing-in-ceremonies, and probably the less burdensome and the most enjoyable day of a judge's life.

As far as Judge Miner is concerned, this must be getting pretty boring, though. Judge this, and Judge that, and courts, and just being in court, I guess. Before I say anything concerning this particular event,
I would like to personally subscribe to the very kind and generous remarks that Judge Conway made about Judge Foley, who was my chief for some 17 years. Everything he said could be repeated with emphasis.

As to Judge Miner, of course I have met previously with him, and had the pleasure of knowing him. He comes to this court with a long list of impressive credentials. I am sure that he will leave with an equally long list of impressive accomplishments.

Judge Miner, as one of the old senior judges on this court, I welcome you on behalf of all of the judges. We hope that you enjoy the work as we have enjoyed it. We hope that you enjoy good health in performing your services. Good luck to you and your family.

(Applause.)

JUDGE MUNSON: Thank you, Judge Port.

I agree with Judge Port, and I support everything that Judge Conway said about the gentleman that I am about to introduce. The longer you know Judge Foley the more you come to like him, and to realize all of those qualities that he has, those that were talked about by Judge Conway and others.

I am delighted to be here today on this occasion for Judge Miner, because every other time that I
have come to Albany, or at least it seems to me for a
social occasion, it was another retirement for Judge
Foley. So I am glad to be here on the induction of
Roger Miner. I do not have to introduce Judge Foley
to you. He is everything that everyone says he is
and with that, Senior Judge Foley.

(Applause.)

JUDGE FOLEY: Thank you very much. I
have been speaking from this bench for 32 years, but
ordinarily I remain seated. But today I decided to
stand up. First, because they gave me a seat that
seems down near the floor, and I wanted to show you
that I am not that short.

But Chief Judge Munson, Members of the
Bar, and the State and Federal Judges, and the
distinguished guests, and members of the Miner family:
Of course, I would be an ingrate first class if I did
not thank Ed Conway, my friend for many years. I knew
his father, a great lawyer, and a great man, for the kind
remarks that he made about me. But I want to assure you
that I did not write his speech, and I did not
contribute anything to it.

But as a Chief Judge, and I have had that
opportunity for 17 years, I presided at many of these
swearing-in sessions. I presided at the swearing-in of
Judge Munson, Judge McCurn, and Judge Port.

I know from that experience that the
swearing-in day of a new judge, and the welcoming of
the judge to the Federal Bench, are the most happy
sessions that we have during our court business. And
today is going to be the same way, because I can tell
from the spirit and attitude of this large assembly
that that spirit of good will, good faith, and respect
for the judges and the Court is going to be maintained
throughout today, when we have this meeting in this
courtroom, and after the meeting that is followed by a
reception that the Miners are going to give for us.

And I think that I will tell you the
inside story. I was going to keep it a secret, but I
might just as well tell it. When Judge Miner was
nominated, and we did not know him too well because he
came from Columbia County, and that used to be serviced
by the United States District Court for the Southern
District of New York, but I met my two able, new, young
judges, McCurn and Munson, and they said, well, I guess
that he is a good judge from what we hear. We also
heard that he doesn't smoke or drink. And they wondered
about that, what kind of associate he would be.

I said, well, try and find out more about
it because I have lived long enough to know that you
shouldn't believe everything that you hear.

I was the first one to meet Judge Roger Miner, and I am beginning to call him Roger, and I mean it when I do that, because he is a pleasant man to be with. We went over to Jack's Restaurant, and I said, well, I'd better test him, and I got the menu, and I said, "Judge, will you have a drink?" and he said, "Sure, I will have a scotch and water."

So after the meal was about over he lighted up a big cigar, and I couldn't get back quick enough to tell my two able judges about the new judge that we had, because I was trying to tell them, well, if he doesn't smoke or drink he will suffer when you have your judicial meetings. That is all over with now.

But I have met him five or six times now, and I have had lunch with him, and talked to him in my chambers, and he is eager to get started here.

I am sure that you all know President Reagan's philosophy, and Judge Miner wants to prepare himself and hit the ground running. Well, I can tell him that next Tuesday he will hit the ground running, and he will be running for a long time. It is a busy court. But he is a ready-made judge. He did not even have to buy a new robe, like most judges do.

But the lawyers in this area that
practiced before me, many of them, experienced, competent
top lawyers told me that he is a patient judge,
courteous, and has a sense of humor, and they all have
great faith he he is going to be a fine, outstanding
United States District Judge.

I am confident from my meetings with him,
and my talks with him that he is knowledgeable, and I
am fully confident that he will fill my shoes with
great competence, great industry, and be an outstanding
Judge in the Northern District of New York.

So I congratulate him on his appointment
by President Reagan, and I wish him good health, and
contentment for many years to come. He will be working
in this great, sophisticated capital city of Albany.
He will find there is never a dull day here. In the
city, of course, it is under the control of whom many
consider to be the outstanding mayor in the nation,
Mayor Erastus Corning, II.

This gives me a great variety of new
issues. Sitting here today I thought about it, and on
my right we have Chief Judge Munson, the expert on
rugby games, and then we have Judge Henry Werker, and
he was in the baseball industry when it was first
threatened, and he gave the best advice that baseball
players ever had. At the end of his decision he told
them to "Play ball." (Applause) And they didn't do it, and I think that most of us think that they should have. But it is a happy, warm day and I am glad because it was a struggle for 14 years to get the third judge authorized by the Congress, and I am just pleased that I lasted long enough to see it. Thank you very much.

(Applause.)

JUDGE MUNSON: Judge Foley, I thought we were in agreement that Judge Miner was going to Binghamton, and not to Albany.

We have two late arrivals with messages. One from Judge Wachler from the Court of Appeals.

"I regret I cannot be with you to help launch the beginning of your second brilliant judicial career. The Federal gain is the State's loss. My best regards, Sol Wachler, to Judge Miner."

And from Stanley Mailman:

"Dear Roger: On this auspicious day congratulations are in order for the entire Miner family. I am especially delighted for you, and know that you will be a credit to the Federal Bench. I am sorry I could not witness your father swearing you in.

Stanley Mailman."

I should say that I have turned over many
letters to the Judge and Mrs. Miner from many distinguished citizens, and they all contain the same well wishes, and acknowledgement of your qualifications, Judge Miner.

Now, we come to the part of the program that we are here for, the investiture of Judge Miner.

I give you Mr. Scully, the Clerk of the Court.

CLERK SCULLY: May I have the permission of the Court?

JUDGE MUNSON: Please do, Mr. Scully.

CLERK SCULLY: "Ronald Reagan "President of the United States of America "To all who shall see these presents, greeting:

"Know ye: That reposing special trust and confidence in the wisdom, uprightness and learning of Roger J. Miner of New York, I have nominated, and, by and with the advice and consent of the Senate do appoint him United States District Judge for the Northern District of New York, and do authorize and empower him to execute and fulfill the duties of that office according to the Constitution and Laws of the said United States, and to have and to hold the said office, with all the powers, privileges and emoluments to the same of right appertaining, unto him, the said Roger J. Miner, during his good behavior.
"In testimony whereof, I have caused these letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

"Done at the City of Washington, this 28th day of September, in the Year of our Lord one thousand nine hundred and eighty-one, and of the independence of the United States of America the two hundred fifth."


The seal of the Department of Justice is affixed.

JUDGE MUNSON: Thank you, Mr. Scully.

Now, it gives me pleasure to probably give two gentlemen one of the greatest pleasures that they will have in their lives. I call upon Mr. Abram Miner, that distinguished attorney to present the oath of office to his son, the Honorable Roger J. Miner.

MR. ABRAM MINER: May it please your Honor: Please repeat after me:

"I, Roger J. Miner do solemnly swear that I will administer justice without respect to persons and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a United
States District Judge, according to the best of my abilities and understanding, agreeably to the Constitution and Laws of the United States, and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same. That I take this obligation freely, without any mental reservation, or purpose of evasion, and that I will well and faithfully discharge the duties of this office which I am about to enter. So help me God.

(Applause.)

JUDGE MINER: Chief Judge Munson, new colleagues of the Federal Bench, former colleagues of the State Bench, fellow attorneys, relatives and friends: It feels pretty good to be here. I thank you all for coming here this morning, and I am grateful to those who have spoken, for their very kind words.

It goes without saying that this is one of the most happy, exciting and important days of my life. There are many, many people deserving of my heartfelt thanks for making this day possible. To announce the name of each person would extend this ceremony to a very late hour.

However, I must express my special gratitude to President Reagan for his confidence in me; to Senator D'Amato, who recommended me to the President;
to Senator Thurmond, Chairman of the Judiciary Committee, and to the entire Senate for my confirmation; to Deputy Attorney General Schmults and his staff for their assistance throughout the entire process; and to Bob Fiske for his work on behalf of the American Bar Association Standing Committee on the Judiciary; and to Paul Windels, the chairman, and all of the members of Senator D'Amato's Judicial Selection Committee; to Peter M. Brown, and his Federal Bar Council Committee on the Judiciary; and to Senator Moynihan for speaking so eloquently on my behalf before the Senate Judiciary Committee; to so many of you here today, as well as others who endured questions from the F.B.I., the Justice Department and the various Bar committees, and who favorably commented on my personal and professional qualifications; to Dr. Stanley Bardwell, my family physician who certified that I am physically and mentally competent to serve. (I hope that I will not be an embarrassment to him); to my father who practiced law for 55 years, and still is the finest lawyer I have even known; to my mother, who was unable to be here today; to the friends and relatives who travelled long distances just to be with me today, especially the Steiners from Miami; to Dean Shapiro, to Professor Koffler who taught me the law of torts, and to the
entire delegation from my alma mater, New York Law
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family members who have shared our anxieties; and, most
of all, to my wife, Jackie, who did so much more than just
encourage me; it is safe to say that, without her courage,
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today. One final note of thanks - to my late brother-in-
law, Eugene Mariani, whose allegiance and friendship I
shall never be able to replace. Although he was taken
from us over a year ago, I feel that he somehow is here
with us today. Thanks Gene.

I suppose that the story of how I came
to be here today began in a small village known as
Tourna in Central Europe shortly after the turn of the
century when my father's parents decided to emigrate to
the United States. Apparently the village was located
somewhere within the old Austro-Hungarian Empire, where
the landed gentry lived well and the rest of the people,
especially the minority groups, did not live quite so well.
Needless to say, the Miners did not enjoy the way of life
depicted in the operettas of Franz Lehar.

As events on the continent later proved,
their decision to leave was a very good one indeed.

After settling in Hudson and opening a small grocery
store they were finally able, by 1923, to raise the
$100 to pay the first year's tuition at New York Law School for their eldest son, my father; he earned the balance of the money needed for his education and graduated in 1926, passed the bar and returned to Hudson, where he has been practicing ever since. I received my degree in 1956 and joined my father in practice after completing military service. This is simply another example of the American dream fulfilled. I therefore have always considered it a great pleasure and source of immense satisfaction to preside at naturalization ceremonies in the State Supreme Court because I knew that my own grandparents had been received as citizens in similar ceremonies. The hopes and dreams of these new citizens for themselves and their children were reflected in their faces as they took the oath of citizenship before me. We are a nation of immigrants and, as Professor Handler has written, "The history of immigration is the history of America."

Although this is an occasion of joy for me, there is sadness as well, because I must say farewell to my brethren of the New York State Supreme Court, this Third Judicial District. I have worked with them and socialized with them in our seven-county district for the past six years and have enjoyed every minute of my association with them. There never was an
unkind word spoken and never a request for assistance
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Senator Denton of Alabama asked whether I believed that
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time ago. During the period I was with him, he disposed
of a number of important cases, including one involving
those foreign athletes who wanted to be involved in some
obscure sporting event here in Albany. It was in
observing Judge Munson decide that case that I came to
the realization that the United States Constitution is
an every day working tool in the Federal Courts. I am proud to be serving under his leadership in this court. Everybody in this area and this room knows Judge Foley. He has graced this bench for more than 30 years with his gentle manner and wisdom. He has guided and advised me since the first day I appeared at this courthouse, and I appreciate his kindness more than I can say. I did not know that you were testing me that first day when we had lunch together. I have not had the privilege of being acquainted with Judge Port for very long, but I do know that he served with distinction as the United States Attorney prior to his outstanding service as a District Judge. I am honored to serve with him. Unfortunately, our colleague, Judge McCurn could not be with us today. I have seen him in action on the bench and I can assure you that he is well entitled to the respect that he has earned as a member of this court.

When I took office as a Justice of the New York State Supreme Court, my father advised me that the two most important qualities required of a Judge are patience and understanding. He did not say anything about intellect but, having dealt with judges a great number of years, he did not expect the impossible from me. I shall continue to strive for patience and understanding. I shall endeavor to perform the tasks
assigned me with vigor and dispatch and with the
certain knowledge that the litigants in every case are
entitled to my very best.

Finally, I shall ever be mindful that
an independent and honorable judiciary is indispensible
to justice in our society. Upon the conclusion of any
contested litigation, there is a winner and a loser. My
goal simply is this - that the loser leave this court-
room without the slightest doubt that justice abides
here.

Mr. Chief Judge, the junior member of
your court is ready for duty.

JUDGE MUNSON: Thank you very much.

(Applause.)

Now, at the conclusion we will have
"America the Beautiful" sung by Mr. Harrison Somers.

MR. SOMERS: Congratulations, Judge
and Mrs. Miner, and thank you for this privilege. I
do not have the Philharmonic behind me to give me the
note.

(Singing of "America the Beautiful" and
"God Bless America" by Mr. Somers.)

JUDGE MUNSON: Thank you, and this
session of court is adjourned.

(Whereupon the proceedings were concluded.)
Judge Roger J. Miner
United States District Judge
Induction Speech
October 10, 1981
JUDGE MINER: Chief Judge Munson, new colleagues of the Federal Bench, former colleagues of the State Bench, fellow attorneys, relatives and friends:

It feels pretty good to be here. I thank you all for coming here this morning, and I am grateful to those who have spoken, for their very kind words.

It goes without saying that this is one of the most happy, exciting and important days of my life. There are many, many people deserving of my heartfelt thanks for making this day possible. To announce the name of each person would extend this ceremony to a very late hour.

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