Judge Oakes and colleagues on the bench; fellow Judges in the audience, federal and state; Senator D'Amato; Congressmen Solomon and Fish; Mayor Whalen; brothers and sisters at the bar; my family and friends:

It is a great honor for me to occupy a seat on this distinguished Court. My wife, Jackie, shares this honor with me, of course. She has made many sacrifices for me, and it is because of her that I am here. She is a woman of formidable talents, having pursued several successful careers. Although I am constrained to avert my eyes from such things, I am given to understand that her political talents are especially formidable. In any event, I can say no less of her than the man who appointed me to this position said of his wife: "She's my everything."

We are very grateful to all of you for taking the time to attend this ceremony today. Many of you have traveled long distances to be with us. Our four sons also covered quite a bit of ground to be here - Larry from his job in Lake Elsinore, California; Ronald from the Florida Institute of Technology at Melbourne; and Ralph and Mark from Michigan State University at East Lansing. We are very proud of all of them.

We are especially grateful to our speakers, whose kind words and wise advice are much appreciated - to Howard Munson, a great Chief Judge of the Northern District, a great friend, and a fine companion; it was a pleasure to serve under his leadership; to Ralph Lancaster of Maine, a lawyer of such outstanding reputation
that he was called upon to represent the United States Government before the International Court of Justice; Justin Vigdor, the distinguished President of the New York State Bar Association, who came down from Rochester to be with us today; Len Weiss, with whom I served on the State Trial Bench and who shared chambers with me in Brooklyn during a subway strike some years ago; luckily, he had a car and the whole mess was somewhat ameliorated by the fine dinner we had with the Mayor at Gracie Mansion; Jim Foley, my mentor in the District Court, who taught me more about the federal judiciary and the human condition than I ever learned from any book; he also taught me to stay away from Saratoga in August; Ham Fish, whose friendship Jackie and I have valued for more than 20 years; we well remember his second campaign for Congress. I was practicing law in Hudson at the time, and another candidate interested in the Republican nomination came around seeking our support; we told him that we felt Ham was the man and never regretted the choice. The other candidate was G. Gordon Liddy; Jerry Solomon - a long-time friend and my own Congressman; I'll always remember the great stem-winder of a speech Jerry made before the Senate Judiciary Committee in support of my nomination to this bench. And, of course, to Senator Al D'Amato, who has spoken in my behalf on many occasions and in many places. I am grateful indeed for all his encouragement, support and confidence. In recognizing Al D'Amato at my confirmation hearing, Senator Thurmond remarked that Al is held in high esteem by his colleagues in the Senate. It seems to me that there are many New Yorkers who hold him in very high
esteem indeed, and I am privileged to be one of them. I am grateful to Jim Oakes, my new colleague, for coming down from the Green Mountain State of Vermont to convene this Court in Albany for the first time in history. I have said on many occasions that I am a great admirer of his and very much look forward to serving with him on the Circuit Court. Thanks also to my former comrade-in-arms in the Northern District, Neal McCurn, who has graciously joined us on the bench.

I take this occasion to extend my heartfelt thanks to the President, who not only appointed me to this Court but who was kind enough to call and chat about my nomination; to Attorney General Meese and Presidential Counsel Fielding; to Senator Thurmond and his right-hand man, Duke Short, for expediting the process of advice and consent; and to Congressmen Jack Kemp, George Wortley, Ben Gilman, Sam Stratton and to Senator Pat Moynihan.

Thanks also are due to a number of old and new friends in Washington for all their help — Art Jutton, Nick Hayes, Dennis Howe, Helen Cameron, Commissioner Dennis Patrick, and Ambassadors Jean Gerard and Faith Whittlesey. Special thanks to John O'Mara and Bill Powers for their steadfastness, to Dean James F. Simon and the faculty at New York Law School for their assistance in many things; to my former professor at New York Law School, Roy Cohn, who taught and still teaches loyalty, commitment, and kindness as well as the law; it is a special privilege to call him friend; to Roy's partner, Dr. Tom Bolan, whose life exemplifies the best qualities of charity and justice; to my
chambers staff, to Joe Scully, to the GSA, the Marshals, Lance Wheeler, my family, to all who helped with the arrangements— to all of you, thank you, thank you. Oh yes, one final thank you. Four years ago I publicly thanked Dr. Stanley Bardwell of Hudson for certifying to the Government that I was mentally competent to serve as a federal judge. He has made the same certification this year and I thank him again. I still am afraid to ask what standard he uses in formulating his opinion.

As I take this seat, I am mindful of the important responsibilities I am assuming. I approach those responsibilities with a firm resolve to bring to each case an open mind and a sense of fairness. As a lawyer and a trial judge, I have long been aware of the overriding concerns of litigants for impartiality and objectivity in the decisional process. Those concerns will continue to be of paramount importance to me as an appellate judge.

I bring to this Court a fierce desire to do justice in accordance with the oath I have just taken and to use all the diligence, all the skills and all the effort I can bring to bear in carrying out my judicial duties. I also bring an awareness of the constitutional and pragmatic limitations on the role of the federal judiciary in our society. Our Constitution establishes a separation of powers among the branches of the federal government as well as a deliberately measured allocation of authority between the states and the federal government. We Judges are constrained by our oaths to respect the restraints on judicial power envisioned by this system. I believe that compliance with
the constitutional mandate requires strict adherence to the
interpretive function of the courts and a healthy respect for the
American political process. As to pragmatic constraints, Judge
Alfred Conkling Coxe of Utica, who served as a judge of the
Northern District before his appointment as a Circuit Judge in
1902, said: "We have yet to learn that there are some
inconveniences, annoyances and even faults which cannot be
remedied by law." It seems to me that the lesson taught by Judge
Coxe has not yet been learned and that it is still an all too
popular misconception that every conflict must find a remedy in a
court of law. This misconception has fostered an ever-expanding
federal court jurisdiction, and now we face a massive judicial
gridlock occasioned by the overburdening of the federal courts.
It should be apparent that there are only so many things that
courts can do.

My immigrant grandparents referred to this great nation as
"The Golden Land." They never ceased to be awed by the freedoms,
the opportunities and the individual liberties that were
available to them in their adopted country. "Only in America,"
they would say. As naturalized citizens, they had special
feelings of love, support and devotion for this country, and they
passed those feelings on to their children and grandchildren. I
wish that they could be here today to witness this ceremony and
to say, once again, "Only in America."

I conclude with some assurances. When I first became a
judge 10 years ago, my father told me never to forget that I was
a lawyer. He has reminded me of that admonition frequently since
that time. Whenever he gets an adverse decision from some judge, he reminds me of it. I assure him again that I shall never forget that I practiced law. Since I was appointed to the Circuit Court, Judge Foley has advised me, on more than one occasion, never to forget that I was a trial judge. I think that his advice comes whenever any District Judge is reversed by the Circuit. I assure him that I shall never forget that I was a trial judge. To my new colleagues, I pledge my loyalty and esteem as well as respect for the traditions of the Court and the principle of collegiality. I reserve the right to dissent, however. To all of you, I pledge to continue to do whatever is necessary to merit your confidence, to be worthy of this great Court and to assure justice for all - the brightest promise of this Golden Land. Thank You.