Nation's highest court ahead for Judge Miner?

By HUGH REYNOLDS
Political Editor
ALBANY — Federal District Court Judge Roger J. Miner of Hudson was elevated to a seat on the federal Court of Appeals on Saturday in ceremonies attended by more than 500 people at the Federal Courthouse in Albany. And already there's conjecture that the 50-year old jurist could be a candidate for the United States Supreme Court in the near future.

U.S. Sen. Alfonse D'Amato, the Hempstead Republican who recommended Miner to the second highest federal judicialship in the land, suggested as much during a brief press conference preceding the investiture ceremonies. "This young Jewish boy from a small town showed the American dream is real," D'Amato said. "This indeed may not be the last stop for Roger Miner."

That theme — Miner's meteoric rise through the judiciary and his potential — was common to a host of speakers during a 90-minute ceremony.

Speakers included representatives Hamilton Fish Jr. of the 28th District and Gerald B. Solomon of the (See Miner, page 5)

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24th, both veteran Republican legislators. Fish represented the House as the ranking Republican on the Judiciary Committee; Solomon represents Miner's home county of Columbia.

D'Amato carried Miner's nomination to the senate Judiciary Committee where he, Fish and Solomon testified on the jurist's behalf.

Miner was elected to a 14-year term on the state Supreme Court as a Republican just 10 years ago. He was named a federal district judge by President Reagan in 1981 and confirmed as a Court of Appeals judge on July 22.

Miner was administered the oath of office by his 83-year old father, Abram, a practicing attorney in Hudson for 59 years. Miner credited his wife, Jacqueline, for much of his success. Calling her a "formidable woman," Miner said, "I'm given to understand that her political talents are especially formidable."

Mrs. Miner, who was state chair for the Reagan-Bush re-election campaign last year, makes no secret of her hopes for her husband. "One to go," she said to a number of well-wishers at a reception for Miner at an Albany hotel following the formal ceremonies. The room was decorated with Miner's campaign posters from 1975 reading "Roger J. Miner for (state) Supreme Court."

Miner's ascendency to the Court of Appeals creates a vacancy on the federal bench for which a number of local names have been mentioned, including Ulster County District Attorney Michael Kavanagh and Surrogate Judge Joseph Traficanti.

However, D'Amato made it clear his choice for the job is Rensselaer-based State Supreme Court Judge Con Cholakis. "I would consider it a privilege to recommend the name of Con Cholakis to President Reagan," D'Amato said at his press conference. "I don't think I can be any more candid that that, can I?"

D'Amato will submit Cholakis' name to the same screening committee he appointed to review candidates for the job Miner now holds.

Former Attorney General William Rogers chairs that panel.

However, there is some question as to whether Cholakis would accept a federal judgeship. He has just begun his second 14-year term and there is a difference in salary of about $7,000 a year from the $38,000 a year he makes on the state bench.

Cholakis, who huddled with D'Amato and his chief of staff William Powers for more than an hour prior to Miner's investiture, emerged with a noncommittal, "I'll announce my decision in the near future."

Ulster County Republican Chairman Peter J. Savago attended the Miner investiture as a guest of the Miners, as did County Clerk Albert Spada, former County Legislator Mario Catalano and Robert and Susan Conconekey of Kingston.

Savago acknowledged Cholakis is a strong candidate for Miner's old job, though he said he'd lobby for Kavanagh and Traficanti. Should Cholakis be elevated, Savago held out little hope for a State Supreme Court judgeship for Ulster. "The choice would go to Rensselaer," he said.

Judge Miner, in brief remarks, spoke of his immigrant grandparents, who he said never ceased to marvel at the wonders of their new home. "This could only happen in America," they always used to say, according to Miner.

His guiding philosophy as a judge has always been "justice for all," which he termed "the brightest promise of this golden land."