

Swearing in of Honorable Gene Carter, as
U.S. District Judge, U.S. District Court
for the District of Maine, by Honorable
Frank M. Coffin, U.S. Circuit Judge, U.S.
Court of Appeals for the First Circuit,

July 5, 1983
Portland, Maine

These inductions of a U.S. District Judge for the District of Maine -- and this is the third in the past four years -- have all proven joyous. In each case a general recognition that a good, a very good person was chosen -- George Mitchell (our apostate judge), Conrad Cyr, and now Gene Carter. This is attributable in part to the Senators concerned -- Senator Muskie and Senator Cohen. I think that Senator Cohen is the only Senator who can point to two confirmed district court appointments. Although President Monroe shares with President Reagan the record of two such appointments (Albion Parris in 1818 and Ashur Ware in 1822, I suspect that more than one Senator was responsible. What also weighed heavily, I suspect, was the tall shadow cast by him who for 22 years was the only judge in this district -- Edward T. Gignoux. Trying to come close to that standard of excellence was a strong magnet.

Gene Carter will shortly become the 12th judge to ascend this particular bench in 194 years. Leaving aside the preternaturally short term of Judge Mitchell (6 months) and what is only the mere beginning two years of Chief Judge Cyr, the nine judges who filled the 190 years up to 1979 served terms averaging 21 years. This means that Judge Carter will be a mere 68 when he reaches that term of service in 2004. If he wants to emulate Judge Gignoux, who is still going strong with 26 years of service, he will be serving in 2010.

This prospect boggles the mind. What problems, decisions, pressures, techniques, methodology may come into play, making our present efforts seem like stone age fumbling!! Yet I sense something at work in Gene Carter's psyche that may help him meet the future without forgetting the past. In March of 1947 I briskly reported for duty in what is now Judge Carter's inner sanctum. I was the brand new law clerk of the brand new Judge, John D. Clifford, Jr. I came upon a tall, silver haired, blue eyed gentleman, John A. Peters, who had just hung up his judicial boots, after precisely 25 years. I surprised him writing something at a stand-up desk to the right of his fireplace. Just last week I managed a sneak preview of Judge Carter's chambers. I saw the desk he had purchased in palmier days, when he was a successful lawyer. I saw two matching lamps on the credenza behind his desk. But there, to the left of the window, to the right of the fireplace, once again stood a stand-up writing desk -- just where Judge Peters had his. Although I am not suggesting that Judge Carter will substitute goose quill pens for word processing machines -- completely -- I do sense something about Judge Carter that reminds me of the principal character in a wonderful book called Backbone of the Herring, by Philadelphia Common Pleas Judge Curtis Bok.

Ulen was the character's name. He was a lawyer who had once helped a friend in a political campaign. He himself had run for office and happily had lost. Then came a time when the friend, now a Governor, had been after him to accept a judgeship. He had resisted -- he looked on the Bench as a cage, had said, "Damn it, Henry, it's dull. I don't want to be in an ice-box the rest of my life." But the Governor was not easily discouraged.

This is how Judge Bok described Ulen's thought: processes as he began to think seriously

about the possibility of becoming a judge.

"Ulen looked at his wife a little breathlessly, and as she looked back at him he started, for the same stillness was in her gaze; it simply confronted him, wide and calm and undemanding. He sat for a few minutes without moving and listened intently. The delirium around him did not intrude. The stillness was listless and profound, like a halted current, and as he tried to listen to it there came to him little . . . resemblances with the [New England] Bay when it was the place where it was best for him to be. Here was the same stillness that lay beneath its silence of sounds and other little treasures of the eye and ear. When he recognized it he realized there was no decision to be made, only the acknowledgement that he had come to rest. . . . He believed that things happen to a man when they are supposed to, and when at last he had drifted to a point of rest he came rather abruptly into his full powers and began to use them with delight."

With all the excitement you have had in the active practice of the law, you have already demonstrated your delight in the use of your full powers on that splendid Supreme Judicial Court of this state. May you relish both the tortures and the ineffable rewards of a trial judge on a distinguished bench. One more thought from Judge Ulen. He gradually developed the conviction that "Justice has to do with the play of an enlightened personality within the boundaries of a system." And how does one become such a person? Judge Ulen came to this wisdom: "The source was actually no farther away than the implacable stillness within himself, the quiet pool into which he could drop, if he would, such prejudice and fear as he had and draw out unruffled and competent answers to the problems of his cases."

May your stand-up desk be a place of just such stillness for you, Judge Carter.

Oh yes, I should explain about the title of the book from which I quoted. It comes from the judicial oath still used in the Isle of Man and is singularly appropriate for a Maine judge: "You shall do justice between cause and cause as equally as the backbone of the herring doth lie midmost of the fish."