

Interview with Hon. Juanita Bing Newton by John Caher and Joyce Y. Hartsfield, April 27, 2016

John Caher: Welcome to the latest episode of a brief series of oral history interviews with the trailblazers and pioneers who were instrumental in establishing the Franklin H. Williams Judicial Commission. Each of the recordings is an excerpt of an interview conducted in preparation for a documentary on the life of Franklin Williams.

In recognition of the 30th anniversary of the Commission, the co-chairs, Justices Shirley Troutman and Troy Webber, and Executive Director Mary Lynn Nicolas Brewster, decided to post excerpts that described the early days and the challenges of the commission.

Today's program features the Honorable Juanita Bing Newton, an original member of the Commission who reveals the tension between the court system and the Commission, and the independence demanded by Franklin H. Williams. I'm John Caher, Senior Advisor for Strategic and Technical Communications.

Judge Bing Newton: I met Ambassador Williams, and that's what we always called him, the Ambassador. He was very, I think, pleased about being an ambassador, having that opportunity to serve, and that was the nature of Franklin. He was always proud of the service that he offered throughout his career. So, I always called him Ambassador. And I met him at the first meeting of the newly formed Minorities in the Courts Committee, and it was the first time I ever even heard of Ambassador Williams, quite frankly, and questioned, "Who is this guy and why is he being brought in to address these issues?" He was sort of an outsider to the court system, and he didn't know a lot about the state courts. We didn't know a lot about him, but that first meeting was very telling of what we were to expect in the ensuing months. He was a visionary, he was smart, and he asked a lot of questions.

He didn't really know the state system, so it was sort of an adventure for him to learn about the system so that we can learn about the problems within the system. But he was fiercely independent. He understood that it was only through an independence that you could get to the... not root of the problem, but the truth of the issues that we were going to encounter. So, at one meeting, either the first or the second, he announced that we were not going to take one red penny from the Unified Court System. He felt very strongly on the issue of, "How can we

do a serious thoughtful, truthful top-to-bottom review of the court system here in New York State, if they were paying us to do it?"

So, obviously, he had an ambitious dual agenda for us. We had the one agenda of having a top-to-bottom review of the court system and the place of minorities in the system here in New York State, and we had to figure out how to pay for it. And I found him to be very strategic. He could hone in and discern the issues; he could look at the pros and the cons; as I said, he asked a lot of questions; and he was always looking for the solution to the problem.

But I think the more he got involved in looking at the place of minorities in our court system, the more shocked he was, and surprised that the status of minorities in our court system was so troubling. And we were not in a good place.

I referred to the fact that he had this "dual agenda." He was willing to push the strategy. He wanted to say, "I'll investigate you at your invitation, but I'm going to do it with my rules, my standard, with my money, and this way I can push the envelope, and I won't be limited, I won't dance around things that look difficult or untouchable. Everything is on the table and we're going to call it as we see it." That's a very bold strategy, to say, "We're going to uncover whatever we're going to uncover, and you're going to have to deal with it, because we're not linked to you for our money, for our salaries, for paper to write our decisions."

And he did this, I think, boldly because no one knew what was going to come out of this. And I don't know if anybody was really afraid of that prospect. We had known that the Chief Judge gave him full reign, because those were the Ambassador's condition. "I will do it, but I'm not going to whitewash anything, I'm not going to let anything be off-limits. We are going to look at the whole kit and caboodle." I don't know if he ever thought about the issue of if we would win or lose these battles. I think that his focus was, "Let's find out what the landscape is."

He was willing to open the Pandora's Box, if there was one. He was willing. And he said, "I will raise the money to do it. This is an important issue." He accepted the challenge as one that was very important. And I think he accepted the challenge not only because of the place of minorities within the system, but he was very focused on justice. It was going to be for the benefit of minorities. That was not the articulated rationale, I think for him, but that it was a benefit for justice, period. The court system, period. And "minority's place" may be a way to define

whether the system is fair or not, whether it works or not, whether it's just or not. But I think that his focus was as much clearly on the status of minorities in the system, but the endgame was, "is this system going to be fair?"

And I think that's why it wasn't about Blacks only, because he was African-American, but about all people. I think if you read the reports, some of the references are just referring to poor people, that it wasn't... 2016, when we're talking about the 1%, it was about poor people. The report where it talks about the so-called "ghetto courts" was the place where he found that shocking that the courts, which were used primarily by poor and Black and brown and minority litigants were in disastrous shape, whereas the court for the more wealthy, the commercial divisions, and that like, were more elegant, more comfortable, more appropriate for the treatment of people in general, where you're in a building of justice.

The ambassador had his standards, but I think Chief Judge Wachtler had his as well, and I think the two of them came to an agreement that the Chief Judge had someone telling them what his court would look like, what was the relationship between the court system. And we, in the court system, we revere the courts. We have very high expectations of courts. We have very high understanding of the good that comes out of courts. And we quite frankly don't understand the complaints of people who say, "But the court system is this, and the court system is that." When you read reports on public trust and confidence in courts, if you're a person who manages the court, you're almost shocked because we think that we're doing a good job.

But I think the Chief Judge had embraced the Women in the Courts report and was working towards addressing some of those issues, and the sky didn't fall. That he was willing to say, "Well, let's peel another layer, and let's find out what's our status, and what can we do about it?" So, Judge Wachtler is certainly to be commended for that.