

Interview with Hon. Samuel Green by John Caher and Joyce Hartsfield, June 7, 2016

John Caher: Ambassador Williams agreed to undertake the chairmanship of the Commission on Minorities only after he was assured total cooperation from the Office of Court Administration. But OCA was less than cooperative. One of the original members, Justice Sam Green of Buffalo reveals the OCA stonewalling, and how it came to an end.

I'm John Caher and what you are about to hear is a small portion of an oral history interview with Justice Green.

Justice Green: I received the call from Judge Wachtler. Judge Wachtler and I ... I had met him a couple of times, but then we became friends. I ran into him over in Europe, in London in fact, where they had a joint American Bar Association and London Bar Association that year. Him and I spent some time together talking and we had some hours together because we had some leisurely time and got to know each other a little bit. Then I received a call from him telling me that he was planning on setting up a commission to study the treatment of minorities in the courts and he wanted to know if I would be interested in serving on it. I was hesitant about it and told him I wasn't really interested in one of these feel-good type committees or commissions, but if they were really concerned about doing something I certainly would be interested.

He assured me that it was going to be a serious commission. He told me at that time that he had ... He says, "In fact, the person that I've chosen that would head this up is a very outstanding gentleman by the name of Franklin Williams. Have you ever heard of him?" I said, "No, I have not." He gave me some of his background, that he had been a former ambassador to Ghana and told me other things. He says, "You'll get a chance to meet him and I'm sure you'll be impressed." We had this meeting in New York City. I met Franklin Williams and I was very, very impressed.

John Caher: What impressed you about Franklin Williams?

Justice Green: I can really say at the time I met Franklin Williams he was the most impressive Black man I had ever met or had ever had any dealings with, and I met quite a few. There was just something about the guy. He had class, style, very, very, very bright, intelligent and down to earth at the same time. He seemed to just have had it all.

John Caher: The commission gets underway and then how did it get started? What were your initial goals or thoughts?

Justice Green: I was even more impressed with it when talking to Judge Wachtler he told me that the only way that he was able to get Franklin Williams to head up the

Commission was that Franklin Williams would raise the money himself and that it would not be paid for through OCA because he would only do it were it a completely independent group that was not going to be overseen by OCA or dictated to by OCA where they would control the purse strings and could pull the money back whenever and things. He had agreed himself to raise a million dollars to support this commission. That, in and of itself, was very impressive in those days. He did do that. He did raise the money himself from philanthropic organizations and groups, but that was the kind of power that he had.

John Caher: He was very insistent that this commission be independent?

Justice Green: Oh, that was the only way he would accept the position is that it was independent and that he would raise the money for the funding.

John Caher: Then you get started and... give us a little bit of the history here. You get started. You probably have an organizational meeting or something and then where does it go?

Justice Green: Yes, they chose a number of people, mostly judges. There were judges in New York City. I think we had one from Rochester. There were a number of people that were not judges also on the commission, but what happened is Franklin Williams had chosen the executive director to run the commission. That was the key. That was Edna Handy, I believe it was. She was just terrific. Once she knew what the goals of the Commission were, she was able to put together her staff and she really worked more closely with Franklin Williams. He would come to the meetings and he would give an overview or things like this, but she really carried the organization.

We got started with the promise from Judge Wachtler that we were going to get total cooperation from the court system, OCA, and that he wanted a thorough investigation himself. In fact, I can remember Judge Wachtler, when he first spoke to us, when we had the first meeting, saying to someone, "Can you imagine walking into a courtroom and there's no one else in that courtroom that looks like you and you're being charged with a crime? How do you feel? What type of justice do you think that you're going to get?"

That was very, I thought, powerful for him to have made that strong statement when he set this program up. He said that he also had taken some criticism from others to say you're opening up a wound here. What are you going to do? I give Judge Wachtler a lot of credit for what he did. He was dedicated and he backed us up a hundred percent.

John Caher: What got Judge Wachtler interested in this? Did somebody come to him? Were there groups or anything like that? Was it his own observations? Do you know?

Justice Green: There was a group of Black judges in New York City, some of them were Supreme Court judges, some were criminal court judges, civil court judges. I guess they had an association or a group there and they were concerned about some of the treatments that even the judges were getting, not only the fact that they were not seeing enough minorities hired and things of this sort. They evidently approached Judge Wachtler either through — I don't know if it was written or if they personally approached him— but evidently that started him to thinking and that's when he decided that maybe he needed to do something and this commission came about.

As I said, that's when those around him were saying, "Are you sure you want to do this?" He says, "Yes, I'm going to do it." He promised us also that they would fully cooperate and that he was going to accept our recommendations and make sure that they go into place. He was dedicated and sincere. We were really fortunate to have Judge Wachtler, Ambassador Williams, and then Edna Handy. There were just three quality people, sincere, wanting to see something done. That was the genesis of it.

John Caher: Then I think you went on a fact-finding tour and held a whole lot of hearings all over the state. My understanding is you got an earful. Is that accurate?

Justice Green: Oh, yes. We held hearings all over. People came and told us what the problems were, but we mostly knew what they were anyway. The question is then how do we fix it? How do we do something about it?

It wasn't easy getting information because the head of the courts, the head of OCA wasn't fully cooperative. Matt Crosson...would stonewall us and wouldn't give us the statistics and the things that we needed.

What they would usually do is when we would set up a meeting with them at OCA they wanted to make sure that I would be there because some of the regular judges were a little nervous. OCA had direct control over them. My being on the appellate court, they didn't have that kind of control over me. We had our own ballot that we ran. I could speak my mind, let 'em know what. I had many a run in with Crosson too. In fact, I let him know that he didn't work for IBM, that he worked for the State of New York. We had some pretty heated discussions.

That's when Jonathan Lippman came in. Then Jonathan was the fourth important person here because he saw what was going on and some of us were threatening to quit this commission because of the stonewalling OCA was doing. Jonathan stepped in and says, "I'll get that for you. I'll get the information." Jonathan took it on himself. He was the deputy administrative judge. From that time on, the information started to flow and we were able to go ahead and then eventually put together our final report.

John Caher: Why do you think Crosson was stonewalling? His boss, Wachtler, wanted him to do this and he was an impediment?

Justice Green: The reasons that Crosson was stonewalling, none of us could understand because I even said to him that either Judge Wachtler is telling us one thing and telling you something else or something's going on here because I'm at the point where I'm willing to tell Judge Wachtler he can take this commission and stick it.

He tells us we're supposed to be able to get this information and here you are, the one that's supposed to be giving it to us, and you're stonewalling. It was a problem with him, but it was more or less I think his personality, the idea that he didn't want someone looking over his shoulders or something to that effect. As I said, Jonathan, his deputy, who actually really took over and started to cooperate with us was able to get us all the information we needed. We weren't asking for anything that's confidential or anything. These are public records. It was really Crosson's personality, I think.

