

Interview with Hon. Richard B. Lowe III by John Caher and Joyce Y. Hartsfield, 9/21/17

John Caher: Welcome to the latest episode in 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 H 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 describe the early days and challenges of the Commission. Today we're very pleased to feature the Honorable Richard Lowe, who was there at the very beginning, and then went on to become chairman. I'm John Caher, Senior Advisor for Strategic and Technical Communications.

Justice Lowe: For a person like Franklin Williams, it's nowhere near where it should be. And you ask, quite frankly, any Black person in this country and they'll tell you the same thing: There is always a need to monitor. There is always a need to examine. There's always a need to understand the treatment of minorities, the placement of minorities within work positions. And while we've had very good success in the hiring of minority judges, women judges, and minorities in nonjudicial positions, when you go to the top of those nonjudicial positions, there's an unfortunate scarcity of Black people as chief clerks, Black people as the heads of departments that facilitate policy. That's where the need for us still remains.

Tuesday we had a commission meeting. And one of the subjects that we discussed was the absence of minorities in the Supreme Court in Brooklyn. This is *Brooklyn*, the largest county in New York State, and probably the largest minority county in the state. And in Brooklyn, you don't have any representation of minorities in the Supreme Court in nonjudicial positions. There's something wrong with that. So unfortunately, there's definitely the need.

I totally acknowledge the improvements that have been made. And quite frankly, I'd like to think that the Franklin Commission deserves some credit for that. But while there have been improvements, it's not over. We have made significant progress. When I say "we," the court system has made significant progress. But again, we focus a great deal now on

upstate and on the east end. They're very different communities. Upstate New York is so different from New York City. Let me give you some positive news.

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I think last year, or maybe two years ago, we went up to the Eighth Judicial District — Buffalo. Their minority representation on all levels was miserable. We just got a report, so we went up there and we met with the Administrative Judge and her key personnel. And we had a conference, if you will, in which we discussed the lack of representation on all levels and the obvious effect that that can have on minorities who go through the court system. They just reported to us something like seven minority hires on all levels. And there was another category where I think there are three additional. I forget what it was.

But the point is that we got cooperation. First of all, let me just say, we were well received. She embraced our presence. She recognized that the points that we were making were accurate, and then she went out and did something about it.

John Caher: I think you're talking about Justice Paula Feroletto?

Justice Lowe: Yes. Yes. So, our concentration has moved more towards outside of the city. And we hold, for example, on the judicial level, we've held a series of conferences around the state, on everything you wanted to know about how to become a judge. And we bring in people from the political spectrum, because all judges aren't appointed, as you know. And so, you need to know how to get into the political process. Or if it's appointive, we brought in administrative judges, we brought in ... The Chief Judge made a presentation. And we get the local bar associations to have people come, particularly minority bar association, so that these young people can actually attend and see and look and say, there's a person who looks like me and he or she is on the bench. How do I do that?

John Caher: What is the enduring legacy on the Commission?

Justice Lowe: Well, I think the legacy that stays with us, at least in the Franklin Commission, was learning about a very dignified man who took on a very difficult assignment but did it with dignity and grace. He brought people together, disparate groups, but he did it in a way where he allowed them to analyze and to recognize deficiencies. And when you have people of all sorts participating and attempting to resolve something, you're going to have a much stronger resolution than just picking and choosing those who have a certain opinion of a man who, as fiery as he was, as aggressive as he was in terms of his attempts to accomplish things. When

he dealt with people, he treated everyone with dignity and respect because, after all, how could he come and submit a report if he was guilty of the same things that he was accusing the court system of?