

Interview of Anthony Suarez by Linda Dunlap Miller, April 23, 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 H. Williams.

In recognition of a 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 feature Anthony Suarez, a founding member of the Commission and former President of the Puerto Rican Bar Association. This interview with Mr. Suarez was conducted by Linda Dunlap Miller. I'm John Caher, Senior Advisor for Strategic and Technical Communications.

Anthony Suarez: There was a perception of inequality, lack of diversity, both in the bench, as well as the quality of justice the minorities were receiving in the system. And so we were tasked with identifying what the problem was and potential solutions. What Franklin Williams was very clear to us is that throwing bombs at people doesn't resolve the problem. You've got to be able to select the problem and then find how to resolve it.

Linda Dunlap Miller: Let's take a step back to that era of the time for minorities when they were having difficulties with the system. So let's go back to about 1970s, 1980s. In other words, what was the problem that needed addressing? What were your own experiences in this regard?

Anthony Suarez: Well, clearly the first perception was sentencing in criminal law. And so we always saw that there seems to be a disparate impact upon the longest sentences that people who are minorities. They didn't have the best representation because they were less economically able to afford quality lawyering. And they were in the grips of a system where underfunded Legal Aid attorneys were bombarded with hundreds and hundreds of cases. So you saw an inequality in who was defending them. And of course, he was very acute to that because he understood what it would take to adequately defend someone in accusation. And he also saw in his lifetime how people could be accused unfairly, unjustly. So therefore he was very attuned to the problem having adequate representation. And we knew in the state that we didn't have adequate representation funding for poor defense.

Then you looked at the sentencing. Well, not only do you not get adequate lawyer because a lawyer is going to spend 10 minutes? Maybe they'll know your name? All right? Then at the time of sentencing judges were giving away a year as if they were giving cotton candy away. And clearly the disparaging in the sentencing was greater with minorities. So, that was the first inkling that I saw at that time in my career, and I saw that all the time. But then it turns out that other people will bring on other problems and the civil area where all of a sudden civilly minorities were not getting the same break. They were not getting the same access to the courts. They did not get the same jury verdicts. And then we started seeing that that was unfair.

Linda Dunlap Miller: What were the initial goals of the commission when you sat down...

Anthony Suarez: The original goal was to look at the disparity and the lack of diversity on the bench, and disparity of justice unto minorities. That was, from my understanding, the first objective. And it just seemed to expand into other areas. We took all our leadership from Ambassador Williams. He had seen so much more and done so much more in his life, that he took the Commission where no man had gone before. Well, of course this was a whole new project, but he was just going off... seeing wherever you saw an injustice, he wanted to tackle it.

Linda Dunlap Miller: What was the effect of that report that came up because after a while the Commission issued a report and it was a scathing report,

Anthony Suarez: Yes it was.

Linda Dunlap Miller: What was the result of that?

Anthony Suarez: Well, I know that [the court system] started looking at how it expanded diversity on the bench. But they're limited in that because judges are elected and very few are appointed, so he's not within his power. And the question of the access to sentencing, that's something... I believe that was addressed in the state Legislature. But I'm not sure that there was a big legislative result of that. You know, over the years after the report, as they started to institutionalize some of the recommendations, there were changes. Sentencing reform, for example, additional funding for some of the legal aid societies, which were direct results.

Linda Dunlap Miller: And how can the Commission best honor his legacy?

Anthony Suarez: Well, I tell you. I'm so glad that it's still going. Because I've been in Florida now for 25 years, so I have lost some contact with the day to day

operations of New York State. But I'm so glad when I got the call that it's still operating. Its mission to seek justice is so important because we're not there yet. We are not there yet. And so it has to keep going until there is a sense that justice is equal, that there is fairness. And so the Commission needs to continue to exist so we don't have, without getting into controversial topics, where we don't believe that police officers, for example, are occupational forces. This is something is coming into light you know with the death of Mr. Garner and so forth. But, of course, in the South, we've had that problem for a long time. But Franklin Williams saw that, whoa! 56 years ago, when I was down there traveling cases, it's still not gone away. The perception of injustice within minority communities to the majority community is still there. And that perception is going to take a lot of time to overcome.