

Interview with Edna Wells Handy by John Caher and Joyce Hartsfield, April 28, 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 a 30th anniversary of the commission, the co-chairs, Justice Troy Webber and Justice Shirley Troutman, and Executive Director Mary Lynn Nicolas-Brewster, decided to post excerpts that described the early days and challenges of the commission. Today, we feature Edna Wells Handy, the Commission's first Executive Director. I'm John Caher, Senior Advisor for Strategic and Technical Communications.

Edna Wells Handy: People were, in some instances, resigned to second-class living, either in getting the jobs, who was being promoted. It felt as if those who were getting promoted were part of the friends and family club and if you're not in friends and family, you weren't getting promoted there. We looked at the law schools, we looked at the Bar exam, that was particularly poignant for me because I had done work with the Bar exam and looking at the pass rates for particularly Blacks and Latinos, consistently 20 points lower, 10 points lower than others, consistent pass rates or failure rates on the Bar. So when we had social scientists look at it, apply their measures to it and it substantiated this disparity between Blacks and whites taking the Bar exam, I just thought that this is fabulous, now we don't have to keep wondering. Well, it was like radio silence to that finding; it was startling.

And so we talked about that, those kinds of things, and partly it's one of his views is that some people don't want to know. It's easier to live in this nebulous space of maybe it is or maybe it's not, but when you find out it is, then it calls for action. And so, one of the things he talks about is the need to keep pushing, and he pushed. We talked about his personality, relentless follow-up and follow-through, always pushing and if you can't get it through the front door, get it through the back door, calling people, calling, and we were able to get it through that kind of relentless follow-up.

The reason he wanted meetings in every county was that New York state is so varied. It's farmland. It's the capital of the world. It's next to Canada it's... So he wanted to hear voices from all over.

What was interesting was that the voices were saying the same thing: lack of opportunity. Some examples of overt racism: One was a noose in a Bronx courthouse, one was separate lockers, one for Blacks, one for whites. Now that could ostensibly, there were reasons for it. People took lockers next to their friends; your friends tend to mirror who you are. So ostensibly, there were reasons for it, but the perception of it became something that we really wanted us to address. And so he said, because perception is in many instances reality, so we have to address the perception as well as the reality.

John Caher: Did you say noose?

Edna Wells Handy: Yes. Someone in the hearing talked about finding a noose in his locker room, in his locker, so we had those kinds of examples of overt racism as people presented it.

John Caher: So at the beginning, you've got kind of a fact finding mission, and you go to 63 counties and you get all kinds of facts. And then, what was the process involved in writing that report. That must've been a considerable undertaking. You had a lot of material to work with and work through.

Edna Wells Handy: We did, and the good thing about it was, it was in phases because we did the first report, the interim report, which allowed us to really put together what we had learned, the first part of our fact-finding. So we didn't have to sift through that a second time as we looked to do the final report. So we had the interim report and all the fact-finding that supported the recommendations in the interim report, then we had the drafts of the final report. And the good thing was that after each meeting, we'd have a report to the full Commission. We'd talk about what we were finding, we'd talk about potential recommendations, so there was almost a running dialogue with the Commissioners because he wanted unanimity. He did not want any dissenting report. So it was keeping them in the loop, finding out what their concerns are, addressing those concerns, see if there's a way in which we can reconcile disparate views so that we can come up with a unanimous product.

John Caher: I understand, it needed to be unanimous, kind of for the same reason that *Brown v. Board of Education* needed to be unanimous.

Edna Wells Handy: Exactly.

John Caher: And the report that you came out with was, well, it opened a lot of wounds, I think, didn't it?

Edna Wells Handy: It did.

John Caher: It was quite scathing, wasn't it?

Edna Wells Handy: That's relative. For some who had been living it, it was their lives, so there was a reality to it. For those who had not been living it or who have been denying that it exists, it seemed pretty scathing. To me, it was what it was. It was "here are the numbers." Blacks and other people of color didn't have access in the press. They didn't have press passes, they didn't get notice of what was going on, they weren't getting business. So when we looked at it from that level, that was a piece to it. We looked at the pipeline of law school and the numbers, here are the numbers. We're not getting the numbers in law school. We looked at the pipeline to executive positions in the court, judgeships, same kind of thing.

So it was a landscape presentation of what many people lived. And it opened up eyes that there are systems in place that are resulting in outcomes that are suppressing talent. And there's a lot of talent that is in groups that have been historically prevented from expressing that talent, either through jobs, through careers, through access. And so, there are systemic ways in which we need to look at the entire court system. I think Judge Wachtler, this was no easy feat on his part. He didn't have to do this. So for a court system to look at itself in the depths that we looked at it was remarkable. And so that's part of the legacy.