

## **FHW Commission 30<sup>th</sup> Anniversary Oral History: Joyce Y. Hartsfield, 6/21/21**

John Caher: Over the past few weeks, the Franklin H. Williams Judicial Commission has posted a dozen oral history interviews with some of the pioneers who, 30 years ago, helped establish the nation's first judicial commission committed to racial and ethnic fairness in the courts. Today we'll close out the series with an interview with Joyce Y. Hartsfield, the former Executive Director of the Commission, who can share a perspective gleaned from over 20 years with the Commission. I'm John Caher, Senior Advisor for Strategic and Tactical Communications.

Joyce, thank you for your time. Last year, Jeh Johnson's reports showed that racial and ethnic bias in the courts remains a problem. And in fact, much of what he found last year mirrored what Franklin Williams found in the late 80s. So, what has been achieved? What have we accomplished?

Joyce Y. Hartsfield: Well, the impact on the court system overall has been positive. I think that the administration has always been supportive of the Commission as an integral part of the court structure. But looking back, I believe that a commitment is needed to have more of a staff in order to have a fully functioning Commission.

New York State is a huge state. It runs from the east all the way to Montauk. You go north you're up at Quebec, you go west you're over at Ontario. I think that there probably needed to be more staff rather than a small staff in the City. Initially when I was hired, my position was a 50% part-time position, which was half time, and a full-time administrative assistant.

The commissioners are working full-time jobs as judges and clerks or security forces, and therefore they don't have an enormous amount of time to really do all the things that should have been done. I think looking back that the Commission really needed a more support staff in order to make things work more effectively.

John Caher: Oh, that's interesting. Now they do have a little more of a staff. Obviously, you, at a certain point, became full-time and Mary Lynn Nicolas-Brewster is full-time.

Joyce Y. Hartsfield: Only for the year that [Associate Counsel Karlene Dennis] was on maternity leave. Other than that, I was at 60%, and maybe 80% the last couple of years, but never over 60% for a greater period of my time there with the Commission.

John Caher: Oh, I didn't realize that.

Joyce Y. Hartsfield: And when she went on maternity leave, we were doing that program with Jeh Johnson and I said, "We really need to have me on full-time if we don't have assistants here in the office." Sometimes someone from HR would do some of the administrative work as far as putting together and typing reports. Looking back on it over the years, I recognized that was not an office that could function at its full capacity unless it had more supportive staff. It needs a full-time commission member like Mary Lynn is. It needs a full-time associate council and then it needs a full-time analyst, if not two.

I was thinking of something the other day: With the state being so large, it also needed perhaps two satellite offices, one maybe somewhere through that Third or Fourth District and moving towards the Canadian border. You need a person who knows that area, knows those AJs personally because they worked with them. And then maybe somewhere down near Binghamton, a satellite office with one person. I think that that one person could have developed more trust with employees. You never really get the feel for the rest of the state once you come outside of New York City and the five boroughs.

I think if they had a satellite person, perhaps someone could have seen earlier some of the tension that was beginning to build within the court system that I think that was always there. There was always the issue with court officers. I can't say it was always the issue with court clerks, but it was always some rub with court officers. I think when people are afraid of losing their jobs or not getting promotions if they report certain things, I think there's a tendency to just stay in your lane and not create any problems.

In most programs that we did we always partnered with the bar associations within the area. We always met with the administrative judges within the judicial district. Although we published newspapers, newsletters, I think it was interesting that in the Jeh Johnson report how many people were unaware of the Commission and what it did.

The silver lining in the COVID-19 cloud is it has forced people to be able to say, "I can log onto this program for an hour or two. I don't have to travel from one part of the state to the next," and therefore you can have more of an impact on reaching more employees within the court system.

John Caher: Mm-hmm. I find it interesting that you mentioned court officers because the initial report indicated that the conduct, behavior and attitude of

some court officers was a problem back in the 1980s, and the Jeh Johnson report found the same thing in 2020. I stress it is some court officers who display racist or racially inappropriate tendencies, then and now, but why is this a continuing problem all these years later? Is it a matter of training, culture, hiring more court officers of color, all of the above, what do you think?

Joyce Y. Hartsfield: Well, I think that New York in particular, regardless of how they wish to see themselves as having a lot of different ethnic groups, I do believe that they live in clusters, and you go to church with your cluster, you go to school with your cluster.

If a cluster is predominant in an area and then the hiring begins to reflect the cluster, you can go to certain counties and there's a predominant group that's being hired, that's getting promoted. I don't think the neighborhoods are that integrated and therefore the schools are not that integrated. Then, if you go to a school that's predominantly white, you will have a small percentage of other kids within other ethnic groups within that, but not enough, I think, to make a difference of how people relate to each other.

I think it's easy to just go back to whatever it is that you believe about people through TV; it's probably been promoted even more through social media because now, I think, people feel more comfortable saying and doing things that they wouldn't have said so openly and vocally before, and if you allow that behavior, it only intensifies. Once it intensifies, how do you go back and get a grip on it?

I think that attitudes have not changed from 30-40 years ago, but I think that it's been done more openly and with much more of a cavalier attitude. One example, which brought about the Jeh Johnson report and investigation, and then a subsequent issue that happened in the Bronx.

You may not be able to control how people feel or what they wish to say, but the Chief Judge's "zero tolerance" must be fully implemented towards employees who wish to act in a manner that's detrimental to the court system, detrimental to the litigants and detrimental to the public that they serve.

When people recognize there's something at stake for them to lose, then perhaps that curves behavior. Zero tolerance makes them realize there's something at stake and, therefore, if you don't want to lose what's at stake, you begin to curb your behavior and act in a manner that's appropriate towards people.

John Caher: So, maybe if you can't change attitudes in a certain generation, maybe you can change behaviors, and then, maybe, those behaviors are no longer part of the culture and the next generation is a little more advanced.

Joyce Y. Hartsfield: I think that's true and I think that probably we see that happening among each generation. Attitudes have been impacted upon by different people, and I think if you continue to make those impacts you'll keep moving forward.

It's like teaching school, I think. You can have an impact upon a certain group of people or a certain number of people, but if you had a class of 24 students and one was very disruptive, you'll feel at the end of the day that you didn't accomplish what you wished to accomplish because that one was constantly demanding all of your attention or preventing you from getting across to the other 23. It makes it more difficult to feel like you've achieved the goals that you want to achieve, and the attitudes have been changed.

John Caher: Now, when Ambassador Williams set up the Commission, he was adamant that it had to be independent and he refused to accept any funding from the court system. Today, of course, the Commission is funded by the court system. Its chairs have always been judges employed by the court system. The executive director is an employee of the court system. Is the Commission able to maintain the independence that Franklin Williams had in mind when its leaders answer to the people the Commission seeks to hold accountable?

Joyce Y. Hartsfield: That's a very interesting question. I do believe that when [Franklin Williams] wrote his first report, at least he knew no one was trying to make him bend the facts or color it in such a manner that he came out rosier than it need to.

It's not easy when you work for a court system that you rely upon it for your livelihood, but I would say that at no time while I was an employee of the court system and the Executive Director of the Commission that anyone could make me think that they were shutting down an issue. Now, how do you go about shutting down issues? You can do it openly or you can just not act on it. It's never done openly, but there was always an issue about, "Who are the policymakers in the court, who are the people making those policies on the 11<sup>th</sup> floor, the administrative offices. What does the 11th floor look like as far as diversity?"

You can keep saying that something needs to be different there, but if it isn't reflected then you wonder why they don't see it as you see it. They look through their eyes and think if it's functioning fine. I look through my eyes and I recognized that people need more diversity on the 11th floor. I always felt that. Although they now have a counsel that's of color, I just don't think the policy makers within that 11th floor have enough diversity.

So, no, you were never openly shut down, you're never made to think your ideas were not worthy of consideration. But if you look at the policy makers, that impacts how people think things are happening,

John Caher: I believe in your career you worked for three Chief Judges and three, four or even five Chief Administrative Judges, all of them white. Did any of them ever tell you to back off or to sugarcoat a problem that they would prefer to sweep under the rug?

Joyce Y. Hartsfield: They would never tell the Executive Director to sugarcoat a problem. I just don't think that's how businesses work. It never happens like that. We had a very good relationship with all of the Chief Judges.

But, as I said before, if you bring issues to the forefront of what you think should be different—Should the structure of the security forces be different and represent more diversity? Should the 11th floor be more diverse? Should the Office of Diversity and Inclusion have a larger staff? You can't study that issue for three or four years and not give them a bigger staff so they can have more of an impact. You can't then say, when Jeh Johnson comes out with this report, "Okay, therefore we need to put more people in that office." You have to do it before. By not doing it, it says to me you haven't taken that particular office as seriously as you take other offices. That was constantly addressed with the administration.

John Caher: Do you think we're edging toward a time when the Commission and this whole issue is taken more seriously? I mean, they obviously put a lot of effort into recruiting Jeh Johnson and setting him loose to do what he did and bringing in Alphonso David. Do you see a strong commitment there that maybe wasn't there as much in the past?

Joyce Y. Hartsfield: I think there was always a commitment to try to do things to improve the court system as far as diversity and inclusion. There was a point where they did more reporting back on what their hiring policy was like, and they slowly eroded that away. There was a point where where they made sure that there was a certain amount of diversity on the hiring and

selection committee for certain job titles, and that stayed in place. There was a point where Commission members were also selected to sit on those panels so they could have input, so that stayed in place. But it still is a difficult system to make work if there's five people and you only have one person really representing diversity.

If the administrative judge in a certain area wants a certain person to have a job after they've interviewed all the people, do you think they're really in a position to go against the administrative judge? I would say not. There's a grooming in the court system and I don't think everyone gets groomed equally. If you don't get groomed, then you're probably not in the tier to move up to the next level.

I always thought that what the court system needed was within their different judicial district, to ask, "Who are you grooming to take over the next positions? It could be two or three people you're grooming, it doesn't have to be one and it doesn't have to be necessarily solely a person of color, but you've got to look and see what the pipeline is looking like so that people have an equal opportunity to advance. It's not hard to be fair. It's hard to look through your eyes and determine what's fair, and it's hard to look through my eyes and determine what's fair because I'm judging it by all the values that I grew up with and all of the discrimination that I saw.

We had a program with eight of my friends from college and we were celebrating our fathers, who were all deceased, and they were talking about the jobs their dads did. One's father did some inventing of some different things. Another father, he was an electrician and he had a business within hotels where he sold magazines and newspapers. Some were able to use the GI bill, others were not. You realize that with the proper opportunity and without that oppressive racism weighing these young men down—they were born between 1912 and 1925, a very racist part of the history of America for black people—and you wonder what would it have been like if you didn't have that level of oppression guiding these men's lives.

Within the court system, everybody has an idea of where they want to go within the court system and some people are mentored to get there, and I think that others have a harder time because they don't have a mentor. You've just got to constantly push forward.

John Caher:

It sounds like there's a continuing need for the commission to actually be somewhat of a thorn in the side of the office of court administration and to always be on top of this issue, and to monitor and advocate, right?

Joyce Y. Hartsfield: I wouldn't use the term "thorn in their side" because a thorn in your side does not produce great results for you. If there's a thorn that's prickling you, you want to remove the thorn and throw it away.

You need someone to gently guide you and try to see the world at some point how you see it, and you want to appreciate the difficulties that the administration has in moving different agendas forward. I did appreciate that, but at the same time, I think they needed to be more proactive and more affirmative in taking bold stance in dealing with diversity and inclusion.

There's a constant need to monitor, a constant need to present good programs, a constant need to have issues of cultural competency discussed. I think that you recognize that by what people want to say on social media about other people and what things that they want to say when they think no one's listening.

I do believe that the commitment to have done the report, to have zero tolerance and then to have Alphonso David follow up on it is a good way. All of that was outside the court system, so it wasn't like someone within the court system was saying, "This needs to be done." You have an independent outside person who says this needs to be done, that they have to address it to, that their jobs are not tied into it or their work relationship is not tied into it, it's separate and distinct.

John Caher: You make an interesting point about them bringing in people— Jeh Johnson and Alphonso David— from the outside, which of course is where this all started 30 years ago.

Joyce Y. Hartsfield: Exactly. You just said a few minutes ago that there's a change in people's attitudes, and I think that you're absolutely correct. I think we have to veer away from seeing the negatives.

It's like my sisters used to say when one of us would get off of a point and the other sister would say, "You know, Joyce, stay on the high road because the low road is too full." I think that in order to appreciate whatever strides have been made, you do have to stay on the high road, and you can't be on the low road of being negative about things. You can only try to be positive to bring about more positive changes.

What we're looking to do is to bring about more positive changes and to take more people along with us on that positive road. Because if you don't, if you do it in a manner that people aren't feeling accepting or understood, then they won't take you as far as you want to go.

John Caher: What, in your more than two decades as Executive Director of the Franklin H. Williams Judicial Commission, are you most proud of?

Joyce Y. Hartsfield: I am proud of the people that we introduced the court system to when we would hold programs. Some very important and well-known figures were introduced to the court system, and usually my administrative judges would let so many of the employees off to be able to be exposed to a lecture from Jeh Johnson or Donna Brazile. We had Commissioner William Bratton speaking along with Rikki Klieman. Maya Wiley came and did a program for us on implicit bias a long time ago with Eric Adams, who was a police captain. He came in and spoke about the police stop-and-frisk issue. Johnnie Cochran came and spoke. Marian Wright Edelman spoke, Professor Paul Butler. We did really, over the course of my career, have some outstanding people present to the court system.

Probably one of the things near the end of my career with the court system I was most proud of is, well, one day I'm talking with an employee and he mentioned that he's a temporary employee. I knew he was a temporary employee, but I didn't know that 10 years later he was still a temporary employee, which meant no health benefits, no pension plan. You can contribute to your own IRA or whatever is that you want to contribute to, but no state supported 401 or 457 plan. Then, when we began to talk, I learned there were 14 or 15 people within the OCA administration that had temporary positions from anywhere between three years or more and 10 or 12 years. So, we had a meeting with [Human Resources Director Lauren DeSole] and eventually they got all those people transferred over from temp jobs to full-time jobs. Now, they are full-time employees who will eventually qualify for a pension. The unhappy part about it was they had to start out as a new employee, but it beats where they were, if you understand that. I was glad that when I left there that there were at least 14 or more people that the Commission was able to move from a temporary basis to a full-time basis.

When any of my friends look at the film that was done on Franklin Williams life, it's just absolutely incredible, and other people want to do films in their states when I talk to them. When I look at it from the beginning to the end and all the different steps we made to get to that end, I'm very proud that we were able to have that as an everlasting tribute to the Commission.

John Caher: And so am I, and it was a joy working with you. One of the most enjoyable things in my career was working with you on that project for those few years.



Joyce Y. Hartsfield: As they say in the movie, "Ditto."

John Caher: Joyce, thank you so much for your time and thank you so much for your service and all you've done for the people of New York.