

TAKING THE HIGH ROAD

August 30, 1990

with

The Honorable Lawrence H. Cooke, Chief Judge
New York State Court of Appeals, Retired

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and

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Interview by Dorothy Shapiro

FAMILY AND PERSONAL RECOLLECTIONS

[00:01:02]

DS: It has been said that when future historians look back at Sullivan County and the 20th Century, they will probably agree that the first citizen of the county was a Monticello man— Lawrence H. Cooke. These historians will be impressed with the Judge's legal accomplishments, but they will be even more impressed with his character. They will note that the Judge was a man who achieved a position of great responsibility, and he became Chief Judge of the New York State Court of Appeals. He could have gone on to even higher honors in Washington, but was one who never lost his sense of roots, that Sullivan County was home, and that all of its citizens were his friends and neighbors.

Good morning, Judge. I am so glad that we finally got together this morning. I have been looking forward to doing this interview with you for a long time.

[00:02:01]

LHC: Good morning, Dorothy.

DS: It gives me great pleasure to talk with you today and learn a little bit about the background that most people don't talk about in your life, and that is your personal life. You have a very public life that many of us do know about and, hopefully, we will know even more after today.

DS: Judge, what is your full name, and do you know for whom you have been named?

LHC: My full name is Lawrence H. Cooke, or Lawrence Henry Cooke. I received the name of Lawrence from my father, that's his middle name. And my middle name is Henry, which was his father's first name.

DS: Where and when were you born?

LHC: I was born in Monticello, on West Broadway, on October 15, 1914. At that time, there was no hospital in Monticello, and I was born in a residential property there, that my father and mother owned.

DS: Let's talk a little bit about your parents. Supposing we talk first about your father. Can you tell me a little bit about his background? For example, where his family originated from, if you have that information.

LHC: Well, his father and mother came from Ireland. They came to Monticello shortly after the Civil War. His father had originated, I believe, in England and moved to Ireland. His mother was born in Ireland. They emigrated to the United States, and because of her, my grandmother's brother was a successful large boarding house [or small hotel] keeper in the area. His name was Toohey. Martin Toohey. He owned what is now the Melody Lake property in the southerly part of the Town of Thompson. They came here and raised a

family of three boys and one girl.

[00:04:07]

DS: Where was your father born?

LHC: My father was born in Monticello on Pleasant Street. He was the youngest of the four children.

DS: Do you know the name of his siblings?

LHC: Oh, sure. The oldest one in the family was my aunt, Mary Jane Cooke. There was a Joseph Cooke, who passed away in early manhood, and his brother John A. Cooke, who was the partner in Hammond & Cooke, a successful department store for many years in Monticello.

DS: Do you have the information as to when your dad was born, what year?

LHC: Yes. He was born on November 9, 1878, in Monticello, as I said.

DS: As a young child, do you remember your father ever telling you stories of his youth in Monticello?

LHC: Oh, a great deal, oh yes.

DS: Can you recall one?

LHC: Well, I remember him telling me quite often about squirrels and other animals, and how they would garner up nuts, and how the nuts would be saved for harder times. It was a story about thrift and how you should not be wasteful. It was one of the early stories I can remember him telling. He told about having his picture taken, I remember, and he was quite proud of the picture. I saw the picture later on. He was young. He had a hole in his stocking. He didn't expect that he was going to be pictured so he put his hand on his knee

when the picture was being taken.

[00:05:55]

Any number of stories come to mind. He told me about his dog. When I got a dog, why he would tell me about his shepherd dog. He told about taking care of the garden when I was taking care of our garden. His early boyhood. My father was remarkable and his whole family did well, but they worked hard.

He and his brother worked for a doctor in Monticello, a Dr. McWilliams, Frederick McWilliams, who played a big part in the history of early Monticello. They worked for a dollar a week as his office boy while other children were out playing. Different years, of course, but my father and his older brother, in his time, served as this doctor's office boy for a dollar a week. I remember him telling how the office calls at Dr. McWilliams' were 50¢ a call, and how many times Dr. McWilliams -- if it was a poor family -- would say, "George, go out and get a blanket." That was because the family probably didn't have the necessary blanket for the sick individual. He was a good man, Doc McWilliams. Later on, he was a single man, very frugal, Scotch background, and if he had died just before The Depression he probably would be worth about a million dollars, which was a tremendous sum prior to 1929. Dr. McWilliams later had a substantial estate but not quite a million because of the Stock Market Crash.

DS: Did you know your grandparents?

LHC: I never knew any grandparent except my step-grandmother on my mother's side. I felt quite unfortunate in that respect. They had all died prior to my birth in 1914.

DS: What was your mother's maiden name?

LHC: My mother's maiden name was Mary Elizabeth Pond. P-O-N-D. My mother and father were a very, very happy couple, but they came from very, very different backgrounds.

[00:08:01]

My mother was a New Englander. My mother's family -- I have the family tree in print. It goes back to the early 1630's, when her forebears came to Connecticut. Her father was a successful farmer, tobacco grower, and owned quite a bit of real estate in Milwaukee.

Because of his wise investments and frugality, he raised four boys and my mother, a girl. I believe there was another girl who had passed away.

DS: Do you know the names of your mother's siblings?

LHC: Yes. The oldest boy, the oldest one in the family, was Bernard. And then there was Harry. And then there was Beverly. And then there was my mother, and then there was Raymond. So my mother was next to the youngest. My mother's mother died when she was 11. My mother frequently spoke about that and how she felt quite deprived by the fact that her mother had died at an early age. But she felt that she was the mother of her younger brother Raymond. They were very well educated. I had three uncles on my mother's side who went to Yale, and two of them went on to Harvard Medical School. One of them, Harry, went to M.I.T. and was an engineer. Raymond went to Sheffield School, an engineering school in Yale. My mother was educated in Mount Holyoke, in the early days when Mount Holyoke was one of the earliest women's colleges. My mother was a very good student. The boys were all educated in Williston Academy. It gives you an idea -- but I think it was -- the ability to send the children to schools of that nature was due largely to some successful investments in Milwaukee real estate.

[00:10:08]

DS: Did they ever tell you the story of how they met?

LHC: Well, it was obvious that they met because my mother came here as a teacher. She was a teacher in the Monticello High School. She was prepared to teach Greek or Latin or mathematics. I believe she taught Latin and mathematics in the high school, the Monticello High School. Interestingly, I was going through an old trunk not too long ago, and I saw a letter that my father had sent to my mother. She apparently had kept it in the early days. She was staying, I think, at a hotel here in Monticello at that time, where teachers stayed. I'm not sure of the name, but it might have been the Palm Hotel, which was burned down, I think, in the Fire of 1909, which consumed most of the Business District in Monticello. It said something about, "If you'll be ready in a half an hour, I'll go down and hire a horse and wagon and we'll take a ride" or something like that. It was kind of a cute little note.

DS: A treasure.

LHC: So they obviously met when my mother was a teacher here in school.

DS: And your dad had already completed his formal education at that time?

LHC: Yes. My father came from a different background financially, as I told you. He worked in the doctor's office. He also taught school for a couple of years and earned the money to go away to law school. He first started in the Maplewood School District, which is a bit west of Monticello on now Route 17B, and he earned \$7 a week. He got a promotion the next year and received the magnificent salary of \$7.50.

[00:11:58]

And it was tempting because he was offered the principalship of the White Lake School -- a two-room schoolhouse then -- and he would have earned a little bit more, but his idea was set on the law. He had become acquainted with a Judge Timothy Bush¹ and worked in his office. He was Clerk of the Surrogate's Court prior to -- sometime along that time -- and he was also Clerk of the, well, I guess that was later, when he was Clerk of the Board of Supervisors. But he was a self-made man. His father was a shoemaker. He came from a different background than my mother. And they were even of different religions. I went back to Unionville, which is outside of Hartford, several years ago, and became acquainted with a pharmacist who knew my mother's family. He told me how shocking it was at that time, in 1909, when they were married -- February 8, 1909, no, February 9th -- how shocking it was that a Protestant and a Catholic were married.

DS: They were ahead of their time.

LHC: They were ahead of their time. But they were very happy. Wonderfully happy. My mother and my father were wonderful, wonderful.

DS: Who was the Catholic and who was the Protestant?

LHC: My father was the Catholic and my mother was the Protestant. My mother's family were originally Congregationalists.

DS: How were the children raised in your family?

LHC: We were raised as Catholics. Yes. My mother, to her great credit, used to teach us our religion. My mother was a real teacher. And she was very thorough in seeing that we knew the Catholic Catechism, so that when we went to Sunday School we would know

¹ Judge of the Sullivan County Court, 1872-1878.

the answers. My mother was a tremendous, wonderful woman. As was my father a wonderful man. This is a picture of my mother and father. It was taken in front of the Osborn House, which is on Upper Broadway in Monticello.

[00:14:04]

The Osborn House was the scene of many neighborhood parties. It was a small boarding house, or rooming house, and people used to come from New York [City] season after season and stay there. It was a very friendly place and they served excellent meals.

DS: I wanted to ask you where your father went to law school.

LHC: He went to Albany Law School.

DS: And then after he finished law school, he came back to Monticello to practice?

LHC: He did. That would have been probably about 1902. He then was probably -- just to get the sequence right -- sometime along the line he was Clerk of the Surrogate Court. He was also Clerk of the Board of Supervisors. He told how they used to levy the tax by hand. Today, of course, it's computerized, I guess it's maybe farmed out to IBM or somebody. But he did that with assistance at the magnificent salary of \$800, I think he told me. He was elected District Attorney in 1909 and served for two terms. An interesting story he used to tell about was when he first ran for District Attorney and he didn't want to appear to be too uppity. I remember at that time not too many people had automobiles, so he took a horse and wagon and a man and they went out throughout the county on their campaigns.

I think he was endorsed by -- yes, he was -- when his first term was up, he was endorsed by all parties, including the Bull Moose Party. He used to like to tell about that. Now

we're coming up to 1912 and Theodore Roosevelt was running for President, and that was the party of the Bull Moose. So he was quite proud that he had been endorsed by his own party, by the Bull Moose Party, and by the Republican Party.

[00:16:10]

He only had -- he was quite proud of the fact that during the time he was District Attorney, he only lost -- in the six years that he was District Attorney -- two indictments. One of which he moved for dismissal himself because he didn't feel that it was warranted, and the other is because he lost. So he had only lost one case in six years. And they had to prepare their own cases then. They didn't have assistants and they didn't have investigators, and there were no State Police. I can remember him telling of going down to the Glen Spey area and investigating a crime. And they were amazed -- he and my mother went along -- because of the beautiful estates there. My mother used to call that "like a little Newport" in those days, the Mackenzie and Proctor Estates down in Glen Spey. And how where they went to investigate this crime, the stables were so elaborate and that the sides of the stables were padded with straw so the horses wouldn't hurt themselves. This is a little bit of opulence in Sullivan County, down in Glen Spey. Now, yes, pinpoint what else --

DS: I wanted to ask you was -- a little bit more about your early family.

LHC: Sure. I might be stepping along too far.

DS: That's alright. I'll keep you, I'll bring you back on track each time.

LHC: Please do.

DS: But please don't hesitate to go off in any direction if you wish.

LHC: Please do.

DS: I wanted to ask you about, who was the first born in your family?

LHC: My brother George. His name is George Bradford Cooke, and Bradford is one of the Pond names, which indicates the New England background. He was a lawyer and educator and like that.

DS: So, you were the second born.

[00:18:02]

LHC: I was the second born. My father -- you asked for stories -- used to like to introduce me as the baby in the family. By the time I got to be 12 years of age, I really didn't like that appellation. It kind of bothered me. But I loved my father and I had great respect for him. I never dared tell him. [Laughing.] I used to cringe when he'd say, "This is Lawrence, the"

DS: At what age did it stop?

LHC: Well, probably about after 12. My father and I were very close. We took trips together.

DS: Did you campaign with your father with his election?

LHC: I campaigned for him when he was running for County Judge. And my brother did too. And I would take a town and go door-to-door.

DS: How old would you have been at that time?

LHC: I was, ah, 1939 is what, 24, 25? I think, yeah.

DS: So you were a mature man.

LHC: Yeah, and my brother did too. But my father was a great one to mix with people. He would like to go to events, and he was always on time. He felt that the value of going to

any event, whether it be a church supper or any other festivity, was to go and meet the people in advance and not to be late when you would meet other people. So I went with him and enjoyed his company a great deal.

DS: Did he have the time to spend at home with the family, being so busy with his obligations?

LHC: Well, he did. He made it a point. He always took off -- well, there were two phases of his life, one was when he was practicing law. He had a busy practice in Monticello. He decided to seek a judgeship when there was a vacancy in 1926, and he ran for office at that time, was elected County Judge and he served in that capacity for 22 years.

[00:19:58]

[Looking at photo.] My father, you'll note, has a bow tie there. He loved bow ties. And he liked to tie his own. And, also, you'll notice that he didn't wear a robe. He was a very modest man, and I don't think he ever wore a robe. He customarily walked in -- I think he thought that might be too pretentious. My father provided for his family very well, and we had a place at Sackett Lake in Monticello. In those days, there was no light --

DS: You're talking about a summer home?

LHC: A summer home. On the lake. And we'd get a truck, and then my mother would pile in the old mattresses and the old furniture, and we'd go down to this little camp we had right on the sandy beach there. Well, it was a sandy beach, but there was a place called Sandy Beach, it was across from that. But we were right on the lake, in this very lovely -- we had a magnificent time every summer. And there was no -- we'd have to -- they'd bring

ice along the lake in a boat, and there were no toilet facilities, there were no cooking facilities except a gas stove.

DS: And would you stay there over the summer?

LHC: Oh, yes, the entire summer. It would be as hard as it could be. We probably lived in our bathing suits most of the time. My mother's brothers and their families would come to visit us sometimes. Then Sackett Lake got to be a little more crowded and probably got into trouble, pollution and all. So we had our lives, we were getting busy and going in different directions, so sadly we didn't continue it there. But I think probably because the overcrowdedness and pollution problems before they had a sewage system, that's probably what dictated leaving there.

DS: As you look back into your early life, do you remember what you could consider as a first job, that you might have had?

LHC: Well, I remember down at Sackett Lake picking berries.

DS: For which you would -- ?

[00:21:50]

LHC: For which I would go out and sell them for 20¢ a quart. I remember in Monticello working at a farm of a man named Floyd I. Pelton, who had a dairy in Monticello. It's now developed into a lot of homes throughout his farm there, close to Monticello, and I got 25¢ a day. He sold milk for 12¢ a quart, so he had a lot of pennies. So we got paid each day in 25 pennies. He'd get rid of the pennies. There wasn't any pasteurization or anything like that of milk, and he had a delivery route. His sister lived right near this location where we are right now. Mrs. Duryea. They're an old line family, the Peltons.

There was a Moses Duryea, who was the Postal Inspector and well known throughout the area.

DS: Judge, just go back a little bit into the history of your family. Of course, you knew your parents and did not know your grandparents, but do you know the names of your grandparents, and do you know when they might have come to this country? I know you mentioned earlier that it was around the time of the Civil War.

LHC: The family tree, as I told you, of my mother is rather elaborate and I have that in a recording. I'll tell you a story about one of the names. I think you'll get a kick out of it.

DS: Alright. Would you?

LHC: Her father's name was Lucius Beverly, I think. And her mother's name was Ella North, Ella North Pond. They were married in Farmington, which is outside of Hartford. Oh, I told you, we have the name of the family tree, and to show you a little bit of the chauvinistic times, most of the elaboration in the family tree is on the male side. There was a book written a few years ago called "Interesting Names," and the New York Magazine reviewed the book and told about one of the Ponds. His name, believe it or not and to show you the religious character that I mentioned before, was Mene Mene Tekel Upharsin Pond.

[00:24:20]

DS: That's quite a mouthful.

LHC: That's one of the names. He's buried in the Unionville cemetery outside of the -- there's a lot of clergymen don't know what it means, but I believe it's the words that Daniel saw on the wall. This is one of the odd names that they wrote about in this book. I think there

were 200 odd names, and it was reviewed, and one of the names that was picked out of the book by this New York Magazine was this Mene Mene Tekel Upharsin Pond.

DS: That's something. Okay, I think we have covered the names.

LHC: Oh, incidentally, on my mother's side, she used to think she was related some way or other to Grandma Moses. The name of Moses was in her tree. Her mother was born in Vermont, near Poultney, Vermont. The father had been around Hartford all his life.

DS: Have you ever gone back to trace any of these early -- ?

LHC: Well, some, somewhat. By the time I was able to do it, my Uncle Raymond told me where to go and like that. One of the forebears on my mother's side was in the Revolution and died in what they called the Battle of Long Island. Another Pond accompanied Nathan Hale on his fatal trip.

DS: As a young boy, living in this area, and thinking about today, there are so many changes that have taken place. Can you kind of conjure up a visual picture and tell us what it was like on Main Street?

[00:25:57]

LHC: Main Street was a different street. I can remember -- remember this is back to 1914 when I was born -- so we're talking about the First World War vintage, and I can just remember the celebration in the community when the First World War was over. That would be, let's see, I would be about 4 or 5 years old. I can remember the celebration, the guns going off, and they had people on top of all the store buildings in Monticello. There were more stores on Main Street, it seems. There were more food stores. The chains were just coming in. There was a small A&P store, which was the only chain, that's where the

Bagel Bakery is now on Broadway. That was the Mead Building. That was two or three stories and is now reduced to one. I can remember hitching rides on sleighs. We would take our sleigh and go along and try to get the back of a bob sleigh and take a hold of it and get pulled through Monticello. Some farmers didn't mind that and others did. We had a creamery in Monticello, and today I don't think there are any dairies around here. People would come in early in the morning to deliver their milk to the creamery. My Uncle John opened his store, Hammond & Cooke, early in the morning, maybe 7:00 or 7:30. The stores would stay open in the summer time until 10:00 or so. It was a promenading place, too, in Monticello, at night time. The families would come, there were a lot of family boarding houses.

DS: Are you talking about all year round or just in the summer time?

LHC: Well, I'm talking mainly in the summer time. The O&W Railroad produced the main artery of transportation. That was a branch line into Monticello. You could hear the trains from Fallsburg, which was about five miles away.

[00:28:03]

And they would say, "There's going to be a storm," if you could hear a train in Monticello from Fallsburg as the main line of the O&W went through there. There was an interesting book on the Monticello branch of the O&W. I can remember going down -- in early 1920, a lawyer came to work in my father's office, and we went down to the station to meet him. The Monticello station of the O&W. I think there were four trains in and four trains out at one time.

DS: Where was the location of the station?

LHC: It's down on what's now St. John Street; it used to be called Depot Street. I think part of the facilities of the VEO or the VanEtten Oil Company is the station. The larger freight station is torn down. There was a station there, and there was a turntable below Monticello where they would turn the engines around. I remember as kids we used to -- it was kind of dangerous -- jump on the turntable and it was hand powered, and some other child or children would push the turntable around and you would try to jump off or on. It was lucky that somebody didn't lose their legs, you know? And that was also through an area called Dog Town. I believe the only legitimacy for the name of Dog Town was that on one of the railroad maps it was called Dog Town Switch. I found out later in my life that the people in Dog Town, when I came to be in political life, that the people in that area resented the name of Dog Town. That's the section. I had committed a fatal error by writing a letter or letters to people soliciting votes using the Dog Town address, which appeared in the voting records and that's why I used it.

[00:29:55]

But getting back to the appearance of Monticello, there were many small groceries here. I can remember the Wagner Butcher Shop, where they sold meat, and you'd have maybe a chunk of meat in the window with a sign of 14¢ on it. Then I can remember the kosher places with the slab, the marble slab, and putting on it a salmon.

DS: How did the general public feel about the influx in the summer time of the outsiders to the area? Do you recall?

LHC: I would say that Monticello was, generally speaking, a very good community in that sense. I think the people were welcome. I think there was a good mix. Certainly there was

in my home. My father had helped to establish the synagogue on Landfield Avenue. For a long time, either he or his aunt had a mortgage on it, loaned the money for the Landfield Avenue synagogue. I know he never charged them anything for the legal services. They came later with a tremendously beautiful cut glass lamp that they bestowed on him. My father and my mother were very, very zealous in being very welcoming to the new people. My mother said that when she taught school there was only one Jewish family, the Fleischman family, was in Monticello. My father, without saying vainly, was the darling of the new people, I think, because he was very friendly with everybody and had been in a family that had been a Catholic family, and he had realized, I think, that there had been some prejudice against the Catholics at one time in his life, too.

My father, in 1926, was the subject of a political campaign against him for County Judge -- because he was a Catholic -- by the Ku Klux Klan. It used to burn the crosses around him when he was running for office.

[00:32:04]

DS: Do you have any recollection of that yourself?

LHC: I remember my mother -- we were out for two weeks visiting my Uncle Beverly in Cape Cod that summer, and my mother was upset and told about it. I remember overhearing her telling about that. She felt badly about that. But he was victorious. That was the only issue raised against my father. He had been District Attorney, a very good one. He had been retained to try cases for District Attorneys afterward. And murder cases. I can remember, too, how quiet we had to be in the house. My father always wanted quiet so he could get his sleep, because he didn't feel he could be prepared the next day unless he had

a good night's sleep. So we really had -- talk about sleeping and my father, I can also think about how scared I was when I used to hear him snore. I used to think it was bear! I was afraid that the bears had descended into our house. He felt quite hurt and he didn't like it that that was the only issue raised against his candidacy.

DS: But he won despite that.

LHC: He won that. Oh yes, he did.

DS: Did he win every election he entered?

LHC: He never lost one. He was well prepared, my father was. My father knew how to keep in touch with people. And he liked people. He was frugal and he was honest. He had known people very well. He felt that the District Attorneyship had given him a "county acquaintance," as he put it. His practice was good, his legal practice was good ever since he was District Attorney because it gave him a wide county acquaintance.

DS: What do you think about your father? What do you think was his most outstanding characteristic?

LHC: Honesty. He demanded honesty in the family.

[00:34:02]

DS: How did it manifest itself in your day-to-day life as a child growing up?

LHC: Well, in one of the other jobs that I had I was a caddy, and I was a caddy master. I got to be a caddy master at the local golf course. As such, I worked in one of the offices there at the golf course. At the end of the summer, the Superintendent gave me a dozen golf balls. New ones. Probably worth about \$12, maybe \$9 at the time. He wouldn't let me accept them until I took them back and found out if the Board of Directors -- he didn't want the

Superintendent giving me the golf balls unless he had the authority. He insisted upon it.

DS: You never forgot that lesson, did you?

LHC: Oh, no. He used to quote frequently from "McGuffey's Reader." "McGuffey's Reader" that says something like, "He who sets out to deceive, does weave a tangling web and weeps as he weaves." Something like that. That isn't the accurate line but, anyway, the idea is that you get caught in your dishonesty.

DS: Obviously, your father has had a great deal of influence upon your life. Do you have a sense that he has kind of been guiding you through your life?

LHC: Well, when my father died, somebody told me in solace -- and I have told others about this same story in their particular loss -- that when my father passed away, which was 1959 -- I will never forget it -- this man told me that your father will always be standing in front of you, you can almost hear him say or tell you. And I've thought of different things when sometimes it was hard to decide just what to do, and I could almost hear him talk to me. He used to say, "When you're in doubt, take the high road." And "Don't take any chances." He had many sayings, many sayings.

[00:36:12]

My mother and father, my parents, had a profound influence on my life. They did. In my early formative years, they inculcated, I think, in me an appreciation of the finer values of life: integrity, honesty, a deep and abiding religious faith. So I think that I was, by the time I reached college age, somewhat molded. Later on, of course, I was inspired by my wife, who has a deep sense of religious faith and a rectitude, and who was very careful in our home to never allow a bit of slander or scandal to be uttered by anyone. The minute

anyone indicated they might say something derogatory about somebody else, my wife was the one who put up her hand and said, "We've heard enough of that." We also have been inspired -- and I speak for my wife as well -- by three wonderful children, who have been wonderful to us. We appreciate them and their children to no end. They have been a great inspiration as well.

DS: I'd like to talk to you a little bit about when you went to school in Monticello. Tell me about your schooling -- as far as you can remember. If you can start in grade school, and develop it through high school, and possibly some of the friendships you may have had, some of the experiences.

[00:37:52]

LHC: I went to the public schools. That was on St. John Street. That was kind of a rude school. It had a bell. It was a hand-pulled bell. And I'll tell you about a bell at Georgetown, too -- I rang it for three years. But, in any event, they had the old grammar school, which doesn't exist any more. I went through there. I skipped the third grade, and ultimately got into the --

DS: What was the school like at that time? How large was it?

LHC: Well, it was all the students of Monticello, but they didn't have, it wasn't a centralized school. There were no school buses. I walked home at noon time for the noon recess, except for a blizzard or anything like that. The home economics class would make soup for people, maybe 10 or 15¢.

DS: Was it a building that contained several rooms?

LHC: Oh yes, oh yes, oh yes. It probably had some divisions, maybe it had two classes, I mean

two classrooms. It was not small, but it was old and rickety. Talk about fireproofing things. They used to paint the floors with oil to keep the dust down. What a fire trap that would have been! But luckily, eventually -- after my time, just after it -- they built a new school in Monticello. There was a separate building, which is still in existence as part of the middle school complex on the corner of Bedford Avenue and St. John Street in Monticello, and that was the high school. I graduated to the high school. There were some fine teachers there. My first grade teacher was Mrs. Durland, Mrs. Wesley Durland. She has some relatives here in Monticello. And I remember the things she used to tell us, and one of the things was to be sure to bring, that everyone should have a handkerchief.

[00:40:00]

That they shouldn't be coming to school without a handkerchief in the morning. And, also, honesty. I can always remember in that class we learned where your right hand was and your left hand, and I can always visualize myself when someone would say "your right hand" even to this day when you're facing to the south or something, this is my right hand and this is my left. How if you were punished you went to the cloak room, in the back of the room, and sat there for the denominated time. Miss Young was my teacher in my second year. I think she later went on to the fourth year. There was a Miss Preston in the fifth year. Sixth year, when I took my first regents -- and that was geography -- then I went into the seventh and eighth grades, and then into high school. They didn't have a junior high school then. I took a college entrance --

DS: Do you remember your favorite subjects you might have had in school?

LHC: Well, I liked mathematics, like that. I received my mathematics in regents, in the hundred

category.

DS: How did you rank in your class when you graduated?

LHC: Well, when I graduated from high school I was salutatorian, number two.

DS: Do you remember any of the extracurricular activities that you might have enjoyed with your friends?

LHC: Well, I was editor of the high school yearbook. I was a debater. I liked debating. I was in school plays and things like that, and I was a member of the current events club.

[00:42:00]

DS: Did you make any friendships in those years that you can recall?

LHC: Oh yes. I was friendly. You know, there is a great friendship, I think, that builds up, not only in my life but in other people's lives, with your humorous anecdotes and you remember people. Even today, if I see somebody who was a classmate of mine on the street, there is a certain bond. You don't say anything too much about it, but there is a feeling of friendship there.

DS: You shared a common experience. It's like being part of a family.

LHC: You've shared a common experience, you've seen them grow up, you felt yourself growing up.

DS: Have you had any class reunions?

LHC: No, our class was deficient in that. There were never any class reunions, at least for high school. Now my son, one of my sons, was very regular in their class reunions.

DS: Well, that seems to be more common today.

LHC: Yes, it is. It seems to be getting more so all the time.

DS: After you finished high school and you chose to go on to college, where did you go first?

LHC: Well, I went to Georgetown. Incidentally, my father was very good to me in that respect.

My mother was anxious that I go, believe it or not, to a Catholic college. She felt that there would be discipline and she felt that was good, and she didn't want anybody to go wild. That's how big my mother was.

DS: So, what year did you graduate from high school?

LHC: '31. I went to Georgetown. My family told me I could go anyplace I wanted and I chose to -- now here's a man who drew deeds for 50¢ and things like that, but who had saved money and like that, and who was prepared to send me to any college that I wanted to go to. I some way or the other had drifted to Georgetown because I felt like that was a nice location, in the District of Columbia. There had been a man who had come through, I remember, who got me excited a little about it and the yearbook. He was an engraver or an imprinter, and he had some experience in Georgetown and kind of sold me on the initial idea.

[00:44:03]

But I put it off too late. I couldn't make up my mind between Georgetown or Fordham. My mother and father had gone down to New York [City] with me, and we looked over the Rose Hill Campus in the Bronx, about Fordham. There was a young man named Edward Dermody. He lived in Cochechton. His father was a Supervisor and he was a student, and he kind of talked about Fordham. He was, I think maybe a year ahead of me in college life. I decided upon college by a flip of a coin, but I think it came out the way I wanted it to! [Laughing.] I was kind of glad that I went to Georgetown. And my son has

gone there, and I have a grandson now there.

DS: Judge, that was during the Depression years.

LHC: Yes, it was.

DS: Now, how did that affect you and your family? Can you recall that?

LHC: Well, my father was then a County Judge. I think his salary was probably \$5,000 a year. It was, even then, small pay. But my father was a little too bashful for himself. He should have asked for a larger salary because it was a full time job. He had three or four lawyers working for him when he was in private practice. It must have been a decline in income of a great deal. My father was a meticulous lawyer, a very careful lawyer. Very seldom did he ever get reversed.

I didn't see any too much of a Depression in Georgetown, because it was in the District of Columbia where there was no industry of any account -- barred by zoning -- and where people were government workers. Even though they were working for \$1,000 or \$1,500 a year in many of the government positions, it was income -- it was moderate income in those days. But it was the Depression years.

[00:46:11]

I can remember attending the inaugural of 1933 when Franklin Roosevelt² was first inaugurated. We stood around the Capitol. The newspapers were being hawked, and you would hear "Michigan Banks Closed," "Rhode Island Banks Closed," and finally they were yelling, "New York Banks Closed." And people were caught there. Some of them did not have much money with them, attending the inauguration. So it brought you to the

² Franklin Delano Roosevelt, President of the United States, 1933-1945.

realization of the Depression by that incident. I remember, also, that there were a lot of poor people, mainly Blacks, in the District of Columbia. At that time, Georgetown was making ready for a new gymnasium. There was an old turntable for the Chesapeake & Ohio, or whatever canal it was. They were filling in this canal basin there, back at the college. And they would bring up coal, coal ashes, from the District of Columbia's homes and they would dump it. People would run to get that coal, pick out the coal out of the ashes and put it in bags, and then either bring it home for their own heat or sell it. So, you had a realization of poverty. Outside of that, Washington didn't feel the Depression as much as the other parts of the country.

DS: Looking back in Monticello, at home, do you have a sense of what it was like here?

LHC: Well, my father told me, in writing a letter to me, told me about the banks closing. There were two banks in Monticello -- the Sullivan County Trust Company, which was a newer bank. That was located at what was later the Levy Shoery and was down near the Rialto Theater. He said as he walked -- my father walked to work always, he always walked to work and he loved to meet people.

[00:47:59]

DS: Where did your family live?

LHC: We lived at 401 Broadway most of the time. Always lived in the same neighborhood. Even today I live in almost the same neighborhood. He walked home -- he said he was walking down that morning and there was a sign, "Closed by the order of the government" or something to that effect, the Sullivan County Trust Company. He thought, "Geez, that's something serious or something. I wonder what happened with that

bank." Then he went down further to the lower bank, which had been the more established bank, the National Union Bank, of which my father was a director and at one time the vice-president. They had a similar sign. Then he realized that something had happened. And that's when the banks were closed, in the Depression. There were a lot of poor people in Monticello. The kids in school were poor. I can remember when I went to school, we didn't have much. We were thrifty. I inherited my brother's clothes and wore them. My mother was thrifty. My father and mother would go to Bethel and buy eggs for 30¢ a dozen and then put them in water glasses. My mother would use those water glass eggs for her cooking purposes, not for fresh eggs. My father told me that they even used to take meat and try to cure it, put it in brine. They had some spoil, so they weren't too anxious to repeat that experience. He used to buy a barrel of apples in the fall. My father would love to get a bargain if he saw something in the store. Even later, when we were married, if he saw a piece of meat that was a buy, a roast or something like that, he'd buy one for himself and buy one for us, and like that. He was thrifty in that sense. We never had the best car in town. He was late in learning how to drive. We had a Dodge, which he learned to drive. He was very serious. When he would start out driving, he would say, "WAGO" -- water, air, gas and oil -- and check the car.

[00:50:04]

WAGO. He was very careful. When he retired, Judge Loughran,³ who was then the Chief Judge of the Court of Appeals, came and they had a dinner for him. He told of an

³ John Thomas Loughran, Chief Judge of the New York State Court of Appeals, 1945-1953; Associate Judge, 1934-1945.

experience driving with him. My father was able to stop in front of this cow that was crossing the road, and he said my father was the "essence of a prudent man." Well, he was careful. He didn't take chances. He was well prepared. Water, air, gas and oil!

DS: Do you have many of these same characteristics?

LHC: I don't think as many good ones. [Laughing.]

DS: I doubt that very much.

LHC: I think, no, I'm not as careful as my father, I don't think. I'm not as . . . no, no.

DS: The times are also different.

LHC: Times are different, but I think he could have been a model person in that era.

DS: Could you tell us a little bit about the fairs that used to be held in Monticello?

LHC: Well, I presume you're talking about the Sullivan County Fair. There were many church fairs, synagogue fairs, and things like that. The Sullivan County Fair, the first one I am told by my father, was at the upper end of West Broadway in Monticello, on top of the hill where Moon Manor is now, which is a development. They had a race track there. My father sold ice cream cones there, I believe, during the time of the fair. It had quite a bit of economy --

DS: You mean when he was a child?

LHC: When he was a child. Quite a bit of the economy was agricultural at that time, and the percentage of people was much larger than it is today. A lot of farms around here, so there was an interest in the fair. They decided to move the fairground at that time because of the fact that there was a large mound of dirt in the center of the track, and the people on the grandstand side, so to speak, couldn't see the full race.

[00:52:06]

That was the day before bulldozers and like that. I remember seeing the lines of the track. I had a saddle horse, a \$35 saddle horse as a youngster which I used to rent out. We could see the outlines of the track there, where it had been graded by hand, of course. And, so, they abandoned that site and went down to a site in the -- the word I don't like to use because it offended somebody -- Dog Town area, down below the station. It was later an airport. I remember going to that. Financially that was not a success and was abandoned, I would say, in the middle '30s or so. They sold it for about the debt against it. I exhibited chickens there. I remember buying a pair of chickens, Black Jersey Giants, for \$2.45 from a man who sold chickens. I knew chickens. I studied them. I got a first prize there. I got a first prize of \$2.50, so I made 5¢. I also exhibited some White Plymouth Rocks there. I can remember seeing one of my roosters, the cockerel, he had a black feather in the hock, and so I reached in the pen and grabbed the black feather out before the judges could see it. The rooster gave quite a shout or a yell.

DS: How old were you at that time?

LHC: Oh, I was in my, maybe 13 or 14. But I made \$20! I thought that was great for exhibiting my chickens.

DS: It was. That's great. Was this part of the 4-H Club then?

[00:53:59]

LHC: No, I don't know if the 4-H Club was in existence at that time. I think my father was somewhat active as a County Judge, and also as a Children's Court Judge, for getting the 4-H Club and the Farm Bureau organized. He went to the Board of Supervisors to help try

to persuade them to appropriate the money.

I remember the fair had races. They used to have races on the Fourth of July there, too.

One day. I sold ice cream cones. I remember getting called down because the ice cream cones were melting in the heat, and I didn't go back and get good, new cones, good looking ones, and tried to sell the old melted ones.

DS: But you didn't have refrigeration then.

LHC: No, not much.

DS: How did you keep the cones cold?

LHC: Well, I didn't run it, but there was an ice cream dealer there, from Monticello. I think it was Mr. Durland. He had hired me.

DS: Do you remember the days when they provided ice to families?

LHC: Oh, of course. We had ice.

DS: Do you remember ice cutting?

LHC: Ice cutting. You'd have a burlap bag. I can remember cutting ice on the ponds. They used to peddle the ice on the back of a truck, a small truck. Mr. Reynolds -- I remember his dismay when my mother bought an electric refrigerator. He was kind of mad about it. He was the father of Harold Reynolds, who now has a very profitable leisure time, or something like that, ice business over at Kiamesha Lake. Going back, there was something about the -- oh, about the fair. Also, I worked at the fair and Myron Grant was the racing secretary. He was from Liberty. You probably don't remember him, but your husband would. He was president of the National Bank of Liberty. He had an interest in horses. He was kind of horsey. He hired me for \$4 a day as his assistant, and I would have

to run back and forth from the judges' stand.

[00:56:06]

They used to have, the races then, they didn't have any starting gate like they have today, or anything like that, and they would have the horses score back and forth. They weren't suppose to go ahead of the pole horse, the horse that was nearest, that had drawn the pole position. I can remember a man named Rete Hoyt, who was an auctioneer from Rock Hill, who kept saying, "Don't come ahead of the pole horse. I'll fine you if you go ahead of the pole horse." When they were to come back, he'd ring a bell and they'd have to score again. Sometime the horses would be tired out scoring back and forth until he felt they had gotten a good start. That was one of the big differences. Incidentally, that was the thing, I think, that made trotting more popular when they got a starting gate, that they didn't have to have these endless scoring before they would be sent off into the actual race. Mr. Stapleton, who was a blacksmith here in Monticello, told me an interesting story about how he went up to the Walton Fair with some men from Monticello. One was a man named Bill Gough. I didn't know him myself, but this might be in the category of character that you were talking about. Apparently Gough was a very strong character, and not careful about his words sometimes. They were scoring up in the Walton Delaware County Fair, and the starter came up and announced from his little starting booth, which they had opposite the grandstand, that the Governor was going to speak. Governor Sulzer.⁴ This would be some time in the World War I era. So they should go to the back track and wait until it starts. In those days, people didn't have television or radio so they

⁴ William Sulzer, Governor of the State of New York, Jan. 1, 1913 - Oct. 17, 1913.

looked for entertainment. Sulzer started giving a long speech, approximating a half hour or so.

[00:58:08]

The horses were getting lathered up. So Gough came around and drove his horse right under the judge's stand there and said, "Shut that Son of a B off!" Mr. Stapleton said he had a great time trying to get Gough out of Walton. They wanted to arrest him for saying that to the Governor. [Laughing.] Interesting story about the State Fair. Oh! The State Police used to perform at the State Fairs.

DS: What did they do?

LHC: They had a riding team of horses. Then they were from Sydney. Captain Fox. Bob Flynn, who was the County Clerk later in Sullivan County and who lived in Roscoe and was prominent in State Police circles in this area, was one of the riding teams as I remember. They performed with all different tricks that the horses would do and like that there. Kind of a popular contribution by the State Police at the fairs, and they would entertain free of charge.

DS: When you were a youngster, you made a reference to not having a TV or radio. How did people spend their leisure time, as you can recall?

LHC: Well, I think that the fraternal orders, the church organizations and the synagogue organizations were stronger. I think that people used to go to -- they didn't have cars as much either, for entertainment. They made their entertainment. My father used to say that. That every generation provides its own entertainment. There would be more dances, I think, and community affairs. I think people looked to the sermons that they heard in their

religious organizations, and they were ready to sit back and have a listen for longer.

[00:59:55]

DS: Do you think that the community was closer years ago?

LHC: Well, I think that definitely the people in each community were closer because they didn't move away from the community. I think the war had mixed up people -- soldiers who had met girls out in Minnesota, or like that. Or vice versa. They mixed up the people so there was movement in the population. Someone lives in an apartment house and they were here today and gone tomorrow. When there were homes, they kind of settled down and stayed in homes for many years. There wasn't as much movement in people, I don't think, and there was longevity of relationships.

DS: It's all changing.

LHC: Yes, yes, it is. People would love to say, "I'm going to Lodge tonight." They were proud of their membership in fraternal or women's organizations.

DS: Do you think the people in the area when you were growing up had a deeper sense of the environment and what the community of Sullivan County offers to them?

LHC: I don't think they realized the problems, they are beginning to realize. I don't think they were confronted with the problems. There wasn't overpopulation, you might say, of the area. There wasn't the modern facilities which have caused some of the problems -- plumbing facilities and like that -- I think they were appreciative of it, but they didn't have to fight the problems that you do today. Today, there is an overpopulation, you might say. There's a question of whether or not the ground can absorb all that is required of it by increased population.

DS: When the railroads stopped bringing the trains to the area, did you see a decided change take place?

LHC: Well, I remember the first buses that came up. It was about 1926, there was a man named Sturgis, the original Harold Sturgis, and Charlie Tunick, and there was a Mr. Rubin and some others that had started bus companies here.

[01:02:06]

There was no regulation. I think there were changes in that, yes. The trains brought in the main products of coal and milk and summer visitors. I can remember getting on trains and having them sell sandwiches -- pretty poor sandwiches! When we went from Monticello, we would go and change in Summitville and then go down into New York [City].

DS: When you were at law school, was it during that period that you met your wife?

LHC: Yes. But that was not in connection with my law school. I went to a family wedding, and I met my wife at that wedding. But it was during my law school period.

DS: Can you tell us about it?

LHC: Well, my cousin Joseph was married in Troy, in St. Joseph's Church there. His wife, who had the wedding, worked in the same office that my wife did in the State. In the cocktail period or at the reception after the wedding itself, in the hotel in Troy -- the Hendrick Hudson Hotel -- I met my wife. Later, I lived in Albany during my law school career and she and her family did. Her father was a dentist in Albany, Dr. Edward McCormack. I visited them in their home and like that. We were married in the fall of '39 in Albany.

DS: How long was your courtship?

LHC: Must have been a year, a year and a half.

DS: Of course, you were in Albany, so it was easy.

LHC: Yes, yes.

DS: Where were you married?

[01:04:00]

LHC: Married in St. Vincent de Paul Church, Madison Avenue, in Albany. And our children later were born in Albany.

DS: Judge, can you remember the morning of the day when you and your wife were married?

LHC: I can. November 25, 1939, in Albany. My family -- my mother and father, my brother -- had come from Monticello the night before. They were getting ready for the wedding ceremony in the morning.

DS: And what was happening?

LHC: Well, I was getting married at, I imagine it was probably 11:00 or 12:00 o'clock, noon. Everybody was cleaning up and getting ready, and we dressed presentably. My mother and father were both alive. My wife's father was alive. I say that advisedly because he died within a year or so after the wedding. We had a rather elaborate wedding. I guess my wife, Alice, like most girls, liked to have the big wedding.

DS: Their moment in time.

LHC: We had a very nice and very festooned wedding, and the reception was at the Ten Eyck Hotel, which no longer exists.

DS: How many people were in attendance would you say?

LHC: I think the church was pretty well filled. It was in my wife's neighborhood there and they were fairly well known.

DS: Were you nervous?

LHC: I suppose so.

DS: How old were you at the time?

LHC: I was 25. It was a new experience.

DS: The one and only.

LHC: Yes, the one and only. It was a very nice wedding and a very nice reception. As I recall, it was a threatening bit of weather and I was worried about my family getting back to Monticello in the storm or something.

[01:06:00]

DS: Where did you go for your honeymoon?

LHC: New York [City]. [Chuckling.] We never got out of New York, but it was the Waldorf Astoria in New York [City].

DS: That was very special.

LHC: It was very nice, very nice. I remember my mother and father telling me they were setting out for Washington, I think. I think there was some vision about that, but I think economic reasons dictated on my part that we better limit our trip to New York [City] and we bought furniture and things like that for our home. We then first lived in an apartment at 39 North Street in Monticello in the upstairs flat of the home of Isadore Cohen. He and his wife were very lovely people. He had been a friend of my father. He owned that big hardware store. Cohen Lumber Company was a son. We lived there for about a year, until we moved to where we now live at 415 Broadway, which is the corner of the Port Jervis or Forestburg Road and Broadway. We've lived there for almost 50 years.

DS: It's a wonderful house.

LHC: My father used to say it wasn't as well built as his.

DS: But it was already built when you moved into it?

LHC: Oh yes. It was all built. I always wanted to go down to my father's home because there were two fireplaces and a step-down study, and there was a nice big yard. But my wife felt it was too much of a house. After my father passed away, I'm talking about. She felt it was too much for her to take care of. So we stayed where we were and we've been very happy. We've improved the place. Still are. Trying to put in new windows and get it painted.

DS: How soon after you moved into your home was your first child born?

LHC: Well, Edward was born when we were still living at Cohen's house, Cohen's apartment. He was born in Albany, at the Brady Maternity Hospital, where all our children were born.

DS: How soon after Edward was born was your next child born?

LHC: George was two years later, a little more than two years.

[01:08:00]

DS: And you have a third child?

LHC: Lauren, our daughter. She was born about three years after George. So there is about five years difference between the three of them.

DS: When your children were little and growing up in your household, what was it like?

LHC: Well, it was a happy time. That's a picture of my three children in their younger days. That was taken on the shore of Lake Devenoge, where they had gone probably for a

Sunday swim. The tallest figure in the picture is my son Edward, and the other boy is my son George, and the young lady is my daughter Lauren. That was a picture of three happy children. They got along very well. Anybody can take enough time to sit back and enjoy it, but you can't. Economically, you can't. I worked nights, I brought work home. I tried to be with my family by bringing work home nights and preparing legal papers, and like that. But there were meetings to attend. Had to go out some. My family was never too interested, I don't think -- as much as I was as a young boy -- going out to church suppers and like that. Alice has some difficulty and it was rather uncomfortable sometimes to sit in church supper seats and things like that.

DS: So when the children were young, what was it like in your house for Christmas, for example?

LHC: Oh, for Christmas, we always had a tree and we always had neighbors in. Regardless of religious affiliation.

DS: You sound like such a people person.

LHC: Some of the neighbors, even though they didn't have Christmas trees in their own house, they would love to come in and help the kids throw the tassel [tinsel] on and like that.

Later, the habit developed more of Hanukkah, there was an evening of that, so it worked both ways. They went to their homes when there [were] Hanukkah celebrations.

[01:10:03]

DS: When you compare your own youth and your children's early years growing up in Monticello, what changes were there that you can see?

LHC: Well, I think my father gave to us more than I gave to my children, I'm sorry to say. For

example, I'm thinking of the place down at Sackett Lake, which he provided for us. I wish that I had been able to do that more. It seems like there were more involvements.

DS: The times were different.

LHC: Yes, the times were different. One of the boys I did send to camp, and they all had opportunities to go. But they worked in the summer time. There was competitiveness between the kids and they would scrap a little bit.

DS: Very natural.

LHC: Very natural. But today they are very thick. As one of them said the other day, when he had a toothache, they all had toothaches. They are very close. If they hear that one is -- they were very upset, for example, my daughter's smallest child had a very serious operation this summer. They were very concerned about her and they were very concerned when she got a new house and the developer was bankrupt. They were worried about her.

DS: Where are they today and what are they doing?

LHC: Well, Edward lives in Monticello. This is a family group scene which was taken in my son Edward's home, I believe, on the occasion of celebrating Thanksgiving. It was taken 9 or 10 years ago. Included in the group is my son-in-law's father, Guy Opie, and my daughter-in-law Colleen's mother, Mrs. Madge Sennett. Missing are two grandchildren. My daughter's son Guy and her daughter Catherine were not yet born at that time.

[01:11:57]

Edward lives in a very nice home. He has three children. He has a wife, Colleen, Colleen Sennett, and she is a teacher in the Monticello school system. He has three children.

Lawrence, the oldest, who is in his third year of Georgetown Law School and doing very well -- on the Dean's List. His second child is Austin, who was a policeman this summer out in Cape Cod. His daughter, Meagan, who is a senior in high school this year and who will be going to college and who is a good student. As they all were. She's been a lifeguard this summer at the Town and Country Bungalow Colony and also down at Wolf Lake.

Then there's George. He has three girls. One is working near Philadelphia and two are in Monticello schools.

Lauren, our daughter, she's living in Amesbury, Massachusetts. Lived for a time in Boston, but when the children came in there was some difficulty about apartment living, afraid of falling out of balconies and things like that. They went to Lynnfield for awhile and now they are up in Amesbury and have a very lovely new home.

DS: What is George's wife's name?

LHC: George's wife's name is Karen, and she is a nurse with the State Health Department.

Some project which is financed by the State Health Department. She is down in

Harriman. She is a very competent girl. She was very active in hospice at one time here.

Lauren is --

DS: Did you talk about all of George's children?

LHC: Yes, I think we did. Yes, there's Lauren and Courtney. Kelly is the oldest one, named after her mother. Her mother Karen, whom I've mentioned --

DS: Yes.

LHC: -- is the oldest of 10 children. We get along extremely well with the in-laws, I might say.

We are very fortunate. I think that is due to the expertise of my wife probably.

[01:14:59]

DS: Well, I'm sure you contribute to that as well. Now, your daughter Lauren --

LHC: My daughter Lauren is married to a fellow named Richard Opie, O-P-I-E. He has a business near Amesbury. He moved it up with him when he came. She was a school teacher in Brockton, outside of Boston, when he met her, when she met her husband. They have three children: Alice, who is 11; Guy, who is 10; and Catherine, who is 6. She's the one who had a very serious operation this summer but has made a remarkable recovery. She had her operation in Children's Hospital, and we minded the two older children while she was being taken care of in the hospital.

DS: Judge, when you think about your family and the years you all spent together as your children were growing up, can you think of any special anecdote or anecdotes or incidents that happened that you would like to tell us about?

LHC: Well, there must be a lot of them actually.

DS: I'm sure there were many, many.

LHC: Yeah, there are.

DS: Were the kids mischievous at times --

LHC: Well, I suppose on occasion.

DS: -- or did they pretty much toe the mark?

LHC: Well, they were good. They were good kids. I can't say they weren't. I'm sure they had their little scraps and were punished. I would try to punish them not so much by corporal punishment but by sending them to their room for a time. But their mother was very lax.

She would say, "Oh, you can come on down now." And then maybe that would cause a little argument between her and me. I felt that if a lesson was to be taught, every conviction couldn't be reversed. [Both laughing.]

DS: As you look back and think about the people in your life, who do you think was your greatest influence?

[01:15:52]

LHC: Well, I would say -- thinking of psychologists and psychiatrists and early influences -- I would have to say probably my parents. I probably was already influenced by the time I was married. My father and mother were very moral people. My wife is. So there wasn't too much change. But I would say that the mold was set by my mother and father. My father was a person of great independence and my mother backed him up completely. He would say always be independent and hope you won't have to say it, but be able to tell anyone to go to hell if you have to. Little things like be careful of the person who is bringing gossip to you. The dog that brings a bone will take one away. Things like that. I told you a couple of other incidences along that line.

DS: So do you think then, that you are saying to us, that the values of your early life were brought into your own home?

LHC: Yes, and sustained there.

DS: Do you see that continuing in the next generation?

LHC: Well, I hope so. I think, for example, my son Edward has voiced the opinion that he might have thought I was too strict, but he feels that it was good. I think maybe he is stricter with his children than I was.

DS: Judge, in listening to the story of your life and your career, you have been very fortunate in so many ways.

LHC: Oh, very.

DS: You must have met with some hard times or tough times, and I just wonder what it was that you might have called upon within yourself to help you through the difficult times?

LHC: Well, in the early days of our marriage, there was the financial stress. Oh, yes, there was. We had a job of making ends meet. I can remember one of the children coming home and saying, "Gee, we're the last ones on the block who doesn't have a television set." That was always the thing.

[01:18:06]

"We're always the only kids who can't go to the movies, we're the only ones on the block who can't go to the movies, we're the only ones who don't have a television set." We didn't have the money at that time. My parents were good to me, but you couldn't go to them and ask them. They had their own problems. I can remember some weekends starting out to take the kids out for a ride and go eat, but it was a very very small pocketbook there. Eventually, we got along better. In the early days as County Judge, I didn't get much salary. I think when I started out the salary was maybe \$7,000. This was, I'm talking about, maybe 1954. You tried to, had to live decently. There were 10 things. You were hit up for many contributions, so you did the best you could. Later on, I was very careful about any contributions or anything of the kind. I didn't permit any contributions, of course, even when I ran for office. As a judge, you have to be very careful not to violate any law of any kind for a campaign. And there were campaign

expenses. There was an economic stress, but it was overcome and we lived nicely.

DS: Do you think it was because of your positive attitude?

LHC: I don't know. What do you mean by that?

DS: You seem to be a very "up" kind of person.

LHC: Well, I think maybe I am a little bit. My wife tells me, just told me the other day, that she thought that I was --

DS: I can't imagine you ever being depressed.

LHC: Well --

DS: I interrupted you. What was it that she said to you?

LHC: Well, that I'm an optimist and not a pessimist. I always like to think that something can be done. I always like to think that there's a solution. If you know the problem, you can get a solution. If I was a doctor, I would be giving medicine all the time.

[01:20:01]

That I wouldn't want to give up. I found that is true. I think persistency is very important. I tried to tell my grandchildren lately about being persistent. I read something not long ago that the head of one of the big corporations felt that that was the main ingredient in the success of the people in his corporation. Persistence. Not to give up. To keep knocking on the door. I had occasion to write to three, two new law assistants, not law assistants but law students, that I knew. I asked them to meet me at Pace. They were people from this locality. I said at the end of my letter -- I think it's generally good advice -- "Study hard, don't make any stupid mistakes, keep to the high road and you'll be a success." And that's about so. Anybody can be if they want to, under normal

circumstances. Not maybe over every instance, but the law of averages will see you through. That's a simple formula.

DS: That's very good advice. It sounds to me that you have been working a great deal of your life. Did you find any time for leisure activities?

LHC: Well, not too much. No, I didn't, not when I was in the court system. I felt that it was leisurely. I felt that it was relaxing, to get out and meet with people, be able to talk with somebody. I even, in a way, hated to go away from the trial courts because I used to be able to see the jurors. I used to be able to see the court officers, people around the courthouse. When you got into the appellate courts, you were more removed from that. I did have hobbies, you might say, if I think about it. I was a dog fancier at one time. I used to have beagles. I had 5 or 10 beagles at one time and used to go to the field trials. Took my children to the field trials. I can remember Eddie going out with me on one occasion. We came into a field and a heifer ran after him. He ran. I never saw a cow or a heifer run so fast.

[01:22:06]

I was afraid it was going to catch him. I remember going through the briars with my daughter up on my shoulders so she wouldn't get cut with the briars as she went through. We would take the dogs -- no gun -- but listen to them run after the rabbit and see which one would do well. Then we went to field trials. I had two dogs -- one was Court Crier and one was Court Courtesy -- that were on the cover of Hounds and Hunting as field champions. I had a dog named Snapback, who was a show champion. My wife liked him. He was a good looking dog. We had another dog in the family 17 years. Largely my

daughter's. Woodie, her name was. She had been raffled off at the Kenwood Convent outside of Albany. The lady didn't want her and gave her to my daughter. I used to also have a hobby with chickens. That was quite scientific breeding. I had a backyard flock of Rhode Island Reds and I sent them to egg-laying contests run by State colleges.

DS: As an adult?

LHC: As an adult. Until my wife complained of the odors in the backyard. Couldn't get away with it today -- you'd have an ordinance. But I had the leading two-year-old pen in the country one year. I sent them down to Farmingdale, to a New York State egg-laying contest in Farmingdale. They had about 100 pens there and they had a fire. Five pens were burned up. Mine was third-high of all pens and catching up to the first one and, lo and behold, wasn't mine one of the ones that burned up in the fire. That same year, I had one at Rutgers University, a pen, was for second high in the country and catching up.

[01:24:08]

Only 26 eggs behind the leader and they had a peck out, chicken cannibalism. Three chickens were killed and I lost the production of those three chickens and didn't win.

DS: Did you have any association with Max Brender?

LHC: Oh, yes. I was very friendly with Max Brender and Larry Batinkoff, who was his neighbor. Oh, yes. Max Brender. Very much so. Max used to send -- Max had some wonderful chickens. His were White Leghorns. A different breed. Bea was a great one to keep track of the pedigrees. These were pedigreed chickens that I had. I had a cockerel that I had sent for and his dam had laid 335 eggs in one year. He was a producer. Not all chickens with good breeding will transmit it. But he transmitted his production to my

younger chickens. Yes, they were interested in my chickens. Poultry Review was a national magazine, and for awhile there I was listed in the 10 leading pens in the country.

DS: That's an unusual hobby for a person.

LHC: But it was nice to follow, and it was nice to follow the breeding. It was quicker results than with the dogs. I used to give dogs to kids in Children's Court who had a mean streak or who were neglected. It gave them some kind of an idea of responsibility and kindness.

Yes, I used to have in my --

DS: You mean that would be part of your sentence?

LHC: No. My sentences in Children's Court were frequently coming back. I made myself a pest with these fellows if they got into a little trouble.

DS: How was that?

LHC: Well, I'm not talking about serious offenders, but the ones who were referred to as provokers in school and things like that. The school was always dumping their problems into Family Court. The Children's Court is Family Court now. I would make them come back every week.

[01:26:01]

Make their parents come back. Sometimes their parents would say "I've got to work."
"Okay, you'll come back at night. We'll have night court." We used to have night court once a week. They found it was much easier not to have to come back. First you try them out, buy them a soda. I heard the other day about some kid who was bragging that instead of buying a soda he bought cigarettes.

DS: If your grandchildren were sitting here and you could talk to them and give them some

advice, some counsel for the future, living in this world today, what would you tell them?

LHC: I have certain things I'd like to tell my grandchildren. It's really another way of asking a philosophy of life. I love my grandchildren, every one of them. And my wife does too. They have enriched our lives. Maybe by a little advice I can help them. I tease them a lot. It's been a lot of fun teasing them and seeing their reaction. I hope I haven't overdone it. It was an effort to have a little fun on my part. But seriously, I think I'd tell them -- if it was my last words with them -- to do whatever they do, do it well. Do it a little bit better than normally they might do. Do everything they can do, the best they can. Don't make foolish mistakes. It's easy to make mistakes; it's hard to patch them up. Don't make enemies, unless it's necessary. It's easy to make enemies; it's hard to make friends. Be thoughtful of other people. Be kind to other people. Respect everyone else in this world. Always when you're in doubt, take the high road. If you do these things -- and they're very simple -- success can be yours.



LEGAL AND PROFESSIONAL CAREER

DS: With experience in both private practice and public service, Judge Cooke was elected Sullivan County Court Judge in 1953 and State Supreme Court Judge in 1961. Governor Rockefeller⁵ elevated him to the Appellate Division, Third Department, in 1969. Then, in 1974, Judge Cooke was elected Associate Judge of the Court of Appeals, New York's

⁵ Nelson A. Rockefeller, Governor of the State of New York, 1959-1973; Vice-President of the United States, 1974-1977.

highest court. Five years later, Governor Carey⁶ made him Chief Judge of the State of New York, where he served with distinction for six years before mandatory retirement at age 70.

Good morning, Judge.

LHC: Good morning. Good morning, Dorothy.

DS: Did you practice law in Albany before you came back to Sullivan County?

[01:56]

LHC: No, never. I came back to Monticello and I started practicing with Mr. John D. Lyons, who was a prominent lawyer in Monticello and a very active trial lawyer. I didn't stay too long, and I went on my own in the Masonic Building in Monticello. But Mr. Lyons was wonderful to me and we got along well, and later when his health broke down I helped him try different cases.

DS: When did your political career begin for you, and did you belong to any particular party? Because none of the literature shows a party.

LHC: Well, when you're in a judicial position, you become a little bit separated from active political life. I was a Democrat. My father was a Democrat. Incidentally, my mother -- and her family, I guess -- were mostly Republicans over in New England. I ran for office in 1945 for Supervisor in the Town of Thompson. I was elected. After two years, I was elected Chairman of the Board of Supervisors in Sullivan County. Later on, in my judicial capacity, I felt that politics -- and by stricture of statute, you couldn't become active in

⁶ Hugh L. Carey, Governor of the State of New York, 1975-1982; Member of the United States House of Representatives, 1961-1974.

political life. It would have been wrong and I could have been criticized. If you got too active, you could even be removed from judicial office. It was hard for people to understand. I can remember people saying, "Oh, you've forgot us now." It wasn't that at all. But you could be brought up on charges if you contributed -- it was a penal offense. It still is for a judicial officer to contribute to a political organization, for example.

DS: When you were appointed to the position by Governor Carey as Chief Judge, how did that take place? Do you remember the circumstances when you were approached? Can you describe that for us?

[04:10]

LHC: Well, it was an active seeking on my part and other parts. I might say -- actually this is a digression -- I was always quite proud that I had been endorsed as a County Judge for re-election and I was also endorsed for Supreme Court by the opposite political parties. I felt that that was an indication that I had been non-political as far as judicial matters, and I think myself that it would have been sinful to deprive somebody of their rights because of political affiliation. You had to mentally psych yourself so that you would not in any way let any political consideration interfere with the administration of justice. People are human beings, and to take somebody's money or time or property or rights away because of political consideration would be the basest kind of injustice. So you had to psych your life that way. And my father had and I tried to. I might have trouble sleeping about some things, but never about depriving anybody of their rights because of political considerations.

DS: Judge, you became a nationally known figure because of some of the positions you took

in New York State. For example, you revised the entire court system. Could you tell us how that developed, how you had made that decision to go forward and to create change, which has been very effective?

LHC: Yes. If you don't mind, I don't think I fulfilled -- when I was selected as Chief Judge, it was the first time the selection was made under new constitutional amendments, which had been adopted --

DS: State constitutional amendments?

LHC: State constitutional amendments.

[06:02]

LHC: -- in 1978. In 1977, it was adopted by the people at the election, but it went into effect on April 1, 1978 and it provided that all vacancies in the Court of Appeals would be filled by a judicial selection process. The name would be submitted to a Judicial Selection Committee and they would submit certain names -- up to seven names for the Chief Judge -- to the Governor, and from that list the Governor would make his selection. So there were seven names submitted and I was one of those seven.

DS: Who submitted the names?

LHC: The Judicial Selection Committee, which provided for --

DS: Did you indicate your interest in the position?

LHC: Oh, yes, I applied. I made an application, as did others. Many others. I don't know how many, but quite a lot of them. They interviewed all the candidates -- or most of them -- and then the Judicial Selection Committee submitted names to the Governor. The Governor made the appointment on January 2, 1979.

I had previously, as an indication of my political independence as a judge, been designated to the Appellate Division by Governor Rockefeller. Later on, after I retired, I was named to the State Justice Institute by President Reagan,⁷ a Republican. So I felt I had some indication that people had recognized --

DS: That's why when reading this literature in preparation for this interview, I couldn't tell which party, if any, that you belonged to.

LHC: No, when I became a judge, I was inactive. I had to be.

[07:57]

DS: When you were selected, or notified of the selection, what was the next step for you?

LHC: I had received an indication about the day before. I was called to the Executive Mansion in Albany and met with Governor Carey and his aide, Robert J. Morgado. They told me that I was going to be appointed the next day. I had my son Edward, who was a lawyer, and he went up with me as well as two law assistants of mine -- Don Marlin and Allen Hans -- and they made arrangements with the Governor's office for the swearing in ceremony the next day. It was rather hectic because my friend, Bob Abrams,⁸ was being sworn in as Attorney General in Albany and in New York [City], and he asked me if I would swear him in. This was all while my name was coming up. So I swore him in in Albany and then I rushed in a plane to New York [City] and swore him in down there, and then came back. Of course, all the time I'm on pins and needles for my own self. I

⁷ Ronald W. Reagan, President of the United States, 1981 - 1989.

⁸ Robert Abrams, Attorney General of the State of New York, 1979 - 1993.

was afraid something would change. Luckily, it didn't. Comptroller Regan⁹ was being sworn in as Comptroller at the same time. He selected for the one to swear him in as Judge Jasen,¹⁰ who was a rival candidate for the Chief Judgeship. So people said, "I wonder who picked the next Chief Judge to swear him in." He was only one of several, but he was prominently mentioned. It was a quite hot rivalry. Did I answer your question?

[10:02]

DS: Yes, you did. I would like to continue along these lines.

LHC: Good. Good. I was sworn in, and I can tell you a little joke about that. I was sworn in, and the next day my family came up and they had a swearing in in the Governor's chambers. That was on the second day of the month. Understand that Governor Carey was elected about that time too. No, I had run for office for the Chief Judgeship, no, the Associate Judgeship. I was elected by the people first. Then the law changed and they made the selection by -- I was the first one to be named under what they call the Merit System and that was as Chief Judge. We had the swearing in, and one of the grandchildren was asked about the inauguration when she got back to school. She said, "Well, we went to a restaurant named McDonald's and then we came home." [Laughing.] Of course, she was very tiny and that was her impression. "My father and my grandfather went to Albany and we went to McDonald's." I guess that was her memory.

DS: Judge, when you were in this position and you had the opportunity to create change, there

⁹ Edward V. Regan, New York State Comptroller, 1979 - 1993.

¹⁰ Matthew Joseph Jasen, Associate Judge of the Court of Appeals, 1968 -1985; Justice of the Supreme Court of the State of New York, 1957 - 1967.

were several things that you did. Could you tell us what they were? And some of the background for deciding to make these changes.

[11:45]

LHC: Yes. We made a lot of changes. If you don't mind, I'd like to refer to a list. We were confronted with the mandate, you might say, of the new constitutional amendments to do certain things, and then it was necessary in order for the successful operation that certain things be done. There were backlogs in the courts, some as much as five years in big counties. We found by a survey that about 85% of the cases in the state were located in 11 of our 62 counties. Of those that were behind standards and goals -- that were really behind -- about 95% were in those 11 counties. So we had to do something. In some of the areas of the state, the situation wasn't nearly so bad. But because of political influence through the years and legislative swappings around, you might say, there got to be a heavier concentration of judges in the non-busy areas. So we proposed a temporary transfer of judges from the less busy areas to the busier areas. Now, in the meantime, this was possible, too, because the State had taken over the payment of all the fees of these judges. It used to be that the locales, the localities, paid for their salaries. But now the State, by gradual process in the 70's -- by taking over 25% and then an additional 25% each year until the full amount was paid by the State. They were really, for the first time, State-paid judges, so we felt that they --

And we were getting complaints from some banks, saying they couldn't collect their monies that were due, from some poor people that said they needed money in order to pay their hospital bills and they wanted to get their negligence case tried. Some people were

awaiting jail for a long time, some victims felt they weren't being vindicated for long periods of time. Understand that the wait was five years in some counties for some cases. And, so, we transferred on a temporary basis.

[13:59]

It wasn't a wholesale transfer for a whole year, but largely for a month, of about 240 judges to the busier areas, which were the five counties in New York [City], Nassau County, Suffolk County, Monroe County [which includes Rochester], Erie County, Westchester, and some of the others. There were 11 throughout the state. We had a very successful program. They said it isn't going to work in New York [City] for a number of reasons. Some of the New York [City] judges didn't like to have it felt that others had to come in and help, and some of the upstate judges didn't feel they should be dislocated for a month from their home. In any event, at the end of the first year, we had reduced the backlog in New York City by 36%. We're talking about millions of cases and thousands of cases. Overall the result, as far as New York State was concerned, we reduced the state backlog by 23%. Well, they said, you're neglecting certain areas where you're taking these judges from -- even though it was only a month -- they said you were being neglectful of these areas. But even in those areas, because of the hyped-up attitude towards getting rid of cases, we reduced them by 12% in the areas where the judges were taken from. So, it was a very successful program.

DS: Didn't you also bring to New York State the mediation program at that time?

LHC: Oh, yes. Eventually. Later on. New York was the first state in the country to have a state-supervised mediation program. You'll find that we were leaders in that. Bob Colson, who

is the president of the American Arbitration Association -- which also conducted the mediation programs -- has recognized New York's efforts and, if I might say so, even our efforts --

DS: Now, your efforts --

[16:05]

LHC: -- on mediation.

DS: -- in changing the system, does that still exist today?

LHC: Oh, yes. They've even -- mediation, as far as the --

DS: I know mediation continues to exist, but what about --

LHC: The transfer of judges?

DS: The transfer of judges.

LHC: Well, the last I knew, they were still transferring judges, so it had to be done. Except, that I say this, through the years, since my time, they have created new judgeships, which we used to ask for. Create new judgeships, so we won't have to transfer judges.

DS: In other words, you really made your mark on the state by establishing this system.

LHC: Well, I hope so. We also used arbitration a great deal. We also found that certain judges were working harder than others. Most all the judges were wonderful judges, and I think as a whole the judges in New York State are better than any place in the country. I really do. I got to be familiar with judges throughout the country later on because of my work with the National Center for State Courts and the Conference of Chief Judges. But some of the judges weren't showing up until late in the morning, 11:00 o'clock. It was demoralizing to jurors and litigants and like that. So we felt all courts should open at

9:30 a.m. We felt they should go until 5:00 in the afternoon. Some judges were working endlessly, so to speak; others were taking as much as 12 weeks vacation. You can't run a railroad that way. We said they all can have a month's vacation, but they should stay on and work the rest of the time.

DS: The uniform vacation time for judges, was that scheduled throughout the year or at a given period during the year?

[17:59]

LHC: Well, it would be up to the Administrative Judge. We had an Administrative Judge in every section. It was up to him to allocate his time and to allocate the time between judges.

Incidentally, when I first became a Supreme Court Judge I went to Albany and, as the junior judge, would do the summer work. I was sitting in Albany one day on uncontested matrimonials -- this was 1962 -- at that time the only ground for divorce in New York was adultery. We had one case -- you might add a little humor to it -- this one fellow was testifying for his sister. A lot of the testimony in the old days about divorces was a little bit suspicious. It looked like a cooperative effort where they would find someone in a compromising position. Anyway, he tells how he was a Freihofer Bakery route man. He came upon this house and saw a strange name, so he rang the bell. They opened the door and who was there inside scantily clad but his own brother-in-law and a woman who was likewise scantily clad. So they said, "What did you do?" You'd think he'd say, "Well, I punched him in the nose," or something like that. He said, "I sat down and said 'I'm your Freihofer Bakery man. Do you want any cake or rolls?'" [Laughing.] A little humor along

the way. I thought the stenographer, who was Mrs. Carpenter, would fall off her chair, she felt so funny about it.

DS: Continuing with some of the other measures you had undertaken during your --

LHC: Well, we had a meeting in October of 1979, an Administrative Board meeting, and one of the judges from New York [City] thought our system was maybe archaic. The structure of the system. So we had the National Center of State Courts come and make a survey and see where it could be streamlined. We followed their recommendations. They're a very wonderful outfit, I later found, the National Center of State Courts, located in Williamsburg, Virginia.

[10:04]

And we modernized it. By command of the Legislature, there were 1,600 different job titles. Now, it isn't all judges that you're dealing with. You're also dealing with non-judicial personnel, about 11,000 in number -- clerks, court officers, any number of statisticians and like that. They ordered us to modernize it. There were 1,600 titles and we reduced it into 300. That was hard to put over because some people didn't like it. There's always some shoulder-rubbing and hurt feelings when you reduce title positions. We tried to fill things on merit. That was the direction. I remember the Civil Service Leader, which was a magazine or paper for civil service people, said that the court system was really wonderful as far as the civil service system. We tried to appoint any position of Grade 25 -- which is the higher echelon -- on merit. Then, so there wouldn't be any secretive hiring, we posted any vacancies under Grade 25.

There was an Equal Employment Opportunity office in New York [City], but there was

none upstate. We organized an office in Buffalo and again in Albany to give the benefits of equal opportunity throughout the state.

There were some areas -- and this goes along with what we were talking about in Monticello in the old days, about equality and like that -- but there were some clubs and certain organizations in which meetings were held of the judiciary. They would pay the money to these clubs for their hospitality and their meeting space and like that. We made a rule, so nobody would be embarrassed to show our displeasure with those places where they barred certain people because of race, color, creed or gender. We said that no State judicial function should take place in any of those organizations.

[22:22]

DS: When you say "we," you established it.

LHC: Yes, I was the impetus. We provided there would be no reimbursement for their expenses at those places. I might say, incidentally, that that was the basis upon which the Senate Judiciary Committee of the United States recently passed a rule. I haven't seen the rule yet, but I'm told it's on its way. For any person who is seeking a federal judicial position or a high position in the United States Department of Justice, it is the stated feeling of the Senate Judiciary Committee that this is not right. So this will discourage those who belong to golf clubs and belong to other organizations which bar people because of any of those considerations, and then seek a federal appointment. If the appointment is forthcoming, they resign from those clubs, but not until. Because there is a rule -- which was instigated by the American Bar Association and is now a matter of principle -- that a person who is in a judicial position should not belong to those things. But they try to

dance up to the appointment time. You see, there are people that are very influential in those golf clubs and organizations and they make contacts and it gives them an unfair advantage. And it certainly is a bad example, the perception is bad.

[24:02]

DS: As a result of that kind of involvement, I understand that you are a member of the New York State Women's Bar Association.

LHC: I am. So far as I know -- it is an honorary membership -- I think I was the only honorary member the last I knew of the New York State Women's Bar. I appointed several women in positions of authority. The Chief Administrative Judge of the City of New York -- which is a tremendous position, with over half or about half of our judges in New York State -- was a woman. We appointed a number of them in supervisory positions throughout the state. They have been wonderful. The women who came to the Court of Appeals and argued cases were most efficient and proficient in the cause of their clients. I felt that people didn't know enough about the court system. I remember one time a lady saying, "I don't understand why your cases take so long. I saw a whole trial last night on television, took place in only a half hour." I thought they should see about it and I worked for photography in the courts. We had the first showing in the appellate courts. Because of the passage of a law, in the Civil Rights Law, we were barred in the state trial courts for awhile, but we did have a first showing. It was a wonderful experience to be able to have people see what actually takes place in the courts.

DS: Do you feel that influences the people in the court in any way, having cameras present?

LHC: Well, it's a danger, but you can have protections.

DS: In what way?

LHC: Well, number one, it shouldn't show the jury in any way so they're not threatened or anything. They should be in a position that's not exposed. In the most modern courtrooms, they are in non-seeable positions; they are not aware of it going on. It should not take place in all trials, because of family matters and because of sex matters and things like that. Some of them have been horrible experiences where they've allowed it!

[26:06]

I remember advocating photography in the courts back in 1972. I was asked on a television program in Rochester. It was a surprise question to me. But I answered it in favor of the showing. I felt that the advantages outweighed the disadvantages and with proper protections. At that time, there were only four states in the Union that allowed it. We kept plugging and plugging for it, and eventually we got this right in 1979. The Association of the Bar of the City of New York was very supportive. We had a showing of the appellate courts. They were worried about the lawyers and their histrionics. But the lawyers that day were not in any way different than they usually were. You know who was different? The judges. Some of them asked questions they never asked before. Some of them were usually quiet. And the reason I think it was because they wanted home consumption; they wanted the people back home to see they were active. But there was no injustice created by it.

DS: And that continues to this day?

LHC: Oh, I think so. Oh, yes. They have a complete showing every day now in the Albany area. They have it there now.

The people didn't know about the budget, so we ordered budget hearings in preparing the judicial budget. They had hearings in every part of the state.

Now, there were assignments of judges down in New York [City] on a temporary basis -- notice I emphasize the word temporary -- from the Civil Court and Criminal Court to the Supreme Court. And when they got in the Supreme Court, they got more salary. But the unfortunate part was that some never got there. It was done on a standardless area. When you'd asked someone why, and I asked somebody why these were appointed and others weren't, and they didn't give you any answers. It was because of political pull. So it was unfair. Some were temporarily assigned -- and I say temporarily advisedly -- for 12 years. And some never got it. That was unfair. The prestige, more salary, and like that. A lot of good judges were kept off the Supreme Court bench in New York [City]. That caused some dismay.

[28:27]

There was some indication that there was judge-picking by some people who were coming before the courts in these days, and we didn't think that was right. So we tried to do it on a merit basis. We appointed a Merit Committee to screen all these judges who got the appointments.

A lot of the court facilities -- you have to take yourself back 10 years or so -- were inadequate. They were dirty. They were in improper places not conducive to justice. So we had an appointment of a very prestigious committee of statewide leaders who rendered a report of over 500 pages, which I am told is the best report of this kind that has ever been gotten out. It told where there was inadequate heating. I can remember in the

courthouse up in Schoharie, they only had women jurors. There were more women jurors than men, and it was very embarrassing. There was only one toilet facility there for the women at that time. I remember flies and bees in the courtroom up there at that time, and other things. You could hear jurors sometimes deliberate in some buildings. So we felt generally there should be improvements. And there has been some improvement in the facilities. Not enough yet. Very inadequate. Plaster falling down in some places.

[29:50]

We also had a Jury Management Program. We felt that the jury system could be updated, and we saved by making it more convenient. We felt there should be convenience rooms for the jurors, and comfortable quarters for them while they were waiting. We saved over \$1 million a year by telephone calls for jurors, where they didn't have to sit around and waste their time.

DS: Judge, what is the abolition of abuses connected with the sheriff's juries?

LHC: That was in one county. I'm glad you asked that question, because I wanted to get back to that when we talked about juries. In New York County, there were certain jurors that were picked for what they called a sheriff's jury. The only cases they heard, the only cases that they determined, were those involving large estates for incompetence. The determination of incompetency. But if you looked at the roster of them, they were big executives. The only time they were called, I think, were as jurors which involved the incompetence of estates over a million dollars. But they were heads of big companies in New York -- the head of RCA and the head of NBC and people of that type -- who didn't want to be bothered. Then they got to hold functions where they invited prominent judges and

prominent legislators. These people were monied people, and they paid as much as \$375, as I recall, a year for membership in this Sheriff's Jury Association. They had lavish parties at which they entertained these public officials. You may remember some television cameras pointing on to those who were entering these meetings and they were trying to hide their faces. They would receive, I'm told, gold cufflinks, television sets, as bequests, and like that. We felt it was a bad practice.

[32:03]

The State Investigation Commission criticized it. The New York Times criticized it. The Albany Knickerbocker News criticized it. A man named Fitchenburg wrote profusely there about it. We felt it was a bad perception to have some people, because of wealth, it appeared, to be taken out of the pool and being favored in such a way. Also, we didn't think the public officials should be given this generosity, of these lavish dinners and the lavish presents. So we banned them.

DS: That's very interesting.

LHC: And I might say we ruffled the feathers. Some people didn't like it. I remember one legislator I used to see at the State Office Building: "When are you going to have those meetings again?"

DS: It took a lot of courage on your part to make these changes, but I'd like to come back to the answer to this question later. Let's continue with some of the other changes that you brought into New York State, into the court system.

LHC: Well, we told you about the mediation programs. Now, I believe, they are throughout the entire state. I know the handle was around 57,000 cases a year when I was in it. They've

probably increased since then. Arbitration -- some people opposed it, some lawyers opposed it. I remember one lawyer saying, "You're taking the bread out of our mouth." That's not the main consideration. We didn't take the bread out of their mouth and, actually, it gave a vehicle for a disposition where they could get their cases tried. It protected them and they got paid. And to the credit of the bar, 6,500 lawyers offered to serve as arbitrators. They were paid a small sum. But they got rid of their cases. I remember getting a letter from a man from Newburgh, for example, who said he got his claim heard in a month. Unheard of if they put it in the regular pool. The State only allowed, under the law, \$6,000 cases. At that time, the court system permitted \$4,000, so we increased it up to the \$6,000. Where it had only been on an experimental basis in four counties, we increased it to 31 counties. I think it has been increased. That got rid of a lot of cases. About 20,000 cases a year.

[34:22]

There were a lot of changes in the law and a lot of errors that were made in the records. We felt they could be eliminated so we instituted a program. We would love to have had a state university for judges, but the money didn't permit it. But what we did was organize a summer program of two weeks, and we tried to get as many judges as we could to get into that summer program. We held it on the University of Buffalo grounds and we brought prominent judges and prominent professors to that course. One year, the last I knew, of the 1,100 judges of courts of record, 800 attended those two week courses. For one week, I mean -- one or the other weeks. They got the new legislative changes, the new important decisions. It was a comfortable setting and they liked it. They'd talk about

complaints, progress and like that. I can remember there was some lack of judges in New York [City] during the time they were up at the course. The course was a week each time. They would try to make something of it, the opposition did, you might say.

[35:45]

We felt there should be complete contact with the judges, all of the judges in the state, so we ordered the court administrators to meet at least once a month with all their judges to hear their complaints, to hear their suggestions of improvement. Then we ordered that all the administrators would meet. We ordered that all the statewide bar associations would meet with the hierarchy of the court system at least once a month. So we got the benefit of all their thinking. We didn't want to be removed from the people or from the bar. We started a publication called The Empire State Notes. The instruction to the editor of that was not to make it a company paper. Not to justify our positions, but to give everybody the right to be heard, and not to have it stultified in any way so as to be favored.

There was a feeling that women had been prejudiced in the state as litigants and as lawyers. Sometimes some judges would refer to them as "C'mon, sweetheart, what have you got to say," or something stupid like that. They felt they were being prejudicially treated so we appointed a committee, of quite a sizeable number, and I think the majority was men on the committee. The chairman of the committee was a man. Some women who looked upon it questionably, about the fact that here's this committee would be manned by a majority of men and by a chairman. I took the position that this should be -- they were fair people -- and I didn't want anybody to say the committee came out because it was stacked with women. It went well, because they gave a very credible report and no

one could say that it was loaded, it was loaded dice. I think that you should never have loaded dice.

[37:43]

There was a great deal of lack of uniformity in rules because through the years rules would be developed in, say Broome County, that would be different in the Bronx. The lawyer from one county to the other would make a mistake because he wasn't familiar with those rules. So we tried to bring uniformity to have statewide rules. I forget how many lawyers, I think about 15 lawyers, about half of our complement of lawyers in the Office of Court Administration, worked on the Uniform Rules for several months under the leadership of Paul Feigenbaum -- who's had a great influence with me and he was one of my early law assistants. We established these great rules but, unfortunately, they're not being used, I don't feel, as much as they should.

We wanted to update our things. I know one of the criticisms that they tried to level at us after we were out of office was that we hadn't used computers. I know they found out that we had. We were the first in the Nation with use of computers and automation, so we could get reports into any courtroom in the state.

You've read articles where certain people had been favored with appointments as conservators or committees of incompetence, where they would make huge fees, and like that. It was done on a political basis. They would tell a story about a fellow who would look in his coat pocket and see a list of names which had been submitted to him for political consideration. He'd point to that list. We tried to do away with that, and there were rules adopted. But after my tenure ended, I understand that they were not used. But

the idea was to have the Appellate Divisions select the lawyers who would be good conservators, good guardians, and to submit those names and they would be put in a pool. And from that pool there would be a name, say 15 names drawn, and then from those 15 names drawn by lot, by computer, the judge would have the opportunity to use his discretion and pick a name. Therefore, politics would not be the underlying consideration.

[39:59]

DS: Judge, would you comment some on the constitutional rights of criminal defendants, the press, and the protection of individuals? I think what I'm referring to is a case where you supported the reporter's right to confidentiality, their sources.¹¹

LHC: Oh yes. That's the Shield Law.¹² That was held to be constitutional. That was a reporter -- a funny thing, unfortunately, but most of our scandals had become known through the media, and the media searching out constantly had obtained information that had later resulted in investigations and like that. People will talk to the media if they feel their sources are being kept confidential and they will not be violated against in any way. We held that a reporter in the Troy area was not required to give his source of the information that he gave later to the grand jury. We've held that they could keep confidential their sources. That's the substance of the Shield Law. We held that it was constitutional under the State Constitution. Have I answered your question?

DS: Yes. I was really looking forward to your answer.

LHC: That's a big question.

¹¹ *Matter of Beach v Shanley*, 62 NY2d 241 (1984).

¹² Civil Rights Law § 79-h.

DS: Do you want to comment further on it?

LHC: I feel, generally speaking, that people who are accused of a crime must be given a fair trial. I don't think they should be given unreasonable rights, nothing that they are not entitled to, but they are entitled to a fair trial. I don't think there should be any loaded dice about the thing. One of the things we are proud about is due process of law. The most heinous criminals are entitled to a fair trial. Not a ridiculous trial in which justice is a mockery.

[42:01]

DS: Judge, these measures for which you are responsible for having taken, or undertaken, during the time that you spent as Chief Judge, were these thoughts that you came to the court, the judgeship, with or did they evolve as you were in this position over the years?

LHC: Part of both. I remember campaigning for the Court of Appeals when it was a matter of the general election. I ran for the Court of Appeals twice in two general elections and two statewide primaries. I remember talking to people who asked what you stood for, and things like that. We gave some indication. I remember telling then that we should have a transfer of judges. Actually -- and this is what I almost forgot about -- judges moved around. When I was a Supreme Court Judge in the Third Judicial District, I worked in the seven counties of the district. I didn't stay home. In the last few years that I was a trial judge of the Supreme Court, I was home for trial terms for only one month. So it really shouldn't have been so unusual for judges to move. Even then, you could move judges -- My father went down, when he was a County Judge, to Nassau County, I remember on one occasion, when he tried some cases. He went to Staten Island and tried some cases.

So transfer of judges was not unusual, and a Supreme Court Judge had no right to expect that he would stay alone in his own county and like that. It would have been easier for him, but if anybody has to suffer, I think those that get paid for it have to be instruments and we have to rise to the occasion.

[43:54]

DS: It must have taken a special amount of character and strength to be able to come into this position and make these changes happen, assuming these other situations were in place before you came there.

LHC: I felt they were right. I felt they were right. I felt the Constitution should be upheld. I felt that we shouldn't shanghai anybody.

DS: You must have had some sleepless nights in preparation for bringing all of this to the state.

LHC: I didn't have any trouble -- I think of something my father said too. I had no trouble once the decision was made, because I knew I had worked hard on it and prepared it well. So I had no trouble sleeping having felt -- even to this day -- having felt that I did the best that I could and what my conscience dictated and what I think right dictated.

DS: But it took a special amount of courage to be able to bring these matters up and make them happen. Did you find you had to drive them through? Was it hard to create these changes?

LHC: Yes, yes, it was hard. I felt that the people were always behind me. I felt that the people were supportive. I felt you couldn't compromise with principle on these things. I felt that everybody was entitled to a fair trial, as I told you. I had an indication that one important

public official, who was not a member of the judiciary, wanted to have a play in the assignment of judges in certain areas. I tried to thwart it, but he was very annoyed about that. I don't feel there should ever be any right of a litigant, or a lawyer for a litigant, to pick what judges will hear certain cases. That's abominable to me. That's what was behind some of the opposition.

[45:52]

DS: Well, we're all very proud of these things you have achieved in the state for all of us forever. I have, and I am sure everyone else will agree, I have never heard the kind of accolades given to one individual as I have heard offered to Judge Lawrence Cooke of Monticello.

LHC: Maybe you don't talk to the right people!

DS: Well, I'm sure you're being very modest.

LHC: I hope you do. I hope you do.

DS: I was wondering if your father ever talked with you as he viewed the success that you had.

LHC: Unfortunately, my father died before I was named to Supreme Court. But he told me he was very proud of the success I had up until that time. I remember sometimes he would say that it's tougher sometimes to accept success than defeat, and you can't let it go to your head, and things like that. He was a moderating person always. If maybe I won a case or something as a lawyer, he would say that's great, that's great to win it, but don't let success go to your head. He would tell sometimes he would see people around who had lost their money or their business or something and say sometimes it's harder to come

down the ladder for these people, who had accumulated wealth, acquired pride and like that. It's hard for them to operate back in the old way. He was very supportive. I always felt that I had a great asset to talk to when he was alive. Again, still, I kind of can hear him sometimes. Not so much anymore, I'm out of office. I used to be able to think what he would tell me to do. I know he would never give his soul away to anybody.

DS: When your tenure as judge was finished, how did you feel when you could not continue in this position?

[47:52]

LHC: Well, I felt that I had accepted the appointment under certain rules. I was appointed to the time of the end of my 70th year. So I felt that I hadn't been deprived. I feel that judges can serve longer than 70. I think the longevity and the ability of people is greater at an older age than it used to be, and like that. And I would have liked to continue because I think we were knocking off some good improvements and I think we had some in the way that weren't quite finished. I would have liked to. But we can't think of it in a selfish way. There has to be other people, and there are other people who can take over just as well.

DS: Do people ever consult with you today?

LHC: Yes, some. You mean judges?

DS: Yes, judges.

LHC: No. There's a rule now that prohibits that unless you, if you -- I used to sometimes -- when I started in -- I would call a professor up or somebody to ask him things, or maybe another judge. But today there is a rule in New York State that if a judge has a matter and he consults with someone not in a judicial position, he must reveal to the litigants what

that person has said and give them an opportunity to reply. In other words, I supported that type of reform. Sometimes we'd confer about administrative matters, but I'm talking about judicial decisions.

DS: Do you agree with this new ruling?

LHC: Well, I probably do because of the fact that it is dangerous to have something influence where the litigants don't have -- I'm a great believer in notice, and I think they should have notice of anything that is going to be determined. The record is notice to everybody. But to have something creep in, you never know. That judge doesn't get the whole story, the one you might -- not the judge, but the professor say, that you might inquire of. He didn't hear the testimony. He doesn't know the danger. He might have a warped opinion. Somebody, a litigant, would have no idea how this idea crept into the determination. So I think, generally speaking, it is probably good. Judges, most of them, have law assistants that can provide the necessary assistance. They can consult another judge if they want and that law doesn't obtain.

[50:20]

DS: Judge, in looking back, can you point to your most memorable opinion?

LHC: I was afraid you might say that. I don't know. There have been some that I like. I get a lot of comment about *West Park Village*,¹³ which is a case down in New York [City], that upheld the constitutionality of the law that said that landlords give an implied warranty of habitability. In other words, you can't rent a house and then shut off the water or have, as in *West Park Village*, doesn't remove the garbage so the stench is such that the people

¹³ *Park W. Mgmt. Corp. v Mitchell*, 47 NY2d 316 (1979).

can't habitat, can't live there.

I think a good case is the opinion I wrote in *People against Isaacson*¹⁴ in the Court of Appeals. That was before I was Chief Judge. There, Isaacson was a doctoral student at Penn State. A man had been arrested up in New York State on narcotics charges, and they tried to get the person who was arrested to bring in somebody into the courts who was guilty of violations of the law. And this man by separate inducements, the one who was accused up in New York, in order to ingratiate himself, by trickery brought Isaacson, who was a doctoral student, closer and closer to New York State. At first they tried to get him to go to Williamsport, then they tried to get him to go other places, each time closer to New York, and finally to a site near Elmira, as I recall. Or at least it was in Steuben County.

[52:17]

By trickery, he came into the courts. We felt that due process had not been given to him because of the trickery that was exercised and it ruined this, for the time being. By a vote of 5-2, the conviction was set aside. There were also indications that the defendant in the case in New York had been roughed up in order to get a confession. This was not creditable for the prosecution. So we reversed the conviction because of the trickery that had been imposed to get him just across the state line, just as soon as he came across the state line, to nab him. This was something that law enforcement, I don't think, was at its best.

¹⁴ *People v Isaacson*, 44 NY2d 511 (1978).

Then, there was the case of *People against Eulo*.¹⁵ It was a very interesting case. That involved brain death. That was a case that was decided in 1984. I wrote the opinion, but the other judges concurred in it. Eulo was charged with having shot someone in the head, as I recall, and then they became brain dead. They were kept alive by resuscitation and the doctors found no cognition on the part of the patient, the victim of the crime. There were just certain bodily functions that were kept alive by the resuscitation machine. They ordered the resuscitator removed and the person died. They brought murder charges against the man who shot the victim. He said he wasn't to blame for the death, but that the doctor caused the death by removing the resuscitator.

[54:04]

So, you had this question. Before that, there wasn't such a thing recognized in New York as "brain death." They checked the lungs, they checked the heart, and if the person's lungs and heart were functioning, he was still alive. But we analyzed certain medical proof and certain medical theories. I remember there was a great deal of matter that came from Harvard Medical School on the subject, and we recognized such a thing as "brain death." We held that the man could be convicted of the murder second degree charge. Incidentally, there was great difficulty because of religious prejudices and like that, getting through any legislation in the state legislature here. I went to a conference in the Freedom House in which an assemblyman who, at that time, was chairman of the Public Health Committee in the state assembly, told me that they felt that that decision would obviate the necessity of legislation because it was clear and delineated. So we broke

¹⁵ *People v Eulo*, 63 NY2d 341 (1984).

ground on that.

Some of them were constitutional cases. One was Dell against Sharrock-Buick,¹⁶ or something like that, whereby somebody's rights in regard to an automobile were taken away under what they called a garageman lien because they didn't give any notice. We said that notice was required before you could deprive somebody of their rights. In other words, fairness. Notice. Give them an opportunity to be heard.

Those are some of the cases. I have a list of cases here. I could go on endlessly talking about them if you wanted you.

DS: That's what we were interested in, some of the outstanding cases.

LHC: I think those are some outstanding cases that affected a lot of people, both in the civil and criminal realm.

DS: Judge, you've had a remarkable record as Chief Judge, and you've made so many changes in our court system in the State of New York. How come some of these things were not instituted before your time?

[56:05]

LHC: I do like to think of myself as a reformer in the sense that I'm willing to do something, or was willing to do something, about why I saw a need. If I saw an injustice, I wanted to correct it. I have no hesitancy in saying that I would be proud if I could get the title of having reform so we would have a balanced wheel of justice, so there's a sense of fairness and balance. After all, fairness is a synonym for justice. It's a cardinal virtue. The Constitution, the preamble to the Constitution, indicates that after the formation of the

¹⁶ *Sharrock v Dell Buick-Cadillac*, 45 NY2d 152 (1978).

Union, justice is our first -- establish justice is the command in that preamble -- that's the first order of business. The government, according to President Wilson,¹⁷ is as good as its courts, no better, no worse. That's what touches the people. If they feel there is uneven justice, or unfairness, that government has very little respect. It's the very least we can do. To deprive anybody of his property or rights is a very sorry mess. You never can repair that damage.

DS: Do you believe that our American system of justice today is fair?

LHC: I believe that the American system is the greatest ever conceived by the mind of man. But I believe it needs continued refurbishing and improvements in being brought up to date. I think that justice delayed is justice denied, and I think that people should be given a prompt and a fair trial. I don't think that any party has a right to any "in" over the other party. There's a mind set against change, and I feel as those in the legal system hate to have change. They've grown up under a certain system, they've learned it, and they hate to subject themselves to the inconvenience of change.

[58:07]

There's also power. There's lots of jealousies within the legal system. People don't like to lose power. They like the influence. There is even a desire to exercise political influence by some. There's a legal culture. You have to have an up-to-date legal culture. You have to have an unselfish legal culture on the parts of the judges and lawyers. Remember this: that the courts belong to the people and not the judges and not the lawyers. And that isn't bad. We have to have lawyers. We have to have judges.

¹⁷ Woodrow Wilson, President of the United States, 1913-1921.

DS: What do you suggest the grassroots person can do to make sure what you just said is always the case?

LHC: Well, the grassroots person should acquaint himself with our court structure. He or she should attend court sessions and see where those courts are functioning well, functioning fairly. That's why I would like to see greater use of cameras and radios, the electronic methods, into the court system so we can see what is taking place. It has a therapeutic value so people can see where the good is happening. When people are informed, they usually do something. The American people can be aroused by unfairness. If you see a ball game and you see an impartial umpire make ridiculous rulings, you feel very hurt about it. The same thing with a pugilistic encounter. I think that people want fairness. I'd hate to see somebody come in and be unfair, or slam Michael in any way, or anything like that. I just want him to have his rights. Power doesn't make right.

DS: Do you think the American people have become somewhat complacent in recent times when it comes to the judicial system?

[01:00:00]

LHC: Maybe so. I don't know. I think with our modern school system and our means of communication, the media, the electronic methods, I think people are better informed, maybe, than they ever were. But maybe they are a little more selfish and thinking of worldly things. I don't know, maybe we're a materialistic society. I don't know. It isn't anything to be proud of to see the present status of the drug situation, of course. So maybe human nature has its imperfections which we must constantly work to cure. Some people say that's one of the theological arguments -- with the existence of a divinity -- there's

nothing perfect in this world and you get one thing and you want something else. We can't get a perfect society. I don't know. I'd hate to think that we can't try though.

DS: Judge, if you were in a position to continue to make change in the court system, what would you do?

LHC: Well, one thing I would do is try to work for the elimination of disparity in criminal sentencing. I think that's a disgrace. I remember in 1972 reading an issue of the Wall Street Journal. In that a man named Bennett, who was the head of the federal penal institutions, said that in an Atlanta prison there were two inmates at that time, both of whom had defalcated about \$20,000, one from a federal bank and one from a federal credit union. Both had families, neither one had a criminal record. One got a sentence in one court of about 18 months, I think, and the other got 20 years. It was such a stupendous difference in the sentences meted out. It was unfair. He said you couldn't have any rehabilitation of the one who got the longer sentence. He would be so embittered.

[01:02:04]

That was so in the case of John Dillinger, one of the killers of the west. He was caught along with a hardened criminal. The hardened criminal got 2 years and he got 10 years. The hardened criminal was let out early and he spent 10 years in prison. He was so embittered that he went on to a life of crime. One of the dangerous criminals. It's just not justice. They come from one county, or maybe the same county, sentenced by different judges, and they meet in a prison cell, convicted of the same crime. One gets one year, the other got six years. That's no system of justice.

DS: Do you believe we should have a federal uniform sentencing system?

LHC: Well, I don't think the federal system -- they have guidelines in the federal system. In our state, I would opt for what's called a Uniform Felony Sentencing Review Board or court, which operates in eight states.

DS: It does not exist in the State of New York?

LHC: It does not. I have advocated that something be done. You can call it a board, you can call it a court, whatever you want. I remember asking for the cost of such a thing, and we found that at that time an estimate -- it may be more now -- but \$100,000. You would use judges in the courts today. Judges familiar with criminal things. A little bit like the Appellate Division. But in the Appellate Divisions, they can't correct a sentence; only if there was an abuse of discretion, which means it's as a matter of law that a judge abused his sentencing. That means there is practically no power on the part of the Appellate Division to correct a sentence. But I think once you have a Uniform Felony Sentencing Review Court, as they do in states like Maryland, Massachusetts, Connecticut, New Hampshire, Vermont and Maine, I believe -- those are among the eight states that have it - - if you would have such a system that has worked well in those states as far as I can find.

[01:04:06]

If you could have such a system you could do away with a lot of the disparity. It would also hasten the disposition of cases in the Appellate Divisions, in the appellate courts, because many of the sentences and convictions are appealed because of the sentence. If a person removes that, the Felony Sentencing Review Court would merely hear grievances against the sentence, not whether or not the conviction was justified. I think this in the 20th century, the 21st century, it is a disgrace, the disparity. Also remember that some of

the disparity is meted out because, obviously, of the economic circumstances. It has been found that those with higher incomes are less likely to receive severe sentences, the white collar worker against the blue collar worker. Racial differences. Tremendous racial differences. Tremendous differences between upstate and New York City areas. That shouldn't be. It's just unjust and shocking and I can't understand it. I have spoken out many times against it. I'm surprised there isn't an overwhelming hue and cry for change. I know that a lot of judges don't like it because it would review their sentences. They don't want to be disturbed. They don't think their sentences are wrong in any respect. They don't want to be tested. But once a Felony Sentencing Review Court operates, there will be guidelines and that will help the judges see what the sentences should be, what would be appropriate in certain types of cases.

DS: Well, I wonder if, in some way, we can influence some of the people who are watching this today to help to exert some pressure to bear on our leaders in New York State to create these programs.

[01:06:08]

LHC: There has to be pressure from the people.

DS: There has to be pressure from the people.

LHC: It's forgotten. I don't think we should sweep these unfortunates in society under the rug. I feel they are entitled to justice.

DS: Judge, if you could do anything over again in your judicial career, what would you do differently?

LHC: I don't feel myself that I was wrong in most instances. I feel that I would pretty much veer

to the case. I would be rigid and I wouldn't be apologetic for what I had done. Having lived through it. I think everybody is entitled to one explanation -- try to get the support of the people, because you need the support of the people. I don't feel, as far as my public life, that there should be much change.

DS: In making some of the judgments you have made, have you discussed some of these things with people? Grassroots people? To come to some of your conclusions?

LHC: Of course, I never discussed a decision with the public in general. But once it's over, I might have talked over our policies. Oh yes. I covered the state pretty widely. I traveled up and down the state. I made as many as three or four speeches a day sometimes when the court was not infringed upon. As Chief Judge, I had three legal assistants who were very helpful and I had very competent staff. I went up and down the state trying to get support. I appeared before every type of legislative commission or committee that would listen to us and try to bring about change. But, you see, people are in little duchies in the state and are politically motivated, and spend a great deal of time getting support. If we stepped on somebody's toes, we were likely to get opposition in the legislature. So we had to counteract some of that. There were jealousies. Many people had different ideas of what should be done, and they don't like to see change succeed sometimes.

[01:08:24]

DS: Judge, today, how do you spend your time?

LHC: Well, I try to remain active. I don't feel I'm as productive as I used to be. I am teaching now at Pace Law School and I'm trying to write a book. I'm teaching the subject of appellate advocacy and I enjoy it very much. I find the students are good. I think that

students in most law schools are good today, although they might be restrictive in those that are admitted. Beyond that, I have done quite a bit of arbitration for the American Arbitration Association. Some very important cases. Nominally, I am at least a senior counsel for a firm in Albany, of which my friend, my very close friend, Paul Feigenbaum -- who used to be my assistant in the Appellate Division -- is a partner, and he induced me to come there. Once in awhile they ask for my advice on some things. They have big cases. I keep pretty busy with my Pace work. I made up my mind that this year -- I got kind of behind with too much speechmaking and writing last year -- I'm going to cut down on speeches. I want to finish my book this year, this semester, if I can.

DS: What is the subject of your book?

[01:09:54]

LHC: It will tell about my experiences, and some of the things you've talked about here today, and it will talk about the need for reform. It will tell some interesting anecdotes, how we were threatened when we tried to carry out one of our reforms.

DS: When you say "we were threatened," could you be more specific?

LHC: I would say myself and associates. I would say "I" there -- I would get dirty and my reputation would be ruined, meaning in the press and like that. In a report that was going to be given by a legislative committee or a committee of the Governor, I guess it was, that they would give a report that would reflect unfavorably on my work. And I said, "Gentlemen" -- and these were two very prominent individuals -- "don't ever let it be said that I, in any way, weakened to your entreaty." The next day, they made a call to one of my assistants that their demands were not quite as big. They wanted me to do away with

selection of judges, fair selection of judges, to sit without any influence by anybody who might be interested in the court. One of my assistants carried the message. "They're going to ruin you." Let them go ahead.

DS: So you stood strong.

LHC: Yes, I stood strong.

DS: Do you have individuals from your past court experiences contact you?

LHC: Oh yes, oh yes. Of course, I have my law assistants -- and I've had quite a few of them through the years -- and we keep in touch pretty much of the time. Very close with the law assistants. I have one -- you mentioned going to Israel -- and I have one who now is a lawyer in Israel. She was wonderful. She was number one in her class in Brooklyn Law School. Joann Blasberg. One of the best. Sometimes I phone her.

[01:12:07]

DS: What took you to Israel?

LHC: I was invited to speak to the Conference of Jewish Judges and Lawyers from all over the world. They were talking about privacy. As a matter of fact, Joann Blasberg worked on that speech that I gave there.

DS: Is she still in Israel?

LHC: Well, yes. She is now in Israel. There was an interval when she worked for a couple of offices in New York [City] after she had been in Israel, worked on a kibbutz and like that. She is a very very fine person. Her brother is Hasidic, but she is not. Her brother has gone to live there. To tell you the truth, personally I was sad to see her leave the states because I used to be in more frequent communication with her.

DS: You went to address the international body --

LHC: Yes, yes. The International Conference of Jewish Judges and Lawyers.

DS: When you addressed the judges in Israel, do you remember the numbers of those in attendance?

LHC: Oh, at the time when I gave the keynote speech, I would say there were 500 or 600 people there. I was interviewed on Israeli television and also on radio. At that time, as is so often, they were having a battle for control of the government. I went to a luncheon where Prime Minister Begin¹⁸ had announced that morning that airships of Jordan had been shot down by Israeli fighters. I had a visit with Begin. They were very hospitable people. I felt like I didn't see enough.

DS: I was going to ask you, did you get to see any part of the country?

[01:14:00]

LHC: Some. One thing I was very sorry not to see was the Masada Sea. But I did see the Old City. The first night I got there, there was a young American lawyer, a woman, and we went over to one of the heights and she pointed out where things were. It was a great introduction. I remember going to the Wailing Wall, for example. I remember a picture or card of one of the holy days with a large congregation in front of the Wailing Wall. I sent a card to your friend Rabbi Hecht from there and I said I was the third one on the right. Of course, they were all black-robed and he got a kick out of that.

DS: As a Christian visiting Israel, did you have a sense of connection?

LHC: Oh yes. I had a feeling that everything spun out of there. The different religions spun out

¹⁸ Menachem Begin, Prime Minister of Israel, 1977 - 1983.

of there. Almost time spun out of there. That history spun from there. I felt that I never got to quite see enough of it. Seeing the dome on the rock, seeing the little minarets that were around there attempting to be higher than the Jewish synagogues and the Catholic churches or whatever they were. I felt that many of the Christian memorials there, the churches, were not kept well. I felt inspired by the commonality of the people, you might say. History. We think of 100 years here in the states, or 200 years, and there you go way back. There was an olive grove, I remember, that wasn't too old, they said, because that only started out 1000 A.D. I found that people over there didn't like the designation of A.D. sometimes. I went to many different places, but I didn't see enough or long enough.

[01:16:07]

DS: Hopefully, you'll go back.

LHC: I hope so. I hope my health sustains and I hope I have the money to do it. I also liked Alaska and liked Hawaii. I was asked to survey the Hawaiian courts one time by the National Center, to see if we could suggest improvements. I went there on business but enjoyed it very much.

DS: Did you manage to get to travel to many other places in the world over the years?

LHC: Well, throughout the United States I traveled quite a bit.

DS: As part of your position as Chief Judge?

LHC: Yes. I was a member of the Conference of Chief Judges and I was the Chairman of it. I was also the President of the National Center of State Courts, which I think all of the court systems belong to. I was later a member of the State Justice Institute, which had some duties throughout the country. I later testified in Australia as an expert on

New York law. A kind of interesting experience.

DS: Judge, if you can recall the years, the dates, of a particular position?

LHC: My first political post was Supervisor of the Town of Thompson. I was elected in the fall of 1945. I was reelected in the fall of 1947. And in the years '47 and '48, I was the Chairman of the Board of Supervisors of the County of Sullivan. In 1953, I was elected as County Judge and Surrogate of Sullivan County. I was reelected without opposition in 1959. Then, in the fall of 1961, I was elected as a Justice of the Supreme Court with the support of all parties, in the Third Judicial District, which comprises seven counties in the Hudson Valley and Sullivan County and Schoharie as well.

[01:18:10]

In 1968, the very last day, and really taking effect on the first day of January, 1969, I was appointed or designated to the Appellate Division by Governor Nelson A. Rockefeller. In 1974, I was elected by the electorate of the State of New York after a campaign for the primary post, the primary election, as a candidate of the Democratic Party for Associate Judge of the Court of Appeals. I was elected to that position. In 1979, on January 2nd, I was appointed by Governor Hugh L. Carey as the Chief Judge of the State of New York. I was later confirmed unanimously by the New York Senate.

(That is a picture of the members of the Court of Appeals sitting at the Bench in the Court of Appeals Hall in Albany. It was taken, I would guess, in 1982. It also contains the signatures, the original signatures, of the members of the Court at that time. Going from

left to right, there's Judge Jacob D. Fuchsberg,¹⁹ Judge Hugh Jones,²⁰ Judge Matthew J. Jasen, myself in the center, Judge Domenick Gabrielli,²¹ Judge Sol Wachtler,²² and Judge Bernard S. Meyer.²³)

[01:20:00]

(This is a picture of the members of the Court of Appeals as they existed in my last year, 1984. From the left, there's Judge Simons,²⁴ Judge Wachtler -- now the Chief Judge -- Judge Jasen, and then myself. Continuing, Judges Jones, Meyer and Kaye.²⁵ Incidentally, Judge Judith Kaye is the first woman ever to have served on the Court of Appeals.) In 1982 and in 1983, I was elected as Chairman of the National Conference of Chief Justices. I served in '82 and '83. And in the same years, I served as President of the National Center for State Courts. In 1986, I was appointed by President Reagan and unanimously confirmed by the United States Senate as a member of the State Justice

¹⁹ Jacob D. Fuchsberg, Associate Judge of the New York State Court of Appeals, 1974-1983.

²⁰ Hugh R. Jones, Associate Judge of the New York State Court of Appeals, 1972-1984.

²¹ Domenick L. Gabrielli, Associate Judge of the New York State Court of Appeals, 1972-1982.

²² Sol Wachtler, Chief Judge of the New York State Court of Appeals, 1985-1992; Associate Judge, 1973-1984.

²³ Bernard S. Meyer, Associate Judge of the New York State Court of Appeals, 1979-1986.

²⁴ Richard D. Simons, Associate Judge of the New York State Court of Appeals, 1993-1997, 1983-1992; Acting Chief Judge, 1992-1993.

²⁵ Judith S. Kaye, Chief Judge of the New York State Court of Appeals, 1993-2008; Associate Judge, 1983-1993.

Institute Board of Trustees. That was the first Board of Trustees of this newly organized State Justice Institute.

DS: Judge, you've had a very distinguished career. In preparation for our discussion today, I was at a dinner party recently and I asked people what they thought of you, just so I would have a greater sense of the general public opinion. Without exception, among the things people felt was that you were the most humane judge that anyone has ever known.

LHC: I hope so. I hope so.

[01:21:54]

DS: That was first and foremost. Second, I would say they had a great deal of respect for your integrity in terms of how you have conducted yourself as an individual and as a judge throughout all the years that you have lived in this county. The accolades were constant and everyone thought that I was very privileged to have this opportunity to talk with you today.

LHC: You're very kind.

DS: I do want to ask you a couple of additional questions before we end. First, I think we already have part of the answer, but what would you say is your personal philosophy for living?

LHC: Well, I go down to basics. That none of us -- you or I or Michael or anybody -- ever picked to whom we were born to. A power higher than any of us decided that question and didn't decide our color or our race or our sex, or any other such accidental difference, you might say. So I think from that basic truth -- which can't be questioned -- it's time that we were all more compassionate towards one another. It's hard sometimes to be

compassionate towards somebody who doesn't want compassion and wants to be violent.

But I think we have to keep trying, that civilization has to keep trying.

DS: Your own philosophy for living would be?

LHC: Well, for living, be kinder towards others. They have to be resolute as to principle, there can be no compromise. But to kindness, there should be no limit.

DS: And if someone does you an injustice, how do you deal with it?

LHC: Try to turn the other cheek and be above it, if you can. It's hard sometimes, and you have to be protective of others. That even means a stranger. If possible, try to rectify rather than violate that person. Society is a very complex thing and there are so many people and there are so many different varieties. But you must have order in society. So there has to be something that's called punishment of some type in order to have the greater good prevail.

[01:24:22]

DS: How would you like to be remembered?

LHC: As, maybe, the optimist. Or at least a friendly person, I hope. One who is sincerely friendly. I never wanted to -- it was always bothersome to me to be in politics and to be friendly with people, because I was afraid they'd said, "Oh, he's only just looking for my support." That's been one of the blessings of older age. When you're out of the political realm, I can say, "Hello, Dorothy. Hello, Michael" and maybe smile at you and you say, "Well, he's not looking for my vote, he just wants to be friendly."

DS: You have a special attribute in that you have the ability to remember names and faces remarkably well. Is that something that came naturally to you or was it something -- ?

LHC: Well, I don't know. People say I do, and sometimes I worry about the fact that I don't do as well as I can. But I try to cultivate it by an association of ideas. How do I know you? By Irving Shapiro, by the Sullivan stores, and things like that. I think it helps you. Furthermore, I think people make a mistake when they are introduced to somebody and they don't get the name. That's the time to say, "How to you spell that?" or to find out. Because somebody mumbles and says, "I want you to meet so and so." So get the name first and then maybe say it over a couple times in your mind. Then associate it with Irving or with the store or something like that. Lots of times people can remember the locality -- oh, you're a resident of Liberty -- so I'll say, "How are things in Liberty?" Sometimes you have to stall a little bit to remember the name, so you say, "How are things in Liberty?" and then say, "Up on Wylie Avenue?"

[01:26:15]

DS: How would you like the general public to remember you?

LHC: Well, I think that's easy. I hope that they'll remember me as being fair in my judicial work. I think that's above all else. What we're looking for is justice, and I think fairness is justice.

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This is a letter to Judge Cooke from Professor of Law Jay C. Carlisle of Pace University in White Plains, New York, dated April 26, 1994:

"Dear Chief Judge:

"I want to tell you how much the faculty, Deans, students and alums of Pace University miss you. Your three years here as Professor Cooke meant more to us than you can ever imagine. In his celebrated biography of Lord Carson, Marjoribanks wrote: "A great lawyer's fame is always written in sand and he leaves behind him no permanent memorial." Your fame is not written in sand because you have had more opinions

published in law school casebooks and texts than any judge in the United States. These opinions will be studied by our nation's youth for many years. They will learn from your wisdom and compassion that the pursuit of the law is a worthwhile and noble profession.

"Very truly yours,

Jay C. Carlisle"

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In honor of Judge Cooke, the Sullivan County Courthouse, Monticello, N.Y., was renamed The Lawrence H. Cooke Courthouse on September 21, 1997.

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Dedicated to Irving Shapiro and the late Dr. A.A. Appell

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