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ORAL HISTORY PROGRAM

Charlotte Smallwood-Cook

Found on exterior entrance to New York Court of Appeals

THE HISTORICAL SOCIETY
OF THE NEW YORK COURTS

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ORAL HISTORY

Subject: Charlotte Smallwood-Cook, Esq.
Charlotte Smallwood-Cook Law Offices
Warsaw, New York

An Interview Conducted by: Michael B. Powers, Esq.
Phillips Lytle LLP
Buffalo, New York

Date of Interview: August 13, 2011

Location of interview: Warsaw, New York

In 2005, ***The Historical Society of the New York Courts*** (the Society) established an oral history program to document the recollections of retired Judges of the New York State Court of Appeals (New York's highest court), retired judges and justices from other courts in the State, and prominent New York lawyers (Subjects). Starting in 2009, all interviews were videotaped. Interviews prior to that time were either audio or video taped. Interviews were conducted by informed interviewers, familiar with both the Subject and New York jurisprudence (Interviewers). The transcripts of the record are reviewed by Subjects and Interviewers for clarity and accuracy, corrected, and deposited in the Society's archives. An oral history transcript is not intended to present the complete, verified description of events. It is rather a spoken personal account by a Subject given in response to questions. It is intended to transmit the Subject's thoughts, perceptions, and reflections. It is unique and irreplaceable.

It is recommended that this oral history be cited as "An Oral History of Charlotte Smallwood-Cook, conducted on August 13, 2011 by Michael B. Powers, at Charlotte Smallwood-Cook Law Offices, 140 N. Main Street, Warsaw, New York by The Historical Society of the New York Courts."

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Oral History Project

INTERVIEWEE: Charlotte Smallwood-Cook, Esq.

INTERVIEWER: Michael B. Powers, Esq.

DATES: August 13, 2011

MP: Good morning. My name is Mike Powers from Phillips Lytle, and I have the privilege today of interviewing for the New York Court of Appeals Historical Society, the first woman elected District Attorney in New York State. And I have here with me Charlotte Smallwood-Cook, who was elected District Attorney of Wyoming County, and she's been gracious enough to allow us into her home and her office to talk to her about her past, her present, and her future. Charlotte, thank you, first of all, on behalf of the Court of Appeals Historical Society, and all of the people who will be privileged enough to watch this interview. Let's get going.

CSC: OK, I must say that I thank the Society, and I also am privileged to be interviewed. I think it's probably not a necessary thing, but it's flattering.

MP: Well, I've had enough time with you this morning, Charlotte, to know that you are one of the most interesting and extraordinary women I have met, and I think everyone's going to be anxious to hear about your life story.

CSC: All right, I'll be glad to let you have it.

MP: Excellent. Let's start at the beginning, then. If you could tell everyone, please, when you were born, where you were born, and a little bit about your early life.

CSC: All right. I was born on January 24th, 1923, in the Village of Union Springs down on Cayuga Lake. And I lived here all of my life except when I was in college

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around the Finger Lakes, until I moved to Warsaw. My father was a doctor, and he always treated me as a person, which I feel was most influential in my life. My mother was a nurse, and her strongest ambition in life for me was that I would be a lady. It was something she tried her entire life to polish up, and she never quite achieved it, I'm sorry about that. But my life experiences broadened my mind a little bit more, perhaps. But she never gave up, you see. It was a good thing. But my father always felt and treated me as if I was a person, and we went through some changes. I started out -- the first thing I remember was in Lodi, New York. He was a country doctor. I remember going to school; I think I was three years old, but I needed to be in school, my parents felt. It was one big building, and I remember there was a big cloak room that you entered, and then you hung your coat, and you went into a room in which there was grade one, two, and three. If you were in grade one, you sat on the first row, and so on. And there was one teacher. Nobody told me that I was only supposed to learn grade one, so I just listened, learned it all, and when we moved back to the back, third row, I would listen. No one told me

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that I wasn't supposed to do it, and then when you got to the third grade, I learned that, too. And I went home, apparently, and my parents noticed that I was saying strange things in my sleep (laughter) and so they inquired as to what I was learning, and the teacher said, "I don't know, but she seems to be learning everything." So they took me out of school, which I really hated to be taken out of school.

MP: Why did they take you out of school?

CSC: Because they felt that it was unhealthy for me to be learning so much, and without really understanding, which I suppose it might have been.

MP: Did your mom and your dad feel that way?

CSC: Yes, they both felt that way, that it was not a good thing.

MP: So that was 1926 or 1927, thereabouts?

CSC: I would say so. That's sort of a guess. I'm not too good on dates, you will find out.

MP: Now Charlotte, you said your dad treated you not as a girl or not as a young lady, but as a person.

CSC: Yes.

MP: And your mom was more traditional in the sense, wanted to you to learn how to be a lady?

CSC: Yes.

MP: Was there any conflict there at home about that?

CSC: Oh, my father was a great arbitrator, and if -- there was some conflict, because when I was in seventh grade or eighth grade, we had a young principal at school who had, unwittingly perhaps, a great influence on me, I was sitting in class, in a classroom, and he came down and he said, "Ms. Licht, I am in a guidance course at Cornell," and he said, "What do you -- do you have any idea what you would like to do when you grow up?" And I said, "No." I mean, no one thought what they were going to do when they grew up. (Laughter) So he said, "Well, I've

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looked at your marks, and I think you would be a good lawyer." And I said, "Oh?" And he went away. And that could've been the last of it, but no one knew what a lawyer was.

There were no lawyers that were famous, Portia was about the only one that I'd ever read about. And we talked about it after school, or in lunch, and I said, "Do you know what a lawyer is?" And they didn't know, but they said, "There is one in town." I said, "What does he do?" They all conferred and said, "He goes to Ithaca every day." And so that's all we knew about lawyers. But on the way home, I always took books, because I loved to study. On the way home, I'm walking down this big, broad walk, and the kids, as usual, say, "Hey, what are you taking books home for, Charlotte? You don't need to take books home. What are you taking books home for?" And I said, "Because I'm going to be a lawyer." And they never teased me again.

MP: That was in the seventh grade, did you say?

CSC: Seventh or eighth. And that was such a relief that I could take books home. Of course, I didn't know any more about it. In the meantime, I decided that when I grew up, I would like to be an actress. I told my mother, and my mother hit the roof. She had this tremendous reaction. Actresses sold their body. They took drugs. They got drunk. They lived a dreadful life. And the only thing you could do if you're a woman was to be a clerk, a secretary, a teacher, and that was about it. And --

MP: What did your dad think about that?

CSC: Well, I'll tell you what happened. The reason I'm not an actress today is that my dad, in a couple of days, came around and he said, "Now, Charlotte, your mother and I have talked about it,

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and we have decided that if you want to be an actress, we'll send you to acting school and you'll do it right." All of a sudden, I knew I wanted to be a lawyer. (Laughter) Well, that didn't go over very well with my mother.

MP: She didn't want you to be a lawyer?

CSC: No. She said it was a horrible thing.

MP: Wasn't on the list?

CSC: No, women aren't lawyers. Actually, she just couldn't believe that there was such a thing. And one day, not long after that, they had a tea at the church. And she set all over town to find me and get me there to the tea, because a famous lawyer had come, and she looked just like a man. She had on man's clothes, and she -- man haircut. And if I could just see her, I'd never want to be a lawyer. Fortunately, I missed it (laughter), so I didn't see it. But that's how it all got started.

MP: Did you have any brothers or sisters?

CSC: I had a brother. He was an only child. (Laughter) He really was.

MP: What did he end up doing?

CSC: Well, he ended up doing a lot of different things. He became a skilled mechanic of some kind, with a very special skill. But he was unfortunately never a good employee, because he always thought about how you could save money and how you could do it better, and his fellow employees didn't like it. It's a problem if you're a thinking person and you're working with the average guy. They don't like you to show the boss how to save money, because it usually means curtailing the amount of work that has to be done. So eventually, he went into farming, of which he knew little, and

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made his way that way, repairing houses, and redoing houses, and selling houses.

MP: Was he older or younger?

CSC: Six years older. He thought he was my father, which became a problem. About the time you're in, say, eighth grade or first year high, and your brother thinks he's your father, he can discourage a lot of people that want to walk you home, I'll tell you.

MP: One can be bad enough.

CSC: (Laughter) Yes.

MP: Did you go to high school in Lodi?

CSC: No. We moved to Trumansburg. I started out in -- they had a brand-new school in Trumansburg. It was one of the first central schools. We lived just one block away, facing the school, so my mother could see me until I started up the big, broad sidewalk. Which became a problem, because she was old-fashioned and she wanted to have me dressed in long johns. She was very careful about that. (Laughter) I was not going to be caught dead with long johns, so I had to judge when she was no longer watching me, and I'd roll up the long johns and go to school with bare legs.

MP: Were you a difficult child, Charlotte?

CSC: Looking back on it, I think I was. (Laughter) It was good, though. I got to know every kind of person, in every situation in life, and I think that was invaluable. I would recommend it, a small-town school, for anybody who wants to bring up children who might end up in politics, because you get to understand people, and then how far they will go and how far they won't go. You learn a lot of how to live with people

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by being forced to do so.

MP: Given your later career, it sounds like your training, or at least your propensity to buck the system, came in handy.

CSC: Well, I suppose you might say that it did. I was sort of a person who challenged the teachers. One day in school, the violin teacher came in -- oh, the orchestra teacher, music teacher came in, and she said, "Everybody" -- fourth grade -- "Everybody who'd like to be in the orchestra, come to the auditorium at two o'clock." So I went home and I said, "Dad, could I borrow your violin?" And he said, "What do you want it for?" I said, "Oh, want to be in the orchestra." He said, "Oh, fine." So he got it out, and he got the bow and rosined it and did everything, and I went to school. The girl that was first violin was in my class, and I said, "What should I do?" She said, "Well, just sit next to me. Don't touch the bow to the violin." "But," she said, "when I do it, you do it. Just don't touch the bow." (Laughter) So for the whole hour, I sat there. When she did this, I did that. Then afterwards, the teacher asked me to stay behind for a minute, and she said, "How much teaching have you had?" I said, "I haven't been taught anything." She said, "Well, why did you come?" I said, "Because you said everybody who wanted to be in the orchestra, to report. I want to be in the orchestra." (Laughter) So she arranged lessons, which was very nice.

MP: Isn't that nice. Well, let's move on to your college years.

CSC: OK. I went to Cornell because it was there.

MP: What year was that?

CSC: Graduated in '40. So it was in -- that would be --

MP: You began in '40 or you graduated?

CSC: I graduated from high school in '40.

MP: OK.

CSC: That fall, I began at Cornell. And I was lucky enough to have a scholarship, I guess almost -- they had many,

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many scholarships for $500, which would take care of one month's tuition. And then about the end of the first -- I had taken an exam, and I had fairly high marks, you might say, in everything, except I had no conversational French. And had to go to Ithaca and take this big test that would give you complete scholarship. And this professor of French came in, and he stood on the podium and he said, "I will speak and you will put it down." He started [makes noise], and I caught a word or two and then put that down. (Laughter) There was no way I could have passed that. I could pick out words, but I couldn't make any sense out of them. So near the end of the first term, they called me. "Ms. Licht, would you report to the office?" So I went in, and they said, "Well, the girl who won the scholarship for Tompkins County has left school, and you were next in line. Would you be interested in accepting this?" I said, "Well, of course I would." So I got complete tuition for my entire college career from Cornell.

MP: Really?

CSC: Were I a millionaire, I would leave them a lot of money, because they took care of me in the summer -- during the winter, they found jobs for me, waiting on tables. In the summer, they gave me full-time jobs in some part of the university.

MP: Did you say that tuition was $500 a month or a semester?

CSC: No, $500 a semester.

MP: A semester.

CSC: That was the tuition. Well, then there were little things like -- one reason I'm not a doctor today, is that we had to take a lab, and I'm a little clumsy. (Laughter) And I kept breaking glass, and you had to pay for it.

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Fortunately, there was a nice young man, who was earning his way through college, replacing the various kinds of things you needed in the lab, and he did it all for me, for nothing, so.

MP: So I assume you did very well in high school, just --

CSC: Yes, I did. I did, yes. I did.

MP: Did you think you wanted to be a lawyer when you went to Cornell?

CSC: Oh, I knew it. Yes. By that time, there was no question.

MP: So you were pretty set after that seventh grade discussion?

CSC: Well, it was actually after I wasn't going to become an actress.

MP: Ah. That was the turning point?

CSC: That's the turning point, right there.

MP: Interesting.

CSC: Because I knew that that would not be what I wanted.

MP: So you had a full ride at Cornell?

CSC: Mmhmm.

MP: Did you do well?

CSC: I suppose I must have.

MP: Because you went on to -- did you meet --

CSC: I met Ned my second year, and he was in pre-law, and I was in pre-law.

MP: Ned Smallwood.

CSC: Ned Smallwood. His name was Edward Smallwood, but everybody called him Ned. He was blind and had a beautiful Seeing Eye dog. It was a great romance, I felt, in my meeting him. Mary Frank, who, interestingly enough, was the descendant of Augustus Frank,[1] but I didn't know; I'd never heard of Warsaw at that time, but she lived in Trumansburg. And because we didn't have enough money for me to stay at the college the first year, my father arranged with Ted Frank that he would take his daughter and me in with him when he went to Cornell. He was the purchasing agent for Cornell. And so we left early in the morning, at 6:15 every day, and stayed until he left, maybe 6:30, 7:30, whenever he left. One day, we were at Willard Straight, which was the recreational hall and the meeting hall, and one of the big meeting places on the campus.

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And everybody went, at about four o'clock, for a Coke or something. Mary and I were sitting there, and she said, "What an interesting looking blind guy over there." I looked over, and there he was, and he was in tweeds, and he was tall and dark and handsome. And fun, I could see he was fun. He was sort of the center of a group, and they were having a good time and laughing and talking. I said, "Yes, he is. He's handsome, isn't he?" And she said, "But I wouldn't marry a blind man." I said, "Why not?" She said, "Would you?" I said, "Why not?" "Well," she said, "how are you going to get to know him?" I said, "Well, you and I will just tell everybody that I want to meet him." And sure enough, I never thought much more about it. We must have mentioned it to people. And one night, I got a call from an unknown person. He never even bothered to tell me who it

[1] Member of the United States House of Representatives, New York, 29th Congressional District, 1863-1865; 30th Congressional District, 1859-1863.

was. He said, “I heard that you would like to meet Ned Smallwood, the blind guy.” I said, “Yes, I would. Yes.” He said, “If you leave -- drop everything and you rush across the campus and go down to Willard Straight, he’s on the second floor up, on a debating team. He’s debating right now.” So I said OK. So I dropped everything and I ran across the bridge, and ran across the campus, down to Willard Straight, and up to the second floor. Got there, and he’s just packing up. So I went up and introduced myself, and offered to walk home with him if he lived in that direction. He said, “Well, I could go as far as this place.” He said, “I have to go a different way.” I said OK. So I went, and we talked, and I said goodbye. You know, he never remembered that.

MP: Really?

CSC: He never remembered it, and he had the nerve to tell me that (laughter) after we were married. So then the next morning, I joined the debating team. I thought, well, we’ll see. So, about that weekend, I got a call,

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did I know anything about South America, from the head of the debating team. He was a professor. I said, “It just happens that -- who’s going to this big debate?” It was down in, I think, a college in Aurora or someplace. A big international contest and debate. He said, “Well, so-and-so and Ned Smallwood.” I said, “Yes, I happen to know a lot about South America.” Which I really did. I wasn’t lying.

MP: South America was the --

CSC: South America was the subject. So we went down and we talked on the way down. We had an afternoon debate, and there were, I think, three or four finalists. I was not one, but he was. So I offered to -- he had 15 minutes to review notes and, you know, brush up for

the evening, so I volunteered to help him. He said, “Well, you can go in with me. I have it in my head. But,” he said, “you can go in with me.” So I went into this room, and he paced back and forth with Ringo, the dog. And then we had dinner. We all went out, everybody sat down and had dinner. I sat with him, and we came home, and that was the end of it.

MP: And you ended up getting married when?

CSC: Well, about two days later, I got a call from him. Would I be able to have dinner with him sometime this week? Of course, I had no engagements except I worked full-time. I worked at the dorm. I said, “Well, I have to get a substitute.” “Well, how about Thursday?” “Well, that would be fine. Yeah. I’ll try.” OK. So then I got a call a few minutes later, said, “I really don’t want to wait until Thursday. How about tonight?” I said, “Oh, I have to work.” Well, he said, “See if you can get a substitute.” So the girls thought it was so romantic, and so they said they would fix it up. So

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Randy, his reader, picked me up with him. We went to a restaurant. I don’t know the name of it, I never went there before or since, but there were several waiters, and beautiful tables, and soft lighting, and we ordered a drink and we ordered dinner, and that was the end of it. And we talked. And then, suddenly, Randy was there, the driver, his reader. And he said, “What’s the matter?” We said, “What’s the matter?” He said, “You haven’t eaten your dinner. You haven’t finished your drink. And all the waiters are standing around like this, waiting for you to leave.” (Laughter) So we had just talked and never ate. We never ate or we never drank anything, and we really had met some -- each of us had met somebody that we had been looking for, and we just knew that we could be

real with each other. Oftentimes, when you woo people, or you're putting your best foot forward, you may be doing some -- acting a little bit unreal.

MP: But you knew then that he might be the one?

CSC: I knew it then, and he knew it.

MP: When did you get married?

CSC: Well, we put it off for a long time. That was in '41. Let's see. '41 probably. We got engaged -- well, we sort of knew right off somewhere that we would eventually be married. We had a lot in common in our interests or what we believed in, family. Well, he asked me to go to a house party, and I said I was sorry, but I had a date. He said, "I have a date, too." I said, "Well, that's [out?], then." And he said, "Don't you think we're misleading people? Aren't you misleading your date?

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And am I not misleading my date? Because they're just wasting their time." And I said, 'You know, you're right. It's not fair." So we ended up going -- I went to his house party.

MP: Sounds like you were both destined to be lawyers.

CSC: Could have been. And then he went into law school. He got into law school. He was in law school by the time -- let's see. He was three terms ahead of me. We went summer and winter, you see. In those days, everybody was pushing ahead. Pushing, pushing, pushing. So I double-registered my last year in Cornell to get my B.A. So I was in law school my last year. So after two terms, I had completed my undergrad, and I had already completed one term of law school.

MP: And so you had a term of law school at Cornell under your belt?

CSC: I had three terms at Cornell.

MP: Yeah, but one of law school there.

CSC: No, three terms of law school at Cornell.

MP: How long is a term?

CSC: Well, it's three of them in a year.

MP: OK, I've got it.

CSC: You've got it? So anyhow.

MP: Where did he -- where did Ned go on to law school?

CSC: He finished at Cornell.

MP: He did?

CSC: He did all of his -- he was co-editor-in-chief of the law review, and I was book review editor.

MP: Was he supportive of your plan to go to law school?

CSC: Oh, yes, yes. He felt it was very important. He said, when we got ready to decide whether he should go to Rochester, where he was offered a good job, or New York City, he said it would be very important for me someday to be able to support myself and a family, because you never knew what was ahead. And I had to agree with him. It was not

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my plan. My plan was to have children and then finish up law school, but he said, "You can't tell. This is an opportunity that may never come again." So I transferred to Columbia. And it was a big difference, because at Cornell, all the professors and the students were as one. There wasn't a big difference between them, and we entertained in our home. We entertained our professors at Cornell, and they entertained us at their homes. At Columbia, I got to Columbia and the professors wouldn't even look at you in

the hall. They walked along, looking -- they never looked at their students. And, of course, being a country girl, I would just say hi to a professor, and he'd look up startled. I said hello to all of them. And it was a different area, a different kind of law.

MP: Did you have an idea in law school what you wanted to do afterwards?

CSC: Well, I would say that I started out and I loved evidence. I loved proofing facts. It appealed to me, fascinated me, the old cases. Somehow, I just felt right in that, but I had no idea, except that I wanted to help people. I felt the need to get to know people and to help them. And then at Columbia, you had to pick a specialty, and I majored in labor law. We had a great professor. He was Professor Hayes, and he was regarded highly by both labor and

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the opposition. They both regarded him so highly that they would agree easily if he was to arbitrate a decision or to hold an election, they would go along with it. So the employers and the employees -- labor law, at that time, was moving so fast that when I got to Warsaw and started practicing, one of the first cases that came to me was a labor case, and all I knew was that I was not up-to-date on what had happened two weeks ago, or a month ago. The thing was changing so rapidly, the law was changing, that I referred them to somebody else.

MP: Your first case, you refer it away?

CSC: Yes, my first labor case. It wasn't the last, but --

MP: When you were at Columbia, Charlotte, how many women were there relative to the number of men?

CSC: It would be hard to say. I don't suppose we counted each other, but I know that my best friends in law school, at Columbia, were Connie Baker Motley and --

MP: Now Judge Motley.[2]

CSC: Yes, yes. And, another gal, we stayed lifelong friends. And Elaine Friedman was a Jewish gal. So we were a motley crew, eventually, because I was a little country girl, and Connie was a black gal, and Elaine was a Jew. And none of us were ashamed of the fact. I mean, we learned from each other a great deal. And Connie came and visited me on her honeymoon,

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she and her husband. And we stayed lifelong friends, and I visited her in New York. They moved to a new project in Upper Manhattan, in Harlem. I remember I went to visit her. I was spending the night there. My plane was a little late, and it was rather late at night, and I took a -- well, I must have gone the subway up to 125th. Over near on the East River was these new apartments. And so I decided I would go over a couple blocks and walk down there. So I had my suitcase and I started down the street. This older black lady said, "Ms., Ms., where are you going?" I said, "Oh, I'm going down that street, over to the East River." "Oh," she says, "Ms., don't go down that street." She said, "Now, what you do is you turn around and you go down to 125th Street." She says, "You walk down that street, and you don't look left and you don't look right. And if somebody says something to you, just keep walking. Just walk steady until you get down to the apartments." (Laughter) And so I said, "OK, thanks a lot." So that's what I did.

[2] Constance Baker Motley, Chief Judge of the United States District Court, SDNY, 1982-1986; Judge of the United States District Court, SDNY, 1966-1986.

MP: Now, at the time -- my summer associate, Lawrence Galick, over there, has done a little research, and at the time, I think Bella Abzug[3] may have been at Columbia. Or may not have been exactly when you were there. Beatrice Shainswit,[4] who went on to be a Supreme Court judge in New York. Naomi Levine, Judy Bladdick, all women who practiced with distinction afterwards. Did you have an opportunity to meet any of them?

CSC: Bella Abzug.

MP: What was she like?

CSC: Forceful.

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I was a guest, and the University of Rochester had a big women's meeting. Women's, I don't know, rights or something. And she appeared, and she was a guest. I thought she was very forceful.

MP: Did any of the women you went to law school with have any impact on your decision, ultimately, to run for District Attorney?

CSC: No.

MP: That was just --

CSC: It was just happenstance.

MP: All right. We're going to get to that in a minute. You graduated from Columbia in 1946?

CSC: In January. You see, I went through the summer there, too, so I was sort of going a little -- I was ahead of my class. My class graduated in June. So it came in 1946, in January, and we headed back to Ned's hometown here in Warsaw. And we established an

[3] Bella Savitzky Abzug, Member of the United States House of Representatives, New York, 1971-1977.
[4] Beatrice Shainswit, Justice of the Supreme Court, New York County, 1978-2000.

office, and he practiced and I assisted him, until I was admitted to the Bar in January the next year.

MP: Where did he practice while you were finishing law school?

CSC: He was with Donovan, Leisure, Newton, and Lombard down on Wall Street.

MP: So when you graduated, you both packed up and came back to Warsaw?

CSC: Right. Back home.

MP: How did you make that decision?

CSC: Well, we had been in New York for two years. We found it not to our liking, in that there was too much of a difference between the rich and the poor. The rich were so rich that you couldn't imagine. The poor were so poor that it was hard to imagine. And the middle-class was elsewhere. They came in and they left. That was the feeling we had, that it was more than we could actually

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help. Well, Ned had some clients that were actually given to him because they were so small. Those were real people, but even they were not real people. They were presidents or they were corporate officers. And he didn't feel that what he was doing was actually helping people as persons, but helping corporations or so on, you know? So we decided, without any question, that when I graduated we would be going back to his hometown.

MP: So you came back to Warsaw, and that would have been in '46 or '47?

CSC: January of '46.

MP: January of '46.

CSC: Yes. We had a law office.

MP: How far from where we are today was that office?

CSC: A block or two.

MP: And what kind of practice did you have?

CSC: Well, in those days, if you were in general practice when you started out, you took what came, and you did whatever. If you needed to defend somebody, you defended them. If you referred, as young innocent lambs, you were referred a lot of interesting cases (laughter) from other lawyers who knew better, you know? I remember we were referred to this poor man in jail. It was a little, short chap. Tiny little man. And we went and we visited him in the jail, and he was beaten almost to a pulp. His face was all blotched up and puffy. He just was a mess. We said, "What happened?" Guess what he was charged with? (Laughter) Assaulting his wife. His wife had called and said that he had

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beaten her up. And so he said he didn't beat her up. He didn't beat her up. He didn't do anything. He just irritated her. So we set out to find --

MP: Who gave him the beating?

CSC: His wife. (Laughter)

MP: Of course.

CSC: So we set out to find out what was right and what was wrong, and what the facts were, and what the defense would be. We went and talked to the neighbors, and they said, "Oh, she was so cruel to him." He was beaten up all the time, but the worst thing she did was she'd get his head under -- they had a pump outside, and she'd pump cold water into his ear and just nearly freeze him to death. So we did defend him successfully, but it was the kind of thing that a lawyer who was established wasn't going to mess around with.

MP: Not the kind of case you get in New York City every day.

CSC: No. Well, actually, the situation out here -- Connie and I wrote a lot. She would write about civil rights cases that she argued and tried in Mississippi, and I would write her about the cases that I had in Warsaw. [When I became District Attorney] I said, "You know, Wyoming County doesn't have any real crooks. The only crime we have here is stupidity crimes, and we have crimes of passion, which are also sort of stupid, but we don't have any real criminals." And, actually, we didn't. So she came out to visit me one time for a weekend, and that weekend, the world blew up. Some man was arrested for having attacked his girlfriend because she wouldn't marry him, and he had been so mad that he had -- she'd locked the door, and he had pulled it off its hinges. He just pulled the door, knocked it all off its hinges, and gone in, and raped her, and then grabbed all of her underclothes and everything she had, left her there, and went home to Wyoming. Well, of course, everybody knew what was going on, it was an apartment

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building. So they arrested him. He threw out the clothes, by the way, on the way home. So I had that case. Then I got a call that a man had been shot in the country, over in Covington, and he was dead. And so I had to run over there, and it was the first dead body that I'd ever seen in my life, I think. I had seen it on, like, videotape down at Northwestern University, I went to find out about what the best way to handle being a DA is. But I had never seen a dead body before, and it was laid out. He was a massive man. He was laid out on a slab, and they had pulled off the sheets, so I could see his chest, and he had a hole right in the middle of his -- right in the middle of his head. So the undertaker said, "Well, he was dead, all right. No question about that."

MP: Now, this was when you were District Attorney?

CSC: Yes. I got home and I thought, he wasn't dead, because he was still bleeding. So I called up the undertaker and I said, "Are you sure that man is dead?" They said, "Why?" I said, "Because he's still bleeding." "Oh," he says, "that's blood just dripping (inaudible)." (Laughter) I felt so silly. Well, then the next thing. I got home. Connie was with me.

MP: She was still with you?

CSC: She's with me all these times. The next thing I know, I get a call from the Sheriff. Somebody is trying to kill all the Sheriffs and under-sheriffs and deputies and policemen and everything. So I get down to the Sheriff's office, and a man has gotten drunk. When he got drunk, he got violent. And so he was driving at -- the police were trying to stop him. And so they, you know, tried to stop him, and he'd drive right towards them, try to run them over. And they would shoot out his tires, finally. Then he'd drive out of town,

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with the tires, flat tires. He'd go up and change the tires, and then he'd come back and do it over again. Whatever he could find in the way of a policeman, he would try to run over. And they called them in from all over the place. And --

MP: This was the town with no crooks?

CSC: Well, no crime, no criminals. Well, this guy was an ordinary citizen, drunk, you see? He wasn't a criminal. Well, anyhow, they finally brought him into the Sheriff's office, handcuffed and somewhat subdued, and one of the deputy's wives was sitting there, waiting for the deputy. She had this big handbag, and she said, "You tried to kill my husband!" Then she leapt at him (laughter), which rather subdued him further. But actually, there was another -- they did find a man, a body, that I had to go and look at, over on 39 and Perry.

MP: This wasn't while Connie was still there --

CSC: This whole weekend, yes, yes. We had no crime here, you know. So it was a body that had been in an out shed behind the house for a rather long time, and it had become, of course, very hot weather. It had become rather hot and bad, you know? And so I looked at it, and I talked to the State Police as to who this was. I said, "Well, what did the woman say when she came in the house when -- did she report it?" And he said, "No, she didn't report it, but the neighbors or somebody said that it was a bad smell, and we found it." I said, "Now, what did she say?" "Well," he said, "she said, 'Well, it's just like him to ruin my vacation.'" And I said, "OK, I guess she's innocent. Don't you think?" (Laughter) Because that's a normal thing to say.

MP: Well, she wouldn't have killed him to ruin her vacation, right?

CSC: No, no. So we had a lot of interesting cases. Connie was

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-- she argued cases, and I think she was the first black woman to appear in court in the Deep South. She'd write me all of these things, and I'd write her. But she said that they had a hard time finding anybody that would agree. There was two lawyers in Mississippi at the time, and she had to be introduced -- in order to argue a case in the federal court, she had to be introduced by a lawyer. And a white person wouldn't do it, wouldn't dare, I guess. And so they finally found an old, old man who agreed to introduce her. So they brought her in through the main aisle, and all the whites were sitting downstairs. And when he walked in, and she was behind him, she was quite a tall woman, and she said the air just came out of the whole place. They had never seen a woman lawyer before, and a woman black lawyer at all. Then when she got out in the area where the blacks were, the

same thing happened. It was just like a huge withdrawal of breaths. And he introduced her. "I want to introduce you to Connie Baker." Or Connie Motley, I can't remember which she was at that time. Connie Baker, I guess. And then he turned around and fled, and so the judge, the federal judge, stood up and shook her hand, and that caused another gasp from the whole -- everybody, because they had never seen a federal judge, or any judge, shaking the hand of a black woman. And so she argued her case, and then they had to hide her. They had to get -- whisk her away, and they had dummy cars, and they would get on a back road and switch so she'd be in another car.

MP: Really?

CSC: And I think they had to take her 20 or 30 miles.

MP: What year was that

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approximately? Late '40s?

CSC: I would imagine, yeah.

MP: Early '50s? Were you DA at the time?

CSC: Yeah, I think.

MP: At that time?

CSC: Yeah. Or wasn't. I'm not sure. This was all a continual thing between us. Strangely enough, she trusted me. I don't think she trusted many people, but she trusted me and would tell me things that she knew I would not, you know, use against her or ever say.

MP: Of course. Well, let's talk about the District Attorney chapter in your life.

CSC: All right.

MP: You were in practice here in Warsaw for two or three years --

CSC: I guess --

MP: -- Before you decided --

CSC: I think it was 1949 I ran.

MP: OK.

CSC: So I must have been in practice since 1947. Don't you think that comes out right?

MP: Yep. So you had a general practice for a couple of years, doing just about everything.

CSC: Yeah, with my husband. Yeah.

MP: With Ned. OK. And then tell us how this idea that you were going to run for District Attorney came about, given the fact that no one in New York State, no woman, had ever been elected a District Attorney.

CSC: Well, I don't know that I knew that at the time. But I tried a case, and the Sheriff told me, while I was trying it, he said, "You'd be a good DA one day -- someday." And I said thank you. I went home and told Ned, and he said, "Well, I wonder how you do that." I said, "Let's look it up." So we looked it up. And then we started talking, or he started talking to other lawyers about how you'd go about it, and one of the lawyers we knew, well, said, "You can't run for dog catcher if you don't get approval of the county chairman, who's Jim Nash, and he's been county chairman 40 years." He sort of decides who's going to do what. So I said, OK,

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well, then Ned said, "Why don't you call him up, go down and see him?" So I did. I called him up, went down. Went into his house and we sat and talked, and he said, "Well, now, what can I do for you?" I said, "Well, I'm thinking of running for District Attorney." "Oh no," he said, "you don't want to do that." I said, "Well, why not?"

"Well," he said, "it's no job for a woman." "Well, if you were a woman and got raped, would you rather be -- have a prosecution by a District Attorney who was a man or a woman?" He said, "I don't know about that, but it's -- language is bad. You don't want to hear all that bad language." I said, "Well, I really don't know it, so I guess it won't bother me, will it?" And he said, "Well, you can't do it. We can't let you. I'll tell you what. We'll give you jobs, or two jobs, that will pay a lot more than that District Attorney job." "Well," I said, "I don't really want the money. I just am interested in running for District Attorney, and I've checked it. Ned and I have read how you do it, and all you need is to get 500 signatures of people that registered as Republicans, and file them with the officials, and then you run." He said, "You won't get that far. Nobody will dare sign your petition. We'll see to that." And I said, "You will?" And he said, "Oh, yes." He said, "They won't dare sign your petition." I said, "Well" -- I stood up and said, "Well, thank you for your interview, and talking to me, and we'll see whether we're sinking a battleship or launching one." And I left. And then I found out that he was partly right. A lot of people didn't even want to talk to me on the street, but they would say, "Come to my house, and I'll talk to you at my house." And then people would call up and say, "Come down. I want to sign your petition."

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I'd go to their house and they'd say, "Oh, we just talked, but we're still -- we've just made up a feud, a political feud, over something 20 years ago, so we just don't want to get our neighbors upset." But a lot of people were anxious to sign. Women, especially. There were women on the committee who ostensibly were all against me. At least the chairman was. They would call me and say they wanted to sign my petition.

MP: Did you have to walk them all yourself, or were you able to find people that would help you do that?

CSC: Well, I think -- I don't know that I found them, but they found me, sometimes. They would offer to do it. I did a lot of door-to-door. It really was quite boring and quite scary. I remember the first door that I went to, I was holding back and sitting, having coffee, and Ned said, "Well, you've got to -- if you're going to do it, you've got to do it." And I said, "Well, later." (Laughter) He said, "Now. Get up and go and do it. Once you start it, it will be easier." So off I went, and I went to Varysburg.

MP: Was this -- excuse me, Charlotte, but is this when you were getting the petitions signed --

CSC: Yes.

MP: -- or campaign? OK.

CSC: Well, that's the same thing.

MP: I guess it is. It was then, yeah.

CSC: It was just that. So I went and I knocked on the first door I came to. A woman opened, and I said, "I'm Charlotte Smallwood, and I'm running for DA." She said, "We don't want any." She slammed the door in my face. (Laughter) The first one!

MP: That's tough.

CSC: Oh boy. So I was thinking, OK, that's -- I've tried it. Then I went, one more, so I tried the next one. This woman said, "Oh, hello. Come in." I said, "I'm Charlotte Smallwood. I'm running for DA." "Well, come on in and have some coffee." She said, "Now, don't worry about that lady next door. She's like that with everybody." And so

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she sat down and talked, and she was very pleasant, telling me who else was on the street, who was Republican. She signed my petition. So I did Varysburg.

MP: At the time, Charlotte, this was a very Republican town and county, wasn't it?

CSC: Well, let us put it this way. No Democrat had ever been elected a county office until -- yet, I don't know, I assume there have been.

MP: So this was basically the campaign, then? The primary was going to determine who would be the DA?

CSC: That would be -- theoretically.

MP: Who was your opponent?

CSC: His name was Glenn Charles,[5] and he was a hapless fellow. He was a good fellow. He's a nice man. And his father had been a great lawyer, and he had been kind of forced into being a lawyer and handed, I presume, the position. He was somewhat inept. He had a spiffy secretary who did all of his work. When it came to the grand jury, I discovered that he always got trouble with his throat and it was very difficult, it became hoarse, it was very difficult for him to talk. So the Sheriff's Department and the state troopers presented most of the cases.

MP: Really?

CSC: Uh huh.

MP: Now, had you ever tried a case against him when you were in private practice?

CSC: I assume so. He had no substitutes either.

MP: Did you beat him every time?

CSC: I don't know.

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[5] Glenn E. Charles, District Attorney of Wyoming County, New York, 1935-1950.

MP: Don't remember?

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CSC: I have a very great gift, my dear, of forgetting any case I ever lost.

MP: We were talking about that before. Those are the ones I can't forget.

CSC: Well, you're unfortunate. (Laughter)

MP: So the campaign was on?

CSC: Yes.

MP: You got your signatures. And --

CSC: Yes. But it wasn't easy, because the Warsaw paper would print anything, any letters that I wrote, or any letters that he wrote, or any letters that anybody wrote. He just loved the give and take. It sold papers, I suppose. There were two papers in Perry. One was the Perry Herald, one was the Perry Tribune, I think it was -- Record, Perry Record. One of them would print anything that either one of us wrote in. The other one would print what I wrote if I paid for it, as a paid advertisement, and they would print anything free that, of course, Glenn wrote. The Castilian, on the other hand, pleaded with me. "Please don't give me anything. I will lose all the printing. I live on the county printing. Please don't ask me to print anything." So I never did. Arcade Paper, however, would take anything that I wanted to give them as an advertisement, and just never seemed to have any space left for it. Wasn't that unusual?

MP: Left for yours?

CSC: I never got anything in the Arcade Paper, but they took it, and agreed to print it, but it just never got in. So they all had ways of doing --

MP: Did your opponent's ads find a way in?

CSC: Oh yes. Yes. Well, the county printing was practically a survival for the papers. There was the

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Democratic printing and then Republican printing. The Warsaw paper had the Democratic printing and the Republican printing. So he was very anxious to keep things riled up.

MP: So you were the first woman to try to become a District Attorney. The papers wouldn't print your ads.

CSC: Well, now some of them would, but some of them wouldn't.

MP: Which ones besides Warsaw would?

CSC: The Perry Herald.

MP: Oh, the one Perry --

CSC: Perry Herald would print. And if things got to be really -- other papers, the city papers, found the whole thing sort of interesting as a byway. Then when I actually won the primary, the Democrats decided that this was their opportunity to have their first Democrat county officer.

MP: Before you get there, Charlotte, can you tell us a little bit about what it was like running in Attica? I know they had the prison and a lot of guards there.

CSC: Oh, yes. Well, the guards -- Ostertag[6] was the Republican congressman for the whole area. He had a very strict control over the guards. The guards at that time were under the thumb of the political -- I suppose the political machine still runs things very -- but there's more diversity. But he more or less took -- told the prison officials what was to be

[6] Harold Charles Ostertag, Member of the New York State Assembly, 1932-1950; Member of the United States House of Representatives, 1951-1965.

done. Word was let out, I think it was actually written, but I'm not sure, but it was told to the guards that any guard who went into the booth to vote and did not vote out in public

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would be considered to have voted for me. Of course, that dampened a lot of enthusiasm.

MP: And what were the ramifications to be of that?

CSC: Well, they would be buck wheats, I think they called it. They would be written up and written up. For life, they would get the bad assignments and they would -- their life would become miserable. A few guards called me and said they would vote for me and they would pass my petition, because they were already buck wheats and things couldn't get much worse. Grover Ahl[7] was an old Sheriff, who had been Sheriff 30 years ago, or a long time ago, and he got fed up with politics back then, and he swore he'd never get into it again. Someone said, "You ought to go talk to Grover Ahl." I said, "Why?" Said, "Well, you never know." So I told him the bad things that they were doing, and the lies they were telling, and how I was being misused, rather, at least I thought I was. He got all excited, and he said, "We've got to do something about this!" And he said, "You will get elected. I am going to help you." And so he would call up, maybe at six o'clock on Sunday afternoon. "You've got to get right over to Varysburg. They're having a big party, a big poker party or whatever people play." I said, "Where?" He'd tell me where to go up on the hill, and go this way, and he'd be there before I was. He'd introduce me to everybody. And he kept doing that, and it was very helpful. A lot of people like that who were very helpful. But he was most helpful, because Attica was critical. I mean, it was such a large vote. And so, on the day of the nominations, I got a call from him in the

[7] Grover Cleveland Ahl, Sheriff of Wyoming County, New York, 1931-1933.

afternoon. He says, “Charlotte, get right over to Attica.” I said, “Why?” He said, “Because the odds are even at the prison.” He said, “That means you can win over here. Now get right over here.” I said,

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“Why?” He said, “To make phone calls.” I said, “I don’t know enough people in Attica.” He said, “Doesn’t matter. I’ve arranged for you to go to this house and use their phone. They won’t be home. Just walk in.” I said, “Who do I call?” He says, “Use the phonebook.” (Laughter) So I did. And I sat there probably for an hour or more, maybe two hours, making phone calls, not knowing if I was in the right house. I never knew.

MP: And not knowing who you’re calling.

CSC: No. I just called them. I ran them and said, “You know, I’m” -- well, I met a man on the way in, which quite startled me, because I slowed up. He had an apple in his hand, I know, and I slowed up and I said, “Are you going to vote today?” “No,” he said, “I hear that DA woman is an old hag.” I said, “Oh, well,” I said, “I’m Charlotte Smallwood.” “Oh my gosh,” he said. “I’m sorry.” He handed me the apple. He said, “Here, take this. I’m going down to vote.”

MP: And you were 26 at the time?

CSC: Yeah, an old hag. That was the story. I was an old hag.

[…]

[End Audio File 1]

[Begin Audio File 2]

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MP: Charlotte, tell us about how the rest of primary day went, after you were done making telephone calls from a place you were unfamiliar with, to people you didn't know.

CSC: Well, I went home, of course. We had supper. Then we waited. But in those days, they didn't have telecommunications that they have now, so it was just a question of people calling in slowly, after nine o'clock. The polls closed, and then they would take the out-of-town votes and they'd put them all together, and then somebody would call and say that, obviously, I had won or I was close. Then I got a call from Grover Ahl from Attica. He was in a bar. He didn't drink, but he was in a bar, and everybody was shouting and shouting and shouting, and he was shouting, and he said, "You took Attica. You've won. You've taken Attica. You've won!" He was so excited and so happy. It was just great, and I thanked him,

[2:00]

and then it did turn out that we had won the nomination. Then, promptly, the Democrats decided this was a great opportunity since the Republicans were split and the committee was against me and they wouldn't help me probably, and so this was an opportunity for a Democrat to actually be elected to a Wyoming County position.

MP: Let me interrupt you for one second. I'm curious. What did you and Ned do that night when you finally got the word that you had won? Do you remember?

CSC: Well, there must have been a lot of people coming in and calling or something. I don't know what we did.

MP: No special celebration yet?

CSC: Well, I don't know that we actually ever specially celebrated.

MP: Really?

CSC: Well, I can't remember anything, like no parties or anything of the kind. That was just, that's the way it was.

MP: OK, so you won the --

CSC: I might have called my parents. I probably did. But the word circulated pretty quickly.

MP: I'll bet. So you won the primary, and the Democrats decided it was a good opportunity to finally win a county-wide seat in --

CSC: Yes.

MP: -- Republican land.

CSC: So they nominated Francis Kelly, and Francis was an outgoing Irishman, and --

MP: Isn't that redundant?

CSC: It is redundant. (Laughter) He was a flaming Irishman. He was really broad in his sweep. The Democrats decided to put out, at all the bars, that the reason that I was running for District Attorney was that I wanted to dry up Wyoming County. That was my aim in life. Because we were having the vote, the dry vote, that year,

[4:00]

which comes up, I think, every 10 years, or did at that time, as to whether or not alcohol could be sold in the county. And so Ned and I talked about it, and Ned said, "You know, you've got to counteract that." I said, "Well, I just can't go and say that I take an occasional drink." He said, "No, you can't do that." So he thought about it and he said, "What you have to do, Charlotte, is to go to every bar in Wyoming County and sit with the bartender for one drink. You don't have to drink the whole drink, but order a drink from the bartender, introduce yourself, and tell him you're running for District Attorney. And then shake hands and leave." And I think I started in Attica, and Attica had 15 bars, I

think. It was just terrible. If you just take a little sip of beer, which I didn't like to begin with, if you just take a little sip of it and then you take another little sip, and after the 14th bar, you think maybe this is time to go home. But that's what I did. And so they didn't make any progress on that, but it did introduce me to a lot of bartenders.

MP: And I assume they spread the word.

CSC: Oh, yes. They would say, "Oh, she's not against alcohol. She's not against that. She's been in here. She was in here the other day and had a beer." So it did the work.

MP: Any other memorable moments of the campaign?

CSC: Oh, there were many, but I guess nothing that you would -- let's see, I can't think of anything after that.

MP: Was there any openly anti-feminine --

CSC: Oh, yeah.

MP: -- efforts made by your opponents?

CSC: Oh, I'll tell you, during the Republican nomination,

[6:00]

I had a lady afterwards tell me that -- it was a gal from Wyoming, and she had done some sewing for me. She said, "You know, Charlotte, my husband, when it came nomination day, refused to take me to the polls. He said, 'I have voted all my life as a Republican, but I'd vote for a yellow dog before I'd vote for a woman.'" And she said, "You know, I called up and I got somebody else to take me to the polls, and I voted for you." And then she said, "When you got nominated and you ran in the election, my husband said" -- he was 96 -- "He said, 'I voted all my life as a Republican, but I'd rather vote for a woman

than a Democrat.'" And so he had to go and take her to the polls, and he had to vote for me. She laughed so. (Laughter) "You old coot," she says.

MP: That's very funny, he was 96?

CSC: He was in his 90s. I think he was 96.

MP: God love him.

CSC: But he had a choice of the yellow dog, and he took the yellow dog, but not when it came to a Democrat.

MP: Democrat was lower than the yellow dog.

CSC: Yep.

MP: So election day came. What was that like?

CSC: Election day. I suppose it was like any other election day. I was elected, as the saying goes.

MP: Were you getting any coverage? Like, was there any news attention on the race?

CSC: I would say that the Buffalo papers and the Rochester papers would run some stories. Not any exciting stories until after the election. And then --

MP: Tell us about that.

CSC: Well, one of the things that I remember clearly was a call from, I think it was the London Times,

[8:00]

but I'm not sure. But a very, very prissy-voiced gentleman said that he was calling from the London Times, and the women of Great Britain would like to know some things about me, because they understood that I was elected District Attorney. And I said, "Yes, that's true." He said, "Well, what they really want to know is what are your hobbies?"

And I said, “Hobbies? I don’t have any hobbies.” He says, “I mean, like, stitching and gardening.” I said, “Well, I am fairly busy with a family, and taking care of a family, and being a lawyer.” “Oh. Well.” That’s all that was, but it was interesting that the women of England wanted to know about me. (Laughter) It was --

MP: Was there other attention?

CSC: Oh, yeah. I was called by one of the first TV stations in New York City. It was a rather famous station, but the name escapes me. It wasn’t one of the ones we have now, but it was one of the first. And this gentleman called and asked if I would be willing to appear on a TV show that they had on a Saturday night. I said, “Well, I suppose I -- that would be interesting.” And he said, “We’d take care of it, and we will put you up at a fine hotel.” I said, “Well, my husband will have to come with me.” He said, “Oh, of course. We’ll take care of that.” I said, “And his Seeing Eye dog will have to come.” He said, “Oh, we’ll take care of that, too.” And so I said all right, and plans were made, and we flew to New York with the dog. It turned out that there was another woman going to be interviewed at the same time. It was a Saturday evening show, and the interviewer,

[10:00]

before we began, said that he would like to check the lighting, and we would sit there and he would give us some idea of the questions he would ask. And so this other gal was running for Congress in New York City, I believe. She was a New York City person, obviously, and she had her manager there, of course. She had a manager. And so she had on a hat. The interviewer was telling us about what he would ask and so on, and give us a chance to give our ideas. In the meantime, her manager kept walking around, staring at me, and he said, “Take off your hat!” And I said, “I -- no,” he said, “Put on a hat!” I said,

"I don't have a hat." "Oh." Then he walked around again and he said to her, "Take off your hat!" So the poor woman had to take off her hat. Then one of the things they were going to ask us was were we ready -- was the United States ready to have a woman President? And I said, "Well, yes, I think in time. It won't be too long." And she said, "Oh, no, I don't think there will ever be a woman President." He said, "Don't say that!" he said to her. (Laughter) So he called everything. Told her exactly what to say. It was an interesting interview.

MP: That would have been right after you were elected?

CSC: Mmhmm.

MP: Around 1950?

CSC: Must have been.

MP: That's when you began your term, right, 1950?

CSC: 1950, yeah.

MP: OK. Charlotte, in addition to the cases and events you told us about when Connie was visiting you, any other recollections of more notable cases that you had as the District Attorney?

CSC: Well, I tried a first-degree murder case.

[12:00]

MP: Tell us about that.

CSC: Well, I got a call at seven o'clock -- no, six o'clock in the morning from the Sheriff. He said, "Get ready. We've got to go. A woman has been murdered down in Arcade. I'll pick you up in 10 minutes."

MP: By the way, how many people were in the District Attorney's office at the time?

CSC: Me.

MP: OK, go ahead.

CSC: So he said, “Get dressed. I’ll pick you up in 10 minutes.” And so I rushed and got dressed. First of all, I ask him who was it, and when he told me, I said, “I’ll be right ready.” Because this guy had tried to kill his wife, or had seemed to try to kill his wife accidentally the year before, by shooting down through the floor, rather near her. And so when he said who it was, I said, OK. So we went over right away. What had happened was, this man was a Polish guy who had quite an accent. He worked in Bethlehem Steel, and he had married his wife, and she had never been married before, and she had a farm out in the boonies outside of Arcade, and he continued working in the Bethlehem Steel plant. When we got into investigating it, we found out that they kept -- when they went to the movies, she would mark down what she paid, and he would keep a record of what he paid. One would pay the tickets and some candy, and the other would buy the popcorn and something else, and they kept separate records and then evened them up once a month. (Laughter) There wasn’t exactly a normal kind of a relationship. He had been married before, and in the middle of the night, she had a hired man who lived in the front office, or the front room, a bedroom. In the night,

[14:00]

he heard yelling and argument. She had her brother who lived with them, and Frank, and then his wife. And so he heard this commotion, and then there was a pause and he didn’t hear anything, and then he heard two shotgun blasts. One, and then quiet, and then another. You know what he did? He didn’t even bother to get dressed. Just as he was, he went out of the window and he started running, and he ran across the road and into a

field, and he ran, in the middle of, I think it was January, cold and he ran all the way to Arcade, maybe three or four miles. And he got to the police --

MP: This was the hired man?

CSC: The hired man. Young kid. And he was exhausted. He could hardly talk. He said, "I think there's been a murder out in (inaudible)." And they said, "Well, they fight all the time. Just get some sleep. We'll give you some clothes." Then they got a call at six o'clock the next morning from the milkman, who picked up the farm milk every day. When there wasn't any milk, he went into the out entryway and he found Gladys sitting there, dead, and her brother in the doorway, also dead. And nobody else. So he went to the police in Arcade, and they called the Sheriff. So he and I got there first, and --

MP: The Sheriff and you?

CSC: Yeah. He drove. I didn't drive. Then we looked all through the place, and there was nobody.

[16:00]

Well, he looked first, and I trailed after him. He carried -- he had his hand on his gun all the way. When we got through, I said, "You don't have any gun in that pocket, do you?" He said, "I don't have a gun." (Laughter) Ah. No wonder I was so brave. So anyhow, we called up, we got assistance. We got poor Winton James, who was a deputy, and I said, "Now, I know what you have to do in this case. You have to pick up each piece of glass and note where it is." It will show -- we didn't know why the glass was there and why the window was there, so I said, "This will help us keep a record, a proper record." So. Well, poor guy. I forgot to tell him that it didn't matter, and he was out there for a long time, picking up the glass and noting where it was. He didn't hate me, though, after that. So the

Sheriff's Department got a call that one of his sons called and said his brother was there. His father, it was his father. His father was there at the house, and he had said there'd been a little trouble, and that you might be looking for him. So the Sheriff sent Cookie up to get him. And --

MP: Who was Cookie?

CSC: Cookie was the undersheriff. So he sent him from Perry up to get him, and then I called my court reporter, Janice Eccleston, to come in. I said, "Come on down now. We're going to have to take some statements." And she said OK. She came in

[18:00]

and I said, "This is going to be kind of ticklish." But I said, "We're going to have to carry her, practically, in, so that she can get to look at the bodies and step over them before we take her out there, because she's never done anything like this before." So once she got there, we said hi, and said, "We want you to get your book and come out." "Oh, no," she said, "I don't want to see any bodies." So we sort of got her out there, and she looked at the bodies and then came back in. But you know, she took that record. It was the most fantastic record you could ever imagine. She just took it as he said it.

MP: Writing it out longhand?

CSC: She wrote it out shorthand.

MP: Or shorthand. Shorthand.

CSC: Yes. He said, "Sister, stick with brother. I get 'lectric chair. She might as well go, too." But it was just written just the way he said it. You knew when you heard it that that's exactly what he said. That's what he said. He admitted it.

MP: And the trial was how long?

CSC: Let's see. It took a week to draw the jury. And Charlie McDonough was the other attorney. He was a leading defense attorney. He taught me how to draw a jury. I would start with -- I would question a juror. And he'd stand up, and he'd really question a juror. Then I would counter-question the juror. "But if --" and so on. This went on for a week, but I learned -- he taught me how to draw a jury. So we did get the jury after a week, and then it was two more weeks of trial. We had a psychiatrist. I had two psychiatrists. They had one psychiatrist. About, you know, was it premeditation or was this -- la, la, la, la.

[20:00]

They, of course, said opposite things. But it was -- he had premeditated this. He had started taking his gun to work, and Al had never done that before. He had an Ithaca, and he had never done that before, and he started carrying it with him every day and acting suspicious. And eventually, I think -- well, what happened was he said that night she said she wanted a divorce, and he was not going to have a divorce. So the brother stood in the way, and he let him have it. When she went and got her keys and her coat -- she had them in her hand when she was killed. She came out of the door and he killed her. She went down, and there she was.

MP: Wow. Did you get the murder one conviction?

CSC: Yes, we did.

MP: What happened to him?

CSC: He was electrocuted. But during the time he was awaiting the appeal, there were two young boys in with him. They got a hold of the deputy and said, "Get us out of here. He's going to kill us." They said, "Well, no, that's nonsense." Well, they had been playing poker with him, and they beat him every time, and he told them that they would wake up

in the morning and their orange juice would be coming right out of their throats. So they were really scared. They asked to be removed, and so they put them in other cells, a different place. Then they tried to find what he was going to be armed with, because it seemed pretty definite that he intended to do it. So they couldn't find anything, and finally Winton James took the toilet apart and found, under the toilet, a razor,

[22:00]

and then they knew that he really intended to do it. I had a feeling that no matter where he was, he was not safe for other people. The poor old head of the Ossining was in a turmoil, because he had never had a woman at an electrocution before. He had to ask me -- he had to invite me, and Tom told him, "Don't worry, she won't come. She doesn't want to see any electrocution." And so I didn't, of course. He went down. In the meantime, the son, another son, who was a little bit wacky, a little bit, he had gone up a hill ahead of the attorney for the estate, out at the house, and as he came up over a knoll, there was the son with a gun pointed at him. Shotgun.

MP: Pointed at the attorney?

CSC: Yeah, Jim Mason, the attorney for the estate. He backed down the hill, looking where he was out of the door, all the way to the house. By the time the Sheriff got there, he was gone. But someone followed me one night. I never knew who it was, because they came right -- they pulled in somewhere on Buffalo Street at night, and they pulled in behind me so close that the lights kept me from seeing anything, except knowing that there was a car right close behind me. I went up East Buffalo Street to my house, then turned in, and he followed me in. And I sat there with those lights, and I thought, I did have a gun, which I had never shot in my life.

MP: Did you have it with you?

CSC: Uh huh. But I had never shot it in my life. It was a great big thing with a barrel like this. (Laughter) It was in a big bag

[24:00]

I carried. And so I thought, you son of a gun. I'm not getting out or going into that house for nothing. If you come, at least I'm going to scare you to death. If you get out of your car and you approach this car -- I'll sit here all night if I have to. And so I did, and it seemed like a long time. He pulled out and went down around a little side street and disappeared from my view. So I rushed into the house and locked the door. Nobody was there, but I had a babysitter. I rushed and called the police. As I stood in my office, calling the police, I looked down and there was the car sitting on the side street. (Laughter) So I quickly got rid of the thing and got out of the light. He never showed up. But the next day, one of the deputies, said, "Oh, I saw that car parked over on the street across the way a couple of nights, over by the Vets Club." He never said anything to anybody. But it was a pink car, as I recall.

MP: Never found out who owned the car?

CSC: Oh, we knew who it was. It was the son.

MP: It was the son?

CSC: Well, there was no question in my mind. Who else would do it? And he had been --

MP: This was shortly after the --

CSC: Before the electrocution.

MP: Before the electrocution.

CSC: It was after the conviction and shortly before the electrocution. That car was pink with dark purple or something. It was very difficult to miss it, but I hadn't seen it. He'd come at night and sort of case the joint. Oh, yes, and the light was out. There was a light, streetlight, right by my driveway that was broken. So I guess he planned to make it even.

MP: Wow.

CSC: But I never was afraid. I mean, I was a little afraid that night, but otherwise, it didn't

[26:00]

-- fools don't worry about things.

MP: How much time passed between the conviction and the electrocution?

CSC: Well, it took quite a while, I would say. I just don't know how long. It was several months, I think. I --

MP: Not too long by today's standards.

CSC: No. It might -- it was two or three months. I felt I had an unfair advantage in the Court of Appeals.[8] The new District Attorney asked me if I would argue the case, because I was familiar with it. So I took Janice down, the court reporter, down with me, and --

MP: So you had left office before this had worked its way through the appeal process?

CSC: Yeah. Yeah. And so I felt it was sort of unfair, because a lot of times, the judges -- it was a long session. It started at two o'clock, and it must have been after eight before they reached my case. The judges had been getting up and going out and doing what was necessary or something they liked to do, and then coming back, and going out. I noticed that when I stood up to argue the case, they all were in the room. It wasn't fair. Because they were curious. They were just -- it was a matter of curiosity. It got their attention.

[8] *People v Wojcik*, 305 NY 551 (1953).

MP: You think the case did or you did?

CSC: Well, I think, to start out with, it was a rather simple case. I don't think it was the case. I think they just thought that I was a curiosity.

MP: Interesting.

CSC: Yeah. Like a pink elephant.

MP: You mentioned Arthur Godfrey when we were talking --

CSC: Oh, yeah. That was when I had the baby. I was halfway through my term when I discovered I was pregnant. It wouldn't have been a county's baby unless -- I had, unfortunately, started bleeding

[28:00]

during the third month or fourth, and I was put to bed for a week. I had to stay in bed. Of course, suddenly, the county knew that the DA was having a baby, and that became the county's baby. Strangers would come up on the street and say, "Charlotte, how's our baby?" It was really, they took it over. I knew that eventually, I would be having a baby, so I went to my committee, the county committee that was in charge of me, and said I would like to be able to have the authority to hire an assistant for when I had the baby. They all said that was a good idea, and I said I'd pay for it. It wouldn't cost the county anything. The next thing I know, the board of supervisors had stopped the thing and said they nixed it. They said it wasn't necessary. There wasn't any reason that they had to have an assistant DA because I was a woman, and I thought, you're right. If a man has to go to the hospital, they'll just adjourn the case. So that's what happened.

MP: So that got adjourned, and then was it at that time, that the Arthur Godfrey Show came by?

CSC: It was after I had the baby. I was still in the hospital. They came in. People started coming and telling me about the Arthur Godfrey Show, and Arthur Godfrey was a new show. It was a radio show at the time. Had said, “I can just see the DA leaning over the little crib and saying, ‘How is my little, itsy baby for a party of the first part?’” Oh, I was so angry. I was really angry. I thought it was insulting. Which, in a way, it was.

MP: Did you ever

[30:00]

have a chance to talk to him about it?

CSC: I met him. I went to the -- his show with a friend of mine, a colleague from Cornell, who was one of the people that made the cakes on the show. She introduced me, and I didn’t say anything. I thought, you worm. Anyhow.

MP: So you served for three years.

CSC: Yep. Before the three years was up, I decided that I had -- my husband had died in the meantime, and I decided that I had to spend more time with the family and with the practice.

MP: What year did Ned die, Charlotte?

CSC: 1952. The girl was -- little girl, Sukie, was born in ’51, and in ’52, he died. And so I felt that I had to spend full time with the children and my practice. And shortly after that, an Attica prisoner killed another Attica prisoner. We collected the evidence and he was indicted, but I didn’t try him, because the new District Attorney who was elected after me tried it.

MP: OK. Before we move on to the post-District Attorney years, I read a couple of things about some of the District Attorney Association meetings. I recall one story, perhaps you can expand on it, where they were giving gifts or suitcases. Do you recall that?

CSC: That was the House of Delegates.

MP: Oh, is that what that was?

CSC: Yes.

MP: Was that after you were District Attorney?

CSC: Yeah. Yeah. It was down in Saratoga Springs, I think, and they were giving gifts to everybody. They picked names, and when your name was drawn -- I had forgotten about that, but yes.

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When my name was drawn, it was a briefcase, and they said, "Oh, we'll give you something else." I said, "Oh, no. No, no, no. I could use a briefcase." (Laughter)

MP: Were they giving all the men briefcases?

CSC: No one ever -- the men were given lawyer things, and the women all got girly things. I kept that briefcase. I carried it for years.

MP: I heard that you had that for a while.

CSC: Yep.

MP: Interesting. OK. Let's talk, then, about your decision, because you had a family, Ned had passed on, and you felt you had to get back out into private practice fulltime.

CSC: Yep. Well, at the time I was elected DA, we had an office at the house, downstairs at the house. Most of it except the kitchen was office. And so I rented a downtown office with Harry Brown. He was another lawyer. He was in the next office, it was on the second

floor. So I had that office for quite a while, and then in the early ‘60s, I bought this office that we’re in now, which was, at that time, was a private home. It had been a home of Augustus Frank, and Augustus Frank, Jr., and his daughter, Mary. Three generations in this house since it was built and it was finished in 1849. For three generations, it was occupied by a Frank, and then they sold it to me. They knew what I was going to do, that I would convert it into an office. They trusted me to do it with taste and not ruin the place.

MP: Well, you have. It’s a beautiful building. If we have some time, we might actually take a walk around with the camera, because it really is an extraordinary place.

CSC: Well, it is. It was. Every room in the house, including all the office rooms

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and all the apartments upstairs, are all lighted, very well-lighted, which was unusual. Most of the houses were kind of compact, with little windows and dark. And this was copied, I believe, from -- it was the plans of a Hudson River architect that he’d run into and admired. So it was an interesting place.

MP: When was your second child born?

CSC: February 7, 1951. Right in the middle.

MP: So you had a son and a daughter?

CSC: Yep.

MP: OK. Just very briefly, what are they doing now?

CSC: Well, my son is retired, and he lives with me and puts up with me, and I put up with him. My daughter is married to Jim Grossman. He’s an attorney in Hiscock and Barclay in Rochester.

MP: He's president of the Bar Association there, wasn't he?

CSC: He was a year or two ago, yes.

MP: OK. What was your practice like after you left the DA's office, and was there any continuing animosity or resistance to your having served as DA, being the first female?

CSC: No, I don't think so. I think I was generally -- people who knew me trusted me. I had a very varied practice. People with much money and people with no money. I have been blessed by having the trust of many, many people. It's one of the great advantages about private practice in the country. That is, if you're an honest person and you keep confidences -- I've been shocked to see how few confidences are kept now.

[36:00]

The confidentiality in the medical field is just missing. I think also, I noticed when I was DA, that the priests, and the ministers, and the rabbis were very apt to try to do good and to help their people by coming in and telling the judges, or the DA, or the Sheriff's office, this poor guy, he does this, this, and this. And that's bad, because they're interfering, and they're oftentimes giving away -- if you tell a priest something, you expect him to not ever say anything about it, but that isn't the case. Even back then, there were -- I had a doctor, and it was after I was DA. I did a great deal of trial work and I loved it, and I hated to give it up, but when my eyesight began to fail, I really had to. But I miss it. But I noticed that I had a doctor who came in and testified against his patient. She didn't give him permission to do that, and I was just shocked. I couldn't believe it.

MP: Were you involved in that case?

CSC: Yes, I was trying the case, and he came in and testified that she came in, and she was waving her arms, and she did this. She claimed to have hurt her back and she was doing all these things.

MP: Really?

CSC: I couldn't believe it.

MP: You've talked a little bit about how the lawyers treated you. How did the judges treat you as a practicing attorney? Well, either as a practicing District Attorney or a private practice attorney afterwards?

[38:00]

CSC: I would say they were always very polite. I never sought a friendship with a judge. Sometimes, you were forced, as an attorney in the community, to become friends. I mean, there's no one in the Wyoming County that isn't friends with the judges. There may be different kinds of friends, but it is so frequent that you have contact with them. But in those days, I felt it was my place to not be friends, and I didn't encourage any friendship, and they were always very polite. But I must say that one thing I felt as I grew older, I was really fairly successful in practicing law, in trying cases. And actually, I had defeated in one way or another, almost anybody I had come up with from Buffalo who came down to try cases, because I guess I didn't look, and I still don't, like a lawyer, somehow or other. I don't know what it is.

MP: They underestimated you?

CSC: They underestimated me. But the thing that got me was, in the course of time, I knew all of the people that I had tried cases with, and I knew them in the Bar. They had a thing called the American College of Trial Lawyers, and I was never -- in the early years, when

I would really have enjoyed the camaraderie and learning that you get from associating with people in your specialty, I would have enjoyed it a lot. And it was a long, long time before I was invited.

[40:00]

The interesting thing was, it was in Boston that they had the place -- they were having this thing where all the new lawyers were sworn in. They had a big party and dinners and so on. There was another girl who was a first at the same time I was. We were both being inducted at the same dinner. I sat with a group of husbands and wives, and when they announced my name, they began clapping. The women all through the thing clapped and clapped. It was as if they were just so glad that a woman was recognized in that way. Because these women were not stupid, the wives of the lawyers. They had always been careful to not ask me, I think, because they thought their wives would be jealous. But they weren't jealous. They were just happy. I remember sitting at my table. They all stood up and applauded. It was just so amazing.

MP: How many women were in the American College at that time?

CSC: I think that it was just me and this other gal.

MP: You were the first ones in?

CSC: Yeah. She had a baby with her. She brought the baby to the meetings, which was really great. I think she was from West Virginia, but I don't know that for a fact.

MP: When did you remarry?

CSC: In 1970. My children were all raised. He had four children and I had two, and they were all out on their own. My mother and father were sick, his mother was sick.

[42:00]

He lived up in the country home, way up in the boonies. It was an old farmhouse that had been added to, and it still is an old farmhouse that has been added to, and there's very little I could do to change it without -- there's small rooms, and big rooms, and additions here, and so on. He, at the time, was a photographer, aerial photographer. His love of this life was an airplane, or any airplane. He took aerial photographs for people.

MP: What was his name?

CSC: Frederick Cook. Everybody called him Cookie, which was not too dignified, but he didn't care.

MP: And that was his full-time job, aerial photography?

CSC: Yeah. He also worked at the airport as a volunteer. He helped with various endeavors in the airfield area.

MP: Well, as I sit here talking to you, Charlotte, I'm quite impressed, obviously, at everything you've done and the conditions under which you've done them. How hard was it to balance your personal and professional life, given all these demands, in addition to the fact that you had this overlay of notoriety, if you will, of being the first woman District Attorney?

CSC: The first woman thing ran off pretty quick.

MP: It did?

CSC: Yeah. I became accepted as an attorney, and, you know, that I was practicing here and I was available for people that didn't have any money or available for drawing wills and whatever they needed. So that was old story. It's history.

MP: But then you were widowed.

CSC: Yes.

[44:00]

MP: With two children.

CSC: Yes.

MP: And a private practice.

CSC: Well, I'll tell you what happens.

MP: How did you balance it?

CSC: If you would ask any woman how did she do it, she would probably not know, and I don't know, because it happened. It was there and it was necessary. That's what women do. They accommodate what is necessary. They meet the challenge, if they can. You just do it.

MP: Right from the time when your mom made you wear long underwear to school.

CSC: Yes. (Laughter)

MP: You had a history of that.

CSC: Well, I mean, it's what women do. Women don't look for outs. They get married, they're in love, they either have children or don't have children, and they do what they have to do. I do think most women do that.

MP: And now you've been in practice for 60-some years?

CSC: Well, I don't know. What is '47 to today?

MP: Let's see. You've get 64 years.

CSC: That's about it, yes.

MP: Do you think that's extraordinary or do you just think that's something you do?

CSC: Well, I think what happened is that I grew too old to retire. I think a person should retire when they're about 50, and do something else. I never got around to doing that, and so

I'm now too old to retire. I love the work. I love the law. I love the clients, and I feel they need me. As long as they need me and I'm able, that's the way I feel about it. The trouble is that my secretaries don't always want to spend their life being a secretary. They want to retire. So it happens.

MP: You had a secretary, did you not, Aggie, with you for 50 years?

CSC: Well, just about 50.

MP: And now you have Judy, who's been with you how long?

CSC: 28, 29 years.

[46:00]

MP: And you practice every day?

CSC: Well, yeah, she comes in Tuesday, Wednesday, and Thursday, when we do the bulk of our heavy work, and then I have another gal, who was a bank teller for a long time, and she reads like a wiz. So she comes in and we do, you know, things, keeping up-to-date, and taking messages and talking with people, and opening the mail, and doing the things that keep the office going.

MP: And you're 88 now?

CSC: Yes. Right.

MP: Do you still go to court?

CSC: Well, I was in court briefly yesterday and decided that was a waste of time and left.

MP: (Laughter) Why was that?

CSC: Well, because I wasn't necessary. I talked with my two other people involved, and things worked out so I came back. But I don't think I should try a case. I can't see people well enough, and I can't hear every single word a judge says or an opponent says.

MP: Sometimes that's a blessing.

CSC: Yes. (Laughter) I think I've had jurors that way.

MP: When was the last case you tried?

CSC: Maybe 5, 10 years ago.

MP: Civil or criminal?

CSC: Civil.

MP: Do you still do criminal work?

CSC: No. I haven't done criminal work in a long time. Criminal work in the country takes up a lot of evenings. The judges, the town and village judges always have hearings at night. If you're young and you don't care, that's good. But if you have any smarts, you can find better things to do at night. (Laughter)

MP: How many cases do you suppose you've tried?

CSC: I have no idea.

MP: In all the different

[48:00]

courts and all --

CSC: No idea. Never counted them. Never thought about it. You just went along and did what was -- well, I had a large firm, and so there were always people, up until recently, that would carry on while I tried cases. Because I might be gone for maybe two weeks or something in court, in Buffalo, or someplace up in the mountains, or any place. And so it would carry on. They would do the regular things, and so that left me free to travel. I'd take a secretary with me, and we'd just stay there until the case was done.

MP: Now, you've held some public positions with the House of Delegates and those types of things.

CSC: Yeah. That was almost an accident, I think.

MP: How did that come about?

CSC: Well, they asked me first, you know, Buffalo lawyers asked me if I would be a member of the House of Delegates, which I did. I said yes and I went down. In the course of things, someone mistook me for Connie Cook. I was Charlotte Cook at the time. Then I got calls to be on the administration end of the House of Delegates. I just don't remember what it was. I said, "Oh, yes, I'd love that." I'm sure I was mistaken for an assemblywoman from Ithaca, but I didn't know it at the time. So I got to know all the leaders of the Bar, and then I was on the nominating committee. I was also a thorn in the side of the Bar, because I was on a committee that was to study the question

[50:00]

of whether all judges in New York State, of every kind and ilk, should be nominated instead of elected. I think western New York, and central New York, and upstate New York did not like the idea. It was definitely a New York City problem, because they didn't know the judges. Up here, you had a pretty good -- like Judge Jasen says, "Ask your attorney." That's the best way to find out who is going to be a good judge and a fair judge, and who is going to be governed by other things. So we had many, many meetings, and wherever the meeting was, I decided I would go, whatever it cost. So they would have a meeting in New York City, take a plane. It might be a little late, but I'd be there. They began to talk about how they were going to get this vote, accomplish the vote, in front of me. I would think, now I see how these things are managed. We'll just persuade

him, the delegate, persuade him that he has other business that day, or couldn't he have a wedding at that -- all these things. Well, now, he owes me a favor. We'll do him. I sat there and listened. We had a meeting at the Governor's office. The man who was running the Governor, his deputy, talked, and they all said how easy it was going to be. They were going to do this and that. When they got ready, I said, I should say something. I said, "Upstate New York will never, will never give up the right to elect judges that they have. They never will. Because they know who was a judge and who's a good judge." He was quite taken aback, and they were all pretty upset with me. I said, "Well, you know I've stood,

[52:00]

I've stood the same way." So they never did get the thing passed.

MP: Good for you.

CSC: Well, I felt it was an important thing, because you know judges as an attorney.

MP: Actually, I'm one. Did you know that? I'm a town judge.

CSC: You're a town judge? Well, then you are responsible, and people know who you are.

MP: Absolutely.

CSC: You know what will happen when they get sick of you?

MP: Yep.

CSC: [makes sound effect]

MP: As it should be.

CSC: That is the way it should be. Yep.

MP: Yep. Well, that's interesting. I didn't realize the debate went back that far.

CSC: Oh, yes. It went back. Then they did a curious thing. I was invited, for some reason, to come to the athletic club in Buffalo, to have lunch. I thought, this is very strange, isn't it? It was an attorney, and I knew him well. I said, that will be fun. Stupid me. I didn't really care. I walked in the main entrance.

MP: Oh, yes.

CSC: And my --

MP: The Buffalo Club.

CSC: Buffalo Club. My host said, "Oh, Charlotte, don't do this." I said, "Why? I'm an attorney. I'm your guest. I'm a guest of the club."

MP: Good for you.

CSC: And he said, "Charlotte, don't do this to me. Please don't do this to me."

MP: You didn't walk through to the pink door?

CSC: And I said, "What am I supposed to do?" I had handed my coat to the poor clerk to hang it up. He said, "Just take your coat, just go around the corner, and put it in the ladies' room there." So I did that for him. The next time, I didn't do it. I went through.

MP: Good for you.

CSC: And they -- I was with a rather well-known attorney. He says, "Forget it." But did it at the Yale Club, too. Because the poor doorman -- this was early on. I was

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still at Columbia, I think. They had a lawyer's meeting. I was in New York, anyhow. So I marched in, and he said, "Oh, you can't go in." I said, "Why?" He said, "Well, women." I said, "I'm not a woman. I'm an attorney." But I didn't get stopped. (Laughter)

MP: Didn't a judge ask you once if you'd rather be a male attorney?

CSC: Yes. It was across the street and we were in chambers. We were having a settlement discussion of several lawyers, and the judge was sitting there. All of a sudden, he looked up and said, “Charlotte, have you ever wished you were a male attorney?” I thought a minute and I said, “No, but I’ve often wished I was a tall attorney.” And he stood up. His full height was 5’4”, I think, and he said, “I know where you’re coming from.” I went, oh man, I’ve insulted this guy. (Laughter) But they all look tall when they get up on the bench.

MP: Sure. He had a big chair.

CSC: Yeah, and they also had a little platform to come in on. So I didn’t know. But I --

MP: Timing is everything.

CSC: I had had a case with four tall lawyers. One of them was the tallest lawyer in Buffalo. You may know who he was. He was with a big firm. He was very tall. Barber Conable was one of them. They were all tall. We’d go out in the hall to have a little conference, and I’d be looking like this. It was horrible. Tall is good for a lawyer.

MP: I would think a jury would tend to side with you. If you’re out there with --

CSC: Everybody judges height --

MP: -- those great, big tall --

CSC: You have a tall, handsome guy with a big head of hair. He has an advantage, a political advantage. You notice how many of our leaders are tall.

MP: Charlotte, getting to know you today, I’m not sure anyone had an advantage over you.

CSC: Well, they do.

MP: Or at least not that you didn’t level pretty quickly.

CSC: Well, it was always there. The --

[56:00]

MP: I mean, at the end of the day, it doesn't sound like you lost many of those battles.

CSC: Well, I lost quite a few. Actually, if I wish in my life that I had been something different, I would have been stronger-minded.

MP: Really?

CSC: I would have put my foot down in certain crucial circumstances. I'm trying a driving drunk case in a court, and the case is being heard over in the courthouse. It was an important case. A woman had been injured badly. Couldn't draw a jury. They sent out for 10 or 20 jurors. Couldn't draw a jury. So the judge called in a couple of deputies and he said, "Go out, go downtown, and bring us back 20 or 30 other jurors." When they came back, and they had gone to the bars and gotten 30 people (laughter) --

MP: Out of the bars?

CSC: Out of the bars. I saw them come in. You know, that's one of the regrets I have, is that I wasn't strong enough to say, "OK, under the circumstances, they're all excused," or, "This is a farce." I suppose my client might have -- it wasn't my client. Anyhow, that was very annoying.

MP: Well, sometimes you have to make those strategic decisions about --

CSC: Yeah, but then in personal life, I was taken for a very strong person. You ask most people and they would say I was a very strong person, but I really wasn't. I was just an ordinary person, and there were times when I regret not having put my foot down. I suppose everybody has regrets.

[58:00]

But having talked with me, you probably think I'm a strong person.

MP: First of all, I think you're anything but just a normal person. I think you're --

CSC: When I was 65, let me tell you this, I sat over there and I called my office girls, I called everybody in the office and I said, "Now I'm 65 today, and now I'm going to be eccentric." And they looked at me, and they looked at me, and they said, "What do you mean, eccentric?" I said, "I'm going to be eccentric." They said, "You're always a bit eccentric." I said, "No, I haven't, I've been normal." Then I started asking my clients, "Have I always been eccentric?" "Of course you've always been eccentric." (Laughter) And so all this time, I was trying to be a normal person. I think if you went to school and you had friends who didn't get marks as good as you did, their marks weren't as good, you wanted to be like them. You didn't want to be an oddball, did you?

MP: With me?

CSC: Yeah.

MP: Never made a difference to me.

CSC: It didn't?

MP: I did what I did, and if I did well, that was great. If I didn't, that was OK, and I just moved on.

CSC: Well, isn't that nice. You're a lucky man.

MP: Well, you know what, though, Charlotte, I see an awful lot of that in you. You're a very, very humble woman, but just this interview, I suspect there's not a person who sees this interview that's going to think you are not an extraordinary woman, an extraordinary person, and anything but normal.

CSC: An eccentric. (Laughter)

MP: Eccentric in the sense that you crossed a lot of bridges before anyone else did, and that's not easy to do.

CSC: That probably wasn't even intentional, you see.

MP: Nor do you think it was anything extraordinary.

CSC: No.

MP: Which I think is a credit to your humility. We have

[1:00:00]

to wrap this up, but given your wealth of experience, and knowledge, and the person you are, I have to ask you if you have any advice, first, for women who are beginning careers, and then to lawyers generally.

CSC: To the world, I would say the most important thing in your life is your family. It's more important than any other thing, any other person, is your family. It will stand you in good stead if you know that from the beginning. The second thing I would say is that you have to be true to yourself. My mother's famous quotation, which is, I can't even quote it, was, "If you're true to yourself, you can't be false to anyone else." I think that's true. If you're comfortable with yourself, you will be a lot happier than if you try to be something that you're not. So if I had my wish, everyone would have a job that they were good at and that they enjoyed.

[End Audio File 2]

[Begin Audio File 3]

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MP: OK. Charlotte, I'm sure you've inspired a lot of people over the last 60 or 70 years to do things they like and to be good at them, and for that, you should be commended. As we

close this interview, is there anything else that you feel you could relay to people that might perhaps help them through some of the situations that you've been through, or some guidance that you could give them? Lawyers or otherwise.

CSC: Well, what I would suggest is that everyone try to do what they can do well and what they like to do. It's not always possible. I would also like to suggest that they respect other people, because everyone has a good, and they also have depths that you don't know of, that you have not thought about. There is a background for many things that you see today, and you may denigrate what they're doing, but it's a wise thing to be sure that you know the background.

[2:00]

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MP: And did you apply that principle, Charlotte, to decisions you made about indicting or not indicting people?

CSC: Yes. I felt I did some of the best good as District Attorney by not indicting people that had been arrested. I felt that, in the case where the man had attacked his fiancée, his friend and lover, and had raped her, and then, of course, he was indicted for the rape, and et cetera, et cetera. I asked the girl what was the problem, and she said, "My parents are Catholics and his are Protestants, and neither of our parents will allow us to get married." I said, "Well, you're almost 30, or you are 30." I said, "Do you love him?" She said, "I love him. I love him with my whole heart." So I asked him, and he said, yes, he loved her with his whole heart. And so I simply said to her, "We will have a grand jury, and under the circumstances, he will be indicted and probably sent to prison." But I said,

"Curiously, if you should get married, you wouldn't be able to testify against him." So that's all I said. They got married.

MP: So it wasn't an actual rape?

CSC: It was

[4:00]

a rape. She had told him that she was through. He raped her. But later on, I would say 20 years later, maybe 30 years later, I was having a drink up at the top of the hill, at dinner there. I was sitting, talking to some young people, and I suddenly realized that they were their children. And it made me feel so good. They were a happy family.

MP: Never had a problem after that?

CSC: And they were happy family, and the children were happy. I, of course, said nothing. But I thought, yep, that was good.

MP: So you were one of the DA's who believed that not everyone who commits a crime should be indicted, or go to prison at least.

CSC: Yes, but I also felt that a jury should make a lot of decisions that are not made now. I did have one man that was beaten by a state policeman, and the local cop called me and said, "Get over here. You have a client down in the jail, and he's been pretty well mishandled. I think he's been beaten." So I went right over and went down and talked to him, and he was in pretty bad shape. And there wasn't any marks, he was just beaten by an expert. He said, "Now, Charlotte," he said, "I just kept saying -- all I would say to that man was, 'I want to talk to my attorney. I want to talk to my attorney.'" He said, "I kept saying it over and over and over again, but I never did admit." I felt so bad. (Laughter) I told him. Never admit it, because just don't get into trouble. And he followed my advice.

[6:00]

MP: Well, Charlotte, this has been an extraordinary couple of hours, and I thank you so much for letting us spend them with you. This is a chapter in the New York Court of Appeals Historical Society's book that I think will be watched often, with interest, and I think that you've imparted a lot of wisdom and will benefit a lot of young lawyers, hopefully, as well as some of us not-so-young lawyers.

CSC: Well, I do hope, and I was pleased to be able to help you.

MP: Thank you very much. It really, truly has been a privilege to get to know you.

CSC: It's been fun.

MP: Thank you.

[End of Interview]