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ORAL HISTORY PROGRAM

Hon. William C. Thompson



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THE HISTORICAL SOCIETY OF THE NEW YORK COURTS

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ORAL HISTORY

**Subject: Hon. William C. Thompson
New York State Supreme Court, Appellate Division**

An Interview Conducted by: Hon. Barry Kron

Date of Interview: May 15, 2009

Location of interview: OCA Studio, 25 Beaver Street, New York, NY

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THE HISTORICAL SOCIETY OF THE NEW YORK COURTS

Oral History Project

INTERVIEWEE: Hon. William C. Thompson

INTERVIEWER: Hon. Barry Kron

DATES: May 15, 2009

BK: Today is May 15, 2009. We are here at Beaver Street, in Lower Manhattan, conducting an interview with Judge William C. Thompson. My name is Barry Kron. I am an Acting Supreme Court Judge, and between 1982 and 1985, I was privileged to be Judge Thompson's Court Attorney at the Appellate Division. Just to start the interview with certain basic information, when and where were you born, Judge William C. Thompson?

WT: Manhattan, in 1924.

BK: I actually thought you were Brooklyn all the way. I never realized you were born in Manhattan.

WT: (Laughter) I moved to Brooklyn when I was a year and nine months, with my grandmother. My mother and father, from the time they got off the boat in 1916, 1917 --

BK: Where did they come from, getting off the boat?

WT: St. Kitts.

BK: St. Kitts.

WT: St. Kitts, West Indies. They came through Ellis Island. As a matter of fact, their names are on the plaques over there on Ellis Island, the one they came through. They always worked. They never missed a day. They never missed a day. So my grandmother raised me. But a year and nine months, they took me to Brooklyn and my grandmother raised

me. And they used to come over weekends and holidays to see me in Brooklyn. Or I would go to Harlem, when I got big enough, to stay with them for, you know, a day or two over the weekends. But it was a very close family relationship -- my mother, my father, my grandmother, and all the relatives. It was a -- what did we used to call those families? An extended family. And that's exactly what we had -- an extended family. It was absolutely wonderful. I had a fabulous childhood.

BK: Did you have any brothers or sisters?

WT: No brothers, no sisters. I'm an only child. I refused to give up the inheritance. (Laughter)

BK: (Laughter)

WT: So I'm an only child.

BK: What did your parents do?

WT: My mother was a cook. And she worked for some wonderful people. I remember one was a -- who was the bandleader [00:02:00] in Central Park? Edwin Franko Goldman. If you can recall the Goldman Band, in those days.

BK: I can't recall. (Laughter) I wasn't there.

WT: They used to give concerts on weekends in Central Park. My mother was his cook. And my father worked for a furniture house. [Zaruba?] Furniture House, 104th Street in Manhattan. And in those days, you bought furniture with \$10 down and a dollar a week, you know, for the rest of your life. And he was the guy that went from door to door up in Harlem to collect the dollar each week that you were supposed to pay. Took the book, marked it, put the dollar down, and went. And when I got big enough, I used to help him. On weekends, I would go. And to give you an idea, we were never poor, because he

worked, and my mother worked -- even during the Depression. In 1934, I recall him buying a brand new Dodge. And in 1939, he bought a brand new Plymouth.

BK: Working for the furniture company?

WT: Working for the furniture company. Then eventually, later on, he got involved in politics, and became a City Marshal, which was absolutely, you know, great. It was political at that time. It still is political, by the way. There's only 83 Marshals in the City of New York, and they're appointed by the Mayor, and that's it.

BK: And what does a Marshal do exactly?

WT: He's the one who serves summons, complaints. You get evicted, the City Marshal does it. Landlord/tenant. Who serves the warrant of eviction? The Marshal. Who evicts you? The City Marshal. Who retrieves cars? The Marshal.

BK: Do they work on an incentive basis?

WT: Incentive? Yes. Not so much the commissions. Sometimes it's flat rate. But if you bought furniture, and you didn't pay --

BK: The more you hustled, the more you made.

WT: Absolutely. No question about it. They retrieved gas meters when people didn't pay. Electric meters. They're the ones who do the heavy lifting, or the dirty work, in the court system of the City of New York.

BK: Do you think that's what ingrained in you the fact that you're still working so hard at this point in the game? (Laughter) You learned it at an early age?

WT: (Laughter) No, not really. Yeah, the political aspect of it. Because he was [00:04:00] always, always, always involved in some sort of political -- I remember, God, back,

during the Depression, there was a fellow named Marcus Garvey, that rings a bell. Is it Marcus Garvey?

BK: Marcus Garvey Boulevard. Marcus Garvey is certainly a famous historical --

WT: OK, Marcus Garvey Boulevard. And he was part of the back-to-Africa movement of Marcus Garvey. It went back that far.

BK: Your father was part of the back-to-Africa movement?

WT: Yeah, well, he was part of the movement.

BK: You were born and raised in Brooklyn, primarily.

WT: Oh yes.

BK: What part of Brooklyn?

WT: A very unusual part. It was St. Mark's, between Utica and Rochester. Very unusual block.

BK: What area is that known as, generally? I'm not a Brooklyn guy, I don't know.

WT: It's not Crown Heights. It's right below Crown Heights. They used to call it the Hill District. It was between Atlantic and Eastern Parkway. I was the only black kid who lived on the block. Most of the block -- well, 90% of the block -- was Irish and Italian. On the corner, we had two apartment houses, which were the Jewish families. And the Jewish families and myself, we went to 210, which was around the corner. And the Irish and Italian kids went to St. Matthew's, a parochial school on Eastern Parkway and Utica. Where Dubrow's was, if you can recall. It was only about five or six blocks away. And that's where I grew up, and it was an absolutely wonderful existence.

BK: As the only black kid in the neighborhood, did you ever deal with any prejudice or anything?

WT: Never had a problem. Everybody used to eat in everybody else's house. We played football, we played stickball, we played punch ball, stoopball -- things that you don't recall.

But --

BK: (Laughter) Punch ball I go back to. Stoopball --

WT: Well, punch ball. You hit two sewers, you know, this guy's (inaudible).

BK: Spaldeens cost a quarter in my day. They might have been a little cheaper in yours.

WT: Never had a problem. Never had a problem. Problems started when I went into the Army. That's when it began.

BK: Well, before we get you enlisted (laughter) --

WT: (Laughter)

BK: -- we have a few things to touch first. Where did you go to high school?

WT: Franklin K. Lane. We were bused from the corner of Prospect Place and Rochester Avenue to Franklin K. Lane every day.

BK: And when did you graduate?

WT: [00:06:00] I think I'm the Class of '42. Franklin K. Lane Class of '42.

BK: Any special memories of high school? Any teachers? Any --?

WT: High school was just a ball. We had fun. We really had fun. I graduated when I was like 17, or 16½, 17. And it was a great time.

BK: And at that point your dad was working as the Marshal already?

WT: No, not then -- a little bit later. The Marshal came after I came back from the Army.

BK: Well, you graduated, then, in 1942.

WT: '42.

BK: You went into the Army in 1943.

WT: May of '43.

BK: Did you volunteer? Were you drafted?

WT: I'll be very honest. I volunteered for the Navy. Went down to volunteer for the Navy. And they explained to me that if I volunteered for the Navy and I was black, I would have to work in the kitchen.

BK: Yeah?

WT: That's where blacks were. You were relegated to the kitchen.

BK: The galley.

WT: The galley --

BK: You've got to get the lingo, right.

WT: -- when you went into the Navy. Then, they were taking everybody in my neighborhood, and eventually they reached my number. And I was drafted into the Army. And from Brooklyn I went out to Camp Upton, and that's the first time that --

BK: Where is that?

WT: That was out in Long Island. Camp Upton, Long Island. And that was the first time I really began to get the mesh of discrimination, because it was an all-black unit. And we were shipped from there after a week or two to Camp Hood, Texas, in the Tank Destroyer -- 657th Tank Destroyer. And that's where I was, for a short period of time.

BK: And from Texas?

WT: OK. I left Camp Hood, Texas. What they did -- because they were drafting everybody in the Army, they were going to be short linguists, engineers, and doctors. So the universities in America [00:08:00] opened up, so that they could train linguists,

engineers, and doctors. And those of us who had, I guess, a high enough AGCT were chosen to go to these various schools. And I was chosen to go to West Virginia State College, a segregated school in West Virginia. And I left Camp Hood, Texas, in the Jim Crow train, of course. And I got to Washington, D.C., and I figured I'd have enough time to run home, see Mom, and jump back down on the train and run to West Virginia State. And I got into Washington, D.C. -- and Washington, D.C. was where you would change trains. There you could sit with everybody else. And I tried to go into the dining room at Washington Station, and they were feeding either Italian or German prisoners of war, but I couldn't go in there. You had to go around the corner where it said, "Colored," and that's where I had to go.

BK: So the German prisoners of war outranked you?

WT: Absolutely.

BK: Ultimately, were you trained in any --?

WT: Went to West Virginia State College, and started taking engineering, and we went to school six days a week. And it was a very intensive course. Integral differential calculus -- you know, the real stuff.

BK: The things we used to do at the Appellate Division. Yeah. (Laughter)

WT: (Laughter) And eventually, the American mothers screamed that their sons were being shackled, and here you had these kids at college, and they broke up the ASTP programs, and they shipped us to the 92nd Infantry Division on maneuvers in Louisiana. And that's when we first ran into -- that's when I first joined up with the 92nd -- the "Buffalo Soldiers" -- that's what they called them. And their home base was Fort Huachuca, Arizona, in the middle of the desert. And that's where we trained. And from there we

came by train all the way back to the East Coast, got on a ship, and went over to Italy to start fighting.

BK: [00:10:00] You actually had combat experience?

WT: Oh yeah, oh yeah. Oh yeah. I was in an infantry unit, and if I can explain -- I said this to my judges the other day, because they would ask. And I reminded them, at the Law Day program, that they were the top of a pinnacle. And there's a big base down below that supports them at the top of the pinnacle. And the base is the court officers, the court clerks, the stenographers -- the whole thing that makes the court system work. And the Army is much the same thing. As a matter of fact, it's probably patterned on the idea of the Army, where the Air Force goes in, and they soften it up. The artillery can fight -- can blow up buildings, and try to take out emplacements for you. The engineers will build the bridges or make life easier, to blow up paths through the minefields so that you don't get --.But you don't win a war until the guy with the rifle goes in. He's the ultimate. You look at your pictures now in, believe it or not, Iraq. It's the guy with the rifle who wins the war. All the rest is support for him. And I was in an infantry division, and the guy with the rifle eventually has to go in. And I was with the rifle company, 370th Infantry Division.

BK: You were in Italy throughout the whole war?

WT: Throughout the whole war. Throughout the whole war. We went over on a tremendous convoy. By that time, most of the submarines had been eliminated, or gotten under control by our Navy. And we went over in a big convoy, and we landed right below Anzio. Right above Anzio. We came in right after the Anzio battle, and the Cassino, and that kind of business. And we moved all the way up, during the war, all the way up the

boot, until the war was over. When we got into the square, I think Mussolini was still hanging in the square. That's how fast we moved up. I was part of Mark Clark's Fifth Army, [00:12:00] which was --

BK: When were you finally discharged from the Army?

WT: January, '46. And back in school, February, '46. (Laughter)

BK: Really? You went --

WT: Barry --

BK: The GI Bill, or --?

WT: Under the GI Bill. But I was in Brooklyn College anyway. I didn't have to pay. But I guess they assumed it was under the G.I. Bill. I know law school was under the G.I. Bill. But you began to realize the value of an education when I got into the Army. When I got in, especially in the kind of unit that I was in -- segregated -- I had fellows who couldn't read and write. We taught them to read and write after retreat every night. We'd run classes -- those of us who'd gone to college. We ran classes, and taught them to read and write. And inside of four or five months, we had everybody literate, reading and writing.

BK: Did you know when you went back to college, ultimately you hoped to go into the area of law, or was it more of an open-ended liberal arts?

WT: It was open-ended liberal arts, but the emphasis was on political science. I was either going to be a doctor or a lawyer. To be a doctor I'd have to go re-do a lot of my science. In law, I had sufficient credits to move ahead in the political science area.

BK: How hard was it sitting in a classroom doing classroom work after living a life of being in the Army -- shooting, being shot at? It's such a different existence -- the drama, and

day-to-day life on the line, versus sitting in a classroom. It's such a different discipline -- a different perspective.

WT: It is an absolute pleasure. You have to realize, in the infantry, we lived in foxholes. This kind of world you have in Iraq is a totally different ballgame. They're in buildings everywhere. Where we were, you lived in holes, and it rained on us. Let me give you a vignette. We're eating 10-in-1 rations.

BK: Which means, specifically?

WT: The rations that they give you in the Army. Not perfectly palatable, but it's sufficient. [00:14:00] It's supposed to have the correct number of calories and everything else. And I recall, I think it was Christmas of '44 or '45, the Mess Sergeant called up and he said, "Send three men back." We were dug in on the line. We were specifically pulled out from along the coast of Italy -- the west coast of Italy -- to go into the middle of Italy, to make an attack down in Po Valley. And the reason was that this SS outfit that we were supposed to attack had been mauled by [French Senegalese?] in Africa. And psychologically, since we were the only black infantry troops over there, I guess they figured there was some psychology to use us. (Laughter) So then they pulled us out and they sent us over when the Mess Sergeant said, "Send the fellows back." It was Christmas, and I'll never forget it. And they sent up -- my guys went back, and they had turkey, cranberry sauce, mashed potatoes, gravy, greens -- they had everything that you would have at home. And we had it Christmas, the day after Christmas, the third day after Christmas, the fourth. Along about the fifth day, they were hollering, "Jesus, I thought we were going have to have turkey again." (Laughter) You're going back to eating the 10-in-1 rations. That's the Army. You're never satisfied.

BK: You say that it was either law or medicine, but I'm told you might have been a professional football player. You played football in college.

WT: Well, I played football in college -- at Brooklyn College. In those days, we had a football team. Brooklyn had one, City had one, NYU had a football team. As a matter of fact, when Brooklyn played City, it was called the Bagel Bowl, at Ebbets Field. (Laughter) That was the terminology for it.

BK: (Laughter) What position did you play?

WT: I played end. And we played NYU at the Polo Grounds.

BK: Offensive or defensive end?

WT: In those days, you went both ways. (Laughter) There was no such --

BK: You would be a receiver on offense, and a defensive lineman on defense?

WT: That's it. You didn't shift in units like you do today. [00:16:00] Today it's very sophisticated. You know, you're a specialist. In those days, you played both ways. And I went to try out for the New York Giants, at that time. And listen, I weighed about 170, 180 pounds. They had guys 260, and they were just as fast as me. And when they hit you, boy, it felt like you hit a -- (Laughter)

BK: That should come in handy at that point. (Laughter)

WT: You say, "Yeah, here comes education. Football's not for me." (Laughter)

BK: When you finished college, did you go straight on to law school?

WT: Straight on to law school. Yeah. I took a year off, because my eyes were bothering me. But then went right back into law school. And I got the right law school.

BK: When did you start law school? Do you remember?

WT: About '48, '49. About '49, yeah.

BK: And then not long after that, you got married. In 1950?

WT: Got married in 1950, to a young lady I went (inaudible) to school with.

BK: In college? You met her at --?

WT: I met her in Brooklyn College. Met her in Brooklyn College. And we got married, and we had two kids fortunately.

BK: You went to law school full-time?

WT: Worked all day and went to law school at night.

BK: What did you do when you were going to law school, working during the day?

WT: I worked during the day. I worked for the Department of Social Services, as a Social Investigator, first. And then a Spec --

BK: Which was doing exactly what?

WT: People who applied for Welfare, you'd visit. You'd find their eligibility for Welfare. You had to go through their homes. That was the essence of it. You had to go through their homes. And then near the end, while I was going to law school, I worked there. And near the end -- in the '53, or about '54, '55 -- I went to Special Investigations. There's where you investigated all the frauds in the department.

BK: And you had a son while you were going to law school?

WT: I had a daughter and a son.

BK: Both?

WT: Both. Gail and Billy.

BK: How was it dealing with all this responsibility -- working, going to law school, father of two children -- all at the same time? How did you manage to keep all of those balls [00:18:00] in the air at the same time?

WT: Quite easily. Here comes the extended family again. My mother and father had moved over in 1939, to Bedford-Stuyvesant. The second black family on the block. And they moved --

BK: Who lived there before that? I was born in 1950, Bed-Stuy only had black families at that point. Back when they moved there in the late 30s, early 40s, who lived there?

WT: No, back -- initially when they moved, in '39, the community was all white. Bed-Stuy was totally white. It started to flip after '39, when the brokers were able to hustle people and say, "Go out to Long Island, I'm going to put a road in called the Long Island Expressway. Get the hell out of the city and move out to Long Island." And then it started to change, from white to black. And mom and dad bought a big house. It had four stories. They had seven rooms downstairs. I had eight rooms upstairs. And I occupied the top two floors. My mother and father occupied the bottom two floors.

BK: It's great being an only child at that point.

WT: There's no question about it.

BK: They were happy to have the grandchildren all to themselves?

WT: Oh, let me explain the relationship with the grandchildren. My wife was what we used to dismissively call a "religious cook." Sacrificing burnt offerings all the time. (Laughter)

BK: (Laughter)

WT: In other words, she couldn't cook very well. And my mother was a cook.

BK: A cook. A professional.

WT: You can just imagine. As soon as the kids could walk, downstairs they went. (Laughter)

BK: (Laughter) The good food, eh?

WT: They had an absolutely great life downstairs. The relationship they had with their grandparents was not to be believed. Because they'd be downstairs for two or three hours, and then the door would open up, and you'd hear my mother shout, "Get out! Go upstairs where you live!" And here they'd come, running back up the stairs. But that was the relationship. Extended family. It carried it over into their -- And it was really fabulous.

BK: Did you have a specific area of interest when you went to law school? Did you know that --

WT: [00:20:00] None at all. None at all. The specific interest came toward maybe the last year of law school. Where am I going? What kind of law are you going to practice? And you have to realize, it was a different America. I got married eventually later on to Sybil Kooper.¹

BK: We'll get there.

WT: We'll get there, but I want to just tell you one thing about her. She graduated number one in her class at New York Law School. Graduated Wellesley -- Wellesley and New York Law School. And her father, Walter Hart, was a Justice of the Supreme Court, Kings County. Now, today, if your father's a Supreme Court Judge and you graduated number one in your class, you write a ticket for any place you want to go. P.S. -- she couldn't find a job. Nobody was hiring women. And P.S. -- nobody was hiring blacks to go to any place on Wall Street. In those days, it was tough to get an office on Court Street in Brooklyn if you were black. So there were two areas I chose. Criminal law was one. And landlord/tenant, only representing landlords. Because my father was the --

BK: Sheriff?

¹ Sybil Hart Kooper, Associate Justice of the Appellate Division of the Supreme Court, First Judicial Department, 1985 - 1991.

WT: -- City Marshal.

BK: The Marshal.

WT: He was the Marshal. So we gravitated toward that kind of area. And --

BK: Is that what you did once you graduated?

WT: That's it. That was it. Criminal law --

BK: Just start out on your own, hang out a shingle, and dad would refer a little business your way, and --?

WT: Two weeks out of law school I tried a robbery one, and a murder case the following week. In those days, there was no Legal Aid or Legal Services. You just used to go in and sit in a courtroom -- in the jury box, every Monday -- and the judge would say, "Mr. Kron, you're taking this case, and Mr. Thompson, you're taking --" He would just assign cases to you. And gradually you did the small cases -- just burglaries, or robbery in the third degree -- and you'd graduate up to [00:22:00] robbery in the first degree. And then eventually -- you didn't get paid, by the way. There was no pay. But eventually you would wind up with a murder case.

BK: What do you mean there was no pay?

WT: Nobody got paid. You did it pro bono.

BK: For the experience?

WT: That's right. You did it pro bono. It was all done pro bono. And how you eventually might get some money from it was, every so often you'd have a murder case, and they would assign you plus another attorney, or sometimes two attorneys, and then -- at that time, it would start out \$1,500 for a murder case. So maybe the heavy would take \$750

and the two lightweights would take \$350 each, or something like that. Then after a while, you became the heavy.

BK: And just from getting your name out in the neighborhood you would try to pick up some private business.

WT: As you would train. My clients -- Sonny Carson, Al Sharpton -- these were my clients.

BK: When did you represent Al Sharpton?

WT: Right after I started practicing law, I represented Al.

BK: Should I ask what type of case? (Laughter)

WT: All kind of cases. What Al and Sonny did -- and don't forget, these were the area of the civil rights movement, and there were sit-ins and demonstrations. For example -- Boys and Girls High School, which used to be on Nelson Avenue. They eventually decided to close it because it was obsolete, and they were going to build a brand-new school on Stuyvesant and Fulton Street. A new Boys and Girls High School. And they proceeded to come in and build it, and the day they opened up, they were building a house in the middle of Bed-Stuy and there was not one black worker in the whole thing -- whether you're digging or electrical engineer, not one. So the ministers all started picketing and laying down in the street. They got arrested every day. We bailed them out at night. The next morning, they'd be back there. Eventually broke Local One. Harry Van Arsdale, Local Three. That's how we started to get our kids in. But up until that time, there was none in the unions. Couldn't get in there.

BK: Just as a natural segue, when did you first get involved going into the political [00:24:00] process?

WT: With my father. I used to --

BK: This was before you even went to law school, or --?

WT: Absolutely. I used to go to Harlem with him, because he worked in Harlem. Those are where the people he knew in Harlem -- that's where at least you had some black leadership, in Harlem. They had nothing in Brooklyn. Brooklyn came very late compared to Harlem. They're way ahead of Harlem now, of course, but they came very late.

BK: So were you just part of a local political club in Brooklyn eventually, or --?

WT: Yes. I eventually came to Brooklyn. It was the 17th Assembly District in Brooklyn. The leader was Vincent Carney. But you had the black club on Jefferson Ave., and the white club on St. Mark's Avenue. So you gravitated. And the Assemblyman happened to be black -- Bertram Baker. In '48, he was elected. But notwithstanding the fact that he was the Assemblyman, he stayed in the black club once. (Laughter) Jefferson Avenue. And Vince Carney had the club on -- and Vince was the leader of the district. Eventually all that started to change.

BK: You ran for the New York State Senate in 1965, and actually became --

WT: '64.

BK: OK.

WT: That was the election, in '64.

BK: OK. You took office in '65.

WT: That's it.

BK: OK.

WT: And I was very knowledgeable --

BK: Was that your first political run?

WT: Yeah, yeah. And that was --

BK: How do you run for as high a seat as Senator as your first run?

WT: We went to the Democratic leadership and said, "You know, don't you think it's fair that the neighborhood is turning black, and we'd like to have some representation?" And they explained to us that they gave nothing. If you wanted it, come and take it. So we ran. One of my partners -- his name was Randolph Risley Dent. For the Senate -- it was the primary against Walter Cooke, who was the white incumbent. And [00:26:00] Risley had a very, very bad heart condition. He was advised not to run, but he ran anyway. And for the last 15, 20 days of the campaign, he had to stay in the house. He couldn't come out. And I ran the whole campaign. And, as a matter of fact, I borrowed money. (Laughter) It was under my name, because Rizz couldn't get out of the house. He was a fabulous, wonderful guy. The first black [court officer?] in Kings County. And after we won -- the day after we won, or two days after we won -- the County Leader at the time, Meade Esposito, said his organization was going to the Concorde, and why don't we all come up and take a rest because we worked very hard. And went to the Concorde, and on that Sunday, at the Concorde, Risley had a heart attack and died. So we came back, and the County Committee said, "Who is the most logical guy to run in his place? Willie Thompson." And that's how I got it.

BK: Do you remember who you ran against?

WT: Walter Cooke. Oh, no. Then --

BK: Or in those -- it didn't matter once you won the Republican --

WT: Once I won the Democratic primary -- I think it was Bramwell. He was the Republican leader.

BK: Who ultimately became a federal --

WT: No, that was his brother.

BK: Ah.

WT: That's his brother.

BK: OK.

WT: And if you can recall -- and I smile, because the last time the Democrats had control of the Senate was in 1965. The next time was this year. (Laughter)

BK: This year. We might have to send you back up there to clear up the mess. But we're going to get to that also.

WT: But it was 1965.

BK: It was roughly at this time that you were involved in founding the Bed-Stuy Restoration Corporation, in 1966, with Bobby Kennedy.²

WT: Yeah, with Bobby Kennedy.

BK: Do you want to tell us about that?

WT: I was very close to the Kennedy family.

BK: How did that come to be?

WT: Politically. He was going to run for the United States Senate.

BK: So he just --?

WT: So he came around --

BK: [00:28:00] He sought the support of the local grassroots operations?

WT: Local fellows. And we got involved with Bobby. And P.S. -- I had a house also at Cape Cod, which I still have. In Osterville. And I smile as to how we got it. We got it in the '50s. Late '40s, early '50s. The '50s. And there was a woman who owned the land -- I'm

² Robert F. Kennedy, United States Senator (NY), 1965 - 1968.

not going to tell you her name, but she said she just wanted to sell a couple of acres. We started going up there one week, two weeks, then a month, then two months, because my wife was a teacher at the time. So she could take the kids up there, and I used to come up, take long weekends. Worked Thursday, Friday, Saturday, and then -- no, Tuesday, Wednesday, Thursday, and then take the long weekend. We said, "Gee, it's pretty nice up here. Let's see if we can look around for something." So I said, "Mrs. So-and-so, how much do you want an acre?" She says, "\$500." I says, "\$500? Boy, that's a lot of money. I'm not going to pay you \$500." So the next year, when I went back, I said, "How much do you want now?" She said, "\$750." I said, "Give me five acres." (Laughter)

BK: (Laughter) You understood real estate even back then.

WT: And then, P.S. -- I went up, and we bought a prefab house from New England Components -- I even remember the name of the outfit. And we did all the work inside ourself. I had somebody build a foundation, put in the well, bring in the electricity, and the plumber. And the scut work we did. You look at these programs, do it yourself? Billy and I and my neighbors and friends --

BK: So you're handy with real work aside from that?

WT: Yeah, we did it ourself.

BK: I do remember once -- and this is my own personal aside. But I used to play cards with Judge Thompson, and one night I left my keys in the car. He said, "Give me a second." He came out with a hanger --

WT: (Laughter)

BK: -- and the car door was open in about three seconds. [00:30:00] And he gave me a big smile and said, "Where do you think I was raised?" (Laughter) That's true. Getting back

to the Bed-Stuy Restoration Corporation with Bobby Kennedy. How did you go about founding that? Just explain what its role was.

WT: Well, its role was to improve the quality of housing, jobs, et cetera, in Bed-Stuy. At that time, we were competing to a degree with the poverty programs that had been set up under LBJ. Mobilization for Youth in Manhattan, Hayou-ACT in Harlem, Bed-Stuy Youth in Action, in Brooklyn.

BK: It was a great leap forward at that time.

WT: Right, that was all funded by the federal government. Eventually the funding stopped, and all those other organizations went out of business. What we had done was to raise private money, and we had architects -- the Kennedys brought in architects like I.M. Pei and a lot of the heavies. And we picked a lot of the middle-class people from Bed-Stuy, so we put them together.

BK: And where did the funding come from for Bed-Stuy.

WT: The funding we raised ourselves, to a degree. We got some federal, but a lot of it we raised ourself. For example, we would do the exteriors of brownstones. We had a lottery. And we'd come by, and we'd do your whole outside. We put in new sidewalks for you, et cetera. What did that mean? That meant we would use the indigenous people from the community to do the work, or to get trained to do this kind of work. And we would go in and let them restore blocks. Block after block. And after a while, things started to blossom. People used to fight, so that we could get their blocks done. And it didn't cost -- it cost them \$50. We wanted each person to pay \$50.

BK: And here we are, 43 years later, Bed-Stuy Restoration Corporation still going strong.

WT: Still going strong. Totally funded by us now. I mean, we raise our own money. Here and there we get grants, now and again, from the Rockefeller Foundation, [00:32:00] or from the Ford Foundation. Frank Thomas was one of our chairmen. He became head of the Ford Foundation. We used to get money from them. And we're still doing the same kind of work. We've increased it. We've put up housing. Maybe we have about 500 units of housing that belongs to Bed-Stuy Restoration. All affordable housing -- no market rate. And we still do the outside of buildings. We still try to resurrect blocks as we go along. We're still doing the same thing.

BK: Still have any specific memories of Bobby Kennedy? It must have been devastating.

WT: All good. All good. He called me two days before he died, from California. And we talked on the phone.

BK: Looking forward toward things working out.

WT: He was coming back, because he was in the primary then. He was going to come back and start working with me.

BK: While we're in the mid-60s, this is something I'm just curious about. I have a different perspective, because -- I have my own question I've never asked you before, after all these years, that I'm curious, because I went to college during Vietnam, and this was an incredibly turbulent time. I'm curious as to your reaction, from what you went through to fight for your country in World War II, to your reaction of the incredible conflict and the resistance to the war in Vietnam. There was the hardhat "America Love It or Leave It" on one side, and there was the "Hell No, We Won't Go," Haight-Ashbury on the other side. It was a tremendous conflict of two different cultures and values. Where did you land in the middle of all of that? What was your read on that?

WT: In the middle of all of that, I was opposed to Vietnam. I didn't think we belonged there. It's just like Iraq. I don't think we belong there. And the most amazing thing is, if you ever go to Vietnam, and go from --

BK: Which you've been to recently --

WT: And you go from one end to the other, and you say to yourself, "What the hell were we doing here?" [00:34:00] First it was the Chinese who occupied them. Then the French. Then we came in. They've always been subjugated.

BK: So even in the '60s, even though you were a World War II veteran, you'd distinguish between the two wars very clearly?

WT: Absolutely. And it was very easy to distinguish between the two. One was a war of survival. World War II was a war of survival. Vietnam was something where we didn't belong.

BK: Something less than that, perhaps.

WT: That's right, yeah.

BK: How long were you in the Senate?

WT: Four years. '65, '66, '67, and '68.

BK: And what happened in '68?

WT: I ran for Congress against Shirley Chisholm.³ I lost by about 200 votes.

BK: Memories of that? That was a historic election.

WT: Well, it was a good run. No question about it.

BK: Shirley Chisholm was the first elected --

WT: African-American woman in the Congress. Yeah.

³ Shirley Anita St. Hill Chisholm, Member of the United States House of Representatives, 1969 - 1983.

BK: You think that gender played the role in your losing, or was it a key factor, one of the factors --?

WT: The key factor was, very simply, some literature that they put out -- "Who Supports Willie Thompson?" And the argument was, mainly the white establishment. Because I was very close to the Jewish community, I was very close to a lot of the other communities. And that was the attitude. But you know what? To this day, I don't really --

BK: So there was ethnic politics?

WT: No question about it. No, there had always been ethnic politics, Barry.

BK: So it was more race than gender when Shirley Chisholm --?

WT: Yeah, yeah, yeah.

BK: It was more, "Vote for me, I'm the blacker black candidate," than, "Vote for me, I'm the female candidate"?

WT: To a degree, yes. Not so much, necessarily, a female. But the initial one.

BK: The gender.

WT: So, I understood it.

BK: You still had your law practice going on during the years in the Senate?

WT: Never had a problem. Never had a problem. Still had it going on.

BK: And what happened after you lost to Shirley Chisholm? Where did you go from there?

WT: Went to the City Council. [00:36:00] My City Councilman died, and I took over his spot. J. Daniel Diggs. And I became the City Councilman for another five years.

BK: It's not good to hang out around you, is it? (Laughter)

WT: (Laughter)

BK: You seem to have a natural succession to people who precede you. You get me a little nervous here. But I don't think you want to go back to Queens Supreme. In any event, how was it going from state politics to something as local as city politics?

WT: Well, in those days, the City Council had very little power. The Board of Estimate was where all the clout was, rather than the --

BK: Who was the Mayor when you went into the City Council?

WT: Gee, I'm not sure whether it was -- John Lindsay.⁴ John Lindsay was the Mayor. And I smile because, when he came up for his second term, there were three black leaders at the time. It was myself, Tom Fortune, and Sam Wright. And he called us to City Hall, and he said, "Do you think I can win?" We said, "Absolutely." He says, "What do I have to do?" I said, "Stay the hell out of Bed-Stuy. Go out to Queens. Go out to other neighborhoods. White neighborhoods. Stay out of the black neighborhoods. Everybody knows in there where you are. But as soon as you come in, everybody's 'Oh, there he is again, over there in Bed-Stuy.' Stay out of the neighborhoods." That's exactly what he did, if you follow his campaign. He didn't touch us once. He didn't have to.

BK: He was getting the vote anyway.

WT: Don't worry about it.

BK: OK. Why alienate people gratuitously?

WT: That's right. Don't worry about it. And he won.

BK: During this time in the '60s, you were also Regional Director of the NAACP?

WT: Oh, they were fabulous times, Barry.

BK: Tell us about them.

⁴ John V. Lindsay, Mayor of the City of New York, 1966 - 1973.

WT: They were absolutely gorgeous times. You met people from all over the country, white and black, I might say. It wasn't limited just to black people. The first day of every NAACP convention, all the lawyers from the country came in to meet with Thurgood, and [00:38:00] Bob Carter, and Jack Greenberg, and Connie Motley, and Wally Grant in Little Rock, and guys from Alabama, and Bob Ming, from Chicago. I forget the guy's name from -- we have a committee named after him -- from California. And we discussed trying cases, approaches, techniques, how to go, where to go, what to do, what courts to reach, and how to get into these various courts. What Judges might be favorable --

BK: Do you have any specific cases you remember from that era?

WT: Sure, I'll give you one that perhaps is -- with *Brown v The Board of Education*,⁵ it wasn't only one case. It was five cases, besides *Brown*. *Brown* just happened to be the lead.

BK: The famous case.

WT: The other key case was *Briggs v Elliot*.⁶ And it came out of Clarendon County, South Carolina. And the judge down there was a guy named Waties Mainwaring [*sic*].⁷ Federal court judge. A patrician, who had been nominated for the federal court, and became the judge in the federal court in Charleston, South Carolina. And there was, this Briggs child used to walk eight miles every day to school. And across the road lived the little white kid who was able to get bused. And he asked the school board, "Why can't we go on the bus?" They said, "No way you're going to go on the bus." Besides, they'd allotted \$40 per year for each black child, and \$500 for each white child. So Briggs came to the NAACP, which was at 20 West 40th Street, in those days. And they asked Thurgood and

⁵ *Brown v Board of Educ.*, 347 US 483 (1954).

⁶ *Briggs v Elliott*, 342 US 350 (1952).

⁷ Julius Waties Waring, Judge of the United States District Court for the Eastern District of South Carolina, 1942 - 1952.

them to represent them. And Thurgood went down, and Mainwaring [*sic*] said, “Why are you attacking buses? Why don’t you attack the whole system? Because it’s discriminatory.” And that’s exactly what they did. [00:40:00] And he called it unconstitutional. Then it went up to the Fifth Circuit, and it was two to one. Mainwaring [*sic*] voting it unconstitutional. And that was one of the cases that went before the United States Supreme Court in *Brown v The Board of Education*. There was *Brown*, there was *Briggs*, there was one from Alabama. There was four or five cases like that, that came under the --

BK: Just using your legislative background to give us some other insights. The New York State Legislature has been viewed by some for a long time as the most dysfunctional legislature in the country.

WT: It still is.

BK: What went wrong from the time you were there? Was it this dysfunctional when you were there in the ‘60s? Where did it go off track, and what are we going to do to fix this? In a minute or less I’m sure you can analyze all of that.

WT: (Laughter) The rules have to bend. You have to allow bills out. The one thing I can attribute to Republicans -- total discipline, all the time. Every bill that comes up now on the Democratic side, Malcolm Smith has to fight and give away half the state in order to get the Democrats to stick together. You’ve got two or three recalcitrant Democrats that he has to beg and borrow and do everything for.

BK: But it’s been this way for, like, the last 10 years. Where they called them a dysfunctional legislature.

WT: They’re dysfunctional because nothing got done.

BK: Has the nature of the personalities, and the way the whole system operates -- has it changed from your day? Or is it just a function of the personalities or the system?

WT: It's changed a bit. The leadership at the top were more amenable to talking to people. The Rockefellers were more amenable to talking to people. Not so much the Pataki, because I consider him one of our class racists. And you'll get to that very shortly.

BK: Feel free to do it.

WT: (Laughter)

BK: You will explain that, because you believe it.

WT: It's very simple. [00:42:00] We have 82 Court of Claims Judges, and I think Pataki⁸ in his 12 years appointed one, maybe two, in the Appellate Division, Second Department, where you and I both worked. He wiped out every single black in there. They only had one, and he sent her to the -- she eventually went to the federal court. Wonderful person, by the way. And Barry Cozier,⁹ he appointed. So we only had one in the Appellate Division.

BK: One of the things I --

WT: And when you realize that the Second Department -- 50% of the people in the State of New York live in our department -- live in the Second Department.

BK: The part I remember of that -- which now you strike something that I do remember -- is when we worked there, the Judges at the Appellate Division, Second Department -- Judges were elected in the Second Department.

WT: Right.

⁸ George E. Pataki, Governor of the State of New York, 1995 - 2006.

⁹ Barry Cozier, Associate Justice of the Appellate Division of the Supreme Court, Second Judicial Department, 2001 - 2006.

BK: And under Governor Pataki's domain, quite a few people from upstate Republican bastions --

WT: Yes. (Laughter)

BK: -- suddenly found a home.

WT: They came from every place but the Second Department.

BK: That is indeed true. This is a natural segue into the court system. You were in the City Council. Eventually in 1974 you were elected to Supreme Court.

WT: Yes.

BK: How did that come about?

WT: I thought I'd paid my dues. The court appealed to me. I think that's --

BK: Why did it appeal to you?

WT: I think that's the culmination for all lawyers. I think they feel that way.

BK: This was before they froze judicial salaries.

WT: That, to me, is an absolute disgrace, in terms of salaries. I'm doing something for one of my kids right now, who's going to be -- he works for Swissray -- one of my step-children. And he's being laid off at the end of the year. So they're giving him the package as to what it will be when he gets laid off. And his base salary is \$143,000. Two years ago, he got a bonus of \$100,000, [00:44:00] and the year before he got one of 75,000. And when I look at my judges, who haven't had a raise in 10 years, you say to yourself, "Something's really wrong." And they're not going to get it now, because if you gave a judge a raise, I can understand people who are losing their jobs, or not getting, saying, "How could you give him a raise? Look what has happened to me. I have lost my job." Or, "I've given back."

BK: Or, "We're in a tough economic time."

WT: Or, "We're in a tough economic climate."

BK: Although there is a court case pending where the judges will determine what they are entitled to.

WT: And I said to one of them the other night, I said, "This was supposed to be an expedited appeal since November. What's expeditious about it from November to today? Make a ruling. I don't care how you make it, up or down. But make the ruling!"

BK: Didn't happen though.

WT: Well --

BK: Getting back to 1974, when it was still a livable salary, how did you go about getting a Supreme Court nomination?

WT: I was the leader. I was the Chairman of the County Committee of Kings County. Everybody knew I was a halfway decent trial lawyer. And I had been in the courts all the time. Never shrugged away from cases.

BK: You tried criminal cases or civil cases?

WT: Everything. You name it, we did it. In those days, that's the way you made a living.

BK: But I mean, when you went on the Bench, were you primarily a criminal term, or a civil term --?

WT: What happened -- there was a ruling, or -- ruling is a bad term. There was a method of appointing. And when you got elected, you went into criminal first for a year or two, and then you went to civil. That's the way it ran. But I got into criminal, and I liked it. And I started trying a lot of the heavy stuff. Joanne Chesimard, [Monjes?], and Stewart -- I tried that case. A lot of the heavy cases. We enjoyed it.

BK: You have memories of the Chesimard case?

WT: Oh, sure. It was Chesimard, [Monjes?], and Stewart. I started to pick the jury. [00:46:00] And that was in the heyday of the Black Liberation Army. The cops stayed at my corner, my house, all during the time. There was a magnetometer at the entrance when you got off the elevator on the ninth floor. When you got to my courtroom, there was one outside my door. Major Case Squad was in the audience all during the trial. I had 14 court officers, plus two clerks, and four stenographers. And while I was picking the jury, [Monjes?] tried to escape from the Brooklyn House of Detention, and the rope broke. So when I went back the next day, there was only two left to try. So -- (laughter). That gives you an idea.

BK: "Abated by Death" is one of the stamps that the court system makes available.

WT: And when it was over I took everybody to Chinatown for dinner.

BK: How long after the trial did you keep the security for? Or once the trial ended, did your special security end?

WT: Most of it ended then. Especially (inaudible).

BK: I just ask you out of curiosity because --

WT: It ended then.

BK: -- I was at something with Judge Cooperman,¹⁰ the other day.

WT: Yeah.

BK: And he's had a politically charged trial recently, and months later, he still has security.

WT: Yeah, some of them do have it.

¹⁰ Arthur J. Cooperman, Justice of the Supreme Court of the State of New York, First Judicial District, 1981 - 2009.

BK: It is a sad state of affairs that doing your job fairly and objectively requires this level of protection simply to perform as basic a job as we have.

WT: Barry, I explained this to my judges the other day. De nisi prius. The trial attorneys -- the ones who make all the law. And the animosity, if any, is directed at them. You have the District Attorney of Queens County, what's his nickname?

BK: I can't remember.

WT: "Duck Down" Brown.¹¹

BK: "Duck Down" Brown.

WT: Why? Because they started shooting at him in the courtroom.

BK: His first day on the bench.

WT: On the bench.

BK: Someone took out a gun and made it into that little crevice. He was known as "Duck Down" Brown when he first started.

WT: And I'm reminded of [00:48:00] the federal courthouse in Westchester -- it's named the Daronco Courthouse. Dick Daronco¹² was one of my judges, because in those days, when Cooke¹³ became the Chief Judge, we were overloaded down here. And he would send upstate Judges down just to help us out, to get rid of the cases. And Dick Daronco came down. He turned out to be one hell of a judge. And eventually he went to the federal bench, in Westchester County -- I think he was appointed by Nixon. And he had a sexual harassment suit. Some young lady, by her boss, et cetera. And he tried to have them settle

¹¹ Richard A. Brown, District Attorney of Queens County, 1991 - _; Justice of the Appellate Division of the Supreme Court, Second Judicial Department, 1982 - 1991.

¹² Richard J. Daronco, Judge of the United States District Court for the Southern District of New York, 1987 - 1988; Justice of the Supreme Court of the State of New York, Ninth Judicial District, 1979 - 1987.

¹³ Lawrence H. Cooke, Chief Judge of the New York State Court of Appeals, 1979 - 1984; Associate Judge, 1974 - 1979.

it for \$50,000. She refused, and her father was the culprit -- he absolutely refused. And it was a defendant's verdict. And the father stalked Daronco, and killed him out in his garden, while he was fixing flowers. That's why the Westchester courthouse is named after Dick Daronco. And here and there you see these. You and I were talking before about *Briggs v Elliott*, the civil rights case. And after that, they tried to bomb Mainwaring's [sic] house, the federal judge. Lightning struck the house next door to where he lived. And his neighbor put up a sign, "Dear God, he lives next door."

(Laughter)

BK: (Laughter)

WT: So, you know, here and there, didn't you see recently out west someplace, a judge's wife got shot? I guess they were --

BK: It happens. Like everyone else, it's happened to us.

WT: The difficulty is, I rarely see a legislator getting shot. You know? But the judges carry the heavy load. I co-chair a committee, Public Trust and Confidence in the Legal System. And I find that the people generally -- generally -- by a high percentage -- maybe close to 80% -- approve of the --

BK: Judges' performance?

WT: -- Judges' performance. And [00:50:00] that's interesting when you realize that, in every case, somebody wins and somebody loses. You know, in civil cases.

BK: And running better than 50% is doing well.

WT: Fifty percent. Yeah, well, so that's quite a high percentage. As opposed to --

BK: Especially when you see the approval rating of legislators.

WT: And the executive branch. Don't leave that out.

BK: OK.

VIDEOGRAPHER: (inaudible) [tape change]

BK: In 1979, you became the Administrative Judge. How did you like being administrator, as opposed to actually trying the cases yourself?

WT: I missed the courtroom. I tried to fit in cases while I was doing the administrative job.

BK: You'd do administrative simply because it was the natural progression, more than you really wanted to administer?

WT: Well, yes and no. I enjoyed the courtroom, but I liked to -- you want to see if you can get rid of this backlog. You want to make it work better. Everybody believes they can do it better. And that's what I tried to do. I used to call judges in and try to motivate them. "I need some more time." "I need some more of this out of you." "What about that?" One of those kind of things. And I smile because, when I went to the Appellate Division, after I was there for one month, if I could have gone back with honor (laughter) to where I came from, I (inaudible).

BK: You preferred the direct one-to-one contact than the legal briefs.

WT: Oh yeah! (Laughter)

BK: When you were there you met Judge Kooper. Sybil Hart Kooper.

WT: Yeah, yeah, yeah.

BK: Tell us a little about that?

WT: She was in one of the courtrooms next door to me. And Sybil and I became, you know, very friendly. And she was the top Judge. We had four Judges -- they used to call them Murderers Row. And all they did was try murder cases. Judge Kooper --

BK: Back in those days there were enough cases to try. Hopefully now we don't need --

WT: Each one had about 50 cases. It was Kooper, Lentol,¹⁴ Corso,¹⁵ and Starkey.¹⁶ [00:52:00]

They were four fantastic people. As I said, they used to call them Murderers Row. You never had to worry about them. Son of Sam, all of that. That all came out of my court.

You know, these were great judges.

BK: Then in December of 1980, you got a call from Governor Carey?¹⁷

WT: Yeah. He said, "Go across the street."

BK: Do you remember the call coming in?

WT: I remember the call very well. He said, "Willie?" I said, "Yes, Governor?" He goes, "I know you well," you know? And he said, "I'd like you to go to the Appellate Division." So I said, "Thank you very much."

BK: (Laughter) I laugh, because it just reminds me I used to be Court Attorney to Frank O'Connor.¹⁸ And he says when he got the call from Governor Carey, it was on a Friday afternoon at 4:30. And Carey said, "Frank, I've been calling all over the state, and I decided the first judge that picks up their phone --

WT: (Laughter)

BK: -- in the chamber at 4:30 on a Friday afternoon is going to the Appellate Division. You're the first one who actually picked up his phone. You're gone." So you said the Appellate Division -- did you like it?

WT: Let me put it this way --

BK: You needed to experience it.

¹⁴ Edward S. Lentol, Justice of the Supreme Court of the State of New York, Second Judicial District, 1973 - 1981.

¹⁵ Joseph R. Corso, Justice of the Supreme Court of the State of New York, Second Judicial District, 1969 - 1986.

¹⁶ John R. Starkey, Justice of the Supreme Court of the State of New York, Second Judicial District, 1962 - 1982.

¹⁷ Hugh L. Carey, Governor of the State of New York, 1975 - 1982.

¹⁸ Frank D. O'Connor, Justice of the Appellate Division of the Supreme Court, Second Judicial Department, 1976 - 1986.

WT: It's true, but no one understands --

BK: Thank God you experienced it, or God knows where I'd be, but -- (Laughter)

WT: (Laughter) No one understands the Appellate Divisions of New York State. At least the Second Department. I'm not talking about the others, because I'm not aware of the work ethic in the other departments. One of the interesting things you find is that in the Second Department, when our Judges reach 70, to a large extent they go back to trial term. Because you can't read 70 hours a week, incessantly. Ritter¹⁹ just went back to Dutchess County. Or Orange County. Copertino²⁰ went back. Bracken²¹ went back. To trial term. Because --

BK: Just the actual drain in stamina.

WT: It's unbelievable, the time that you have to put in to read.

BK: [00:54:00] People don't realize. I learned this when Bobby Fischer was a great, great chess player. You think you sit there and never move. And the amount of training and running just to build up the stamina to maintain something as stationary as sitting, reading, or moving a chess board takes tremendous energy.

WT: It took, even when I had the new car, I had special lights put in so that Sybil could read while we were driving. Because we (laughter) -- I don't have to tell you -- we put in 70 hours a week. Arthur Spatt,²² federal court judge, used to advertise for a law secretary, six days a week. That was the advertisement in the paper. You worked six days a week.

¹⁹ David S. Ritter, Justice of the Supreme Court of the State of New York, Ninth Judicial District, 1985 - 2011; Justice of the Appellate Division, Second Judicial Department, 1990 - 2008.

²⁰ John Copertino, Justice of the Supreme Court of the State of New York, Tenth Judicial District, 1988 - 1998; Justice of the Appellate Division, Second Judicial Department, 1991 - 19.

²¹ Lawrence J. Bracken, Justice of the Supreme Court of the State of New York, Tenth Judicial District, 1974 - 1981; Justice of the Appellate Division, Second Judicial Department, 1981 - 2001.

²² Arthur D. Spatt, Justice of the Supreme Court of the State of New York, Tenth Judicial District, 1978 - 1986; Justice of the Appellate Division, Second Judicial Department, 1986 - 1989; Judge of the Federal District Court for the Eastern District of New York, 1989 - _.

BK: Truth be told, at the Appellate Division -- again, just a quick story. This is about you, not -- but it just so fits in. Dick Brown, when he was at the Appellate Division, would come in at, like, 6:15 in the morning. Like he was a hero. Oh, I was the Chief Court Attorney, and Marty Brownstein, who was the Clerk -- we would be on our third cup of coffee.

WT: (Laughter)

BK: And Arthur Spatt will have already written four decisions and be out having breakfast out on Court Street at 6:15 in the morning. It's like, "Where have you been? We've been here for hours already."

WT: That's right. That's right.

BK: Would you say the Appellate Division cases are driven more by the interplay of personalities amongst the judges, or more strictly by pure things contained in the briefs?

WT: Strictly by pure things contained in the brief. Strictly. Because we look at it -- again, as I say, nisi prius makes the law. The only thing we are -- we're a court of errors. If it's egregious, we reverse. If it makes sense, according to the law, you leave it alone. Even though, here and there, there's no such thing as a perfect trial.

BK: How often would you go in with one perspective of a case, and have one of your colleagues convince you based on [00:56:00] a different perspective, maybe, you should vote with me?

WT: It would happen, when they came in with very logical legal arguments. It would happen --

BK: Rarely, or --?

WT: You know, more than rarely, let me put it that way. More than rarely, they would come up with legal arguments. And you had such scholars, like Jim Hopkins,²³ and Alby Rosenblatt.²⁴ People like that, you know? You could sit down and talk with them, rationalize. It was absolutely great.

BK: How much would oral argument affect an Appellate Division decision, as opposed to what was contained in the written word of the verdict?

WT: Very, very rare. Occasionally, sometimes, we were inclined to go to one side, and after their guy got up and, instead of saying -- it's the toughest thing in the world to say for lawyers is "no questions." Or for the lawyer to sit down and not say something. But sometimes, we weren't too sure about what happened, even though we read the briefs and the records. And the lawyer would get up and, by the time he got through, "Oh, is that really what happened? Oh, thank you very much!" (Laughter) Or one of those kind of things.

BK: Do you have any specific memorable cases that stick with you from your days at the Appellate Division?

WT: Oh, O'Brien,²⁵ for one, which you were on. And I think --

BK: I'm just an anonymous (inaudible).

WT: We must have fought on that one for about two weeks. I mean, really knock down. People came running into our room and said they thought we were fighting each other. (Laughter)

²³ James D. Hopkins, Associate Justice of the Appellate Division of the Supreme Court, Second Judicial Department, 1962 - 1981.

²⁴ Albert M. Rosenblatt, Associate Judge of the New York State Court of Appeals, 1999 - 2006; Associate Justice of the Appellate Division of the Supreme Court, Second Judicial Department, 1989 - 1998.

²⁵ *O'Brien v O'Brien*, 106 AD2d 223 (2d Dept 1985).

BK: Are you sure? It was a one-sided fight. (Laughter)

WT: Not really. Not really. It made such great law, though.

BK: Dealing with when someone sent someone else through medical school, and then decides to get rid of them. After you've supported me through medical school, if your medical license is part of the marital assets, now that you've had enough of me.

WT: Or, on the other hand, the wife stays home with the four kids, and raises the kids while [00:58:00] he goes to school. And then as soon as he gets his degree, he says, "I'll see you later, I want to marry someone else." And what about her? You know?

BK: Indeed. While you were at the Appellate Division in 1993, you formed an organization with Judge Jerry Hornblass²⁶ -- Blacks and Jews in Conversation?

WT: Yeah, we started that because of the riots that they had in Crown Heights. A black kid got killed by the car, and they started a riot with the Hassidic Jews in Crown Heights. And Jerry, who was an Acting Supreme Court Judge in Manhattan, and I said, "You know, wait a minute. The crazies are the only ones being heard on both sides. There's got to be a middle voice." And he and I set up this group called Blacks and Jews in Conversation, and we became somewhat of a middle voice. Started going to schools, and started going into communities, and speaking with people. And I recall one of the judges -- his name was Al Tomei,²⁷ who happens to be Italian. He came and he said, "What the matter? Don't we count too?" I says, "You know what? You're right." And we changed the name to Not Just Blacks and Jews in Conversation. And we had Tomei, and Irish judges, and everybody else became involved with that. We even went into the federal courts and --

²⁶ Jerome Hornblass, Acting Justice of the Supreme Court of the State of New York, First Judicial District, 1980 - 1997.

²⁷ Albert Tomei, Justice of the Supreme Court of the State of New York, Second Judicial District, 1994 - 2016.

BK: It's still an ongoing organization.

WT: Still an ongoing organization. As a matter of fact, I now take -- I'd say "my goyim," but since we're on television I'll say we now take non-Jewish judges. I do. I take non-Jewish judges to Israel. And I said this the other night. I added room for one more, and I couldn't find one, so I had Jackie Silberman.²⁸ And I took Jackie Silberman to Israel with me last year, and this lady was indefatigable. From the Golan Heights to the Negev Desert. And when we got to Masada, she wanted to walk up the Masada. I'm like, "Look, are you losing your mind? You know how long it took the Romans to get to the top of Masada?"
(Laughter)

BK: I was --

WT: [01:00:00] We're going to take the tram! (Laughter)

BK: I was there. It's a long, hot trip. Your time at the Appellate Division came to an end in 2000?

WT: '01. 2001. Beginning to.

BK: Mandatory retirement.

WT: But I would have gotten out anyway, Barry, because Billy was running for Comptroller.

BK: We're going to get to Billy.

WT: And I would get out to help him.

BK: But what I wanted to ask you was whether you think mandatory retirement for judges is a good idea.

WT: No, and you and I had a bill in. Not a bill, we voted in one of the cases, where the judge brought an action and said it's discriminatory --

²⁸ Jacqueline W. Silbermann, Justice of the Supreme Court of the State of New York, First Judicial District, 1983 - 2008.

BK: Unconstitutional.

WT: Unconstitutional. And I think we went before, was it Kimba Wood,²⁹ or one of those judges who reversed us. No, she went along with us. I think she was reversed by Second Circuit. I think as long as a judge has the faculties, he should be able to serve. So you do it every two years, like you do now -- two, two, and two, to get to 76.

BK: But you should be able to go on forever as long as you're able?

WT: Yes, it's a tremendous waste of talent. You take, like, Duberstein,³⁰ who's into his 90s. You had other judges who were --

BK: You have Alan Beldock³¹ in Queens.

WT: Beldock in Queens. You had oth --

BK: I think we're up to the --

WT: All right.

VIDEOGRAPHER: No, no.

BK: -- time? We have a few minutes?

WT: Yeah.

BK: OK.

WT: Oh, you had other judges who, you know, had their faculties, and just could handle it.

BK: So now you're retired, at 76. You just sit at home, play with the grandchildren, watch a little TV in the afternoon?

WT: Yeah, every day at 7:30 I'm in court. I meet my judges for breakfast at 6:30.

BK: In the morning.

²⁹ Kimba M. Wood, Judge of the United States District Court for the Southern District of New York, 1988 - 2009.

³⁰ Conrad B. Duberstein, United States Bankruptcy Judge for the Eastern District of New York, 1980 - 1984; Chief Bankruptcy Judge, 1984 - 2005.

³¹ Alan Beldock, Judge of the Criminal Court of the City of New York, Queens County, 1968 - 1991.

WT: In the mornings. And then 7:30 in the evening --

BK: Who are you referring to as your judges? (inaudible)

WT: Oh, I have Larry Knipel,³² Marty Schneier.³³ Several of the clerks. John DeVito.

BK: Your Court Street breakfast?

WT: Marty Schneier. At the [01:02:00] Grand Canyon. We're there every morning at 6:30 to 7:30. And then we're into court. We're in there before eight o'clock. I'm in court maybe 7:30. And that's when you call me all the time. (Laughter)

BK: I'm there with you. I'm an early --

WT: I find without the phones I can get something done.

BK: Why not ease the load at this point in your life, and just enjoy some leisurely travel, and the grandchildren, and not take on the responsibility at this point.

WT: Well, let me put it this way. Because of the children and the stepchildren, four are Jewish, two are black, and one's Italian.

BK: We should mention a third wife. When Judge Kooper passed away --

WT: Yeah, she died in '91. I married Barbara in '93. And she died from breast cancer in '07. December --

BK: Which is something I meant to get to, which is JALBCA.

WT: Right, December '07. And, collected, we have seven kids, all together. Seven achievers -- every one's an achiever. And they're the most fantastic kids going. Ross & Hill. Jimmy Ross is the --

BK: Of which you're of counsel at this time.

³² Lawrence S. Knipel, Justice of the Supreme Court of the State of New York, Second Judicial District, 1998 - ____.

³³ Martin Schneier, Justice of the Supreme Court of the State of New York, Second Judicial District, 1999 - 2011.

WT: That's right. That's the mishpucha, as we would. That's the son. The stepson. That Billy Thompson --

BK: How is it that you're so prolific in Yiddish, and also Italian, I believe.

WT: That's where I was raised. I was raised in a --

BK: In a multilingual neighborhood, so you just picked up the language.

WT: That's the way it was. And in Italy, you know, that was the way you got around. At least I got around that way.

BK: I'm sure you did.

WT: Learning the language. (Laughter) So it helped.

BK: I meant to mention JALBCA, which is, after Judge Kooper --

WT: It's called Judges and Lawyers Breast Cancer Alert, and I'm glad you mentioned it, because the dinner was Wednesday night. Four hundred people at Water's Edge. Every major firm was there. Simpson Thacher Bartlett. Weil, Gotshal. You name them, they were there. [01:04:00] And it started when I lost Sybil in '91. Sybil and Ethel Danzig,³⁴ and maybe one other woman judge died from breast cancer. And we said, "Somebody's got to start doing something." So I got together with Judy Kaye,³⁵ and we started to bring this organization along. And it has just mushroomed. Spontaneously, Wednesday night, besides selling out the place for 400 people, we said, "We have mammogram vans, that we put in front of courthouses. Each van costs us \$3,000. How many of you can buy a van?" We got 15 vans -- \$45,000 we just picked up.

BK: That's a lot of precautionary stuff.

WT: That's a lot of precautionary stuff.

³⁴ Ethel Danzig, Justice of the Supreme Court of the State of New York, First Judicial District, 1980 - 1989.

³⁵ Judith S. Kaye, Chief Judge of the New York State Court of Appeals, 1993-2008; Associate Judge, 1983-1993.

BK: You were telling us about the number of mammograms JALBCA's been able to --?

WT: Yeah, we've got these vans, and they do about a hundred per van. We put them in front of courthouses so that people who can't afford mammograms --

BK: Can just show up and --?

WT: On the way to court, on the way leaving the court. We make announcements in the court, "There's a van outside, for those of you who would like mammograms."

BK: Maybe crime pays. (Laughter)

WT: And we go sometimes into the neighborhoods, and use our vans. You know, so it's very successful.

BK: Let me ask you -- over the course of your career, we've been over JALBCA, Blacks and Jews in Conversation, the Commission to Promote Public Trust, Bed-Stuy Restoration. Where does all this initiative come from?

WT: You have to give back. You've got to give back. I tell people I rode in the back of the bus. I now own the bus company. I made enough money to buy four bus companies. You've got to give back. Otherwise there's going to be no movement. We don't --

BK: Just raised with proper values.

WT: If we don't turn around and reach back and start grabbing some of these kids [01:06:00] and bring them along, then we've wasted our life. There's a Chinese proverb that says, "May you live in interesting times." I have lived in interesting times. I've seen America turn around.

BK: Well, I was going to ask you -- you used to talk about you rode in the back of the bus. We are now under the Obama presidency.

WT: Somebody said to me -- he spoke to me yesterday, at one of our mediations. And he said, "You know, Judge. You and I had mediation before the election, and I ask you how Obama was going to do. And you said to me, 'He's already won.'" He says, "And I know what you mean now." The very fact that the people -- the Democratic part -- the people in America -- saw fit to nominate him. He didn't have to win. Just to nominate is a win. So he didn't have to win to win. The very fact that he got nominated was a win.

BK: I felt that way, to some degree, when Joe Lieberman ran for Vice President within the last four years.

WT: I know.

BK: Where do you go from here, now that --?

WT: There are no barriers. Intellect and intelligence, I guess, is beginning to permeate Americans. We always hate intellect. We're always leery of intellect. And maybe we're getting over it, Barry. I mean, you take an Adlai Stevenson,³⁶ who was an absolutely brilliant man. "No, no, no -- I'd rather 'Grandpa' Eisenhower,"³⁷ or someone like that, you know? So intellect now is coming to play. Hey, listen -- he gave a commencement speech at Arizona State University. Forget he didn't get an honorary degree, who cares? Seventy thousand people showed up. When was the last graduation where you saw 70,000 people? It's tough enough just to get your relatives there. (Laughter)

BK: You've now been practicing in the legal community more than 50 years. How have things changed? How have they evolved, if at all?

³⁶ Adlai Stevenson, II, United States Ambassador to the United Nations, 1961 - 1965; Governor of Illinois, 1949 - 1953.

³⁷ Dwight David Eisenhower, President of the United States, 1953 - 1961.

WT: It's changed drastically. [01:08:00] When I first started practicing law, I could buy houses walking along the street, meeting people who have a house to sell. You'd shake his hand, and he says, "Draw up the contract, Willie, and make sure you don't screw me." And that's what we did. With a handshake. Today, it has to be written in blood, 14 witnesses --

BK: So it's just more combative? Its people are edgier?

WT: It's more combative. The ethics today -- it troubles me. The ethics troubles me today.

BK: Your word is no longer your bond.

WT: It doesn't mean anything, unless it's written. I bought my summer house in 1979. And the fellow I bought it from, the family was represented by an attorney -- it's OK to use his name. His name was Wickham. William Wickham. Now I don't know who the first one off the Mayflower was, but about the eighth or the ninth was Wickham. Because it's in the charter out there, on Robert's Island. And the offer for the house was -- and then I have to thank my brilliant wives. Every one of them has been absolutely brilliant. Because I looked at this house, and this woman had had 20 cats, and she never let them out. So I don't have to tell you what the place was like. And I said to Sybil, "I don't want this piece of junk." She said, "Are you crazy? This house, with 230 feet of beach, and two acres, for \$95,000? Are you losing your mind?" (Laughter) So we bought it. But anyway, Bill Wickham sent me the contract, and it was \$95,000 with ten down. And I signed it, and -- Sybil and I signed it, and sent it back with a check for \$9,500. And it had not been signed by the executor of the estate, because it was an estate. And somebody came to him and offered him \$10,000 more. And his answer was, "Oh, no, I can't do that. I gave my word." [01:10:00] And now, you know, believe it or not, out on the North Fork

of Long Island -- that's where my summer place is -- that attitude still prevails. You ride along and you see farm stands, and there's nobody there. It says, "Please put the money in the box." And there's a box there, where you take strawberries or asparagus, and they're so much a bunch. And you take it out and you put the money in the box. If that's New York City, they take the box, the farm stand, everything else. (Laughter)

BK: (Laughter)

WT: Out there they make change. The money's just --

BK: So it's things have just become more contentious -- more combative -- over the years.

This is a very big question, my next question. What's your proudest accomplishment over the course of your career? If there is such a thing as a proudest accomplishment.

WT: You know what the proudest accomplishment is? Meeting the most fantastic people in the world. And you can attest to some of this. The people in the Appellate Division were absolutely the most delightful people I've ever come in contact with.

BK: So your proudest accomplishment is just the exposure you've had to special people.

WT: It just exposure to all of these wonderful people. Somebody asked me the other day, "What about the Court of Appeals?" And they were talking about who should go there. And I said, "There are about three people I could think of right now, that after I'd spoken to them for ten minutes, knew that they belonged on the Court of Appeals." One was Jim Hopkins. The second was Alby Rosenblatt.

BK: Who made it.

WT: Who made it. And the third might have been Milt Mollen.³⁸ And if you asked me today, I'd say Steve Fisher,³⁹ from the Second Department. A couple of others come to mind right now. Their minds are so great, and they think so well, and they express themselves, [01:12:00] and they're students of law. They're constant scholars.

BK: Is there anything you felt you left on the table? Any major disappointment looking back over the years? Anything you wanted to achieve or accomplish (inaudible).

WT: None that I can think of. None that I can think of. I think I've done almost everything that I wanted to do.

BK I'm happy to hear an answer like that.

WT: (Laughter)

BK: Because I gave you time to think about it. It's a beautiful thing not to leave anything on the table.

WT: You know, once you don't have the money worries. And when I look at some of the grandchildren, I marvel at them. I marvel at my grandson Alexander, who's 13 now, and can travel from here to Europe by himself. He'll say, "Hey, Grandpa, I'm tired of going to Paris. Three times in the last three months." "Yes, Alexander." Or he calls up and he says, "Grandpa, guess where I am." "Where?" "I'm in Felix's, eating a po-boy sandwich in New Orleans." (Laughter) You know, these marvelous things that come from these -- we didn't have that kind of experience, you know. To go to Ebbets Field was a big deal for me.

BK: Oh yeah.

³⁸ Milton Mollen, Associate Justice of the Appellate Division of the Supreme Court, Second Judicial Department, 1976 - 1978; Presiding Justice, 1978 - 1990.

³⁹ Steven W. Fisher, Associate Justice of the Appellate Division of the Supreme Court, Second Judicial Department, 2004 - 2010.

WT: To hitch a ride on a trolley car. Here, this kid jumps into a plane and goes all over the world. (Laughter)

BK: There is one thing I'm sure you still wouldn't mind doing, although you've gotten close. You've sworn in your son as the Comptroller of the City of New York.

WT: I hope to do it in November again.

BK: He will soon be running --

WT: And January as Mayor. (Laughter)

BK: -- in November. Did he pick up on politics on his own? Is this something --?

WT: Well, he saw me being involved all the time. And I recall the election in Newark, for Mayor of Newark. And he would -- Sonny and the whole gang -- we were going over to help Gibson. Gibson was running for Mayor against Hugh Addonizio,⁴⁰ I think it was. And I said, "Come on, Billy, we're going over." "Well, you know, I'm playing bas --" "Get in the car." (Laughter)

BK: (Laughter)

WT: Hey, he tells it a little bit differently today. (Laughter)

BK: [00:14:00] You urged him to get involved a little bit. But if he didn't have the natural ability, he wouldn't --

WT: He saw, and he did. And let me tell you what happened. They cut another Congressional District in Brooklyn, after I'd gotten elected to the Supreme Court. I think it was about two or three years after. And Meade Esposito called me. And he said, "We just cut a district for you." And I'd been on the Supreme Court now, maybe about two or three years. And he said, "You want it? It's yours."

⁴⁰ Hugh R. Addonizio, Member of the United States House of Representatives, 1949 - 1962; Mayor of Newark, New Jersey, 1962 - 1970.

BK: A congressman?

WT: A congressional district. Right. We have two now, in Brooklyn. Two African-American --

BK: Make up for Shirley Chisholm.

WT: Yeah. He said, "Here's a new congressional district. It's for you." And I thought about it. And I said, "You know what that means? I'd have to get off the bench. And every two years I'd have to run, and run around, and kiss -- and talk to leaders, and -- I don't know if I want to do that every two years." And somebody came to see me. His name was Fred Richmond. He was on the City Council at the time. And he said, "If you run for Congress, I'll give you \$25,000." And he said, "I think you're the only black person who can win in this district, because you speak enough Yiddish and Italian to get along," because it ran into Williamsburg and out to Red Hook, and Cobble Hill. And I said, "Freddy, I don't think I'm going to go. But do me a favor? My son is graduating from Tufts. Take him and stick him in your campaign someplace." And that's what he did. And when Freddy won the congressional -- Freddy was the sixth richest man in Congress at that time -- he set up three Congressional offices -- one in Bed-Stuy, one on Remsen Street in Brooklyn, and one in Williamsburg. He had three Congressional offices. And Billy ran the Bed-Stuy office. And Josh [Maisa?], who was in charge of all three offices, decided he wanted to go to Hawaii. [01:16:00] At which point Billy turned around and took over all three offices, and Billy ran the Congressional offices for Freddy Richmond. And I smile, because to this day, Josh [Maisa?] came back, and he works for Billy now in the Comptroller's Office. (Laughter)

BK: Does he really? (Laughter)

WT: He works in the Comptroller's Office.

BK: It had to be an incredibly proud moment when you stood on the steps of City Hall and swore your son in as Comptroller?

WT: I called it nachas, right?

BK: Nachas, indeed. (Laughter)

WT: (Laughter) Yeah.

BK: Not that you are not moving forward, but just looking back. Any particular thoughts of what you would like your legacy to be? How you would like to be remembered?

WT: Other than "He always tried to help."

BK: Oh, you more than tried.

WT: "He always tried to help." Listen to you. You need to talk about yourself. Why did I choose you as my law secretary? (Laughter)

BK: God smiled on me one day. I can't answer that.

WT: And you and I, together, we had some fantastic times.

BK: It was a very good relationship.

WT: We made a lot of good law. We wrote a lot of good stuff.

BK: And there are a lot of good feelings, those years later.

WT: Yeah, it was a special breed of people. Every Monday, as you know, I would have eight or nine law assistants in for breakfast, or for lunch. You know, especially with Carl we did that. He followed you. And to this day, a lot of the kids we had -- Nancy Bannon,⁴¹ Karen [Tolma?] -- they're still around. They're still around. And we're all friendly. We

⁴¹ Nancy K. Bannon, Judge of the Civil Court of the City of New York, New York County, 2007 - 2017; Justice of the Supreme Court of the State of New York, First Judicial District, 2018 - _.

see each other. They're running for judge. Margaret Chan⁴² just won in the Lower West Side.

BK: Let's just say your crowning achievement is the people you've been exposed to. You have been an inspiration to them. You have been the wind beneath the wings of many good people. And you do it without an agenda, other than appreciating sincere people with real talent and good intentions. And making possible many wonderful things [01:18:00] to happen, that would never have happened without you. I can't finish this interview without a kiss --

WT: Thanks, Barry.

BK: -- as an expression of love.

WT: Good. Thank you very much. Bless you.

BK: OK.

⁴² Margaret Chan, Justice of the Supreme Court of the State of New York, First Judicial District, 2013 - _.