

JUDGE HAROLD A. STEVENS

*Judge Theodore T. Jones, Jr.**

Good afternoon.

I think you can take note of the fact that I'm the last speaker. And so since there is no one to follow me, I am permitted, indeed expected, to follow the rule of the three B's. That is to be direct, be brief, and be seated.

I have chosen today to speak about Judge Harold Stevens. I'm sure you're aware of the significance of Judge Stevens to the Court of Appeals because he was, indeed, the first African American Judge to ever sit on the Court.

You will note that he sat on the Court for one year. The year was 1974. And he had been appointed by Governor Malcolm Wilson to serve out an expired term. At that time, Judges on the Court of Appeals ran for office; they were not appointed as they are today. And in 1974, I was a recent law graduate, Professor Siegel and I were just starting into private practice.

I met Judge Stevens when he was campaigning to be elected to a full term on the Court. And the circumstances under which I met him were as follows:

I was vice president of a bar association known as the Bedford Stuyvesant Lawyers Association. That was a black bar association in Brooklyn. And the Bedford Stuyvesant Lawyers Association, together with the regular Brooklyn Bar Association, gave an event one night. I guess it could be best described as candidates' night, and we had invited all of the candidates running for the Court of Appeals to come and speak.

I really can't tell you how much it meant to us, how proud we were to feel that we were helping the election of the first black Judge to the Court of Appeals. I met Judge Stevens that night; I had a long conversation with him. He spoke to our group, our combined group, and we were very, very inspired. We were absolutely confident that

* Associate Judge of the New York State Court of Appeals (2007-present); J.D., St. John's University School of Law; B.A., Hampton University.

when this election took place, that the Judge would be elected to a full term. Because we knew, ironically enough, that the Judge had the support of absolutely everybody as far as the eye could see. Every bar association we had ever heard of, every professional association, doctors, dentists, lawyers, citizens, it wasn't even a contest.

And there were five people running for what, at the time, were two open seats. And the Judge placed third. Now if disappointment is a word, I don't think I can begin to tell you how let down we were. And as a matter of fact, this unexpected development, this defeat of Judge Stevens was, in large measure, what resulted in the change in the law, which resulted in Court of Appeals Judges being appointed rather than elected.

But he was very remarkable, and I saw him after the election. And I was absolutely crushed. But he seemed to take it all in stride. He returned to the First Department, and he continued, as you know, to serve with dignity and with distinction. I, at the time, was absolutely amazed by his resiliency.

As time went by, of course, I got over it. I didn't really think about it a lot for years. As a matter of fact, I didn't think about it really until very recently when I started to think and to research in Al's great book for this presentation here today.

I was reminded all over again of the events of 1974, and I started to assemble more biographical material on the Judge so I could, in hopes, put this into some kind of context.

I was looking for some kind of key to his remarkable strength of character and that resiliency that I just described to you. And as I read through the *Judges of the Court of Appeals*¹ and grew to know more about his background, I think I got some insight into his character.

I discovered that Judge Stevens was from South Carolina. And not just South Carolina, he was from what we call the out islands, or the sea islands. And he was born and he lived on John's Island. Now I didn't know that and, when I read it, I was not really surprised, because I am very familiar with that area of South Carolina. As a matter of fact, my own father and grandfather are from that same area. And my father was about, or would have been had he survived, the same age as Judge Stevens.

Now you know, growing up, my father and relatives went into great

¹ See generally THE JUDGES OF THE NEW YORK COURT OF APPEALS: A BIOGRAPHICAL HISTORY (Albert M. Rosenblatt ed., 2007).

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detail telling us about the history of the out islands, the sea islands, and I don't know if you all are aware of this, but there's a whole culture down there, and it's called the gullah culture, g-u-l-l-a-h. And the gullah culture, as it relates to the sea islands, started with the early transportation of slaves to that part of the country. And you see, since the islands are generally separated from the mainland, the gullah culture thrived. It was actually a mixture of some African culture, some American culture, some Indian culture. And it thrived and had its roots in the sea islands. Indeed, it still has roots there today.

The traditions of the gullah culture included their own language, their own customs and so forth, and that tradition still exists in some form today. Of course, it's dying out now. It's dying out because people have moved away; the real estate surrounding the islands has become tremendously valued. A lot of it has been turned into resorts like Hilton Head Island and so forth. I'm sure you all are familiar with it. And it's not quite the way it was in the 1920s and the 1930s when my father and Judge Stevens and my family were living in that area.

I grew up hearing shocking stories of lynchings, extreme poverty, post-reconstruction struggles, sharecroppers, and separation of races. All of the things which are buried deep within the history of this country. And I only say that and mention that so that you will have some context in which to place the accomplishments of Judge Harold Stevens. It's a very difficult road from the counties of South Carolina to the New York State Court of Appeals.

And despite all of the obstacles that he faced, and they were considerable, I marvel at the fact that he ended up on our fine Court. And I'm also obviously pleased to some extent, to carry on the tradition by being the fourth African American to serve on this same Court.

The Judge, of course, graduated from college in South Carolina, and then he moved to Boston, where he got his LLB from Boston College Law School. He was admitted to the Bar of Massachusetts, of South Carolina, and of New York. In 1941, interestingly enough, he was appointed by President Roosevelt to the Fair Employment Practices Committee, and he resigned from that post to serve in World War II in the United States Army.

In 1946, he started his string of firsts, I call it. He was elected to the State Assembly from the 13th District of Manhattan, which is the upper west side. In 1950, he was elected to the New York Court of

General Sessions, and in 1955, he was appointed by Governor Averell Harriman to the Supreme Court, elected that year to a full 14-year term and re-elected in 1969.

Governor Harriman also appointed Judge Stevens, as an Associate Justice, to the Appellate Division, where he was reappointed in 1963 and 1968. And he became, in 1969, the first African American ever appointed Presiding Justice of the Appellate Division, First Department.

Which brings us to 1974 in the year where we started. I'm sure you will agree with me that you can't really fully appreciate the hardships that he must have had to endure. And I am persuaded, once again, that his accomplishments must, therefore, be viewed through the prism of the culture and the time in which he grew up.

I am honored to have had this opportunity to pay tribute to this truly remarkable American jurist.

Thank you.