

Interview with Esmeralda Simmons, Center for Law and Social Justice

E. Simons: ...We're active in police-community relations, but not just that...racial justice advocacy on behalf of the Central Brooklyn community. This Center was started by a group of radical attorneys, activist attorneys in the early 1980s. They decided that they would create a civil rights center that would be a permanent institution, not just an ad-hoc reaction everytime somebody got shot or killed by the police or the vigilantes or somebody got run across the Grand Central Parkway by a mob. All of us were tired of reacting, mobilizing after something had happened, so we decided that it would be good to have an institutional response, an institution that was devoted to eradicating such incidents and not just reacting to particular incidents.

At the time I was the Deputy Commissioner for Human Rights for the state of New York. I had worked with these attorneys before on a variety of issues. We all knew each other. I was much more public policy-oriented than they were. To make a long story short, the proposal was funded. I applied for the job and got the job. I built it up from the ground. It was meant both as a research and an advocacy center – I don't believe in advocacy without research.

Derek: That's a very good point, yeah.

E. Simons: We are best known for our work on redistricting and voting rights. We won a series of voting rights cases.

Derek: In New York City, or...?

E. Simons: In New York City. During the last three censuses we've been one of the key groups organizing Black people in New York City. We also worked on every major police violence policy project in the last 30 years. We were very very influential in getting the CCRB (Citizens Complaint Review Board) to be staffed completely by civilians. We have worked in coalition with other groups to curb police violence. Not just police violence, also racial violence...the vigilante squads. A young black guy was killed in Bensonhurst 15 years ago, or 20 years ago. He had gone there to look at a used car. But some young Italian guys got suspicious about what he was doing in their neighborhood, so they chased and killed him. So we have been working on racial justice issues from the beginning. We've done advocacy and litigation in areas such as employment discrimination, child welfare...We were successful in closing down a fraudulent trade school,

We do no direct criminal work at all, none. Whenever people hear of law, they think of criminal justice...but 80% of law is civil law....civil rights, human rights work.

So that's our background. I'm the original director...I'm still here. The Center was always part of Medgar Evers...it was created as a part of Medgar Evers.

Derek: Was Medgar Evers college founded in the 1980s too?

E. Simons: No, it was founded in 1969. The Center came later...in 1986. Medgar Evers was started because of community protests, too. It was started because several community leaders, Al Vann among them, wanted a 4-year college in the Central Brooklyn community to serve Black people. The college has been an excellent institutional anchor for us. We fit the college's mission and the college fits our mission. The college has a mission to serve the community, and we are part of their service arm.

Derek: What was your role vis-à-vis the “Stop and Frisk” policy of the Giuliani administration?

E. Simons: Well, we were working more directly on police killings at the time. It was a fellow-organization that challenged “Stop and Frisk” – the Center for Constitutional Rights, I think it was. I take my hats off to them.

Going back to the ‘80s. The ‘80s saw a rise of Black electoral power in New York City. Brooklyn was the heart of that. I was the Co-Chair of the Legal Committee - a group then – the Coalition for Community Empowerment, founded by Al Vann and later led by Major Owens. – Colvin was a member of that coalition as well. We strove to do legal representation for political candidates supported by our communities. These candidates were up against incumbent politicians who were mostly White. Sitting on top of wholesale Black districts. Some of them – such as Marty Markowitz -- were supported by their communities, but most were just holding on to power by using the election law. This had been going on since I was a child. So we trained and supported people who wanted to run for office. We protected them so they could remain on the ballot and the community could elect them as the representatives of their choice.

Derek: Who reached the highest among the candidates you supported?

E. Simons: Oh my God, all of them. Major Owens, Congresswoman Eula Clarke, Roger Green, Al Vann, Velmanette Montgomery, Annette Robinson...In fact, all of the important Black politicians from Brooklyn were supported by the Coalition for Community Empowerment. We basically helped them get elected. We even had to bring a case against the Board of Election. We sued them for discrimination against Black voters.

Derek: What kind of discrimination exactly?

E. Simons: The polls did not open on time, there were not enough polling workers, the machines they gave us kept breaking down, the workers did not know how to conduct the elections without the machines, so they would make mistakes and a whole lot of votes would be thrown out. So we brought an omnibus case against the Board of Elections and we won.

Derek: How did you know that these discrepancies were taking place?

E. Simons: We were monitoring every election. We were watching them. So we knew exactly what was going on. We put together a data team and we documented the discriminatory actions. That was humongous.

Derek: And what year was that?

E. Simons: That was in 1988. The Jesse Jackson campaign.

Derek: And how did you guys organize around the Jesse Jackson campaign?

E. Simons: Al Vann was the statewide Chair, and myself and a few other attorneys were the campaign lawyers . We were all very involved. I represented lots of candidates...I didn’t represent them for themselves, but for the communities they came from. There was a screening process...the candidates had to show that they had support from their constituents. Once they passed the screening the legal team went to work and ensured that they got on the ballot.

Derek: How did you mobilize the community at large to vote?

E. Simons: That was the responsibility of the candidates. The Center was not involved in that. The Center was involved only in the legal cases that arose around the elections.

I wanted to bring up something else. The Center was originally located at the College – 16 people packed into one room. Then we rented a separate place. 1473 Fulton Street, one block up from Restoration. From that location we incubated several nonprofits. One of the nonprofits we incubated was started by two ministers. They developed a project to develop vast swathes of vacant or bombed-out land in the East New York area. They went to the City, the City gave them the land, they built housing on it and they sold the housing to people. Affordable housing. The people who bought these units owned them, not the church or anybody else. I'm bringing this up because there's a different model nowadays – the land trust, where you can't pass the house down to your children. I don't know why they even call it ownership...I'm being sarcastic.

We incubated a similar project in the Bed-Stuy area. It was called the Coalition for Community Development. It was a group of churches in Bed Stuy led by Bridge Street AME. The Executive Director of that project was Harvey Lawrence. They developed some of the best affordable housing projects in Brooklyn, but ran into financial problems when Giuliani came in. He stopped everything – no more land sales to nonprofits, none of that. So all the nonprofit groups that were developing city-owned vacant land now had no land. Some of them owned or managed the properties but most of them didn't, so their work came to a full stop, and that included Restoration. That's how Restoration started out, as a real-estate venture, as a housing movement.

Derek: I actually know about that. I learned about that phase of Restoration's history from Ms. Wadiya Latif.

E. Simons: You should go back and study the history of Restoration. It's magnificent, and the magnificence does not stem from what the Kennedys did. The magnificence came from the fact that there were leaders in our community who came up with this idea and helped to bring it to realization. At one point Restoration was a bigger land-owner in Bed-Stuy than the City. They owned most of the properties along Fulton Street, Herkeimer Street and so on. I wish they had continued to be in that business, but I do recognize that you have to have very deep pockets in order to survive in the real estate business. In the meantime the housing stock had to go somewhere, so that's how Bridge Street Development Corporation came about. The first Executive Director of the Bridge Street Development Corporation was Colvin Grannum.

Derek: Are you guys involved in the community jailing initiative advanced by de Blasio?

E. Simons: Of course we are. We've made at least a dozen suggestions about community policing, community courts, but I don't think we've done anything about community jailing. However, we have argued that people who are incarcerated should be able to vote. And I believe that if we continue to make that argument for as long as it takes, we are ultimately going to prevail. There are no quick victories. People think that Thurgood Marshall went up to the Supreme Court and got the Brown vs. Board of Education judgment passed, but that movement had been going on for fifty years.

So as I was saying, we don't do criminal justice stuff at the Center, but we certainly do research on issues that involve racial justice, and that includes things like alternative sentencing.

Derek: So how does the community get involved with you guys?

E. Simons: We only work with other community organizations. We don't do any individual cases. We do impact litigation, we do impact public policy work. Other groups come to us with a problem, we study the problem and then decide whether to get involved.

Derek: How are you involved with the prosecutors in the borough?

E. Simons: We have done some work with the Brooklyn DA's office as well as the Manhattan DA's office. If they come to us, we will give them our opinion. We work on policy issues, things like how prosecutorial discretion should be utilized. And also implicit bias, how prosecutors have so much control over people's lives even before they are charged.

Derek: Implicit bias is a very important issue. So how did you guys work on this? Did you create a curriculum?

E. Simons: No, we haven't. But if somebody were to come and ask us, we would certainly be able to develop a curriculum. So far we have mainly made presentations before various policy bodies. Academics are better suited to developing curricula...that's what they do. Some people are very receptive to our ideas, some are not. The Brooklyn DA's office requested us to be on some of their public policy panels and we did so. It was all public policy; we had nothing to do with individual cases. It was a good relationship. We were involved in the case of the Asian cop shooting an innocent man in the Brownsville housing projects. We recommended what the punishment should be after the cop was indicted.

Derek: That itself was pretty rare. Rarely do cops get convicted.

E. Simons: We have been advocating for independent state prosecutors for a very long time. Finally it happened only two years ago. And it's not even permanent, the Governor created it through executive order. I'm telling you this because you're young: if you want to advocate for something, dig your heels in. Keep working on it. For me it's racial justice work.

We're focusing now on the next Census. The 2020 Census will determine not only our representation but also our vital interests. It's part of our work to litigate redistricting issues. The Center for Law and Social Justice has been the only legal group representing Black people's redistricting issues in the court system.

Derek: So why is this model not being replicated?

E. Simons: First of all, who would pay for it? We have to raise our own money. Just being affiliated with Medgar Evers College does not mean that our expenses are all covered. Another reason is that the powers to be, even some of our own elected officials, don't want others to have a voice. That means a loss of control for them, and that makes them anxious.

Our only interest is to ensure that Black people are fairly represented in the political system. We are not here to take away representation from other people Latinos, Asians, Arabs, Whites...they can have their own representation. Just give us our fair share.

Other than foundations, everybody else is looking out for their own interests. And their own interests does not include public interest attorneys running around and looking into things.

Derek: There's a lot of talk about redistricting in North Carolina now.

E. Simons: What's the difference between North Carolina and New York? They had no public interest groups to guide the conversation. People were simply reacting to what the elected officials had done. What we do is that we draw up our own maps, and show these to the proper authorities. And if they don't structure their maps similar to ours, we go to the courts. What is more, we prepare these maps in cooperation with Latino and Asian groups so they can't pit one group against another. We call it the "unity map."

Derek: Do you make these maps public?

E. Simons: Of course. Public testimony, meetings, we go the whole route.

*corrections 2/22/19
