

Judge George Bundy Smith, Sr. '55

*Justice of the Supreme Court
State of New York*



by Elwin Sykes

Judge Smith was so quick and thoughtful en route from his courtroom to his chambers, his law clerk and I almost missed him in the corridor. Having been ill on the shuttle from Boston to New York City, having reeled at the flu's whim for two hours in slow motion among strangers, I feared the pace of this man so serious about the state's business. I ceased to reel and shifted out of slow motion to avoid missing one of Judge Smith's quick turns back to his chambers. Although his eyes still suggested the courtroom issues of the morning, he outlined an afternoon with a

generous portion of his schedule given to our interview. Luckily he had an 11:30 am appointment — I sighed and gratefully accepted the thirty- or forty-minute reprieve from his pace.

His chambers, my recovery room, were quiet, but signs of purpose were everywhere, every desk and table stacked with motions, journals, and books — not in stylish scholarly disarray but ordered and accessible. His name plate, a plastic cube displaying family photographs, two telephones, and a box of tissues on his desk were the only items that did not directly represent legal purpose.

When Judge Smith returned, he and I went to lunch at a café in the legal district, one that accommodated not only the predictable dark-suited corps of litigious stewards, but also families! During lunch we reviewed my work and my family since his last visit to Phillips Academy, and then we returned to his chambers for the interview. But already, as we walked out of and back into the courthouse, as we navigated the human and automobile streams between 60 Centre Street and the café, and as we ate, Judge Smith's most striking trait was clear — he is an educator; he is an advocate of education; he is an

impressive product of a familial educational tradition.

We sat in his chambers at a table in an alcove to his desk's left. He pushed stacks of motions to the center of the table to make room for my notes and our conversation. As the light slanted in on him from the window above the table, I recollected Judge Smith's speaking at the Afro-Latino Senior Dinner two years ago. He had stood at one end of Ropes Salon in the PA Commons in the final rays of a combative May sunset. His audience, his former teachers, his house counselor, other faculty, black and Hispanic students, and his son, had all beamed in his direction, some straight ahead, others by means of awkward turns of necks. The dining hall then had filled with pride as his audience remembered him, remmet him, or met him for the first time. As a black faculty member and a father, I had relished that moment of father and son sharing a school across a generation. Judge Smith, like an expert pedagogue, had first convincingly related himself to the black, Hispanic, and full scholarship students through his own doubts about coming to Andover and about going to France for his junior year of college; he then had given chilling, challenging examples of opportunities missed — examples from recent cases tried before him.

But now, two years after his speech and eight months after his son's graduation from PA, we sat, lit by the February glare and by Judge Smith's penchant for teaching. Now the opportunity was singularly mine, the opportunity to learn in a private tutorial with this judge, this scholar. He did not simply answer questions; he explained, he made each question an opportunity for a consequential examination of cause and effect. He was not just indulging a school magazine; no, he was searching for messages to send to Andover, to its current students and faculty and to its alumni.

First Judge Smith explained why his chambers were stacked with

motions: he was completing his current tour as a member of a four-judge team sitting in "motions part." During this assignment each of the four judges hears motions one day per week for three weeks and two days one week. After the "motions part" come the trials, when each judge sits daily. The work during the "motions part" frequently extends into the evening and consumes the weekend because 1) there are so many motions, and 2) some motions have to be expedited because the case involves housing, eviction, or a small-business disagreement that could destroy the business. (Not until we were en route to his 6 pm class at Fordham did Judge Smith acknowledge quite modestly that not only did the "motions part" extend beyond the workday, but because in New York juries are put in hotels if they have not reached a decision by 10 pm, judges often remain in the courthouse until late evening during trials.)

Next Judge Smith explained his progress from director of the Model Cities program through the civil courts to the New York State Supreme Court — a progress that really began in Washington, DC.

Judge Smith, his brother, and his sister began their educations in Washington, DC, as had their mother, who supported and encouraged them through different schools but to a common goal: doctorate degrees. This family educational tradition goes on: Judge Smith's son George (PA '82) is presently a sophomore at Oberlin, and his daughter thrives at the Horace Mann School in New York City; Judge Smith's brother's son Sydney attends PA ('85) and his daughters study at Harvard ('85), Yale Medical School, and Rutgers Law School. Judge Smith's wife, who has her doctorate in education and presently teaches at Mercer College, completes this familial commitment to education.

But this strong, consistent commitment to educational achievement has been only one of two rivers in Judge Smith's professional life, for even as he attained aca-

demnic degrees, he serviced those on the margins of the great society — both rivers positively flooding, never receding.

Mr. George Bundy Smith became Administrator of Model Cities, City of New York in January 1974; prior to this appointment he had been a law secretary to three judges (1964-1974) and a staff attorney, NAACP Legal Defense and Educational Fund (1962-1964). From the Model Cities Administration, a federally funded agency "designed to provide various types of assistance to poverty areas in New York City," he progressed by appointment and election as Judge of the Civil Court of the City of New York (appointed May 1975; elected November 1975); Judge of the Family Court (January 1976-March 1977); and Judge of the Criminal Court (for different periods since 1975 totalling approximately six months). After serving as Acting Justice of the Supreme Court from December 1978 till December 1979, Judge Smith was elected and has served as Justice of the Supreme Court of the State of New York since January 1980. Whether appointed or elected, Judge Smith's progress has been steady and his support extensive.

But of a man with such an impressive commitment to scholarship, to law, and to social and civil service, one asks if there has not been an irony in his progress — has his progress not in fact made it difficult if not impossible to maintain consequential commitment to scholarship, to law, and to social as well as civil service? Judge Smith's answer is an emphatic no — not just a verbal answer but one of action. As Supreme Court Justice he still adjudicates in cases involving custody, child support, divorce, and juvenile delinquents; on Fridays from 6 pm to 8 pm he teaches a course at Fordham on New York Criminal Procedure; and he is a very active member of the Association of the Bar of the City of New York, where he is presently a member of the Committee on Immigration and Nationality (having served

previously on the Bar Association's Family Law Committee, as well as the Committee on Housing and Urban Development).

In a 1974 *New York Post* interview, George Bundy Smith, as he began his administration of the Model Cities Program, reflected on some of the choices he had made to date. In particular he wondered about his having gone to study politics for a year in France in 1957 at the "height of the Little Rock crisis." He concluded, "When I returned, the problem was still here. It would have been here had I not gone to France." "The problem" to which Judge Smith referred, the problem of poverty, injustice, racial discrimination, has constantly been the target of his efforts as Model Cities Administrator, judge, and teacher.

As Judge Smith described the Model Cities Administration as a service to those in need, as a conduit for scholarships, job training, drug rehabilitation programs, urban renewal, public housing assistance; as Judge Smith described the New York courts; and as he worried about the emphasis on building new prisons rather than crime prevention, he portrayed himself unself-consciously as an empathetic civil servant whose work in Model Cities and in the courts was always concerned with rehabilitation, with saving youth, with preventive measures. Judge Smith the teacher, moralist, and humanist analyzed juvenile delinquency and thoroughly explained the cause-effect chains that lead some to the "dark assumption that criminals cannot be rehabilitated" or the even darker assumption "that kids cannot be prevented from becoming criminals." His arms did not rise in desperation, but his voice intensified as he explained the keenest points of need — where collapsing families could be helped and what could be done after the total collapse of a family. Judge Smith made much sense of the high incidence of truancy, family disorder, and joblessness in criminals' histories.

From this depression on the rim of the American dream, his vision



George Bundy Smith '55 being sworn in as Model Cities Administrator for New York City by Mayor Abraham Beame in January 1974

appropriately turned to Phillips Academy. The bright assumption that PA graduates become leaders, become decision makers, must be related to the greatest needs of the society. Having gone to segregated schools before attending PA, having been a full-scholarship student at PA and then at Yale, Judge Smith demanded two things from PA and its graduates: 1) that PA "must draw people from all parts of society because PA makes leaders;" 2) that PA "must maintain its tradition of excellence — those who presently doubt the school's purpose will appreciate opportunities and changes made possible by this tough school." Acknowledging the singularity of purpose that guided him at PA (a purposefulness dictated by poverty, belief in education as a means, and a familial commitment to that means), Judge Smith offered two regrets about his time at Andover — the paucity of black students during his three years on the Hill, and the school's not having gone coed in 1955 rather than 1973. These regrets were not offered lightly but with constructive

seriousness consistent with Judge Smith's societal vision, with his sense of the importance of learning about human relations, the relations on which society finally must depend and without which families and society collapse.

For Judge Smith "education was one of the ways of getting ahead, of breaking the cycle of poverty." More broadly for current PA students, for the entire society Judge Smith defines education as "opportunity to be grabbed and held tightly."

I sat quietly reviewing my notes as Judge Smith prepared his notes for his evening class at Fordham. Even before I saw and heard him again — expert, serious, and sensitive in the lecture hall at Fordham — I knew that my hours with Judge Smith had been and would be for me and others affiliated with PA, an "opportunity to be grabbed and held tightly."

Elwin Sykes has been Instructor of English since 1973.