

When it Mattered

Episode 13: Terry Franklin

Chitra Ragavan: Hello and welcome to When it Mattered, a podcast on how leaders are forged in critical moments and how they overcome adversity. I'm Chitra Ragavan. This episode is brought to you by Goodstory, an advisory firm helping technology startups find their narrative. My guest today is Terrence Franklin. He's a partner at the law firm, Sacks Glazier Franklin & Lodise. Franklin is a seasoned attorney with more than two decades of experience handling trust and estates litigation. His depth and breadth of expertise on estate matters became of great importance when he found and traced the last Will and Testament that freed his fourth great-grandmother and her children and grandchildren. The will helped Franklin uncover the poignant and untold story of his family's emancipation from slavery nearly two decades before the end of the Civil War and it transformed his mission as a litigator. And in an unexpected twist, that story of emancipation also helped Franklin come to terms with his own journey as an African American gay man searching for his identity. Terry, welcome to the podcast.

Terrence F.: Thank you, Chitra. It's a pleasure to be here with you.

Chitra Ragavan: Your moment of adversity came at a relatively young age in 1983. How old were you and what happened?

Terrence F.: I was just about almost 20 years old, but I had studied abroad and I came back and I'd had a relationship with someone in France and my brother found a letter that suggested to him that perhaps I was gay. And being from an African American family on the South side of Chicago, Christian family, we really didn't believe in homosexuality or that it was appropriate. And my brother told my parents, doing what he thought was the right thing to do for which was best for us as Christians. And they confronted me and asked me about that. And I had to take a moment to try to understand what I could be and how I could move forward with my life. And in that moment of trying to figure out how I could succeed and be a person of substance because I didn't really have any role models who were African American and gay who were successful. I chose to say that I was bisexual.

Terrence F.: Looking back on it today, I understand that bisexuality is something different. But for me in that moment, this was sort of my way of acknowledging some truth to what my family was saying to me, and also preserving the possibility that I could somehow move forward, continue with my education and be successful.

Chitra Ragavan: So that intervention really was a really transformative moment in your life. What happened after that?

Terrence F.: It was a transformative moment because without really setting out to do so, I then sort of was in the process of trying to figure out who I was and what I could become. And without attempting to do it on a formal basis, I think what I started to do then was I would sort of date a man and date a woman to try to prove to myself, I think that I really was bisexual. And I started Harvard Law School in 1986. And at that time I was still going through this process of trying to understand my sexuality and how I could be the full person that I was. And it happened at the very first day of Harvard Law School, the icebreaker question for the Black Law Students Association orientation was, what's your birthday? And as it turns out, there was a young woman there who was also a fellow African-American law student who was starting at the same time and who happened to have the same birthday that I did.

Terrence F.: And we decided we should celebrate our birthdays together. And I was fortunate that she was a beautiful, smart, intelligent woman with much . . . a very similar background to my own and we fell in love. It was kind of a magical thing that we were meant to be together and that sort of moved me forward in terms of where I was going to be and helped me to understand what was going to be the next step in my life.

Chitra Ragavan: So I guess it felt almost as if destiny had intervened, right. The fact that you even had the same birth date.

Terrence F.: Exactly. There was sort of a weighty symbolism and meaning to it that said, this is the person for you, you were meant to be together. And in fact we were, and we remained together for many years. We were together for 23 years and raised two daughters together. And we loved one another.

Chitra Ragavan: So right now I'm going to pause briefly here on this story of your marriage and your sexual identity and segue briefly into a parallel story that was about to unfold in your life. And this was 2001, I

guess, and you were still married and raising your daughters and you attend a family reunion. What happens at that reunion?

Terrence F.: Well, this was a family reunion that was in Chicago and our family would have these reunions every couple of years or so. It was a way for us to renew family ties and reconnect with one another. We all knew that the family sort of had originated, this is on my mother's side, had originated in Southern Illinois and so we would typically have these reunions in different locations, but often in Chicago, which is where many of the family had ended up.

Terrence F.: Well, I went to this family reunion in Chicago and one of the things that was in the reunion materials was a typed up excerpt that I think someone had probably typed up back in the '80s who had done some family research and they'd gone to the court records in Southern Illinois and had managed to find a copy of a will. Now, whoever this relative was, or a cousin or a distant aunt had decided that they should type up a version or at least an excerpt of what it was found in that will and they used a cursive font.

Terrence F.: I think they were trying to replicate the handwritten nature of the original document and what the document basically said was, "I John Sutton being of sound mind, but infirm in body hereby declare that this is my last will and testament. I own the following property, to wit, a mulatto slave, Lucy aged about 45 and her daughter Easter aged about 27." And it went on to identify all of Lucy's eight children by name and by age and all of Easter's six children by name and by age as well. Down to the little toddler Mahala, who I think was 14 months old at the time. And this excerpt of the will went on to say that all of these people were to be set free or emancipated from slavery after John's death and that all of his property was to be sold in order to help finance their trip to Ohio or Illinois or Indiana where they could claim their freedom.

Terrence F.: Now, whoever had bothered to type up this little excerpt had really focused in on the names and the ages because that was what was most important to them. But when I saw it as a trust and estates litigator, I was all interested in this document and what it meant and what was the significance of it as a legal document. And I started asking questions to myself about what was the nature of the relationship between John and Lucy. Was it simply that she was property that he owned or was there something more to their relationship? Could they possibly have had a relationship in a time when white men and enslaved women could not be married? And

so that was what sort of got in my craw was that maybe there was something to this relationship between them, I understood that he owned her and therefore there was no consent in the relationship. And so by our standards today, anything would be considered rape.

Terrence F.: But I just wondered if there was something more to it. And I also wanted somehow to think that there was some agency, perhaps in Lucy's part that maybe she actually worked to get John to make sure that he would emancipate them so that once he was dead that they would be able to move on and have a better life for themselves. At least that's what I was hoping for. And that's what I wanted to imbue my ancestors with a sense of agency and determination, even in a situation where slavery was oppressive and controlled everything else.

Chitra Ragavan: So what did you do after you saw this excerpt?

Terrence F.: So I was all excited about it and I thought, well, I should be able to get a copy of this will, I'm a trust and estates lawyer I should have the resources and be able to do that. And so I called the clerk and according to the document that was recorded in Illinois and that we had the excerpt of, there were copies of the will that were also recorded in Ware County, Georgia, which is where John had lived previously. And there was also a copy. The original was recorded in Duval County, Florida, which is where Jacksonville is the County seat. So I called the clerk in Jacksonville and said, "Hey, I'm looking for this will, I know where it's recorded. I have the book and the page number." And a clerk told me, "Oh, well that's \$2, send \$2 and we'll send you the copy."

Terrence F.: I sent a nice letter along with the \$2 and mailed it off and promptly forgot about it entirely. And I guess the clerk forgot about it too, because I never received anything from anyone. And it wasn't until many, many years later that I even discovered that I had even sent that letter way back in 2001.

Chitra Ragavan: So your life went on and you practice law as usual and you stayed in your marriage, I guess, all the way to 2010 when your life took another turn.

Terrence F.: That's correct. In 2010 I was at an age when I think I was 46 and I had been in a relationship with my wife for 23 years, and she was the only woman and the woman that I had loved more than any other woman. But I also had a sense that there was something

wrong, that I wasn't truly expressing my full self, that my sexuality and my ability to be who I truly was, was not being fulfilled or not being expressed. And I had not cheated on my wife or anything, but then I did, and she found out and we split up and I was in the process of trying to understand myself and how my life would move forward. And she was too and we had two children that we were trying to raise together, even though we were splitting up.

Terrence F.: And I thank God that my wife was so concerned and caring about our children that she focused on their future and the fact that they needed to have a relationship with me rather than on... I'm sure the strong feelings of anger and upset that she was dealing with. But we were both trying to move forward and and as parents, co-parenting our children together, even though we were now starting down separate paths on separate lives.

Chitra Ragavan: So what happened next? I guess you got divorced and eventually met your now husband Jeffrey?

Terrence F.: Yes, that's right. So my ex-wife and I split up in 2010 and a few months later I actually met Jeffrey at my very first gay pride. If he were here, he would tell you the story about how we met at dusk and how he said, "Nice hat." And I said, "Nice everything." And somehow we immediately hugged one another for 13 and a half minutes. I updated him on the fact that I had just split up with my wife and that I was concerned about her and her feelings and my children. And he told me that he was a singer songwriter and sang me a song and he told me that as a Buddhist he would be chanting for my family's happiness. And somehow we seemed to connect in that moment in a way that I don't think I'd ever really connected with anybody before. So-

Chitra Ragavan: What was the song he sang?

Terrence F.: Oh my gosh, I think it was a Brazilian song. I forgot the name of it, but he impressed me with that. And as it turns out is his ex-partner who was there with him manning a Buddhist booth, they were already split up at the time, but he was concerned that maybe I was overreaching or something. So he came over and sort of asked Jeffrey if it was okay and Jeffrey waved him away. And as it turns out Jeffrey's ex, who was an astrologer was clocking the time and determined that it had been 13 and a half minutes that the hug lasted. And in that time all the things in the heavens had shifted. And it was meant to be for Jeffrey and me to be in a relationship together.

Terrence F.: So that was where we started our relationship in 2010. And we've been together ever since. And he's been a person who has helped me to understand myself better and to move myself forward in terms of understanding who I am and what my mission and role in life is.

Chitra Ragavan: So then the next shift in your life happened about four years later when you were now preparing for another family reunion.

Terrence F.: Exactly. In 2014 I have a great aunt whose name was Viola and she was turning 100 and she was a significant person to everybody in her family. She was really a matriarch. She was the last of her generation who survived, but she'd been like a mother to my mother and to my mother's siblings and to all of the other nieces and nephews of hers. She also had this fascinating life.

Terrence F.: She had grown up in Southern Illinois, had walked four miles each way to university and at Southern Illinois University and had graduated with a degree at a time when many African American women did not. She also eventually married a man named Harold William Walker, who became one of the famed Tuskegee Airmen. And she actually traveled with him to Tuskegee and taught the children of other Tuskegee Airmen before they shipped off. So she was a significant presence in all of our lives and we all wanted to respect her and honor her. So we were gathering in Southern Illinois at Centralia for her birthday celebration. And before that birthday celebration, I wanted to do something that was significant and important that would convey to her, and to the family how significant she was for us. And I decided to go on a quest for this will, that I remembered from those reunion materials, from 2001.

Terrence F.: By this time, of course I had completely forgotten that I'd sent the letter off looking for a copy of the will and it just got in my head that I needed to try to find this will. So I went digging through my papers trying to find the old reunion materials. I stumbled, I finally found them and I looked and I found that book and the page and the line number and I thought, well let me see if I can try and track down a copy of this will. The fortunate thing about what was true in 2014 that had not been true in 2001 is that I was now a fellow in the American College of Trust and Estate Counsel, which is a national organization of trust and estates lawyers who are leaders in the profession. And as it turns out, I was as far as I know, the first African American fellow in the college since its founding in 1949.

Terrence F.: We're working on that trying to improve those numbers and we've gotten them up a little bit since then. But I knew because I was a fellow in the college that I had a handy blue directory of lawyers from across the country who were also trust and estates lawyers. And in theory we should all be supportive of one another and willing to help out when these kinds of questions come up. So I opened up the directory, looked for lawyers in Duval County, Florida, and I called a couple of lawyers who seem to be about the same age that I was thinking that they might be more willing to help out. And that same day I got a phone call back or a voicemail message from one lawyer who said there was a fire in 1901, the Great Fire of Jacksonville that destroyed virtually all the records. And so you're probably not going to find a copy of that will.

Terrence F.: Needless to say, I was crestfallen and disappointed, but then I got a phone call from a paralegal at another law firm and she told me that she'd been asked by her lawyer to see if she could help me out with my question. And I explained to her that I was trying to track down these documents because it was my great-aunt's 100 birthday. And I think she got into the story and was kind of enthusiastic about it as well. And I told her, I know that there was a fire in 1901 and I'm probably not going to find anything but this woman, her name was Anne Tatum, said, "That was true, but let me see what I can do." So by the end of that day, I got an email from Anne and she said, "We found a John Sutton file. We don't know if it's the right one, but we should have it by Friday."

Terrence F.: Now bear in mind, this is the week before I'm going back from my great-aunt's 100th birthday. I show up at the office on that Friday morning and there's an email from Anne and she says, "We found it. This is the right one. What do you want me to do?" So I called her up right away and she said, "What should I do?" I said, "Well, can you take a picture of it?" So she had the attorney service who had gone down and found the copy take a photograph of the will. It was basically a two page document and there was an envelope that had been made out of back in the days before lick 'em, stick 'em envelopes. They would just take a piece of paper and fold it in thirds and close it over. And they had actually sealed it with this red wax seal.

Terrence F.: And for some reason, that image really stuck out in my mind. And when I saw this image come across, I just felt like I was connecting with my family, with my history and something important. So suddenly I had this document, this original will from January 24th, 1846 that emancipated my family. At least I had an image of it. And

I took that to the family reunion and shared that with the family. I was able to mention it to my great-aunt who was focused on the party more than anything else. But it really sort of helped me connect a little bit with my family in the sense of how important this history was.

Chitra Ragavan: And that red seal had a particular emotional weight for you because of your childhood?

Terrence F.: It did. At the time, I don't think I connected with it, but as time has gone on, as I've thought about it, I remember that as a kid, I loved calligraphy. I'd had a class in junior high and at one point I'd gone to a local bookstore with my dad and I saw this little wax ceiling set that you use to seal envelopes and letters. And for some reason I thought, "Oh, I would love to have one of those little wax seals and I wish I had a red one." They didn't have it in red, they had it in sort of a fuchsia color. So that's what I got instead. And I would send greeting cards or birthday cards and I would put on this wax seal. So it was really like coming back full circle when I saw this red wax seal again, when I saw that will in 2014.

Chitra Ragavan: So now you've shared this with your family and what else did you do?

Terrence F.: Well, I was still sort of racked about what was the relationship like truly between John and Lucy. Was he just an owner of a slave? And if so, why did he bother to set her free? Was she the inspiration? Had there been something that had gone on that it caused him to decide that he should set them free? And in speculating about that, I wrote an article and it was an article that was published in an American Bar Association magazine called *Probate & Property*. And in the article I speculated that perhaps there was a relationship that existed between John and Lucy that maybe love could have existed between them. That maybe there was something that even though there's boundaries of law and custom and significant age difference between them that may be the two of them had created something together that was akin to a loving relationship, if not love itself.

Terrence F.: So I wrote this article and within a couple of weeks I heard from a professor who taught at Suffolk University and she sent me an email and told me that she had written a book called *Fathers of Conscience: Mixed-race Inheritance in the Antebellum South*.

Terrence F.: And in that book she traced situations where white men had left gifts of property or emancipation to enslaved people. And sometimes the courts would see those wills and the family members would challenge those wills and would say, "Oh, old George lacked capacity. He didn't know what he was doing or he was persuaded to do this will by those slaves. And he didn't really mean it." And when those challenges would come up, they would go to court. And much like my experience as a trust and estates litigator, I do will contest in court. So many of the arguments were the same ones that we make today. The person lacks capacity or they were unduly influenced. And this professor had tracked these cases and in many cases the courts at the trial level would say, "Yes, this is what the person wanted. He wanted to set them free or he wanted to give a gift of property."

Terrence F.: But sometimes at the court of appeal level, the courts of appeal would say, "Yes, that's what he wanted. And it's clear from the documents. But the public policy of the state of Mississippi, for example, doesn't allow for the emancipation of slaves in the state." And so sometimes those wills, even though they appeared to be valid on their face, would be overturned on grounds of public policy. So I got it in my head, fascinating to sort of learn that this was not a unique phenomenon that my family's experience of having created a will that set somebody free was something that happened on somewhat of a regular basis. And I thought other people should hear this story and should know about it because it's part of American history. So I started outlining a novel and I decided I would call it *The Last Will of Lucy Sutton*.

Terrence F.: And to make the novel more dramatic, I thought I should include a will contest. Because after all, this is what I know. And they always say, if you're a writer, you should write what you know. So I decided to write in this will contest into the story about my family's story, even though I had no basis or no reason to think that there'd been any challenge that had been brought in my own family. And I decided that I should create a villain for the story. And I decided to invent a brother for John and I decided that I should have him up with a good old timey name. And I decided that he was named Eustis and this Eustis was trying to keep the family in slavery. And so I outlined this novel and this will contest that Eustis was going to bring to challenge the family's emancipation.

Terrence F.: And around same time, this was probably the summer of 2014 after my great aunt's birthday, I was also beginning, Jeffrey was a Buddhist and he chants twice a day. And part of the daily chanting

that Buddhists do includes a prayer for enlightenment from your ancestors back seven plus generations. And one day I was chanting with Jeffrey, not something that I usually did, but on this one day I had this sense that John and Lucy were in the room with me and that somehow their presence was as real to me as the clothes on my back. Or the love that my daughters had for me. And I felt like they were telling me that there was more to this story that I needed to pursue it. So fortunately a few months later I was going to be going to a meeting of The American College of Trust and Estate Counsel, that organization that really facilitated my being able to find the will.

Terrence F.: So in March of 2015, we were going to be traveling there for this conference and I suggested to Jeffrey, "Hey, while we're going to be in Florida, why don't we go see the will and you can videotape me while I open the will and see what happens." And Jeffrey went along. He's a good sport about it. And on, I think it was March 5th of 2015 we were in Marco Island, which is where the meeting was scheduled. And I didn't realize when I decided to go see the will that Marco Island was about as far in the Southwest tip of Florida as you could be. And that Jacksonville was about as far in the North East corner of Florida that you could be. And so I hadn't made arrangements for a flight or anything. So I decided we're just going to drive across the state. Let's rent a car and we're going to drive.

Terrence F.: So that morning as we were about to set off, I was sort of anxious, anticipating what it was going to be like when I actually saw the will, was I going to break down when I put my finger on that ex that John my great, great, great, great-grandfather had made in 1846 that set our family free. And as I was standing in the shower and the water was coming down over me and I was imagining what might possibly happen when I actually saw the will and I kept visualizing a scene from the movie Selma. I don't know if you've seen it, but there's one particular scene and this is about the civil rights movement and Martin Luther King. And there's a point when a veteran civil rights worker named Amelia Boynton Robinson, who had really been through all of the ups and downs of the civil rights movements, she'd been arrested and beaten and had really suffered the worst, was talking to Coretta Scott King.

Terrence F.: And Coretta Scott King, who was the wife of Martin Luther King, was going to meet with Malcolm X. Malcolm X had just left the Nation of Islam and the civil rights movement was hoping that

maybe they could merge these two movements together and get more power and energy to move all of us forward.

Terrence F.: And Coretta was nervous about going to meet with Malcolm X because she wasn't used to that. She wasn't the person who was usually out in front. And so she was talking to Amelia Boynton Robinson about what she should do. And Amelia Boynton Robinson, this elegant lady took her arm and arm and said, "Do you want me to tell you what I think about at times like this?" She said, "Our people come from Africa. They built civilization. They crossed vast oceans in the halls of slave ships. They overcame terrors and tortures unimaginable. Their blood runs through us. It's pumping your heart right now. You're already prepared." So that's what I was thinking when I stepped out of the shower that day. Jeffrey and I got in the car, we turn on the radio.

Terrence F.: It was NPR and they were announcing that the Justice Department had just come down with its findings about the killing of Michael Brown by the police in Ferguson, Missouri. So it just felt like it was a weighted kind of day and because we were going to be traveling across the state, we also wanted to make this journey sort of memorable in a special way. And it was around that time that I'd heard that Brian Stevenson of the Equal Justice Initiative was trying to create a Memorial for the various lynchings that had been documented by the Equal Justice Initiative. And they documented some 4,000 lynchings that had taken place between the end of the Civil War and the civil rights movement. And they actually had an appendix on their website that allowed you to sort of track county by county, all of the lynchings that took place.

Terrence F.: So as Jeffrey and I drove across the State of Florida, and I like to say that as we drove for the North, it felt like we were getting further down South. And as we drove across the state, we counted the numbers of lynchings in each of the counties. And by the time we arrived in Duval County, 125 lynchings later, we'd noted the impact on all those communities of the terrorism that had existed that was the result of those lynchings. And we finally arrived in Duval County. Later on we made a donation of \$125 to the Equal Justice Initiative.

Chitra Ragavan: So this was a journey that was kind of filled with history, this drive?

Terrence F.: Yes, it was filled with history and meaning and we wanted it to be that because I knew that it was going to be a significant moment when I actually saw that will.

Terrence F.: So we drove across the state. We finally got there. We looked, I would say like a couple of gay guys. We have our jaunty little summer fedoras on. And when we were about to go into the courthouse, it seemed like there was some people who were looking at us funny and somebody sort of said, "Yeah, yeah, that's it." And we didn't know what that meant. Later on we realized that Duval County was one of the two counties in Florida that refused to issue any marriage licenses at all rather than to issue them to same sex couples.

Terrence F.: This was a few months before the Obergefell decision came down from the US Supreme Court declaring marriage equality to be the law of the land. So I think people thought that we were somehow going in and trying to get a marriage license or something, but we were not, we were just trying to see that will, well, we got through security.

Terrence F.: We made our way down to the bowels of the archives of the probate department. We struggled with the clerks who didn't seem to be able to find it even though I'd called ahead and it was supposed to be there waiting for us. And finally they found the file on a supervisor's desk and the clerk handed me this little file folder about the size of a lady's clutch purse. And I sat down and Jeffrey's videotaping me as I opened the file and took out a sheaf of documents probably 45 pages or so. And the first thing I see is that red wax seal connecting me just as it had in 2014 when I'd seen that image to whatever that sort of primordial sense from my childhood, maybe in my DNA that this red wax seal's important to me. And I picked up the will and I turned to the page where John had marked as X and I put my finger on that X and I waited for this moment of emotion to come.

Terrence F.: I mean, I'm expecting to break down or something and nothing happened. And I think Jeffrey's wondering where's the emotion and what I was doing. I'm shifting into lawyer mode. I'm going, "Wait, what are all these other pages?" Here's an order appointing the probate referee who's supposed to go out and value the property. And here's an appraisal of the value of the property that mentions that it's not appraising the value of the people because the will said that they were supposed to be emancipated. And I'm flipping through and I get to this page and I go, "Oh my God, there really was a will contest." And it turns out that John's brother wasn't Eustis, the old timey name that I'd made up, but Shadrack. So it couldn't have been more old timey and Old Testament than what the reality was.

Terrence F.: And I'm sitting here holding this original file including the trial transcript, which is the judge's handwritten notes, William F. Crabtree took notes of the trial. And in the notes he indicates that the drafting lawyer, whose name was Gregory Yale, had gone out to the family's house. And he says that his family showed me in, not his slaves and they treated me to dinner and they explained that the family had lived in Florida, but that John had moved the family from Georgia to Florida because John thought he could emancipate them in Florida. But once they got to Florida, they found out that there was a statute that prohibited slaves from being emancipated in Florida. And the notes indicated that Lucy came into the room and that the lawyer talked to her and that she said she would have been just as happy to stay there in Florida, but that Shadrack had threatened that he would beat them if he ever came to own them.

Terrence F.: And in the end, the lawyer, Gregory Yale, testified that Lucy was a wise old Negro. I mean, this is all in the handwritten notes in this file that I'm holding from 1846.

Chitra Ragavan: It's almost like you were there.

Terrence F.: It felt like I was there, I was reliving this moment. And part of what got into me was, I need to share this with other people. Other people need to have a sense of what are our nation's history is like and what it's like to be a human being who is owned by someone else. What is that experience like? It was an amazing, just a revelation for me to experience sitting there and coming to this understanding about what my connection was to my own family's history.

Chitra Ragavan: So then you had to find a way to preserve this piece of history and to make copies of it.

Terrence F.: Exactly. So I had the clerks there in the court make copies of it. So I saved that. Jeffrey and I drove the five and a half hours back down to Marco Island along the way, driving through counties with names. At one point we went by a place that was, turn right at Cracker Crossing. That's how we took a picture of that on our GPS. But I get back to Marco Island and I tell the other Florida lawyers about this experience that I've had. And one of them, a guy named Mike Simon said, "You've got to get those records." And I said, "What do you mean?" He said, "Well, there's now a statute in Florida that says that if records have been digitized, the originals can be destroyed. So we've got to get those records."

Terrence F.: I was fortunate because I said, "I don't know how to do that." And he volunteered on behalf of his firm, the Gunster firm to go to court for me and to present a petition to the court advising the court that I had this special connection to these documents and asking the court to turn them over to me as my property. As it turns out, the judge who heard that it was a descendant of Isaiah Hart, who was one of the founding fathers of the City of Jacksonville. And he remembered these stories as well, and he even told a story about how there was some tale of a clerk who loaded a bunch of files onto a boat, put it onto the St. John's river, and saved them from the great fire of 1901.

Terrence F.: So I have to believe that this file was one of those files that was spared from the fire by this clerk. And frankly, I have to believe that the reason why it was spared was because this file needed to get to me. So at least that's what I choose to believe. So now I own the file, I have the original documents, and at some point I'm sure I'll donate them to a museum or something. But they've been very useful to me almost as a talisman to encourage me to continue to follow the story and to unpack these stories of our racial history.

Chitra Ragavan: As you and Jeffrey walked into the courthouse in Jacksonville and people were cheering because they thought you were two gay men going to get a marriage license, there was a certain kind of coming together of all these strands of your life, right? I mean, you were there to get a record of your fourth great-grandmother's emancipation and here you were a gay man. People thinking, oh, they're going to go get a marriage license.

Terrence F.: Yeah. It was a funny parallel. In fact, I even wrote an article about it because I could see that in some ways, this relationship that John and Lucy had had in the 1840s where they could not be together by law, paralleled the relationship that I had with Jeffrey. Even if some of it was self-imposed, the sense that our laws wouldn't allow us to have the kind of relationship or a marriage that was valid and accepted by our standards in our modern standards, just as my ancestors could not have been married or could not have had the respect of the laws that applied to them. So fortunately we each did what we had to do to try to survive that and overcome that. And I was fortunate that the Supreme Court actually resolved the matter in the Obergefell decision a few months later.

Chitra Ragavan: And in 2018 you did ask Jeffrey to marry you.

Terrence F.: Absolutely. That's actually right. It's been almost a year now. October 25th, 2018 we were married by a friend who is a judge on the US Court of Appeals in Washington, DC.

Chitra Ragavan: And that's wonderful. And I guess in some ways too, I was thinking both the story of Lucy Sutton and your own story with your wife is a story of accommodation. You and your wife had to make a lot of accommodation when you realized who you were because you had children. And I'm sure Lucy Sutton had a lot of accommodations that she made with John Sutton because she had a lot of children that she had to protect.

Terrence F.: Yeah, that's absolutely right. It's in the nature I think of the best of us as human beings to recognize our circumstances and try to figure out how to move forward. What can you do? What do you have to do to survive and to make things better for yourself and for your family? You have children that you have to look out for. And I think we were all sort of involved in the same enterprise of trying to do what's the best thing for our families.

Chitra Ragavan: How has this whole journey changed you as a lawyer, as a person, as a writer?

Terrence F.: It's been interesting. It's helped me sort of see history differently. I was listening to your podcast with Nina Totenberg and she said something about being a reporter that she wanted to be a witness to history.

Terrence F.: And I've thought about this from my perspective that before I started digging into this, I don't really think I have the same understanding of history. I think I thought of history is what happened to Kings and Queens or to famous people or to ordinary people who did something extraordinary like Rosa Parks or even Martin Luther King. But what I realized through the process of unpacking my family's history in these documents and to seeing just how close the connection is between me and my ancestors back for generations, is that I realized that we're all living in history from day to day and that just as my ancestors did what they could to try to make life better for themselves and for their children by doing this will to set them free. That I'm on the same arc of history with those ancestors. And at the other end of that arc of history are my children's children, four generations into the future.

Terrence F.: And they will be looking back to me to see what is it that I'm doing to make sure that I'm helping to bend the arc of history towards

justice just as my ancestors did before me. So it sort of changed my focus and my perspective on life and on the world. And I'm always trying to figure out on a day to day basis, what am I doing to try to help bend that arc of history towards justice? That's really become my mission. And so I take that with me both in my law practice and I also take it with me in terms of the various, I have a number of writing projects that relate to the Lucy Sutton story.

Terrence F.: I'm working on a limited series for television. I'm working on a novel that tells the story and a docu series that tracks Jeffrey's and my adventure as we follow the family's path from Jacksonville, Florida up to Savannah through New Orleans and up to Mississippi, Illinois to claim their freedom. And along the way, our goal is to try to unpack some of these stories about America's racial history, myths. And to try to tell some truths that really haven't been shared before.

Chitra Ragavan: Terry, this has been an incredible conversation. Do you have any closing thoughts?

Terrence F.: I guess just that I would encourage other people to think about their relationship to history, especially at this moment, in these trying times when much of the world is in conflict and stress. And maybe part of the way that we help live with the day to day is to recognize that there is a larger arc of history. I think it's one of my law school schoolmates was Barack Obama and one of my high school schoolmates and law school mates was Michelle Obama. We actually went to high school together and they talk about the moral arc of the universe and the importance of looking at the long haul. And I think if we can keep that perspective in mind as we sort of try on a day to day basis to make sure that we each individually are trying to bend that arc of history towards justice. I think it sort of helps to motivate us and give us a sense that there is a value to what we do every day, even if we can't see the long-term results.

Chitra Ragavan: Terry, thank you so much for joining me today.

Terrence F.: It's been my pleasure. Thank you Chitra.

Chitra Ragavan: Terrence Franklin is a partner at the law firm, Sacks Glazier Franklin & Lodise. Franklin is a seasoned attorney with more than two decades of experience handling trust and estates litigation. He's currently working on a number of creative projects based on the life of his fourth great-grandmother, Lucy Sutton.

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