

RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY

NEW BRUNSWICK

AN INTERVIEW SERIES WITH PROFESSOR SANFORD M. JAFFE

FOR THE

RUTGERS ORAL HISTORY ARCHIVES

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### **Introductory Note**

This manuscript is an edited version of the transcripts of eleven oral history interviews conducted with Professor Jaffe by the Rutgers Oral History Archives from April 2013 to October 2014. I would like to thank Mohammad Athar, Francesca Cipriani and Meghan Valdes, Rutgers Oral History Archives student staff members, for their assistance in the production of this work. The original copies of the audio interviews and transcripts are available through the Rutgers Oral History Archives.

Shaun Illingworth  
Director  
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July 2016

## Chapter 1: Early Life and Education

Shaun Illingworth: This begins an interview with Professor Sanford M. Jaffe in New Brunswick, New Jersey, with Shaun Illingworth on April 25, 2013. Thank you very much for having me here today.

Sanford Jaffe: My pleasure.

SI: To begin, can you tell me where and when you were born?

SJ: I was born in Beth Israel Hospital in Newark, New Jersey, February 12, 1932. My parents were Bessie and Isidore Jaffe.

SI: Starting with your father's side of the family, do you know anything about his family background, where the family came from?

SJ: Yes, a little bit about it. My dad came from Estonia. He came to the United States around 1908 or 1909, in any event a number of years prior to World War I, and then the entire family came over, usually, one or two at a time. The process, in those days, generally, was that the older brothers would come, establish themselves in the United States, hopefully get jobs, make a living, get a home of some sort or rent an apartment, and then, little by little, the rest of the family would come over. In my dad's case, he came, I think first, and later three brothers came. The rest of the family, which was pretty large, never did come and stayed in Estonia. My recollection is that they stayed there until the Second World War. Just prior to that, one of the brothers left and went to South Africa, established his family in South Africa, and then, subsequently, went to Canada. What was left of the family, and this is just hearsay recollection, were killed by the Nazis when they overtook the Baltic Countries at the beginning of World War II. So, that's sort of my dad's side of the family. When my dad came here, he was probably about fifteen or sixteen years old and immediately began looking for work. My dad had the ability to read and understand Yiddish and a little bit of Hebrew. He, over the years, developed a capacity to speak English and understand English, but he could not read English when he came over and he never had the chance to go to school here. So, that was a problem he had for many years.

SI: Did he ever tell you any stories about what it was like growing up in his area of Estonia?

SJ: No, not really. I think it was a part of his life that was not very pleasant and it was not one that they had very fond memories [of]. Just to finish that short part on my dad's acclimation to this country, it was reasonably difficult. He was a very nice, easy-going fellow, but not having a profession and not having a trade, he jumped around from one job to another and did various things with my uncles. When I went to grammar school, or elementary school, whatever you want to call it, I began to teach my dad how to read and write. I would come home at night with my assignments, on writing, spelling, and I would spend an hour or so at night with my dad in going over what I wrote up, what I was learning and he would copy my writing. So, gradually, my father began to learn English and by the time I got out of elementary school and went to high

school, when my teaching was over, [laughter] my dad could read an English paper. While he would have difficulty if you asked him to sit down and write an essay, he could communicate by writing, enough so that, years later, when my dad opened up a second-hand furniture store, he had enough knowledge of English and an ability to write that he could run the store. Also, he was able to procure his citizenship. He learned enough of the language so that he was able to pass his citizenship test and get his citizenship, which I think was sometime in the late 1930s.

SI: When he came here, did he live in New York at first?

SJ: No. They came to New Jersey and settled in Newark. As you may or may not know, a lot of the Jews who emigrated from Eastern Europe at that time settled in what was called, and still is called, the Central Ward of Newark. It's the area where UMDNJ [University of Medicine and Dentistry of New Jersey, now part of Rutgers University] is and north of that area. It was a very thriving community for immigrants. There were a lot of social services and organizations that helped immigrants acclimate to this country. So, he lived there with his brothers in that area.

SI: Can you tell me about your mother's side of the family?

SJ: Sure. My mother also was an immigrant to this country, and so I'm the first generation born in this country. My mom came from [Belarus], which is part of southern central Russia. She came also around the same period of time, around 1910 or 1911. My mother had a very large family, I can't recall now, nine or ten brothers and sisters. What happened in that family is that the older brothers followed the traditional pattern and came to this country first, and then, little by little, the rest of the family came. In my mother's case, all the family came here after the brothers, including my grandmother and my grandfather. My mother, also like my dad, did not have any knowledge of English, either reading or writing. When she came here, I guess fifteen or sixteen, she immediately went to work for an outfit you probably don't know called Charms, which is a candy factory.

SI: Yes, Life Savers, right?

SJ: Oh, yes, right, [laughter] in Newark. She could read a Yiddish paper and she could speak Yiddish and she could speak English. She picked that up as time went by, but my mother never learned to read or write in English, except in a very rudimentary way. In fact, it's one of the things I found out as a kid, early on: [I would] go to the store with my mother and she'd purchase by looking at pictures. In fact, an interesting aside, when my children were born and we'd leave the kids with my mother, my kids would say, "Could you read us a story?" before we go to bed--my mother, rather [than] being embarrassed over the fact that she could not read a story, would say, "I'll sing you one." Yes, she had a very good voice and she sang in a choir made up mostly of immigrants, run by an organization called the Workmen's Circle, which was an organization to help immigrants. [Editor's Note: The Workmen's Circle was founded in 1900 to improve the quality of life for Jewish immigrants, many of whom worked in sweatshops. Some of the services they provided for their members were founding unions that fought for better working conditions, running a medical department and credit unions, establishing schools and buying land for cemeteries.] It had a kind of Labor Zionist aspect to it. It was dedicated to helping found the

State of Israel. She became active in the organization and sang in the chorus. My kids never figured it out, that she couldn't read.

SI: Did she ever talk about life in Belarus?

SJ: Yes, my mother would, a little bit, but one of my aunts, Eva, who was a couple of years older than my mother, would talk a lot about life in the old country. What I learned was that they had a farm--I don't know how extensive a farm it was or what crops they grew or whether they raised cattle, horses, chickens, because my aunt would just kind of talk in general terms. They left mostly because, in that period of time, there were *pogroms*. I don't know if you know what that is.

SI: Yes, the anti-Semitic riots.

SJ: The anti-Semitic riots, in particular cities, and, also, my grandfather didn't want his sons to go into the Army of the Czars. Jewish people who were conscripted into that army were, primarily, working in stables, and so forth. This was not something that they aspired to. [laughter] I think that also may have motivated my dad's family and, obviously, motivated a lot of immigrants from Eastern Europe. They didn't see themselves as necessarily fighting in the Czar's Army for a cause that they obviously did not really believe in. So, I think they came here, my dad's case was mostly economic--but my mother's case, the *pogroms* and the conscriptions, were the motivating factors, and so, [they asked themselves], "Hey, what are we doing here?" [laughter]

SI: Did World War I affect your father at all? Did he have to serve in the military?

SJ: No, he didn't. My dad had always had serious eye problems, and so, I think that probably prevented him [from serving]. I really don't know. He never really talked about whether he was subject to the draft. I do know, by the time World War II came, he was much too old. He also worked in a defense plant during the Second World War and that probably would've given him an exemption, because of the work he was doing. He was on in years and they would not be interested in him in the Second World War. I would guess that if he were apt to be drafted, his eyes would've kept him out.

SI: Do you know how your parents met?

SJ: I think, my mother was--I'm trying to think of the words--a very effervescent kind of person, liked to party, sing, dance, that kind of thing, and so, my mother got married at really an old age, for that time. I think she was thirty-three or thirty-four, which was unheard of in those communities. In fact, it was pretty well-established by everybody that she'd never get married. [laughter] My dad was also on in years, about thirty-five or thirty-six. Anyway, to answer your question, I think they met [when] one of my uncles introduced my dad to my mother. My father was working at that time with my uncle in the cleaning business. Neither one of them, really, had a handle on their age. What happened is that many people who came to America at that time didn't come with any records, and so, they'd go through Ellis Island and make up their birthday

and, sometimes, their name. So, they never knew when they were born. So, in fact, one cute story, when my dad was applying for citizenship and I'm helping him do it, I said, "We've got to put down when you were born." He said, "No, well, make up a date." [laughter] Okay, so, we made up a date. My mother overheard the conversation. She said, "Well, that'll make you really older," and he said, "Yes," he said, "if I'm older, it'll be better--I'll get Social Security earlier." So, my mother said, "Yes, but I don't want people to think I married an old bachelor." It was that kind of joshing. The three or four years' difference was not significant, because they all knew where they fit in the order of the family. My mom died when she was eighty-one or eighty-two--oh, she might've been eighty-four or five, who knows? It didn't make a difference to my parents.

SI: Was there any altering of the name when your family came to the US?

SJ: I don't think so. My mother's maiden name was Guerwitz and that remained and my father's name in Hebrew is Jaffa and that translates into Jaffe. I never heard anybody say that the names were changed.

SI: What year were your parents married?

SJ: Good question. Let's see, I was born in 1932, my sister was born in 1930--I would guess my parents got married around 1927 or 1926. When I was born, Mother was thirty-eight, which was at that time an advanced age to have a child. So, I think they probably got married in the late 1920s.

SI: Was your family living in the Central Ward then?

SJ: No. I have no idea where we were living at that time. It's a good question. In fact, I don't have a recollection of where we were living until I was about five or six.

SI: By that time, had your father bought the candy store?

SJ: Yes. He bought the candy store around '35 or '36. My uncle always used to kid my father about that. He said, "That was really smart, buy a candy store in the throes of the Depression, and then, sell it right before we came out of the Depression." [laughter] My dad sold the store in 1940 or 1939. So, it was during the worst of the Depression that he had the store. I remember living in the rear of the candy store's three rooms. I may be jumping ahead, but, as you said, that's okay. The candy store was on Hawthorne Avenue, which is in the Clinton Hill Section of Newark. It is a very busy street, a main artery, in Newark. The store was small and it was really tough to eke out a living. In those days, you sold ice cream and candy and a couple cigarettes. Most of the money was made in the numbers racket. You know what that is?

SI: Yes. I am glad you brought this up--I was thinking of a way to ask about it. [laughter]

SJ: It was not that unusual to be involved with numbers in Newark. The customer puts a nickel down, picks a number, and you get a receipt back. [laughter] It was not lucrative, but it was at least some income. I remember one time the police coming, a group of three or four detectives,

searching our house and the store. I remember my uncle observing, "I guess they didn't pay off that day." [laughter] So, we lived behind it, behind the candy store, and there was a kitchen, and then, a bedroom. I remember sleeping on a couch in a little anteroom and my sister probably slept in the little bedroom. These were not palatial quarters in any way. So, when the police came into the store, it was easy to search the living quarters, and I'm sure, in those days, they didn't bother with a search warrant. They found nothing, and we never got in trouble. In fact, just to finish the story about the numbers, it provided me with my first job as a little kid. At the end of the day, you would copy every one of the number slips you sold onto a pad with the initials of the buyers and yours. So, if your number won, they'd have a way of verifying that.

So, at the end of the day, you would put all the slips and pads in a paper bag, and also all the money in a bag. The bag then had to go to the pick-up place and, in our case, it was a fellow who ran a tobacco store selling cigars, cigarettes and stationary. So, my job every day was to take these two bags four or five blocks--I was only six or seven then--and bring those receipts back at the end of the day. I guess my dad figured nobody's going to hassle me, a little kid carrying the bags, and I was not worried about any police at that point. [laughter] In any case, I remember the candy store being a very difficult place [for] making a living. For example, they would open up at six or six-thirty in the morning and, say, my dad would open up, and then, you stay open until nine o'clock at night. My mother would close. Those were long, difficult hours. Also, I used to help out delivering newspapers, etc. One of my better jobs was with the big five-gallon ice cream cans. After the ice cream was gone, there was still some on the inside, at the crease on the bottom, you couldn't get with the scoop. So, my job was to take a spoon and eat all that remained. [laughter] I always liked that job. The area was an interesting place to grow up. I got to wander the neighborhood a lot and meet a lot of people,

SI: In the interview with Don Linky, you said this neighborhood was a real melting pot.  
[Editor's Note: Don Linky, former chief counsel to New Jersey Governor Brendan Byrne (1974-1981) and director of the Governor's Office of Policy and Planning, interviewed Professor Jaffe on March 19, 2008, April 23, 2008, and June 24, 2008, as part of the series on Governor Byrne for the Center on the American Governor at Eagleton Institute of Politics at Rutgers University.]

SJ: Yes, very much so. I mean, there were apartment houses, and six-family houses, and apartment houses. An apartment house would be five or six stories with an ethnic and racial mix; many were immigrants or reasonably low-income people, clearly all working-class, that kind of thing. One of the nice things, one of the interesting things, about the candy store is, it was a place where people would congregate. So, I'd have a chance, as a kid, to listen to three or four guys; they'd come in and buy one ice cream cone and sit half the afternoon, [laughter] or a cup of coffee and sit for hours, to talk. Since a lot of them were immigrants and, as I said, almost all blue-collar, but kind of very interested in the world, and what was going on, and so, you'd have conversations about the rise of Nazism or Fascism or Roosevelt or what was happening with the New Deal. I'm listening to this as a little kid and it was unusual. In fact, a recollection I will never forget is September 1, 1939--I don't know if I mentioned this in Don Linky's [interview]--but that was the day that Hitler, the Nazis, invaded Poland. We had a shortwave radio at home, one of those really old RCA shortwave radios. My dad and a couple of the people in the store said, "Put it on," see what we could get. There was Hitler, in one of his

screaming diatribes, all in German, which I did not understand, but some of the people in the store understood, talking about, as they would tell me, this great invasion of Poland and this would now be the "New Germany" and they were out to conquer all of Europe. You remember those kinds of episodes.

SI: Do you remember being afraid?

SJ: Yes. I was more afraid when the US went into the war, because, just to digress for a moment, by that time, December 7th of '41, we had moved to a place, Belmont Terrace, in the Lower Clinton Hill Section of Newark. I was playing football on the street with a bunch of guys and, also, some of the men who lived on that block. It was a block that there were very few cars. It was just one block long. So, everybody came there to play football and I remember we were playing football and someone said, "Stop, wait a minute," and then, there was the announcement of the bombing of Pearl Harbor. That produced a lot of anxiety about the war and stuff like that. Sure, I used to think about things. A blackout? Are we going to get bombed? Is this something to worry about? As an aside, I remember, one weekend, going with my parents to visit some friends in Toms River and being really relieved, figuring the Nazis would never bomb Toms River! [laughter] They might come to Newark. It was an industrial area with ports and an airport, but, I mean, why would anybody come here and bomb the chickens in Toms River? Boy, that was a nice, calm night--you know how kids can think about those things. So, anyway, to get back to the candy store ...

SI: Let me ask ...

SJ: Sure.

SI: Serving a diverse community, did you or your family have to pick up any of these other languages to deal with customers?

SJ: No, not that I [recall]. It was really interesting--everybody tried to speak English. Some people would speak Yiddish and I understand some Yiddish, because it was spoken in my house for some time and my grandmother and grandfather also did. So, some of the words, I could understand and, if you understand Yiddish, you can sort of pick up a little German, because Yiddish is really an amalgamation of German and other Romance languages. So, if somebody spoke in German and it wasn't too fast and not too accented, I could sort of pick it up, particularly if it was fairly simple. If I was helping my dad out and somebody wanted a pack of cigarettes or a bar of candy, if they couldn't speak English, they'd point. It wasn't that hard. If you had to, you could write down the amount of money and people would understand that. So, I don't remember language being much of an issue.

SI: Did you just pick up Yiddish as you went or was there an attempt to formally teach it to you?

SJ: No, I would listen to my parents or my grandparents speak. As time went by, more and more was in English, except if somebody was angry, they would talk Yiddish or [if] they wanted somebody to not understand their comment. But as my mother and father were here longer they

picked up the language, so, that became less of an issue. Even my grandparents would speak some English, and you could converse with them in English. It was not complicated sentences, but enough.

SI: What role, if any, did religion play in your life growing up?

SJ: That's a good question. My parents identified themselves as Jewish. They identified themselves in terms of the traditions, the holidays and the emphasis on parenting. But my parents were not really active synagogue-goers. On the other hand, it was very clear you were being brought up in a home that had Jewish traditions and culture. My grandparents, on the other hand, were religious. They were not Orthodox and they belonged to a synagogue and on the holidays, they would follow the traditions of fasting or whatever was appropriate and so everybody in the family would follow them. So, on Passover, you'd go over my grandparents' house, where they lived with my aunt, and the services would be read in Hebrew, because that's what my grandfather wanted. None of my aunts or uncles were Orthodox. Well, one or two may have belonged to synagogues. I don't think Orthodoxy was very dominant. On political issues, my mother became very active. She joined the Labor Zionist Movement, which was people who identified with labor unions and also worked for the State of Israel. Obviously, Israel had not yet been created. This was prior to World War II. She was active in collecting money for the Jewish National Fund and similar activities. [Editor's Note: The Jewish National Fund, founded in 1901, collected funds to purchase and develop land in Palestine.]

SI: Did you have one of those blue boxes [a *pushke*] in your house?

SJ: Oh, yes. Everybody had it. My dad was active in an organization called the Farband, which was kind of a male counterpart to The Workmen's Circle, which was primarily female. [Editor's Note: Farband was the shortened name for the Yiddish Natzionaler Arbeiter Farband (Jewish National Workers Alliance), founded in 1908 to provide services for Jewish workers.] My mother was probably more active than my father. However, it was enough of a presence so that my sister--I'm jumping ahead--that when my sister got out of high school and worked for a year or two in a Jewish religious school and went to Israel for five or six years, that was a result of our upbringing. I did not go, but she did.

SI: Did she go after the State of Israel had been declared?

SJ: Yes, oh, yes. Israel was created [in] '48, so, maybe she went in '50 or '51, around that time.

SI: Growing up in the 1930s and 1940s, did you know anyone in these circles, in the Labor Zionists, who actually did go to what was then Palestine?

SJ: I didn't, my parents did. I was just a little kid. Prior to World War II, I was, what, four, five, six years of age. So, I would not be privy to people who were doing it. By the time my sister went to Israel, I knew people who went, as part of her group. I knew them pretty well, but, in the '30s, no, I do not know anybody, but, then, again, as I said, I'm a kid, so, I would not have known.

SI: You said politics were discussed often around the candy shop and, I would assume, in your family.

SJ: Yes.

SI: Local politics or national politics?

SJ: My dad was a staunch Democrat, as were most immigrants in that period of time. They were all big supporters of Roosevelt, which is not surprising. Local politics was not for them. The people I knew had it tough, making a living--and with their other interests it occupied all their time. They also didn't have the sophistication or the knowledge of the language that would enable them to go into local politics. So, they would sit around and talk about, "Should we enter the war? Should we not? How about the British Lend-Lease program?" They relied on the radio and what they read in the paper about the national and international scene. [Editor's Note: In March 1941, the Lend-Lease program opened a steady channel of supplies and war materiel from the United States to the Allies. Eventually, the program was extended to thirty countries and provided fifty billion dollars in assistance.]

SI: In your area of Newark, were you aware of any New Deal activities, any WPA projects, for example? [Editor's Note: The Works Progress Administration, or, after 1939, the Works Project Administration, was an agency that was part of President Franklin D. Roosevelt's New Deal and employed 8.5 million people on public works projects like buildings and roads, as well as in specialized areas, such as the arts, from 1935 to 1943.]

SJ: No. Whatever WPA projects existed were probably in Downtown Newark. The court house might've been a WPA project. My area was primarily residential and a little bit of light industry. There would not have been any WPA projects, that I can remember, that were in that part of the city where I was.

SI: Tell me a little about your early education, where you went to grade school.

SJ: Sure. I went to elementary school in a place called Bergen Street School which was about a ten or eleven-block walk to school. As opposed to nowadays, everybody then walked to school. [laughter] If I tell my kids today, "How about letting their kids go [walk to school]?" "Oh, no, we can't let the kids walk." It's a whole different world, but we'd walk to school with a group of friends or I'd walk with my sister. That was not a big deal. I don't remember much about school, except that I kind of liked it. I remember that I skipped and why I skipped--I went from 1-A to 2-A and I skipped 1-B--was not clear. Whether that was because they thought I was competent--I doubt it--or if it was because they didn't have any room and they needed the space, [laughter] I really don't know, but I did skip a grade. I remember, also, one cute, little incident. When I was a first grader, a teacher pinned a note on my shirt with a safety pin, saying, "This is for your mother," and it was, "Sandy talks too much." I remember going home with the little note, which I didn't destroy, and my mother said, "What's that note?" I read it to her. My mother's comment,

"Tell the teacher, 'What am I supposed to do about that?'" [laughter] I was only at Bergen Street for two years, because we moved in 1940.

SI: Sticking with the Hawthorne Street neighborhood, did all the groups get along? Was there any friction between different groups, that you experienced?

SJ: I don't think there was a heck of a lot of friction. When I moved, later on, to Belmont Terrace, there was more friction, which we can talk about a little later, but, in my recollection, people [were] busy. They were doing their thing, as I said, trying to earn a living. There were long hours. This was a busy street. It was tough to hang out. You couldn't hang out on Hawthorne Ave., so kids hung out on the side streets and I don't remember much conflict.

SI: When you would go out with your friends, was it mostly playing street games?

SJ: Yes. In back of our store, there was a lot where people could dump things, not an elegant lot, but it was an empty space. We played there and you'd play hide-and-peek or whatever you'd play as kids, kick-the-can--I even forget the names of the games--but it was primarily that. The streets were too populated with cars to play on the street. So, you couldn't play basketball or you couldn't play football on the street, because you'd be dodging cars all the time. So, you'd play those other kinds of games that kids do, where you'd use sidewalks and, occasionally, a park. It was a long walk to the school playground. I was six or seven, and I wouldn't do that. I wasn't into playing basketball at that age or other kinds of competitive sports. I just played in the neighborhood and there were a bunch of kids my age in the neighborhood. Also, I helped out a lot in the store, and so, there wasn't a lot of time to spend on play.

SI: Did you have to be in the store at set hours or did you just come by?

SJ: Yes. I'd come home from school, "Can I help out? Can I deliver some newspapers? Could I deliver a pack of cigarettes?" or something like that. I was too young to have anything, outside of the numbers running game. I was far too young to, "Oh, well, you're going to be there from three to five."

SI: I would imagine your grandparents kept a kosher home, but did your parents keep your home kosher?

SJ: They tended not to mix meat and dairy, but they did not keep a strict kosher home. My mother, she would not, for Passover, change all the dishes. If we had a meal and I wanted ice cream or something for dessert, I could have it. It wasn't that we were strict in observance.

SI: When you would celebrate the holidays with your extended family, were there aspects of the celebration that you, looking back, realize came from the old country or were ways of celebrating that fell out of practice afterward?

SJ: Sure, yes. Our Passover service was all in Hebrew. It would be rare now to go to a family Passover *seder* and have it all done in Hebrew. [laughter] Secondly, my grandfather would read

the whole service. Now, you go to a Passover service, after twenty minutes, everybody's anxious. So, you could sit there for hours while my grandfather did everything. Third, they had a strict order of who would ask, for example, the four questions, it always had to be the youngest. So, you would wait until you were the youngest, then, you would read. At my grandfather's house, sometimes, there wasn't enough room for everybody around the table. So, they had all the men sitting and all the women in the back. [laughter] When my wife first went to the first *seder*, she was appalled at that. You could not talk during the service. [laughter] He ran a pretty tight ship. So, the service would go on for a long time; it was a big deal. Now, my grandparents would not [drive], walk on Saturday or Friday. They would always fast--and that's a tradition we still keep, too.

SI: Tell me about how your neighborhood at Belmont Terrace was different.

SJ: Well, my dad sold the store about 1940, as my uncle said, "Just when things were going to get better financially." I think he got eight or nine hundred dollars for the store, not a lot of money. He then got a job working in a manufacturing company in East Newark doing sheet metal work. That was the period of time when the government just began the process of tooling up for the war, even though we weren't yet in the war. Companies were beginning to get government contracts to make planes, etc. We had to move. I remember going with my mother, responding to an ad, looking at a six-family house on Belmont Terrace. There was an apartment available up on the third floor and I went with my mother. I was probably seven years old or eight, and we rented it. It was very inexpensive. The best point, it was a block away from the bus on Hawthorne Avenue and that bus, #27, went down to where the plant was. So, it was one bus ride, a long bus ride, but only one for my dad. So we moved there.

Belmont Terrace was one block between two sort of major streets. It had two six-families and two or three other three-family houses. What was good about that block is that it was a place that everybody congregated, because there was not very much traffic. So, you were constantly out on the street playing or you were out sitting on the porch, in those days. There was no air-conditioning, so, outside of fans, in the evenings, most people sat out on porches and brought chairs out and sat on the stoop. The neighborhood was also kind of multi-ethnic. There was a Jewish contingent, Italian contingent, Polish contingent and reasonably large black contingent about two or three blocks away. Sometimes, you would run into hassles going to school and through certain neighborhoods. Once in a while, I got picked on. Particularly if I'd be carrying books with clearly Jewish identification, I'd get hassled. Sometimes when I walked with friends, you'd run into a couple of kids who'd want to hassle you, too.

SI: When you say hassle, do you mean verbal or physical?

SJ: Yes, verbal, and maybe try to get physical. They would try to push you and shove you, that kind of hassle. A bunch of kids hanging out, so, they're going to hassle you if you're walking through their avenue, that kind of thing. Around the corner, there was a small, little synagogue, I remember that, because I got *bar mitzvah*-ed and that's where I studied for it. I was not a very good student there. We also had easy access to Downtown. On the corner, there was a grocery store and that was a place to shop. The supermarket for us would've been a good ten, fifteen-

block walk. Since we didn't have a car, that's a lot of packages to carry home. So, you primarily did all of your shopping in the grocery store. In those days, grocery stores used to have milk boxes in front of them. Also, we didn't have a refrigerator. We had an icebox and thus had to shop every other day.

SI: Yes. You put the ice in and it drips down into a trap.

SJ: Yes, you put the ice up on top and that would basically keep it cold. Problem was, you had to get new ice every other day. You used to get a card and you'd put it in the window and it would [say] either five, ten, fifteen or twenty-cent size. That would let the ice guy, who came along in a cart, know which size you wanted. If you put twenty, he'd cut you a very big cut of ice, bring it upstairs, and put it in your icebox. That was [limited], as much you could you keep cold. About four or five blocks from where we lived, there was an icehouse, a place that made commercial ice. If we ran out of ice before the guy came or, let's say, we're going to have a party and you wanted to cool drinks, I had a little wagon, and it was my job to go to the icehouse, buy a block of ice, put it in my wagon, and then, pull it home and put paper around it, so [that] it didn't melt. I couldn't carry it upstairs--it was too heavy. So, I had an ice pick and I'd break it into pieces, and then, carry it up. It was a way in which you tried to supplement the delivery. I don't think we got a refrigerator until after the war.

SI: After you sold the store, did your mom work outside of the home again?

SJ: No, she never did. She was too old to become a riveter in a war plant and she didn't have any skills. She couldn't be a secretary--she couldn't type. She couldn't be a salesperson--she couldn't deal with the slips and all that. So, she never did, again, work.

SI: How did the war impact you on the home front? Rationing was obviously one impact. How did that affect your family?

SJ: Well, as you know, you had to sign up. That was a big production, signing up for ration books, and you'd be limited to what you could buy and when you could buy it. We would collect scrap iron and rubber, but I don't recall we were significantly deprived of food. I remember, you couldn't have steak, but I don't recall saying, "Oh, gee, we don't have enough to eat tonight." My mother was very creative in making a little go a lot, which many immigrant people learned. You buy a chicken, eating it for two days, and then take parts of the chicken and chop those up and make patties. That'd be another meal. So, people were very creative. We didn't have a car, so, we never worried about gasoline. The buses all ran.

SI: You said, earlier, the blackouts are very prominent in your mind.

SJ: Right.

SI: Could you tell me a little more about that?

SJ: Well, I followed the news a lot, even though I was very little, and so did my father. We'd listen to Gabriel Heatter and Edward Murrow. With my friends, I remember making model airplanes, putting them on fire and throwing them off the roof. We played a lot of games that had their origins in the war. I think that that constant bombardment of news, the fact that a couple of my cousins went off into the war, and people in the neighborhood also went to war made you very conscious of the war. You knew it was terrible, but I was not old enough to really deal with it. So, I remember being scared--and you'd read about the Blitz in London and worry--whether this would happen to us. That's the reason I told you that story I remember about going to Toms River. I was always happy when we left the city, because I figured that I would be in less danger where there were not targets to bomb. I had an uncle who was really smart politically and when everybody, in the beginning, thought the war was going to be over in six weeks, he said, "No, it's going to go on for years," and, in fact, he said to me, "You're going to end up being in the war, too." So, that was always in the back of my mind, "Am I going to be going, like my older cousins?" I don't think I was afraid, but I didn't really comprehend the terrible aspects of war. The war became an integral part of your life. I remember with a bunch of kids, working on chemistry experiments, to see if we could make synthetic rubber, because there was a shortage after the Japanese overran our rubber supplies in Southeast Asia. So, I still have memories of the war's impact of it and, as I said, my dad working in a war plant, [which] also brought it home.

SI: Did your father ever talk about his work, what they produced?

SJ: Not really, no. I used to meet my dad on Hawthorne Ave when he came home on the bus. We would walk home and talk. But he didn't go into any great detail about what he was building. There were war bond drives and USO drives. There were all kinds of activities that were constantly in the forefront. You were either a part of [them] or, as a kid, you would be observing. Obviously not as traumatic as kids who were living in London and subject to bombardment, but I think the war had a significant impact on kids. Also there were constant reminders in school.

SI: When you went to school in this new neighborhood, where did you go to school?

SJ: I think I'm going to take a two-minute break.

SI: Sure.

SJ: Okay.

[TAPE PAUSED]

SJ: Yes, okay, this is fine.

SI: You were just saying you were very conscious ...

SJ: We all were conscious of the war and the ups and downs of it, followed a lot of it in the newspapers. It was a constant topic of my parents and their friends. It was not only whether you were afraid of getting bombed or unhappy with rationing, you also were conscious of people getting drafted. This was a total world war, and those of us living in the United States were extraordinarily lucky that we have two big oceans that prevented us from experiencing what happened in Europe and Asia.

SI: Do you remember buying war stamps, that sort of thing?

SJ: Yes, I remember we would buy war stamps and collect those in a book. Also, as I said before, you had to collect rubber and other things. There were all kinds of different drives, and as kids you would be a part of them.

SI: Were there rallies that you remember going to where they would sell war stamps?

SJ: I remember going to a couple of rallies in the park, but I do not have a dominant impression of a particular rally.

SI: We were going to talk about a school you went to when you were living on Belmont Terrace.

SJ: I went to Peshine Avenue School, which was ten or twelve blocks from where I lived. I'd walk to school. I am dyslexic and I could not, and still have trouble, [master] spelling. I write "trail" instead of "trial," that kind of thing. So, when I was in school, they concluded that I was not particularly bright, mostly because I couldn't spell very well and I couldn't read very well. So, they put me in--not a very sophisticated approach at that time--a class for special kids. Those were kids with all kinds of problems. The reason I remember it so well is because it was in the basement. I always remember the class was in the basement and had no windows. [laughter] However, I got a really great job--delivering milk and crackers to the kindergartners. It was a policy to give kids in kindergarten milk, and so they'd have a milk break. I would deliver a small half a pint of milk with a straw and graham crackers.

SI: I remember getting it, yes. [laughter]

SJ: So, instead of spending a lot of time in school learning, I was walking around the school, delivering. It was better than sitting in that classroom in the basement, and what was left over, I'd take home. My mother couldn't understand why I'd come home with maybe four or five pints of milk and a box of graham crackers each day. I told her that, "It was part of my learning experience in school." So, I did that for a couple of years, and then, for some reason or other, I guess I got too old, I left that class, but I was not a good student, whether it was because of my dyslexic [condition] or I came from a home where, while education was important, I was not reading books so that I never developed the habit to learn. Also, I didn't write very well and couldn't spell very well. Sometimes I was kept after school, and made to write on the board all the words I misspelled. Finally one of the teachers realized that was a pretty useless exercise.

SI: Do you think your teachers were trying to help you learn? I have heard, in other schools, kids in a class like this would sort of be ignored. The school would just meet the minimum that they were supposed to do.

SJ: It was not until high school, when I had some teachers who really cared and helped. What I do remember was kind of interesting. When it came time to graduate, I had a conversation with one of my uncles. The question was whether or not I was going to go on to Weequahic High School, which was a school where the students were competent and a lot went on to college. Weequahic was one of the better high schools in the city. Should I go to Central High School, which was a couple bus rides away, and was a rough-and-tumble place and primarily a technical high school, or to Weequahic? So, if you wanted to learn a trade, [become] a carpenter or a plumber or electrician, that was a good place to go to get a background, so [that] you could be in technical [trades]. So, I remember saying to my mother that my uncle thought, "I'm better off going to Central High School." So, I signed up for Central High School, and I was going to go with a friend of mine, an older guy who had stayed back a couple times. One of those things in life--he got arrested, as a juvenile, for trying to steal a car, just as we were about to graduate. As a result, he was put in some kind of juvenile facility, and couldn't go to high school. Since he wasn't going to go, I thought, "I don't want to go down there alone," and so I went to Weequahic.

It was one of those forks in the road in which you go this way instead of that way, completely by accident, and the decision had a tremendous impact on the rest of my life. Of course, was it [Robert Frost] who said, "You never know the road less traveled?" You don't know what would've happened if you had taken one of those [roads] instead of the other. I graduated even though I had never read a book in high school. I used to read *Classic Comics*. I have to tell you one quick story, then, maybe we've probably had enough for today. When I was in high school, I had an excellent teacher in social studies, which I liked a lot. She assigned a book report which I wrote based on *Classic Comics*. She called me up after class and said, "You didn't read the book--you read *Classic Comics*." I said, "How did you know?" She said, "I know." [laughter] Do you remember *Classic Comics*?

SI: Yes, like the comic book version of, say, *Robinson Crusoe*.

SJ: That's right. It was the comic book version of *Tale of Two Cities*. So, I'd read that. "I want to tell you something. You're a bright guy and you've got a lot of potential. I want to tell you something--you cannot go through life reading comic books. At some point, you're going to have to read a book." [laughter] She was very instrumental in changing my attitude and my work habits.

SI: I just have one last question.

SJ: Sure.

SI: While you were in school, President Roosevelt died. Do you remember the reaction?  
[Editor's Note: President Franklin D. Roosevelt died on April 12, 1945.]

SJ: Yes, I remember being very upset about it and I remember so were my parents. Everybody I knew had a great love for Roosevelt. I know there's been a recent series of books on whether Roosevelt had been pro-Semitic or anti. I saw that, but I read one review the other day, where the reviewer said, "A lot of Jewish people were ninety-five percent behind Roosevelt," and somebody said, "Well, didn't you realize that he didn't do this, he didn't do that?" and somebody else said, "Well, if you looked around, in 1943, you had Adolf Hitler, Benito Mussolini, Tojo and Stalin, and then, you had Roosevelt--where would you want to live?" It was a really interesting comparison and I think a lot of Jews felt, "Gee, this guy, this guy cares," and the New Deal meant a lot to them, etc., etc. It was very traumatic. Those were very difficult times, and we were lucky that Harry Truman came in, who I think was an excellent President.

SI: Thank you very much for letting me come by today.

SJ: I hope I haven't bored you too much.

SI: No, it was very interesting.

SJ: I'm sure you've heard so many different stories.

SI: Each one is different.

SJ: Yes, I'm sure.

SI: Adds more to the mosaic; thank you very much.

SJ: Yes, sure.

## Chapter 2: High School and College Years

Shaun Illingworth: This begins the second interview with Professor Sanford M. Jaffe in New Brunswick, New Jersey, with Shaun Illingworth on July 25, 2013. Thank you very much for having me again.

Sanford Jaffe: My pleasure.

SI: To begin, we left off last time talking about your time at Weequahic High School and what led you there. What year did you enter Weequahic?

SJ: I entered Weequahic September 1945, just after the end of the Second World War. There was a lot of turmoil in the community, veterans beginning to come home, the end of rationing, the beginnings of trying to create a postwar economy, Roosevelt had died and Truman was President. This context impacted people who were starting high school and thinking about careers, thinking about what the world was going to be like for them and trying to adjust to the end of the war. I was too young to go into the Armed Services, but I was old enough to be familiar with the war and the postwar period. So, it was in that context that I started high school. It was also that context that led me to be interested in history and government and what in college we call political science, [laughter] which was not a phrase used in high school. I remember looking in my yearbook when I graduated, [headed to] college, in 1949--the editors would have little blurbs about what they thought you would do, e.g., a doctor or a teacher or what. I remember, my blurb was, "Sandy Jaffe calls first major nationwide strike." [laughter] So, I guess my classmates thought that I was, A, sympathetic to labor and, B, sympathetic to people who were struggling to make a living and unionize.

SI: You mentioned in the last interview that, in high school, you had some teachers who really helped guide you on the right path and had a big impact on your life.

SJ: Right.

SI: Can you recall some of that and what impact they had?

SJ: When I graduated high school, I was in the bottom quarter of my class, which really took some doing to do. [laughter] I think it was because I never did very much homework; as I mentioned last time, I was not particularly interested in [school]. Not that I fooled around in my high school days and cut class or hung out, no. I went to class, I just didn't pay much attention to what was going on in school, and my grades, obviously, mirrored that. While my parents had some concern, but considering where they came from and their background, they were not particularly focused on grades. If I was going to school and they were not getting called to the principal's office and I was getting promoted, that was it. If I brought a report card home, my dad would try to sign it.

The fact that I had a couple of first-class teachers began to change my attitude. As I mentioned, I think in our last interview, a woman who taught history and government who was [great], Mrs.

Lapenna--was a very, very good teacher and a person with an ability to work with students and help them. I think she recognized in me a potential to be a passable student. [laughter] She tried very hard to kind of get me to see that. I don't want to give the impression that I was a troublemaker in school. I really wasn't, but I was not one of those students who excelled and Weequahic High School, at that point, was probably the premier high school in the City of Newark. It was in a neighborhood that was primarily Jewish and other ethnic groups, a black community and an Italian community. But the Jewish community was either first or second-generation. It was a community in which there was a lot of striving for professional [achievement], to get into a profession, to do well in school and go to college. Weequahic High School sent maybe eighty, eighty-five percent of students on to college, which was unusual for 1948 or 1949. So, I was in an environment of colleagues who were academically driven, grade driven, "Where are you going to go to college?"

This atmosphere was a dominant factor and, while I guess it had some influence on me, it obviously was not influential enough for me to change my ways [laughter] and become a really good student. During those years, I also worked a lot. My dad had a second-hand furniture store for a while and most days after school, I went there. I didn't do a great deal, but I at least went and tried to help out. Then, I had a couple of other jobs, so I was pretty busy. I was also in the band. I took up the clarinet. I enjoyed that and, [at] school, you could take free lessons and they also loaned you a clarinet. I got into the marching band and the orchestra, but, since I worked on Saturdays in a clothing store Downtown--Bond's Clothing Store--I would miss most of the Saturday football games. But I would always show up for the Thanksgiving Day game, because it was on a Thursday. [laughter] Once in a while, I could try to get a Saturday off to do it. So, I had a lot of activities. Most were not school-related.

SI: Of course.

SJ: [I was working in] Bond's Clothing, which was one of the major clothing stores in Downtown Newark. I was working on Wednesday night, when the stores were opened late. I worked from four o'clock to nine o'clock. I was a kid in the store, packing, hanging up clothes, etc. I was not fifteen, which was a violation of the Fair Labor Standards Act. So, one day, when I came home, I found out that mother and father had been visited by two investigators from the Labor Department. "How could they let their son work past nine o'clock?" they said. Also, I had no working papers. Luckily, my parents never ended up in jail over that, nor did I. But for the next half a year, I had to leave at six. All those activities organized my life and motivated me in a nonacademic way.

On the other hand, I had extraordinary respect for what I did learn at the high school level. There were some excellent teachers. To understand that, you'd have to go back to the Depression era. During the Depression, there were a lot of very competent people, particularly women, who found it very difficult to get jobs. So, many of those women went to teachers' college and, in those days, that's what they called it, and thus a group of graduates who might, in non-Depression times, have gone on to other professions or businesses, went into teaching primarily because if you could get a position, it was reasonably secure and it was a place where there were opportunities. So, when I got to school in the late '40s, I was the beneficiary, as was that whole

generation, of a group of teachers who were excellent and who might otherwise not have followed the teaching profession. At least that's my impression of my experiences there.

So, I did learn, but within limits. For example, when I finally went to college I recall getting an exam in my first-year English course to test what I knew about grammar and sentence structure and composition. Out of a possible hundred, I got ninety-six wrong [laughter] and was told by the professor that I at least had to get over fifty percent the next time around. So, I did have deficiencies. I think some of it was my dyslexia and in that day, nobody took any note of [that--if] you were dyslexic, you were dyslexic, it was your problem. There was no attempt in the school system to deal with students who had those kinds of issues. So, that brings me pretty much through my high school years.

SI: Besides the band, did you have time to do any other activities or were you always working?

SJ: Yes, I was really always [busy]--I may have been in one or two clubs--but I don't remember that. One year, I went out for the [cross-country team]. I liked running, but I could not be available after school two, three times a week, for practices. Then, you'd go away to meets. I was not a great runner, but I kind of enjoyed doing that and cross-country struck me as something that you didn't have to have extraordinary speed to do, but I dropped out of that. I was not involved in student government.

SI: At this time, your father owned a furniture business. Where was that located?

SJ: It was located in East Orange, just over the Newark border. It was a small store. My dad had worked for my uncle, who was in the used furniture business and was also a well-known auctioneer. My dad had worked there for about five years, and then, there was a falling out. My uncle was a very difficult person to deal with and my father, finally, who was a very kind, quiet guy, said he couldn't do it anymore. So, I think he put together seven or eight hundred dollars and rented a store and bought some furniture. I would come up and my job was to try to help organize the stuff in the store. Also, if the chairs on a dining room set needed to be recovered, I would help recover them. This didn't require a great deal of skill, but it was something that a kid my age could do.

It involved a lot of time, because, in order to get to East Orange from Weequahic High School, I'd have to take a bus, go Downtown in Newark, which was probably three-quarters of an hour, then, in Newark, take another bus that would go to East Orange, up Main Street, East Orange. The whole [trip] just to get there took an hour-and-a-half, [laughter] then, to come home took another hour-and-a-half, because my dad didn't have a car. So, how much time could I spend there anyway? Because most of the time I spent on a bus, going back and forth, but I did help my dad a little and I also kept the books for him.

After a couple years, we just went out of business. My dad did not really have a head for that business. He didn't have a car and, if you don't have a car, you can't go out and buy. The secret to the secondhand furniture business is, you look in the paper, and you see who died or who moved. Then, you call them and say, "By the way, are you interested in selling your furniture?"

Then, you go out to the person's house and offer the person X amount of money for a household of furniture or for a particular item. Then, you have to make arrangements, with a truck, to bring it all to the store. My dad didn't have the capacity to do all that. He would occasionally get some furniture that my uncle sent over or some friend who he knew who was in the business and had a truck would unload in the store. So, he eked out a couple of bucks over the years, but it was not sustainable. I hope I've explained the secondhand furniture business. It's interesting, because, today, the business is pretty much the same. If you go to these big furniture stores, they get their inventory mostly through estate sales.

SI: It is interesting that you were entering school against this backdrop of the war ending, but, over your four years there, the Cold War was beginning and people were now seeing the Communists as a threat. Did that influence your life at all?

SJ: Yes. What I remember about that is people getting scared, worrying about a nuclear bomb, and there was a concern about shelters. People began to think about building shelters and you were supposed to have someplace in your house for shelter. You were supposed to have a survival kit. There was a sense of fear, concern about what was going to happen in the world. It was prior to the Korean War, but there were the beginnings of war clouds. I remember it influencing some of the students. In the last year of high school, some of my colleagues were kind of getting concerned, "Are they going to have to go to college? Is there going to be a re-draft?" The draft ended in '45, and then, I think it started up [again] in '48 or '49. The Korean War started in 1950. Coming out of high school at that time, you'd be vulnerable. Also, there was a provision for student deferment. If you were going full-time to college, you could get a student deferment. [Editor's Note: The Selective Service Act of 1940 expired in March 1947, but a new Selective Service Act was put into law on July 20, 1948, as part of President Truman's response to the Soviet blockade of West Berlin that June (the Berlin Airlift Crisis). Set to expire in June 1950, this act was extended due to the outbreak of the Korean War that month and succeeded by the Universal Military Training and Service Act of 1951.]

SI: As you got to the end of your high school years, in 1949, you must have been thinking about college. What were you looking at in terms of where you might go?

SJ: Yes. Well, that's a more complicated story. I come to the end of high school--what do I do? I had one uncle who was a lawyer and the, quote, "wise person" of the family. My mother sends me to talk to him. He suggested I should become a TV repairman. My mother laughs at that, because I have a tendency to fall. She said, "You'd last about three seconds on a roof." I was not interested, anyway, in doing that. All of my friends were going to college, so, I decided, "Well, I ought to go to college, too." Why? I had no idea why yet, but I figured, "Well, I ought to do that and see whether something's going to interest me at that point." Well, the problem is two-fold--my dad closes the store, my sister is, at this point, in Israel. My sister had a long-standing interest in Israel. So, my parents really had no real source of income, except for a small Social Security benefit. But my father, for many years, had not been employed and when he worked for my uncle there was no payment to the system. My mother had no Social Security benefits and there was no pension. So, it was left up to me to help out financially. That precluded me from going to school during the day. So, then, I got the bright idea, through talking to my teacher,

that, "Why don't I go to night school?" The place that had a good night school was Rutgers, which I have been corrected, "It's not night school, it's University College," [laughter] right. I figured that if I could get a job, I could go to school in the evening and start going to college. "Well, that would be really a way to begin this."

Lucky for me, in my high school class, there was a young woman who I was very friendly with and had an uncle who owned an insurance brokerage business in Newark. It was a fairly large brokerage outfit with twenty employees. They were agents for a whole range of commercial and private enterprises. When she heard my plight, said, "Let me introduce you to my uncle, who's a partner there." It was Wininger and Schliefer. So, I went to Newark and introduced myself. She had laid the groundwork for me. Mr. Schliefer was a person who, with his partner, had built the business from scratch. They were immigrants or first generation. I think the fact that here was a kid who wanted to go to school, but needed help, influenced them in giving me a job. I had no skill, but I was going to work in the office and tally up accounts. Well, it didn't matter what I did, run errands, the mimeograph machine, the elevator. I worked from nine-thirty to five. Then I applied to Rutgers.

Rutgers did not require the SAT exam. You could just apply and get admitted. My grades, obviously, would not have gotten me in [laughter] and, luckily for me, they didn't care. I didn't have to take the SAT, because, if I had, my guess is I probably would have not done well. So, I got admitted to Rutgers. It was very difficult for me to go to school, to face the fact I was going to work all day, go to school at night, and everybody I knew was going to Rutgers-New Brunswick or going away to school. I found that a difficult adjustment. I'll tell you the story, you'll laugh--I developed what I thought was [a problem]. I had a sense of wearing a hat on my head without a hat. I went to the GP. The guy looked at me, the general practitioner, and he said, "A, I've never seen that. B, I'm sure it'll never come again, and, C, if I were you, I'd take an aspirin and forget it." He was right. It was probably a manifestation of trauma I was experiencing internally, during this transition--not that unrealistic that you'd have some kind of physical manifestation of it. I always laugh when I think about it.

I went to Rutgers two days a week, Monday and Thursday, and I took three classes. It was from five-thirty until about nine-thirty or ten, and I'd get home, probably by eleven, eleven-thirty. From Rutgers on Broad Street, you could take bus #27 and that would go near my house. Since I had this good job in Newark, I could leave at five o'clock and get to school at five-fifteen. The issue was, which you'll get a kick out of, "Well, what do I do for dinner?" I used to take my lunch, but what do I do? Well, I had almost rarely ever gone out to eat dinner. My family rarely ever did that. Well, I'm going to have to eat out. There was a luncheonette next to the Little Theater, which was across the street from the old Business School. I would go there to eat, and became friendly with a group of much older people who were really helpful to me.

Rutgers night school appealed to returning veterans who had gotten discharged from the Army and had spent a couple years [working] and now wanted to get a degree. They had families and kids and jobs. So, the night school, University College, was just right for them. I was probably the youngest person in every class. But the veterans were a real influence on me. I was with a group of people who were very serious about school, serious about their academic [studies], and

very motivated. They're either accountants or pre-law or business. Very tolerant, and very helpful to me. If I had some problems in school or I didn't want to eat alone, I'd always find three or four people I could eat with and hear their stories. It was a different environment and I think that was the first time I began to get interested in school. [laughter] I began to spend more time trying to focus on what I was learning. Then, I began to think, "Gee, I'm taking nine credits," and, "I want to be considered a full-time student," so [that] I could be eligible for a deferment if I could get one, and secondly, I concluded, "If I keep this up, it'll take me eight years to get a degree." I said, "That's going to be a lot of time."

So, I decided that I wanted to take three more credits, but I couldn't take them at Newark, because you could not take more than nine credits. So I signed up for a course in New Brunswick. It was at Eagleton. It was in "New Jersey State and Local Government and New Jersey Politics." I would go on Saturdays. I developed a scheme to help me pay for the train fare. A friend of mine, who was at Rutgers-New Brunswick, would loan me his commutation ticket. I realized that after the conductor punched the hole in the ticket, I could pick up the punched hole and put it back in place, and if I took a ballpoint pen and rubbed it on the back, the card would appear un-punched. So, I'd always get a free ride on the way back. I never got caught--kind of late for New Jersey Transit to come after me, but those are the things you do as a kid that you'd never do as an adult. So, I took this course. I don't think I learned a heck of a lot, but, in the first place, it was kind of pleasant going to New Brunswick, anyway, and it was a Saturday morning. Anyway, so, now I'm continuing at Rutgers, going to school at night, beginning to get better grades, for the first time, and I'm kind of getting interested in school--still not a first-rate academic by any means, but at least I'm not in the bottom of the class.

SI: Was there a particular subject you were focusing on?

SJ: I can't think of one, I don't think, not at this point. That comes a little bit later, but, after about the end of the first year, I start thinking, or perhaps I had a conversation with one of my veteran friends, that I can't do this for eight years or nine years, which is what it would take at the rate I was going. "What am I going to do? That's an awful long time." So, I thought to myself, "Why don't I do this? Why don't I see if I can apply to day school? The real Rutgers, not University College? Why don't I also see if I can get at least some kind of scholarship help," because tuition, in those days, even though it wasn't very high, it was high for me. I thought my background and the fact I wanted to transfer might argue in my favor. Then, I went to Mr. Schleifer, where I worked, and I said, "I would like to switch to day school, because I can then finish in five years." I had been in night school for two years, and three years would give me enough credits. But I still need this job. He was very nice to me, and he said, "Look, Sandy, you work it out any way you can. Keep your own timesheet. You can come here from nine to eleven, and then, if you've got a class from eleven to twelve, walk over to school." I was maybe a ten-minute walk from Clinton Street to Rutgers. "Go to school, and at twelve-thirty, have lunch. Come back here, work from one to three, and then go back to school. You keep your own hours. We'll pay you by the hour and put in as many hours as you can." Well, that was a great deal, because that enabled me to provide income at home, to switch to day school, and to be involved in a very different experience, to see what college would be like. I did get a scholarship. It was not a lot, but enough. I didn't have any new living expenses at Rutgers.

SI: It is remarkable. You could support a family and pay tuition.

SJ: Right, try to do it today, forget it.

SI: You could not do it today. [laughter]

SJ: Rutgers today, the tuition, the fees, living expenses, are twenty-five thousand dollars, or twenty-three? No way anybody could ever earn that today. In my day, you could earn in the summer enough to pay for a year of school. It's sad, because it does change the dynamics. So, came the third year, and I go with a new pair of dungarees off to school. It was there that I became a good student. Mostly because I took some very good courses, with some outstanding professors. I don't know if these names will be [familiar]. For example, Henry Blumenthal, who subsequently became the Dean at Newark College of Arts and Sciences. He was extraordinary. [Editor's Note: Dr. Henry Blumenthal began working at Rutgers in 1949 as a Professor of History. He was Dean of the School of Arts and Sciences from 1969 to 1973. Blumenthal Hall on the Rutgers-Newark Campus is named for him.] He came from Germany, escaped Nazism around 1938, served in the American Army during World War II as an interpreter. He was teaching government/political science. He used a technique which I use in my teaching now, which is semi-Socratic. The purpose was to get the student to think, ask questions, and work on problems. There were few lectures, but much student involvement in the learning process. I can today see him bent over, pointing his fingers, and [asking] "What do you mean? You said that-- why do you say that? What's your [point] and how do you analyze that? What are your reasons?" I also like involving students that way. He was an extraordinary influence on me. I also liked Dr. Larson, who taught government. The third person who was influential on me was a prominent name at Rutgers, Horace DePodwin, who was an economics professor. He later became Dean of the Business School. This was a group of really extraordinary teachers. [Editor's Note: Dr. Horace John DePodwin was Dean of the Rutgers Business School from 1966 to 1982.] There were others who were also very good.

I began to, much to my surprise, get "As," or "1s." I remember Blumenthal telling me, "Now, the really important thing for you, Sandy, is to remember, you've got to get '1s' in your first quarter, because if you get '1s,' then, you get them all the way through, because people then think you're smart." [laughter] It was cute, and I became a good student. The environment was great; Rutgers-Newark was a very vibrant place. The day school did not have as many veterans, because, obviously, most of these guys, and women, were employed, had families, but it did have some. It had a lot of very good students who, because of financial conditions in the family or other issues, just could not afford to go away to college. So, Rutgers attracted, and it still does, a lot of very competent students, many first-generation and second-generation.

SI: I was going to ask if there was any student life.

SJ: Yes, there was a little bit of student life. There was student government, but I didn't have any time. The one thing that did interest me, which I tried to do, was play basketball. When I was a kid, I would spend almost every other night up at the schoolyard with a couple of friends

of mine playing pickup basketball. I was pretty good in those days, and when Rutgers night school tried to put together a basketball team, I tried out for it and I made it. There was no gym; they didn't have the Dome [the Golden Dome Athletic & Fitness Center], which they now have. So, we used to go to Newark Teachers' College on Broadway to play. As an aside, I have a grandson who's a very good basketball player in high school and I was kidding with him the other day. I said, "I want to tell you something--I'm the only one in the family who ever played college ball." [laughter] He kind of looked at me, he said, "You mean for night school?" I said, "Yes, it's still college ball, clearly not Division I." So, we kid about that.

SI: Do you remember who you played against?

SJ: Oh, yes, they'd play Newark Teachers' College, New Jersey Technology, which is now NJIT, etc. The community colleges were not yet around. It was not a taxing schedule--we weren't playing Michigan. [laughter] We were a bunch of guys who were working. The only time we could practice was at night, [when] we weren't going to school, so, how good [could we get]? but we did have a part-time coach, I remember that. I missed that when I switched to day school. I had a number of friends at school and we'd meet for lunch. There was a little cafeteria in what used to be the Business School. I liked the idea of hanging out and having some semblance of a college life. I resented the fact that I'm not at Bucknell or Lafayette, but on the other hand, I thought what I had was a pretty good deal. So, I was pleased to have that.

SI: You were there for five years, between night school and day school. You graduated when?

SJ: '54, right.

SI: At that point, what were you looking to do next?

SJ: Okay, we're now coming into my junior year in school and what do I do? So, my uncle says--again, my mother sends me to my uncle--and he said, "Why don't you be a CPA?" Well, that lasted about three seconds. I'd have no interest in being a CPA. [laughter] So, I'm thinking, "Maybe I ought to go into foreign affairs and government. How about a foreign affairs officer?" That's one choice. Another choice was, "Do I want to try to join the Army, become an officer, and then get free graduate school?" As an aside, one of the ideas I had when I was in high school, before I went to college, as a way of trying to get a good education, I applied to the Naval Air Program. I remember taking a whole bunch of tests. I could get to go to Annapolis. The only trouble is, I flunked the eye test, and that took care of my Naval Air career. One day, I talked to Dr. Blumenthal and he said, "I would counsel you against the Foreign Service." I asked him why. "First place, I don't think it'd be challenging for you. Also, you've got a good chance of ending up in some far off US mission in which you're the fourth secretary down doing a lot of paperwork."

[TAPE PAUSED]

SJ: Also, my religious affiliation being Jewish, could at that point time in the Foreign Service be a problem for me. So, I then decided, "Well, Foreign Service is not for me." I thought some

more and I realized that being an academic and going on for a PhD was also not for me. I'm not a researcher or a writer. I still do have some deficiencies. "Well, since there's nothing else to do, I'll go to law school," [laughter] I'm not interested in business, and I had some interest in science in high school, but I was not able to take any labs or heavy science. By the time I switched to day school, it was too late to build a science background. So, I figured, "I'll go to law school." I go to see Dr. Blumenthal and he said, "I think you'd be good at it. It's an analytical profession. Really good lawyers really learn how to analyze problems and explore issues and how to look at the broad picture. Don't spend your time on tax matters. You can also move into a lot of other areas. Lawyers end up doing a lot of things, other than pure legal matters." So, that solidified my mind and I went home and told my parents that I think I was going to try to go to law school. My parents were kind of nervous about that, but my mother said, "Well..." and my dad [said], "You apply and we'll work it out. We'll try to make-do, whatever, we don't need a lot to live on. We have the money that you saved--we'll try to work it out."

I applied to Rutgers Law School for a scholarship. I was a pretty good student; for example, I was elected to Phi Beta Kappa in my senior year. I got admitted to school and I got a full scholarship for three years at Rutgers. I told Dr. Blumenthal and he said, "That's great. Rutgers is great, but I think you should try to go to Harvard," and I said, "Harvard?" "You'll get a good education at Rutgers. In fact, you'll get a good education at almost any top law school, but I think you'll make contacts at Harvard and you'll see a part of the world that you might never see otherwise. If you go to Rutgers Law School, your world is going to be a very circumscribed world. You went to Rutgers here, you went to night school, you know Newark. If you go to law school in Newark, you get on the same bus and you live at home. I think it would be good for you to be exposed to Cambridge, to experience what it's like to live away, exposed to that kind [of environment]. Harvard draws students from all over the world. It's a very diverse place. I think it'll be really good for you." So, I said, "I kind of doubt [it], but..." He said, "I insist you do it." So, I applied to Harvard. [laughter] I figured, "Well, I've got nothing to lose," and I took the LSATs. I did get admitted, and so that was a real a shock to me, and they gave me a pretty good financial deal. Harvard had a program which was half scholarship and half loan.

Next I had to convince my parents that going to Harvard was feasible. It wouldn't cost me anything. The only cost would be the transportation to Cambridge--and, if I didn't come home except for Christmas, I figured I could get a ride with somebody. Well, to my parents, Harvard did not mean a lot; it was not in their context. They were first-generation. They came here when they were eighteen or nineteen. The American educational system was foreign to them and the notion of an elite, Ivy League school, they've never heard about it. My mother was sort of [nonchalant] and everybody in my extended family were opposed, because they figured that would be a hassle for them. [laughter] They might have to help support them. They were not in favor of me going anyway, but, then, a little incident happens, as it does in life, which changed everything.

A good friend of mine from Rutgers, a fellow by the name of Allan Roth, who later taught in the Business School, was the inadvertent catalyst. Allan was ahead of me by a year, and also I knew from my neighborhood, the rich part of my neighborhood. Anyway, Allan had gone to Harvard; I think he was the only other person that I knew from Newark-Rutgers to go to Harvard. I was

convinced that Harvard admitted me because they'd never had anybody from night school [laughter] and a limited number of people coming out of Newark-Rutgers. To the admissions office, I was interesting, diversity. Anyway, one day, my mother is in the supermarket and she meets Allan Roth's mother and they're shopping together. Mrs. Roth then turns to my mother and asks, "Oh, by the way, where is your son going to law school?" So, my mother says, "Oh, he's probably going to go to Rutgers, but he was also accepted at Harvard." So, Mrs. Roth says to my mother--she's much more wealthy--"Your son, he should never go to Harvard. That's not the kind of place for somebody from where you are to go. That's where my son goes." [laughter] My mother comes home that night and says, "You're going to Harvard." [laughter] "This is how important decisions get made?" It was a great story, I don't know if I ever even told Allan that story. Boy, Mrs. Roth really saved me a lot of hassle.

I sent my acceptance to Harvard and my thanks to Rutgers, which would've been good, too. But Blumenthal, Blumenthal was right. I did get a different perspective and a broadening view of the world. I was not sophisticated. I knew my way around Newark, and I knew survival techniques--but I was not a worldly person. For example, I was so insecure about my status at Harvard that for the first week-and-a-half, I never unpacked, because I thought, "I don't belong here." Just the other day, my colleague and I were talking about, "How do schools attract people who come from poor backgrounds?" A lot of schools take the approach, "Well, we'll give them a scholarship." It's not going to work. You have to deal with the culture that the student comes from and you've got to figure out ways to make the student comfortable in that new culture. You come from a poor neighborhood in Newark and now many have come from Ivy League schools and all wearing tweed sports jackets, etc., etc.? It is a very different world. The adjustment is difficult for a poor student to make. I think schools [need to do more] and there are some who now are beginning to recognize it is more than just economic, it's really getting students to understand and to feel comfortable in that new environment.

SI: Was there any concern that you might face some anti-Semitism at Harvard?

SJ: Yes, I thought a little bit about that, but not very much. Harvard, when I went there, did have a Jewish contingent. They had some Jewish faculty and they had a dean, Erwin Griswold, who was known as a staunch civil libertarian. [Editor's Note: Professor Erwin Griswold joined the Harvard faculty in 1934 and served as Dean of Harvard Law School from 1946 to 1967.] You may recall the McCarthy period. There was even a professor at Rutgers who took the Fifth Amendment before a McCarthy Committee and was fired. Dean Griswold wrote one of the seminal pieces on why it is reasonable and right to take the Fifth Amendment and it became a very important document. So, he was not the kind of person who would discriminate. If you had looked at Harvard and Yale and Dartmouth in the 1930s, you clearly would've seen discrimination. There was discrimination against Jews, and also against Catholics and Italians and Irish. They were basically bastions of the White Anglo-Saxon Protestants who had gone to Groton, etc. But, after the war, there was a large influx of veterans, the GI Bill of Rights, which provided education for millions of people, and changed the nature of a lot of these institutions.

So, Harvard began the process of change. When I worked at Ford with McGeorge Bundy, then the President, [he] had been Dean at Harvard right after the Second World War. Bundy had been

in the Army, and the last thing Bundy would do, in my opinion, is discriminate. However, if there was discrimination, it was women. When I went to Harvard Law School, there were five women in my class, 1954. It was the beginning [of] the process [of] admitting women. There were also a few blacks in my class. I don't know whether they discriminated or got few applicants. Blumenthal, he and I talked about that. He said, "Don't worry about that. They have admitted you. Don't worry about that. They're not going to hassle you about being a Jew," and nobody did. The adjustment for me was, "Do I really belong here? Why am I here with all these guys?" and, secondly, "I don't fit in."

I'll give you a short story, which you'll laugh at. Before I went, a young lady who was in my class at Rutgers and who I dated, Ann, said to me one day, "You can't go up to Harvard with your outfit, so, I'm going to go shopping with you." We went down to S Klein in Newark, big department store. I bought a suit, [laughter] it was a one button roll, a nice sort of a purple-ish color. I bought a shirt that went with it, rose, and I bought a tie which had a picture of a woman, very flimsily clothed. I figured this was really cool. [laughter] So on my first day of class, I dress like this. [laughter] As I am leaving for class, a fellow down the hall, Marv Sacks, who became a lawyer in Newark, who was a third-year student, calls me over and says, "Sandy, they don't dress like that here." [laughter] He said, "I'll tell you what, why don't you take those clothes off, and we'll throw it in the garbage can? I will take you down to J August." Now, J August was a classy haberdasher in Harvard Square. I went with him and he helps me buy my first tweed jacket, three buttons, a couple of button-down shirts, and a couple pairs of chinos. Now I've got the right outfit, chinos, button-down shirt and a tweed short jacket. I gave that jacket to one of my grandsons about five years ago, I couldn't fit in it. This is an example of how important it is to kind of have the support and understanding to help you make that transition. It's trying to understand a cultural context, so Affirmative Action programs, diversity programs, you can't stop just at admissions. You've got to figure out, how do you go about the transition? and Rutgers does that. We have good programs that aim at that.

SI: Thank you very much.

SJ: Well, thank you.

SI: I appreciate it and I look forward to our next session.

### Chapter 3: Law School

Shaun Illingworth: This begins the third interview session with Sanford M. Jaffe on August 8, 2013, in New Brunswick, New Jersey, with Shaun Illingworth. Professor Jaffe, thank you very much for having me back. Last time, we got up to your entering Harvard and your immersion in Harvard Law. Can you tell me about any professors or courses that stand out in your memory?

Sanford Jaffe: Sure. As I mentioned last time, the adjustment, both culturally and even academically, was quite difficult for me, not that I had not been well-prepared at Rutgers, but it was being in school with a group of people [where] almost everybody was first in their class. It was a very high-achieving group and very competitive. Harvard had a marking process that carried your grades out to the hundredth decimal point, and ranking you in the class. It all conspired to make it an even more competitive atmosphere. The classes were very large, there were four sections of about 120 students per section. The average class was about a hundred to 120 students. It was not until you got into the senior year and took seminars that you had an opportunity to know the professors and feel more at home. At least I did. I found Law School quite challenging--that's probably an understatement [laughter]--at least the first and second year. By the third year, who cares? Harvard had a very good system to provide financial aid to students. They give an award, half of which was scholarship, the other half a loan. That enabled double the amount of funds available, but everybody on financial aid also ended up with a large debt by the time you graduated. I'll tell you a funny story about that in a minute or so. Also they provided me with part-time employment. It was not very significant employment--my job was to monitor the reading room in the library, to make sure nobody read any law books there. You can imagine me enforcing that law, [laughter] but it was an opportunity to make a few dollars.

I'll get back to one of my stories; each year, you had to sign a note for the loan. So, at my graduation, in front of the Law School and after the Dean spoke, I went to shake hands with the Dean and the Vice Dean and one or two other people and receive my diploma. So, I'm standing in line and about three people ahead of me for the Dean. The Vice Dean, who was also in charge of financial aid, yells out to the Dean, "Don't give him his diploma." The Dean looked at him, "Why not give it to him?" "He didn't sign his last two loan notes." [laughter] With that, I was taken out of line, went into the Law School and, with my academic cowl, sign the two notes. The best sequel, five years later, the Vice Dean was on a fundraising tour and sought out a contribution. I said, "Let me tell you what you did on graduation day [laughter] and, as long as you're there, I will not give any money. It was not the classiest thing that was ever done," and he got red in the face.

SI: Going back to the idea of culture shock, regarding these classmates that came from more well-to-do backgrounds, was there a real clear class difference on the campus?

SJ: My recollection was that there was a little bit, but not very significant. Once you were there, you were there. For example, I was in a study group with a large group and there was little class distinction. The toughest part, though, was for women. In my class, there were only six women, out of 520 students. I think it was only the second or third class that admitted women. One of the women was a good friend and she was in our study group. Obviously, they had no facilities

for her--she couldn't live in the dorms--and so, she was denied the kind of interaction I had. She lived in a rented room, five or six blocks from the Law School. Her name was Esther Roditti from UCLA and a very competent person. She found Harvard quite difficult; it was not easy to be accepted. She graduated and did very well, but I think the culture shock for women was even greater than mine. Harvard did absolutely nothing, except the financial aid and work study. The school did not help you acclimate yourself or get a sense of the culture of the place. Another example. I was on the meal plan and, after a while, even I couldn't tolerate it. So I got off the meal plan, but I only had a small amount of money for food. I'd go around the corner to a luncheonette, for breakfast, but never could afford orange juice or anything with vitamin C. So, one day, I had noticed sores on my body. I went to the Harvard clinic and one of the doctors looks at me, calls over his associate and says, "Look, I want to show you an incipient case of scurvy. We don't see that here." [laughter] This is not a ship out on the sea in the seventeenth century. So, he said, "What do you eat?" I told him. He said, "Get back on the meal plan and drink lots of orange juice." So, I went back on the meal plan. I always thought that was one of my more hilarious escapades there.

I didn't particularly like some of the classes. I had little experience with the Socratic Method, and for a while, I found that difficult. An example, one of my first classes was agency. I got called on by the teacher. Nobody liked to get called on--you always went in the back. "State the case," which I did. Then, the professor asked me, did I think this judge was a strong judge? So, being a wise guy, I said, "I never met the gentleman--I would not know whether he was strong or not." [laughter] It broke up my classmates and endeared me to a bunch of my fellow students, but not to the professor, who said, "Okay, wise guy, we'll go on to somebody else." What I really liked a lot were courses in constitutional law. I had Mark De Wolf Howe, H-O-W-E, as a professor and he would use the Socratic Method, but had a way of drawing from the student your best thinking and helping you to see issues in a very broad prospective. I developed a view of constitutional law that I would not have had with anybody else. I learned to focus on the context--understand the times, the political forces and the pressures on the court. Who were the judges? Where do they come from? Don't just read the case, but see the context. To me, that was an invaluable lesson. I used it when I worked for the Chief Justice.

I liked the course in legislation, which you would think is a dry subject. It was an attempt to give you an understanding of how legislation is drawn [up], what it means, how to go about interpreting it, etc., etc. It was taught by Al Sacks, who had been a practicing lawyer who looked at legislation in a philosophical context. He turned the course into an exciting experience. So, legislation, which you would think'd be boring, was not. A number of years later, he became the Dean of the Harvard Law School and, when I was at the Ford Foundation, I had an opportunity to discuss at Harvard a grant that I was working on. [Editor's Note: Professor Albert M. Sacks joined the Harvard faculty in 1952 and served as Dean of Harvard Law School from 1971 to 1981.] I reminisced with the Dean about his teaching and what I had learned. At that time, law school curriculum was fairly narrow. You would not find conflict resolution, you would not find much philosophy. The other course I liked was contracts and again, because I had the opportunity to have a special professor, Lon Fuller, who was the author of the case book and very well-known. Again, he turned contracts into a very interesting subject. We would focus on the commercial context, what people intend, how it may be articulated, and how did they draw it.

"Did that actually meet their intent? How do you go about proving that?" I can now recall a number of principles and cases that we talked about, because that made such an impression on me.

On the other hand, I took a course in federal taxation which I completely have forgotten--I don't even try to fill out my own tax return [laughter]--and commercial law was equally boring. The number of courses that I found interesting and exciting were not that many. I also liked criminal law and evidence, which helped me a lot in later life. I think law school was very result-oriented. Most students went on to practice law at a large law firm, and stayed there for many years. Today, it's much different in law school, a broader array of courses, and people go there for a lot of different reasons. The development of clinical legal education, for example, which I played a role in when I went to Ford, is a significant development. So, it was that kind of thing. The people you met were very bright, and some of them overly competitive. I'll tell you a quick story.

In a civil procedure course, the issue was, "What do you have to state to file a complaint?" The federal rules of civil procedure were changed in 1934, '35, to make it very simple. You could state a complaint by saying, "I want to sue you and the reasons I want to sue you are 'A,' 'B,' and 'C' and you violated a duty 'E,' 'D,' and 'F,'" and just write it. Prior to that, 1935, you had to use the old English common forms of pleading, which were complicated. If you wrote a complaint and I didn't use the right form, it could be dismissed on those grounds. So, when they re-wrote the rules of civil procedure, they no longer put a premium on form. So, I'm in class, and one of the cases dealt with a complaint on plain paper. The teacher asked a colleague his view. "Well," he said to the teacher, "are you telling me that I could even write it on the side of a cow?" and the teacher said, "If it was legible and the cow could be mailed to the other person, sure. Does that bother you?" My colleague said, "Yes, it really does bother me." So, the professor said, "Why does that bother you?" "Well," he said, "the only reason I came to Harvard Law School is so that I'd learn all those old English forms. Then, I'd have an advantage and be able to screw the next guy." [laughter] Luckily, he was in the minority, but it always struck me as, "Well, you can approach the law that way, if you want," but most of the people I knew were not of that ilk.

SI: Would you say, at the time, that you thought you would go that route, getting a job in a firm practicing law? Where did you see yourself in the future?

SJ: I don't think I thought about it. I probably went to law school because what else was I going to do? I wasn't going to be a TV repairman, as I kidded with you, and I thought, "Well, that's kind of an interesting thing to do." I didn't want to spend my life as a scholar. I didn't have the patience for that. So, I figured I'd go to law school, but I really did not take it a second step. I was not really thinking about going to an elegant firm and spending my life there. In fact, I did not go to many interviews because I wasn't sure what I wanted to do. I knew that I'd go back to Newark. So, I think my career is based on serendipity. I'm a great believer in serendipity and luck and taking an opportunity when it comes. When we go further in, I'll tell you about that.

SI: Did you get involved in any school activities or things outside the confines of Harvard Law?

SJ: Not really. I was in one or two clubs, which were not very meaningful. I was not on *The Harvard Law Review*. I didn't have the grades for that, nor do I think, if I had the grades, would I have wanted to be in on it. There were no clinical programs. I worked and it occupied most of my time. The coursework was pretty intensive and there was a lot of homework. I was not involved with a lot of other activities, but there weren't that many. When you see the world today--I just got a letter, a really beautiful letter, from one of our students now at Rutgers Law School, talking about the course I and my colleague teach and what it meant to him. He sets forth the things he's doing at law school, all very interesting and complement, to a great extent, what he's learning. Those opportunities really did not exist when I went to law school. The Law School, also, was somewhat divorced from the rest of the university and while, theoretically, you could take a course anywhere in the university, I never met anybody who did. I can't imagine how you'd work out of the logistics of doing it. It was a statement in the catalog that was kind of meaningless. [laughter]

SI: In the interview with Don Linky, you talked about how you graduated just before a lot of major cases involving Civil Rights. Was there an inkling, in your discussions with your classmates or with professors, that that was an area that the profession would be very involved in over the next decade or so?

SJ: No. I graduated school in 1957 and *Brown v. The Board of Education* was decided in 1954. The basic revolution in American legal traditions--in Civil Rights, women's rights, consumer rights and all that--didn't really start until the '60s, when a lot of the public interest law firms, which I will talk about later on, because I was involved in a lot of that change in Ford, got started. So, you had just the beginnings of, "Well, maybe there's more than commercial law," and I remember discussions in class about *Brown* and some of my colleagues being upset, not necessarily because they were in favor of segregation, but, "Why are courts doing this?" Remember, the court in *Brown* relied a great deal on sociological evidence and I remember a colleague saying, "Well, that's not what courts are supposed to do." So, there were discussions, but I don't remember people saying, "Hey, gee, I've really got to go work for the NAACP Legal Defense Fund," or, "I'm going to see if I can start a Civil Rights organization," no. Also, there weren't many minorities; a few women and very few blacks in my class and no Latinos that I recall. The diversity that we now see--and that began with the Affirmative Action programs--doesn't come on until later. So, it was a really different world. It's a much more circumscribed world [in the 1950s] and it's aiming people for the commercial world.

I am one of two or three in my class that I can remember that had as varied and as public-service oriented a career. In fact, a couple months ago, I was having lunch with Brendan Byrne. I had just mentioned to Brendan [that] I had been back to a reunion and he said, "Well," he said, "you must be the star of your class." I said, "Why do you say that?" He said, "Well, look [at] all the things you've done." I said, "Yes, but they never looked at it that way," and I was really unusual. Sure, some people did go to government and a number of my classmates became judges, but they became judges through the commercial and the political world, but they were primarily lawyers in law firms. In fact, most of my good friends went to law firms, although in one case, Dan O'Hern, who was on the Supreme Court and former Mayor of Red Bank, went to a small town and practiced in Red Bank. [Editor's Note: The Honorable Daniel J. O'Hern served as an

Associate Justice of the New Jersey Supreme Court from 1981 to 2000.] If you pick up, today, the *Harvard Law Record*, you'll see the Dean talking about public service and public interest, etc.--it's a very different orientation. [laughter]

SI: You graduated in 1957.

SJ: Right.

SI: What were your prospects at that point? Did you have a clerkship lined up already?

SJ: Yes. Well, one quick story I should just tell you, because my grandkids may one day hear this--the saddest thing about my graduation is that my parents did not come. My dad was working for my uncle. He was not a particularly nice guy, and he would not give my dad the time off for my graduation. So, I was at graduation without any parents or relatives. Sad, but I understood why. After graduation, I went out with a couple of friends who were driving out West to visit one of my uncles in Michigan, but to get back to your question, what did I do after law school? I got a job as a law clerk in a large firm in Newark, Riker, Emery & Danzig. In those days, you had to clerk for nine months before you could be admitted to the New Jersey Bar. It was a relic from the old days, which was later changed by the New Jersey Supreme Court. I also knew that I was going into the Army. I was twenty-five and eligible for the draft. "Should I take a chance or do I want to go in the Army and into the Judge Advocate General's Corps?" You would get a commission as an officer, but you had to sign up for five years. I didn't want to do that. So, I joined a National Guard unit in New Jersey, in Newark, the 50th Armored Division. The Army had a program where you could join the National Guard, go into the Army for six months, do basic training, advanced infantry training, or whatever, and then go into the Reserves for six years. You also went to a meeting a week, and two weeks away for maneuvers in the summer.

When I leave the Army the job at Riker is gone, but there's another law firm that needs a clerk for a couple of months. One day, I'm having lunch with a good friend of mine, Joel Handler, who had graduated law school with me. Joel was a professor at UCLA Law, now retired. [Editor's Note: Joel F. Handler joined the UCLA Law School faculty in 1985 and was the Richard C. Maxwell Distinguished Professor of Law *Emeritus*.] Joel was then working as a law clerk for Justice Jacobs of the New Jersey Supreme Court. Joel said, "Governor Meyner just appointment Joseph Weintraub as Chief Justice of the New Jersey Supreme Court and he has a law clerk," Robert Del Tufo, who you may know subsequently became [New Jersey's] Attorney General, "but he needs one more clerk. He was talking to Justice Jacobs about it. I had an idea that they should interview you. Would you go for an interview?" I said, "Sure. I mean, an opportunity to work for the Chief Justice, why not?" So he said, "I'll talk to Justice Jacobs." Joel made a phone call to the Chief Justice's secretary and she said, "Yes, he'll be pleased to see you." [Editor's Note: The Honorable Joseph Weintraub joined the New Jersey Supreme Court as an Associate Justice in 1956, then served as Chief Justice from 1957 to 1973. The Honorable Nathan L. Jacobs served as a New Jersey Supreme Court Associate Justice briefly in 1948, then, from 1952 to 1975. Robert J. Del Tufo served as Attorney General of New Jersey from 1990 to 1993.]

I'm just out of the Army, and then, I am going to tell you a story about him before. I'm just out of the Army and this would be a rare opportunity. The problem is, I don't have a suit. [laughter] You really need a suit for an interview. So I talk to a friend of mine, Sam Herigman, and Sam said, "I'll loan you one of mine." Problem is, Sam is about six-foot-two. [laughter] So, I put on Sam's suit--with the sleeves too long--and go see the Chief Justice. The Chief interviews me and I figured, "I'm probably not going to ever get this job," since I was not on *Harvard Law Review*, which is what Supreme Court Justices are really looking for, people who'd been on the *Law Review*. We talk a little bit, "Where do you come from?" I told him I come from Newark and he had come from Newark, too. He didn't come from a wealthy family, worked his way through school and went to Cornell Law School. Then he turned to me and he said, "You have the job," and I was really surprised. I always thought that, at some level, he may have seen in me some of his own background and took a chance on me. Bob Del Tufo had been at Yale and at Yale Law School and a scholarly law clerk. This was an extraordinary opportunity for me.

If I can digress for a moment to tell why I think he remembered me, I was in the Army and training at Fort Jackson, South Carolina. I'm the only [Northern] guy down there. In fact, in my company, I'm the only Jewish guy. We've got a lot of fellas from Tennessee and the hills of Appalachia. To give you an example, one of the guys in my company says to me, "You're really well-educated. I'll make a deal with you. I'll clean your rifle and take care of it if you'll write letters home for me." To me, that's a good deal. [laughter] So, we had a mutual cooperative relationship. He knew about my education because the Sergeant asks for, on a sheet, your education level. I hesitate, "Do I really want to put down that I've had nineteen-and-a-half years of education and some of these guys may not be out of high school? They are going to hassle me." I figured, "Oh, well, I'm not going to lie." So, I put it down. The Sergeant asks me to stand. "This man, Jaffe, see him? I want you guys to all look at him. This man has had nineteen-and-a-half years of education. Do you guys think he's smart? Well, I'll tell you something. He ain't smart--if he had put that time in the Army, in six months, he'd be eligible for retirement and money." [laughter] Everybody broke up laughing. Then I had a whole bunch of friends. "All I needed was another six months," the guy was right, anyway. [laughter]

SI: That is good. I like these stories about people of different cultures coming together.

SJ: Oh, yes, you would have seen me with these guys. They're all decent guys, but, for example, since I was Jewish, on Friday night, I would go to services at the local Hillel. Well, Friday night is the night that you spend cleaning the barracks, getting ready for Saturday morning inspection. So, all these guys are in their fatigues, cleaning and all that, and I get dressed up in my dressed-up uniform and I'm off to the Hillel house for bagels, a nice meal. So, a couple of guys come up, "How do we become Jewish? [laughter] How can we work this out, too?" I mean, those are really kind of funny stories and there were also some funny stories, anyway, but, to get back to Weintraub--I have other Army stories, if you want to hear those.

SI: Definitely. I thought, next time, we would go back to the Army.

SJ: Okay. Well, let me just tell you this one about Weintraub. Anyway, I'm in the Army and we're out at the firing range. I think around the fifth or sixth week in basic training, you had to qualify with a rifle, which was then an M-1. So, we're out there and I think we were out there for four or five days, shooting at targets or whatever you're doing, anyway. So, at night, everybody gets together for reveille, which is the end of the day. They blow the bugle and all that and, whatever announcements the Captain wants to make, they make. So, I'm sitting up there and we're all standing, a whole bunch. At that time, it was almost a company; I mean, it was really a pretty large group of guys. So, again, "This here man Jaffe, come on up here." I think, "Oh, now what?" Well, evidently, I had taken the bar exam before I went in the Army and I didn't know what happened. A good friend of mine, this fellow Sam (Creedman?), had read in the newspaper that I had passed the bar. He sent a telegram to me in the Army, letting me know that. Otherwise, how would I know? He needed to know where I was. So, he calls me over and he said, "I got a telegram here for this here man I want to read to everybody." So, he reads, "Sanford Jaffe has passed the bar in New Jersey," and he stops and he says, "Now, I pass a lot of bars," and he said, "nobody sends me a telegram." [laughter] Okay, the guy was a pretty nice guy, intelligent guy. So, he then said to me, "Look, it says here the swearing-in ceremony is," I think on Friday. This is now Wednesday. He said, "Do you want to try to go to that ceremony?" I said, "I'd really love to go. I don't know if I could get my parents to go, but I'd like to go, sure." So, he said, "I'll tell you what--I'll give you a two-day pass and I'll arrange for you to go down to the train station. There's a train that leaves from Columbia, South Carolina, at about twelve o'clock or one o'clock at night and goes up into New York and gets to New York around ten or eleven in the morning, but stops in Trenton."

So, he puts me on a truck, a really nice guy, puts me on a truck, but I'm in my fatigue uniform, with my stuff. The truck, they drive me down to the Columbia, South Carolina, station and I get on the train. I'm kind of all dirty and messed up, but I go and I clean up and all that. Unfortunately, the train gets into Trenton about an hour after the ceremony. The ceremony was at ten, maybe got in eleven; even in those days, trains. So, I get off in Trenton and, now, what do I do? The ceremony is over, I'm in Trenton. I didn't know what to do. I figured, well, I had a dime--in those days, a phone call was a dime, right?--so, I call the clerk of the New Jersey Supreme Court. I had the phone number. I'll never forget the guy's name, was a fellow by the name of John (Guilday?), and John (Guilday?) said to me, "Where are you?" and I told him, "In a train station. I'm in the Army and I'm a private and I just missed the bar [ceremony]." The guy said, "Let me go talk to the Chief Justice." So, he said, "Hold on." I hold on the phone for a while, use another dime, okay. [laughter] So, I hope you don't mind these asides.

SI: No, they are good.

SJ: So, he gets back on the phone. He said, "The Chief Justice said that if you come over, take a cab and come over to the courthouse, in the chambers, the Chief Justice'll swear you in." Well, a really nice [gesture], "I don't have my parents or anybody, but, at least," I figured, "I'll get sworn in." So, I get a cab and I go over to the Supreme Court and I'm in my Army fatigues. I have my duffel bag with all my junk in it, not junk, my Army stuff, and all that. I walk into the courtroom. I'll never forget it--not only out comes the Chief Justice, in his robes, but the whole court--and there I am, seven Justices of the Supreme Court, me standing in the middle, being

sworn in, and the Chief Justice coming off and shaking my hand. That story has always kind of moved me, I mean, the humanity of the Chief and the people on that court, to put themselves-- moves me now--put themselves in my position and what it must've been like. It was, to me, really very meaningful and I have a feeling, although he did not mention it, but I have a feeling, when he interviewed me for the job a few months later, I think the Chief remembered all that. He did not want to say anything about it, he wanted me to make sure I thought I'm getting the job on the merit, which I am, on the merits, but I think it was such an unusual circumstance, he never would've forgotten it. So, I was then a full-fledged lawyer and, I remember, I went home for my pass and stayed overnight at home and I went back to South Carolina, where I then had some interesting legal experiences in the Army, which I guess we'll do it next time.

SI: Do you have time for one more question?

SJ: Sure, oh, yes--you don't mind that story?

SI: No, I like that story. Can you just tell me a little bit about what you did in your clerkship?

SJ: Sure, you mean prior to working for the Chief Justice?

SI: Yes.

SJ: Not a heck of a lot, since Weintraub did change that, got rid of that nine-month rule, but, since they had the nine-month rule and they paid you, really, very little money, you basically ended up being kind of a clerk, handling papers. You did very little legal work. Once in a while, you'd kind of do a memo. I remember, Charlie (Dancy?) was one of the good lawyers in New Jersey and I'd go with him to court and carry his briefcase. You had to keep a diary to show to the bar examiners, and then, there was a fellow by the name of Pete (Parretti?), then became a well-known lawyer, and Pete and I used to sit in the library and throw paper airplanes at each other. It was really a meaningless experience. Weintraub was smart enough--Vanderbilt liked it, when he was Chief Justice--was smart enough to realize it was using talent and wasting time, because you couldn't do anything. You were not finally a member of the bar, because you hadn't completed this clerkship, and you spent time keeping a diary--what the purpose of that was, I have no idea and why, if anybody ever read it, I have no idea. I remember once doing a research project on, "What is a fire?" some insurance coverage, construing the word. I remember that kind of thing. I can't think of anything that was very significant, outside of the paper airplanes with Pete. [laughter]

SI: Next time, we will pick up with a little more on your Army experience.

SJ: Oh, yes, I'll tell you some of my brilliant legal career in the Army. You'll get a kick out of that.

SI: And your clerkship.

SJ: With Weintraub, yes. It's really with Weintraub that I really get to learn an awful lot. Weintraub was probably the most brilliant person I ever knew and, also, one of the most humane people I knew and a very decent guy. So, I learned an awful lot in working with him. So, I'll tell you some stories. I remember all these stories, I guess which is both good and bad.

SI: That is good.

## Chapter 4: Military Service & Early Legal Career

[This begins an interview with Professor Sanford M. Jaffe in New Brunswick, New Jersey, with Shaun Illingworth on October 8, 2013.]

Sanford Jaffe: I was really lucky in the sense that I was in the Army during a period when the United States was not involved in any war, so that I did not have to be involved in any combat operations. So, I consider myself [lucky], obviously, as do all the other guys who were in in my time, in the same situation. I found, when I got out of law school, that I could've had an opportunity to go in the Army as an officer in the Judge Advocate General's Corps, but that was a three-year enlistment. I was already twenty-five-and-a-half, I think, and I figured, "Well, wouldn't get out until I'm close to thirty and I haven't done anything serious yet." So, I decided I would not do it, and so instead I went through a program that the Army had which was six months of active duty, and then, six years of Reserve, plus two weeks each summer. I think if I had waited another three or four months, I would've been too old for it. I was almost twenty-six--they were no longer drafting--but I had decided, "Well, I'll do this and maybe it'll be good experience for me." I think I mentioned to you that I was the only guy I knew who instead of going to Fort Dix got sent to South Carolina.

Shaun Illingworth: I think you mentioned it.

SJ: I got sent to South Carolina, Fort Jackson, and got sent to a company made up of fellows mostly from Tennessee and Kentucky, many of whom were very nice, pleasant guys, but many of whom were not very well educated. I don't know if I told this story, but on my second day in the Army, the Sergeant got all of us together--I was a private at that time, obviously--and asked us to fill out a form with our education. I kind of hesitated and thought, "Geez, if I write down nineteen-and-a-half years of education and all these guys, some of these guys never made it through high school. Am I going to be hassled? Am I going to be picked on?" I said, "The hell with it. I'll write down who I am and my time." So, I put down nineteen-and-a-half years. Just as I predicted, a while later, everybody was in a meeting and the Sergeant calls me up and says, "This here man Jaffe," that was always a very typical way everybody spoke, "I want you to look at this guy." I figured, "Oh, well, what's going to happen now?" He said, "This guy has had nineteen-and-a-half years of education. You think he's smart? He ain't smart. If he had put that time in the Army, in six months, he'd be eligible for retirement." Everybody broke up. That was my introduction to the Army. I always loved that story.

So, with that as a background, I started my Army career. One of the guys--we had double bunks and I was in the bottom bunk, another guy on the top bunk--came up to me the next day and he said, "Look, I really don't know how to write and I've got a family at home. I've got a girlfriend. Could we work out a deal?" I said, "What's that?" He said, "You write letters for me and I'll take care of your weapon. I'll make sure everything's clean." He said, "You probably don't know how to do that anyway." [laughter] Isn't that a great deal? So, I used to write stuff for him. I'd write home for him. He would tell me what he wanted to say and I would write it. It was a really good relationship. One of the other interesting points was that I was the only Jewish fellow in my company. Many of these fellows had never seen anybody who was Jewish or from

the New York area. Friday night on the base usually was clean-up night, because Saturday was the time you had to do all kinds of inspection. But Friday night was also services at the chaplain's office. The chaplain was Jewish. You would go and there would be some kind of bagels and other things. So, I'd get dressed up and go on Friday nights. All the other guys would be back there working, cleaning for Saturday. So, a couple of guys came up to me, [after] a couple of Saturdays, said, "Look, can you do us a favor?" I said, "Sure, what?" "How do we become Jewish, so [that] we can leave on Friday night, too?" [laughter] I said, "Well, that's easy. Just join."

Anyway, I managed to continue my training. At one point, word had gotten around base that I was a guy who went to law school and I went to Harvard. That was really kind of unusual there. So, one day, I got a message, that one of the sergeants wanted to see me. When I went to see him, he said, "Well, I understand you're a good lawyer, you're a Harvard-trained lawyer." He said, "I've been arrested in town," on some minor offense, I forget what it was, and he said, "I've got an appearance before the local magistrate and I can't afford [a lawyer]. Would you come down and represent me and help me?" Of course, I hadn't passed the bar or anything yet. So, anyway, this was my first case and I figured, "Sure, I'll go. Anyway, it gives me a chance to get out of the service for a day or two, go into town."

I get dressed up in my dress uniform, and walk into the magistrate's court. I've never been to a court there; I didn't know what to do. The Judge takes a look at me and says, "Who are you?" I said, "Well, I'm a lawyer, but I'm representing this guy." I was a lawyer. So, the Judge said, "Well, why don't you come into my chambers and we'll talk?" So, I walk into the Judge's chambers and he said, "Oh, where did you go to law school?" I said, "Harvard." The Judge replied, "Oh, I went to Harvard, too. When did you graduate?" We started talking a little bit and he said, "What are you doing here?" I said, "Well, that guy's my sergeant. He's got some minor problem. He needed somebody." The Judge looked at me and said, "Don't worry." He said, "We'll go out, and I'll take good care of him." We walked back out and the next thing I know, "Not guilty." My first case. I was a hero back at the base. I think I avoided KP [kitchen patrol] for three or four weeks, that kind of stuff. I could've made a career out of representing people in the Army. I always love that story. It just shows you the serendipity of things.

SI: It sounds like, even though you were in the minority, you were the only Jewish soldier, you did not experience much, if any, anti-Semitism.

SJ: No, I really didn't. I mean, maybe some of it was my ability to get along with people, but I also think, [for] a lot of these guys, it was just a novelty to meet somebody who was Jewish. These guys were just not into hassling people, they were just not into picking on somebody who was of a different religion than they were, and so, I honestly can't remember any religious slurs. I found that to be really nonexistent. The most distressing thing was that this was still in the era of segregation in the South. I got to be friendly with a couple of guys who were black and on Saturday night, we'd go into Columbia, South Carolina, which was a bus ride away. There was a restaurant, sort of a steak joint, I remember, that we'd go to. These guys could go in there--the owner didn't care. But then we'd go to the local movie and we had to separate. The black guys had to go upstairs and sit in the balcony. As a white guy, I had to go downstairs and sit. That

was an extraordinary [thing] to me, having come from New Jersey. This was really both upsetting and completely different. You really could see, when you got into Columbia, the essence of segregation. It was not until a couple years later that you get the Supreme Court coming down, desegregating interstate facilities and all that. [Editor's Note: Beginning in May 1961, African-American and white "freedom riders" began testing the desegregation of interstate bus travel made legal in the 1960 Supreme Court decisions *Boynton v. Virginia* and *Morgan v. Virginia*. They faced violence, arrests and imprisonment when hostile Southern mobs and local law enforcement refused to honor the ruling.] That was upsetting, but I don't remember much of that happening to the camp. I also quickly found out where the University of South Carolina library was. So, whenever I had a chance to go into town, I'd go hang out in the library. A, it was a nice place to go. B, you could read the newspaper and relax. Luckily, I met a young lady who was a librarian. While it was no torrid love affair, it was somebody who I could be with. Occasionally, we'd have a cup of coffee and that was very pleasant. My having found that library became, at least, a very tolerable thing for me. But the segregation thing was really obnoxious, to actually be part of it in that way.

SI: Had you been aware of the Civil Rights effort or the problem of segregation beforehand?

SJ: Oh, yes. I'd been aware of it. I'd studied it at law school, in a lot of the issues that we had talked [about]. I was not involved in any of that, but I really didn't have much time. I went into the Army right after school and I went to law school right after college and I went to college right after [high school] and I never had an opportunity. I didn't do internships or other kinds of jobs. So, I really didn't have much of an opportunity to really get involved in a lot. I got involved in that later on, which I'll talk to you about, but, at this point, no. I was, obviously, aware of a lot of what was going on, and the impact of seeing it in South Carolina was very upsetting, but I was not part of any Civil Rights movements at that time.

SI: How long was your basic training?

SJ: It was eight weeks of basic training, then eight weeks of kind of advanced training, then sort of doing odd things, really, because it was a six-month training program. I ended up working as, theoretically, a typist, which I was very bad at, in the Courts and Boards' office. Then, after six months, I got discharged and came home to be part of the 50th Armored Division in New Jersey and went to meetings, I think every two weeks. I guess I got out of the Army around '58 or '59, somewhere like that. Then, a couple of months later, or a year later, the Berlin Crisis came up. They sealed off Berlin and began an airlift and all that kind of business. Kennedy calls up, I think, 150,000 Reservists and, unfortunately, I'm one of the guys called up, and then, I was sent back into the Army. [Editor's Note: In June 1961, at the Vienna Summit with President John F. Kennedy, Soviet Premier Nikita Khrushchev demanded that the Western powers pull their forces out of West Berlin by the end of 1961, leading to months of increased tensions. That July, Kennedy asked Congress for billions in new military spending and an expansion of the active military. On August 13, 1961, East Germany sealed the border with West Berlin and began erecting the Berlin Wall. On August 30th, President Kennedy ordered 148,000 National Guard and Reserve members to active duty in response.] At that point, I was working in the Prosecutor's Office; I'll get to that in a minute.

So, I'm now getting called back in the Army and I'm now about twenty-seven or something like that. I'm now married, my wife is pregnant, but that didn't make any difference. I'm being sent to Columbus, Georgia, another Southern experience, and I'm being assigned to an MP [military police] company. Why my name got picked out of the millions of guys who are in the Reserve, I don't know. So, there I am, back in the Army, in Columbus, Georgia. Since the Army did not really have many facilities for all the Reservists they called up, and I was married, the Army let me live off base, even though I was only a PFC [private first class]. We rented a little place in the back of a house, overlooking a garage or something. A couple of rooms. My wife kind of hung out most of the day. When I left the Army the first time, I got rid of all my stuff, including my uniforms, except the little bit I needed for the Guard. So when I went down to Georgia, I didn't have anything. The Army did not have new outfits or anything. So, for about three or four weeks, I would show up with my civilian clothes. So, I'd get out in the morning dressed in a suit. I'd put on a jacket and a tie, because I figured out that if I wore a jacket and a tie, I could go anywhere on the Army base, including the PX [post exchange] and the officers' club, and nobody would ever say anything. After a week of this, the Captain comes up to me and says, "Could you do me a favor?" I said, "Sure." He said, "Do you mind not wearing a suit jacket and tie?" I said, "What do you mean?" He said, "Well, people think that you're from the Criminal Investigation Division in Washington and that's why you're down here." So I took off my tie and got integrated into the company, but I wasn't really much of an MP. In fact, one day, they asked me to direct traffic in front of Fort Benning, which is really a pretty busy place. So, I'm standing there using these various hand maneuvers and stuff like that and got the place all fouled up. [laughter] So, the Captain comes up to me afterwards and says, "I'll tell you what--you don't bother us, we won't bother you." I hadn't had the training and I didn't know what I was doing.

SI: They had not given you any training.

SJ: No, because I was assigned to a company; there already was an MP company. Basically, the Army didn't have much for us to do anyway. I always thought Kennedy really called up the Reservists as a way of demonstrating to the Russians that the United States was serious, but they weren't going to send guys like me overseas to relieve the Berlin Garrison. You hang out and you do training. What else are you going to do? These guys had already been in a MP company, and so the first time they were in the Army, they had gotten MP training. I had not. That's why I was somewhat of an anomaly there. My recollection is, kind of hanging out, doing training a lot, doing those kinds of things. So, I did that for, I guess, about three months, and then, I ended up getting discharged and going back home. The other thing I remember is, our house was over by pecan trees. Every morning, we'd wake up with these huge pecans that fell down and all that. I became friendly with a couple of lawyers, because I helped out there, too, with the courts. We would socialize, but one of them would ask me when I came to his house if I could park a couple blocks away. My car showed a sticker, but it showed the sticker of an enlisted man, not an officer. He felt it was not appropriate to have my car parked in front of his house. Kind of silly, but what did I care? It was an opportunity for me to do some socialization.

SI: Were those civilian courts or military courts?

SJ: Courts and Boards are a military court. It was sort of the initial court, that handled very minor offenses, aiding the commanding officer if they were going to try to take care of the matter--what they used to call, I think, an Article Fifteen [non-judicial punishment], which meant it would not go any further. I think they also provided some of the legal work and some of the support work if a case was going to proceed further, but it was not any place that I recall cases were tried. A different part of the office that did that, where there were actually courts-martial. I was not involved in any of that. It was more of an administrative function than anything else. So, that was my career as an MP.

SI: When you got called up, what was your mindset? Was it just that this was an inconvenience?

SI: Yes. I was in the Essex County Prosecutor's Office. I had been offered a job at the US Attorney's Office, and this was coming right in-between that. I figured, "Gee whiz, this is a really great opportunity. Now, I'm going to lose it," and so, I felt badly about that. My wife was pregnant and we had no finances. She could not stay in New Jersey; we couldn't pay rent and we couldn't have afforded a house. She did not want to go live with her parents in Brooklyn or live with mine. So, that meant she had to come with me. It's a long drive down to Columbus, and so, that was a real inconvenience. Also, I thought, from a political standpoint, it was not particularly meaningful. 150,000 troops were not going to make much of an impression on the Russians, who had huge standing armies. I, politically, figured, "What are we doing all this for?" I didn't think my contribution was going to be significant there, but, on the other hand, I had no choice except to go. So, I went. I figured, well, it'd be a good opportunity to see what Columbus, Georgia, was like. I remember lots of red clay. Columbus, Georgia, was primarily an Army town. Fort Benning is a huge facility. It was the home of, I think, the Third Army, and it was a major infantry training post. So, it was very, very large with a lot of soldiers, a lot of training. Columbus was a lot of secondhand car places, a lot of crummy restaurants. It was not, at least the part that I saw, an elegant place, that you'd really want to go to for a vacation. I figured, well, I'd get through it--that was the important part.

SI: Going back to your first time in the Army, once you got discharged, it must have been some time in 1957.

SJ: No, I got out of law school in '57 and took the bar. It was probably sometime in either '58 or '59. I can't remember.

SI: How did you become involved with Chief Justice Weintraub?

SJ: Let me give you the sequence of events, [to] the best of my recollection. I think I'm in the Army first, right after law school, and then, I'm home. By this time, I'm not married and I'm back after six months and I am looking for a job. A good friend of mine, who I had gone to law school with, was a fellow by the name Joel Handler. His brother later becomes a Supreme Court Justice in New Jersey and Joel becomes a professor of law. Anyway, Joel and I get together. He's clerking for Justice Nathan Jacobs, who was a Supreme Court Justice. Joel is a very, very smart guy. Joel tells me that Joe Weintraub has just been elevated by Governor Meyner from the

Superior Court to the Chief Justice of the Supreme Court, and he is starting in September or whatever. [Editor's Note: The Honorable Joseph Weintraub joined the New Jersey Supreme Court as an Associate Justice in 1956, then served as Chief Justice from 1957 to 1973. The Honorable Nathan L. Jacobs served as a New Jersey Supreme Court Associate Justice briefly in 1948, then, from 1952 to 1975.] He already has one clerk, as a judge, a Superior Court judge, but, as Chief Justice, he's entitled to two. So, he said to me, "Obviously, that would be a great job. Would you be interested?" I said, "Sure, chance to clerk." So, he mentions to Justice Weintraub, because their chambers, Jacobs and Weintraub, are in the same suite of offices and Weintraub says, "Yes, I'll talk to the guy." So, I get a phone call from the Chief Justice's secretary setting up a meeting and I was really excited about it. The problem was, I really didn't have an adequate suit to do the interview. So, I go to a friend of mine, Sam (Creedman?), and I say, "Sam, can I borrow your suit?" So, Sam gives me his suit. The only problem is, Sam is six-foot-one and I'm, what, five-eight or something? So, the sleeves were long and all that, but it's better than no suit.

So, I go down to the interview with the Chief Justice and we talk. I had not been on *The Harvard Law Review* and almost everybody who was a law clerk for a Supreme Court Justice was a law review guy, whether they're from Harvard or Yale or whatever. I had not. He asked me if I'd been on law review and I said I had not. We talked some more, and then he asked, "Where do you come from?" I said, "Well, I come from Newark." He had also come from Newark. He had gone to Cornell Law School but been a fairly poor kid from Newark. At the end of the interview, he offers me the job and I was really dumb-founded by it, because I was not the typical person who would get a clerkship. My own assessment of it was, back of his mind, he may have remembered something about me being sworn in. Also, I think, he probably said, "Gee, this is a kid from Newark and he's done some interesting things. I'll take a chance on him." So, that's [what] I think--he never explained it, obviously. I got the job, which was really surprising to all my friends. That's how I got to work for Weintraub. My co-clerk was a fellow by the name of Bob Del Tufo, who had gone to Yale and was on *The Yale Law Review*. Bob later became Attorney General, a number of years later, and partner in a large law firm in New Jersey. [Editor's Note: Robert J. Del Tufo served as Attorney General of New Jersey from 1990 to 1993.] Anyway, that's how I got to Weintraub and I can honestly say that was probably the best year, in many ways. I learned an extraordinary amount and he was an extraordinary guy to work for. He was very bright, but not at all arrogant, very willing to learn, to teach and very much a decent guy, a very gentlemanly guy, and with what I thought was a very progressive view of the law. I had some really interesting stories with him. I'll tell one or two of them.

SI: Sure.

SJ: One case, which was a really very interesting case, involved Senator Joe McCarthy. During his unhappy tenure in the Senate, he came to New Jersey and had some hearings at Fort Monmouth. In the course of the hearings, an individual felt that McCarthy had libeled him, called him a Communist when he wasn't. He filed a lawsuit in a New Jersey court against McCarthy. The case came to the New Jersey Supreme Court. McCarthy relied on the Privileges and Immunities Clause in the Constitution as his defense. The Chief would have every one of his clerks write a preliminary memo before the court would hear a case, in which you would

outline the facts for the Chief--not that he would read everything--and give him your opinion on how you would decide it. I wrote that I would've decided for the plaintiff against McCarthy, on the grounds that I felt that the Privileges and Immunities Clause only applied on the floor of the Senate, and that he could be sued elsewhere. Well, the court disagreed with me and held to the contrary. I remember arguing with Weintraub that, "Gee, this is really a terrible result and unfair to this guy," and all that. Weintraub looked at me--the only time he kind of got a little bit annoyed. I'll never forget it. He said, "Look. Would you be happier if I put a footnote in and said that the law clerk disagrees with the court?" Being a dummy, I said to him, "Yes, Chief, I'd be happier. At least I could hold my head high." Well, he looked at me and he said, "I think you'd better not come in my office for a couple of days." What kind of *chutzpah* I had. In two days, he kind of laughed it off and forgot the whole thing. He probably figured that's what clerks are there for, but it was an extraordinary experience.

[Editor's Note: US Senator Joseph McCarthy, as Chairman of the Permanent Subcommittee on Investigations of the US Senate Committee on Government Operations, ran a series of hearings targeting alleged Communists that created the anti-Communist atmosphere of the early 1950s known as McCarthyism. In the Fall of 1953, McCarthy's investigation led to Fort Monmouth in New Jersey. On October 22nd, Senator McCarthy reported to the press on a US Marine Corps officer who had been suspended by the military in 1949 after classified documents were found in his apartment. McCarthy tied these statements to the fact that his roommate was Julius Rosenberg, who was executed for espionage in June 1953, and that "known Communists" had had keys and access to the apartment. The next day, *The Newark Star-Ledger* printed these facts in a story and, on December 9th, printed another story naming Aaron H. Coleman as the ex-USMC officer. Coleman then sued the newspaper for libel. In 1959, the New Jersey Supreme Court decided the *Coleman v. Newark Morning Ledger Co.* case in favor of the Newark Morning Ledger Co., ruling that Senator McCarthy's statements, although given at a press conference, were privileged and, by extension, *The Star-Ledger's* reporting was also protected.]

We once had a case that involved somebody who owned a piece of property and had rented it to a fellow who was running a business. In the rental agreement, they provided that the owner of the property would pay the taxes. The lease had been entered into in the early parts of the Depression, when the taxes were very low. It was now in the late '50s and the taxes were more than the guy was paying in rent. So, he went to court to say, "Look, you've got to get rid of this lease. It's not fair." So, the court had that. So, I walk in--we're talking before court--and I said, "Chief, I think the guy's stuck. I think the guy has to keep paying and I don't think you can rescind the lease, because the guy entered a lease--he was fair and he signed the contract--and he's bound by it." So, the Chief said to me, "Sandy," he said, "do you think that's a just result, a fair result?" I said, "No, I don't think so, because this guy will constantly sit there. He's got an option to buy, but he won't buy it, because, that way, he'd have to pay the tax." So, he said, "Well, we really shouldn't sit here and do the unjust thing, particularly when there is a remedy." So, with that, he gets up--he's a short guy--and got on a ladder. In the top of the library were these old English law books. So, he gets one down--I don't know, [from] 1500 or what, the dust is on the thing. He flips through the book. He said, "See this case?" It was an old English law case. He said, "This establishes the principle that no person has a right to waste another person's property." He said, "He's wasting this guy's property," and he said, "We can sit as a court of

equity and say, 'That's unfair,' and we can rescind this," and that's what the court did. To me, here, coming out of law school, a contract is a contract.

All of a sudden, I realized, he was looking at this differently. I never wrote another memo for him in which I would not say to myself, "Is this really a just result? Is there a way that the law can take care of this result?" It was a lesson I never forgot. In fact, to this day, I try to focus on these things when I look at law cases. "Is that something really fair? Is that really just?" Obviously, you can't always remedy every injustice in the world, but it's a way of looking at something. I always attributed that to Weintraub. I've never forgotten that case as a result of that. He was an extraordinary guy to work for. He respected people. He was very, very, smart. He wrote beautiful opinions. He would write short, declaratory sentences. He was known for that and he couldn't have been more than crystal clear. So, it was an extraordinary experience.

It was also his decency that gets me to my next job. At the end of the year, Weintraub called me in and said, "Look, Bob Del Tufo is staying for another year and, if you want to, you can stay for another year, but," he said, "if I were you, I wouldn't stay." He said, "You've learned an awful lot here. It'll be repetition. Why don't you go out and do something else and you'll learn more?" I said, "Well, I think I'd like to try trial work and see if I could work in a prosecutor's office." So, he said, "I think that'd be a great experience for you," but getting into a prosecutor's office, in those days, was very political. It was a part-time job; can you imagine? You can imagine how many guys wanted that. So, he told me to call Brendan Byrne, who was the prosecutor. "Call Brendan's office," he said, "and I'm sure they'll give you an appointment." So, I get an appointment, because I work for the Chief. Brendan had worked for Weintraub when Weintraub was in a law firm, the McGlynn, [Weintraub & Stein] Law Firm. Brendan thought Weintraub was about the most brilliant lawyer he'd ever met and a very decent guy. Brendan really revered Weintraub. When I came in and said I worked for him, that gave me entrée. So, I talked to Brendan and Brendan said, "Okay, I'm willing to hire you, but," he said, "you need political support, because a lot of people want this job." "How can I get that?" I wondered.

Joel Handler was my friend. His father had been corporation counsel in Newark years ago. I figured maybe he could help me. So, I go see Charlie Handler and I walk in and say, "I'm Joel's friend," and all that, "and Brendan said to me [that] I can get this job, but I need the approval of my Senator." Charlie Handler says, "Okay, I'll call your district leader." So, he calls the district leader--I forget the guy's name even. The Senator was Fox. [Editor's Note: Donal C. Fox represented Essex County in the New Jersey State Senate from 1956 to 1964.] Anyway, he calls him and he said, "I got this kid in here, Sandy Jaffe, and all. Will you support him?" and the district leader says, "No, can't support him." Charlie Handler says, "Why not?" The district leader's response, "I want the job." I mean, it was paying eight or nine thousand a year and it was part-time. He said, "No, I'm going to try to get the job myself." So, I'm dejected. I leave. I go back to Weintraub. He asks me, "How'd you make out?" I say, "Not very well." He asks, "Why?" I say, "Brendan said that I needed some political support and I can't get it," and I told him the story. So, he turns to his secretary and says, "Lucille, will you get the prosecutor on the phone for me?" Brendan gets on the phone and Weintraub says, "Brendan, am I right? Is it right that you told my clerk that you needed political support to get this job?" Then it's quiet. The Chief turns to me and says, "Brendan says you have the job."

Brendan made me [an assistant prosecutor], but wouldn't give me what I wanted to do, which is learn how to try cases. He put me in charge [of] the Appellate Division. It was me and a fellow, Billy (Caruso?), was sort of in his late eighties or something. So, it meant I had to write briefs, because Brendan figured, "Well, I worked for Weintraub. I wrote briefs there, so I might as well write briefs here." It was not something I wanted to do, but [it was] a job I wanted. That was my transition from Weintraub into the Prosecutor's Office, when Brendan was Essex County Prosecutor. [Editor's Note: Governor Brendan T. Byrne served as Governor of New Jersey from 1974 to 1982. In 1959, Governor Robert Meyner appointed Byrne as the Essex County Prosecutor. He was reappointed by Governor Richard Hughes in 1964.]

SI: Was there any fallout from going around the guy who wanted the job?

SJ: No. Eight thousand dollars a year, the salary was inconsequential. Most of the people wanted that job because they could say they were in the Prosecutor's Office and still keep a private practice. Brendan was smart enough to want to put together a good group, so even though people worked part-time, they were all very competent. There was never any fallout. I was inconsequential and none of those guys would've done what I did anyway. They didn't want to be in the Appellate Division and write briefs. I mean, that's hard work. So, they didn't want to do that. I think--I told Brendan this story, but he always denies it--he was going through what he thought were the appropriate channels at that point, but, once Weintraub called him, well, he wasn't going to turn Weintraub down.

SI: Did you have anything lined up, since this was just part-time, for a full-time job or another part-time job?

SJ: No. In the first place, I had no private practice; I just came out of [clerking for] Weintraub. Secondly, I thought, this was an important thing, being in law enforcement. I didn't want to be compromised. I didn't want to work for a law firm. I figured, "I'll be there and I'll work full-time." They didn't care if you worked full-time, but you didn't have to. I also figured, "Well, maybe I can do some stuff down there when Brendan's not around, like try cases or something, if I got to be friendly with these other guys," which I did. Once I started, I would ask some of the guys, when Brendan was not around, if they had a simple case I could try. I started with Brendan on, I think it was July 1st, and I was going away on my honeymoon. Brendan made me take a transcript of a murder case on my honeymoon, so [that] I could write the brief on my honeymoon. My wife was really absolutely appalled by that. Then, I got back and I was doing a lot of appellate work, but, occasionally, I would ask one of the other prosecutors if I could try a case. Sometimes it worked out well and, sometimes, since I didn't have very much experience, I learned a lot on the ground.

SI: Can you tell me a few stories from those cases?

SJ: Oh, yes. I was doing one case--it was a manslaughter case or a second-degree murder [case]. I think it was manslaughter. The fellow who gave me the case, I think, was a fellow by the name of (McClellan?). Anyway, he says, "It's really almost on the way up." So, I really

didn't have much of a chance to prepare. I was working with the detective on it and, at one point in the case, the sister or some relative of the person who was the decedent was testifying. You had to identify the body. You obviously don't bring the body into court. There were pictures taken in the autopsy of the person who was killed. To identify the victim, you wanted to have the pictures introduced in evidence and have someone testifying to identify the person. As I'm on my way up to show the lady the pictures, the defense lawyer gets up and says, "We'll stipulate that those pictures are the pictures of the decedent." The detective standing to my side gives me the elbow and says, "Don't let him do that. You show her the pictures, she'll break down, she'll cry--it'll be a good impact on the jury." So I say, "No, your honor, I won't do that." The defense lawyer gets up again, and the Judge says, "I can't tell Mr. Jaffe how to try his case." So I go up to the witness and show her the pictures. She looks and she looks and she says, "I ain't never seen that person before." Well, I fell backwards off this little stand and almost fell down. Fortunately, the detective stopped me from falling. I stood back up and say, "Your honor, I'm willing to accept the stipulation now that this is the decedent." The defense lawyer gets up and says, "What kind of an idiot does he think I am? Not now." The judge says, "Mr. Jaffe, I think you need a recess. I call a recess." I talked to the woman during the recess, put her back on the stand and she identified the body, but it was such a good example of, "Don't ever put anybody on the stand [if] you don't know what you're doing." I'll never forget falling backwards.

One other story that I like a lot involved a fellow by the name of Tony Boy Boiardo. He was reported to be the mob boss of this area. There had been a shooting at a place called the Fremont Club in Newark [on September 23, 1960] and a grand jury was empaneled to investigate that shooting. A fellow by the name of Joe Lordi, who was the first assistant prosecutor, was running it and I kind of helped Joe a little bit at the grand jury proceedings. [Editor's Note: Joseph P. Lordi served as an Assistant Essex County Prosecutor from 1959 to 1964. In 1968, he replaced Brendan Byrne as the Essex County Prosecutor.] Anyway, to make a long story short, Tony Boy pled the Fifth Amendment before the grand jury, and the question was whether or not he could properly plead the Fifth Amendment in this context. The case got a lot of notoriety and a lot of publicity, but it was an important case. It went up to the New Jersey Supreme Court and Brendan decided he would argue that case, because it was of such importance. I helped him prepare the brief and went down with him. The case was argued and the court, instead of issuing an opinion, asked for a rehearing, which was really rare, and wrote two or three questions that they wanted the parties to focus their briefs on. That's really a rare occurrence. The court set an argument date again, another month or two away. Brendan and I composed the brief and sent it in.

About a week or so before the argument, Brendan comes into my office and says, "I've argued this case once and they want a rehearing. I think we should give them something a little different. If you're willing, I'd like you to argue the case," which was really very magnanimous of Brendan. I thought, "Gee, what a great opportunity." Of course, I was very nervous about doing it. I said, "Sure, I'd be really happy to do it." I spent the whole week preparing the case and preparing for the argument. My wife came. I think one of my cousins came. I don't remember, and I went to court that day to argue the case. Chief Justice Weintraub said, "Well, now, Mr. Jaffe, you're going to focus right on this question. This question, how would you answer that?" That was his mannerism. The Attorney General also argued the case. At one

point, while the Attorney General was making his argument, the clerk of the court came around the back of the Justices' bench, and each one of the Justices turned their back to talk to the clerk. I thought to myself, "Geez, that's really embarrassing. What are they going to do when I'm arguing?" As it turns out, they were ordering their lunch. I thought, "Boy, if that happened when I was arguing, I would've really fallen over." So, I argued the case and the Prosecutor's Office prevailed. Brendan was really pleased and I was too. Then we went before the trial court and Tony Boy was sentenced for contempt of court. He got thirty days in jail, Essex County Jail, and I'll never forget the Judge telling me, "Well, that's great." He said, "Now, I guess I ought to have somebody go check my car." Being a wise guy, I said to the Judge, "I don't think you have to worry about that, Judge. I'm sure there'll be a bouquet of roses there." Wow, did he get annoyed at me. I didn't think thirty days was a hell of a lot. This guy lived like a king up there anyway.

One of my other good stories involved a fellow by the name of Tony (Colandrea?). Tony was a lawyer, a real snappy kind of guy, who represented a lot of guys who were involved in the gambling racket. He wore a big, straw hat, nice double-breasted suit, black-and-white shoes, really a nice picture. I got to know Tony pretty well, because I handled some of these cases. One day, we're in the little cafeteria in the courthouse and I was buying a cup of coffee. I start to put the dime down for the coffee and he says, "Take that back. I'm buying that." I said, "Well, I can't accept money. I can't accept anything." He said, "You think for ten cents, I'm going to bribe you?" I said, "No, okay, Tony." I let him buy me a cup of coffee. A day or two later, I'm walking down the street, having come back from lunch with a couple of people, and I see Tony. He comes up and says hello and he asks me, "Can we get an adjournment in that case I have with you down in the magistrate's court?" I said, "Yes, what's the problem?" He said, "Well, I've got to check out a witness." I said, "Well, who's the witness?" He said, "A Mr. Green." I look at him and I say, "Mr. Green? I know that file well. I don't think there's any Mr. Green." So, he reaches in his pocket, takes out a wad of bills this big, said, "That's Mr. Green." With that, he walks away. Isn't that a great story?

I liked him a lot. He was such a character and a very good lawyer. One day, he walks in the Prosecutor's Office. I'm sitting three or four doors down, but people walking in could see you sitting at your desk. Tony's talking to a guy and he's pointing to me. The guy leaves and Tony comes over. I said, "Tony, what are you doing with that guy? Why were you pointing at me?" He said, "That's worth five grand. I told him I've got an in with the Prosecutor's Office." Then he tells me he has a phone in his office and the phone is in his desk drawer. He's got a numbers guy there, and he says to the numbers guy, "Look, my normal fee is three thousand dollars, but I think I could probably get you off because of my contacts. If I get you off it's five thousand, and, if it doesn't work," he said, "then, it's three thousand." So, he picks up the phone, he calls "the Prosecutor's Office" in front of the guy. The phone's not even connected to anything. He hangs up [in front of] the guy and says, "The deal is done. We'll wait and see." Tony says to me, "The odds are fifty percent the grand jury'll kick the case out. If they kick the case out, I've got five thousand. If they got the case, I've got three and a client." I couldn't get over that story--isn't that a great story?

Yes, oh, I really kind of liked Tony. I guess if you watched one of these old TV programs, you'll see a lawyer like that, but you wouldn't find too many guys practicing law like that anymore. Every Friday morning, Brendan would have a staff meeting and it wasn't a big office. Now, I think [it is] about a hundred people--it was only maybe fifteen or twenty then. One of the guys, either a fellow by the name of Julie Feinberg or Joe Lordi, would be assigned to bring in cookies and coffee and stuff. [Editor's Note: The Honorable Julius A. Feinberg served as an assistant prosecutor in Essex County under Brendan Byrne until 1964.] Joe would bring it in from the Italian bakery, Julie Feinberg would bring it in from the Jewish bakery. Brendan would usually invite somebody to speak. At my first or second staff meeting, he invites a guy by the name Sam (Vasa?). I figured, "Geez, he's going to talk about how to pick a jury. Oh, gee, I'll learn something." He gets up and he says, "Well, the first thing you've got to look at is the size of the nose, then, you look at the ears." He goes through all this business about how you can tell people by looking at their facial features. I said to Brendan, "What kind of crap is this?" "Well," he said, "that's how Sam does it." It was a nice place to work. Brendan was a very decent guy to work for. He always took his shoes off whenever he came to his office. I learned things from him. Brendan'd get a phone call from a reporter and it'd be a tough question. Almost invariably, he said, "Excuse me, somebody just came into my office. I'll get back to you in ten minutes." Then he'd sit down to talk to me or somebody else and ask, "How should we answer?" He'd compose the answer, and then, call back. It was a great technique.

SI: Would you say that there was a particular emphasis on the work that you were doing there, like targeting organized crime, or some other aspect?

SJ: Yes. There was organized crime, there was corruption. There was a guy who was a sheriff of the county at that point. I forget his name, maybe Magnusson. [Editor's Note: Detective Arthur W. Magnusson worked for the Sherriff of Essex County in the early 1960s.] He had a thing about trying to make a name for himself by ridding the county of pornography. In violation of the First Amendment, in my opinion--he would raid candy stores and bookstores and pickup sunbathing magazines--*Playboy*, *Lady Chatterley*, all that kind of stuff. He'd bring all that stuff into the Prosecutor's Office and it would all be put in these huge cars. All these magazines and books and stuff like that. Brendan decided, with his peculiar sense of humor--I was the only unmarried guy in the office at this point--that I should be in charge of these pornography presentations to the grand jury. By the way, we'd put the films in a separate cart on Friday night. Then, on Monday, they'd all be gone, because the guys would take them home on Friday night and never bring them back. So, anyway, I'm going up to the grand jury and I get to be an expert. I can tell by looking at the cover whether this was really erotic or not, whether or not these magazines were good and all that.

Pornography became one of my few areas of real expertise. One day, I was telling the grand jury that, "I believe in no hearsay evidence. So, I'm not going to put the Sheriff on to tell you it's pornographic. I'm going to bring in." This involved a movie called *Candy Barr*, or something like that. [Editor's Note: Mr. Jaffe may be referring to the 1951 film *Smart Alec*, starring Candy Barr.] I said, "I'm going to bring the movie in, all right, but the grand jury's twenty-three people. All I need is twelve and I know there are a lot of you people," I didn't put it this way, but I meant a lot of elegant, suburban housewives, "and ladies, you may not want to be exposed to this kind

of stuff, okay?" So, I told the grand jury, "I only need twelve to show up, because that's enough to vote. I don't need twenty-three." The next day, I come in with all the films. Guess what? All twenty-three members of the grand jury came, plus the clerk and all the other assistants. I figured, "Now, I know everybody likes this." Then, one day, I'm in front of the grand jury with all these various barrels of books and magazines, going through them. Oh, boy, what an enthusiastic crowd going through this stuff. It was then I realized the hypocrisy of a lot of pornography prosecutions.

SI: Were these cases usually prosecuted successfully?

SJ: The pornography cases? Rarely. We probably never got indictments on most of them anyway. What are you going to do, prosecute somebody for a nude magazine, like *Sunbathing* or whatever it was called? The standards were pretty high in the courts. I think, sometimes, people just pled guilty. It never became a major thing in our office. That was the Sheriff's idea, but we did not play that very hard and I'm a big believer in the First Amendment. Clearly, you don't want juveniles involved, but that was not the issue a lot of times. These involved a lot of poor candy store operators, magazines like *Playboy*--I don't think that's stuff you should really prosecute--but you were obligated to present it, some of it, to the grand jury.

SI: You got married during this time. Can you tell me a little about meeting your wife and getting married?

SJ: It was right before I went into the Army. One of my friends--he had gone to Yale Law School--asked if I wanted to come up to a weekend up at Yale, a football game. I went with him and I went to a party and gave a woman, who became my wife, a ride on the way home. She had come up by train to visit somebody else and, [to] make a long story short, we started to date and she lived in Brooklyn. She was going to the occupational therapy school up at Columbia. I started going out with her and after pretty long, I think two or three years, we got married. By that time, her parents and my parents kept on [saying], "What's going on? How long are you going [to wait]?" It's kind of a long kind of thing," and all that, but I was in the Prosecutor's Office when I got married. I had a real old car, an old '34, '35 Buick that had a stick shift. When I came to pick her up when we were dating, her father would look out the window and say, "You ain't going in that car." It was the kind of car that when you went through the Holland Tunnel, the cop would wave you on, because you weren't going fast enough. Can you imagine how slow that would be? Anyway, we went out a lot. She would come visit me and, sometimes, stay at my house, but we didn't have a hell of a lot of room. She'd have to come sleep in the living room on a cot. She got to know all my crowd and she came to family affairs, got to know all the people there, and we got married. I guess I had been in the Prosecutor's Office maybe for a half a year or so when we got married. I have pictures at home of everybody in the Prosecutor's Office coming to my wedding. We got married in a hotel up in Mount Freedom, which was sort of a semi resort in New Jersey. We then moved and set up house in East Orange, New Jersey. So, it was somewhat of a long courtship, but not too long.

SI: We will end for today and pick up with your transition into the US Attorney's Office.

SJ: Yes, why don't we do that?

## Chapter 5: US Attorney for New Jersey's Office

Shaun Illingworth: This begins the fifth oral history session with Professor Sanford Jaffe on July 15, 2014, with Shaun Illingworth in New Brunswick, New Jersey. Thank you very much for having me here again.

Sanford Jaffe: Thank you, my pleasure.

SI: To begin, last time, we discussed your time in the Essex County Prosecutor's Office. You then went from there to the US Attorney's Office.

SJ: Yes.

SI: How did that come about?

SJ: Some of this story is secondhand and hearsay. One day, I got a phone call from a fellow by the name of David Satz, who had just been appointed US Attorney. Kennedy had won the Presidency in '60, and this was now the beginning of 1961. [Editor's Note: David M. Satz, Jr., served as US Attorney for New Jersey from 1961 to 1969.] He asked me whether or not I would like to serve as the Chief of the Criminal Division in the United States Attorney's Office. I talked to Brendan Byrne, who was then the Essex County Prosecutor, and Brendan said, "That's really a great opportunity." Then, Brendan tells me--this is where the hearsay comes in--that he had been asked by Bobby Kennedy, who was then the Attorney General, to become US Attorney for New Jersey and Brendan told him that he did not want the job. He wanted to stay as prosecutor and thought that he might have some political ambitions. The US Attorney's Office would inhibit that and he liked what he was doing. So, Brendan recommended Dave Satz. Evidently, according to what Brendan told me, Kennedy responded, "Well, we'd appoint Satz, but Satz has no criminal experience, except a minimal [bit]." He had served as a deputy attorney general somewhere and it was a minimal amount of experience. So, Brendan told me that Kennedy then said, "Well, we'll appoint Satz if you send over your top guy in the Prosecutor's Office as Chief of the Criminal Division." So, Brendan said that's how I got the job--that he had recommended me to go over to the US Attorney's Office.

One thing prevented that for a little bit. This was at the same time that the Berlin Crisis happened in Berlin and a number of Reservists were then called back into the Army and Navy. I was one of those lucky people, [laughter] who got called up a second time. I had already been in the Army and was being called up as a Reservist. I was in the Inactive Reserve, but they still called me. [Editor's Note: In June 1961, at the Vienna Summit with President John F. Kennedy, Soviet Premier Nikita Khrushchev demanded that the Western powers pull their forces out of West Berlin by the end of 1961, leading to months of increased tensions. On August 13, 1961, East Germany sealed the border with West Berlin and began erecting the Berlin Wall. On August 30th, President Kennedy ordered 148,000 National Guard and Reserve members to active duty in response.] So, I went and talked to Dave Satz and Dave said that he'd try to hold the job. I said I was going to try to see if I could get an honorable discharge on hardship grounds, because my wife was pregnant, my parents were very elderly. I was their sole source of support

and, with me going away, my wife couldn't work anymore. So, Dave said, "Well, see how you make out and we'll hold this for a couple of months." So, I packed my bags, filled out all my applications and went into the Army. I went to Fort Benning, Georgia, and got assigned to an MP company, of all things, which I knew nothing about. In fact, the second day I was there, they assigned me to do traffic detail in front of the fort. Well, I had no idea as to what hand signals to make and how to run the place. So, after one day there, the Captain came up to me and, quietly, he said, "We won't put you there if you don't bother us over here." [laughter] I mean, it was clear that I didn't have the training to do that.

One of the odd things is that I didn't even have a uniform, because when I left the Army the first time and after I had served my Reserve time with the New Jersey National Guard, I just got rid of all my stuff. I had nothing. So, for a good month or so, I used to show up wearing regular clothes at all the various functions. At one point, I'll never forget, the Captain came up to me and said, "I'd really appreciate that when you fall out for formation in the morning, you didn't wear a shirt and tie and a jacket, because," he said, "people think that you're a CID [Criminal Investigation Division] investigator from Washington and we're under some kind of scrutiny." The reason I wore the shirt and the tie and the jacket was that it gave me access to the officers' club and the PX [post exchange] even though I was just a PFC [private first class]. Finally, I took off my tie and I think, after about a month or so, I finally got a uniform. I think Kennedy activated something like 150,000 Reservists and the Army was not really prepared for these people coming back in. A lot of people were like me, had been out for a long while and no longer had uniforms or grew out of them or that kind of thing. Anyway, I served in Fort Benning for a while, and then, about four or five months into my service, I got a notice from my commanding officer that I had been given a hardship discharge. Not that it made much difference, because in the next couple of weeks, all the Reservists were sent home. I think the Berlin Crisis abated somewhat and the need for the Reservists, which was problematic to begin with ended. To make a long story short, I got back home and the job was still available. Dave had saved it for me, and so, I started as the Chief of the Criminal Division of the United States Attorney's Office in New Jersey.

SI: I have two questions about that brief period back in the Army.

SJ: Sure.

SI: After they took you off traffic duty, what did they have you doing on a daily basis?

SJ: Not a lot. Marching around, once in a while helping out in the office. Sometimes, I would help with guard duty. Sometimes, I would go out to the firing range and do things. There really wasn't a lot to do, because I was part of a Reserve company from Upstate New York and they didn't have very much to do. My own opinion, which was borne out by lots of people I talked to, is that Kennedy called us up primarily as a show of resolve and to demonstrate to the Soviets that we were taking Berlin seriously. So, there really wasn't a lot for anybody to do. The United States was not involved in any combat. There was never a thought, at least at that point, that any of these units were going to be sent into combat. So, we did some training. We did fire rifles here and there and do some training, but it wasn't what I would've assumed would have been the

intensive training if we were going into combat. It also was not as intensive as what I experienced the first time I was in the Army, either.

SI: You said your wife was pregnant at the time.

SJ: Yes.

SI: Was that your first child?

SJ: Yes.

SI: Was your child born in Georgia?

SJ: No, we got home and I think the child came in a month. It was really very, very close for her. The whole thing was somewhat difficult, because for her to get an appointment with a gynecologist at Fort Benning was really difficult and took a lot of time, because, again, the Army wasn't really prepared for the influx of these Reservists. Since a lot of them, like me, came with families, I got the approval of my CO [commanding officer] to live off base, because I was married. They were happy to have me off base, because they didn't have much room in the barracks, but there were a lot of other people like me. So, it was difficult to get appointments. So, I think we were lucky that we were able to get home before the baby was born.

SI: To get into your new job, could you give me an idea of the scope of your work there?

SJ: The US Attorney's Office, at that time, had probably about twenty lawyers and it was divided into two parts. One was the Criminal Division, of which I was the head, and there were probably six or eight lawyers, working with me in the criminal side. Then, on the civil side, which handled a lot of the United States' business in bankruptcy proceedings and lawsuits, that was headed by a fellow by the name of Vince (Camic?). Vince was a very nice guy who had played football for Notre Dame. He was always being besieged by all the Notre Dame football fans to get tickets for games. Vince was probably ten years or so older than me and he was a great help, because he had a perspective that I would only get as the years went by. Dave Satz was the kind who pretty much left us alone to run the office. I mean, he would be there, obviously, and oversee things, but he would not micromanage the office.

Being the head of the Criminal Division relies on the Federal Bureau of Investigation, the Food and Drug Administration, the Secret Service and whatever federal agencies that are involved in prosecuting crimes. Most of the work you do is probably with the FBI and the IRS, and so, our job really was, work with the Bureau, work with the IRS. They would do the investigative work and we would be asked to decide whether or not a matter should be prosecuted, and then, handle the trial and all the matters in the appeal. The United States Attorney has a lot of discretion. Let's say you're working for the FBI and you come to see me and say, "Well, these are the following facts and we want to arrest so-and-so. We want your authorization." I'd listen and I'd say, "Well, that's okay. Arrest that person and we'll indict them," and so forth, but, occasionally, I would say, "No, don't." I had the authority to not arrest someone if, in my judgement, it was in

the best interests of the government not to prosecute a case. That's a vague standard and a vague grant of authority. Well, all the more reason in my judgment that you really want to make sure you've got people of real integrity and honesty in that kind of a job. As you can see, something like that could be abused. Let's say, hypothetically, there was a young guy who's a teller in a bank who had come from very poor circumstances and embezzled a couple hundred dollars for food for the family--I'll give you all these affected facts [laughter]--and he was going to enlist in the Army, and so forth. Do we want to prosecute him or not? I'd say something [like], "No, let's not prosecute him. Let the kid go into the Army. It's not in the best interests of the government to prosecute that kid." That's an example of how you do it.

The other thing the United States Attorney's Office does is empanel a grand jury. A grand jury is a group of people, twenty-three, who sit for periods of five or six weeks at a time for maybe a couple hours a day. The United States Attorney would bring the case to them and the grand jury decides whether or not they should be indicted. You would also use a grand jury if you want to launch an investigation. Sometimes, you'd want to investigate something and, sometimes, it would be clear--the FBI would arrest somebody in a bank making a robbery. You don't need an investigation for that kind of thing. So, we would do both of them. My job was to deal with these various agencies, make that decision and, also, decide who would prosecute certain cases. For example, if we now had ten indictments in the office, it would come to me and I would say, "Gee, I want John [J.] Francis, [Jr.], to handle that one, Matt Boylan to handle that one, Jerry (Schweitzer?) to handle that one." So, I would assign out the cases. That was also part of my responsibilities, as head of the Criminal Division. Does that give you a little bit of the picture of the office and how it ran?

SI: Yes. Can you give me some examples of cases that really stand out in your memory where you did not empanel the grand jury?

SJ: Sure. Well, let me give you three examples--is that too many?

SI: Sure.

SJ: One of them involved a labor embezzlement charge against the owners of the Krueger Brewing Company, which was a beer distillery in Newark, New Jersey, for many years. The interesting thing about this case is that the defendants were management, not the labor union, and the labor union was the Teamsters Union, which was Hoffa's union. I was trying the case. [Editor's Note: On October 4, 1963, Herman Cohen, Joseph Pecora and Philip Weiss were found guilty of conspiring to arrange a thirteen-thousand-dollar bribe to break a contract between Teamster Local 863 and the G. Krueger Brewing Company in November 1960 in violation of the Taft-Hartley Act. On October 1st, International Brotherhood of Teamsters President James R. Hoffa testified that Weiss had obtained his help in dissolving the contract.] Anyway, the case was sort of moving along in a boring way. I had learned from one great lawyer, Ray Brown, that what you should always do in a case is try to figure out something that's going to make it really interesting for the jury. [Editor's Note: Attorney Raymond A. Brown (1915-2009) served as defense counsel in numerous civil rights and other high-profile criminal cases, including the murder trial of boxer Rubin "Hurricane" Carter and the Abscam case of New Jersey State

Senator Angelo Errichetti.] So, I decided to call Jimmy Hoffa as a government witness because Hoffa, in my opinion, could testify that what the Teamsters Union did was perfectly proper.

I call Jimmy Hoffa and Monday morning comes and in walks Hoffa into my office, because I want to go over his testimony, prep him a little bit for what's going to happen. I turn to Hoffa and I said, "You're welcome to have a lawyer," and he looks at me, he says, "Listen, kid, I don't need a lawyer. I'm going to tell the truth." I said, "Okay." So, I go over all the questions I'm going to ask him and all that. All of a sudden, there's a knock on the door and the top US Marshal, comes in and bows almost and says, "Mr. Hoffa," he said, "me and my colleagues are here to escort you down to court." I mean, nobody else had ever gotten this kind of escort. So, out comes Jimmy Hoffa, and they go downstairs to the courthouse. The hallway is lined with Teamster guys applauding him as he walks in. I'll never forget that. He walks into the courtroom. The judge gets off the bench and says, "Hello, Mr. Hoffa." I put Hoffa on the stand, he testified and he left, and then, the guys got convicted. So, I always thought that was a pretty cute case.

I had Hoffa come on a Monday. The Friday before, Bobby Kennedy and a couple of his assistants come to the US Attorney's Office in New Jersey. The reason they came was because Bobby did something no other Attorney General's done, as far as I know. He wanted to go around to local offices and say hello and improve the morale of the troops. So, we're all sitting around in a big circle and Bobby is introduced, and so forth, and they come to me, and Kennedy says, "One of my assistants told me that you're calling Jimmy Hoffa Monday." I said, "Yes." He said, "Do you know that I've been spending almost two years trying to get Hoffa to go to jail, because I think he's such a disreputable character? In fact, in three weeks, there's a case in Nashville in which we're prosecuting Hoffa for jury tampering and it really bothers me that you're calling Hoffa." So, I said, "Well, I didn't realize that. He's helpful in my case." So, he said, "Well, what would you do if Hoffa calls you as a witness in my case in Tennessee after he's testified?" So, being a wise guy, I said, "Well, obviously, I'd pay attention to the subpoena and, if he testified truthfully, I'd get up and testify that he testified truthfully in the case." So, Bobby looks at me, and I'll never forget this, he said, "I'll tell you what, kid," he said, "Okay, I'm not going to tell you what to do in your case. [If] you want to call Hoffa, you can, but I'll tell you right now, if you call Hoffa and you lose the case, you're probably going to lose your job." So, I said, "Thank you, Mr. Attorney General." [Editor's Note: Senator Robert F. Kennedy served as US Attorney General from 1961 to 1964. His work with the US Senate Select Committee on Improper Activities in Labor and Management in the 1950s brought him into conflict with Teamsters President Jimmy Hoffa.]

I go home, I mention it to my wife and I said, "I'm still going to call Hoffa." I figured, "Well, I might as well do it, I already got it out." Bobby was very good, in the sense that he wasn't going to tell me what to do, but the threat was there. I'll never forget one other guy, who was another fellow in our office, who was what you'd call a really snappy dresser, one of the guys with the double-breasted suits and he had the white-and-black shoes. He was really a cool guy. Kennedy looks at him, he says, "You're not going to represent the government dressed like that in court?" Dave Satz was having a fit, looking at this. Anyway, to end the story, I call Hoffa. The case is over. I get home around eleven-thirty, twelve o'clock at night. As soon as I walk in the house,

the phone rings. I pick up the phone and a woman's there. She said, "I'm secretary to the Attorney General and the Attorney General would like to talk to you." This is to Bobby's great credit. I get on the phone and he said, "Hear your case came out victorious. I really want to congratulate you. I think that was very good and I'm glad you did it." He said, "What I'd really like to do is, I'd like to invite your wife and your little son," I had told him I have a little son, "down to Washington. I'd like to meet them and I'd like you to come and meet me in the office." So, a couple of days later, we go to Washington and my son has to have a diaper change in the outer office and all that, but it was really great. We walked in there and my son was about a year-and-a-half, two, and Bobby picked him up, threw him around. He had one of these stuffed tigers, put the kid on the stuffed tiger, and gave us all these JFK PT-109 tie clips. I don't know if you've ever seen one.

SI: I have not.

SJ: Jack, his brother, had used them in the campaign. In fact, to this day, I have a couple of them at home. I think they're nice to have. So, it really worked out very well, and it was a great story. [laughter]

SI: Yes, absolutely. Before you get into the other two examples, before this incident where you had direct involvement with him, what did you think of Robert Kennedy?

SJ: Well, some of it was negative, because I had not liked what he did when he was counsel on the McCarthy Subcommittee, years earlier. [Editor's Note: Robert Kennedy served as assistant counsel to Senator Joseph McCarthy's Subcommittee on Investigations, which McCarthy infamously used to conduct investigations into alleged Communist activity.] He was kind of a harsh guy, but I think by the time he got to be Attorney General, he had changed a lot and had matured a lot, just as he, later on, became a great exponent of Civil Rights and of social welfare issues. So, by the time he became Attorney General, I had a pretty positive impression. I think he ran the Justice Department very well. He cared a lot about it, as these visits showed. There was never any hint of corruption or inappropriate [action] and he really did go against a lot of bad guys. In fact, he took on [Director of the FBI] J. Edgar Hoover on a couple of things, because Hoover was not that pleasant of a guy, and no Attorney General had ever the courage really to go against him. So, I had really positive impressions of him at that point. I was always one to change my mind when somebody else changed. The second case involved a fellow by the name of Newsboy Moriarty. Does that name mean anything to you?

SI: No.

SJ: Well, Newsboy Moriarty was the king of the gambling and numbers racket in New Jersey. The numbers racket is where people bet on small, little pieces of paper, two, three, or four numbers. It cost them twenty, twenty-five cents and, if they win, they get a hundred bucks or something. Well, he ran that whole racket in Northern New Jersey and he had started out as a newsboy as a kid, running a newsstand, and that's how he got the name Newsboy. He was well-known among all law enforcement, but nobody ever arrested the guy. He ran this big business without impunity. So, anyway, one day, the Internal Revenue Service arrests him and [they]

arrest him--because there's no federal crime of gambling--for failure to buy a tax stamp to run a gambling enterprise. Here, you've got a guy doing millions of dollars in that, and you're arresting him on a tax stamp case, but that's how they got Al Capone, on a tax case. Anyway, so, he gets arrested and I'm going to try the case and the guy who's my opponent is Raymond Brown.

SI: Just before.

SJ: Well, Raymond was probably, in my opinion, the best lawyer in New Jersey, maybe one of the best criminal defense lawyers in the country. He probably would've gotten the kind of notoriety that sometimes happens now, but he didn't become a lawyer until he was forty, forty-one, and he was black and these were not days in which being black was that easy. In fact, when he got out of law school, he had a tough time getting a job, but his brilliance was there and he was a very articulate guy. He had spent most of his time working on a banana boat in New York Harbor and had gone to law school at night, but he was extraordinarily articulate. Anyway, Ray was my opponent, a very, very good opponent, and he was my opponent in another case and I'll tell you how we became good friends.

So, anyway, I'm trying this Newsboy Moriarty case and, again, I'm having problems. The jury doesn't take it too seriously, a tax stamp case for a hundred bucks. I'm bringing all these agents in to testify about his business and all that. So, I figured, "They're not going anywhere," I thought. So, I got an idea. When they arrested Moriarty, they raided his garage and in his garage was probably a couple million policy slips, these little pieces of paper with the numbers on [them] that his people collected, and the IRS took all that stuff and put it in these huge rolling containers, a huge bin like they use for luggage. So, I got the idea, "Why not introduce all those into court? That way, it would make this case look really important, right?" So, [I] call a recess and I arrange with one of my IRS agents to line all that stuff up in the hall. Then, I say, "Your Honor, I want to now introduce the evidence," and the Judge says, "Fine," thinking I'll introduce a couple of policy slips. For the next twenty minutes, they roll in these huge, huge carts and the courtroom gets filled with all these carts of policy slips and Ray Brown's having a fit, that I am prejudicing the jury, etc., and all that. The judge doesn't agree with him. Anyway, to make a long story short, he does get convicted.

Let me tell you one more, okay, before I bore you guys. This involved a spy case. You may not remember it, but, in 1963 or '64--in fact, I have a transcript over there--the Federal Bureau of Investigation has been observing a person who is an engineer who works for a company called ITT. ITT is manufacturing the command-and-control system for the Strategic Air Command. The FBI gets a tip that this guy is passing secrets of the system to the Soviets. So, they start following him and they follow him for a couple of weeks and they notice that he is meeting three or four people from the Soviet Embassy in New York. Three of the people are employees of the Russian diplomatic team and the fourth is a chauffeur, but who the FBI believes, based on their investigation, is a member of the KGB. So now they're following all these guys. One day, late at night, they make an arrest in Englewood, New Jersey, and the case is a real major case. It's the first spy case trial in this country since the Rosenbergs. [Editor's Note: In the early 1950s, Julius

and Ethel Rosenberg were tried, convicted and executed for spying on behalf of the Soviet Union in relation to acquiring information regarding the atomic bomb.]

This is the height of the Cold War, so spying for the Soviets is a big deal. I am assigned to try the case and I get two of the young Assistant Attorney Generals in my office to help me, because this is going to be a really long case. He's indicted for violating the Espionage Act and the penalty, one of the penalties, is death. The Rosenbergs had been put to death under that statute. That makes it a much more serious case. Ray Brown is assigned by the court to represent John Butenko, who's the American engineer, and Sam Lerner, who's a really well-known lawyer in New Jersey, was retained by the Soviets to represent Igor Ivanov, who was the alleged KGB agent and a chauffeur. [Editor's Note: John W. Butenko and Igor A. Ivanov were arrested by the FBI in Englewood, New Jersey, on October 29, 1963. They entered not guilty pleas on November 15, 1963. Both men were found guilty on December 2, 1964.]

SI: I have a question.

SJ: Sure.

SI: The chauffeur--most people assigned to that kind of diplomatic mission have diplomatic immunity, correct?

SJ: The other three guys did.

SI: He did not.

SJ: The three guys do, because they're part of the diplomatic mission. He's a chauffeur for AMTORG, a Soviet trading company. That was his cover. So, he doesn't have diplomatic immunity. In fact, it's interesting what happens to him later. First thing I've got to do is prepare myself. I know what the Strategic Air Command is, but I have no idea what the command-and-control system is. So, I start spending time with the Air Force, try to figure out how it works. Part of my preparation was to go out to Offutt Air Force Base in Nebraska, which is the home of the Strategic Air Command. I go out there, with a couple of FBI agents as my escorts, after I get a top secret clearance to do all this. It was really interesting in a way, because to go to the command-and-control headquarters, you had to go down about two hundred feet or something like that in the ground and you walk down tunnels and, after you go about fifty feet, there are big, steel doors that close, evidently, to prevent concussions or blasts from getting there. Finally, you get down to the headquarters.

Did you ever see the movie *Dr. Strangelove*? It really looked like that. There are the three big screens and they point out to me the two general officers who have the authority to issue a nuclear strike, but it requires two people to turn the keys, because they don't want one guy who might get emotionally unstable. Up in the balcony is where the general sits and all that. They say, "Why don't I sit down here?" I sit down--I see the red phone from the President and all. The commanding officer said to me, "Why don't you, to give you a picture, order a strike on the Soviet Union?" and he said, "Then, you'll see, on the screen, all the planes we have in the air turn

around. Also, it will coordinate with the United States Navy and the nuclear subs that we have and they'll coordinate with the Air Force. So, it'll be a coordinated attack. Pick your city." I said, "Okay, let me pick a city," and they all start heading out and the tankers are heading out to refuel the planes, the subs are turning around. After about ten or fifteen minutes of this I said, "You know, I don't want to start World War III. Do you mind turning them back?" The General laughed. He said, "It's an exercise. We do that all the time." Anyway, these guys turn around, which I felt a lot better about, [laughter] but it was a very interesting demonstration, to me, about what this was all about. What it involved was this system, this command system, that activated the submarines, activated the planes, etc., etc. Some of it I didn't understand, but I understood enough of it.

So, I go back with all this knowledge and we're getting ready to prepare to try the case. The first thing I do is talk to the Attorney General and express my displeasure, and (I had talked to the judge) the judge's displeasure, at calling this a death case. I said that it would make it very difficult to get a jury. You have to get people willing to [pass a death sentence]. Judge is unhappy about trying it and I don't think there's going to be a death sentence. The Rosenbergs' sentence had been very much criticized. I got a phone call back from the Assistant Attorney General in charge of Internal Security and he said, "Yes, AG agrees. Tell the court that the government will not be looking for the death penalty." So, that immediately changed. It still took us over two weeks to pick a jury, but the other one might've taken us four weeks or five weeks, who knows? It was important, I think, to change the tenor of at least that.

The case starts and Ray Brown makes a motion--I'll tell you little side tales which I think are interesting--Ray makes a motion at one point to try to get the three guys back from the Soviet Union as witnesses. It goes up to the State Department and the State Department issues a request of the Soviet Union. They say no, they're not going to send these guys back. For some reason, he appeals that order to the Third Circuit Court of Appeals in Philadelphia. So, I go to argue in the Third Circuit against Ray and Sam. I walk in the court and Ray Brown was a colonel in the Army Reserve. He had been in the Army in the Second World War and one of the few black officers in the Army. When I walk in, I see Ray bedecked in his uniform and all his ribbons and stuff like that. I look around--I've got on my suit. [laughter] So, I get up in front of the court, being a wise guy, kiddingly, I said, "Your Honor, I'd like to call for an adjournment." So, the Chief Judge says, "Why?" I said, "Well, I'm afraid that I cannot impress the court with my military service like Mr. Brown did. I could go home and get my PFC uniform." The Judge looked at me, he says, "Please, sit down, Mr. Jaffe. We're here for serious business." Anyway, Ray looked at me and he and Sam broke up laughing. Anyway, what was significant also, it was a short motion and we won, but my wife was with me and, afterwards, Ray and I--Ray and I were friends--and my wife, we went to buy her a coat. All of a sudden, a great hush comes over the department store and somebody comes running in and says, "President Kennedy's been shot." It was the day that Kennedy was shot in Dallas. It always stuck in my mind, where I was. [Editor's Note: President John F. Kennedy was assassinated on Friday, November 22, 1963, in Dallas, Texas.]

We started on the trial after we get a jury and, to be honest, I'm really very anxious and somewhat nervous. I mean, the courtroom was full, a lot of reporters, and both Ray Brown and

Sam Lerner have about fifteen, twenty years of experience on me. Plus, as an interesting aside, I think the FBI was having a whole bunch of guys watch, nervous over the fact that I'm such good friends with Ray and, I think, in some guys' more minds, "Why is he such good friends with the defense counsel?" Of course, it did not impact the case, obviously. We start the case. A couple of things happen that are of interest. I put on as a witness a colonel from the Air Force. The purpose of the colonel was to establish that the documents in question were actually top secret. If you couldn't establish they were top secret, then they wouldn't be in violation of the Espionage Act. If you just passed newspaper articles over, so what? Ray Brown does such a masterful job of cross-examining this guy that the guy's qualifications were called into question and the Judge disqualifies him. Well, there goes my whole case out the window. Also, as an aside, the case is a circumstantial case to begin with. The reason is that when the FBI arrested him, there were no documents. The only thing they found was some spy equipment, cameras and all that, and a small piece of paper on which was drawn a map of where they were going to meet, with a series of numbers. I had the FBI check the numbers. The numbers corresponded to documents at ITT that were top secret. We were maintaining that, with these maps and that, he was giving numbers that they wanted and those numbers were top secret. That was circumstantial. I had to have this introduced, and then introduce the documents to support it. Okay, so, it's now Friday. I call for a recess. The Judge says, "Fine."

Friday night or Saturday morning, I get on the phone, call the Pentagon in Washington and the Department [of Defense], and say, "You guys have got to get me a new witness. You've got to have somebody here who can establish the security of these documents. Otherwise, the case is gone." So, Sunday morning, they fly in--a lieutenant general or somebody--who claims that he can testify. We spent all day Sunday going over the documents and put him on the stand and he does okay. Ray cannot shake him. That worked out well. But the interesting part of the case comes now. The government rests its case and Ray Brown gets up and makes a motion to dismiss the government's case on the grounds that the FBI conducted two illegal entries in his client's house without a warrant. I knew nothing about it. I asked for a recess and found out, in truth, that did happen and I didn't know anything about it. So, the problem then becomes, if that happened, did the evidence I introduced come as a result of those illegal entries or was it independent? If they're independent, I can move forward. If not, I lose the case. [I] call a recess and spend that weekend [preparing]. Oh, yes, and I also make a motion that Mr. Brown should have made that motion in the beginning of the case. You should make a motion claiming a search-and-seizure was illegal in the beginning of the case, but he cleverly--he was very clever--he made it at the end of the government's case. So, if he won, his client could not be retried because of double jeopardy.

Over the weekend I call up the Attorney General, and so forth, and I decide that I believe that Ray Brown probably knew about this and should've made the motion earlier. On the other hand, to establish that he knew would be very difficult, because that would mean I'm calling him a liar in court, which would be really serious for him. I do some more checking and I get the idea that, instead of trying to prove he lied, I would put on his investigator to prove that he should've known. Therefore, the result would be the same, but I would not be calling him a liar. I call up the Attorney General, Nick Katzenbach, at that point, and he says to do it that way. [Editor's Note: Nicholas Katzenbach served as Acting US Attorney General from September 1964 to

January 1965 and as US Attorney General from February 1965 to October 1966.] Then, he calls me back on Monday morning and he says that he had talked to other people in the Justice Department and some people at the White House and they had decided that I should not even make that motion, that I should tell the court that I can present evidence to show that nothing bad happened from the search and all the evidence was independent of it. "The reason to do it," he said, "is that people have always criticized the Rosenberg Trial. I don't want this spy case to be done that way."

Anyway, before this, when I had said that I was trying to show that Ray should have made the motion earlier, Ray Brown got very mad at me and he lost his temper. He started to say nasty things about me and I said some nasty things about him. In fact, at one point, I said, "If he says any more, I'm going to have the FBI arrest him for threatening a federal officer," which blew the Judge's mind. The FBI's cheering me on now. Anyway, we get down to court and I get up and say that I'm not going to make that motion, and I'm going to show that my evidence was independent. The Judge breathes a sigh of relief, but Ray is still so mad at me that for the next two weeks, he never talks to me and I never talk to him. He walks in on one side; I walk in on another side. He presents his case. On the day of summation, I'm getting ready to sum up and Ray's getting ready to sum up. The Judge is on the bench, but the jury's not there. Ray comes over to me, in the presence of the Judge, and says, "I would like to shake hands with you. I have decided that I want to be friends with you. I don't want to be enemies for the rest of our life. I'm going to say things which you're going to find unpleasant and I know you'll say things and, if we don't make up now, we'll never be friends." Well, I did not have the wherewithal, maturity, to do that. That took a lot, I thought. So, I got up and I said, "I would like very much to be friends with you and let's shake hands." The Judge applauds. He's so happy to see us sitting there [with] no hassle. [laughter] We shake hands, and then, we both sum up and both guys get convicted. The American, I think, got sentenced to twenty years in jail. Ivanov eventually gets exchanged, I think for Gary Powers or some American that the Soviets were holding. [Editor's Note: Butenko was sentenced to a thirty-year prison term. Ivanov received a twenty-year sentence. Captured American U-2 pilot Francis Gary Powers was exchanged February 10, 1962, for Soviet KGB Colonel Vilyam Fisher.] So, that somewhat gives you what I thought was probably the most interesting case that I was involved in.

SI: Wow. It is interesting how different those three cases were.

SJ: Yes. Weren't they? Completely different, really, completely different.

SI: What role did--I do not want to say just politics, but the desires of your superiors, Bobby Kennedy, the Justice Department as a whole, what their goals were--how did that affect your work on your level? Did you see it having any effect?

SJ: No, not really. I never got the impression that it was politically motivated, the stuff that was done, outside of that one incident I told you about, me and Bobby and Hoffa. I can't recall any other case that there was any interference from Washington. It was help, maybe; sometimes, you got advice. I think, on one or two matters, they sent somebody down, because it was so complicated or they knew some more about it than we did, that kind of thing, but I don't

remember somebody ever calling up and saying, "Lay off that guy," or, "Don't go there," or, "Don't do that kind of stuff," or even subtly suggesting it. The office was run with a tremendous amount of integrity and I never had any differences from Washington on that at all.

SI: Do you remember any cases where you actually empaneled a grand jury to investigate someone or something and what became of that?

SJ: There's one that involved the Teamsters Union and involved some violations of the Landrum-Griffin Act. That was a long investigation in which a guy by the name of Tony Pro, Provenzano, had ended up being indicted. It was in the Criminal Division, but it was handled by a colleague of mine, Matt Boylan, and I think that was a fairly long investigation by a grand jury. [Editor's Note: Anthony "Tony Pro" Provenzano, then a Teamsters vice-president, was convicted on June 12, 1963 of extorting seventeen thousand dollars from a trucking firm in the 1950s.] Most of the cases were not handled that way. Cases like what Fishman's now doing in Bridgegate, at least in my experience, they weren't that usual. [Editor's Note: The term Bridgegate refers to a scandal resulting from the closure of lanes leading onto the George Washington Bridge from September 9 to September 13, 2013, allegedly to create traffic problems in Fort Lee, New Jersey, as political retribution against Fort Lee Mayor Mark Sokolich, a Democrat who did not endorse Governor Chris Christie's 2013 gubernatorial campaign. US Attorney for New Jersey Paul J. Fishman opened a grand jury investigation in January 2014 into the matter.]

Most of the cases we had, the FBI and the IRS really conducted most of the investigation before we even got it. They might come to us and say, "We're doing this--can we do that or can we do that?" There might've been one other case that a guy was involved, a fellow by the name of, I think it was DeAngelis, but I'm not sure, fellow's involved in a big case involving oil futures or something like that and that, I think, was an investigation. In fact, I handled that, but I don't remember too much about that. [Editor's Note: On January 8, 1965, Anthony DeAngelis pled guilty to charges related to circulating forged warehouse receipts as president of the Allied Crude Vegetable Oil Refining Corporation from 1958 to 1963.]

One of the other cases that was fun, while I'm thinking about it, was, one day, I get a phone call from the Immigration Service and the Border Patrol. They said that they had just stopped three B-24s that landed in Newark Airport. They weren't sure where they were going and it would be a violation of the Export-Import Act or the Neutrality Act for them to leave the country. So, I go down, look at these airplanes, sat in them and all that and talked to these guys and find out that the allegation is that the people flying these airplanes were going to deliver them to some country in Africa. I forget the name of the country. We put a stop on that. I remember, there was a lot of press coverage. What I remember [was] fun about it was, the press asked me about it and I said, "Well, had this gone through, it would've altered the balance of power in an African country." I had no idea what I was saying [laughter] and they printed that. The planes were then sent back. The Air Force destroyed them or whatever they did to them. We never indicted those guys. I can't remember why, but that sort of gives you a sense of the breadth of the things that you might come into.

I remember, once, handling a kidnapping case of a kid who got kidnapped. In fact, we brought that into a grand jury and, as we developed the case, it was determined that, while it was a kidnapping, it was really a family squabble. The upshot of it was, we did not prosecute, because it was really something that had to be worked out in a domestic court. It was something that the family had to resolve and, while technically it was a kidnapping, a very, very serious federal crime, it was not in anybody's interest to bring that as a case. So, there was a wide variety of stuff, and so forth. I can tell you one more interesting story.

SI: Please.

SJ: One of the more interesting ones--a colleague of mine, Dave Satz, helped handle this--was a case involving a fellow by the name of Kayo Konigsberg. You ever hear of that name? Konigsberg was a big, tough guy who, it was alleged, was an enforcer for the mob. In fact, I think he's now in Sing Sing Prison, been there for many years. Anyway, one day, he got arrested by the FBI for some kind of interstate crime and the FBI took eleven thousand dollars in cash off him. We had the cash in the office, and his lawyer makes a motion to get the money back. The court agreed that it was seized unlawfully. So Konigsberg's lawyer calls to tell us Konigsberg himself is going to come up and get the money. Dave Satz has got the money in his safe. Dave calls me and says, "You should be with me." I said, "You and I are not going to do anything against Konigsberg--he's about twice as big as us." [laughter] I said, "All right, you want me there, I'll be there."

So, I'm standing there with Dave and Konigsberg walks in, this big guy, and he says, "Mr. Satz, I'm here for my money. Who's the kid with you?" or something like that. Dave gives him the money and he puts it in his pocket. I said to him, "Well, Mr. Konigsberg, aren't you going to count it?" He looked at me and first he said, "You two guys ain't going to stiff me." Then he picks it up and says, "It feels right." [laughter] I'll never forget that, "It feels right," what a great story. Yes, right, we were going to stiff him right away. We walk out, I said to Dave, "We obviously weren't going to." Dave laughed at that. I'll never forget it. Konigsberg's really not a very pleasant guy at all, not in the least. I think he used to go after people who reneged on loans and stuff like that. His nephew wrote a piece for *The New Yorker* a couple years ago about him. He was well-known in Bayonne, one of the real characters there in Bayonne. New Jersey has these characters. [Editor's Note: In 1978, Harold "Kayo" Konigsberg was convicted of murdering a Teamsters official in 1961. Konigsberg was already in prison at that point, having been convicted of extortion and imprisoned in 1963. His great-nephew, *New Yorker* writer Eric Konigsberg, wrote the 2005 book *Blood Relation* about the mob hitman.]

SI: I have a quick question.

SJ: Sure.

SI: When you were working on a big case, like the espionage case, were you also working on other cases or did that pretty much take up all of your time?

SJ: That was one of the nice things about the US Attorney's Office, as opposed to the County Prosecutor's Office. In the Prosecutor's Office, the amount of cases is overwhelming. You could be doing three cases at once. You can't be in three trials, but you're preparing one and all that. The US Attorney's Office was a more focused practice. You're not involved in enforcing the state's criminal laws, so, first, the amount of cases you have is going to be a lot less. There have to be federal crimes. As the US Attorney, the Assistant US Attorney, you had the luxury of concentrating on the case you had. If you had ten, fifteen cases in your office, you might, on a Friday, have a motion on a case. That's fine. You had to do that, but, while you were in trial on it, you'd focus on that case. So, that was very good and [with] a case like the espionage case, there was not much else you could do. I worked every weekend. One of my other kids was born and I didn't see him until he was almost four months old. It would be rare to be home on a Sunday, because it was just so hard to prepare. You really had to prepare. I think I put on something like sixty, seventy-five, eighty, ninety witnesses in some cases. So, that's a lot of preparation. In fact, I just picked this up the other day. I was looking for something on the Internet and I found on the Internet somebody who'd written a book, about fifteen years ago, about Russian spies in the United States. I Xeroxed that chapter, which was really about my spy case, and I think he says there I had a hundred witnesses.

SI: The guy you prosecuted, Butenko, was a Rutgers graduate.

SJ: Yes, right.

SI: The era that you were in the US Attorney's Office was marked by the Civil Rights Movement. The Justice Department played a big role in that, particularly down South, but were there any Civil Rights actions up here that your office was involved in?

SJ: Not really, that I can remember. Remember, this is a little bit early. The Civil Rights Movement is really beginning. When I go eventually down to work in Justice, there's a lot of Civil Rights cases that are really breaking at that point, but, at this point, remember, Kennedy hesitates about moving on Civil Rights. Then Kennedy makes a major Civil Rights speech, he gets shot and all that. The Civil Rights Act has not been passed yet. Johnson becomes President, the Voting Rights Act has not been passed and it's the Summer of, what, '64? that really brings a lot of that to the consciousness of the United States. The riots in Newark don't happen, until '67. So, the US Attorney's Office was not involved in, nor can I remember, any really major Civil Rights cases at that point. [Editor's Note: The Newark riots lasted from July 12 to July 17, 1967. They began after the police arrested an African-American cab driver and rumors spread that he had been killed in custody. The riots resulted in over two dozen deaths, over seven hundred injuries, fifteen hundred arrests and property damage exceeding ten million dollars.]

SI: To move away from your professional life for a minute, you already had two children at this point. Did you have other children?

SJ: Yes, I have one more. I had two boys, Greg, who's born at that early [date], when we first go visit Bobby, and Mark, who's born about two, two-and-a-half years later. Then, a couple years later, Alissa, my daughter. So, that's three kids. During that spy case, I rarely was home.

In fact, I remember, there was a big newspaper article after the case was over in *The Star-Ledger* about the case and all that. On there is a picture of me holding my son Mark and the caption was, "He Says Hello to His Son First Time," or something like that.

SI: Outside of your personal and professional life, were you involved in any activities like professional associations, causes or anything at this time, in the early 1960s?

SJ: No. Being in the United States Attorney's Office, you really were not encouraged [to do that]. You couldn't do any political activity. The Civil Rights Movement is not really that dominant yet in New Jersey and I think I was active in a couple of bar things or bar committees, but being in that job was fully encompassing. [With] a couple of little kids, I really didn't have time, and so, I was not really involved in a heck of a lot of civic activities, really, at that time.

SI: Are there any other cases or just stories from working in the office that stand out?

SJ: There's a lot of stuff that's mundane. I think we probably covered some of the really interesting [things]. I mean, some of the other cases, like I mentioned the conviction of Tony Provenzano by one of my colleagues, that was a very major case, involving kind of corruption in the labor movement there, but there aren't things that really stick out in my mind at this point.

SI: Were there other types of crime that you were targeting that stick out in your memory?

SJ: No. A lot of the stuff that came into the office would be very typical violations of federal law, a lot of bank robberies. There were a significant number of tax fraud cases and those were somewhat difficult to try. You'd have to try to establish that somebody didn't pay taxes on what they call a net worth theory, that they were living the lifestyle of a millionaire and they were paying three dollars' worth of taxes. There were a number of those kinds of cases in the office, and bank embezzlement cases. There were very few, one or two, environmental cases, people dumping stuff and violating some statutes, but the environmental movement also is just beginning at that point. Most of the more sophisticated stock fraud and those kinds of cases would probably be handled in the Southern District in New York, because that's where Wall Street was and that's where most of those stock brokerages were. So, I don't remember us getting involved in a lot of stock frauds or mortgage issues and all that kind of thing, once in a while, but not really great. I don't think we even had any official corruption cases, against state officials. I think whatever existed was being handled at the state level. It was a different kind of office than it is now. Now, I think there are a hundred Assistant US Attorneys. It's a very different kind of place and that was not a major focus. Dick Hughes was Governor, a really great governor, and a person of real integrity, so I think the state government was a place of integrity. You didn't have the kind of government that we've had on other occasions, in which you would have more opportunities to pursue fraud cases. The stuff on local levels was handled by local prosecutors. I don't know if that gives you some idea. [Editor's Note: Governor Richard J. Hughes served as Governor of New Jersey from 1962 to 1970.]

SI: I wanted to clarify one more thing--the meetings that took place between the three diplomats, the engineer and the chauffeur, were they taking place in New Jersey or in the city?

SJ: Mostly in New Jersey. They would [operate] usually at night and they would have signals, with the lights and all that, just like a typical spy movie. As far as I remember, they were all in New Jersey.

SI: Okay. I was not sure if they were meeting at the consulate in New York or anything like that.

SJ: No. I don't think he ever traveled there, as far as I know and as far as the Bureau ever reported. It was all done in that way. In fact, we never found out what his motives might've been. I think he had family in Russia or in Eastern Europe someplace, but I don't know whether it was the family issues or what. We never got into the motive question.

SI: Did you ever run into jurisdictional problems with neighboring districts?

SJ: No. Bob Morgenthau, if I remember, was the US Attorney in the Southern District of Manhattan and he'd been there for a long time. I met him on a couple of occasions. On a couple of occasions, when there might've been some issues, he was very easy to deal with. He was a person--I think he's still alive, in fact--he's a person of extraordinary integrity and a very decent guy, very bright and very mild-mannered. His father had been Secretary of the Treasury in Franklin Roosevelt's Administration and he ran probably one of the best offices in the country. He [was] always held out as a role model and a very, very nice man. I ran across him again when we get to my time at the Ford Foundation, because he was on the board of a public interest law firm, the Puerto Rican Legal Defense Fund. Any time there was an issue, it was easily resolved with him. He had no need to hog publicity. Whatever made sense, we'd work it out. Very impressive guy, I always thought.

SI: Was Satz always the US Attorney while you were there?

SJ: Yes, Satz was there all the time I was there. In fact, Satz ended up serving out his term, I think, until Richard Nixon became President and the office turned over. The office was always subject to political appointment. The US Attorney was somebody appointed by the President, but with the advice and recommendation of the Senators. So, you always had to have the backing of the Senators. I think there was one guy, one or two people in our office, who got there through the friendly--I use the word friendly--suggestion of John [V.] Kenny, I think, in Jersey City or one of the guys in Passaic, and one guy in Camden, but the job, which people recommended you [for], didn't pay a hell of a lot of money. I think if I got twenty thousand dollars a year, I was probably getting a lot. Secondly, there were no perks. You didn't get a car. You didn't get nights away at somebody's expense, you know what I mean? Not only were there no perks, but nobody would want to even give you a perk, because they'd be afraid of bribing a federal officer. So, nobody even bought you a cup of coffee. The job had no perks to it and you really had to work. You showed up at eight-thirty, nine, and worked until five-thirty, six, and you worked on jury cases. You weren't getting paid extra. You were on a salary. You did what you had to do. So, if you were, putting it mildly, a real political person who was interested in a no-show job or picking up a public salary, and then hanging out, this was not the place to go.

One of the guys in the office was John Francis, whose father was a was Justice of the [New Jersey] Supreme Court, a very nice guy. Another was a fellow by the name of John (Yalg?), whose father was a very, very well-known lawyer in New Jersey; Matt Boylan, became a well-known lawyer in New Jersey. These are full-time, pretty serious jobs with lots of caseload. When the FBI's coming in with facts, you can't say you're at the shore. I don't remember any unusual or any political [appointments]. Dave would do the hiring and I helped Dave. We'd hire people. It would be rare that I'd get phone calls, "Hey, you'd better hire this guy." I can't even remember any call that way. People might say, "We recommend you look at So-and-So." Sure, I would look at somebody--why not? I really liked the [work]. Most people who have done this come away saying they really liked it. It's a practice that you had the time to do well and you generally dealt with people of pretty high integrity. So, I enjoyed doing it. I liked it.

SI: Next time, we will talk about your time at the Justice Department.

SJ: Yes, I think what we should do next time is, how do I get from there to Justice? I can tell you some stories about Ramsey Clark and some of the people in Justice, and then, from Justice, really, I get to the Riot Commission. That's going to take a long time. [Editor's Note: Ramsey Clark served as US Attorney General from March 1967 to January 1969. Professor Jaffe served as Executive Director of the Governor's Select Commission on Civil Disorders from 1967 to 1968.] So, I don't know how much of that you want to hear.

SI: Oh, all of it. [laughter]

SJ: Then, let's see, from the Riot Commission, I go to the Ford Foundation. I'm tired myself thinking about it. [laughter]

SI: We have plenty of time.

SJ: Okay, great.

SI: Thank you.

## Chapter 6: US Department of Justice

Shaun Illingworth: This begins the sixth interview session with Sandy Jaffe on August 19, 2014, in New Brunswick, New Jersey, with Shaun Illingworth. Thank you again for having me.

Sanford Jaffe: Sure, my pleasure.

SI: To begin, last time, we left off with the end of your tenure with the US Attorney for New Jersey's Office. Then, you moved to the Justice Department in Washington, DC. Can you tell me a little bit about how that came about and what it was like settling in DC?

SJ: I was in the US Attorney's Office and I had gotten a phone call from the Deputy Attorney General, who was then Nick Katzenbach. He asked if I'd come down to Washington and meet at the Justice Department and I said, "Sure, I'd be happy to do that." When I went down there, I saw him and I saw Ramsey Clark, who was then the Attorney General. Bobby Kennedy had left to run for the Senate. [Editor's Note: Senator Robert F. Kennedy served as US Attorney General from 1961 to 1964 and as US Senator from New York from 1965 to his assassination on June 6, 1968. Nicholas Katzenbach served as Acting US Attorney General from September 1964 to January 1965 and as US Attorney General from February 1965 to October 1966. Ramsey Clark served as US Attorney General from March 1967 to January 1969.] They asked me if I wanted to come down to Washington, be a special assistant to the Attorney General and do, primarily, policy type work with Congress and with other Assistant US Attorneys. I thought about it and chatted at home with Helene and decided that that would be really very interesting. I'd been in the US Attorney's Office for a number of years and the Prosecutor's Office, and the idea of going to Washington and having a perspective from the Department of Justice and dealing with Congress and policy issues really interested me a lot.

So, we went to Washington. I had two children and my wife was pregnant with the third. We got a house in a part of Southwestern Washington that had just been rehabilitated, a little townhouse and was really quite comfortable and easy to take a bus from to the Justice Department. Well, I was there for about, I would say, a year, a year-and-a-half, and worked primarily with the Attorney General, Ramsey Clark, or Nick Katzenbach and, also, with a fellow by the name of Fred Vinson, Jr., who was the son of Frederick Vinson, who'd been the Chief Justice under Harry Truman. He was then the Chief of the Criminal Division. [Editor's Note: Fred M. Vinson, Jr., served as Assistant Attorney General in charge of the Justice Department's Criminal Division from 1965 to 1969. The Honorable Frederick Moore Vinson served as Chief Justice of the United States from June 1946 to his death on September 8, 1953.] So, that was where I worked and I really liked it.

SI: What was the policy area that you were working on?

SJ: Thinking back, there were probably three or four things that really stuck in my mind that I think were important and I really liked. One of the major initiatives that I worked on had to do with wiretapping and eavesdropping. A lawyer by the name Edward Bennett Williams, well-known trial lawyer, had discovered in a trial--he was representing some Mafia guys in Las

Vegas--that there had been a fairly substantial amount of eavesdropping and wiretapping that had been done by the FBI without authorization from the Justice Department. [Editor's Note: In 1961, FBI Director J. Edgar Hoover had his agency plant electronic surveillance devices (illegally trespassing in the process) in several casino and hotel facilities in Las Vegas to monitor suspected mob activity. In June 1963, a FBI report to the Justice Department disclosed their existence. This information was soon leaked to those under surveillance, who then hired Edward Bennett Williams to sue the FBI for civil liberties violations.] This was quite a revelation, [laughter] as you can imagine. The problem facing the Justice Department was, there were a number of cases that had already gone to trial and there were convictions, people in jail, and we did not know whether illegal evidence had been used in those cases and what impact that might have. So, this became a real important issue.

The Attorney General formed a small committee, just people in Justice. The purpose of this committee was to review all the old cases that had been tried in the last three years, to try to make a determination whether there was illegal eavesdropping and whether it impacted the case or not. The small panel consisted of Thurgood Marshall, who was then the Solicitor General, a fellow by the name of [J. Walter] Walt Yeagley, who was head of the Internal Security Division of the Justice Department and responsible for national security issues, a fellow by the name of Mitchell Rogovin, who was the head of the Tax Division, and Fred Vinson, who was head of the Criminal Division. I got assigned as the key liaison and staff guy to this committee. We would meet, probably, once a week and I and some people who were working for me would review the files, try to make a determination. We had developed a standard: "Was there a substantial impact in the case?" If there was, we would disclose the fact to the defense and ask for a new trial. If there wasn't, we wouldn't say anything. The United States Supreme Court, a couple years later, said that was erroneous, but that's what we operated on.

I spent a lot of time doing that and it was very, very interesting, got to know an awful lot about how the Bureau worked, got to know an awful lot about different parts of the country and cases, but I think what really impressed me the most, and what I really liked the most, was the fact that I really got to know Thurgood Marshall. This was right before his appointment to the United States Supreme Court and I was just so impressed with his humanity, his way of looking at problems, his intellect and his general sense of humor, and dealing with him, which was really excellent. [Editor's Note: The Honorable Thurgood Marshall served as United States Supreme Court Associate Justice from October 1967 to October 1991. He served as United States Solicitor General from August 1965 to August 1967. As Chief Counsel for the NAACP Legal Defense and Educational Fund, he argued the 1954 *Brown v. Board of Education of Topeka* case that desegregated public schools nationwide.] In fact, I have here, which I will show you, Mitch Rogovin, one of the guys, considered himself an artist. One day, while we're at our meetings, he sketched us. It reads, "To Sandy Jaffe, Judge of All Men--Keep your ear to the grindstone," and it has a telephone and it has all the basic United States Supreme Court cases dealing with that set of issues.

SI: In dealing with the Bureau, did you find that they were resistant to aiding your investigation or were they helpful?

SJ: Once the disclosure [was made], yes. The cases involved, I guess people may not know, "*Black v. United States* [385 U.S. 26 (1966)], (*Chipano?*) *v. United States*, (*Denaro?*) *v. United States* and *Hoffa v. the United States* [387 U.S. 231 (1967)]," and my colleague here writes, "*(Tagliata?) v. United States* and," quote, "All the buried ones." By that time, it all had been disclosed and the Bureau, in fact, was very cooperative. So, that was not a problem, getting all the material and all the evidence. It was an attempt by the Department of Justice to try to deal with a very, very important issue in the administration of justice and a very difficult one. As I said, not only did I like working on this and learning a lot, but the opportunity to really get to know Thurgood Marshall and his great sense of humor was really excellent. For example, can I tell a story?

SI: Sure.

SJ: We're sitting there one day in a meeting and Thurgood gets a phone call and he says, "You mind? Can I take it?" I said, "Sure," and he says, "Hello," and it's his wife. He says, "Well, twenty-one, thirty-six, forty-five, thirty-two." It's a sequence of numbers and hangs up. So, I said, "Thurgood, what was that all about?" He said, "Well, we're meeting at a prearranged place. You don't think, with all this wiretapping, I'm going to tell anybody where." [laughter] It was just so very good. It was very typical of his sense of humor and he would have great stories to tell.

SI: You would basically put together a packet on whether or not to dispose of the case.

SJ: Right, what the case was and the facts.

SI: You would then present it to the board. Would they usually just approve what you had put together?

SJ: No, these guys would never approve what anybody put together. [laughter] No, it usually led to long discussions and analysis. This was a very serious undertaking and, as I said, once a week for four or five hours, it was really [intense]. I'll tell you, if I can, one other great Thurgood Marshall story, which I tell to my students, about the idea of being a lead plaintiff in a major social policy case. Thurgood, as you may know, before this, had been general counsel for the NAACP and he had argued *Brown v. the Board of Education* and, obviously, was a leading light in the social policy issue and all that. So, one day, he tells this story. I don't know how it came up; I might've said something about representing somebody who called me. He said, "Let me tell you a story about when I was at the NAACP. Well," he said, "I get a phone call on a Sunday night and it's from a fellow who is one of the maintenance people at the NAACP. He calls me up and he says, 'Mr. Marshall, I've been arrested on the grounds of creating a disturbance,' or some minor matter. 'Could you come and bail me out?'" So, Thurgood says, "Sure," gets dressed and he goes down to the municipal court jail and bails this fellow out. So, the next morning, he said to the fellow, "Come see me." The fellow comes in his office and Thurgood says to him, "Look, you have a court date in two weeks. I want you to know I'm happy to represent you, obviously no charge, and I'll be your lawyer." So, the fellow looks at him and says, very sheepishly, "Mr. Marshall, I know you're a very good lawyer, but I really

would appreciate if you were not my lawyer." Thurgood can't understand, "Why does this guy not want him as a lawyer?" So, he says to him, "Why don't you want me?" He said, "Well, Mr. Marshall, all I want to do is get off. I don't want to be a big policy issue." I use that story as an example to my students. You've got to know what you're doing. I always loved that story, the way he told him.

SI: Do you remember, maybe not a specific case, but an issue where you brought forth a packet and they really disagreed with you or it caused a particular debate?

SJ: No, I don't. I have a pretty good memory of it, but that kind of particular, I really don't. So, let me move on to another thing I did at Justice, which I thought a lot of. Right before I got to Justice, the United States Supreme Court came down with a very important case called *Brady v. Maryland* [373 U.S. 83 (1963)], which, to this day, people talk about. *The Times* had an editorial about it just the other day. What the case said was that the prosecutor has an affirmative obligation to turn over exculpatory evidence to the defense counsel, so that if, in your file as a prosecutor, you have evidence that would tend to help the defense, you have to give it to them. It was a very important case, and the rationale for the court was that, as a prosecutor, a federal prosecutor, it's your job to do justice, it's not your job to win at all costs. That was, to some people at that time, a fairly significant and radical notion. I remember talking to Ramsey Clark and Ramsey said, "This is so important, we've got to figure out a way of making sure all the US Attorneys in the country and their assistants understand the case and understand the ramifications of it, because that's going to be the new policy of the Justice Department."

So, I got together with a fellow by the name of John [W.] Kern, [III], who headed an office in Justice called the Office for the United States Attorneys. Basically, he was responsible for providing logistical support, providing things that they needed--experts and stuff like that. So, John and I got together and developed an educational program in which we would go to the various US Attorneys' Offices around the country and we would present an analysis of the case, what the new policy was and the reasons for following it, and, also, some examples. We would use people in the Justice Department, like this fellow Fred Vinson or other people, to come along with us, to really show the importance of this. So, we developed this program, the Attorney General blessed it and I guess, for a long while, six months or whatever it is, traveled a lot to various parts of the country. I didn't go to every US Attorney's Office. Let's say we'd go to San Francisco and the San Francisco office would invite seven or eight local US Attorneys. So, I'm not going to go every place. I'm not going to North Dakota, that kind of thing. We'd go to Denver. So, we did that. In fact, a couple of those trips, I took my spouse and a couple of kids. One time, the airplanes weren't going, so, we had to go by train from Washington to Denver with two little kids. The compartment was a scene. [laughter] I always considered that to be exceptionally important work and significant. In fact, just the other day, there was a fellow, a Texas prosecutor, who was accused by the defense in the court of not presenting exculpatory evidence. So, it's a constant issue. You still get some prosecutors who feel, "Hey, the guy's guilty, we've got to make sure," and won't do it.

SI: Did you face any ...

SJ: Hostility?

SI: Yes, resentment?

SJ: Oh, yes. I mean, you'd go in, "Why do you guys in Washington hassle us? You don't know anything about North Dakota." Well, I knew there were buffalo up there at one point. Particularly Washington guys. Number one, I've got a shirt and a tie. Had a suit on--that's the second thing against you. [laughter] You're coming in, telling them how to run their office and they don't like that. "What are you guys, a bunch of do-gooders?" that kind of attitude, but, gradually, it's accepted. There were some outstanding US Attorneys. There was a fellow by the name of Bob Morgenthau who was US Attorney in Manhattan and became the DA later on. A guy like that would not only support you, he'd make sure everybody in his office understood it and would support you. When we went out to San Francisco, there was a fellow by the name of Cecil Poole, who was, I think, one of the first black US Attorneys appointed and, subsequently, became a circuit court judge. He would make sure. [Editor's Note: Robert M. Morgenthau served as United States Attorney for the Southern District of New York from December 1962 to January 1970. He served as New York County District Attorney from January 1975 to December 2009. The Honorable Cecil F. Poole was appointed as United States Attorney for the Northern District of California in 1961. Prior to his appointment, African-American US Attorneys had only been appointed in the US Virgin Islands. He was appointed to the federal bench in 1976 and the US Court of Appeals for the Ninth Circuit in 1980.] So, there were guys around the country like that who were outstanding and there were a few others, but you learned how to deal with it. I always thought that that was an important thing to do.

There was another thing that I worked on that I thought was very important. There was an issue in the Department of Defense about the use of polygraphs to interrogate people or for job interviews or if there was a hassle in the office as to who was telling what. It was being used fairly extensively. This became an issue of public importance and there was really no governmental policy on when a polygraph should be used and how it should be used and what weight to give it. So, there was a committee appointed by the Attorney General with representatives of the Department of Defense, I think from the Internal Revenue Service, DOJ, I don't remember [them all]. I was appointed by Ramsey Clark to represent the Justice Department. I had pretty strong feelings about this, which was mainly that polygraphs were fairly useless, in my opinion. I thought that the prejudicial aspect of it outweighed its benefit, because if you tell a jury or you tell somebody, "No, he took a polygraph," and somebody's telling them you're lying, it's pretty hard to deal with that. I didn't think, scientifically, it really had that much value and, if it had any value, it should be used in maybe personnel issues, but not as weight in a courtroom and significant issues. So, the report was prepared and I was in the dissent. The policy was adopted that it could be used in certain circumstances. My dissent remained a dissent. One day Ramsey Clark said to me, "Sandy," he said, "it only proves one thing about you." I said, "What is that?" He said, "If I want to get a contrary view, I know I can get it from you."

The other thing I did some work on was that the Justice Department, at that time, was involved in a lot of the Civil Rights actions. There was a guy by the name of [H.] Rap Brown who was

doing all kinds of activities in Maryland. There was some stuff in the South and there was a fellow by the name of John Douglas, who was head of the Civil Rights Division of Justice. [Editor's Note: H. Rap Brown (born Hubert Gerold Brown and later known as Jamil Abdullah Al-Amin) was a prominent Civil Rights leader and activist who led the Student Nonviolent Coordinating Committee (SNCC) and later became involved in the Black Panther Party. John W. Douglas served as Assistant US Attorney General in charge of the Civil Division from 1963 to 1966.] So, I got involved in civil rights matters sort of in a peripheral way, working from the Justice Department side, providing logistical support or providing some legal support. The reason I remember it so well is because it gave me an opportunity to sit in the Attorney General's office with the Deputy and others, where very important decisions were [in the] making. "Should you recommend to the President to call out the troops? Do you need the Federal Marshals? Do we arrest Rap Brown? What are the locals? What do we do in these cases?" Listening to those debates and having an opportunity to say what I thought--I found that very, very illuminating and very interesting. For a young guy like me, it gave me some rare opportunities to learn a lot and to see a lot.

SI: What were the decisions that stand out in your mind? What was it like being in the room for that?

SJ: I remember the decision on Rap Brown in Maryland, to go very easy and to allow the local state police to handle it. I remember some conversations about calling out the National Guard in one of the other cases, but there were so many, I can't specifically tell you about which case in a recollection, except for broad issues at that point. One other thing I worked on, that I enjoyed a lot, was that the Department of Justice and Ramsey Clark had the idea, with the President's blessing, to create something called the Safe Streets Act. That Act, which was passed by Congress, set up the first grants program from the Department of Justice to local law enforcement agencies. Local departments, law enforcement or prosecutor's offices or whatever, could apply for grants to modernize the police force, to educate a police force in riot control, to bring to bear a capacity to deal with gender issues in rape cases and to train people on how to handle rape kits--things like that. One of my jobs was to work with people in the Department of Justice. It was a special office, called the Attorney General for Safe Streets. It was my job to kind of work with them, do some work with Congress in helping to craft that legislation, and helping to think through what some of the procedures might be. I didn't get involved in any of the administration of it. I was more on the policy side and thinking through how to deal with some of those issues. [Editor's Note: Enacted in June 1968, the Omnibus Crime Control and Safe Streets Act of 1968 created the Law Enforcement Assistance Administration.]

I did other things. For example, hanging up in my office right here is a pen that Lyndon Johnson gave me. One of the things I worked on was the Bail Reform Act, which set forth a whole set of criteria by which courts should set bail in cases and what the criteria were, what the role of the Department of Justice [should be]. It was one of the first revisions of bail reform and set up a procedure to make it a lot fairer. Then, when the Act was passed, I got invited to the White House, representing the Department of Justice with the AG, and Johnson, the President, was signing it. It was my first bill signing ceremony. There must've been about fifteen people there, standing around the desk. What he did is, I gather what they always do is, they take a pen and

they do a letter and then, they give the pen to [an attendee]. The people from Congress who had shepherded the statute forward were there and I was one of them. So, he gave me a pen. So, I think, "Well, what do I do? Do I write with it? No." [laughter] I got it framed with a copy of the act and that's something I will pass on to my grandkids. I've got that also, for those listening to this, hanging up in my office. [Editor's Note: The Bail Reform Act of 1966 was signed into law by President Lyndon B. Johnson in a ceremony in the East Room of the White House on June 22, 1966.]

SI: Did you do the kind of policy work for the Bail Reform Act that you did on the Safe Streets Act?

SJ: Yes, did a lot of the pre-work with Congress on bail reform over some of the issues--how you're going to handle it, that kind of stuff. It was a real honor to go to the White House and get a pen. That was not something that would happen willy-nilly. You had to really be significantly involved in something.

SI: Tell me about working with Congress on these two Acts in particular. I would imagine Safe Streets was probably pretty popular.

SJ: Yes, it was. Most of the work requires that you work with people who are staff for the committees. I mean, you rarely do much work with the members of Congress. You're working with committee staff and a lot of the committee staff are young people like me, or a little bit older, many of whom are lawyers. Others were people who were interested in public policy. They would do most of the policy work. They'd do a lot of the drafting, although Congress has its own office that does the actual drafting. It's a lot of back and forth. It's a little bit of policy papers, there are a lot of meetings, in which you hash out what are different views of how it should be done. I know it's a general answer, but that's what you do. [laughter]

SI: Was anybody really in opposition to Safe Streets?

SJ: Yes, there was opposition to it. Not as bad as today, but there were people [saying], "What are we throwing federal money [at it for]? Why do we need another grant program?" One of the arguments made was, "Why don't you give the money to the states? Let the states do it." The philosophy here was that Justice wanted to have a hand in setting national standards. So, the idea was to keep the money federally, and then, put it out. Then, there were people who felt, "No, it should go to the states in a bucket of money, and then, let the states do it," as we've done with some other federal programs like Medicaid. I always felt it was important to have a federal program--otherwise, I probably wouldn't have done this--but I thought it was important to set federal standards. One of the reasons for the Act was that there were states in which concepts of justice might be significantly different. It involved education, training, setting of standards, and there was some money for scholarships, and work. We gave some money to law schools and criminal justice centers, to do research on some important criminal justice issues. That had not really existed before. There was a program up at Harvard, particularly, I remember, because an old friend of mine, Jim Vorenberg, who eventually became Dean of the Harvard Law School [from 1981 to 1989], became head of their Criminal Justice Center up at Harvard. They got

money to do research on standard setting and issues on bail reform and stuff like that. So, it really helped. In my recollection, it was the first real attempt to begin to put money into this whole notion of research in the criminal justice area. I think that's very significant. In fact, when I later on got to the Ford Foundation, one of my areas, one of my portfolios, where I spent a lot of time was in criminal justice centers, because, by that time, and also in Ford, later on, we set up something like eight or nine or ten criminal justice centers located throughout the country at major universities. That began to develop a whole industry, really, and a good one, of looking at criminal justice issues that had not really occurred much before that. That's why I always remember that as being important. In fact, as an aside--when did Jimmy Carter become President?

SI: He was elected in 1976. 1977, he took office.

SJ: Right. Carter becomes President and I get a phone call from Griffin Bell, who was Attorney General under Carter. The reason I got a phone call was because Congressman Rodino, who had been Chairman of the Judiciary Committee, who I knew pretty well, had recommended me and asked me to come down to Washington. [Editor's Note: Griffin B. Bell served as US Attorney General from January 1977 to August 1979. Congressman Peter W. Rodino, Jr. (D-NJ, 10th District, 1949-1989) served as US House of Representatives Judiciary Committee Chairman from January 1973 to January 1989.] I go to Washington, meet Griffin Bell, and he says, "You've been very well recommended and I want to offer you a job as Assistant Attorney General in charge of Safe Streets Legislation and Allied Programs and I've gotten the approval of the President that he would nominate you," which was kind of interesting. I'd worked on it ten years before, but I was then at the Ford Foundation. My family was up here. I had three kids, I liked my job, and so, I respectfully declined. It was a really nice offer. The irony of it was that, ten years ago, I helped write this stuff and, now, I was being asked to be the fellow to help administer it.

SI: Can you tell me a little more about your impressions of the figures that you worked with, like Ramsey Clark and Katzenbach?

SJ: Sure.

SI: Also, how did they work with you in general as a staff member?

SJ: I had the greatest respect and admiration for Ramsey Clark. I know, later on in life, Ramsey became somewhat associated with somewhat leftist causes representing people, but that was very much like [him]. Ramsey would do what he thought was right, if he thought these people were being denied counsel, but he would do it within the law. Ramsey would never do anything that was inappropriate. When he was Attorney General, he would always say, "What's the right thing to do? What can we do within our mandate to do justice?" That was always constant in his mind. He was very plain. He's the kind of guy that, instead of coming to work with a chauffeur-driven car by the FBI agents, Ramsey came in an old convertible. [laughter] He drove on his own. So, you'd go down to the Department of Justice, parking spot labeled, "Attorney General," and you'd see this old car there. You'd always find him wearing a scuffed up pair of loafers and

a sport jacket. He was a very, very non-assuming guy. One day, I was helping him craft a speech for the American Bar Association. He was going to be the lead speaker. So, he stops by my office and I said, "Good-bye, good luck," and all that. He says, "Sandy, you know what's really interesting?" I said, "What?" He said, "You've got to understand, before you puff yourself up," he said, "three weeks ago, before I got appointed, they wouldn't have even invited me to this thing. Now, they want to hear me as their prime speaker. What do you think that says? I'm not different; my views are not different. Don't puff yourself up with the job," but it's the kind of guy he was.

I think the one thing I found in Justice was that there were people with a wide range of views. There are a lot of career people at Justice, which is a really good thing. The career people had different views, as did some of the appointees. Everybody, *everybody*, respected Ramsey. Everybody thought really well of him and respected him and nobody expected that to happen, because, remember, he was appointed by Lyndon Johnson after Kennedy left. It was supposed to be sort of a slap to the father, who had been a good friend of Lyndon's. So, that was one guy. My impression of him was very positive. Nick Katzenbach, I also liked a lot. Nick was very different. Nick was much more serious--I mean, not that Ramsey was not--but Nick really prided himself on being a real scholar and always interested in the scholarly aspect of a legal question. He was a very fair person, never raised his voice. If he disagreed with somebody, he would just very quietly say, "Well, I think there's another way of looking at it," not, "You're stupid," or, "That's a dumb viewpoint." [laughter] He had this very, very measured way of dealing with it and he really ran a great deal of the Department. I liked him a lot.

Then, when Nick, I think, got appointed as Deputy Undersecretary of State by Johnson, there was a fellow by the name of Warren Christopher who became the Deputy Attorney General. Warren Christopher had been a very, very well-known and very elegant lawyer at a prominent LA firm. [Editor's Note: Former Secretary of State Warren Christopher served as US Deputy Attorney General from June 1967 to January 1969. He worked for the O'Melveny & Myers firm in Los Angeles.] He was very different than Ramsey and very different than Nick--very elegant, always a starched white shirt, [laughter] always a blue suit, very formal, very serious in his presentation, but, also, a person of great intellect and great moral sense, too. A very, very decent person and I would say somewhat of a conservative guy, but with great admiration for Ramsey and Nick. I remember, once, a couple years later, going to an American Bar Association meeting. Ramsey was making a speech to a committee and a couple of people in the audience sort of gave a low boo, because he was representing some people on the real fringes. Warren Christopher got up and very elegantly said how inappropriate that was and that Ramsey was fulfilling an obligation as a lawyer. On the way out, I walked up to him and I said, "That was really good, Warren." He said, "Ramsey is such a decent person in doing what's right. I disagree with everything he stands for and these people, I wouldn't represent them, but I really value and respect him for doing it and I'm going to speak up for him." Years later, I got to work with and know Warren very well, because, when I got to the Ford Foundation, I helped create the Public Interest Law Program. One of the public interest law firms was in LA and Warren was the chairman of the board of directors. So, it was another opportunity where life brings you back to certain people.

I also had great respect for Fred Vinson, Jr., who was the head of the Criminal Division and also a very quiet guy. He came from Tennessee or someplace down in that part of the country, a very moderate fellow, very low-key, but very bright, very thoughtful, very decent. I've already told you how much I valued Thurgood. Of all the people up there, he had the best sense of humor [laughter] and told the best jokes and, in many ways, was the easiest guy to get along [with] in that. Obviously, we all know of his distinguished career on the Supreme Court, but he also had a distinguished career as a Solicitor General. Obviously, that was eclipsed by what he did subsequently, probably one of Johnson's best appointments, I thought. I don't always want to be one of those guys to say, "Those were the golden days," but they really were. I think Kennedy, Bobby Kennedy, was a very, very good Attorney General and I think Bobby put together a very high-quality class of people, really high-quality, and Ramsey Clark continued that. So, I can't think of anybody there that, in my opinion, lacked any integrity or would do anything otherwise. Maybe it's age and looking back through rose-colored glasses, [laughter] but I don't [think so].

SI: You were there into the Summer of 1967. Then, the riots took place in Newark.

SJ: Yes, I was there right until--I'm trying to think. Well, my Riot Commission was in '67, '68, right?

SI: I know the riots were in July of 1967. I am not sure how soon after. [Editor's Note: The Newark riots lasted from July 12 to July 17, 1967. They began after the police arrested an African-American cab driver and rumors spread that he had been killed in custody. The riots resulted in over two dozen deaths, over seven hundred injuries, fifteen hundred arrests and property damage exceeding ten million dollars.]

SJ: Okay. Well, that becomes an important date, because I am in Washington and, around the end of June or end of May '67, I get a phone call from a fellow by the name of Dick [Larry] Bilder. [Editor's Note: Governor Richard J. Hughes served as Governor of New Jersey from 1962 to 1970. Lawrence Bilder served as secretary and counsel to Governor Hughes.] Dick Bilder introduces himself and all that, and he says, "The Governor is going to be in Washington. He's meeting with the President on an issue. He wants to create a Riot Commission analogous to what the President did with the Kerner Commission. The two of us would like to come over and talk to you at the Justice Department." [Editor's Note: President Lyndon B. Johnson created the National Advisory Commission on Civil Disorders on July 28, 1967, to investigate the causes of civil unrest in Los Angeles' Watts section in 1965, Chicago's Division Street in 1966 and Newark and Detroit in 1967. Chaired by Illinois Governor Otto Kerner, Jr., the Commission issued "The Report of the National Advisory Commission on Civil Disorders" on February 29, 1968, which named white racism and a lack of economic opportunity as a major cause of frustration in the African-American community.] I was kind of puffed up and very impressed with myself that the Governor was coming to see me at Justice. So, I said, "Sure. Just tell me and I'll wear a suit." [laughter]

So, a couple of days later, my secretary calls and says, "Governor Hughes is here and Dick [Larry] Bilder." We walk and sit down. I'd never met Hughes before. We introduced each other and [exchanged a] pleasantries. He said, "I've heard a lot about you. I've just appointed a

Commission on Civil Disorders to look into the riots in Newark and Plainfield and there's a fellow who is the Vice Chairman of the Commission--the Chairman is Bob Lilley, who's the President of New Jersey Bell--and the Vice Chairman is Raymond Brown, who you know." I said, "Yes." "Well," he said, "Raymond Brown, who I respect a lot, recommends you to come and be the Executive Director. Will you come up and run the Commission?" I didn't know what to say and I said, "Well, Governor, I'm quite flattered by this. Let me talk to my spouse and can I think about it for a couple of days?" He said, "Well, better than that, why don't we make an appointment now and you come up to Trenton and meet me in my office in a week from now? Then, you give me your answer. If you're going to take it, we'll go over things and, if you're not, you're not, but I still think you should come up."

So, I go home and tell Helene--she's really amazed about all this--and get on the phone and call Ray. Remember, I had told you, we became friends. Ray tells me, yes, he recommended me. The Commission is just getting formed. It's an outstanding group of people--otherwise, he wouldn't serve on it. Dick Hughes told him, "Do what you need to be done, so [that] it's not a phony." He wouldn't be on it otherwise, which I knew was true. He said, "I think it'd be great for you and I think it'd be great for the Commission. So, I think you should do it." So, I'm pretty disposed. I go up to Trenton and Larry Bilder picks me up and I go over to see the Governor. Oh, yes, before I saw the Governor, I met Ray and Bob Lilley first, because Bob Lilley wanted to meet me. I also wanted to know what they had in mind. So, I talked to Dick Hughes and I said I would do it, but I said, "There are a couple things that worry me." One, how much money have you allocated? Two, what do you think needs to be done? Have you charged the committee yet?" He said, "No." "And, three, I have three children and I don't have any savings." I had been offered [a job], because I was going to leave Washington, because it was right before the election. I had a real sense that the Democrats were going to lose. It was a Vietnam thing and all that stuff, whatever. So, I said, "The Commission's going to be over in four months, and I don't have a job." I had been offered a partnership in a law firm, Lowenstein. Allen Lowenstein, a well-known lawyer in Roseland, had offered me a partnership. I said, "I'd be turning that down to do this, but what guarantee do I have afterwards?" So, he said, "Well, what do you mean?" I said, "Well, you could appoint me to the Public Utilities Commission." I said, "I understand that pays thirty thousand a year or something, part-time." He looked at Larry and he said, "This kid's crazy. That goes to real palms." [laughter] That took care of my appointment to the PUC.

So, he looks at Larry Bilder and he said, "I understand his problem. I'll tell you what, Sandy, I'll do this for you. You take this job and I will put you on the payroll in my office, in the General Counsel's Office, and we'll keep you there until you get a job, pay you the same salary." He said, "How's that?" I said, "Well, that seems fair. That at least would cover my expenses." I didn't know if it'd take a month to get a job or a week or four months, I didn't know. So, we agreed on that, and then, I said, "What do you want done?" He said, "I don't care. What do you have mind?" He said, "You can do anything you want--hire a couple of kids out of Woodrow Wilson or write a report. What do you want?" I said, "No, I've talked to Bob Lilley and Ray Brown and we really have to do a first-class investigative report, but it's going to take money." So, he said, "How much money?" I said, "I really don't know, but a hundred thousand, two hundred, three hundred? I really don't know." So, he talks to Larry Bilder quietly for a minute. He said, "I'll tell you what--I'll let you do what you want and I'll give you money, but there's no money in the

budget, because I didn't ask the Legislature for it. We'll attach your commission to the Department of Defense. You'll be part of that." He said, "The good thing is, they'll handle all your bookkeeping for you. You won't have to bother with that and you'll just put the vouchers in through them. We'll allocate 125,000 dollars to you," and he said, "Do what you need with that." I said, "Okay, that sounds good. I'll buy that," and he said, "Why don't you work with Larry on what you think is a good charge and I'll charge the Commission?" So, we shook hands and went out and I told Bob Lilley and Ray Brown that I had taken the job.

That's how I got the job, and then, went home and told my wife and kids and all that. I said, "Well, I've got to start in a week." So, I had told everybody at Justice and they understood. I told Ramsey, who wished me luck. I came up here and lived in my mother's house and my wife came up with me, with the kids, and we put the kids with my mother. Bob Lilley was really a great guy. He provided us with his real estate agent and his car. So, while I was trying to organize the Commission, which I'll go into, my wife was riding around with him looking for a place to live, which we had to find in a week. [laughter] We finally rented a house in Maplewood.

SI: Where was your mother living at the time?

SJ: In Irvington, New Jersey.

SI: Having come from that area, what were your impressions of coming back to Newark after the riots?

SJ: Why don't we go into that next time?

SI: Okay.

## Chapter 7: The Newark Riots and the Lilley Commission

Shaun Illingworth: This begins the seventh interview session with Sandy Jaffe on September 8, 2014, in New Brunswick, New Jersey, with Shaun Illingworth. Thank you very much for having me here again.

Sanford Jaffe: Okay, my pleasure.

SI: To begin, we left off last time with your transition from the Justice Department to the Riot Commission following the Newark Riots in 1967. Can you tell me a little bit about how you went about organizing the Commission? [Editor's Note: The Newark riots lasted from July 12 to July 17, 1967. They began after the police arrested an African-American cab driver and rumors spread that he had been killed in custody. The riots resulted in over two dozen deaths, over seven hundred injuries, fifteen hundred arrests and property damage exceeding ten million dollars. The Plainfield riots, also called the Plainfield Rebellion, occurred from July 14 to July 17, 1967, and resulted in over one hundred arrests, ten gun violence injuries and the death of white police officer John Gleason. Gleason was killed by a mob after shooting a young African-American man on the third day of the crisis. That same day, civilians seized arms from a local munitions factory. The National Guard was then deployed to the city and a truce was negotiated on July 18th. On August 8, 1967, Governor Richard J. Hughes (1962-1970) appointed the Governor's Select Commission on Civil Disorder, chaired by then New Jersey Bell President Robert D. Lilley, to investigate the unrest in Newark and Plainfield.]

SJ: Sure.

SI: Your title was the Executive Director.

SJ: Executive Director, right. I had an interesting conversation, to start, with Governor Hughes. In Washington at Justice, I asked, "What do you have in mind?" Governor Hughes, a very bright guy, said, "Sandy, I want a Commission, I want you to head it, but you guys figure it out. Tell me the parameters, draft the charge, and then, charge the Commission." I asked, "How much money do we have?" He said, "Well, I don't have anything in a specific budget item for this Commission, because I wasn't sure exactly how you wanted to go about it, whether you were going to have a staff, or whether you wanted to hire five bright people from the University to write a draft." He laid out a set of options. I said, "I had talked to Ray Brown and Bob Lilley and we were of the opinion we should hire a staff, hire some investigators, and do an in-depth analysis of what happened. That's going to take some time and money," to which the Governor looked at me and turned to his assistant, Larry Bilder, and said, "This is going to cost us money?" [laughter] "Yes." "I will give the Commission 150,000 dollars, and it will come out of the Defense Department budget. That'll relieve you of the problem of hiring accountants, and doing all the accounting work. They'll handle your vouchers, etc." I said, "That's great. I don't want to deal with that." So, he said, "Okay, you're on your own. Come back and we'll do a charge." I then took a yellow pad out and I called up Paul Ylvisaker, who was then the Commissioner of Community Affairs. He had been at the Ford Foundation years before me and was well-known as a person who was knowledgeable about community organization and

community development. [Editor's Note: Dr. Paul N. Ylvisaker served as the first Commissioner of Community Affairs for the State of New Jersey from 1967 to 1970. He worked in the Ford Foundation's Public Affairs Program from 1955 to 1967.] So, I called Paul and set up lunch. I did and tried to get some ideas about how to do this. I didn't have much experience or expertise in urban affairs. I had a problem--I needed to solve it and figure how to generalize.

So, after talking with Bob Lilley and Ray Brown, I decided it was essential that the Commission do at least two things. One, look into the twenty-three deaths that had occurred. There were twenty-three people who'd been killed during the riots in Newark, and the allegation in the community, was that they had been killed by the National Guard or the State Police. On the other hand, there were allegations that it was community people. Okay, I said that if we don't investigate that, we're not going to have any credibility. But there are legal limits to what we can do. The second thing, we need to look at the social and environmental issues that led to the riots. We're talking about education, criminal justice, employment, all the various elements that occur in a society and, then, come up with recommendations. I presented these ideas to the Commission and said, "I think they are essential." The Commission endorsed it, and next was figuring out how we should proceed.

Based on my experience in the US Attorney's Office, I recommended using the Commission like a grand jury. We did not have any subpoena power and, obviously, we have no power to indict. We have no law enforcement powers. We would meet at least twice a week from around three o'clock to eight or nine at night and we would meet at the phone company. Bob Lilley would find a place for us. [laughter] We would try to get witnesses from the community and bring them before the Commission. I would interrogate. We'd keep a record. Commission members could ask questions and based on that interrogation and other information, we hoped to be able to ascertain what happened with the twenty-three deaths. Also, we needed to get some investigators. We didn't have very much money--also, where would we find four investigators? Ray Brown said, "Four guys I know, very good, came out of jail and know Newark really well. They're the right guys to line up people for us." Obviously, we're going to need people out in the community to bring people before the Commission. If we put a sign out, "Please come and testify," we are not going to get anybody.

So, I hired these four guys, okay, and put them on the payroll. Then, I figured they went out into the community and found witnesses and, also, we looked for young people who were interested in social issues and who would be willing to work for three or four months at a meager salary. Each one would then be given a particular area, e.g., education, employment, housing, etc. Each person would then spend two-and-a-half months exploring a particular issue; talking to people in the community and experts. They would then be responsible for writing a report to the Commission on their findings and their recommendations. Then, in turn, after he got done with the investigation of the deaths, they would be called before the Commission and testify on what they did and give their report. We did a great deal with a minimum amount of money. Of course, it was very difficult hiring people. I was probably the first employer in New Jersey to have an almost all-female staff, because I was able to hire very competent women who wanted part-time jobs because of family commitments. I hired some outstanding people, some with experience and some with none. But, again, we were all going to be learning.

SI: Was there any model that you could at least look at from earlier disturbances in the 1960s?

SJ: No. I tried to think and I talked to the General Counsel of the Kerner Commission, the one that Johnson had created, but they had a couple million dollars and a different agenda. They could call on the Justice Department and the Department of Defense. It was not analogous. In fact, I had the sense later on they were very impressed with what we did. [Editor's Note: President Lyndon B. Johnson created the National Advisory Commission on Civil Disorders on July 28, 1967, to investigate the causes of civil unrest in Los Angeles' Watts section in 1965, Chicago's Division Street in 1966 and Newark and Detroit in 1967. Chaired by Illinois Governor Otto Kerner, Jr., the Commission issued "The Report of the National Advisory Commission on Civil Disorders" on February 29, 1968, which named white racism and a lack of economic opportunity as a major cause of frustration in the African-American community. Merle M. McCurdy served as the Commission's General Counsel.] There were no models that I could find or think of. So, we made it up as we went along.

For example, I realized we needed all the ballistic reports--I knew some from my experience in criminal justice-- and we went to the local police and the National Guard. Governor Hughes, he let the head of the State Police, the National Guard and relevant state agencies know that a request from us was one they should honor. So, I never had a lot of hassle, and if you look at the appendix in the report, you'll see all the ballistics reports. I thought it was a good way to go about doing our work. Also, everything was recorded. We had a court reporter. I thought that was important. All the documents we used, I marked them as exhibits. So, if historians wanted to see what the Commission did, go to the archives in Trenton and you'll see all the interviews and all the exhibits we used. One of the interesting points in the report is, you'll find a couple hundred footnotes that explain a great deal. I did have one fellow who was a statistician from Bell Labs that Bob Lilley got for us. He was an interesting fellow, sat in a small office without a window, smoking all the time. One day, he tells me, "I figured it all out. I'll tell you what the issues will be in the next twenty years. It's going to be garbage disposal and entertainment." So, he said, "You want to write about that?" I said, "No." [laughter] Then, there was a lawyer from one of the law firms--Joe Fortunato--who also helped us. But mostly it was all full-time people that I had hired.

After the investigation, we drew no dissents. Then the writing of the report came to me and my deputy, Robert Goldman. Bob is about ten or fifteen years older than me and a very experienced and excellent writer. He had been working in New York City, doing some work for Mike Sviridoff, who was the Commissioner of Health Services in New York. Paul Ylvisaker knew Bob. Since Mike Sviridoff was leaving that job to go to the Ford Foundation, he told me, "This fellow Bob is in-between jobs." So, I called Bob, came in and asked, "Do you want to be my deputy and do all this?" Bob said, "Yes, it sounds really interesting." Bob got the responsibility of doing the first draft, although I worked with him. So, Bob and I, Bob mostly, wrote the first draft of the report.

SI: Sure.

SJ: We also decided it was very important to get photos. Bob knew a photographer for *The New York Times* who was doing freelance. We hired this fellow for five or six hundred dollars and he went to Newark and took photos. Among the pictures is one of a fellow in a dilapidated house in Newark sitting in front of a fireplace, a pot-bellied furnace, and on the wall is a picture of John F. Kennedy and on the top of the fireplace is a picture of the Pope. It's an extraordinary shot, and summed a lot of things up. We also hired another fellow from *The New York Times*, the guy who wrote the obituaries, to edit everything, including all the footnotes. I didn't want any mistakes in the writing or criticism of footnotes. It was worth a couple hundred dollars to have somebody of that caliber review everything we had written. I'll backtrack for a moment about Bob, my colleague. He came from Germany. His father was a doctor in Frankfurt and his father had fought for the German Army in the First World War. Since they were Jewish, the father was put in a concentration camp in 1938 and later released. The family then left Germany. Bob was in the US Army as an interpreter, but Bob also had worked for a number of years for the Voice of America, and he had a good sense of the press, which I'll get to.

When it came time to print the report, I sent it to the Governor's office, and I said, "We're ready to put this out and we'd like to get this printed." The Governor's office comes back--not Hughes, but somebody else--said there's no way they could print this in a reasonable amount of time. I think the report was something like four hundred pages, with appendices. "It's going to cost a fortune of money. We're going to have to put this off." I said, "Hey, wait a minute, we've got a press conference set up." Bob Lilley turns and says, "I'll get AT&T, Bell Labs to print it." So, in fact, he printed about 150 copies and it looked even bigger. [laughter] The Governor, finally, printed it out as a book. Bob, since he knew a lot about publicity from Voice of America, said, "We're going to do it on a Saturday morning." He was responsible for getting all the reporters from New Jersey, and since he had a lot of national contacts, he got a lot of national reporters, e.g. *The Washington Post*, *The Wall Street Journal* and at least ten or fifteen reporters from the international papers. We held a press conference at the New Jersey Bell Telephone building on Saturday morning, must've been at least twenty-five to thirty reporters present, no TV in those days, and we got extraordinarily good coverage in the Sunday papers.

SI: Just for context ...

SJ: Sure.

SI: We can put in the specific date, but when, approximately, was that, the press conference, the announcement, the completion of the work?

SJ: I started the report in '67--in September or October--and we did the final report in February. The Commission life was probably four or five months, a very short period of time, considering what we looked at and the amount of work that we did. [Editor's Note: The Commission released its final report "Report for Action" in February 1968.]

SI: Was there any pressure to get it done in that time period?

SJ: It was self-imposed pressure. There was a lot of newspaper interest, a lot of issues as a result of the riots and a lot of questions being asked. We felt that it was important that this not be a two-year commission. Since we had [been] bringing in witnesses from the community, people knew about our work. Also, our money wasn't going to last. [laughter] How far was 150,000 dollars going to go? So, there were a lot of pressures, primarily to meet what we thought were appropriate community needs, to try to get to the bottom of what happened and to at least articulate [the underlying issues] as well. Also, there was a lot of press interest.

SI: Let me pause.

[TAPE PAUSED]

SI: I have some other questions.

SJ: My favorite story about the Commission is the following. One of the Commission members was former Governor Alfred Driscoll, a gentleman who was, by this time, on in years--an elegant and a very nice guy. As Governor, he helped revamp the court system in New Jersey with the help of Arthur Vanderbilt. [Editor's Note: Alfred E. Driscoll (1902-1975), a Republican, served as Governor of New Jersey from 1947 to 1954. The Honorable Arthur T. Vanderbilt served as Chief Justice of the New Jersey Supreme Court from 1948 to 1957.] Under his governorship, the New Jersey Turnpike was built, as was the Garden State Parkway. In fact, his wife told the story about [how] he took such a paternal interest in the Turnpike that he would be driving down the Turnpike and, if he'd see litter, he'd have his driver stop, so [that] he'd go out and pick it up. [laughter] Not too many governors do that. There was another ex-Governor, Bob Meyner, on the Commission, too. [Editor's Note: Robert B. Meyner (1908-1990), a Democrat, served as Governor of New Jersey from 1954 to 1962.] Driscoll was concerned, as the evidence began to show that the deaths might be the result of National Guard activity and that the State Police may have broken the windows of black businesses. That was a really serious allegation, too. I became reasonably friendly with the Director of the State Police, who was very upset about what might be going on, and he told me, "Well, Sandy, if that's what it shows, I'll deal with it, but I'm bothered by it." Driscoll also helped the State Police. They had been created when he was Governor. So, the evidence was very troubling to him and he was irritated about what was going on.

So, before the Commission came a fellow who owned a dry cleaning store in Newark. He was testifying and I asked him to talk about what happened to his store. He described markings on the windows and, the next morning, found all the windows shattered, and how it really shattered him. So, the Governor raised his hand, "Sandy, can I ask him a question?" "Sure." The Governor turns to the witness and says, "What is it? What is it *you* people want?" A silence in the room, I'll never forget it. The fellow looks at him and says, "Governor," very, very politely, "Governor, all we want and all I want is to be treated like a man." That's it. Well, that so moved Driscoll, he got up, went to a phone--there was obviously a telephone in the conference room, as you can imagine, AT&T had a telephone [laughter]--and picks up the phone and tells a secretary, "Get the Attorney General on the phone for me." Everybody's listening now--he says, "Arthur," Arthur Sills was then the Attorney General, "Arthur, you've got to get yourself up here. You and

the State Police are in trouble and we're going to get to the bottom of this." He was now a different guy. [Editor's Note: Arthur J. Sills served as Attorney General of New Jersey from 1962 to 1970.] He said, "Sandy, we've got to tell the truth. We've got to point out what happened. We've got to build on that," and became a forceful spokesperson for the Commission. I thought this was very significant, to me. In fact, when I think about that exchange, it moves me today. It was such a moving experience.

SI: In terms of the composition of the Commission, I have seen the list of people, I recognize some names, like Meyner and Driscoll, but were there efforts to make the Commission representative of the groups in the city?

SJ: Oh, yes. There's Bob Lilley, business, phone company President, Ray Brown, black, a well-known Civil Rights lawyer, an extraordinary defense lawyer and from the community, very well-known, Oliver Lofton, black, also a lawyer, active in legal aid [as Director of the Newark Legal Services Project], been in the US Attorney's Office, in fact, with me, and very active in the community. There was [William A.] Wachenfeld who was a former [New Jersey] Supreme Court Justice and from a distinguished family in New Jersey. He was excellent, and a conservative. Also on the Commission was Bishop [John J.] Dougherty, President of Seton Hall, a very decent guy, who was quite eloquent about the Church and education. There was [Ben Z.] Leuchter who was a newspaper publisher from South Jersey [Editor of *The Vineland Times-Journal*] and brought experience to our work. Hughes called it a "Blue Ribbon Commission." It was well-thought of, the top political and judicial leadership in the state. Well-respected, a very good group of people. There were no slackers. Oh, yes, there was another fellow, the Chief Episcopalian Bishop in the state, Reverend Prince A. Taylor, Bishop of New Jersey for the Methodist Church. Also, John J. Gibbons, President of the New Jersey Bar Association, an excellent, well-known lawyer. No females, but, remember, this is 1967.

SI: Yes. It sounds like there was some racial diversity--as you point out, no gender diversity--but, also, representation of different communities. I was interested in these investigators that you hired. You do not have to necessarily name their names, but what were their backgrounds? You said they came out of jail.

SJ: They were all brought up in Newark. They made a living doing odd jobs. One fellow had had some police experience, had been an investigator for an organization. I recall that three of them had recently released from jail. They knew the community and were very helpful guys. They never hassled me, they worked out very well. I'll tell you a story. My deputy, Bob Goldman, lived in Englewood. He was working at home. I finished a draft of the report and wanted to get it to Bob. We had one state car that DOD allowed us, okay, which I and others used. It was an old, rickety car. Anyway, I needed to get that to Bob. He had a meeting the next day. The problem was, there were no fax machines, no email, a different world. [laughter] So, I asked one of the investigators [if he] would drive and bring it to Bob's. So, he goes to Bob Goldman's house and Bob's being hospitable. I heard that one drink led to two. Bob always feels badly about this. Anyway, I get a phone call from the head of the State Police, who says, "Sandy. One of your cars is in front of the tollbooth at the Turnpike by the Lincoln Tunnel. In fact, it's right up where the concrete barrier is. What do you want me to do about it?" [laughter]

Poor guy, the investigator obviously had had one or two too many and he'd driven up one of those concrete barriers. I said, "I'd really appreciate it if you quietly towed it, put it in the junkyard, and made sure the fellow got home." He said, "I'll take care of it." We never got any publicity on this. It was the kind of thing that could've hurt the report. Nobody was hurt. The upshot was, I no longer had a car. [laughter] He's trying to be a nice guy, give a fellow a drink, but we had no problems or issues that would be considered inappropriate. People were very dedicated.

SI: How did they produce the witnesses? Would they just ask people to come in? You said you did not have any power to subpoena.

SJ: No. The work we were doing was pretty well-publicized. I would speak to the press, but I would not disclose what's going on and none of the Commissioners would talk. We agreed that I'm the commission spokesperson. I would say that we're looking for witnesses, etc. I'd make general comments. So, people knew, also the investigators knew where to go. They walked the streets. They'd bring people in and people would come in voluntarily. Also, Ray Brown was, quote, "A lawyer of the people." Ray knew a lot of people in Newark, and so did Oliver. It was just a question [of people volunteering]--and I think we created an atmosphere where people wanted to come and tell their story.

There was also cooperation with the Prosecutor's Office. I had been there and the guys knew me, and sometimes, I'd get a lead from an investigator who worked for the Prosecutor's Office. He would say, "By the way, Sandy, So-and-So might be helpful," or I'd turn to one of these guys and say, "Look, I heard that So-and-So might be helpful. Would you talk to him?" They'd say, "Sure," and they'd go out for people's car fare and I didn't pay for anybody's lunch. There was no money passed for anything; we didn't have it, and we wouldn't want to do it. Somebody would accuse us, "Well, you're paying for testimony." "No, we're not doing it," and we were limited in what we would do. We didn't have any law enforcement power, I could not say, "Sergeant So-and-So was responsible for this group of soldiers and should be indicted." I couldn't say that. So, the tenor was different. People would come in and tell us what bothers them about the city, etc. Soon it became pretty clear to the Commission that there was a sense among people in the community of a feeling of a widespread corruption in Newark. Okay, how do we deal with that? We can't say, "X or Y is corrupt." We don't have specific proof of that, nor did we invest. On the other hand, can we ignore it? If we ignore it, we're ignoring a very substantial sense that people commented about. So, we got a good idea on how to write it.

So, we wrote what I thought was a classic sentence. What we did is two [things]. The first part of the recommendations are findings. I thought that was very important, again, because of my experience in the US Attorney's Office and the Prosecutor's Office, where you could have a presentment that would have findings, and then, recommendations. I could bifurcate them. The recommendations would stand alone after the findings. So, the finding could be, "There is evidence that the twenty-three people were killed by [soldiers] and ballistic evidence that bullets came from the National Guard." Another example, "There was a strong feeling in the community that the proposed size of the medical school area was contrary to the community's interest. Another one was a sense from the evidence of a pervasive feeling and sense of

corruption in Newark. Get the wording, "pervasive," "sense," "feeling," of corruption. We are not saying there is corruption, not saying there isn't. We are saying there's a feeling and a sense and it's pervasive that there is--a subtle difference, but a very important one. As to a recommendation: "We recommend that a grand jury be empowered by the Attorney General or the Prosecutor to look into that sense of pervasiveness." That was the headline in a lot of papers, and I thought the way the Commission wrote that was very accurate. It was accurate, but it didn't smear anybody. As you know, the investigations went on and the Mayor got indicted and convicted. Newark's political life changed--the first black mayor came. So, there were a lot of things that happened, but they were done by the appropriate law enforcement agencies. Am I going on too much?

SI: No, this is perfect. Did Addonizio's office try to find out what the Commission was doing?

SJ: Not really, but that didn't surprise me. One of the things I learned in the Prosecutor's Office, if you create--and Brendan Byrne did this--an aura that this is not an office that's subject to political pressure, guys walk away, don't want to bother you. We didn't get hassled. There were people [that] didn't like what we were doing. They would say unpleasant things to me. That's to be expected, but the attempt to influence what we were doing, no. Also, we were working confidentially and the rule that nobody talked was honored. So, we did not get pressure from [outside]. The Attorney General did not like our report when it came out, because he wasn't happy about the recommendation to empanel a state grand jury, and I am not sure about the Governor. I think he liked it, but I'm not sure. Although he did have us to his home for dinner afterwards. [laughter] If you're in public office and you get a distinguished group like this saying what we said, it's not overly pleasant. These obviously were very difficult times and complex and sensitive issues we were looking into.

SI: I am interested in the dynamic within the sessions with the testimonies by the witnesses that came forward. It is different from a grand jury investigation, where people who are witnesses usually have attorneys. Also, you have two former Governors and all these prominent people questioning them. In general, did you find that people were open? Was there any intimidation--not overtly, not that the Commissioners were trying to intimidate them--but by the fact that you have two former Governors, etc.? Did that hinder people?

SJ: No. Before a person testified, I would talk to them, or one of my colleagues would talk to them. Tell them what to expect, going before this august crowd in a very elegant room. It was a conference room at NJ Bell. Sometimes, we were in the state office building on Raymond Boulevard, a couple blocks from Penn Station. I'd try to put people at ease and tell them that there's going to be a reporter, that we don't swear people in because we don't have authority to do that. What we want is for them to tell us their story, and that I would ask them questions, but I'm not out to cross-examine them. I'm not there to be hostile. I tried to create a different atmosphere than you would have in a grand jury. The Commissioners were very supportive. I think the most hostile questioning was that one example I gave you with Governor Driscoll, and even that was not really very hostile. Driscoll came from a different world. This is in 1967, Driscoll was Governor in '45, '46. The idea that some people are unhappy with what things are now is difficult and new. So, the question "What do you want?" is so significant. That's why I

think the answer was so powerful. I don't think you'd get that today. Probably the most aggressive was Ray Brown. Ray Brown's an unusual lawyer, and [if] you got cross-examined by Ray Brown, you would know it. I became good friends with him, and we'd go out socially. One day, we are at brunch, and Ray started asking Mark, my son of seven, questions and Mark didn't like it. He had Mark in tears in about fifteen minutes. [laughter] Ray didn't mean to, but he could be very devastating at cross-examining. He had a way of getting right to the issue, but Ray wasn't going to hassle these people. We couldn't do anything anyway. We had no power to hold anybody in contempt or anything of that sort.

SI: Do any other stories or testimonies stand out in your memory?

SJ: I'm trying to think.

SI: Anything poignant or interesting?

SJ: Some things do stand out in my mind, the testimony, for example, of Carl Marburger, who was then the Commissioner of Education. One of the key findings in the Commission was that the school system was producing kids that were graduating high school who were functionally illiterate and had trouble filling out a license application. So, we called for the state to take over and declare the school system bankrupt, using an analogy where you have a receiver take over the bankrupt entity. Thus, one of the key recommendations was for the state to take over the school system, which finally happened when Kean was Governor, forty years later. That was radical at that time, but it was also radical to say that the school system was [producing] functionally illiterate [students]. So, Marburger, who was the Commissioner, was testifying yet was riveting in his descriptions. Ray knew this world--not all did. At one point, he said that the most problematic school at that point in Newark was Peshine Avenue Grammar School. I said, "Commissioner, that's where I went," and at that point, Meyner or somebody said, "Now we understand Sandy." [laughter] It was one of those ironic but accurate remarks.

SI: Ten, fifteen years before, Newark's schools system had been one of the top in the nation, correct?

SJ: Yes, even before that.

SI: Is that why it was such a shock?

SJ: I think so, yes. One of the things that the riots, brought out, in both the Kerner [Commission] and this Commission, was that the depth of deprivation was not really [known]--remember, *Brown v. the Board of Education* was only years earlier. Of course, New Jersey didn't have separate schools, but attempts to have equal funding for urban schools was still far off. [Editor's Note: *Brown v. the Board of Education of Topeka*, decided by the US Supreme Court in May 1954, legally desegregated public schools in the United States.] Rutgers in '65 had nowhere near the diversity that it now has. When I went to law school--I graduated in '57, okay--there were five women, out of a class of five hundred, one black, no Hispanics, no Asians. Today, fifty-two percent of the population at Harvard is female, probably fifteen to twenty

percent black. The school recommendation got tremendous analysis and discussion, but that couldn't move the Legislature. They weren't prepared to do that--it took Kean all those years. I always thought that was sad. Not that state control is a panacea, but to leave it as it was was not a good result. So, that was very significant. I think the State Police testimony was significant, too, as was the head of the National Guard. Oh, I'll tell you one other story. It was very important to take the testimony of Governor Hughes. I mean, he had been in Newark, had ordered the National Guard in and tried to calm things. So we went to the State House, the whole Commission, to interview Governor Hughes. There's an anteroom where you can wait. So, we're sitting, waiting. There's an assistant--his job was to smooth things along.

SI: Like a special aide.

SJ: Yes. So, we're sitting and were told it'll be another half an hour. So, I said we should get a coffee. Oh, Ira's the guy's name. So, I ask Ira, would he mind getting coffee for the Commission? Governor Meyner, who had a reputation of not spending when he was Governor, reaches into his pocket and gives Ira a dollar--eight cups of coffee, a dollar. [laughter] So, Ira looks at that dollar and said, "Governor, [that is] not going to go very far," I'm trying to remember how he phrased it, and Meyner said, "Well, that's all I have." Ira turned to him and said, "Yes, Governor, yes, I remember you being Governor--I know that's all you have." [laughter] With that, I think Ray took out a couple of dollars and gave it to him and everybody broke up laughing. We ate in the phone company every night when the Commission met, which was two, three times a week, and sometimes more. So, I never really got home for dinner. I didn't come home until nine, ten o'clock, but I ate very well. I never did any exercise, I was working all the time. The food was very good and very rich and great desserts. I put thirty pounds, went from a size forty suit to a forty-four in the space of four months. I remember going to the doctor after the report. He said, "What happened? What did you do? You've really got to change your lifestyle." [laughter]

SI: Do you remember it being a very stressful job?

SJ: Yes. During the day, it was dealing with the investigators and the staff. Example, "I'm having trouble getting all the figures on who was let out on bail and how. How did the bail system work? Can you make a phone call to the Prosecutor's Office?" It was constant. "Are you sure you're going to get your papers done in time?" The staff was a group of people who were competent, dedicated, but the woman who wrote the paper on employment was not an employment expert. It was not somebody who knew the labor market. Same for education; not an educator. Hiring somebody for three or four months was not as easy. Sure, you could call in an expert for some limited help. The Kerner Commission was able to have a number of experts; I could not. So it was stressful, as was dealing with the Commission. These were twelve people, knowledgeable, and I wasn't sure whether the next question was going to come out of left field. I didn't get home until nine-thirty, ten o'clock at night and was in the office by nine, nine-thirty the next morning.

What helped me, besides being younger, was when I was in the US Attorney's Office, I had the opportunity to try some very important and difficult cases with a lot of publicity, particularly the

spy case. That case had gone on for ten weeks and that was like this. I worked every day. What also helped was that the staff were all nice people. Nobody came in to hassle [me]. They were pleasant, a lot of conversation during the day, and pleased to be on their own. I didn't bother the staff. I wasn't that kind of manager. "You're competent--go do your thing. You don't have to show up here at three, so that I can see you." I had some advantages, too. I knew and liked Ray Brown and he liked me a lot and Bob Lilley, once I got his confidence, was really very easy to work with. Also, nobody on the Commission gave me a hard time. They were helpful and supportive. For example, Bishop Dougherty brought a great deal of kindness to our sessions. So, the stress was there, but I was lucky to be able to manage, even though my size went to a forty-four. [laughter]

SI: Do we have a couple more minutes?

SJ: Yes, why don't we [make it] maybe five minutes? Then, we'll quit. I have to [go].

SI: I wanted to ask about the impact this report had on the educational and medical institutions in Newark. This is what I know the most about the report, because it came down critically on the expansion of the medical school, and so on. Did that just come about strictly from the research of your staff or did it come out of the testimonies of the people?

SI: Yes, one example was the empaneling of grand juries and the probe into corruption in Newark, which led to the election of Ken Gibson as the first black mayor and helped change the political culture of the city. There were all kinds of other [effects]--in fact, there was a report on what happened with the Commission's recommendations. It was done about a year later. It would have, for example, the National Guard had no adequate rules on weapons--when you could carry them, how you could fire them, what rules on storage of ammunition, etc. We had recommendations on all that, which were adopted. Also, the whole bunch of recommendations on bail policy were subsequently adopted. We had recommendations on job development and the creation of job development programs. There was a special session of the Legislature, but I can't remember much about that. Also, very significantly, we recommended that the medical school area be reduced, and it was, very substantially.

SI: Okay.

SJ: Okay.

SI: One last question.

SJ: Sure.

SI: In looking at the history of the riots and that period, there were, maybe characters would be a word, figures in different communities, like Amiri Baraka or Tony--I forgot his name.

SJ: Toni Imperiale. [Editor's Note: Amiri Baraka is a poet, music critic and playwright from Newark, New Jersey. Anthony Imperiale was an outspoken opponent of busing to enforce

desegregation in Newark and, during the Riots of 1967, advocated armed action by white Newark residents. He was elected to the Newark City Council in 1969 and the NJ State Assembly in 1971.]

SI: Yes. Was there an effort to bring those people in to somehow add their voices to the Commission Report or did you want to exclude them?

SJ: We would exclude nobody. In fact, I don't recall whether Tony Imperiale testified. Baraka, I think, did testify. Bob Curvin was very helpful and did testify and recently wrote about [it]--his new book has a chapter on the Commission report, which you might want to look at. We were open to everybody, we excluded nobody. [Editor's Note: Dr. Robert Curvin helped to found the Newark chapter of the Congress of Racial Equality in the 1960s. He later served as Director of the Ford Foundation's Urban Poverty Program.]

SI: Thank you very much. I appreciate it.

SJ: Good.

## Chapter 8: The Ford Foundation: Years of Social Change

Shaun Illingworth: This begins the eighth interview session with Professor Sandy Jaffe on September 11, 2014, in New Brunswick, New Jersey, with Shaun Illingworth. Thank you very much for having me here again.

Sanford Jaffe: Of course, Shaun.

SI: To continue, last time, we talked about your work on the Riot Commission. You produced a lengthy report. You had a press conference. I know the report influenced many things, but, in terms of your relationship with the Governor, do you think that he and his administration saw it as sort of a road map of things that should be adopted or did they see it as, "Well, the Commission is over and we have fulfilled our obligation?" [Editor's Note: The Newark riots lasted from July 12 to July 17, 1967. They began after the police arrested an African-American cab driver and rumors spread that he had been killed in custody. The riots resulted in over two dozen deaths, over seven hundred injuries, fifteen hundred arrests and property damage exceeding ten million dollars. The Plainfield riots, also called the Plainfield Rebellion, occurred from July 14 to July 17, 1967, and resulted in over one hundred arrests, ten gun violence injuries and the death of white police officer John Gleason. Gleason was killed by a mob after shooting a young African-American man on the third day of the crisis. That same day, civilians seized arms from a local munitions factory. The National Guard was then deployed to the city and a truce was negotiated on July 18th. On August 8, 1967, Governor Richard J. Hughes (1962-1970) appointed the Governor's Select Commission on Civil Disorder, chaired by then New Jersey Bell President Robert D. Lilley, to investigate the unrest in Newark and Plainfield.]

SJ: No, my recollection was that there were some recalcitrant feelings on the part of the Attorney General about empaneling a state grand jury to look into corruption in Newark. But the Essex County Prosecutor's subsequently did that and, in fact, that grand jury was functioning for a while. Then, the investigation of the Essex County Prosecutor was turned over to the US Attorney's Office, where it [would be] easier to handle and also better witness protection programs. The Governor was very positive about the report. I got the general impression that he was pleased. I also believe that he was surprised, in the sense that I don't think he expected the in-depth report that we did and the huge number of recommendations. I think he was a little surprised by us looking into the deaths and the National Guard and State Police issues. As a whole, he was supportive. My recollection is that he did what he could do through executive order and telling agencies to do certain things. At some point, he allocated some money for some of the Commission recommendations. Then, he sent a request to the Legislature for--I can't remember how many millions--and the Legislature turned that down. The Governor did what he could within his limits. So, my overall recollection is that, yes, he was positive. He also had us all down to Morven for a good dinner.

SI: Yes, of course.

SJ: One of the things that concerned me personally, when the Governor asked me to leave Washington and come to NJ to work on the report, was my financial situation, which, at that

point, was pretty much zero. We lived on my salary and I had a spouse and two children. We would need to move from Washington and find a house to rent. I told the Governor, "Look, I'm concerned about what will I do afterwards. I'm going to work hard on this Commission and I'm not going to have time to look for a job." I had been offered a partnership in the Lowenstein Law Firm when I was at Justice and I turned that down to do the riot report. Alan Lowenstein, who was then a senior partner, said, "We may hold it open for you, we may not." So, I was not sure of that job. So, I said to the Governor, "I need to be concerned." He said, "What do you have in mind?" I said, "Well, Governor, how about an appointment to the Public Utilities Commission? I would get twenty thousand dollars a year--I could do that." He looked at Larry Bilder and he said, "Does this kid realize that's not the kind of job he's going to get?" He sort of laughed it off. So, I said, "Well, what about the Mosquito Commission in Essex County?" I said, "What do they pay? I'm looking for something." So, he laughed at that, too. Anyway, he said, "Look, Sandy, I'm not worried about you getting a job, but if you finish the report and you don't have anything, you can come down, work for me in my General Counsel's Office. You will have work to do and we'll keep you on as long as you need to get a job." I said, "Okay, Governor, I'll do the report." I was concerned--leave one job, leave another opportunity, and then I'm stuck with nothing. So, that gives you some sense of--the way Dick Hughes operated. The reality was that I never did need the "rainy day fund." [Editor's Note: Lawrence Bilder served as secretary and counsel to Governor Hughes.]

SI: "Golden parachute."

SJ: My colleague, the deputy, Bob Goldmann, was a good friend of Mike Sviridoff, who was going to head the National Affairs Division at the Ford Foundation. Bob was going to be working at the Ford Foundation with Mike, and head a special project on evaluation. [Editor's Note: Mitchell "Mike" Sviridoff, a worker in an aircraft parts plant, rose in the labor movement to become President of the Connecticut AFL-CIO and later served as President of the New Haven Board of Education. In the early 1960s, he became Executive Director of Community Progress, Inc., a Ford Foundation-funded antipoverty program in New Haven. In 1966, New York City Mayor John V. Lindsay named him as the city's first Human Resources Administration head. Shortly thereafter, he joined the Ford Foundation as a vice president for national affairs.] So, Bob Goldmann mentions to Mike Sviridoff that, "You might be interested in talking to the fellow who was the Executive Director." So, Mike asked me to come in. By that time, the report was public with a lot of publicity, some good, some bad. Mike introduced me to McGeorge Bundy, who was then the President, and they offered me a position at Ford. [Editor's Note: McGeorge Bundy served as US National Security Advisor from 1961 to 1966 before becoming President of the Ford Foundation from 1966 to 1979. In 1953, he had become the youngest dean of Harvard's Faculty of Arts and Sciences.]

So, it was just a couple of weeks' hiatus, between finishing the riot report and working at Ford Foundation. I'll tell you one funny story--not everybody liked the report. My dad lived in Irvington and he would go to a delicatessen around the corner, to have a cup of coffee and talk with the guys. So, the day after the report's out, he walks in and the owner says, "I don't want you in here anymore. Your son's a Communist, that report's a Communist report. I don't want you associated [with my store]." He threw my father out. [laughter] It didn't upset my father too

much and I did get a significant amount of hate mail, but that's to be expected. What's interesting is that almost all the hate mail was anonymous which has led me to a lifetime of having a repulsion about anonymity in writing--I don't think you should do that.

SI: Did they physically threaten you?

SJ: In the letters, yes. "You're a this, you're a that. Where can we get a hold of you?" that kind of thing, I'd throw all those out. I did a certain amount, of speechifying and the National Conference of Christians and Jews gave me an award for doing the report. Generally, the reaction was positive. Once in a while, somebody'd get up and rant and rave about the report, "You didn't do a credible job. You were too pro-black. You're too pro-Hispanic. Attacked the cops." All kinds of stuff you get, and I had been used to that. None of it's particularly pleasant, but, on the other hand, it didn't really bother me. If people invited me, they usually wanted to hear what I had to say. [laughter] As a general rule, it was verbal abuse, I can't remember anybody threatening me physically, to the point that I would have been scared enough or worried enough to go to the police or the FBI.

SI: There were no late night phone calls or anything like that.

SJ: If I got on the phone and somebody called at eleven o'clock at night and it started with an epithet, I'd quickly hang up. As a rule, there were letters in the paper, some were complimentary, some were fairly vitriolic in their attack; I'd ignore most of that. I realized that's [to be expected]. The report was--I hate to use the phrase "hard-hitting"--the report was very honest and very realistic and didn't mince any words and did call things the way the Commissioners saw it. Also, it did step on a lot of toes. There's no question about that. You can't have some negative findings regarding the State Police and not have a lot of people annoyed at you for doing it. I remember meeting Dominick Spina, who was the City Police Commissioner, at one gathering and he was pretty vitriolic. He was unhappy with the report. I figured that was going to happen and I knew that there would be fallout from the recommendations. If I were running for a political office, I doubt I would've won at that point. [laughter] You have to also [recall], some of those recommendations, now, today, may not sound as radical, if that's the word to use, but, in the context of that time and the issues of race and poverty, a lot of those recommendations were quite radical. I always felt that great [credit goes] to the courage of all the Commissioners who stood by it and none ever wavered. There was no dissent, which I thought was significant. Somebody could've written a dissent, but there was no dissent at all --and that helped us a lot. You could say, "There were two bishops, two churches, two Governors and a Supreme Court Justice, people representing major institutions in our society." That was a good source of support for me.

SI: Did you get any sense if there was criticism from the black and Latino communities, or was it mostly positively received by them?

SJ: My recollection was that it was mostly positively received. I am not sure many people in that community expected this group of primarily white establishment figures, with only a couple blacks and a white executive director to file such a report. I had a staff of all females, with one

blacks. It was hard to find people for three months with those salaries. So, the expectation was that, "They're never going to say it the way it is and they're never going to call out the institutions that did harm. They're just not going to do it." So, I think there was a great sense of surprise and support. I don't remember any attack from CORE or SNCC or the NAACP. Bob Curvin, who--at that point, was head of the Student Non Violent Committee, SNCC--Bob was shocked, and a supporter. In fact, Bob and I became good friends. [Editor's Note: Dr. Robert Curvin helped to found the Newark chapter of the Congress of Racial Equality in the 1960s.] You had to live in that period of time to realize how radical it was to say some of the things we did. I remember getting a phone call from one of the people on the Kerner Commission telling me, "Gee, we read that report. We're just really surprised. You guys really told it as it is." So, that was, I think, pretty much the reaction.

SI: Shifting over to your new job in the Ford Foundation, what attracted you to the Foundation and the position there?

SJ: Okay, well, Alan Lowenstein did call me. I don't know if the name Alan Lowenstein is familiar.

SI: Yes, I am familiar with him.

SJ: Yes, he was well-known, really an excellent lawyer and very active in the community. Alan called me and said he was really surprised by the report, and he's still going to offer me the job. Okay, I figured, well, I've got a chance at being a partner in one of the best law firms in New Jersey. On the other hand, I got offered a position at the Ford Foundation. So, what do I do? Well, as an aside, I mentioned this to my father, "I've been offered a job at the Ford Foundation." My dad was an immigrant to this country--I was the first generation born here--and a very bright man, but somewhat limited, because of a lack of formal education. He came here when he was about eighteen or nineteen, never went to school, and so, his English was limited. In fact, I used to help my dad--I don't know if I mentioned this--learn how to read and write, when I was in grammar school. I'd do my lessons with him. Anyway, I tell my dad, "I've been offered a job at the Ford Foundation." So, my father looks at me and quizzically says, "Ford Foundation? Why would you want to go work for that anti-Semite Henry Ford?" I don't know if you know, Henry Ford had a long reputation--not the son, but the founder of the company--had a reputation as an anti-Semite, well-deserved from what I know about history. So, my father was wondering, "How can you go work for Henry Ford?" I said, "Now, wait a minute. The Ford Foundation is completely different than the Ford Motor Company." [laughter] "Oh," he said, "okay."

So, as a funny aside, I think you'll get a kick out of. What I think influenced me the most is a talk with a good friend, Paul Ylvisaker, the Commissioner of Community Affairs. He said, "Outside of going to Washington, you've never really been out of the state. If you go to a law firm, it's going to be interesting, you'll make a lot of money, but it'll be a somewhat limited life." He said, "If you go to the Ford Foundation, not only will you see life on the other side of the Hudson, but you will deal with a whole different group of people. You will deal with issues on a national and an international level. You'll have an opportunity, through grant making, to influence policies and I think you'll grow a lot. In the long run, you will enjoy it a lot more, but

you won't make a lot of money." So, that conversation convinced me. I told Alan, who looked at me quizzically and said, "I can't even understand why you're doing it, but okay." With that, I went to the Ford Foundation. I think it was a sense of doing something I've never contemplated doing, completely different than everything I had done before, but an opportunity to see the world differently and influence policy. So, I went and it was a whole new experience. I started commuting on the train. So, that's sort of how I [got there].

The other thing that interested me was, I was really impressed with Mike Sviridoff. Mike Sviridoff was hired by McGeorge Bundy. Bundy was a very elegant person, had been Dean at Harvard and National Security Adviser to Kennedy and Johnson. Most of the people he hired at the Foundation were in that mold--Yale, Harvard, MIT, PhDs, former faculty or administrators of universities. But he hired Mike Sviridoff. At first, I couldn't understand. He had never finished high school. Mike had grown up in New Haven, had been a union organizer for the United Auto Workers, and then the head of the school board in New Haven. He did a lot of good, [ground]-breaking effort in New Haven, and, with Paul Ylvisaker, who was then at Ford, created the first anti-poverty programs in the country, which later laid the foundation for much of what Lyndon Johnson did in developing the anti-poverty programs nationally. [Editor's Note: Paul N. Ylvisaker worked in the Ford Foundation's Public Affairs Program from 1955 to 1967.] Then, when John Lindsay became Mayor--

SI: New York City in the 1960s.

SJ: He asked Mike to write a report, and my friend, Bob Goldmann, worked with him. The report laid the foundation for the Department of Community Affairs in New York. Lindsay then asked Mike to run it. When Bundy becomes President of the Ford Foundation he hears about Mike and talks to Lindsay, and then offers Mike the job. So, here's Mike Sviridoff at the Ford Foundation with guys from Yale and Harvard, etc. [laughter] It was a really an unusual choice. Bundy judged people on their merits and he was really impressed with Mike. Mike was a very bright guy, and understood national affairs issues. His union background, in fact, Bundy felt would be helpful. Ford was broken down into International, Arts and Humanities, and Education. Well, each one of those divisions had mostly men, only a few women--mostly white and Protestant. Well, Mike Sviridoff hired a different cohort. The fact that I had gone to Harvard was not held against me. [laughter] I thought it would be an exciting place to be. Bundy, very impressive, a very bright guy, Vietnam is over and I don't believe the past should prevent people from doing things in the future. He had a quick mind and I had the sense from my conversations with him that he was going to take the Foundation in a completely different direction than it had been. Before Bundy was President, it was run by Henry Heald, a formal academic, and the Foundation had primarily been involved in education and some work overseas with emphasis on scholarships and fellowships. [Editor's Note: Dr. Henry T. Heald served as President of Illinois Institute of Technology and New York University before serving as President of the Ford Foundation from 1956 to 1966.] Bundy wanted to change all that. This was now the '60s. Much was happening in the country. Bundy wanted the Foundation to turn a corner and be very active in the social issues of the day and to take on a fairly--what I would consider--progressive approach. He was going to turn the Foundation around, which is why he

hired Mike Sviridoff and people like me. "This might be a really interesting place." So, I went to talk to Bundy, mostly about the riot report. So, that also influenced my decision.

SI: When you say talked about the riot report, were you talking about the report with Bundy?

SJ: Yes, Bundy and Mike--both. That was the basis, I believe, on which I got hired. My background was in criminal justice. I'd been a prosecutor, but it was the short stint as the Executive Director and the quality of the report that led me to be hired. It was a coveted job. Working for a foundation and having fifteen, twenty million dollars available for grant making, it's a pretty experience. Very few jobs are going to be much better than that.

SI: What was the first project or initiative that you got involved in with Ford?

SJ: Well, since I was there so many years, I guess I should tell you what I think are some of the more important ones, and one or two that I think were not too important but worthwhile. One of the first things I got involved with was with Fred Friendly. Does that name mean anything to you?

SI: Yes.

SJ: Fred Friendly had been a very well-known producer for CBS. He produced [CBS News reporter] Eric Sevareid, and a number of first-class programs. Fred had a fight with the management of CBS over televising the McCarthy-Army Hearings. [Editor's Note: Fred W. Friendly helped create the series *See It Now* with Edward R. Murrow, noted for its March 9, 1954 episode which helped shift public opinion against Senator Joseph McCarthy, and later served as President of CBS News (1964-1966). He resigned from CBS in 1966 when the network opted to run an episode of *The Lucy Show* rather than US Senate hearings on the nation's operations in Vietnam. He worked as a broadcast consultant for the Ford Foundation from 1966 to 1980.] Fred left, a very dynamic guy, and came to the Ford Foundation. Bundy hired him, and he helped create public broadcasting. So, he and the Foundation created the idea of a public broadcasting network. One of the issues that Fred talked about, right at the beginning, is, "How do you fund this?" You either get government money, and then, worry about government control, or like the BBC and public support? So, Ford was going to fund it for a couple years, but what about the long term? Fred had the idea that since the FCC, Federal Communications Commission, was thinking about developing satellites, why not use commercial satellites, sell some of that space and use the funds for public broadcasting? Bundy and Friendly decided to file a brief with the FCC. We were going to argue that for a certain percentage of the transmissions through those satellites, the funds should be dedicated to public broadcasting forever. This would be a great way to fund it. So, Bundy turned to me--I was there about a week or two--and he said, "You're a lawyer. Okay, I want you to write the brief and David Ginsburg, our lawyer in Washington, will help you." So, I said, "I'll be glad to, but I don't even know why my radio doesn't play in the Holland Tunnel." [laughter] Well, he broke up laughing and he said, "That's great. You'll take a completely new look at it, because you don't know anything about it."

I go to see Dave Ginsburg in Washington, and we together write a brief. It was a good brief. Bundy liked it. We filed it with the FCC, but they voted against it. I think that, politically, they felt that they could not dedicate ten percent, what we were asking, to public broadcasting. This was completely new. Some people were afraid of public broadcasting, particularly Washington establishment types. We didn't have a national approach. "What kind of programming? Is it going to interfere with television?" So, it was killed. So, that was my first "non-success," but I got to know Bundy and Fred Friendly and, I learned why my radio didn't work in the Holland Tunnel. [laughter] Ford did fund public broadcasting for a number of years and it did become a viable national institution.

SI: When you file a brief like that, do you get to go argue it, or does the FCC just review it?

SJ: No; the FCC process at that time was not arguments. It was just filing papers. Sometimes, the FCC could ask for an argument, but it would be rare for that agency. They usually will do it on the papers that are submitted. But I think there are four other things that I did that I really liked, and that are probably the most important things I did. One was the creation of ten or twelve criminal justice centers at major universities in the country. The second thing was an exciting project that I worked on with Bundy, on the issue of amnesty for the people who had left this country during the Vietnam War to avoid the draft and had gone either to Canada or Sweden. The question now was whether if they came back, should they be tried for violating the Draft Act, or did you want to give them amnesty? I worked this issue with Bundy and President Carter. Third was the development of public interest law. The fourth, the development of the dispute resolution field. Clearly there are other things, e.g., state government, problems like funding Eagleton [The Eagleton Institute of Politics at Rutgers University], and others.

SI: Chronologically, what order did they come in?

SJ: Criminal justice centers were first.

SI: Okay.

SJ: When I came to the Ford Foundation, one of the things I was assigned to was to develop issues related to the justice system. I had experience in that, in the field. There were, at that time, maybe two centers in the country that were thinking about a range of criminal justice issues. When I was at the Justice Department, I worked on the Safe Streets Act, which funded criminal justice research. So, I worked with people in that field to create a program area in criminal justice. Over a couple of years, I was travelling all over the country, talking to people in different universities, and began the processes of helping develop criminal justice centers at universities. First, I had to convince Bundy and the Board why this was important, and then get a budget allocation. After four years, there were nine or ten centers created, at NYU, Harvard, Chicago, Berkeley, Michigan, etc., and run by competent faculty. They were beginning to do research in the field of criminal justice that had not existed before. This was important, because it would form the basis for a lot of policy decisions, by police departments, legislatures, and others who were in this field. For example, one of the centers we funded was not at an academic institution. It was in New York City and called the Vera Institute of Justice. It would take some

of the research, develop a pilot program, and implement it in the New York system. [Editor's Note: The Vera Institute of Justice, founded in 1961, began receiving Ford Foundation funding in 1966.] So, for example, bail systems were not functioning well. There was research on how important bail was. So, Ford would give a grant to Vera, who would then go to the Police Department, talk to the New York judges, and set up a pilot bail program with the criteria developed by the research. They also worked on drug rehabilitation programs and a victim assistance program. They're still in existence today.

The second was the development of public interest law. During the '60s, Congress had enacted a number of statutes (?) new rights. It was the beginnings of the Women's Rights Movement, Equal Rights; the Consumer Movement and new consumer statutes; the Environmental Protection Agency and environmental rights; and then you had new rights in broadcasting. So, this was a time of tremendous ferment in our country, in the '60s and early '70s, and the beginnings of a number of advocacy groups, e.g., NOW [National Organization for Women], the Environmental Defense Fund. One day, I was in Washington, and a colleague of mine wanted me to meet Charlie Halpern and Herman Schwartz, a professor at Buffalo Law School. "We've got some ideas." So we talked, and out of that conversation developed this idea to create a law firm that would represent unrepresented groups in our society. There were law firms like the NAACP Legal Defense Fund that represented minority groups; and law firms [like] the Legal Aid Society, which we had put money in, that represented poor people; but there was nobody representing groups of people above the poverty level on important issues, like, for example, the environment. People might care a lot about whether a pipeline got built or something like that, but not one person would have the wherewithal to litigate with the developer. So, the notion was, "Let's create a law firm that would have the power [and] the money to represent these groups of individuals with a particular interest." It was a novel notion at that point.

So, I said to Charlie, "Okay, why don't you work up a proposal? Create a law firm in Washington," which he did, called the Center for Law and Social Policy, "and I'll start doing the work at the Ford Foundation to try to convince the Board and Bundy." So, I write an information paper, which would lay out for the Board and the officers why you wanted to fund it and what kind of money would be spent. Also, what were your goals and what were you trying to achieve. I laid all that out about public interest law. Bundy was very receptive and so was Mike Sviridoff. Bundy was not a lawyer, his father had been a lawyer and had worked with Henry Stimson. [Editor's Note: Harvey Hollister Bundy, Sr., served as Assistant Secretary of State under Henry Stimson from 1931 to 1933. During World War II, Stimson tapped Bundy as his Special Assistant on Atomic Matters in 1941.] Bundy and Mike had an appreciation for the role that law could play in the social welfare scene. This was after *Brown v. The Board of Education*, so this idea of law was fermenting. [Editor's Note: *Brown v. The Board of Education of Topeka*, decided by the US Supreme Court in May 1954, legally desegregated public schools in the United States.] We went to the Board, where a couple of members of the Board were very hesitant, particularly Henry Ford. [Editor's Note: Henry Ford II, son of Edsel Ford and grandson of Ford Motor Company founder Henry Ford, served as President of the Ford Motor Company from 1945 to 1960 and chairman and CEO from 1960 to 1979.] He saw it as a way people might be suing the car companies. Also the President of DuPont saw it as a way you might sue the chemical companies. So, they were hesitant.

And there were other issues. We didn't know whether or not this would be a tax-exempt purpose. It was tax-exempt to represent poor people and tax-exempt to represent on the basis of racial rights, but representing interest groups, was that going to be tax-exempt? If it wasn't tax-exempt, we couldn't do it. So, Bundy said, "We've got to get an opinion from a very respected lawyer that this is okay to do." So, we called up a fellow by the name of Lewis Powell, who was then a Virginia lawyer. He subsequently went on the United States Supreme Court. [Editor's Note: The Honorable Lewis F. Powell, Jr., served as United States Supreme Court Associate Justice from January 1972 to June 1987.] Powell came to Ford and sat down with me and Bundy. He'd looked [over] the papers that we'd sent him and said, "I think it's a great idea, but I can't support it." He said, "I represent too many utility companies. I don't want to be dishonest with you guys. I want to take it on, but, on the other hand, I'm not going to be able to write a paper for you, an opinion." Well, that took care of that. So, what do we do next? So, Bundy said he knew a fellow who'd been a former judge, now retired, in New York. I can't remember his name, but we called him in. He said, "It's a great idea. I'll give you an opinion that it is tax-exempt." Okay, so we had that opinion. One more thing Bundy said we now needed to do was to get the approval of the bar establishment. So, we formed a special committee of four distinguished lawyers that will help us and give us advice on grants before we go to the Board.

So, through friends, we asked four ex-presidents of the American Bar Association, Bernie Segal (1969-1970), Whitney Seymour Sr. (1960-1961), Orison Marden (1966-1967), and William Gossett--who had been the lawyer to the Ford Motor Company and Henry Ford. We thought that if Gossett approves, Henry Ford is not going to oppose. [laughter] Bundy, Mike and I would meet with them--we call them our "Four Wise Men." We set up a procedure that, before we could make a grant to any public interest law firm, I would have to set up a meeting, send them a copy of my write-up for the Board. Bundy would come and these four wise men would give us their opinion. We had insisted that each firm have a board of directors and a litigation committee. They would have senior lawyers on the litigation committee to make sure that the young lawyers, "didn't run rampant with the law." So, they would give us advice on the litigation committee. It was a way of making sure we all were very responsible. Anyway, I don't want to go on too long on only one issue. So, we start public interest law programs, and then with a colleague of mine, Gordon Harrison, we get a visit from four young lawyers just graduating from Yale Law School. They want to set up The Natural Resources Defense Council.

SI: Yes.

SJ: They wanted to work in the environmental field. So, we said, "Okay, here's what you have to do." The first grant was about two hundred thousand dollars. Last I heard, they have an annual budget now of about seventy or eighty million. They've really succeeded. Now they go to the IRS to get a tax exemption. The IRS says, "No, we will not give you a tax exemption." The Secretary of the Treasury says, "This is not an activity that we want (to countenance?)." Nixon is now President. I'm on a vacation with my family in Europe and I get a call from Bundy saying, "We're in deep trouble, because we can't make grants in the public interest field if they're not tax-exempt. How do we deal with that?" So, I come home, called my "four wise people." These guys are just excellent. They begin a process of calling the right lawyers, people in

Treasury, people in the White House and people in the Bar Association--NRDC also had some well-known lawyers on its Board. About three months later, after a lot of activity, the Treasury Department rescinds that rule and says they will give a tax exemption. It was really an exciting period of time. We then build the program, and I think, over the course of five or six years we funded nine or ten public interest law firms. See, this is the paper that I wrote with the (committee in mind?). This just lists the issues, but, one day, you might want to look at this.

SI: Let me just read the title, so that I can look it up later. We are talking about, "The Public Interest Law Firm."

SJ: Yes, public interest law firms.

SI: "New Voices for New Constituencies."

SJ: Right, and there's another one.

SI: February 1973.

SJ: What year is that?

SI: 1973.

SJ: Yes, and then, there's one more book, I'll have to bring it in, that I wrote later on, the second one. Anyway, as I said earlier, we funded at least nine or ten public interest law firms. That book was written to the Board to try to lay the case for why it was important. One of the key things there, you'll notice--one of the things I learned at Ford is, you've got to work within the establishment to get the establishment to move. So, we have a forward by Ed Levi, who was then the Attorney General and had been a former Dean at the Chicago Law School. His support meant a lot to the people on our Board. [Editor's Note: Edward H. Levi served as US Attorney General from February 1975 to January 1977.] The law firms span the field. There was a law firm that dealt with consumer issues. We funded one that dealt with communications issues. We funded three in the environmental area, NRDC and the Sierra Club Legal Defense Fund and the Environmental Defense Fund. Then, we also funded a couple of broad-based public interest law firms, and one, which is still operating here in New Jersey, the Education Law Center in Newark, which brought a major case in New Jersey on educational financing. That was created by a Rutgers Law Professor, Paul Tractenberg, and it is still in existence. [Editor's Note: Professor Paul L. Tractenberg has served on the Rutgers Law School faculty since 1970.] There was one on international issues dealing with trade issues and their impact. They were all over the country.

Public interest law was a big program that took a number of years to create, and Ford stuck with it for ten years. I always consider that to be one of the most satisfying and important things I did. In fact, over there is a big book called *Public Interest Law*. That was intended as an evaluation. Robert McNamara, who was on the Ford Board, was hassling us at one point about not getting an evaluation. [Editor's Note: Robert McNamara was US Secretary of Defense from 1961 to 1968.]

So, we get one. I went to the University of Wisconsin, the Poverty Center at the university, run by an economist, David Weisbard, and they did an evaluation. Some of the work was very hard to evaluate. How do you put a [value] of money on if somebody gets the right to have an unsafe product removed? Those are very difficult things to evaluate. Anyway, there's three hundred pages there. So, again, public interest law was one of my most interesting and one of the most rewarding projects. Bundy was a great support, and the Board eventually supported it too.

SI: I interviewed another person named David Sive. [Editor's Note: David Sive worked on landmark environmental cases, including *Scenic Hudson Preservation Conference v. Federal Power Commission* 354 F.2d 608 (2d Cir. 1965), which led to federal environmental protection acts. He became known as "the Founding Father of Environmental Law."]

SJ: Oh, yes, from the NRDC, right.

SI: I heard some of this from his side of it, but I know from his story that it was not just winning the cases, but, also, getting the concepts of, in his case, environmental law ...

SJ: Right.

SI: ... Enshrined in education centers around the country. Would the Ford Foundation support some of that work, just like you had done in criminal justice, supporting research in public interest law?

SJ: Yes, there was some of that, but that would've been handled mostly in the environmental section [at Ford]. For example, one of the things that they were very interested in was energy and the development of energy conservation, initiatives. I went to a conference that they were supporting on energy. I'd be somewhat familiar, but the funding for that would've come out of that office. David Sive, I remember, was one of the original board members of the NRDC, along with Robert Redford. It was a brilliant move, getting Redford. He helped with fundraising, as did other well-known people who joined that board. Bundy said, "We can't recommend the grant. I don't care who's on the board, we are not going to give a grant, a couple hundred thousand dollars, in a law field to four lawyers who just came out of law school. We need to [work with them]." The lawyers wanted to work cooperatively. We suggested they get an older lawyer, somebody who's had a lot of experience with litigation, and he should be manager. So, they recruited John Adams, who had been in the Civil Division in the US Attorney's Office in New York, ten years older and lots of experience. We needed to have someone in charge. How did you get to David Sive, out of curiosity?

SI: Unfortunately, he passed away earlier this year, but his daughter, Helen Paxton, is the head of communications at Rutgers-Newark. She knew about our program and we interviewed him. It was similar to what I am doing with you.

SJ: Yes, it would be interesting talking to him, he was there in the early [period]. He'd have insights about the board and people that I wouldn't. He was very important to NRDC. David Sive was a well-known lawyer in New York and very committed to environmental issues.

SI: You were in different fields, but it is interesting to see the perspectives of two people--he was maybe ten years older than you.

SJ: Oh, yes, at least.

SI: But, you experienced these changes in the law around the same time. It is interesting to hear your different stories.

SJ: Yes.

SI: We are almost an hour in. Do you want to take a break?

SJ: Yes, that'd be fine.

SI: Your last two jobs, the Riot Commission and the Justice Department, were very high stress. You were working all sorts of hours. Was it any different at the Ford Foundation?

SJ: Yes, the hours were different.

SI: Okay.

SJ: I mean, when I was trying the spy case or I'm working on the riot report, I would get there at nine o'clock and not get home until ten at night. That's a lot of stress. At the Ford Foundation, it was pretty much nine-thirty by the time I got to New York, to five or six o'clock. I didn't have nights or weekends unless there was an urgent matter for the Board. There was more travel, that's true, but the stress was of a different kind. Presenting to the board with Bob McNamara, Senior Judge [Charles E.] Wyzanski, Chairman of the Board of Donaldson, [Lufkin & Jenrette], Chairman of the Board Ford Motor Company, head of Brookings, CEO of Levi Strauss, that gives you some stress. It's not someplace you want to make too many mistakes. You need to be well prepared and want to be in a position to answer any questions, even out of left field. Also, Bundy and Mike and other executives are also there. So, the meetings with these four lawyers, although we got along well, was still a stressful time. "Are they going to approve what I did? Are they going to have comments? How's Bundy going to react?" So, it had a different kind of stress. Your performance was constantly rated and you're constantly being "on." If I were at Ford and just giving money to Harvard, MIT, and Yale, I would probably have little or no stress. But when you're working on something completely new and that might be antithetical to the establishment, then the stress is different. For example, people at DuPont were unhappy about a lawsuit involving a city hospital. Also, an oil company head was unhappy about a lawsuit off the California coast. There were always issues that are going to get people riled up. We made sure the firms had good, responsible lawyers and we assigned a monitor to prepare reports every six months on their docket. We'd approve an area to be analyzed, but we didn't approve or veto any specific litigation. The Ford Foundation would not be in a position of approving litigation.

SI: Thank you very much.

SJ: I think when we start [again], I can deal with another stress area, the Vietnam Offender Program.

SI: Yes, I definitely want to get into that.

SJ: Did you hear anything about that?

SI: Yes.

SJ: Oh, you know about that?

SI: Yes. Let me just conclude this recording.

## Chapter 9: The Ford Foundation: Reshaping American Justice

Shaun Illingworth: This begins the ninth interview session with Professor Sandy Jaffe on September 16, 2014, in New Brunswick, New Jersey, with Shaun Illingworth. Thank you very much for having me here again.

Sanford Jaffe: As usual, Shaun, I enjoy it very much.

SI: Very good. I want to begin by asking you about your work, through the Ford Foundation, on the issue of amnesty for people who evaded the draft during the Vietnam War.

SJ: Yes, okay. That was probably one of the most interesting projects that I had worked on at the Ford Foundation and also an important one, because the issue had an impact on the lives of so many persons. As you know, just to refresh our recollection, during the Vietnam War, there had been a significant amount of public dissatisfaction with the United States' involvement in Vietnam and a lot of dissatisfaction took place on college campuses and among young people generally. A number of persons--I don't have the exact number--left the United States, went to Canada, Sweden and other places, to avoid getting drafted. The United States had a draft at that point and most of the Army was made up of draftees. After the war is over, a number of years later, the question surfaces, "What do we want to do with the thousands of young people who have evaded the draft and went to Canada, etc.?" Well, one alternative would be to say, "You can come back, but on the pain of being indicted and being tried for evading the draft." Another alternative was to take a humane view and suggest that we are interested in putting the Vietnam War and all the trauma it had caused behind us, to the extent that we could. There was discussion at the political level about working out a procedure where a number of these fellows, mostly males, would be given amnesty under certain conditions if they came back to the United States under these [conditions]. They would not be prosecuted, would not get a criminal record, and go on with their lives. This was an issue of discussion in the country.

Near the end of the Ford Administration, the issue began to seriously percolate. One day, I got a phone call to see McGeorge Bundy. I walked in and he said, "I think it's really important to our country to develop a program of amnesty for the people who left and avoided the draft." Obviously, McGeorge Bundy as the National Security Adviser was intimately involved in Vietnam, but we didn't discuss his role there. He felt strongly about this issue of amnesty and he hoped may we could put some light on the question. We could do some analysis, we could get involved. So, would I like to work on it? I said, "Yes, I really would." [Editor's Note: McGeorge Bundy served as US National Security Advisor from 1961 to 1966 before becoming President of the Ford Foundation from 1966 to 1979.] As I said, this was an important issue. So, I began to develop an information paper. One of the ways we proceeded at the Ford Foundation is, explore an issue, and write an information paper, laying out a strategy, setting forth what you think the Foundation might do. The paper would then go to the Board for their action. That's how we would go into a new program area. So, I wrote an information paper, and laid the issues that I thought we had to face. One obviously was a political question about the impact of a program, "Who do you give amnesty to? Would it be blanket? Would it involve everybody or are some people more culpable than other people? What if people just evaded the draft, but what

if someone tried to get other people to evade the draft? What if they were advocates? What if they had previous records? What if they had dumped rotten eggs on draft boards?" These were some of the issues to analyze. Also, "What was the Presidential authority to do amnesty?"

The conclusion that surfaced and Bundy would bring to the Ford Board was that a bipartisan commission should be established by the Ford Foundation and, hopefully, with the Rockefeller Foundation and whatever other foundation might be interested. I then presented to the Board the information paper and the idea of creating a commission, which would analyze the issues, make some recommendations, and most important, would throw some light on this problem. Also, I talked about what the impact would be if we did or didn't do anything, and hopefully, begin to build public support. A bipartisan commission of people knowledgeable and respected in the community would be the key. So, Bundy began to think of who might be on the commission. We came up with good names, and asked Admiral Elmo R. Zumwalt, former Commander, Naval Forces, Vietnam, to chair the commission. [Editor's Note: Admiral Elmo R. Zumwalt, Jr., served as Chief of Naval Operations from July 1970 to June 1974 and Commander Naval Forces, Vietnam, and Chief of the Naval Advisory Group, US Military Assistance Command Vietnam, from 1968 to 1970. His son, Elmo Zumwalt, III, served on a patrol boat in the Mekong Delta, where Admiral Zumwalt had ordered the use of the Agent Orange defoliant. The younger Zumwalt later developed cancer related to Agent Orange exposure (he passed away in 1988). Both Zumwalts collaborated with author John Pekkanen to chronicle these events in the book *My Father, My Son*, published in 1986, which was later turned into a 1988 TV movie.] Father Hesburgh from Notre Dame was also on the commission. [Editor's Note: Father Theodore M. Hesburgh served as President of the University of Notre Dame from 1952 to 1987.]

So, [we] go to the Ford Board, [have an] intense discussion and, to my surprise and Bundy's surprise, the Board votes against creating a commission. Also, we could not get any other foundation to help. The Ford Foundation would be alone. Also, some on the Board thought that Admiral Zumwalt was too liberal; some people thought he was too conservative. [laughter] So, it was difficult to get a consensus and the Board then said no. They sort of hedged a little and said that, "You could develop some programs in this area, but we're not endorsing the idea of creating a national commission to look at the issue." I remember sitting there and being really surprised. One of my anecdotes, recollections, is Henry Ford who was on the Board and not a fan of, came up to me and said, "Okay, kid, we've got you on this one." [laughter] "Okay," I said, "you're right." I laughed, too. [Editor's Note: Henry Ford II, son of Edsel Ford and grandson of Ford Motor Company founder Henry Ford, served as President of the Ford Motor Company from 1945 to 1960 and chairman and CEO from 1960 to 1979.]

SI: Was McNamara still on the Board then?

SJ: Yes. So, I go to Bundy's office and he said, "Well, we don't have to worry all summer about putting this together [laughter] and the bad thing, it really is important and needs to be done. So, let's figure out another way to do it." So, we decide to meet with Father Ted Hesburgh. Hesburgh was then President of Notre Dame, a very well-known Catholic theologian and a real humanist. He was Chairman of the Civil Rights Commission, I think that Eisenhower appointed him, he was a person of tremendous respect and an awfully nice person. [Editor's Note: Father

Hesburgh was named to the US Civil Rights Commission in 1957 and became its Chairman in 1969, serving until President Richard Nixon dismissed him in 1972 for opposing his policies.] So, I remember calling. I called up his secretary and asked if we could meet him and discuss amnesty and he said, "Sure." He was going to be in New York and he would come to the Ford Foundation. He came early, and so I remember buying him a cup of coffee in our cafeteria and I found myself very fond of this man. So, Bundy and I and one of my colleagues, Peter Bell, who was going to help with some of the staff work, met with the Father. We decide to fund at Notre Dame a study that will lay the groundwork on this issue and do what the commission would've done. The Ford Foundation, we'd make a grant to Notre Dame, an institution that nobody's going to hassle you about, and Father Hesburgh would form a small advisory committee at Notre Dame that would help. Larry Baskir was interested in running that study out of Notre Dame. [Editor's Note: The Honorable Lawrence M. Baskir served as CEO of the Presidential Clemency Board from 1974 to 1975. He directed the Vietnam Project at the University of Notre Dame Law School from 1975 to 1977. In 1977, Baskir and William A. Strauss published *Reconciliation After Vietnam: A Program of Relief for Vietnam Era Draft and Military Offenders* through the University of Notre Dame Press, recommending the pardon of all military deserters and draft evaders except for thirty-five thousand borderline cases to be reviewed individually.]

So, after a couple of weeks of staff work, developing a proposal, working with Larry, working with people at Notre Dame, we developed a project and we made a grant to the University of Notre Dame for about three hundred thousand dollars. It was not a huge, million-dollar study. It was going to be Larry and a few others who were going to do the work. We needed to know the numbers. "How many people are we talking about? What would be the scope of it, a full amnesty? How would you go about doing it? How do you make sure that there aren't going to be criminal prosecutions? What kind of records are you looking for, and so forth? What about guys who went into the Army, but, then, deserted and went to Canada--were they going to be covered by the amnesty or was that a different military offense of desertion? What about persons who had been injured, and then, deserted?" So, what seems like a simple issue is much more complicated. Bundy then communicates with President Ford's General Counsel's Office. President Ford issues an Executive Order. [Editor's Note: On September 16, 1974, President Gerald Ford signed Executive Order 11803 to establish the Presidential Clemency Board (to which Father Theodore Hesburgh, President of Notre Dame, was named a member) to review approximately twenty-one thousand petitions from those convicted of draft-related crimes (ninety percent were ultimately granted clemency). The Board could order community service as a part of its rulings.] The problem now was that the Ford Executive Order was very limited. It was complicated and convoluted and would apply to a very small number of people. Also, it set up a very cumbersome procedure. Most people were unsatisfied with it. I recall you telling me last time, another person you interviewed also made that point.

SI: Yes, I had done some research on the issue. The Ford Executive Order, as you said, was very limited in scope.

SJ: Right. So, it was not satisfactory. Ford then loses the Presidency and Jimmy Carter gets elected. One of the first things Carter does is, before being sworn in, communicate with Father Hesburgh about amnesty. His staff knew about our efforts. Father Hesburgh calls Bundy and

then calls me and says, "Carter, President Carter, is really interested in looking at this issue." It was the humane thing to do. [Editor's Note: President Carter graduated from the US Naval Academy and his highest rank achieved was lieutenant at the time of his discharge from active duty in 1953 and Reserve duty in 1961.] Carter does not want to have a generation of people who would forever have this stigma and never be able to have an employed life. So, Hesburgh wants a draft of the Larry Baskir study and me and Peter Bell wrote a memo for Bundy and Father Hesburgh, outlining what some of the preliminary recommendations were going to be and what we had found so far. Hesburgh, through Carter's General Counsel, arranges a meeting in Washington with the President-Elect. [Editor's Note: Robert Lipshutz served as White House Counsel from 1977 to 1979.] I do not go to this meeting, but Bundy and Father Hesburgh go and meet with Carter and his General Counsel. The meeting went very well. Bundy says that Carter was very receptive, appreciative of all the information and data, and we should give him the Larry Baskir study as soon as that's done. The study got done and Carter says to Bundy and Hesburgh that, as soon as he gets [sworn in], an amnesty program would be one of his first acts. We send the report to Carter's people. Carter gets sworn in, then issues an Executive Order which deals with most of the issues. It didn't cover everybody. It didn't cover desertion, but was broad enough and thoughtful enough that it dealt primarily with all concerns. And, little by little, amnesty becomes an accepted fact. So, I don't recall how many thousands of people were granted amnesty, but there were a very significant number. [Editor's Note: On January 21, 1977, President Jimmy Carter signed Executive Order 11967 pardoning all Vietnam era draft evaders, except those who committed desertion and/or violent forms of protests or who had received a discharge other than honorable.]

SI: Did the Ford Foundation have any role in establishing the mechanics for how people would come back?

SJ: No. We made some suggestions about how that might be done, but the mechanics were handled by the DOJ, I think. Also, the Department of Defense was involved. An interesting aside, during the investigation we came across a fellow who was in a veterans' hospital, in Texas. His situation was a complicated mess. The kid had been hit by two shells or had been in the area, and both of his retina were detached. There was no surgeon available to repair it. I can't remember, either McNamara or Hesburgh, said "Gee, that's terrible. I know a great surgeon who I think can go and help this kid." He called the surgeon. The surgeon went down to Texas and repaired the fellow's eyes; that was very moving.

SI: It sounds like Bundy was really the moving force behind this.

SJ: Yes, and Hesburgh.

SI: As you mentioned, Bundy was one of the architects of the war, initially.

SJ: Right.

SI: Did you feel that there was any kind of need on his part to address this for his legacy?

SJ: A lot of my friends asked me that question, too. A, I'm not a psychiatrist; [laughter] B, I don't know. Bundy didn't discuss this with me. Bundy at the Ford Foundation was very different than Bundy as National Security Advisor, I have been told. The last president before was Henry Heald. John J. McCloy, who had been the United States Commissioner for Germany after the Second World War, was chairman of the Foundation. It was a very staid kind of place at that time. [Editor's Note: Dr. Henry T. Heald served as President of Illinois Institute of Technology and New York University before serving as President of the Ford Foundation from 1956 to 1966. John J. McCloy served as Chairman of the Ford Foundation Board of Trustees from 1958 to 1965.] It made grants primarily to academic institutions. It did some work overseas. There would rarely be grants that people would get very upset about. When Bundy came to the Foundation, it completely changed. It became a foundation very responsive to the social trends that were happening in the country at the time. He single-handedly turned the Foundation around to be involved in all kinds of issues that were of concern, very progressive ideas. So, whether that was always Bundy, I don't know. He had also been a Dean at Harvard, I think the youngest dean they ever had. He was an unusual academic. He did not have a PhD. That didn't stop him from being Dean; he was brilliant.

SI: Do you have more general thoughts on his personality, the way he worked?

SJ: Yes. He had a good sense of humor. He also, to coin a phrase, did not suffer fools well, but the problem was that [within] his definition of a fool were a lot of people who didn't measure up. He had a sharp mind and a quick mind. At the Ford Foundation, after you request a grant, it went to Bundy and the top officers in the Foundation. We'd meet every week and you would go to the meeting to defend the request. He could ask really sharp questions and would have little patience if the questions were not being dealt with adequately and reasonable quickly. He was a very pleasant man, I thought, but some people did not. If you felt the sting of his intellect, you didn't feel that way. I think he had a good political sense. In my opinion, he was a very good person to work for, he was very socially conscious. For example, for public interest law, he decided to support us. If one of the trustees called and said, "Look, these public interest law [firms] are hassling my firm," he'd call me and say, "What's going on?" I gave him the picture and he said, "Fine." He'd write a note back to the trustee, "Look, we did it the right way and that's it." He would never say, "Pull that grant or hassle [the awardees]."

If you had a new idea, you could present him. He was not a bureaucrat, he would on occasion call me up and say, "Sandy, I was reading *The Times* on Sunday and there's an important issue on bail reform. What are we doing about that?" I'd go and I tell Mike Sviridoff, the VP for National Affairs, "I just talked to Bundy. He's interested, we ought to look at that." Bundy would reach to people in the Foundation that he wanted to discuss something with. He was well-respected and he valued people on the merits. There were some people at Ford who were somewhat arrogant, who had gone to Groton or Harvard or Yale and had a certain attitude. Bundy had gone to all those places, and he was not like that at all. If you were competent and meritorious, he didn't care. He was very conscious of gender and race issues. He created a program of Affirmative Action to bring more women and minorities in to the Foundation and its grantees. He would not only hire tall, thin guys. That was not Bundy.

Maybe I had a little special relationship--to give you an aside, one day he called and said, would I have lunch with his son? His son was graduating college and he said, "I've got a purpose. He wants to go to law school and I would really like him to go to Harvard and I don't think he wants to go there. I know you went there and maybe you could subtly point out the values of going to Harvard Law School." [laughter] So, I said, "Sure." So, Steven Bundy and I went to lunch and we get to talking about the values of law school and Harvard, etc. So, Steven interrupts me, "I figured it out, that my dad wanted me to have lunch with you because he figured you'd talk me into going to Harvard." He said, "You're doing a good job, but you're not going to succeed." So, I said, "Why not, Steven?" He said, "I've got to get away from Harvard. My dad was up there, also my mother, and she comes from that New England aristocracy." He said, "I've been there. I want to go to California, get away. I've been admitted to Berkeley, and I'm going to go to Berkeley." I said, "Great school." Steven said, "There's one other thing, Sandy," I'll never forget this. "For a guy from your background, going to Harvard was really important, because that would open up doors that you would not necessarily have available to you, but with my name and my family's name, I don't need that. So, I can go to Berkeley and still have that." He was perceptive and right. I remember telling Bundy I wasn't successful, and Steven's comment. Well, he broke up laughing. "Well, Steven's pretty perceptive." I had that kind of relationship with him, where he would ask me to meet with his son. I very much respected what he did at the Foundation. I don't know if that is a long way [of answering].

SI: No, absolutely, that is a great answer. Let us talk about dispute resolution and how that area developed there.

SJ: Okay, I cared a lot about dispute resolution. Mike Sviridoff was interested, but the Foundation had no program in dispute resolution. This was very early. Bundy called me up to his office one day and said, "I'd like you up here, because the Chief Justice is coming in to see us." Warren Burger was then the Chief Justice of the Supreme Court. [Editor's Note: The Honorable Warren Earl Burger served as Chief Justice of the United States from 1969 to 1986.] I was introduced to Burger, who I did not know. The Chief was interested in having a conference to focus on the popular causes of discontent with the justice system. It was the one hundredth anniversary of the ABA, some anniversary which became the purpose of the conference. Burger wanted to look at the justice system and see if there were different ways of dealing with conflicts and improving the efficiency of the courts and the way people were dealt with in the courts. The purpose of his visit was to explore whether the Ford Foundation would be amenable to getting into this subject and making a grant for the conference. Bundy said yes, that we would make a grant to the American Bar Association. I got the assignment to work on the proposal and work with the ABA on the program. The grant was about a hundred thousand to help support some of the logistics and some of the staff work. It was very well-publicized and well-attended. I went out to Minnesota to go to the conference. It was there that the subject of alternative ways of thinking about resolving conflicts became a topic for people to discuss. Frank Sander, who was a professor at Harvard Law School, delivered a paper on "the multi-door courthouse," a different way of getting access to justice, including mediation, etc. [Editor's Note: Harvard Law School Professor *Emeritus* Frank E. A. Sander gave this talk at the National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice (also known as the Pound Revisited Conference), held in St. Paul, Minnesota from April 7 to 9, 1976.]

I helped put together some panels on that subject and then developed a work plan for the Foundation. We had made one or two small grants in that field. One was to Ted Kheel, a well-known labor mediator in New York City, who had an organization to encourage mediation in labor areas. [Editor's Note: In 1969, the Ford Foundation provided funding to labor mediation attorney Theodore W. Kheel who later co-founded the Institute for Mediation and Conflict Resolution.] So, I then wrote another information paper, and set forth a program in conflict and dispute resolution. That meant we would be open to a wide variety of ideas and people. So, for example, I was interested in developing community justice centers. Such centers would make mediation available to people in the community to resolve local disputes and perform an educational function. It was a big program area. Another area was working with the courts in helping them develop dispute resolution programs that were connected to the courts, e.g., divorce cases, family matters, and others. So, little by little, this area of a major program grew. We had a couple of million dollars, I'd write a couple of new information papers. As an aside, Bundy said one day, "Sandy, if I didn't know you well enough, I'd think this was all a clever maneuver on your part." I said, "What do you mean?" He said, "Well, let's look at it, first, you tell me we should fund public interest law and that creates more crowded courts, people going to court who never would have. Now, that gives you a basis for now developing a program to take the cases out of courts and solve it by mediation. So, I might say it was just a make-work project on your part." [laughter] That was a funny comment. I'll never forget that one.

I worked a lot with the American Bar Association, and then, the Hewlett Foundation became interested in this field. Roger Heyns, who'd been President of the University of California, felt this was an important area. So his staff worked in conjunction with me. With the Hewlett Foundation, and the MacArthur Foundation, we created the National Institute for Dispute Resolution, which was headquartered in Washington and had the responsibility of coordinating what was going on nationally, and encouraging the development of the field. [Editor's Note: Roger W. Heyns served as Chancellor of the University of California-Berkeley from 1965 to 1971 and as President of the Hewlett Foundation from 1977 to 1992. The National Institute for Dispute Resolution was created in 1981.] I could go into a great more, but that gives you a sense of what we did--the courts, the community, the nonprofit organizations, arbitration--and support at universities, where people were interested in finding out whether these worked well, "Did they really provide people with better opportunities to solve their problems?" So, it became a fairly large program area at the Ford Foundation and one in which I eventually followed myself, professionally.

SI: This is a very widely accepted practice now.

SJ: Yes.

SI: As you were going through it and helping to establish the field, do you remember any roadblocks?

SJ: Oh, yes, I mean, there were lots, like anything new. Particularly, some people saw it as a threat to the Bar. For example, I'm in Ohio on an American Bar Association program to help

talk to the Bar about the value of these programs. A lawyer raised his hand and said, "Well, what really concerns me and my colleagues is the following--if we recommend to our client that they think about mediation, are we committing malpractice?" You get that question? That shows you where they were. Today, if you don't recommend mediation, you're probably committing malpractice. Law firms have sections now for dispute resolution, but it was so foreign at that time and threatening to lawyers. Some lawyers felt that this would cut into their practice and that mediators and other third parties would take over some of their work. Particularly, long cases with a lot of depositions. The worry was that if you mediate this case, you might cut out two years of depositions. [laughter] I worked with the leadership of the Bar, which was very supportive, and that was important. I went to a number of ABA meetings and the ABA House of Delegates, early on, passed resolutions endorsing dispute resolution. I remember going to meetings in Hawaii and San Francisco. I did a lot of traveling. The courts were also, in the beginning, not very receptive. This was new to judges. They were used to doing settlement. "We can settle cases if we have to. Why do we need a mediation program? It's going to cost us money. We're going to have to hire an administrator who can set up a program. They're going to have to train mediators; we're going to have to keep records. What do we need all this for?" "Well, you need it because people are waiting years. They're not getting the access they want and need." So, it took time.

One of the first assignments I had when I left the Ford Foundation was a request by the Chief Justice of the New Jersey Supreme Court and the director, Bob (Lipsher?), if I could [help them] develop the field with Linda Stamato, who was working with me as a consultant on conflict resolution. I had met her through the Rutgers Board [of Governors] that I was on, as she was. We wrote a long paper for the New Jersey Supreme Court, laying out the reasons the Court should adopt dispute resolution programs. We then presented it at one of the annual meetings that the New Jersey Supreme Court has with all the judges. At that point, it was really radical. There were a couple of judges who were very supportive, as was the Chief Justice was very supportive and Bob (Lipsher?), the director. [Editor's Note: Professor Jaffe and Linda Stamato submitted their report, "Dispute Resolution: Complementary Programs and the Courts," to the New Jersey Supreme Court and the Administrative Office of the Courts in January 1983.]

Today, every court in NJ and the country has a number of court dispute resolution programs. That would not be a novelty at all. Almost every law firm has a dispute resolution section. When we started, nobody was teaching dispute resolution. Today, every law school has one or two courses in dispute resolution. Every business school has two or three courses. Also, there are courses in undergraduate school. We teach here in the Public Policy School [the Edward J. Bloustein School of Planning and Public Policy]. So, it has become widespread in the academic world. If you turn around and look at my bookshelf, you see all kinds of papers and documents and books. Early on, I could sit at my desk and look at the publications that came out on dispute resolution and read them in an hour; [laughter] today, forget it. So, it did take a lot of effort and there was significant roadblocks. Even today, there are people who don't understand the process and don't know the difference between mediation or arbitration, and don't see the value of it. We did a study a couple of years ago, funded by the Hewlett Foundation, on the reasons for the resistance. So, you still have it among certain public officials who will not use mediation. They've been elected, they know [about] the public interest--they're going to decide it. They

don't want to give up power, even if they are not. Anyway, they think they are. It was an exciting time at the Foundation. It was interesting, it was in the beginning and it was exciting and interesting and challenging to get institutions of a society, like the Bar Association and the courts and government agencies to see a new approach and think about adopting it. We also did a lot of work with government agencies and, today, EPA [Environmental Protection Agency] probably does thirty percent of its business through mediation or facilitation. It was an important and worthwhile area. Obviously, I'm still in it. [laughter]

SI: Do you remember any key moments? You were pushing the dispute resolution agenda in many different ways, it was becoming slowly more accepted, but do you remember any key cases or moments when something happened that led people to accept it even more?

SJ: No, I don't. It's probably because I tend to see the development of social reform and policy pretty much as an incrementalist. I believe most things of value develop incrementally. It's not like Roosevelt decides we need to have an atomic bomb and we'll create the Manhattan Project. Then, the Manhattan Project develops it and, I guess, there's a quantum leap. That's not my field, but I guess, [if] you talk to people in that field, they might tell you that was a seminal moment. I think that's rare in the field of social policy. Another example in the public interest law field is where a small number of people were able to turn around the opinion of the Nixon Administration on the tax exemption of public interest law firms. We've talked about that. We were able, with other people, to get it to turn around. That was a very significant moment and, from then on in, a lot more interest. There was also one or two early [cases] like the Trans-Alaska Pipeline case, that led to the doctrine of expanded standing, which in turn played an instrumental [role]. The dispute resolution field is a much broader world. It encompasses all court system and all bar association. So, there was more incrementalism. Frank Sander and others would go from one state to another. I didn't get much hate mail, like I got after the Riot Commission, not the kind of thing you'd get. [laughter] Then, more journals come out, more academics get interested, more law schools begin to teach it. So, little by little, it gets to be [accepted]. On the other hand, there are probably some people in this building, the Public Policy School, that do not see how we fit in. So, my colleague and I, always say, "It's an incremental process at best." [laughter]

SI: I just wanted to ask a couple more questions.

SJ: Yes, because I have to do something.

SI: Sure.

SJ: Okay.

SI: We have outlined four major areas you were involved in over your fifteen years there. I would imagine that it was not as if one thing ended and the next thing began.

SJ: No, you're right.

SI: You would work on multiple issues at the same time.

SJ: Sure, yes. Well, you work on multiple things, but the Vietnam activity did have a specific period. That was for three or four months, over a period of time, and once Carter issues his Executive Order, we're out of it. There really was not much more for a foundation to do. We're not going to run the program. The public interest law program did go on for, basically, ten years. One of the things that I tried to do, and Bundy believed in, is, when we got in an area, don't do what some foundations do, "Oh, it's cute, do it for two years. Oh, then, this new guy program comes in--we'll do something now. We were committed and asked the Board to commit five years, and then another five years, and then we phase out. That's not unreasonable. I'm also involved with criminal justice, Ford, and in clinical legal education. There were also issues on government reform and that I was responsible for. Ford made grants to Alan Rosenthal, his center for state legislatures. [Editor's Note: Alan Rosenthal is a Professor of Public Policy and Political Science at the Eagleton Institute of Politics at Rutgers University.] That was a big project with us. We also gave grants to the state legislature's national organization, because we were interested in the process of reform. Also, there were grants to the Center for American Women and Politics [at Eagleton]. So, there were other things that I would do. Since we're moving into dispute resolution, it doesn't mean I drop everything else.

SI: Sure. Thank you very much.

SJ: Well, thank you. I hope I've not bored you on all that.

SI: No, very interesting, as always.

## Chapter 10: The Rutgers University Board of Governors

Shaun Illingworth: This begins the tenth interview session with Professor Sandy Jaffe in New Brunswick, New Jersey, on September 23, 2014. Thank you for having me here again.

Sanford Jaffe: Sure, my pleasure, of course.

SI: To begin, I wanted to talk about your relationship with Rutgers, starting with your time on the Board of Governors. What led up to your being selected or nominated as a Board of Governors member?

SJ: Sure. Well, it was through the Governor. As you know, the Board of Governors has eleven members set by statute and six are appointed by the Governor, with the advice and consent of the Senate, and five appointed by the [Rutgers] Trustee Board. [Editor's Note: Founded in 1766 as Queen's College, Rutgers University was governed by its Board of Trustees until the 1956 "Rutgers, The State University Law (NJSA 18A:65-1 et seq)" named Rutgers as the State University of New Jersey and created the eleven-member Rutgers University Board of Governors. The Board of Governors supplanted the Trustees as the governing body of the University, but the act preserved the Board of Trustees as an advisory board with some fiduciary responsibilities and the right to name five Governors.] One day, I got a phone call from Governor Byrne's secretary asking me if I'd come see the Governor and chat with him. I said, "Sure." When I saw the Governor, he said there was a vacancy on the Board of Governors and, if I were interested, he'd like to appoint me to that vacancy. He kiddingly said that the main reason he was doing it was he knew I went to Rutgers and I was interested in education. But the main reason was because he had appointed Chief Justice Joseph Weintraub, who was then retired from the Supreme Court a couple of years earlier. He thought it would be very special for me to have an opportunity to serve on the same board with the Chief Justice. [Editor's Note: Governor Brendan T. Byrne served as Governor of New Jersey from 1974 to 1982. The Honorable Joseph Weintraub joined the New Jersey Supreme Court as an Associate Justice in 1956, then served as Chief Justice from 1957 to 1973.] "That's great. I'd love to do it."

Obviously, the opportunity to serve with Joseph Weintraub would be an extraordinary experience. Plus, I was interested in the university and its governance. So, my name was submitted to the Senate and I heard there was a little hassle from the county leader, "Who am I? Why am I getting this appointment? How come this didn't come through the county?" I think that what happened is, the Governor said this is something that he wants to do. This is not an issue for the organization in Essex County. New Jersey has a system where a Senator from a particular county could block you and the Governor hoped nobody would block me. So, it did work out that way. I was not blocked, and I did get appointed. As an aside, I remember somebody sending me a copy of *Targum*, the school newspaper, when my appointment was made. There was a comment in the editorial section that said they were pleased to see my appointment and, maybe now they would get a quorum without a hassle. [laughter] That was my initial contribution. Unfortunately, the Chief Justice died shortly thereafter. He was on a trip to Florida and a very serious illness struck him. By the time I got appointed and went to my first

meeting, the Chief Justice was dead. So, I never did have the opportunity to serve with him on the Board of Governors.

SI: That was 1975, according to your resume.

SJ: I think so, yes. You're better on dates than I am, because you've got my resume, right?  
[laughter]

SI: Before 1975, had you had any other relations with the university, such as involvement in any groups at the university?

SJ: Not really. I was working in New York at the Ford Foundation and, before the Riot Commission, I had been in Washington. I was involved in so many public sector activities that I did not get active in the alumni organization. I thought very well of the University, but the appointment was really a personal one, I think, to the Governor. He thought I would make a good addition to the Board.

SI: When you joined the Board, from interviewing other members of the Board, I understand that it is kind of shocking how much work and reading you actually have to do.

SJ: Right.

SI: How did you fold that in with all of your other responsibilities?

SJ: Well, it was an unusual experience. The Board was composed of quality people and Ed Bloustein was the President. [Editor's Note: Dr. Edward J. Bloustein served as Rutgers University President from 1971 until his death in 1989.] There was some orientation, but not much, and my colleague, who now works with me at Rutgers, Linda Stamato, helped me with the orientation. She was on the Board two years before me, and served as a member of the Trustee Board for a long time. She was very active with the Douglass Alumnae, etc. Linda and I were the youngest people on the Board, and so we became friends. Linda was very helpful to me in those early stages; giving me a sense of what was going on and what were some of the issues and how the university operated. I remember the first time I met Linda, I said, "Oh, how are you? Welcome to the Board." She looked at me and said, in her somewhat snarky way, "What do you mean, 'Welcome to the Board?' You're new, not me. I've been here a long time." I figured, "Oh, well, that's Linda." [laughter] [Editor's Note: Linda Stamato is Co-Director of the Center for Negotiation and Conflict Resolution and a faculty member at the Bloustein School of Planning and Public Policy. She also served as Chair of the Board of Governors and Acting Dean of Douglass College.] Ed Bloustein was also very helpful. Joe O'Connell was the treasurer and Joseph Whiteride became the Assistant Treasurer. He was also very knowledgeable and very helpful. Then, Marvin Greenberg, who was in charge of budget and finances, and later, Alec Pond, who was Executive Vice-President, rounded out the top officers. [Editor's Note: Dr. T. Alexander Pond served as Executive Vice President and Chief Academic Officer under Rutgers President Dr. Edward Bloustein from 1982 until Dr. Bloustein's death in 1989, when he took over as Acting President.] They were a very committed group of people and very helpful. So, it

didn't take long until I got to feel comfortable. The Board met once a month, and there were committee assignments. I got assigned to the Budget and Finance Committee and I enjoyed that. I worked with Joe Whiteside and got to know him very well. One of the advantages of being at the Ford Foundation was that I could keep my own calendar. You did your work and your hours were very much your own. Both Bundy and Mike Sviridoff encouraged staff in the foundation to do activities that were of a non-profit nature and within the scope of the Foundation activities. The Foundation had a large educational program. So, being on a Board of Governors of a major state university was something that would be approved. I never had the luxury of being appointed to a board that I got paid for. [laughter] On the Rutgers Board, you got lunch or a dinner and, occasionally, football or basketball tickets.

SI: You came at the time when Ed Bloustein was trying to reorganize the University and make it into what would become an AAU [American Association University] suitable university.

SJ: Right. [Editor's Note: Rutgers, The State University of New Jersey, was invited to join the Association of American Universities, an organization for the nation's leading research universities, in 1989.]

SI: In the 1970s, do you remember any steps or initiatives that kind of moved Rutgers in that direction that you were interested in?

SJ: Yes, there were a couple of things. I can think [of] three or four that I got much involved in and cared a lot about. One was the reorganization of the faculty. Prior to Ed's initiative on reorganization, Rutgers had different faculty for each college, e.g., Douglass, Rutgers Arts and Sciences, Busch, Livingston, and Cook College were all separate faculties and it was clear to Ed that it didn't really make sense. What made sense was to have a unified Faculty of Arts and Sciences and thus students could take courses no matter where they enrolled and resided. So, this was a big issue. Prior to that initiative, the Board wanted to take a look at the university and lay out a strategic plan. So, we hired two consultants, whose names escape me right now--Linda would know who they are--Homer Babbidge and Matthew Cullen. They were very knowledgeable about higher education. They interviewed a lot of people in the university and in government and higher education, and laid out a plan for the strengths. That was an important document and helped contribute to Ed's idea to have a unified faculty. [Editor's Note: In an effort to transform Rutgers into a leading public research institution, in 1981, the University merged the faculties of the independent colleges into a single centralized unit, the Faculty of Arts and Sciences (FAS).]

I spent a lot of time being interviewed, and there were a whole bunch of special meetings. One time, Ed and one of the deans, Douglass College Dean Mary Hartman, came to my office at the Ford Foundation. We had a meeting to talk, because at first I was reluctant to do this. I liked the idea of small colleges and small faculties, but eventually that view did not prevail. I think it was right that it did not prevail, even though I voted against it. They were good discussions. It was an important project and, although the faculty was divided, many thought it was a good idea. It was a good example of how to lay the groundwork, with the report, and then implement it. There was, on the Board, some very competent people, e.g., Sonny Werblin, Morris Tanenbaum,

President of AT&T, or Vice President, I forget now. Also Don Dickerson, Norman Reitman, people who'd been involved at Rutgers for years. Also, the President of the Fidelity Union Bank, Peter Cartmell.

Another issue that I spent a lot of time on was the question of whether the university should divest its investments in South Africa. South Africa was still an apartheid state at that point and there was a movement to get universities and corporations to divest from investing in South Africa, in the hope that would help begin to change the government and move toward a more democratic and nonsegregated society. I was in favor of doing it, so was Ed Bloustein, and so was a majority of the Board. Some people thought, "Look, this is none of the university's business. You invest money for the best returns you can get." Others argued for social justice and social responsibility. I chaired a small subcommittee of the Board to listen to student and faculty views. We met at Douglass and Busch campuses, and some were quite hairy, to use a colloquialism. Some people violently opposed, and a lot of people very much in favor of divestment. They weren't so much hearings, they were an opportunity for people to give their views to the Board. Eventually, the Board did vote to divest. I considered that to be a really important issue that took up a lot of our time.

I guess one of the other issues that I spent a lot of time on was this one that I lost on and, to this day, I think I'm right. It was primarily me and Linda on this issue. Ed and a number of Board members wanted to move Rutgers into "bigger time" football. Up until that time, Rutgers had a good football team but did not play with the "big boys." Frank Burns was the coach. [Editor's Note: Frank Burns, Rutgers College Class of 1949, was the Rutgers Football Team's quarterback during his undergraduate career. He subsequently joined the football coaching staff and served as head coach from 1973 to 1983.] In fact, one year they were unbeaten. They played Lehigh, Lafayette, Princeton, schools that were in this vicinity and that, obviously, were not big-time football, also some of the Ivy League schools. I thought that was a great way to have a football team. We weren't driven by the economics of it, weren't driven by a lot of other factors. The old Rutgers Stadium, I don't know if you ever saw it, but it had a lot of grass. It didn't have forty to fifty thousand seats. [laughter] I think it had about twenty-five. People would tailgate. It was a very pleasant experience and nobody got upset if Rutgers lost and nobody got too excited when they won. On the other hand, none of the issues that plague big-time football were present. Nobody was hassling about academics, nobody was hassling about rebuilding stadiums and TV contracts. So Ed came to the Board to hire a coach that might be more in the big-time, begin a process of doing that; change the schedule, and so forth. Both I and my colleague, Linda, felt very strongly, but we were the only two. So we did not stop the march.

SI: This is something that always ...

SJ: Rutgers, in fact, embarked on the big-time football and you're familiar with everything today. [laughter]

SI: Being there at that moment, how much did you feel that it was the Bloustein Administration pushing for it and how much was it other voices pushing for it?

SJ: I think there were other voices. Sonny Werblin who was one of the great impresarios of our time was in favor. He was the guy who found Joe Namath for the Jets; he was President of Madison Square Garden, a very nice guy, very committed to Rutgers. He had gone to Rutgers and felt that it was time for Rutgers to move into the big-time. Also, there were a group of people in the alumni who felt this was important, university branding, whatever--I don't give much stock in those arguments. Rutgers is a great school. We've got lots of applications. I don't know what the branding concept even means, lots of great schools don't have big-time football teams. So, a combination of a couple of members of the Board, a push from people in the alumni, and people on the Trustee Board who saw big-time football as important for the university. It was hard to stop that steamroller.

Another issue for the Board was the question of expanding the university. In those days, the university was smaller than today and there was a bond issue that had been passed with some money available. Thus, the question was should the university embark upon a major building campaign and a large recruitment of faculty. I and Linda and Morrie Tanenbaum, and other colleagues on the Board, thought that was important. One of my sons, Greg, was, a sophomore at Wesleyan and Rutgers was playing in the first or second round of the NCAAs in Hartford. So, I talked to Joe Whiteside, who was Treasurer and running the Athletic Department, and asked if I could go with him to the games. I communicated with Greg, and he came. Ed also went, and Rutgers won. There was a center who was very well-known, and went on to play pro for a while. [Editor's Note: During the 1975-1976 men's basketball season, shooting guard and future Detroit Piston Phil Sellers led Rutgers to a 31-0 record before the team lost to Michigan in the semifinal of the NCAA tournament. Rutgers would finish third overall that year.] Anyway, the game's over and Joe said, "Look, Ed and I are driving back and why don't you come with us in the car?" On the way home, the subject of expanding the University and rebuilding came up. Joe was in favor of it, as was Ed, and we spent three hours laying out what we thought was important. Joe always attributed that trip to being a very significant step in the expansion of the University. There were a whole bunch of other actors involved. But it was one of the most interesting and important car rides I ever took. [laughter]

SI: You do not have to recount the whole conversation, but what were some of the key ideas or things that you pushed for?

SJ: Well, it was important to do more building and repair some of the buildings that were there and go on an expansion policy, expand the student body and make sure we were recruiting outstanding faculty. So, it was a combined approach. Unfortunately, Joe has died and so has Ed Bloustein, but other people are here who probably do remember more of the specifics of what happened. I remember the general conversations and that it helped lay the groundwork, among other things, for Board approval. That begins some of the major expansion of the university, Kean becomes Governor a couple years later, and there's more state money available. So, a lot of things fell into place. [Editor's Note: Republican Thomas H. Kean served as Governor of New Jersey from 1982 to 1990.]

SI: You obviously have a background in New Jersey politics and your relationship with Byrne led to you being on the Board. In general, what was your view of the relationship between the State and Rutgers in the 1970s and 1980s?

SJ: It was good. Byrne cared about the University. He would look over the budget and would comment. Rutgers, for example, gave all legal work to outside law firms. We did not have a general counsel. We had no in-house legal staff. So, one day, Byrne calls me and Ed, "Look, I go over the whole Rutgers budget. It's huge, all those lines for legal work, I'm a lawyer and I can tell that you are spending too much on outside counsel. So, if you've got problems with that, who knows what other problems are in the budget?" So, he said, "I really think that you ought to hire and create your own office of counsel in the university." Initially, Ed was kind of opposed to that, but we talked some more and we talked to the Board and Ed then said, "Yes, I think that is right." The first general counsel had been working at the Justice Department and stayed for many years. [Editor's note: Professor Jaffe is referring to David Scott, who served as University Counsel from 1984 to 2004.] Now, we still hire outside counsel for some very specific things. I'll never forget Sonny Werblin's great comment, when we started out with one lawyer, Sonny said, "I'll tell you what--if you have one lawyer, then you need two, because you'll always have another lawyer to disagree with that lawyer. Then, when you have two, then, you'll lead to four," and he was prescient. Today, I guess the Counsel's Office is ten or fifteen lawyers. It was my experience there was no political interference, no "I want you to hire that guy," or, "I've got a great candidate for the faculty," etc. Being a Board member, people would occasionally call me, "Can I get my kid in?" Or could you say a good word?" My standard response, as [with] all of my colleagues, was, "We cannot influence admissions decisions." Kean also never interfered in any of the politics in the university. I remember that some legislators wanted to get Rutgers to have an evening law school. The Board didn't think that was sensible, and the Dean didn't think that was sensible. There was a hassle with some members of the Legislature who felt strongly, "You should be open at night and have access, so [that] people who are working can come to law school," but we felt there wasn't enough of a demand. The Law School held classes in the late afternoon and people would just have to try their best to come then. Eventually, Rutgers did offer that evening law school and many, many practicing lawyers are grateful for the opportunity it afforded them.

SI: Do you remember other examples, similar to the creation of the General Counsel's Office, where Governor Byrne or his office would make comments or want to see something done?

SJ: Not really, I don't, but you've talked to other members of the Board, I know you talked to Linda. Did you talk to other members of the Board?

SI: Yes.

SJ: Maybe they said something that would refresh my recollection. Do you remember?

SI: No, I am just asking what you remember off the top of your head.

SJ: The only thing was the Counsel, and even then, Byrne didn't use a heavy hand. He was right. This is a huge enterprise. We needed our own general counsel and, while outside counsel was competent, it's not the same thing as having a lawyer around the corner who's on your payroll to give you advice.

SI: Coming in at this time, when the University was expanding not just in New Brunswick, but on the other campuses, and coming from Rutgers-Newark as your school, how did you feel that Rutgers as a whole treated the Camden and Newark campuses?

SJ: Yes, I've heard those assertions: "Newark and Camden are being shortchanged." I don't remember that these were major issues. Now, it could be some were not satisfied, but not anywhere near the issues now, where people in Camden and Newark feel that they are somewhat slighted. The university was much smaller then. So, some of the issues that came when it got a lot larger were not there at that time.

SI: Just to stick with Rutgers-Newark for a second, I know that they were trying to build a lot more buildings, dorms, science buildings.

SJ: Yes, just beginning, right.

SI: Yes, and also develop unique disciplines there. Do you remember those becoming issues on the Board?

SJ: I remember when Joe--he advised Buildings and Grounds--would discuss dorms in Newark. I don't recall any opposition. There were a number of Board [members], Morrie Tanenbaum, AT&T, a big stake in Newark, Peter Cartmell, Fidelity Union, Linda, myself, and others, were sensitive to the needs of Newark and Camden. Every year, there was one meeting of the Board in Newark, one meeting in Camden, that was an opportunity for people on the local campuses to see the Board and come with their views--not that meetings in New Brunswick precluded discussion of Newark and Camden.

SI: Besides dealing directly with the Bloustein Administration and Bloustein himself, do you remember other sectors of the University trying to sway you or pitch their case to you, like administrators elsewhere, faculty, alumni?

SJ: Not a lot. I'd have conversations with people from the Law School or the Criminal Justice [School], but I don't remember getting pressure that was repugnant or difficult. I do recall pressure from Ed in one case. A professor in the French Department also had a full-time job at Hofstra, I think. The question was whether he should lose his tenure because he was violating university regulations by having two full-time jobs. One of the rules of the university needed clarification. The case came to the Board of Governors. Ed and a number of the administration felt that he had violated the [rule] by having these two positions. In my view, he had a wife and two sick children. He was not making a hell of a lot of money in the French Department. The fact that the other university called him a full-time professor should not be determinative. We should look at the time involved and circumstances. There were people on the faculty who were

doing very well in the consulting business, and I thought it was unfair to pick on him. Anyway, this became a cause célèbre and we had a hearing before the Board and I voted on his side. I lost, another one of my big losses. [laughter] Ed felt really strongly about it and the administration felt strongly about it, as did the faculty that had voted to terminate his appointment at Rutgers. So, we disagreed, not anything that was not unreasonable.

SI: From what I have gathered from interviews with both Board members and others in the administration, they worked very hard to work out issues before they came to a vote.

SJ: Right.

SI: In that case, did they already know in advance that you were going to vote that way?

SJ: I had expressed my views to Ed a number of times, but since the Board was sitting as a judiciary body almost and was making the decision to de-tenure, it became a big issue. It was not something that could sit and work out; you had to listen to the testimony. The Board worked with a committee structure and, after I was on the Board for a few years, I was appointed as Chairman of the Budget and Finance Committee. We used to meet for four hours, a week before the Board meeting. Joe Whiteside was Treasurer. There were a lot of issues and we worked them out in the committee. At the Board meetings, there could still be comments and dissent. About ten years after I left the Board, a member ran into me and Linda and said, "Gee, once you guys are off and Sonny Werblin's gone, we get through Board meetings now a heck of a lot faster." We had conversations and lengthy discussions and I think that was healthy. Ed thought it was healthy, too, and so did some faculty. One other issue to mention: Ed got the idea that we should put more investments into an investment vehicle that some members thought were kind of risky. However, there was one member on the Trustee Board, George Ball, who was in the investment business, who pushed this investment. We had three meetings of the Board and contentious discussions, and finally the Board, before Christmas, voted against it. "We thought this was too risky an investment vehicle."

SI: You had that level of control over the investments.

SJ: There was a committee that dealt with investments, but the Board could advise.

SI: That was a separate committee. It was not Budget and Finance.

SJ: I wasn't in the investment business. As long as it seemed reasonable, that was okay with me. I would not second-guess those decisions. We have a fiduciary relationship which is clear and investments need to be reasonable and not put the corpus at jeopardy.

SI: That was something I was curious about regarding the South African divestment issue. Was the Board consciously making decisions to invest in South African companies or was it more a case of going with a broker who chose this strategy?

SJ: We wouldn't say, "Let's find three companies who are in the mining business and being discriminatory." No, we had brokers doing the investments. There were a wide variety of people and an investment committee overlooking that process. You have similar issues today. Should you divest your money in fossil fuels? You saw in the paper today that the Rockefeller Brothers are divesting it and some feel our universities ought to divest. The feeling was that if we make a stand and begin to pressure companies and companies, in turn, don't invest in South Africa, then that'll pressure the government. That was the theory and I think it worked. It's nonviolent, it's exercising responsibility and there was enough other investments that I can't imagine you're hurt financially. There are enough companies in the world that invest in countries you can invest in. I'm not an investment banker, I don't know whether only one company is going to give you a great return and all the others are not, but I doubt it. Anyway, many institutions did diversify and divest.

SI: When the Kean Administration came in, there were, I think, two major bond issues.

SJ: Right, I think so.

SI: I believe mostly focusing on the sciences, but also this faculty expansion program. You personally had ties to state government, but did the Board do any work in terms of attracting that or supporting that bond issue?

SJ: I don't recall; I don't think so. My recollection is that the Board did not get involved in the politics of that and I think it was a wise move. If you start picking and choosing who you're going to back and who you're not, I believe you can destroy the integrity and the nonpartisan aspect of the governance structure. While there are political appointments to the Board, obviously, appointed by the Governor, I think you have an obligation to be nonpartisan and to look at the interest of the institution in the context of a broader societal impact. You're there to look out for the best interests of all the people. In fact, I think at one point, somebody asked Ed to back a budget proposal and he wouldn't do it and everybody on the Board agreed with that decision. I remember, he brought it to the Board. Another issue, not a major issue, involved Ed who wanted to go on a corporate board, and that came to the Board. I was of the opinion that the President of the University ought not to be on a private board. Ed felt that he could, and other members of the Board said, "It's good to be on corporate boards. You'll get more money." Ed did not accept the board position. It never came to really an official vote, however it was a conversation that discouraged him.

SI: Regarding "bigger time" sports, one of the other arguments for "bigger time" sports that I have heard of from that era was that it would help with the Legislature.

SJ: Sure.

SI: Garner more support. Did you have any thoughts on that or did anyone come to you with that line of thought?

SJ: Yes. I don't think it necessarily follows. I mean, I think budgetary decisions by the Legislature and the Governor are made for a lot of reasons other than the fact that you've got a winning football team or you're big-time as opposed to "middle time." Obviously, I don't know the minds of legislators, but I don't think there's much of a correlation between that. [laughter] But it's an argument that people make, and then, tell you your fundraising is better. Sure, there are some people who want to give [to] the football program, but most people are giving to the University because they care about the academic side of it. There are a lot of universities in this country which are first-class universities that don't have big-time football--Chicago, Harvard, Yale, etc.

SI: I might save some of these for next time, since we only have a few minutes. I want to ask a couple more questions next time about the Board of Governors, and then, get into your creating this center here with Linda Stamato and other aspects of your growing career at Rutgers.

SJ: Sure.

SI: Is there anything you would like to add about your time on the Board of Governors?

SI: I'm trying to think. There are always issues before the Board, a lot of questions on tuition, and on financial aid. What I've tried to do is to give you the things that I recall as highlights, but not to diminish the ordinary stuff that you had to deal with. I've tried to focus on the ones that I thought were important and of long-lasting impact.

SI: Thank you very much.

SJ: Okay, good.

SI: I appreciate it.

## Chapter 11: The Center for Negotiation and Conflict Resolution

Shaun Illingworth: This begins the eleventh oral history session with Sandy Jaffe on October 29, 2014, in New Brunswick, New Jersey, with Shaun Illingworth. Thank you for having me again.

Sanford Jaffe: As usual, my pleasure, okay. [laughter]

SI: Before the last session, we talked a little bit about your work at the Ford Foundation in the area of conflict negotiation.

SJ: Yes.

SI: Can you tell me how you went from that work to transitioning into academia?

SJ: When McGeorge Bundy left Ford and Frank Thomas became President, it became clear to me, as it did a number of others, that it was time to do something else. I had worked very closely with Bundy. I liked him. I liked his values and I liked the direction of the Ford Foundation. He left and it was time for me [to leave as well]. [Editor's note: McGeorge Bundy served as President of the Ford Foundation from 1966 to 1979.] I chatted with Bundy about my next move. Bundy suggested, "Maybe you'd like to be a law school dean." So, I thought about that and I figured I would try that. I got some interviews. I went down to Temple Law School, New York Law School, the law school at Hawaii. After two or three of these in-depth interviews, I decided that's not what I wanted to do. I think I would have gotten an offer, but I was not interested at that point. "So, okay, what do you want to do with your time?" I consulted with my colleague, Linda Stamato, who I knew from the Rutgers Board and who was also interested in dispute resolution, Joel Handler, who was a law professor at UCLA, and an old friend who had done work as a monitor when I was at Ford, was also consulted. [Editor's note: Joel F. Handler joined the UCLA Law School Faculty in 1985 and was the Richard C. Maxwell Distinguished Professor of Law *Emeritus*.] So, I decided that, "Why not create a small center on conflict resolution?" Linda also agreed. I talked to some of my former colleagues at the Ford Foundation and they would support such an endeavor for a couple of years. I also knew Bob Barrett, who was an officer at the Hewlett Foundation, and also interested in conflict resolution. [Editor's Note: Bob Barrett served as a program officer on The William and Flora Hewlett Foundation's Conflict Resolution staff from 1984 to 1991.] The Hewlett Foundation was in the process of creating a number of conflict resolution centers around the country, one at Harvard, at Michigan, at Colorado, and at Syracuse. Hewlett said they would also be interested in one that I would head.

Meanwhile, after I left the Ford Foundation, I took a position at the Institute of Judicial Administration at NYU. Bob McKay, who was a former Dean of the NYU Law School and very well-known in the legal profession, had offered me a job there. [Editor's Note: Robert B. McKay served as Dean of the NYU Law School from 1967 to 1975.] It was an interesting job, but it was not something I wanted to do for the rest of my life. I, along with others, put together an idea about creating a center, and so, Bob said, "The obvious thing is, how about NYU?" I talked to the Dean of the School of Public Administration at NYU. He liked the idea of the center, and

then said to me, "Once you have the proposal funded and we're set to go, we'll have a national search for a director." I kind of laughed, "You can't be serious. I'm going to put this Center together, raise the funding, and you're going to go on a national search?" He said, "Well, that's our process." I said, "Thank you very much--I'm not interested in NYU." [laughter]

At this time, I'm on the Rutgers Board of Governors. Then I had a conversation with Ed Bloustein one night at dinner, and told Ed what I was doing. He said, "It's a great idea and why don't you come to Rutgers? We'd be happy to have the Center. I think it's a good idea and you should think about going to Newark, because it would be good to have a center like that at Newark. I think it would thrive there. The Law School is there." Norm Samuels was the Provost and liked the idea. [Editor's Note: Dr. Norman Samuels is a Rutgers University Professor in the School of Criminal Justice and the Political Science Department at Rutgers-Newark. He served as Provost of the Newark Campus from 1982 to 2002 and Associate Dean and Dean of the Newark College of Arts and Sciences from 1976 to 1982.] Peter Simmons, the dean of the Law School, asks one of his faculty to help with a formal proposal, a real help. The proposal gets funded--Hewlett and Ford would fund the Center. I also got a small grant from the Prudential Foundation. Linda said she'd like to be a part of the Center, and we set the Center up in Newark and stayed there for a number of years. It was a hospitable place, but it was a difficult relationship with the Law School. We were not "in" the Law School, but sort of "of" the Law School. This was a very early period in the development of conflict resolution and the Law School faculty did not recognize it as a serious field of study. So, while we taught at the Law School and also the Law School in Camden, it was as an adjunct. It was pretty clear to me at that point, even with Peter Simmons' backing, it would take a great effort to get accepted at the Law School. Frankly, I had no desire to be part of the Law School faculty anyway.

However, the Center grew at Newark. We put together an advisory committee of faculty from the Newark Arts and Sciences, the Law School, the Criminal Justice School, and, also, some faculty from New Brunswick. Norman Samuels gave the center nice space in the old Washington Street building in Newark where the Law School was located. In fact, it was such an old building that the Center had a fireplace in one of the rooms. [laughter] It didn't work, but it was there. We were able to create a lot of connections with the Bar Association, etc. The Center also got a large grant from Hewlett which enabled us to give out small grants to colleagues and scholars who were investigating a particular area. We had a couple hundred thousand dollars and could make ten or twelve grants a year. There was a small group to advise and we looked at issues in the courts that led to conflict resolution. A sociologist was looking at the way young boys and girls handle conflict in a pre-K context and what that tells you about later development. The Center developed a whole set of information papers, which were made available.

After two years, Joe Seneca, then the Executive Vice President of the University, called and said there was a new school being created, a school of public policy, and Mark Lapping was going to be the Dean. Would we talk to Mark Lapping? He was interesting in the Center coming to the school, School of Public Policy, in New Brunswick [the Edward J. Bloustein School of Planning and Public Policy]. Linda and I thought long and hard about it and talked to Ed Bloustein and Joe Whiteside, who was the Treasurer. Joe Whiteside, a very decent said, said they would take

care of all the moving and provide office space and rent, heat, and light. They would give one full faculty line to the Center, which Linda and I would share. The other half of the salary would come from grants. In Newark, there were no faculty lines. This was a better opportunity, and also a state line. I remember talking to Norm Samuels who said, "We really want you to stay. I can't match this now, but, if you guys get in trouble, I'll be here." Jim Hughes was appointed Dean when Mark Lapping went to [the University of Southern Maine]. We liked Jim, so with the support of Joe Seneca and Joe Whiteside, the Center moved. The arrangement continues to this day. We have one full state line, which Linda and I share, and we make up some of our salary.

SI: I have some follow-up questions.

SJ: Sure.

SI: Between the time you got established in Newark and the time you left, how did the Center grow, in terms of staff size, etc.?

SJ: Yes, it grew. This was a time, going back a number of years, that the Hewlett Foundation, and the Prudential Foundation were into dispute resolution, and Ford to a minor extent. So, while we were in Newark, the Center hired a young woman to help develop proposals, to do some teaching, and some training. There were a lot of requests for training. Just about that time, the Administrative Director of the New Jersey Court System, a fellow by the name of Bill (Lipsher?), asked us to do a paper for the New Jersey Supreme Court laying out an agenda for conflict resolution/dispute resolution programs that the court could adopt. At this time, there weren't any. We interviewed a number of judges and administrators and wrote a paper, which I presented at a judicial conference for the Supreme Court and the other judges of the New Jersey Court System. That led to the creation of a Supreme Court Committee on Dispute Resolution, which then led to the creation of a number of dispute resolution programs in the court system. [Editor's Note: Professor Jaffe and Linda Stamato submitted their report, "Dispute Resolution: Complementary Programs and the Courts," to the New Jersey Supreme Court and the Administrative Office of the Courts in January 1983.] Today, the New Jersey Court System has a number of dispute resolution programs in small claims, family matters and equity matters, etc., and appellate matters. These are firmly established--also there's a committee that meets.

At the same time, the Center is growing, the American Bar Association launches a program in dispute resolution, I went to a number of meetings where I spoke. The Bar Association also created a Dispute Resolutions Committee and I was asked to go with the committee to a number of different states' bar association meetings to talk about despite resolution, to provide some help, etc. and etc. The Federal Judicial Center also became interested. So, little by little, the field began to grow and the Center played an integral part of that growth, both in the court system, and the Bar Association, with the Bar, and, little by little, it began to grow in the academic community. The Hewlett Foundation formed a consortium of all the academic centers that it had created and we met a couple of times, tried to form some other ones, and there began exchanges of ideas and papers. More and more, universities became interested in teaching the subject. So, today, for example, if you go to any management or business school, you'd find two

or three or four courses in dispute resolution. If you go to the Law School at Rutgers, you'd find at least two courses in conflict resolution. We teach a course here at the Bloustein School and even some undergraduate schools and we do teaching at different parts of the University. So, over that period of ten, fifteen years, you saw the gradual development of the system all through the academic world, too. Look at the bookcase in my office, which is all filled with journals-- when we got started, on a Friday afternoon, I could read all the contemporary literature in the field. Maybe one or two papers came across my desk. Today, I couldn't even begin to read it all. There are all kinds of journals. It has become an integral part of the academic community [and the profession].

Now, that's raised other issues, which we can go into. Judge Learned Hand, who was one of the great judges in this country, made a comment that, "Every legal reform, sooner or later, gets co-opted by the legal system." [laughter] While conflict resolution has not been co-opted, there have been a significant number of changes. My view of social reform is that it's at best incremental, that you rarely, if ever, do anything overnight. It takes time. It builds incrementally and, by the time the second and third generations come around, it changes somewhat in character. We retain some of the early enthusiasm and some of the early idealism, but it also comes to meld and [be] part of the system. It was an exciting time and I think our Center really played a major role in the development of the field. When we moved here, we decided that it would be important to try to husband our money than to spend it on hiring staff. So, the woman who had been with us in Newark, we unfortunately told her that we didn't have the funds anymore to keep her. Based on my experience at the Ford Foundation--you can get into problems if you're building a staff and you're not going to have the funds for it. [laughter] If we did a training program, made some dollars, we'd put it back in the Center. A few years ago, we got from the Hewlett Foundation a grant to look into the issue, "Why is it that public officials, and particularly in the State of New Jersey, are not adopting some of these collaborative processes? Why are they still wanting to use adversarial systems? Why is it difficult to get them to think of mediation? For example, in the State of Washington or in the State of Oregon, where you had a Governor who was very interested in dispute resolution, almost no public policy issue would go to the court system. They would be mediated. Why not here in New Jersey?"

So, with the grant from Hewlett, we worked with a colleague of ours in the School of Communication. We wrote a paper and developed a scholarly article. So, my approach was to work with others from the academic community or consultants, depending on the work we were doing. So, for example, we got a grant from the State of New Jersey to look into the question of, "Why was it so difficult to site a low-level radioactive waste site?" Low-level radioactive waste is produced by hospitals and x-ray facilities. It's a byproduct of that and one of the issues is, "What do you do with that waste?" Now, hospitals were storing it and the question was to try to develop a site in New Jersey. The New Jersey Legislature passed a statute and a commission to try to site a facility and provide incentives. It did not work, and they were interested in why it didn't work. "What were the problems and the incentives?" A colleague from Wisconsin, Howard Bellman, was hired. We ran a series of meetings, etc. Another subject was the question of settlement. "Why are settlements kept secret? Shouldn't the public have an opportunity to know where public health and public safety were involved?" We did a paper and ran a couple of conferences. We invited judges, both from the state and the federal court, to work with us, and

again we hired somebody to help us put all that together. This was of doing business was a more economical and a better way for us to proceed. A staff person would cost a significant amount of money, which I was afraid we wouldn't get. With this process, we could get people who were good and would help on a particular project.

SI: Yes. As an example, all the people I have seen around every time I come to interview you, are they all working on grants?

SJ: You mean here?

SI: Yes.

SJ: Well, there are different groups up here, yes. Most of the people you see up here are from the Voorhees Transit Center.

SI: Okay.

SJ: I think most of their work is on grants. They have a lot of state money and they get some federal money. Some people here are on state lines, and there's some faculty. The woman next door is a faculty member in the Planning Department. In fact, this is a really good floor to be on, there's a lot of people to interact with in different fields and we've become a part of it in many ways. For example, a couple years ago, the Planning Department was going through their ten-year evaluation, a very long and complicated process. They do a self-evaluation. Also, faculty from other planning departments come and evaluate them. Well, they needed to have a two-and-a-half-day retreat to discuss their priorities and how they want to articulate them, and what changes do they need in their program. The Center was asked to facilitate. That creates more relationships and we became more a part of the institution.

Another example, we were asked by the Executive Vice-President to help resolve a series of issues between a dean and the faculty. It's confidential, so I don't want to mention the name of the school. The faculty felt the Dean was not responsive and the Dean felt that some of the faculty were being extraordinarily difficult. The UP wants to help that dean, he wants that school to grow, but unless they can work out these problems, the school is in jeopardy. "So, would the two of you mediate?" "Sure." So, we spent maybe three or four months in meetings with the faculty, with the Dean, calling a couple of group meetings that we facilitated, etc. We received a grant from the Executive Vice-President to the Center--the results were excellent. All were pleased. To this day, when the Dean sees me or Linda, he says, "You guys not only saved me, you made me very happy. I couldn't be more pleased. The school is growing, things have worked out." So, we have done a number of these, sometimes a school, sometimes a particular department when there's been an issue between the chair of the department and some of the faculty. So, the Center [provides service] besides teaching. As you know, we teach on a graduate level, although we do have some undergraduates who ask for special permission. Our theory is, "If you really care enough to come and write a couple of sentences, I will admit you," and that's been very good for the class. Linda also does a great deal of service to the University--serving on a number of committees appointed by the President. We also provide service to the

community, and run training programs for organizations, generally of a public nature. Sometimes, we've done training programs, either me individually or her individually, for corporations. All fees are put into the Center.

SI: When you go out to work for these organizations or companies, is it mostly labor mediation? What kind of mediation is it?

SJ: It's of two natures. Sometimes, it's presenting a training program, teaching, for example, lab workers for pharmaceutical companies. The companies are monitored by the Food and Drug Administration, by the Veterinarians' Association, about three or four different monitoring organizations. These monitoring organizations will visit the labs to determine whether they have been following the applicable rules. That often turns into a negotiation. "Was an antibiotic a day late but still within its good date? Did you provide the right climate?" So, we were asked to do a negotiation training point for those lab workers, to help them deal with the regulators. Another example, the transit system in Jacksonville was having a lot of conflicts with their union. So, I spent three days training management and labor on how to work through their problems. Does that give you a sense of the Center's activities?

SI: Absolutely. I understand that there are confidentiality issues, but are there any memories that stand out in your mind that you can discuss where you have gone out to run programs?

SJ: Tampa's transit system was having all kinds of labor difficulties with the union. There were a lot of grievances and antagonism between the union leadership and management. The request was, "Would you train the management for the upcoming negotiations with the labor union in a bi-annual contract?" I said, "No. Only train management if labor's top labor people are there. Problem-solving negotiation needs the labor union to have the same opportunity, so that people know what the language is and how we're approaching it." The union guys came, did the training, did a number of role plays, and so did roleplays where the management would play labor and labor would play management. The upshot of it all was, they quickly negotiated a contract afterwards and they have had very few grievances. That fits the Center's mission, which is education and scholarship and public service. A broad definition of trying to help the public see the value of problem solving, decision making.

SI: You mentioned leaving the Law School and the status at that time of your field. Twenty years later, is there more of a connection with the Law School?

SJ: Yes, I, along with colleagues from the Law School, did a lot of training at the National Judicial College, which focused on training new judges. Judges would spend a couple of weeks and get acclimated to being a judge. My colleagues from the Law School were Paul Tractenberg and John Hyman. Relationships with the Law School are dependent upon a project or a conversation. In fact, some of the work of the Center is ad hoc in the sense they're targets of opportunity. Another opportunity: a few years ago, Rutgers got a grant from the National Institute of Science to encourage women to major in sciences and become faculty members and to grow in the faculty, because women start out in the sciences but don't necessarily continue. We were asked to teach negotiation skills for women in the program. Also, we are teaching at

the Institute for Women's Leadership and for the young women who are part of their leadership project. It's our attempt in the University to do things that people will be interested in and that gives people important skills.

SI: It sounds like you do a lot of education, but, as co-directors of the Center, are you trying to get funding more often or are you working in other areas of the field?

SJ: The funding or training that comes into the Center mostly comes from particular projects. You cannot get general purpose grants from foundations. They don't give it, so, there's no sense in wasting time trying. As a result of the various things I've talked to you about, money will come into the Center. So, we continue to do that. Next week, [we are] teaching at the School of Communication, doing a one-day program for a group of students in a class that a professor is dealing with on risk and community involvement. We will seek out projects. We've just written a letter to the Ethical Leadership Program in Newark that has Prudential Foundation funds to develop a new program on settlement and issues in conflict around those settlement questions. Does that give you a better sense of it?

SI: Yes. Is most of your work focused domestically or are there any international aspects?

SJ: Yes, there are some international efforts that I have been involved in. There is an organization called ISPG, the International Science and Professional Group. It's part of the Criminal Justice Division of the United Nations and it meets every year. The purpose of it is to provide technical assistance and model suggestions to various institutions and countries. The aim is developing better criminal justice processes, better conflict resolution processes, better drug rehabilitation processes, a whole range of issues. There are papers I've done. It's not a major activity, but it's one that I have an interest in. I like the international character of it, I like the people there and I also find that, to some extent, the work at the Center here can be helpful. [Editor's Note: Professor Jaffe became Chair of the International Scientific & Professional Advisory Council of the United Nations Crime Prevention & Criminal Justice Branch's Conflict Resolution Resource Committee in 1995.]

SI: What have been the major changes that you have seen from the time you came here, to the Public Policy School, to today in the field?

SJ: Well, some of what I would say is probably repetitive. There's been a tremendous growth in the field. Every court system in the United States now has a range of dispute resolution programs, which didn't exist. Every bar association fosters and helps develop them. There are many people who've been trained as mediators, which, fifteen years ago, nobody would be trained. Many law firms today will have a separate section for mediation. When I first started fifteen years ago talking to bar associations, I was in Ohio and a lawyer asked me, if he recommended mediation to a client, did I think he could be guilty of malpractice? Today, the New Jersey Court rules provide that it is an obligation of a lawyer to discuss mediation with a client. A complete turn over in fifteen years. In the academic world, courses in schools and a lot of research articles and the field is much more sophisticated. E.g., "Are there differences in gender in how people negotiate? What about cultural differences? How do you deal with them? Are words used

differently in negotiation? How do you deal with intractable conflict?" These are issues that were not there in the beginning, but have now surfaced. That's not to say the panacea has not arrived. You will still pick up a newspaper and note that, "Gee, this story is a perfect example of a situation that should be mediated or there could be a public policy facilitation," and here they are fighting, etc., and going to court.

It's difficult to get people to understand that there are other alternative collaborative ways of making public policy decisions. Even more relevant today because the issues today are much more regional. If you want to build a shopping center in your little town, you may have traffic issues that impact the next town as well as security questions. So, it's difficult to say, "Oh, gee, this is only my problem, doesn't impact the other guy." The way our system is structured, we tend to deal with issues on a local basis, not in a regional one. One of the things the Center advances is to say you have to look at issues on a regional basis and that's when you should come into mediation or facilitation, because then you can deal with issues on a regional basis. Sometimes, that argument works, and sometimes it doesn't. Reform and change take time. It's complicated. Take some areas, for example, water rights, a big issue in the Western part of the country. Today, almost every one of those have been settled by mediation and negotiation and facilitation. Thirty years ago, that wouldn't have happened, but it takes people who are in leadership positions to effectuate change. As I mentioned, [in] Oregon and Washington, you had Governors who really believed in conflict resolution and fostered it. In New Jersey, we have not had a Governor that we've been able to communicate with, who sees the value of doing this and communicating that. That doesn't mean there aren't some individuals onboard, but it's not an easy process to implement a new approach. That gets back to my belief in incrementalism.

SI: This is based on opinion, but do you think states like New Jersey have more of a "strong man" mentality, "It has to be my way and nothing else?"

SJ: Yes, it could be that. There was a fellow, Bill Ruckelshaus, who worked for Nixon at one point. He was also an Environmental Commissioner, and he quit when Nixon wanted him to fire Archibald Cox. [Editor's Note: William Doyle Ruckelshaus served as the first Administrator of the Environmental Protection Agency from 1970 to 1973. He became the Deputy US Attorney General in July 1973. Along with US Attorney General Elliot Richardson, Ruckelshaus resigned on October 20, 1973, after refusing to follow President Nixon's order to fire Archibald Cox as Watergate special prosecutor, an event later referred to as the "Saturday Night Massacre."] Anyway, when Bill Ruckelshaus was Environmental Commissioner, he created a division in the Environmental Protection Agency to foster dispute resolution. He instructed all the division heads that they should use those processes where they could. Today, the Environmental Protection Agency uses dispute resolution to resolve a lot of its conflicts and they've articulated a whole set of criteria. The same for the Army Corps of Engineers and the Department of Transportation. When Bill Clinton was President, he issued an Executive Order that encouraged its use and instructs to issue one, but we never found any interest. With the help of the Hewlett Foundation, we were able to create an Office of Dispute Resolution in the Public Advocate's Office. See the picture behind me of the group we formed to develop a dispute resolution capacity in state government? Former Governor Hughes was the Chairman of the Advisory Committee and Judge [Joseph H.] Rodriguez was also on the Advisory Committee. We were

able to institutionalize that, and the Office of Dispute Resolution is now in the Secretary of State's Office. Courts turn to it and they do resolve disputes. [Editor's Note: Governor Richard J. Hughes served as Governor of New Jersey from 1962 to 1970.]

SI: That is a good example. I want to talk about the extent to which you have to be a public advocate for your field. Do you spend a lot of time looking at public issues and either making some public comment on that or reaching out to the government?

SJ: Yes. Sometimes, we're successful, sometimes, we're not. We'll write letters. A couple years ago, when Whitman was Governor, there was a big issue over the Statue of Liberty. Which state did it reside in? New Jersey sued New York, claiming that that island belonged to New Jersey. New York said "no." Of course, what they were interested in was the revenues that would come from development. So, the case is in the United States Supreme Court, because if one state sues another state, original jurisdiction lies in the Supreme Court. Well, we thought this was a ridiculous lawsuit--why not get together and resolve it? So, we wrote a letter to *The New York Times*, *The Star Ledger*, and to both Governors, Pataki and Whitman, waited a couple of days, and nothing happened. Nobody ever called. Case went to the court for decision, cost at least ten million dollars to litigate. The court drew a line which created a lot of hostility. Whitman then formed a commission to develop Liberty Island and the Chairman said, "Well, the first thing we need to do is get the cooperation of New York to do this," and Pataki said, "Forget it. We won't cooperate with you." So, to this day, there's been minimal development on Liberty Island. I think there's one building that's been partially developed, because the lawsuit created such animosity. [Editor's Note: *New Jersey v. New York* (523 U.S. 767), decided by the United States Supreme Court on May 26, 1998, awarded the State of New Jersey approximately ninety percent of Ellis Island.] So, a good example, I use it in class, to show that this problem could clearly be worked out by the Governors and staff sitting down, for example, share the revenues, just what states do when dealing with common resources. We just wrote a bunch of letters about the Port Authority--talk to people, go to conferences, make speeches, not out there picketing, [laughter] but do the things to help influence public opinion in a responsible way, to look at these approaches. I'll also talk at the League of Municipalities. Does that give you pretty much a sense of it?

SI: Absolutely. Is there any other aspect of your professional life at the Center that you want to discuss that we have not covered?

SJ: If I were to sum it up not very well, I would say that it has been and is a very satisfying experience, to create a center, not just me alone, obviously, my colleague and others, and to have an ongoing institution become part of a major university and to be able to teach generations of students. There are a wide variety of students who really like the course and send letters, "This was the best and most influential course." Also satisfying to influence public policy as well as law schools, the courts, and the Bar. Sometimes successful, sometimes we're not. [laughter] I have no illusions about that, but it's great to be able to work on a set of issues that helps people and governments to be more collaborative, to be more cooperative, and to try to resolve their issues in a forum and a process that brings together a whole range of views and that allows for discussion and leads to a result that people not only can live with, but better, because there's been

a lot of communication. Also, to work with many different groups from different walks of life. I think that's satisfying.

I guess if there's one major thing that I can sum it up with, it's this: when I start teaching, I tell the students, "What I want you to focus on is not so much how you work out a problem, but how you think about it and how you analyze it." The purpose of the course is to have you to look at things from a different perspective, to learn how to analyze and to think in a different perspective. It may not be the right answer, but I want to broaden your horizons and broaden your perspective. I think creating this Center enabled me to do that. So, it's a satisfying and very worthwhile endeavor. I look back, we've talked about a number of things that I've done over the years--my resume looks like I could never hold a job [laughter]--but I've been primarily concerned about public service, and trying to do the things that were fair and responsible and would be helpful to people and improve the social issues that we are concerned with. The field of dispute resolution follows from a lot of the other work I did. Some of it was in the adversarial systems, some of it was, like the Riot Commission, looking at the cause [in a] more scholarly and more analysis-[based way], and some of it was, like at the Ford Foundation, focusing on organizations that were involved in doing socially important and beneficial activities. It was a way in which I could be a part of those efforts. So, it's almost a continuum from adversarial to cooperation, but the common theme in my own mind is social welfare and how you can help people think about those range of issues. I think that's it.

SI: That is a good summary.

SJ: I just thought about that. [laughter]

SI: If you were to conclude a book, that would be great.

SJ: Yes.

SI: To add to the record, we have talked about your family at various times in this series.

SJ: Yes.

SI: To wrap up, you mentioned your children as they were born and when they were young.

SJ: Yes.

SI: How has your family progressed?

SJ: I realized, as I was thinking about what we've done, that what I did talk about a great about was my family and I think it was because the focus was more on what I've done professionally and how that impacts the University and others. So, I didn't really talk about them. I have three children, two boys and a girl. They are, in many ways, following, not my footsteps, but the values me and Helene articulate. They are concerned and focused on social welfare issues in what they do. Two of my sons are lawyers. One went to Duke, and then, to Northwestern, and

my other son went to Wesleyan, and Harvard, and my daughter who is not a lawyer went to the University of Vermont, and to the Wharton School at the University of Pennsylvania. Each one of them have chosen fields in which they can be very helpful. My one son Gregory works for the Science in the Public Interest in Washington, a non-profit group in Washington that focuses on providing responsible scientific and nutritional information to the community.

[TAPE PAUSED]

He's involved with the issue of genetically-modified food, what regulations should look like, and the importance of it. Greg is primarily an environmental lawyer. He had worked in the Justice Department for a long while and has always been involved in public issues in the non-profit world or the government. My other son, Mark, is working for AT&T as a senior lawyer and he's focused on the standards for determining ethical and unethical behavior. You want to make sure the corporation doesn't cross lines. It's a public view of the corporation. My daughter Alissa works for Novartis Pharmaceutical. She's in charge of their oncology philanthropy. They have a program where they provide drugs to people who have cancer but cannot afford them. She develops programs, she works with organizations that help, and also works with organizations that advocate for these issues. I think her section gives out fifty to seventy million dollars a year.

I think a lot of their values come from growing up in a family--you never know what influences you have on your kids, that's for sure--but, at the dinner table, we'd have discussions on public policy issues, justice questions, the issues of the day. I always tried to include my [kids]. When I worked at Ford, my children would come in two or three times a year to have lunch and meet people, for example at a Christmas party or Thanksgiving. I've always tried to influence them. When I was on the Rutgers Board, I took them to a lot of Rutgers events, they could see what I was doing, and so forth. So, I think they grew up in an environment where social issues were important and we were talking about justice questions, talking about what fairness was a how you want to look at problems. I think, to that extent, you influence them. I never told my kids, "Oh, you've got to do this or you've got to do that. You've got to be a lawyer or not be a lawyer." I'd encouraged my kids to do what they want, but I think these subtle influences [are there]. My wife, Helene, was always very supportive. She's an occupational therapist, went to Brooklyn College, and then to Columbia for her certification. She's always been involved, too, in a helping field. That's the best way to put it. For a long time, she worked for the State of New Jersey in the mental health area, giving grants and monitoring them in that area. That's the best way to sum it up. She's been a positive influence in that sense, too. So, clearly we're not hedge fund operators, [laughter] and sitting around the table talking about the next big merger. That was not the context in our family. It was more the opposite.

That didn't necessarily mean that I thought my kids had to do what I did, obviously not, but the atmosphere was thinking about social problems and thinking about how one could be helpful. I think Mark would've been very pleased to work in a public interest law firm if that had been available, which in my time were just developing. It was easier. In his time, it was much more difficult. Both my sons clerked for Supreme Court Justices in New Jersey, that was nice. In fact, both Justices they both clerked for were my classmates at Harvard. Both of them did very well

in school. I never was hassled that, "Why am I not a senior partner in a law firm, making a significant amount of money?" or, "Why am I not running a hedge fund?" or so forth. On the other hand, my wife never went out to run a hedge fund, either. [laughter] In retrospect, the most you can do for your kids is create an environment. They pick things up in subtle ways; in some ways, they don't.

You can see the influence on grandchildren. I have seven grandchildren, two girls and five boys, and they are thinking about significant issues. I love them all, very much. We are very close and there is much conversation between us. Two are in college. I hope I have played a meaningful role with them. I am so pleased in all they have accomplished up to now. I don't know how much of an influence I've had, but it's nice to see that my grandchildren are thinking about how they can be helpful to society. I've been very fortunate to have grandchildren and children that have been very involved and also very nice people. So, I think that's important and my spouse also has helped create that environment. Does that give you a little sense of it?

SI: Absolutely. Is there anything else you would like to discuss today, anything that we skipped over? It sounds like you probably did not have much time for outside activities.

SJ: Yes. [laughter]

SI: Were there any organizations that you were involved in that we did not talk about?

SI: I was active in a couple of political campaigns for Brendan Byrne, who I really liked, or the John Kennedy campaign, but I never seriously undertook the idea of running for political office. While I've done some community work, I have not been overly active. My wife has been involved in a lot of community activities. She's on the board of an organization that works with disabled children and also on the board of an organization that deals with children with cerebral palsy. She's also on our condominium board and that takes a lot of her time. I'm a silent partner there. [laughter] Over the years, she's been involved in a number of different community activities, much more than I have. I didn't have much time for other activities. I did what I could for the community in the work I was doing.

SI: Thank you very much. I appreciate all of your time over the course of this series. Again, we might come back and do another session.

SJ: Sure.

SI: I will call you up after we look at all the transcripts when they start coming.

SJ: Yes, that would be good. Now that we're done, it might be valuable for me to think a little bit more.

SI: Yes, we are still on.

SJ: Yes. I should also mention as a result of working at the Ford Foundation, I had an opportunity to travel a lot, because Ford is an international organization. Although I worked on the domestic side, at least once or twice a year I would go overseas to discuss our domestic work at various Ford offices. Ford had a program that, once a year, you could take your family with you and they would pay for it. [laughter]

SI: Wow.

SJ: Right. In fact, Ford had a policy if you flew more than seven hours, you could ride business or first class and everybody else in economy. So, I'd be up in first, and the kids would come up for the ice cream sundaes. [laughter] So, every year, I took the children on these really great trips and I think that influenced them a lot in [their development]. We went to Europe. I never took them to Asia, but I did take my spouse. Taking the kids throughout Europe--they met people from the Ford offices and grantees--I think that gave them a sense of the world and a sense of what it was like for people living in different parts of the world. So, it had a great influence on them. Ford also had a program where you could go overseas for a period and work if it was relevant to your activities. So, I thought, "Wouldn't it be great for me to take six months and go to Europe for research and to write a paper?" Well, when I mentioned that to my boss, he said, "Forget it, you're not going for [six months]. The most I'll give you is six weeks." [laughter] So, I said, "Okay, I'll take it." So, I went to Florence for six weeks and affiliated with the University of Florence at Fiesole, which is on the outskirts of Florence. The family came with me and we lived in Florence for six weeks. The oldest was twelve or thirteen and we felt very comfortable. They traveled on their own. They took the bus system. I came home every day for lunch. They knew everybody I worked with, professors who were very nice. I think that summer had a lot of influence on everybody in the family, travelling and experiencing living in a different environment. I think this was significant.

SI: Thank you very much.

SJ: Well, thank you, Shaun. I really enjoyed our conversations and I really look forward to the transcript.