

RUTGERS THE STATE UNIVERSITY OF NEW JERSEY

NEW BRUNSWICK

AN INTERVIEW WITH LINDA HOFFA

FOR THE

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INTERVIEW CONDUCTED BY

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TRANSCRIPT BY

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Shaun Illingworth: This begins the third oral history interview with Ms. Linda Dale Hoffa, on June 9, 2022, with Shaun Illingworth. Thank you very much for sitting down with me again. I have a couple follow ups on our last conversation, before we talk about the last part of your career. First, going back to your work with the Oklahoma City bombing, you said that you were there in case anything leaked out from the grand jury. Before they got a gag order, they would need a lawyer to comment on it. Is that correct?

Linda Hoffa: That is correct. The concern was, early on in the investigation, that there had been some leaks, and so a decision was made that it would be best to have an attorney in charge of handling media relations. Now, this is before the internet. Basically, if we wanted to send something out, some information, we had to do it by a blast fax machine to get it to all the mainstream media.

In any event, I was asked by Joe Hartzler to be that person, basically [to be] the spokesperson for the Department of Justice. I met with Jamie Gorelick, who was the number two at [the U.S. Department of] Justice. She was the Deputy Attorney General. My direct report was Merrick Garland, who's now the Attorney General of the United States. As you know, President Obama had nominated him to be a Supreme Court justice at the end of his presidency, but there was never a confirmation hearing for him. Jamie Gorelick and Merrick Garland were incredibly bright people. This was an incredibly important case, and even though I had small children at home, I didn't feel that I could say no, and so I agreed to do that. [Editor's Note: The Oklahoma City bombing occurred on April 19, 1995, when a rental truck packed full of explosives was detonated outside of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma. The explosion destroyed the north wall of the building, killing 168 people and leaving hundreds more injured. The blast was set off by Timothy McVeigh, who was convicted on fifteen counts of murder and conspiracy in 1997 and executed in 2001. His co-conspirator Terry Nichols was sentenced to life in prison. The lead prosecutor of the case was U.S. Attorney Joseph Hartzler. Jamie S. Gorelick served as the Deputy Attorney General from 1994 to 1997 under Attorney General Janet Reno. Merrick Garland, at the time, served as Gorelick's principal associate Deputy Attorney General.]

SI: You would actually have to talk with the media. Can you talk a little bit about what that experience was like? I do not know if you had to give press conferences or talk with reporters one on one. What was that aspect like?

LH: The one memory I do have is that they sent me to the Department of Defense for media training, and it was, I think, a two-day crash course, just me. I was the only student in the classroom. The one thing I remember about handling the media, or dealing with the media, was a scenario where they were interviewing me in a Katie Couric *Today* show kind of format. They had a television studio. They're asking me questions. I'm answering the questions. It's almost like a moot court, just practicing it, and then they said, "That's great. Do you want a break? Let's have a break now." They said, "The restroom's over here. You can go out there." I seem to remember thinking, "No, I don't need the restroom." "No, no, no, go freshen up and then come back." So I do, and I go outside these swinging doors outside this press room, this media room that the Department of Defense had. I was inundated with reporters jamming microphones in my face. They did that to surprise me, to see how I would react being ambushed by the media

en masse, very old school, with the reporters all swarming around and yelling and screaming questions. [laughter] I was truly shocked. It was like walking in and having a surprise birthday party that you don't expect. It's like you don't know what's going on at first, and I do remember that. The big takeaway message, from that experience, is that you always have to maintain your cool. No matter what happens, you have to be calm. The other big takeaway lesson that I had from that media training is that you must learn to stay on message. Whatever your message is, no matter what the questions are that they ask you, you always want to pivot back to your message and make sure that that message is delivered to the media and to the public in a way that is very understandable.

With me doing this, since I was not a media trained person, I did understand what it was that we, as officials from the Department of Justice, were allowed to say, given the restrictions of grand jury secrecy. That meant that whatever occurred in the courtroom, I could speak about. Whatever public filing there was, I could speak about that. I always had to stay in the four corners of whatever document was publicly released, and I could not speculate, give opinions, or anything like that. I could talk about just the facts that were part of the public domain, but I knew what the investigation was. They had briefed me on the entire investigation, but those matters, unless they came out in the courtroom, we were not allowed to share them.

SI: Did you find that the members of the media would try to get around that, or were they respectful of those boundaries?

LH: No. The media is going to ask the questions that they want to ask and they want to get the answers to. No, they don't understand that, and even if they do understand that, that's not their concern. I do remember, at one point, there was an interview that I believe CBS had done of Timothy McVeigh, and they got an agreement from the defense counsel. They filmed him. They filmed him meeting with his defense team in his orange jumpsuit, in the prison, talking, the attorneys talking to him, maybe they were interacting physically with one another, in a way that was projecting an image of Timothy McVeigh. That image was that he is a very wholesome young man, which stood in stark contrast to what ultimately was proven in court, which is that he calculated the murder of so many individuals and the physical harm of so many individuals from infant age upward. They did that as part of their defense, and I was surprised by that. I was concerned about that and, off the record, spoke to the CBS producer, and I said, "How can you do that? You were being manipulated by the defense team. You limited yourself. You didn't get the full story. You just agreed to whatever their ground rules were and you did what they wanted to do, and I don't know that that was unbiased or fair reporting." I always remember what the producer said to me. She said, "If Hitler invited me into the bunker the night before the end of the war, before he killed himself, I would be there with my camera crew filming." I remember my response being, "Thank you. You were very honest with me. I absolutely understand your perspective now. You want to get a story no matter what the story is. You want to have the exclusive." I thought that was very honest of her, if not chilling.

SI: Now, skipping forward quite a bit, when you were working for Senator Specter, part of the responsibility, it seems, from reading over your biography, has something to do with the Supreme Court nominations.

LH: Yes, I was there for the Supreme Court nominations. As part of the staff, that meant that I was allowed to sit there. Now, since I was on detail--we call them detailees from the Department of Justice, I was still [a DOJ] employee, but they loaned me to Senator Specter at the Senate Judiciary Committee. I did not actively work on the Senate confirmation hearings, but I really had a front row seat to both of those confirmation hearings, and that was, indeed, absolutely fascinating. [Editor's Note: Arlen Specter was an American lawyer and politician who served as a U.S. Senator from Pennsylvania from 1981 to 2011.]

SI: Were you part of making recommendations to the Senator giving background on their approach to criminal matters?

LH: Yes. That's exactly what my job was, and in fact, I was like the senior criminal counsel for him. I had the most experience of anyone in criminal law on the staff, and so with regard to any criminal law issues that were coming before the Senate Judiciary Committee, those issues and matters and hearings were assigned to me. Working on the Senate Judiciary Committee, that committee also has subcommittees, and Senator Specter chaired a subcommittee that addressed criminal law issues. With regard to either the subcommittee having a hearing or the main Senate committee having hearings, I would help prepare. If we were putting on a hearing, I would find and identify witnesses that could testify as to a certain matter. It's like putting on the whole thing. Each side, the D's and the R's [Democrats and Republicans], get to call their own witnesses, and I would prepare questions for the Senator to ask for those witnesses. I would talk to the witnesses about the scope [of their testimony] and what it is that we wanted them to address. They would submit written statements, and then they would provide their statements in person at the hearing and then [they would] be subjected to questioning by all members of either the Senate Judiciary Committee or the subcommittee hearing. I liked putting on hearings. I liked identifying the issues for the Senator that I thought would be particularly important issues. He had to agree, and if he agreed, then I would figure out who those witnesses would be, and we would work together to get those witnesses to come to Washington and to testify. Then, as I said, I would prepare questions for him. It was a little frustrating because I'm a trial lawyer, so I want to do the questioning, but I was a staffer, so I didn't get to do the questions. Senator Specter, obviously, was a very seasoned trial lawyer, as well as a very seasoned Senator, and he knew what he wanted to do and the kinds of questions and information that he would get at that hearing. Then, obviously, we would try to get media interest in those hearings as well.

SI: Does anything stand out about the hearings of Justice Sotomayer and Justice Kagan, who were confirmed during your period there? [Editor's Note: Sonia Sotomayor has served as an Associate Justice of the U.S. Supreme Court since 2009. Elena Kagan has served as an Associate Justice of the U.S. Supreme Court since 2010.]

LH: Yes. I don't know if I told you this before, but one of the things that surprised me but made sense from the media training that I told you I'd received from the Department of Defense, spectators get to come in for a certain period of time, and they sort of rotate them in and rotate them out. It's a huge, huge, huge room where these hearings occur, and there are people that are very concerned about the nominee. They may not like the nominee, or they may be supportive of the nominee. But those that oppose the nominee, sometimes they can be vociferous, they could be vocal, and they may want to raise a fuss. Now, that, I didn't know because I hadn't

experienced this before, but with Justice Sotomayer, which was the first hearing, the first Senate confirmation hearing that I attended, a woman heckler in the back of the room screamed. She threw something down. I thought it was a gunshot or something like that, and there was just screaming going on. Everyone in the room whipped around shocked, stared at this individual, and Sotomayer just continued to look forward and never moved. I realized later, had she turned around like the rest of us did with a shocked expression--a face like that [showing a surprised expression]--that would have been the photograph that would have been on the cover of every newspaper. She was trained that no matter what happened, she was to sit, remain calm, and look forward, fabulous training, and she did exactly that during the hearing.

SI: In trying to do a little reading about your time working with the Senator, one issue that kept coming up was the idea of trying to reduce overly harsh judicial sentences. I think last time we talked about alternate sentencing, or mediation, that you had worked on.

LH: Oh, the reentry court? I think it was the reentry court.

SI: Yes.

LH: In the Senate, it was another Senator's hearing, but we were able to put on a witness. It was the issue of recidivism, as to whether or not people once released from prison will go back to prison. When I was criminal chief, we had started reentry court and that was intense supervision, but intense in a varied way that there were immediate rewards and punishments but much more support in helping that individual integrate back into society. The two biggest hurdles of someone not recidivating is having a job and having housing. If you can address those two issues, the chance of them going back to prison is remarkably reduced, and people don't want to go back to prison. They really don't. This isn't like, "Oh, that'll be fun. I want to go back to prison." No, they really don't, but they don't have the tools, the skills, the support. They don't know how to change lifelong behavior patterns, and they don't know how to deal with underlying issues that they have, perhaps anger, perhaps substance abuse, perhaps trauma, mostly trauma, that causes people to act in irrational ways that don't really address the matter at hand that needs to be addressed, like, "How do I get a job? How do I keep a job? How do I get housing?" We really were successful with the reentry court.

I was able to get my Judge from the Eastern District of Pennsylvania to testify. He did. He did a fabulous job about how successful it was. At that time, there were only two reentry courts in the whole federal system, one in Boston, one in Philadelphia. When I spoke to the Senator about that, he said, "Linda, get the transcript of his testimony," and he mailed it out to every Chief Judge and said, "You should do this as well. Read this. This is a great idea." Now, these courts are much more prevalent and having remarkable success. We reduced recidivism. High-risk recidivists, they knew they could predict that they were almost a fifty percent, a forty-seven percent chance, of going back to jail within two years of their release. We reduced it, in a two-year period, to eleven percent. It's a great program, it's an intensive program, but it works. I was really proud of the fact that at the Senate we could help get that word out and talk about its success early on.

SI: The other issue was judges handing out harsh sentences, and the phrase that came up in some of the articles was "hand out the letter of the law but no more" or something like that. Do you remember this issue and how it came about that Senator Specter became so interested in it?

LH: I'm sorry, it's the issue of harsh sentences?

SI: Yes.

LH: Right. He was the individual that passed the Armed Career Criminal Act, which means that you got three violent drug crimes convictions, either violent crime or drug crime, serious felonies, that your next offense for drugs or violent crime, you get a mandatory minimum of fifteen. He was proud of that, so I don't know that he was really working to reduce that.

The big issue that was going on at that time was the *Booker* decision. For almost twenty years, the federal courts had mandatory sentencing, and the mandatory sentencing was determined by the crimes of conviction. What the prosecutor charged and what the prosecutor convicted that individual for, there were various calculations under a sort of thick book called the Sentencing Guidelines, and ultimately, they would come out with this window that a judge really was hard pressed to deviate from. It could be for a very serious crime, maybe 155 to 188 months actual time, and judges couldn't go below that, except for limited reasons. If they did go below that for something called a departure, it was really subject to close review at the appellate level. *Booker* was decided in 2005, January 5, 2005, which is a very strange thing that I remember that, and the Court said that, "These guidelines are advisory. They're not mandatory anymore." [Editor's Note: In *United States v. Freddie J. Booker*; *United States v. Duncan Fanfan*, the Supreme Court held that U.S. Sentencing Guidelines, where they allow judges to enhance sentences using facts not reviewed by juries, violated the Sixth Amendment right to trial by jury. In a separate 5-4 opinion delivered by Justice Stephen Breyer, the Supreme Court ruled that the guidelines would now be advisory and invalidated the provisions that made them mandatory. The opinion was announced on January 12, 2005.]

I went to the Senate in 2009, which I thought was a good period of time since *Booker* was decided, to see whether or not there was racial disparity, now that the guidelines were advisory. The reason why the guidelines were enacted in, I think, '83 or '84 was, at least on the left, the left felt, the Democrats felt, that there was racial disparity and having this sort of required guidelines would get rid of that racial disparity. I wanted to look and see whether or not the racial disparity was creeping back into sentences, but there wasn't any interest in having a hearing on that. The reason was that people were happy that the guidelines [were invalidated]. They felt it was a failed experiment, and on both sides of the aisle, they were happy with it, and so therefore, they didn't really want to revisit the issue. We did not look at that [in a Senate hearing].

Sentencing reform did start in the Obama Administration. They were very interested in that. An example of that, with the Obama Administration, was crack and cocaine and the disparity between the two. Basically, it was--I'm trying to remember now--you just went to jail forever for the smallest amount of crack, and it took a lot more cocaine for any of these--they still had some mandatory sentencing for certain quantities of drugs, outside of the guidelines--and they wanted to make cocaine [be] treated [at] the same level as crack. In the Senate Judiciary Committee, I

remember that day, they were negotiating numbers, and they lowered it to an eighteen-to-one disparity. I think they've ultimately gotten rid of it now, but at that time, that was huge because it was just a few ounces of crack would get you to jail for five years or ten years or something like that, and you literally needed kilograms of cocaine for that to occur. The reason that this was viewed as a racial disparity is that when they looked at the statistics, the vast majority of those going to jail for crack were Black defendants as opposed to white defendants [for cocaine]. They felt that whether that was intentional or not, it was just the reality, and it had to change. I was there when that first initial change occurred.

SI: It seemed like the senator was not afraid to take on issues like this.

LH: He was ...

SI: Which could be politically difficult, it seems.

LH: Yes. He was a Republican, but he had turned and became a Democrat when I went and joined him. He gave Obama a sixty Senator majority, which meant a super majority, which they could overcome any of these issues of getting something on the floor vote. When he was a Republican, he had a great deal of power because he was willing to cross over and say, "I will cosponsor that." Even just having one R on a D bill, they could say it was bipartisan, which I didn't quite understand. I thought bipartisan meant truly bipartisan, which meant like all the R's agreed or majority of the R's would agree, and it's not. It's just one R joins over to a D, but that was so important. That gave him tremendous power because he could say, "I'll join on that bill, but you've got to change these three things," and they would do it because they wanted him to join. When he became a D, he had less leverage because the D's all had to walk more in lockstep, so he lost a little bit of that. He had been in the Senate for decades. He really understood the Senate. He understood the rules. He was unafraid of challenges. He liked being in the media. He liked being in the middle of a big fight, and so he was fearless in that way. [Editor's Note: In 2009, Senator Arlen Specter switched from being a member of the Republican Party to a member of the Democratic Party. He had been a Democrat early in his life and became a Republican in 1965.]

SI: Was that your last assignment with the Department of Justice before you moved to the state level?

LH: No. What happened is I did go back, and so I was going to go back to the office, and what happens in an office with a change of administration is the supervisors all change. When I left, I had been criminal chief in charge of the Criminal Division. I came back, I'm a line Assistant U.S. Attorney, and that happens a lot. You get promoted up, but you go back down. I was going to try cases again, but I really had a feeling, I'd been there and done it all. What happened is the government, every once in a while, without a lot of advanced notice, will say, "Hey, if you retire in the next month, or the next six weeks, or the next three weeks," I can't remember, but it's only several weeks--it's not months--"if you retire, and you have so many years in, you can retire as an annuitant." That was incredibly important, because that means you get your federal health insurance. Even without looking for another job, I made a decision. I was done, and this is good because you retire and even though you can go get another job, you can always have health

insurance. You can take time off, and I decided to take some time off. This was in 2011, and I'm not quite sure, I think I did some traveling.

Then, I was going to go into private practice. Some firms were soliciting me, but then I got offered a job in Harrisburg at the [Pennsylvania Governor's] Office of General Counsel. A friend of mine, Jim Schultz, who had been at the U.S. Attorney's Office, was Governor Corbett's General Counsel, and he said, "Linda, I'd like you to be my Deputy General Counsel," he gave me a higher title, Executive Deputy General Counsel, "but you'll be in charge of all the criminal issues for all the commonwealth agencies. We need you to be the in-house lawyer. When anything criminal happens, tell us what to do. Are we in trouble? Are we not in trouble? Do we cooperate, or do we need to get lawyers for our people? What's going on?" I said, "That sounds fun," and so I did that. I was enjoying that. I would go to Harrisburg four days a week. They let me work in the Philadelphia office one day a week. I did that. [Editor's Note: Tom Corbett served as the 46th governor of Pennsylvania from 2011 to 2015. Jim Schultz is an American lawyer who served as general counsel to the governor of Pennsylvania from 2012 to 2014.]

Then, I got recruited by the Democrat-elected [Pennsylvania] Attorney General. She had just gotten elected, and I didn't know her. I wasn't involved in politics at all. I had never been involved in politics, strictly because of the Hatch Act. She just said, "Look, I've got a first deputy, but he's only a civil lawyer. Can you be, again, this executive position, but I need you to be in charge of all the criminal side." I said, "Great." I always thought that the Attorney's General's Office would be interesting and I went to do that, but that did not work out. That did not work out at all. She was not a good administrator. She never gave [a] clear designation of what anybody's position was. She did not establish a chain of command, and ultimately, she got in trouble for leaking grand jury information. I left that job. That was unfortunate because it would have been such a fabulous opportunity to really reform that office. They, for years, had not had--I don't know if they had ever had a Democrat in charge. I thought it would be a great time to partner with other law enforcement and establish great relationships, but if you don't have the authority from your boss, it just doesn't work out. [Editor's Note: The Hatch Act of 1939 is a federal law that limits certain political activities of federal employees. Kathleen G. Kane served as the Attorney General of Pennsylvania from 2013 until her resignation in 2016. After Kane illegally leaked grand jury records and then lied about it to a different grand jury, she was found guilty of two felony perjury charges and seven misdemeanor counts and sentenced to ten to twenty-three months in prison.]

Then, I retired from that and decided, "I'm going to take some time off." My daughter was getting married, my first daughter. It was an at-home wedding, and if you don't know about at-home weddings, they're a lot of work. That was great fun, and we did that. That was seven years ago, a couple days ago. It was her anniversary on June 6th. We had a beautiful big tent and a beautiful, beautiful party, and that was wonderful.

Then, I decided to go back to private practice after thirty-some years. Well, I got recruited. I went, and, again, I traveled. I'm on the beach in Barbados with friends, and I get this email, "Linda, what are you doing? We don't have any criminal lawyers in our white-shoe law firm. It's a wonderful law firm, Dilworth Paxson. Would you come and talk to us and see if you'd like to start a criminal defense practice?" I met with them, great lawyers, fabulous lawyers. Dilworth

is a very Philadelphia regional law firm. It used to be headed by a very reform-minded mayor, Richard Dilworth, from the '50s, a very respected law firm, great lawyers. I said, "Sure, I'll do it," and that's where I am today. I head the white-collar criminal defense practice, and I've enjoyed it tremendously. A lot of challenges, very different than being a prosecutor, there was a lot to learn, and I've enjoyed it. [Editor's Note: Richardson Dilworth served as the mayor of Philadelphia from 1956 to 1962.]

SI: What is it like being on the other side in the courtroom?

LH: Right. First of all, I don't think I realized, all those years that I was a government lawyer, the power that prosecutors have. I used to think, as a prosecutor, "Oh, my burden is beyond a reasonable doubt. It's so hard. I can't screw up in the slightest bit or the whole thing falls apart." Again, the grass is always greener on the other side, "Oh, [as a] defense attorney, you've just got to poke holes. You've just got to try to knock down [the prosecutor's case]. How much easier is that going to be?" Well, it's just very challenging. Very few clients have limitless resources, so you have to basically be efficient, strategize efficiently, and make your decisions about what is the best approach here. Do we resolve this matter? Do we fight this matter? The risks of going to court and fighting are high, not just because of the cost for the client, but it is because there is a huge penalty that courts intentionally, unintentionally impose when you've used the limited resources of the criminal justice system and are taking something to court. The judge, oftentimes, it can be a harsher sentence, and that's difficult.

The other part that's very challenging is the psychological aspects. Clients don't understand why they've been charged, "Why me? Everybody else is doing it," or, "What I did wasn't so bad," or, "The government is overstating everything that happened. The government doesn't really understand the nature of my business," et cetera, et cetera, et cetera. You've got to work with your client, make sure that you understand, from their viewpoint, everything that's going on. You must always keep your client's faith in you. While you need to make sure that they understand the reality of the situation or the challenges that are presented, you can't sugarcoat it, you still need to make sure that they always understand that you are on their side, even though you are showing them some harsh realities. That's challenging to do, but I do care about my clients very much. I do really feel how scary it is to be on the other side with the government and all their power and resources stacked up against your client. It's daunting, it's frightening, and there's a lot of anxiety. There's a lot of worry that goes on, and you have to be empathetic and understand that as well, as you help them navigate these very, very challenging times. The one thing that I have learned is people do get on with their lives, that this is not the end of your life, and yet they feel like their life is ending, and it's not. People do go on and have second chapters, and that's very important to make sure that they understand that and keep that perspective.

SI: One of the other things that we are looking at is how the pandemic has affected different folks in different professions, different eras. How would you say that the pandemic has affected your private practice and any other aspects of your life that you would like to talk about?

LH: Practice, for a while, slowed down. Quite frankly, investigations stopped at the beginning of the pandemic and trials stopped, and trials are only just starting now. There's a bit of a

backlog. I think that it was an extraordinary moment that I had not seen in the forty years that I had practiced, but it was an exciting moment in order to figure out or roll up one's sleeves and figure out what is it that I can do to help this challenge? I got involved.

I was asked by the Public Interest Law Center to head this challenge, to bring a federal habeas corpus class action petition against the warden of the Federal Detention Center in Philadelphia. A thousand inmates are housed there, and they [the Bureau of Prisons] weren't doing anything about COVID. This was just at the beginning of it, and we brought that lawsuit, we got discovery, deposed the Warden. We were able to get out to the defense bar all the communications about what is actually going on [in the Detention Center], what they're doing, what they're not doing, what they should be doing to protect the lives, the health and the safety of the inmates, where they were in this housing facility that put them at very high risk for COVID to spread. That was a very exciting case to work with and bring against the government and try to help to get resolution.

One of the great things that we did was that the Court ordered immediate reports whenever anyone tested positive for COVID and what was happening, so we knew what was going on in real time. We also pressed to get the ability for the inmates to see their attorneys, because a critical constitutional right is to communicate with your counsel. Counsel were not permitted into the Federal Detention Center. The only way they could communicate was by letter. [laughter] They allowed "counselor calls," but the [prison] counselor would sit there right next to the client and you're on the telephone with your client and they could hear this, so they were not privileged communications. Ultimately, we were able to get video conferencing set up in the detention center in a confidential manner. Zoom, we do it now all the time, but nobody had ever done Zoom before the pandemic and we were able to set that up and do that. We had numerous, numerous telephone conference calls with the Court to accomplish these things. I was very appreciative of the federal judge, her concern and her interest to make sure that those inmates were kept safe during this pandemic until the vaccine came out.

SI: I would imagine that you would also have to adapt your own approach to a case like that, given the restrictions.

LH: Yes, yes. We're all on the phone. We're all doing Zoom calls with each other. At the end of the case, I invited my co-counsel over, and I find out who's tall, who's short. I had no idea. [laughter] The guy I thought was short was tall, the guy I thought was tall was short, from the Public Interest Law Center and other outside counsel that joined in. [laughter] It was a great team effort. I worked with fabulous lawyers, and I really enjoyed that.

I worked at home. I am very happy working at home. I thought I would hate working at home. I like it a lot. I find it a lot less stressful. We do a lot by Zoom. I am having a client interview today, but there are so many of my new clients that I've only met by Zoom or by telephone, which is so different than the way it was before. I myself have just recovered from COVID. The whole family got COVID. I was quite ill, and I'm still in the process of recovering but now test negative and am out of that ten-day quarantine period, so that I could get out. Today, it's not as frightening as it was in the beginning. In the beginning, given my age--I'm sixty-eight years old-

-it was really scary because we were considered very much at high risk. It's something we're all learning to live with now.

SI: Another thing I wanted to ask you about is how you taught at several law schools. Can you tell me a little bit about when you started teaching and where you have taught over the years?

LH: Sure. Immediately, I taught at Temple Law School. I was only out a couple years as a prosecutor, and it was a clinical--it was a great clinical. It's still taught. It's a fabulous clinical, and I call it, "How to be an AUSA," "How to be an Assistant United States Attorney." The defenders had a clinical, and I called that the, "How to be a Federal Defender Clinical." The great thing about the seminars being taught at the same time separately by AUSAs or by [Public] Defenders is that we would get [together at] the courthouse. At four o'clock, the judges would give us their courtrooms. The students would come in, and they would do a pretrial detention hearing. They would do a preliminary hearing to show probable cause for the alleged crime set forth in the complaint and warrant, and it would culminate in a--I think a bench--I can't remember if it was a jury trial or a bench trial, but there were various exercises that the students would do. In the morning, there would be lectures, then they would prepare for the afternoon, and then that afternoon, they would go against the Defender class [in the mock hearing or trial]. The teachers would be there.

It was wonderful because that class was taught by Maureen Rowley. Maureen has since passed, but Maureen was a Chief Defender a few years later, and she taught me that [Public] Defenders are not your enemies. They are your adversaries, but they are not your enemies. I learned to respect my adversaries and to respect what they do and why they do what they do and to work as collaboratively as possible, still defending the interest of the government representing the people in this district. They would be representing their individual client, but she taught me about this mutual respect. I'm very proud of the fact that in the Eastern District of Pennsylvania, we always had a very good working relationship with the Defender's Office, a very professional one, so that if there really was a serious problem--some Brady violation, we've got something wrong, there's some evidence that we need to be aware of that's going to exculpate their client--we respect them, we listen to them, we meet with them, and sometimes, you're right. A case has got to get dismissed; we got that wrong. Anyway, I taught that for a number of years. [Editor's Note: The Brady rule, from the case *Brady v. Maryland* (1963), requires prosecutors to disclose exculpatory evidence in the government's possession to the defense.]

Then, I taught at Villanova Law School "Trial Advocacy." It was a traditional trial advocacy class, not how to be an AUSA or how to be a defender; it was a how to try a case, whether it was civil or criminal: openings, closings, direct examinations, cross examinations, preparing witnesses, all of that. I taught that for a long time. That was two hours a night, one night a week, and I did that for years. I think I did that for ten years; I really liked it. Some of my students ultimately became federal prosecutors, which I'm very proud of. Then, I stopped teaching that.

About six years ago, I was invited to teach at the University of Pennsylvania Law School, but it was a new class and it was a class that I created. It's a seminar class, and the class is basically the law of investigations, how to investigate a case. Whether you're a prosecutor, whether you're

a defense attorney, whether or not you are a compliance officer, or you're a general counsel, in house at a corporation, some allegation, whistleblower about wrongdoing, you want to find out what's going on. It is how to conduct an investigation, but most of it is focused on how the government does it, so that you understand the classic tools that they use but also new technologies and challenges to those new technologies, for example, like facial recognition. Then, my students do a presentation, where they take some huge headline case, probably a billion-dollar corporate white-collar case, and they present it and they are pitching it to the government on why there should be a declination. The other team they go against will be the prosecutor, saying, "This is what the case is about. This is what the evidence is about." They're pitching to their higher-ups at Justice, saying, "No, no, no, I can respond to what they said. It doesn't warrant a declination. It warrants a prosecution, and here are the reasons." This is like at the corporate level, charging huge entities like Volkswagen, when they did that tampering on the pollution devices, things like that, very big complex cases. They make those pitches. I love it. I've done it now six years--I think six years--and this class coming up in the fall will be my seventh year. It's always changing, because the technologies that the government is able to use are changing all the time. [Editor's Note: In 2015, the Environmental Protection Agency (EPA) discovered that many Volkswagen cars being sold in the U.S. had a "defeat device" in diesel engines that could detect when they were being tested, changing the performance to improve results and thus cheating on emissions tests. Ultimately, Volkswagen pled guilty and paid 4.3 billion dollars in criminal and civil penalties, and six Volkswagen executives and employees were charged in connection with conspiracy to cheat U.S. Emissions tests.]

SI: Did you do that virtually during the pandemic?

LH: I did. I did do that virtually, and I did it in person with a mask on. The last semester, we did it with a mask, but the semester before that, we did it virtually by Zoom. I have a lot of guest lecturers come in, and we do that by Zoom. I had the chief compliance officer of Amazon talk to my students, and that was even before we knew what Zoom was and we figured out how to do that. It's funny to think that we have a time before Zoom, isn't it, because Zoom is so ubiquitous now.

SI: I also wanted to ask about your family. You mentioned earlier about your oldest daughter's marriage. Tell me a little bit about your kids and grandkids.

LH: We have a new grandchild, born May 18th, to my youngest daughter, and I have not been able to hold that baby yet. The reason why I haven't been able is because of COVID. I had exposures to COVID from my other daughter's family, and so we had to stay away. Then, I got COVID from those exposures, but today is the day that I get to hold little Connor. I'm very, very excited about that.

I'll take my youngest daughter first, since I started about her. Laura is a nurse practitioner. She went to the University of Pennsylvania and studied nursing. Her undergraduate was at the University of Pittsburgh in psychology; I think she graduated magna cum laude or cum laude. I'm very proud of her. She also graduated with honors from Penn. She is now working for Penn in a family medicine practice out in Radnor, Pennsylvania. She is, I do believe--I know I'm her mother--but I do believe she is a gifted and talented practitioner. She was a nurse in intermediate

cardiac care first [at the University of Pennsylvania Hospital], and I think that floor experience--they call it being on a floor, being a nurse on the floor--really helps her understand the patients. She had very much that experience with high-risk patients, and she's gifted. I do think she is gifted at communicating with her patients, understanding their concerns, and communication is so important because there's a lot of chronic diseases and they have to learn how to care for them. She is a fierce advocate for her patients, and she is an excellent teacher at making sure that they understand how they need to care for themselves and deal with their issues. She's just good at diagnosing what's going on, and she loves what she does. She truly, truly loves what she does. I'm so happy that she has found a job that inspires her and challenges her. She's got a little two-and-a-half-year-old boy. His name is Graham. He's very handsome, has big blue eyes, curly hair, and he's pretty shocked that he now has a little baby brother, Connor, who's just a couple weeks old. We're going through that adjustment phase right now.

Laura's husband Chris works in the area of sustainability. That's his passion. He's just about to start a new job, but he works in the area where he helps homeowners decrease their energy requirements and makes sure their homes are very energy efficient. He'd do a better job explaining it than I am. He's a fabulous father. He just loves being a father, as Laura just adores being a mother. I don't think there's anything greater in life [than] to see your children be great parents. That's it. It's like, "Forget all this other career stuff. That doesn't matter." [laughter] The fact that you raised functioning, caring, intelligent human beings who are fabulous parents is like game over.

My older daughter, Alicia, is the same way. She has three babies three and under. She's got the first grandchild, Willa, the only granddaughter, who I could just go on and on and on about because we've bonded. We're very, very close.

Alicia's got twin baby boys who are about ten months old--let's see, maybe getting close to eleven months old--about ten months old. That ten months old is a very cute age, very cute. They sit up. They look like Gerber babies. They've got a neck. They can turn their neck. They ooh, they ah, they giggle, they react, and that's like, "Oh, my God, it's so cute." Little Bennie, his name is Bennett Elliot, and then we've got August Reed. August is baby A; he came first. Bennett is baby B; he came second. That's how they named them in the hospital. Little Bennie is crawling, and this child will take off and be in Cambodia by sunset tomorrow if we didn't have kiddie gates up. We just know this kid is taking off and he's just fearless, which makes all of us extraordinarily fearful, but he's great. August, on the other hand, sits there like a baby Buddha. He doesn't even need to crawl. He's fine, "Give me my toys, I'm good." He's happy. They look different. They're day and night, but, my God, they're cute.

Can you just imagine having three babies? A three-year-old and those little babies. Alicia and her husband Austin are managing beautifully and very well. God has really given them a lot. They take it day by day, but they rise to the occasion. We all help in all the ways that we can. We're very lucky that our girls live near us, so that we get to see them and interact with them a lot.

SI: What I like to do at the end of interviews like this is ask a question about your whole career. You have been in one profession your whole career, and we talked about, early on, some of the

issues like problems with women breaking into different areas, discrimination. Looking at the practice of law itself, what are some of the big changes or positive and negative changes that you have seen over the course of your career?

LH: The younger generation of women attorneys accept as a matter of course that they are here practicing law, and that is a wonderful thing, that is, they don't think that they have to fight for that right. They don't think that they have to work twice as hard to be at the table, nor should they, and that is fabulous. It is natural, because of our anatomies, that women are always going to face the challenges because they bare the babies. They have a moment in time that they bare the babies because, given a career of law, that's usually going to be in your early thirties, a few years out of law school, critical times in one's career when they're going to be needing to move forward, so the challenges and the physicality and the emotions and the stresses remain the same for young women lawyers who decide that they want to have families and they want to have children. That remains hard, and that remains challenging. Perhaps because of the pandemic, because of the flexibility I think law firms will have with allowing people to work from home, or work remotely, and the advances in technology, that will help that burden. In my day, you had to be in the office. That wasn't an option. It didn't count unless you were physically there. Maybe that will help them, but my point is that women do not think, "Oh, this'll be scary; I don't want to be a lawyer," or, "Oh, will they hire me because I'm a woman?" We had [in my day] all those fears and they were real fears; I wasn't paranoid. The stuff that we were asked in interviews, it was just ridiculous, and I'm sure I've said this before. We all believed we had to work twice as hard in order to be at the table. We should have been angry about that, but we weren't. It was just the reality and we were out there and we were going to prove ourselves, but we did. That's my point. We did, and we succeeded.

I'm not saying the battle's over at all. The challenges remain, and women still have to work hard but maybe not as hard, or just as hard as men, but I think I do see progress there with women in the practice of law. I now see lots of women. The first two years of my federal clerkship, I never saw a woman argue in court. They came maybe, they sat at the [counsel] table, but they didn't stand up and say, "I represent so and so, and here's my argument." Now, you see women all the time in court and they're fabulous litigators, and that's huge. To think that I get to see that in my lifetime, that is huge, and I'm very proud of it.

I don't think I've mentioned Alicia, my oldest daughter, is an attorney. She went to the University of Pennsylvania Law School. She practices at a big firm in Philadelphia, trusts and estates, and she's terrifically bright and will do well.

The advice that I give women--and they don't ask me, but I just volunteer it all the time to young women--is that whatever you do, and even when it's really hard, just keep your foot in the game. Just keep your foot in the game. Even if you're treading water, even if you think you're treading water, and you're moving backwards, it doesn't mean that you're not going to be able to catch up later and win the race. I felt like I did, and I've seen other women do it. That's my encouragement, "Don't give up. If you enjoy law, if you are good at it, just hang in there, because it's a long game." That's what I've seen. That is what I've seen, and I am very, very proud of the fact that there are many, many women [in the practice of law today]. It is still a challenge. A lot of women drop out of law, a lot of women go, I don't know what the statistics

are currently, but a lot just say, "This is too much. I can't do it." If they drop out, I want to see that they can drop back in. Why not?

SI: Is there anything that we skipped over that you would like to talk about, either today or in earlier sessions? Is there anything that you think I am missing about you?

LH: It was an interesting article with statistics that I saw about women in the 1970s. It was the period of time that *Roe v. Wade* was decided. What's that, '73, I think? They looked at statistics, and they were looking at the statistics of women today; *The New York Times* just did it. There was one statistic that stuck in my mind, and it was the number of women graduates, maybe in 1970, from college. It was eleven percent, if I remember that right, and today, it's a very high number. I think it's hard to understand, but in 1970, I'm in high school. I'm in high school. If that statistic is eleven percent, it was like eleven percent of women ages twenty-five to forty or something like that [had a college degree]. I don't know if you saw the article. It was really interesting. It was an interactive kind of thing that would sort of surprise you, how this statistic changed. The point of the article is that we've made a lot of progress since *Roe v. Wade* statistically, being head of household, the income level, major breadwinner, education.

I think it's hard to remember, but when I went to college, that was a big deal. It's not a big deal today. Most people go on to college or at least start college and women do, but if you realize that--oh, I know what it was. The statistics were women of childbearing age. I think it was like twenty to, I don't know, forty maybe. When you look at that, these are prime years for a woman in the workforce, absolute prime years, that only eleven percent had graduated from college. To just go to college was an achievement. To go to law school--this is the '70s--it just was out of the norm, and it's not out of the norm today. Isn't that great that a woman can say, "Oh, I'll go to law school. What the hell. I can do that"? [Editor's Note: *Roe v. Wade* is a 1973 Supreme Court decision that legalized abortion in the first trimester under federal law. On June 24, 2022, the Supreme Court reversed the decision in *Dobbs v. Jackson Women's Health Organization*, ruling that individual states have the authority to regulate access to abortion services.]

Sometimes, it's hard to step back in time and sort of realize what it felt like back at that time. I want you to know that when I went to college--and I'm extremely grateful to Rutgers, and the reason why I'm grateful is they gave me that Presidential Scholarship, which they would only give two people that Presidential Scholarship. I was really, really lucky because it was based on my academics, and it wasn't based on need. I had tremendous need. I had no money, but because my parents were divorced and my father didn't fill out the financial form and he had another family, I couldn't get financial aid. I didn't realize that at the time, but I couldn't get financial aid. Rutgers helped me and gave me a full ride. That was huge. They gave me money so I could study in Europe for a year. They let me go to the University of Glasgow. I then got to travel in Germany and learn German because I had enough money left over. I think the money they gave me was under two thousand dollars a year, but it was more than enough money to pay for everything and all my books. What a gift that was--when you think about young people coming out with debt of 200,000 dollars--that I was able, because of that, then to put myself through law school. It was just an extraordinary, extraordinary thing, and I was absolutely focused that I was going to go to law school, that I was going to be at the top of my class to get those grades, to get into law school, and things like that.

I had a determination that I look back that I think would probably have been somewhat frightening if you had met me. I was like, "I am taking care of myself, and I'm going to make sure that I'm going to have a career." Luckily, I meet my husband when I started law school and this did not bother him, but I'm telling you, I was like focused and determined, like it was going to be a struggle. Nothing was going to come in my way. Nobody, a relationship, nothing was going to stop me from doing what I had to do to make sure that I could take care of myself. The reason why I had to take care of myself is that if I ever had a family, I had to make sure I could take care of the family by myself. That was sort of the life lesson I had because my mom was a single mom. I am very grateful that Rutgers gave me that opportunity.

SI: I will conclude today's session, and we will talk for a couple of minutes afterwards. Thank you very much for all of your time today and in the earlier sessions.

LH: Thank you. This has been great fun. I hope it gets archived somewhere in the internet, so if I've got some great, great grandchild at some point that says, "Who the hell was this grandmother Linda Hoffa?" that he or she will be able to find out.

SI: Yes, absolutely.

-----END OF TRANSCRIPT-----

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