Donald Linky: My name is Don Linky. This is another in the series of interviews for the Rutgers Program on the Governor that is directed by the Eagleton Institute of Politics. Today is May 15, 2006 and our guest today is Albert Burstein who served in the Assembly and as Majority Leader during the Byrne Administration and chairman of the Education Committee and was a key figure in several of the legislative initiatives that took place during those years, including school reform and income tax, gubernatorial finance and several others. Al, before we get into the chronology of your own career and your key role in the legislature during the Byrne Administration, I'd like to take a larger look back at how has New Jersey changed over your years in the state from a government standpoint, political standpoint, economically, what's better about New Jersey today and what's worse?

Albert Burstein: What is worse, to start at the back end, I think is a change in the way in which the distribution of power among the people who have relevance in government these days has allowed for such diffusion that it's very difficult to get things done. That started, perhaps, at the time I entered public life in the early 70s, but I think it's been accentuated over the last several decades to the point where a coherent set of programs to meet real needs, it's very difficult to achieve.

Q: From a political standpoint, how has politics changed?

Albert Burstein: There is a harshness in the political world that was muted, if not nonexistent, at the time that I started. I think that there was much more of a sense of collegiality, of willingness to work together, irrespective of party lines or matters that were important institutionally and important for the public interest in a way that I think has eroded over the years to the point where it's almost nonexistent.

Q: What about the role of money? You were one of the pioneers in the 70's in pushing for public finance, at least at the gubernatorial election level, but today we see that money is probably more important than ever, not only in New Jersey but in national politics. How has that sort of changed the dynamics of political life?

Albert Burstein: I have a sense of depression every time I think about that subject matter. When I started in the legislature, that was one of my first projects and, as a matter of fact, in my very first term which was under Governor Cahill, I had introduced a bill that would have provided for the public financing of all elections, not just gubernatorial. At that time, I think the state of Oregon was the only state that had tried, in any way, to provide for any public financing of candidacies and the achievement of getting at least the Gubernatorial Campaign Finance Act in place was one of my proudest moments and I worked very closely with Governor Byrne in that regard and his staff. What has happened since that time, step by step, I've seen an erosion of those bills and those laws that relate to public financing, largely through the U.S.
Supreme Court decision in Buckley versus Valeo and as well the ability of individual people of wealth, as we saw in the last gubernatorial election, where both the Republican and Democratic candidates opted out of the campaign finance system. It has led to the point now where I think one has to rethink what can be done through public financing because money in politics is a poison that has to be eradicated if we're going to get the kinds of representation that I think the people deserve.

Q: Also I guess when you were active in the legislature, the issue in those days was the power of the county bosses, at least in New Jersey, to influence nominations, not only at the county and local level but at the state level, in many cases. Today that's somewhat changed but is that a change for the better?

Albert Burstein: It has its up and down sides, obviously. In the days when you had a centralization of political power in relatively few hands, you had a system, of course, which was fundamentally anti-democratic. But the other side of the coin, where you had the diffusion of power I mentioned before, is not necessarily a great thing either because the ability to get things done, clearly, if you have a central authority that you go to, and he says, "You ought to vote this way on a particular bill," and you have to pay attention because he controls your political life. That's one set of circumstances. Now, when each individual legislator can, in effect, say no without fear of retribution to political leadership, you don't have that kind of control anymore and that's what has led, I think, to the inability to deal with some of the tough issues in New Jersey, which Governor Corzine presently, in this year 2006, is facing and will have to face, if he's going to extract New Jersey from the kind of difficult fiscal position it's in today.

Q: I guess part of what you're saying is that the legislature now is much more an individual body where the individual legislators are much more independent then they used to be and sort of divorced from this old time political leverage that used to be exerted from their home counties. Is that true?

Albert Burstein: Yes, on the assumption that the individual legislator has a fund-raising capacity of some basic minimum amount, he doesn't have to rely upon central authority in the person of county chairmen, as an example. If he does not need to rely on the county chairman for funneling of money to him or her, then they can, the individual legislator, has a principality of his own, his own legislative district in which he rules his game. So you have this diffusion of principalities which make central action all the more difficult to achieve.

Q: Another change focused on the legislature has been the more professionalization of the legislature, both in its resources, staff capacity, professional consultants --not only in campaigns but in some cases even between elections. Again, some people think that even though this was well-meaning when it was started, there may have been some negatives to the more professional legislature that we have today. What's your own opinion?
Albert Burstein: We've got to talk about two levels of professionalization. The professionalization of staff capacity for the individual legislator I think is all to the good. When I first started out, we had a rather limited staff assistance program. But as time went on, as the staffs increased, your own capacity to deal with complex pieces of legislation increased. There was a commensurate growth in the ability of the individual legislator to understand what was going on in front of them along with that professionalization of staff. If you're talking in terms of the professionalization of the campaign issues and having almost continuing political organizations from one election to the next for the benefit of the individual legislator, I think that has gone overboard. I do believe that the use of --the excessive use, in my opinion, of people in various capacities, whether they be pollsters or just political operatives involved in policy issues, issuing policy papers, people of that sort who have become the current standard for political campaigning. I believe has been overdone to the point where a great deal of money is spent and much of it uselessly.

Q: Another area of professionalization is that, it seems to me--and I don't have numbers to back this up--that a higher percentage of individual legislators are representing special interests. They are either representatives of unions, other sorts of interest groups. They are essentially elected to sort of pursue, perhaps, a special advocacy position that they've taken before their election to the legislator. Do you agree and how has that, if it is true, changed the legislature?

Albert Burstein: Well, if it is true, if the assumption is true--and I'm not sure about it--but if the assumption is true, of course, being bound to special interests is not in the overall common good, as far as I view what a legislator ought to be doing. I'm not sure that that really is the case. Truly, you do have a system today where special interests have professionalized on their end of matters. In other words, promoting their interest with the legislature and with the executive. You do have a highly professionalized and organized system that is much more efficient today than it used to be. In the days when I first started, you would have representatives down here for things like the utilities, people representing --lobbyists representing utilities or, as they call them more euphemistically, government affairs specialists who were representing either utilities or the educational establishment or any other type of interest, including the environmentalists who began developing their own lobbying efforts. So, you had it in a kind of a rudimentary way when we started off. Nowadays there are special interests by the ton, all of them forming political action committees and all of them in the business of trying to influence and raise money. So you do have an enhancement of the special interest activity whether you see that reflected in the commitments before taking office among the individual legislators, I really don't have the capacity to judge. I don't think that it really is overwhelming. But that's just looking at it from a distance.

Q: Al, some people have said that under the 1947 constitution, the governor's role became, compared to other states, the most powerful in the country. I'm not sure that that's true and you, during your legislative career, did a little bit to cut back on that power. We'll get into the details of that a little bit later. But do you think now, looking back over your career and your life in New Jersey, the governor and the legislature are more equal? Is the governor still that powerful figure that was carved out under the 1947 constitution or is it a little bit more in balance now?
Albert Burstein: I think that calling the New Jersey governor the most powerful in the country, which I've seen in the press, is an overblown characterization. It is true that this governor has the total appointive power when it comes to key positions, obviously with the advice and the consent of the Senate, but nonetheless, he is the moving party. And as the executive, he appoints judges, he appoints his entire cabinet. There are no other—or there were not until the recent adoption of the constitutional amendment as to a Lieutenant Governor—no other statewide offices, elective offices. So to the extent that he has that power centralized in his hands, he is obviously a powerful executive. But that's not all of government and if he has a program that he wants to get through the legislature, having that appointive authority doesn't necessarily mean that he's going to be a successful governor. He still has to work with the other branch of government. He still has to have people in the judiciary who are independent, as the '47 constitution mandated and independent enough to be able to call shots where they think they should be called, particularly on issues, broader issues of constitutionality of a particular legislation. So, yes, he has power, but it is not the kind of power that enables him to go off and do things effectively without the cooperation of other branches of government.

Q: Moving away from Trenton for a brief moment, again over your lifetime in New Jersey, how are some of the other issues that were dealt with during your career in the legislature stand up over time? Say, the Meadowlands. Do you think that's been a success, failure or somewhere in the middle?

Albert Burstein: I think the Meadowlands Commission and the Meadowlands legislation has been, on the whole, a successful governmental enterprise. I think that without it you would have had undisciplined development in a way that I think would have been harmful to the state as a whole and to the region specifically.

Q: What about Atlantic City?

Albert Burstein: That is clearly a mixed bag. There is little doubt that Atlantic City was in severe decline when the whole issue of establishing a gambling jurisdiction here came into play. Being in severe decline and tying that into the fact that New Jersey's tourism industry was one of its largest, if not the largest, source of income for the state made it something that we just couldn't turn our backs on. The idea that establishment of the gambling industry in Atlantic City would have a ripple effect so that the surrounding areas within the city itself would be benefited has had less of a consequence. There are areas that I've seen down in Atlantic City where there is new housing that's been put in as a result of the establishment of the casinos but it's in relatively limited areas. What more recently has been the subject of some scrutiny is the fact that the suburban areas outside of Atlantic City, like Egg Harbor Township and places of that sort that are on the circumference of the city areas, have grown tremendously. So that there is little question but that it has had a beneficial economic effect in those parts of the state. On a whole, if you had to take a look and create some kind of a balance, I would say that it's a better than 50/50 achievement for the state.
Q: Maybe we'll get back in more detail a little bit later but were there mistakes made in the '70s, for example when we dealt with how to structure the Atlantic City referendum and deal with the obvious growth that would result from the approval of casino gambling that have sort of impacted us today and how far the city has come in terms of its renovation?

Albert Burstein: I think that, as I recall, there was a certain percentage of gross income realized by the gambling casinos that was allocated into a separate fund for developmental purposes. But that was not only, as I recall it, for Atlantic City alone but also was usable in other urban areas throughout the state. I think that perhaps if there had been a more stringent set of guidelines and standards and perhaps even a greater percentage of money to come out of that particular fund that we could have done a lot more, again not only in Atlantic City but in places, in urban areas like Camden and Newark which really needed it and to this day need it. So there probably were certain mistakes made but, on the other hand, as I speak about that subject, it wasn't easy to get the Atlantic City Development Authority and the various bills that were a part of that total package for establishment of gambling in Atlantic City. It wasn't easy to get that through the legislature. There had to be some sweeteners that were associated with it to bring the industry into an area where they had never been before. I think that looking at the matter in retrospect, while I would, in the ideal sense, have thought it should have perhaps had more of a focus on developmental issues nonetheless was kind of a compromise with the need to get the gambling operators into the city.

Q: Was it a mistake not to tie the state casino referendum to some regional or state commission, similar to the Meadowlands Commission?

Albert Burstein: I don't know that that was a mistake. As I say, the politics of getting that bill through were rather complex and if you went on to the core issue of establishing the Gambling Casino Authority and whatever other mechanisms went along with gambling in Atlantic City would have created more problems then it solved.

Q: Okay, well, maybe we'll return in a little more detail as to the sort of political jockeying to try to get that legislation through somewhat later. What about the cities. The cities were a major priority of Governor Byrne when he took office. It was frequently an issue in New Jersey about how the cities had declined in the late '60s and '70s, the urban riots. Looking back, have we progressed at all?

Albert Burstein: We've progressed somewhat but I would hesitate to say it's a result of governmental activity. I think that the market forces have played a far larger role in whatever positive development has gone on than anything the government has done. We've tried legislative efforts in one form or another with beneficial tax programs, reduced sales taxes, as an example, in some of the urban areas, as opposed to the rest of the state. But those are gimmickry, in a sense, in that they don't really address the problem of housing and jobs and we have not really been successful in doing that, nor has the federal government for that matter. And I think that the way in which there has been some improvement in the major urban areas, thinking in terms, as an example of my own old hometown, Jersey City, has been that the physical location
of the city has lent itself to vast development along the waterfront area, all to the benefit of the rest of the community. And Newark, because of the relatively low rents in some of its areas has seen development of certain sections of the city in a way that has been brought about, as I say, by market forces rather than any governmental activity. But of course the governments have tried and I know that with regard to the superstructure of some of the communities, there has been a lot of money invested. Still is in Newark, as an example where if you go to downtown Newark these days, you see nothing but construction going on with the light rail system being put into place, broadening of highways, making greater access to some of the facilities like New Jersey back. But when you get deeper into the heart of the city, into the more residential sections, a lot of what was seen in the riots in the '60s in Newark, remains the same.

Q: Another issue that was very prominent during your years in the legislature was the issue of affordable housing, sparked by the New Jersey Supreme Court's decision in the Mount Laurel series of cases. Looking back again, do you think Mount Laurel has been successful, failure, or somewhere in the middle?

Albert Burstein: It's probably, if you were making an objective assessment of the impact of Mount Laurel, have to say it's somewhere in the middle. It certainly did not achieve what the original beneficial intent of that ruling or series of rulings, actually, was designed to achieve and it's unfortunate. But I think that heart of the Mount Laurel rulings, the judicial rulings now we're talking about, which were designed to inhibit, if not do away entirely, with exclusionary zoning. The town could not zone for three, four, five acres just to keep it a high wealth community. That objective, at least, has largely been achieved with the allocation of a certain percentage of Mount Laurel housing allocated to each one of the communities of the state. But, in actuality, that has had, as I have seen it anyway, minimal impact on the housing needs of the state.

Q: On a related topic, what's your view of the overall pace of development in New Jersey. We hear now and again today that people are resisting new development --that they are resisting, particularly, new housing projects because of the impact on their property taxes and schools. We are seeing more and more of the open space in New Jersey developed and lost. Again, looking back, were there things that might have been done to slow that down or was it just an inevitable market force that has taken effect?

Albert Burstein: I think it's the latter. I think it's the market forces that really pushed the continued development of many areas of the state. But as a counter effort to the push for development, you do have to weigh on the scales what the state has achieved and that's among the more lustrous of all the things that the Byrne Administration and many of the Administrations thereafter. We have had a succession of governors who are interested in preserving some of the natural habitats of the state, starting with the pinelands of the Byrne Administration where 20 percent of the land mass of the state was set aside and restricted development only was permitted. Up to the point during the McGreevey Administration when the Highlands was set aside and restricted for development, but there were other areas in the state that I know Governor Kean and Governor Whitman both, who might be called environmentalists, helped to preserve over the years, so we have had this counter push against overdevelopment and yet, New Jersey being
where it is, as a state in the middle between two huge metropolitan areas, Philadelphia and New York City, almost inevitably had to experience the kind of overdevelopment that we have and we are now one of the densest populated states in the country.

**Q:** The successes you cited of various governors in terms of land use and environmental controls to slow development or, at least, provide a more rigorous review of potential development, were largely regional or smaller pieces than a more comprehensive statewide development review process. In fact, during the Byrne Administration there was a bill introduced by Senator Greenberg, I think he was the only one willing to put his name on it as the sponsor to get it printed, to create a state development review process with a statewide commission that would have fairly extensive power over new development. That bill did not go very far. I'm not even sure it got a committee hearing. I think it may have. But would that have been, in retrospect again, something that we missed the boat on in the 1970's?

**Albert Burstein:** Yes, I guess in retrospect and in the ideal world it would have been a far better and far more orderly system of development in the state then we had over the last three to four decades but I think that that, I emphasize the idealistic because I think that you cut across so many separate interests, so many regional interests in trying to do something of the variety that the Greenberg bill did, that it was a non-starter almost from the beginning.

**Q:** Al, we've spoken a little bit about the institutional relationships between the governor and the legislature over your career. What about the roles of the New Jersey Supreme Court? You were active in the legislature when New Jersey Supreme Court was, perhaps, the most activist state Supreme Court in the country, really prodding the legislature to act on issues that it, frankly, politically was not really willing to deal with on its own. Looking back today, has the New Jersey Supreme Court declined in its institutional stature, speaking both as a lawyer and as an ex-legislator and just as a citizen. Could the Court today, for example, issue the types of rulings, such as Mount Laurel, Robinson v. Cahill, and in other areas that the court in the 1960s and '70s was doing?

**Albert Burstein:** Let me start the answer by saying that I revere the New Jersey Supreme Court. I think that we have had a succession of Courts, starting with the adoption of the 1947 constitution that is unparalleled in the country and I think that other jurors around the nation have a similar view that we've had some outstanding individuals on that court. To say that the Court has been activist, I think again skews the debate in a way that doesn't deal with the reality which your question just touched upon. The reality was that when an issue comes before the Court, they look at it and say this is unconstitutional. Let us take the education problem, the original Robinson v. Cahill case, as one example. The court takes a look at the funding scheme that the state had in place supporting local education and found it to be not only inadequate in order to meet the urban needs of students but unconstitutional in its implications and the way in which money was spread around for education. Now, if you read the succession of opinions --on Robinson versus Cahill, I think there must have been about six or seven separate opinions. And then later on in Abbott versus Burke--which was the son of Robinson, or daughter of Robinson versus Cahill --the
Court was reluctant to move into that area. They realized that the Court has a certain role to play but the Court is not there to implement as if you were passing legislation on programs in order to do what had to be done constitutionally, so they held back. I can recall reading opinions of the Supreme Court, both when Chief Justice Hughes was the prime mover of the court and that was during the Robinson-Cahill years and later by Robert Wilentz when he was the Chief Justice --they had a sensitivity to the interplay between the court, the legislature and the executive as to who was to do what and as a result, they gave time to the legislature and to the Governor to come in before them with legislation to meet what they found to be the constitutional inadequacies in the education system. The same thing with Mount Laurel and housing. When you go across the spectrum of decisions that the Court rendered in the 30 or 40 year period that we're talking about where people have criticized them for being activist, in each and every one of those situations you can see where the Court found the legislature and the executive were inactive --did not do anything about remediying what they found to be an unconstitutional situation.

Q: I want to pin you down a little bit more on this because even in the 1960s and '70s when the Court was coming out with this very powerful series of decisions in different areas, there were calls for constitutional amendments to restrict the court's constitutional authority, where in the legislature simply saying, well, they made their decision, let them enforce it. Ignore them. Could the New Jersey Supreme Court today afford that type of political risk in this legislature, in this sort of political context?

Albert Burstein: Clearly, we are trying to hypothesize a set of circumstances that would come before the current Supreme Court and guess, make maybe an intelligent guess, as to the way in which they would respond as compared to what the Court actually did during the '60s and '70s and '80s. My guess is that the current Court would do pretty much the same sort of thing as the Court had done before and I think that the argument rests upon an analysis of what the Court has had to do on some of the fringe issues that have come before them as recently as just a couple of weeks ago, as we sit here, where they have in effect adopted the principles that had been laid down by the prior Court decisions of the educational --and I am now talking about the educational issues --and have followed those through in the same manner as I would have expected the earlier court to have done. And most recently is an example where there had been an announced freeze by Governor Corzine of aid to the so-called Abbott districts, the districts most financially in need educationally of state assistance --that he was going to freeze the allocations to those districts, the Abbott districts, because of the very tight budget restrictions that the state is operating under today and the Court went along with it. That seems to me is harmonious with what the Court had done at earlier occasions where they took into consideration the politics of what was required and, actually, the fiscal dilemmas that were facing the policymakers in not pushing them and, yet, keeping in place the basic structure of the original Robinson-Cahill, Abbott-Burke, decisions.

Q: But to some extent, I don't want to beat a dead horse here, the Court's more recent decisions have been protecting the institutional and precedential integrity of the prior series of cases, that it would be embarrassingly institutionally for the Court to drop the enforcement of those decisions. I guess, again, could the Court today come up on a fresh basis and issue those types of blockbuster decisions in this
political context and with this type of legislature and the media and the various interests we have out there, including the knee-jerk, no-tax people and the radio stations and so forth.

Albert Burstein: Given that kind of context, my firm belief is that the current Court would, in fact, be in a position, given its current makeup, its outlook, to render the same types of decisions that their predecessors had rendered. I don't think it's a unanimous Court in that respect, if I had to take a guess, I could probably, with some degree of certainty, say that there would be a more divided court today on issues of that variety, be it housing or education or any of the other difficult issues the Court has had to face over the years, but nonetheless, still in the same general philosophical area that the earlier Court decisions placed them.

Q: Al, let's go back now, I guess, to start the chronology of your own life and career. You've already mentioned that you are a native of Jersey City. Talk a little bit about Jersey City during your childhood. What was it like, what were the ethnic politics at the time and who were the principal characters that you first came across?

Albert Burstein: As a child, of course, living in Jersey City, the only name I ever heard or knew about was Frank Hague. He had been the mayor for many, many years starting, I think, about 1917 and continued as the mayor even with the strength that this overwhelming personality brought to bear to the office. This was in the face of the fact that Jersey City, I think during most of that period of time leading up until the '30s and '40s, was operating under what was called the Commission form of government, where you had five commissioners elected and they, in turn, elected the mayor. Well, despite that diffusion of power, Frank Hague gathered unto himself all of the power necessary to be called a dictator at times, an authoritarian figure, whatever other epithets could be thrown at him, but it didn't bother him because he had full control over the city. But growing up as child, there really was a very decent place to thrive in and, although its school system came on hard times later on, when I was a student in the public schools, they had some very fine teachers. Part of that, the residue of the depression that affected the nation in the 1930's where professionals couldn't make a go of it in their profession and went into teaching, if they could qualify, and became long time teachers and administrators of a school system that wasn't bad at all.

Q: What was the ethnic make-up of the neighborhood? The Irish, the Italians, the Jews, the African-Americans, others. What was it like growing up and who were your classmates? Was it relatively mixed were the neighborhoods somewhat segregated in terms of ethnicity?

Albert Burstein: It was not segregated but Jersey City was clearly a predominantly Catholic community and, as a matter of fact, as I grew up, you become a part of that feeling. It's not as if you feel as though you are an oppressed minority or anything like that. But as a non-Catholic, I would --just when somebody asked me, "What part of Jersey City do you live in?" --and I would give the name of the Parish that was part of our particular community in the Greenville section of Jersey City. So, you became a part of that
atmosphere. And in the public schools there really was no division that I can recall and certainly no feeling of discomfort that I ever had in going through the school system with that kind of a population.

Q: I know from an earlier interview you’ve done that you’ve said that your family was not very political. But that there was, I guess, a great interest in current affairs and news in your home. Describe a little bit about the atmosphere in your home and how it led, eventually, to your interest in public affairs?

Albert Burstein: My father, particularly, was a reader and he inevitably, every day, read, well at that time, the Yiddish-language newspaper, and then later on the local dailies and it's kind of an inheritance that I acquired by example, if nothing else. He didn't tell me, "You have to read that paper," or any paper for that matter but it was something that I moved into with great comfort. As a matter of fact, it was one of the things that got me through school. Because particularly I remember an English class that I had in high school where on Monday mornings we'd come in and the teacher would take an article that appeared in the New York Times, which I was a reader of at a very early age, and want to discuss the subject matter. Well, I was one of the few in the class who was able to discuss it with some degree of knowledge about what was in the article so it was a kind of development that was beneficial for me, certainly, because when you read a lot, you obviously learn a lot in the use of language and that stood me in good stead for a lengthy period of time and even today into my profession, where writing and the ability to use language is absolutely fundamental.

Q: Given how important politics and elections were in Jersey City during your childhood, even though your family wasn't particularly political, wasn't there some dinner table discussion as an election was starting to heat up?

Albert Burstein: I caught some of the politics of the way in which it ran, at least in Jersey City at that time, at home and the question really evokes something that I hadn't thought about in a long time. My father had a business, retail business, in Jersey City and he would talk at home about the fact that the Ward leader, and at that time Ward leaders were very, very influential people for jobs, for opportunities of one sort or another, but the Ward leader would come around with tickets to an event of some sort at the store and my father would buy it and just put them away. We never went to any of those things but that used to be one of the methods by which the machine, the political machine was fueled. Then, of course, being a reader of newspapers in my high school years which were through the late '30s, '36 to '40, it was around the time that Norman Thomas, who was then the national socialist party leader who was fighting Hague for reasons that escape me at this moment, came into Jersey City to hold a rally and Hague was ready for him because he was not going to have any socialists or communists or anybody on the left wing of the political spectrum coming into our town and causing trouble. So, he ushered Mr. Thomas out of town. It got, as I recall, national headlines and it was a kind of a beginning for me to see the way in which politics at its worst was operating then and could operate in the long pole. And then that carried over a little later on after the war years in the '40s when I went into the service and I came back to Jersey City. I became more specifically involved it the politics of the city.
Q: Several months ago, we had at Eagleton a lecture by Thomas Fleming who wrote a book about his father's role in the Hague machine in Jersey City. He stressed, I guess, how the Hague machine was so based upon the loyalty of the Irish immigrants and the Hague machine getting the jobs and moving people like his father up the ladder in terms of politics and financial rewards, both honest and dishonest. As a Jewish family in Jersey City in those days, did you feel somewhat excluded or, like your school memories, was it something that didn't really impact upon you?

Albert Burstein: It didn't impact upon me and my family simply because we were not active politically. My family certainly wasn't active politically. Their focus was just on making sure that our immediate nuclear family was able to survive economically and so on, and all that worked out rather well. They were hard working people, as so many of us who are the children of immigrants know. But the only way I can answer that is in the reflection that I had later on when I became somewhat more active in the post-World War II years of what had been going on within the city's political system and what Hague was shrewd enough to do was to provide outlets to various parts of the community. The issue of diversity, they accepted --the political leaders of the time accepted the need for diversity in their political candidates in a way that today I don't think they're given enough credit for. But he had a Jewish slot on his list of candidates, not necessarily for the local government but for state government. He had some very capable lawyers who were his closest counsel who were Jewish, of Jewish background. So he had an outlet to the Jewish community, as well as to the other communities around the city. There were --actually, the Irish really ruled the roost from a political standpoint. They held all the major positions, including Sheriff Fleming, Tom Fleming's father. But there were other enclaves and the Italian community had to be recognized, Polish community was in fact recognized and even the Protestant community, which was a relatively small part of the total ethnic makeup of Jersey City, was recognized. I remember one man, in particular, who had a financial background, Donald Spence, who became the Finance Commissioner for many, many years and they picked out people of talent, which was one of the things, again that I think that as time went on, people don't give the political leaders --the ones that we used to criticize for their dictatorship qualities --enough credit for. They did look for people of talent to run for specific offices.

Q: Now, you said that your father had a store. What type of store was it and did you work in the store?

Albert Burstein: Soft goods --linens, curtains, bedspreads, that sort of thing. I worked in the store, yes. I worked on, usually, on weekends even after I had gotten out of law school. My parents focus was heavily into making that business a success and they did to the extent that both my brother and I were able to go to Ivy League schools and have at least bread on the table without worries about the Depression or anything else. But there is one anecdote I can tell you about because it seared in my memory, anyway, that indicates the scale of priorities that my parents had with respect to what was important growing up, both as they established themselves in America and I as a first generation here. I had gone out for the basketball team in high school and I was fortunate enough to be on the first team and the first game in my sophomore year was coming up. First step for me in athletics, which I was enamored of. Now, at that time my family's business had its most productive time in the months of October, November and December because the holidays, people had the habit of changing curtains and doing things so that, sort of dressing
up the home for the holidays, Thanksgiving and Christmas. My father needed my services at the store during that period of time and I gave whatever I could. Comes the first game, basketball game, and I announce very proudly at home that I'm starting on the first five team on this coming Friday night. Well, that was supposed to be one of the busiest Friday nights of the year. My father says, "No, you're coming in to the store." I will allow you five, or two seconds to guess where I ended up. I had to go to the coach, tell the coach, sorry I can't do it, my parents need me and that's where I ended up. But that was emblematic of the priorities that they had at that time.

Q: Again, thinking back, how was that family environment and your father's business and the fact that your family was an immigrant family and a Jewish family in an Irish town. Is there any way you think that colored your later career or later thought about how you approached public issues?

Albert Burstein: Yes, I think it inevitably had its influence upon me. I never felt uncomfortable amongst different ethnic groups. I hate to use the phrase, "Some of my best friends are..." because that has an invidious ring to it. But I grew up with Irish guys and Italian guys and they were my friends all through high school and even after, when I came back to Jersey City to practice law in the '50s and became involved in, as I said before, in some local political endeavors, I was with a group of Irishmen and Italians and we got along famously. It was something that I think is a derivative of the fact that I was brought up, particularly on a geographical area, on a street, residential street, where there was a whole variety of people and that certainly gave me a - I think a greater understanding of where other people were coming from and what their needs were and what their desires were and when you strip aside a lot of the veneer of the rhetoric that we hear about one ethnic group or another, fundamentally people are much the same in their basic desires and I found it very easy to accommodate to the kind of thinking that I was facing once I got into public life.

Q: Did your family, even though it didn't have a lot of political discussions, feel that the elected officials at that time, led by Mayor Hague, were corrupt?

Albert Burstein: There was that underlying feeling, sure. Because the mere fact of the sale of tickets was the kind of thing that my father, who was not a naïve man in that sense, knew that this was not the way to run government - together with the fact that there was a darker side to the political scene in Jersey City which I came to understand only a little later on and that was the protection, even though it was supposed to be a very clean city from a criminal standpoint, the protection of the gambling interests, the bookies, the people who were laying of bets in barber shops and bars and grills and places of that sort, was something that you learned about inevitably with growing up in the city. So, that had its element that was going on at the same time as all the other things on the cleaner side that I was talking about.

Q: That had colored your attitude or you family or your father's attitude toward the police in Jersey City, knowing that they probably were part of this protection?
Albert Burstein: No, not the police so much, but I can tell you that when I got into public life, there was an undercurrent of uneasiness that both my parents felt and when they would see my picture or a story about me in the newspaper having to do with a controversial subject and somebody attacking me or saying something that was less than 100% praiseworthy, they were very uncomfortable with that sort of thing. They were not used to the give and take of the political world and they had the feeling that I was putting myself out in a way that made me vulnerable. And coming from the background that they did, they were both born in Europe and the police there were a hostile force wherever they lived, there was some element of that subconscious that came with them to the United States. Whereas with my brother and myself growing up in Jersey City, we never gave it a thought.

Q: Let's step back to high school for a second. You played three sports, I believe, in high school and you came to football late because your mother was protecting you from serious injury. Talk a little bit about that.

Albert Burstein: Well, as I say, I loved athletics and I went from one season to the other and just barely good enough to make the varsity teams in basketball and --well basketball and tennis were easy. My parents didn't have any problem with that but they looked upon football as a violent game, which of course it is sort of a violent game, yeah. And they would not sign, you had to have a parent sign off before you could play football. I don't think it was true of other sports, but I'm not certain about that now. But my parents, because of my pestering, finally signed off on my playing football and it just happened by pure coincidence, pure chance, that I was the first string tackle on the team that won the county championship that year. So when I went off to college, I had the notion that I could play at the level of even Ivy League ball for Columbia. But I did play basketball, though, I was on the varsity basketball team in Columbia but not football. I had the stupid notion that I should play two sports, not a good idea.

Q: And I believe one of the reasons that you chose to go to Columbia was you were impressed by their football prominence in those days, not today, but those days.

Albert Burstein: Yeah. The football level of achievement in Columbia those days was rather high. They had the famous Rose Bowl team of the early '30s that beat Stanford in an upset at the Rose Bowl and they had some noteworthy players who were their quarterbacks. People like Cliff Montgomery and Sid Luckman who became an outstanding professional football player who I met at one point just as I was ready to go to start in at Columbia and he was a kind of a demi-god to me. They had a very good football program going.

Q: Did you think of going anywhere else apart from Columbia?

Albert Burstein: I had thought about Rutgers but in those days, in contrast with what goes on today, I applied to one school, Columbia. Now, today a child coming out of high school and going into a college
environment, if they don't --from what I hear anyway, anecdotally --they have at least a dozen or a dozen and a half applications pending in various schools.

Q: Well, you are off to Columbia. What did you find college life to be.

Albert Burstein: It was a dive into icy waters. I was unprepared by my high school environment for the rigor of the educational system that was given to me in my freshman year. It took, I would say, at least the first six months to play catch-up. To discipline my time, to know how to study, and to do a job.

Q: So what your interests in terms of subjects were and who were your key professors or other influences at Columbia?

Albert Burstein: The start of my college career came when, of course, World War II had broken out already in Europe. And it was something that weighed on me. My father had a whole family of relatives living in Poland still at that time. And it was a kind of a black cloud that was always with us, even though we didn't talk about it all that much. But nonetheless, there were so many uncertainties at the start of my college years, which was in September of 1940, that it was a little difficult to focus on what you wanted to do with your life post-college. You were thinking only on a kind of day-to-day basis of where you were going to be. And that was accentuated with some of the discussions that we used to have in the classroom where provocative teachers would ask very perceptive questions about matters going on in the world. And it was, to that extent, an unsettling time. But at the same time it was a time, actually, for flowering because I was introduced to subjects and to areas that I had never touched on before. But I was always the classical liberal arts student who was not fixed on any particular goal or profession at the end of my educational career.

Q: Well, as the years moved toward the outbreak of the war, were there also personal concerns? Did you have family left in Europe?

Albert Burstein: Yes. My father had two sisters plus children--cousins and aunts that I never knew.

Q: And did you--or did your family and your father try to bring them over before the war broke out, or before the Nazis really took control?

Albert Burstein: It was almost impossible to--well, let me rephrase that. To the best of my recollection, my father had wanted to bring his parents over. They died of natural causes before the outbreak of World War I--World War II--I'm sorry. But the--as far as his sisters are concerned, to the best of my recollection he did not because they were pretty well fixed in their location. They had lives to pursue; they had husbands, and
they were continuing to live there, whatever the dangers were. They could not foresee the kind of 
holocaust that eventually took place.

Q: Where were they?

Albert Burstein: They were in a small town about 60 miles northwest of Warsaw.

Q: And what happened to them during the war?

Albert Burstein: They—as far as we know, they were just killed—never had any direct contact or direct 
knowledge about when or where.

Q: Now, as you're a college student, at that time I guess after the outbreak of the war, I assume you were 
subject to the draft, or at least there must have been a lot of pressure either to volunteer or to go into the 
army?

Albert Burstein: There were a number of programs that the military had put in place, which they 
established in every one of the schools. There were college deferments for a while. And although I had 
tried to enlist into the reserve programs of a couple of the services, I couldn't because of my eyesight. I 
ended up in the army reserve corps, I guess starting with my sophomore year. And that was my status, 
and I was able to finish my first three years of college through my junior year. We took accelerated 
examinations, the final examinations, in May—early May of '43, and then I went into the service May 8th of 
'43.

Q: And talk a little bit about your service.

Albert Burstein: After you went through basic training they put you through all kinds of tests. I was 
assigned after basic to what was called the Army Specialized Training Program. And they had it in 
sections, and my particular section was the Aryan Language, studying German, both language and history. 
And the ultimate objective was to go, once I'd gone through that phase of study, to the Army Intelligence 
Corp., which at that point—at least in our general area—was at Fort Myer, Virginia. I went through the 
program at the University of Nebraska for seven months, then came the invasion of Europe. They aborted 
the program immediately, allocated us to the various infantry units instead of going on to Fort Myer, and I 
got overseas as a foot soldier.

Q: And how about the service career overseas?
Albert Burstein: I went into combat after landing in France, and that was an experience, of course, that's unforgettable.

Q: How long after D-Day was that?

Albert Burstein: That was about six weeks after D-Day. We landed in Cherbourg, France and then bivouacked in the immediate area, as a matter of fact, where a lot of the heavy fighting went on in Saint Lo and places like that, the "hedgerow fighting" as they generally describe it—and then, from there, sent to the middle of France. And that's where I went through combat, active combat.

Q: Was that in the Battle of the Bulge?

Albert Burstein: No. I was with the 44th Infantry Division, which was part of the army commanded by General Virgil Patch. And we were immediately next to, cheek-by-jowl as a matter of fact, with the General Patton's 3rd Army. And Patton, of course, had knifed his way through the middle of France, and then there was the fall of Paris back into Allied hands. And into September and October of '44, the fighting had to come to kind of a standstill because Patton had outraced the supply lines, as did Patch's army. And that meant that the, there had to be a kind of recoupment, but there was still fighting going on every day and bombardments and all the rest that goes with combat. And that lasted, for me, until—I think it was sometime in late November, but before the Bulge. I ended up back in the hospital. I had developed trench foot unknowingly. I had not had relief in the field for about a month and an half. I was out in the field constantly during that period of time.

Q: And as you're recuperating, was that the end of your active service, or did you go back on the line after that?

Albert Burstein: No. I didn't go back on the line. I continued in service, but I was reclassified to a headquarters outfit.

Q: Okay. And what type of role was that?

Albert Burstein: That was just a clerical role. It wasn't in combat.

Q: And you stayed in service through the end of the war?

Albert Burstein: Yes, I was discharged in February of '46.
Q: I guess you share the World War II experience with a lot of your contemporaries, including Brendan Byrne, in terms of service. Did that later form a bond as you came back to New Jersey and began your political career and your legislative career with the ex-veterans who also had come into public service?

Albert Burstein: As a matter of fact, no. The unusual thing that occurred, and it was a kind of spontaneous reaction, was that none of us wanted to talk about those years. We had it behind us, and for whatever the reason--I mean there are things that I can think about today as clearly as though they happened last week and recount them to you--but it was an experience that was filled with daily danger and was something that we just felt that was behind us. And we were forward looking in a way that I can't describe today. It was as though we just took that number of years, and I was in close to three years, we just took that number of years, set it aside as a part of our lives, and were looking forward to the resumption of what would be considered truly normal activity, which was preparing occupationally, finishing up our educations and then moving on ahead for family and so on.

Q: Did the war change your career plans or thinking about what you'd like to do once you got back in the country?

Albert Burstein: I think it certainly concentrated my thinking and recognizing that my natural bent was to issues of government. I enjoyed my government courses at the school. And you had asked earlier some of the influences on me, and I can describe those if you would want.

Q: Sure.

Albert Burstein: But when I came back to school, I could have gone directly into professional school. I'd finished three years, and I could have immediately started my law school career at that point. But I decided I wanted to take my last year, and I'm glad I did. Because I was able to take some coursework that I enjoyed doing, even though a couple of them were directed as pre-law courses. But there were other things that I wanted to do, like British Constitutional History and things of that sort, which fit in with my overall likes for broadening my education. And as a result of that I just stayed for my fourth year fully and then entered the law school in 1947.

Q: Did the war experience and the breakdown of government during those years influence you to say, "I would like to pursue government in some form?"

Albert Burstein: Yes. I think that the influences brought to bear, both from the wartime experience and my natural inclination, I think that I would probably end up as a lawyer whether or not I had been in service or whether or not the war interfered with our lives collectively. I always had an interest in the way government operated, and that was stimulated to a great extent by some wonderful teachers I had in the government department at Columbia in my college years and expanded upon during my law school years. I had some
terrific professors who kept emphasizing to us the need to take advantage of the opportunities were we given educationally and give back to "society." But even not putting it in that global context, this was where I knew I belonged.

Q: And you have mentioned I think in a prior interview that some of the Columbia faculty were key figures in the war effort, particularly the Manhattan Project.

Albert Burstein: Yes. Well, they were--those professors were on the scientific side. They had a course that we labeled, colloquially, as "Science for Dummies." These were to give the "educated man," so called, that Columbia was trying to produce, who was not going to go into medicine or science research or anything in the hard sciences some understanding and knowledge about them. So I had, as an example, a physics professor named John Dunning. Well, John Dunning was one of the early participants in the Manhattan Project that developed the nuclear bomb under General Grove. And I can recall being taken with the rest of my class with the professor over to the basement of one of the adjacent Columbia buildings. And there he pointed out something called the cyclotron, a global type of thing, and he said, "They're smashing atoms in there." Well, I didn't know what in the world that meant, of course, and perhaps to this day I couldn't explain it to you. But nonetheless, we got at least the rudiments of extraordinary things that were beginning to happen in the field of science--and then later on, of course, in the government area some other extraordinary professors that I had.

Q: And were your mother and father, as many Jewish mothers and fathers are, encouraging you to pursue a legal career?

Albert Burstein: Yes. I had a history of cousins, first cousins older than I, who were lawyers in upstate New York. And they had carved out very nice careers for themselves; although, they started in the late '30s and it was tough going for them at that point, but there were lawyers in the family.

Q: Well, any other memories of Columbia in your undergraduate days before we get to the law school period?

Albert Burstein: Yes. I had a couple of professors that I would have to mention in any personal development context. One of them was Arthur McMann, who was a government professor who was absolutely marvelous. And I took a colloquium with him, which had about 10 or 11 or 12 people in the class, and I learned more about the workings of the federal government during that colloquium than I ever did with all the readings I did subsequent to that. And the other professor, who eventually became dean of the college, was Lawrence Chamberlain. A marvelous human being who was my advisor, my personal student advisor--and who played an influential role in directing me toward law school and then into public affairs--a marvelous professor, understanding of student quality and capacity, and just a wonderful human being with whom not only I but many of my classmates were close post-college.
Q: What was law school like in those days?

Albert Burstein: Law school was a tough grind, first because college doesn't really prepare you for law school. Law school is a very intense, very focused endeavor. And I was doing, as were many of my classmates, in six straight semesters. Rather than going through three years, we did it in two years. So it was because we were trying to make up for lost time when we were in service. But the core of professors that I had there, when I think back on the many subjects that you take during law school, were molding our minds in a way that you only came to appreciate later on. Essentially, I was rather shy in the classroom; I would never volunteer an answer unless I was called upon. Well, when you go through law school they make you answer, they make you stand up in class--and they do it in a random way so that you never know when you're going to be called upon. And then they begin peppering you with questions. And of course, even though you might have done the work assignment and all the rest, they will come up with questions for--they did come up with questions for the individual student where you had to test your responses in a way that had a lasting impact on the ability--first for me in professional development, to go into a courtroom and be prepared for whatever happens if you do any litigation or questions from the bench if you do appellate work--in a manner that has been long-lasting and certainly a spillover into public life.

Q: While you were in law school, were there any famous lawyers at the time that you would like to have modeled your career after?

Albert Burstein: It was not a matter of modeling a career, but there was such an array of brainpower encompassed in that faculty that you just were enthralled with the idea that these people who were teaching you were setting out pathways for you to go ahead, to move ahead in the private practice or in any other part of the law you wanted to get into whether it be private or public affairs. Because most of them, at the time, it was just the beginning of the period I've got to explain where law professors, at the same time that they were teaching, also had affiliations with major law firms in New York City. And as a result of that, most of them were full-time professors, but they were just--and would do some ad hoc work for particular projects on the outside. But their example, in the way of their learning and the way of their teaching abilities--for the most part, there were a couple of dull teachers--but for the most was training that I didn't appreciate until I began later on practicing my craft and then getting before the public in the true aspect of public life.

Q: Did you work in law firms during the summer?

Albert Burstein: No. Not at that time--because we were in school in the summer. We went through school two successive summers.
Q: How about the decision as to which field to pursue, or at that time were you looking to be pretty much a generalist. I mean you talked about litigation, that trial work. Was that something you saw as something you wanted to focus on, or was it just essentially getting as broad-based a legal education as you could?

Albert Burstein: It was more a sense of testing out the waters in different parts of the legal profession. I felt that you had to do some amount of litigation because unless you knew what goes on in a courtroom, your work as a lawyer in the office would suffer. And the preparation of agreements is an example. If you decided you just wanted to be a contract lawyer and prepare documents, that you didn't want to do any litigation—well, that's a mistake because doing the litigation enables you to have a perspective about what is required on the written page if it's to be translated into a litigation setting. How are people going to read that? So the areas of the law are really complementary to one another. And if you neglect one for another, if you become a strict specialist in one field or another, I think it's detrimental to your development.

Q: Now, while you were in law school, did you start thinking about melding a political with a legal career? You had said earlier that your parents weren't terribly happy about your political ambitions. How early did this occur?

Albert Burstein: I always had some ambition to get into the political sphere, but it was quiescent. It was like a virus that was deep within me and had not yet surfaced, because I had decided after a brief stint in Newark to come to Jersey City to become affiliated with a very small at that time point in the practice of the law. And I knew that, from the standpoint of politics, I was never going to work my way through the local organization.

Q: Why come back to New Jersey after law school? You're a graduate of one of the premier law schools in the country at that point. You presumably could've stayed in Manhattan; you could've, you know, moved to a larger city, but you decided to come back to New Jersey. I guess, in contrast to law school graduates today, the money differential wasn't quite as big as it is now. But why come back to New Jersey?

Albert Burstein: My roots were here. I was born and brought up here. And even though I was New York oriented in many ways, outside of the law, I was more comfortable in determining to establish the practice in New Jersey where at least I had some amount of contacts. My family didn't have the type of contacts that would lead to the enhancement of a legal practice, but nonetheless, my personal contacts were such that at least I could get started here knowing a few people both in the town and in the surrounding area. The New York practice, even then, was of a different dimension in the sense that the demands upon people coming out of my school and others similar to it were enormous. They paid no attention to quality of life issues, or at least very little attention to quality of life issues. The demands upon people who were colleagues of mine going into practice in the city were so enormous that they had no time for anything else. And a couple of them, one of them in particular, a good friend of mine who also came out of Jersey City, was trying to do both—work in New York and establish a little law firm in Jersey City. And he found that it was just impossible. He couldn't do it.
Q: Now, you say you started briefly in Newark, then moved back to Jersey City for your practice. Do you remember how much you were making in those days?

**Albert Burstein:** Yes. I was--well, to put it in the proper setting, when I got out of law school in June of ‘49, New Jersey required a 9-month clerkship at that point. I made $25 a week as a clerk, and that was, relatively speaking, top dollar. And that was one of the reasons why I had to continue working in my father's store on the weekend, because by then I was married and my wife was working as a schoolteacher, and were it not for that we would probably have been in my off hours on a breadline somewhere. But I went through that 9-month clerkship, took the bar in June of 1950 and passed it, and then from that point, when I was actually a qualified lawyer, I was making $50 a week.

Q: When did you get married?

**Albert Burstein:** In December of ’50.

Q: Talk a little bit about that relationship.

**Albert Burstein:** I met my wife on the Columbia campus when, I think we--I had just started law school. I think I was past my first year and into that summer. And she was taking some summertime courses. She had gone to one of the--Brooklyn College--one of the city schools. And she was taking some extra courses to get the first of two or her Master's degrees. She's the most over-degreed person that I've come across. And we met on the campus because she was being squired around by one of my classmates who really wasn't worthy of her. So as a kind of reclamation project--

Q: So you moved right in--obviously successfully.

**Albert Burstein:** Yes.

Q: But as a young couple, I guess economically and financially that must have been a real strain. So did you move back home, or did you try to live independently?

**Albert Burstein:** In the first approximate 18 months or so of our marriage, we were living kind of in between. We were sub-letting an apartment, and it was very difficult to get apartments at that time in New York City, which was in many respects a delightful time of our lives. They were tough. We didn't have a couple of nickels to scratch together. But somehow or other we were able to get by, and with my wife's salary and the meager amount that I was making, yeah, we were able to make it. But then it got to be a little inconvenience, the commute, for me, and we decided to move back into Jersey City.
Q: Well, as you get back to Jersey City, you start practicing law, but is this the time when you started getting involved in the local political scene also?

Albert Burstein: Yes. Not too long after I came back to Jersey City, there were a couple of people whom I knew from various sources growing up there and also, having some political bent or ambitions or some desire to do something in the city for its benefit, governmentally, And none of us had the desire or even ability to become part of the local political organizations. We were just not amongst the in-group and without any of the connections to the in-group. And we started up an independent political study group, which began producing papers relating to the form of government in the city and so on. And that's what got us started.

Q: Who were the in-group? This is the post-Hague Democratic machine. And what was it like and who were the players?

Albert Burstein: Well, the principal was John Kenney. He had been a lieutenant of Hague's for many years, broke away from the organization. There was an interval when succeeding Hague was his nephew Frank Eggers, who became the mayor--but Kenney was the one who really took over the political organization in a major way. And he was the primary moving force for politics during the next decade or decade and a half. And it was--I guess it was Tom Fleming, who was still a part of the Kenney organization after Hague was deposed. And they were a couple of the key players in politics at that time.

Q: How did Hague and Kenney differ in their political style?

Albert Burstein: Kenney tried to be a little more open than Hague. Hague was a very reclusive individual. And Kenney was a little more open to outside influence and third parties and so on. But centrally, the type of organization that he ran differed very little--the same structure, the ward heeler kind of organization where all politics, in the famous Tip O'Neill phrase, was local--and was able for a good number of years to keep tight control over who ran for what out of the Hudson County area.

Q: You said that you felt as an outsider to that machine as you start your legal practice in the city. Did you think about trying to carve a career through the machine?

Albert Burstein: No. At no time.

Q: Why was that?
Albert Burstein: First, because of its reputation. I felt that its repute among ordinary citizens was a hangover from the Hague days. The political machines began to erode all over the country. And Hague was exposed for—as a person who financially profited from his public service. When he died he had an estate of $7 million at a time when the largest salary that he ever got per annum for being a mayor and a commissioner in Jersey City was $7,000 a year. And when that happens it doesn't take a genius or a mathematical expert to know that there was money coming into his hands that was illegally obtained. So that kind of reputation suffused the organization. And in truth, the same kinds of things were going on with the Kenney organization—bookmaker money, that thing as being the fuel that generated their ability to maintain control.

Q: At this point you become somewhat active in the reform efforts within the city. Describe that process.

Albert Burstein: That process was an outgrowth of this organization I talked about that couldn't have had more than about 10 to 15 members. But periodically we would get together and we would have some serious discussions about where we thought we could go. The opening that was afforded to us came when there developed a stalemate on the local council in Jersey City. Because it was commission form of government, nobody really had the full control over finances and things of that sort. There were little empires that were built up by each of the five commissioners. And the control of Kenney was beginning to erode at that point anyway. And there also was a demographic change going on at the same time, and many of the ethnic individuals who were active in the political organization began moving out, many down to the Ocean and Monmouth County areas, to the Sea Girt area—other out to Essex and some to Bergen County. And as a result of that shifting of sands, of ethnic sands, you began to see the beginnings of erosion in the control of the political machinery. In any event, into that mix another gentleman and I sat down and wrote up a report analyzing the defects of the current form of government and advocating that there be a change, at least a study made, under the Faulkner Act, as it was called and still is today, allowing for different forms of government to be created by vote of the people. And once that was finished, I handed it in to the local newspaper editor of the Jersey Journal, a fellow named Gene Farrell. He looked it over one steamy July day and decided to run with it, made a couple of little suggestions, editorial suggestions. But basically the entire document was printed in the newspaper, and that started up a real discussion that led ultimately to the study and to the change in the form of government.

Q: Well, expand on the role of the Jersey Journal at that time within the city and maybe more generally the role of newspapers in New Jersey at that point.

Albert Burstein: For the longest time the newspapers, and particularly the Jersey Journal, which was independently owned by what was called the Dear family, D-e-a-r. It was in private hands in other words. It was never part of a national chain. Those things were still in their infancy. And the Dear family made sure that the editorial policy of the paper was consonant with whatever the desires were of the people in control, so that when Hague was in control they were pro-Hague. When Kenney took over, they were pro-Kenney. And it was only when things began to fragment that the independence of the paper began to show itself in
the person of this gentleman Gene Farrell, who was a kind of curmudgeonly individual but a good newspaper man and not necessarily beholden to whomever was sitting in city hall as the mayor. And as a result of that, he took our paper, as I have described, and published it. That would never have happened in prior years. It would never have happened.

Q: To your knowledge, do you think he talked to the Dear family about the risks of publishing your paper?

Albert Burstein: If he did, he never told me about it.

Q: So you think he just took this fairly courageous step on his own as an editor, not consulting with his publisher?

Albert Burstein: I am not certain as I sit here now, and this is now 70-odd years ago--no, 60 years ago--whether the Dear family still maintained control over the newspaper at that point, because the Newhouse interests came to play somewhere in that period, I'm not certain exactly when. But the Newhouse people were originally out of Bayonne, and they eventually took over the Jersey Journal, having started with the Staten Island Advance as their core newspaper. And so I'm not sure if Farrell was given new largesse to create his own editorial policy or do things that were a little different than had gone on before as a result of the change in ownership. There may have been that connection.

Q: And I guess, and I'm not sure if it was true at that time, but the Newhouse publishing empire in terms of their newspapers has been to allow quite a bit of editorial independence of the various newspapers that they own.

Albert Burstein: Yes. And what I've just described would be consistent with that.

Q: What was the reaction to the publication by the paper of your reform proposal?

Albert Burstein: At first, of course, the powers in control were very upset about it, and they were trying in their little ways to abort the creation of a study commission by referendum. But there was the beginning of a movement; people were getting a little restless, and you could sense that just talking around. There was one of my colleagues who eventually became a colleague in one of the political campaigns I became involved with in the city who used to go around to the bars. And he said, "That's where you really find out what's happening, by talking with people in the bars. What do they think?" And the sense was that they were ready for some kind of a change. They weren't quite sure what, but nonetheless, for that type of structural change if nothing else. And as a result of that, we were able to put together a pretty good civic organization that got a breadth of people that had never before been active in politics. Part of the faculty of St. Peter's College, including one of the priests who were on the faculty, joined up with us in a very active
way. Other people from different segments of the community who had never been active in politics before became part of this community charter council, the CCC as we called it. And as a result of that it had a tone to it that was independent, non-partisan, and had only the purest of motives. That kind of organization was, timing-wise, coming along at the right point. And as a result--oh, incidentally, one of the other people who were involved with me in that organization eventually became the congressman from that area, Frank Guarini. And I knew Frank quite well, first as a practicing lawyer and then as a participant in this organization. And it ended up in a rather overwhelming vote in favor of change--in favor, I should say, of the creation of the study commission. I became the Executive Secretary to the study commission. The man who eventually became the Dean of Seton Hall Law School, John Loftus, was the chair of that commission. We had some very quality people on it, and then came the referendum and its adoption.

Q: Was the victory that you led viewed as a sign of weakness of the incumbent Democratic machine?

Albert Burstein: It was a sign of weakness, which was not capitalized upon in the actual election to the new offices. Because, as happens with many reform organizations that I've witnessed over the years, including a number of them out of New York City politics, reformers--as soon as they achieve their immediate goal--tend to fall out and fight amongst one another. The same thing happened with this group. Several people who were not good candidates wanted to be candidates for city council or for mayor in the first election under the new form of government. It created divisions and did not present the strongest possible ticket that could've been presented under the new form. As a result, in the election--I think it was of 1961--the reform group fell apart and lost to the ticket headed by Tom Gangemi, Sr. who was a part of the Kenney organization and, in fact, worked with Kenney organization in order to achieve the mayoralty. Later, in a few years from that point, after he took office, there was a falling out with Kenney, a discovery--which we knew about much earlier on--that Gangemi was not qualified as a citizen of the United States. He resigned and then a new man took over, Tom Whelan who, unfortunately, viewed public office as another means of doing what Kenney and Hague had done before him, except that he was found out and he ended up in jail.

Q: Also this is about the time of John Kennedy's presidency. Was there any implication of national politics at the time, given the importance of Hudson County to the national Democratic returns?

Albert Burstein: There was a--it's hard to talk in terms of any kind of a spillover between what Kennedy represented in the way of his appearance on the scene in 1960 and what was going on in Jersey City. There was a--amongst the Democrats anyway--there was certainly a unity behind the Kennedy presidency. He was scheduled for one visit to Jersey City as I remember, was several hours late, as happened so frequently on these national campaigns--and the crowd still remained in place just to see that young man running for President of the United States. The organization was for him, the independent people who worked on the fringes, as we did, of the Democratic Party were for him. But the tone that he set, I think had its place because--and I say had its place in this sense: He represented a fresh start for the country. He was like nobody before him in the sense that he was articulate and had a vision for the country that he set
out that people could take to heart and could understand. And I think that he—that that setting of the tone on a national level spilled over into local politics. Because these things don't happen isolated one from the other. And the Kennedy tone certainly had its impact eventually in Jersey City. Because later on, after Whelan, Tom Whelan, had his problems and ended up in jail, there was a true reform movement that came into office led by Tom Jordan, who was a physician and became the mayor of the city.

Q: So you believe the tone set by Kennedy overcame the fact that, as a practical matter, the Kennedys worked through the county bosses and the powers that be for their own purposes. And probably Kenney felt that Kennedy was an ally to his staying in power.

Albert Burstein: Oh, I'm sure that they looked upon--Boston Irish out of the same ethnic background--I'm sure that the locals felt much akin to the Kennedys of Massachusetts. But what they didn't realize, that the Kennedys of Massachusetts--certainly in the person of both John and Robert--represented a new generation, represented a new way of looking at things and recognized that the old boss system of politics where the welfare of people was exemplified by the handouts, the food that they gave like turkeys at Thanksgiving and things of that sort, or getting people onto the police and fire departments, as the means by which they would have a secure job and steady pay--those were things of the past—that there had been an evolution in the political system in a way that was transformative. And the Kennedys understood certainly, and eventually the rest of the country caught up.

Q: Now, as you become more politically known in Jersey City, did you also have any contacts statewide with the other Democrats in other areas? Did you meet Governor Meyner, for example, at this time? Or was that later?

Albert Burstein: I didn't meet Governor Meyner until he had run; although, having clerked—as I mentioned earlier—I had a 9-month clerkship after getting out of law school. The office I clerked in was the same office that Bob Meyner had clerked in. And he still was very friendly and close to my mentor in that office, a lawyer named Milton Rosencranz. And it was through Rosencranz that I briefly met Bob Meyner. But on the state level, more directly, I had met the Dick Hughes in his first governorship run. And that contact was made through a classmate of mine at law school who eventually became a judge, Ted Botter, of the famous Botter Decision, the educational decision. And Ted was very active in the Hughes campaign. And I got to meet Governor Hughes and, as a matter of fact, had some opportunity to go to the Attorney General's office in Trenton. But I wasn't about to move down into that area. But it opened one door that enabled me to develop a relationship with Justice Hughes once he became the Chief Justice of the Supreme Court, and I was in the legislature, and I had opportunity on many occasions to be with him. And a more extraordinary human being, it is difficult to think of. He was one great man.

Q: Well, expand a little bit on your first meeting with Governor Hughes. Was it just a perfunctory saying hello, or was it more extensive than that?
Albert Burstein: It was more perfunctory, because it was in the course of a campaign where a candidate is rushing around from place to place, but the thing about Dick Hughes was that he was aware that you were working for him. He was aware that you were doing something. Now, obviously somebody had briefed him beforehand, but subsequent to that it was as though the mind that he had was like a sponge. So he would remember the fact that we had met in such and such a place and that I had participated in his gubernatorial campaign. And I can tell you that for the young lawyer coming along it's a pretty impressive performance on the part of what became a revered elder.

Q: And I guess that quality of Governor Hughes was in contrast to some later governors that came later. Okay, now we're back, I guess, where the reform movement has pretty much failed to elect its slate of candidates. Now what happens?

Albert Burstein: Well, politically speaking what happens is that I had been so deeply involved in the campaign leading to the mayoralty election of 1961 that my law practice had suffered. And I was involved in a way that although there was a certain amount of professional enhancement, in the sense that there a number of things that had gone on--one of which led, from a legal standpoint--one of which led to my taking a ballot case from the trial court through the appellate division before the Supreme Court in a space of ten days. And that was an unforgettable experience. A court headed up by Chief Justice Weintraub at the time, and even though the issue, the legal issue, was narrow--having to do with ballot positioning and such--the experience of how to do those things and how to handle them was something that was a lifetime benefit to me. In any event, I decided that with the experience I had--and I became, incidentally, the campaign manager for the failed candidate against Gangemi, a gentleman named Bernard Berry who had himself come out of the Kenney organization but was an independent and a very decent human being. And he lost. And I then decided, "That's enough Jersey City politics for me." I devoted myself to the law practice at that point. And the critical time then became the year 1965 when our son, our eldest child, was about to go into the middle school in Jersey City, and my wife said, "He is not going into the middle school in Jersey City. He's going to go someplace else and we're getting out of here." And despite my resistance, which had my office maybe ten minutes away from our house, we in fact did move to Tenafly. And that started our lives again, all over again, in a way that of course when I look back was the most beneficial thing that ever happened to us as a family. I moved to Tenafly and stayed there to this day.

Q: I wanted to bring you back a little bit to that ballot case that went up to the Supreme Court. Did you have oral arguments before the court?

Albert Burstein: Oh, yes.

Q: What was that like?
Albert Burstein: It was intimidating, and yet, very revealing. When--particularly when--as I described, within a space of ten days. They deal with ballot positions, election matters, as you are well aware, on an emergent basis because there are time requirements. There are ballots that have to be printed; there are various steps that have to be taken by county superintendents of elections, by county clerks and so on. So I argued the case--and of course I had help. I couldn't do this all by myself. There was a cadre of young lawyers who were also active with me. And we, in common, prepared briefs--and that's why I say so much time was taken from private practice, because it was devoted to these various elements connected with the election. We worked on briefs and appeared before the trial judge, and there were questions about it, whether there should be a new ballot draw or not the ballot draw, where the positioning of the candidates on a ballot should take place--all of which had importance, we thought, at that time--and into the appellate division where they gave us rather short shrift. They took a look at the brief transcript of the trial court, and it's simply affirmed--and we immediately had to do what they called a petition for certification to the Supreme Court because there was unanimity at the appellate division level. It had to go to the Supreme Court. And when I got there, and I remember this so clearly, I stood up to present my case starting at 10 o'clock in the morning. And the questions--here was a court, which had little advance preparation. This was coming to them on an emergent basis. I had been immersed in the Faulkner Act. I knew its sections and how they related to one another and the way in which past practice had given meaning or fleshed some of the rather murky language of the Faulkner Act. And here I come to a court that had not had this before them. These were cases of first impression. And the questions that they asked were so sharp, so meaningful that it reminded me--it took me back to my days in law school where a law school professor could take something that you have said to them in the way of an absolutely perfect proposition and slice it to ribbons. And you suddenly felt like a darn fool in front of them. Well, the court was not that cruel, but they would ask these very perceptive questions about how one thing related to another. And when--having been, as I say, immersed in the subject, I was able to satisfactorily answer most if not all of what they were throwing at me. And I can tell you that the lawyer on the other side, who became, ultimately, a judge and was a very sharp lawyer, was very adept in trying to justify his client's position. So this back and forth went on for about 2½ hours, at which point the court--and normally they just allow a half-hour for argument--at which point the court said, "Come back at two o'clock." And when we did they reversed the lower court decisions and we got what we wanted. And I have come to call it Pyrrhic victory because we got the first line on the ballot, and we won the best ballot position--and, of course, lost the election.

Q: Do you think it was the right decision by the court?

Albert Burstein: Oh, yes. No question about that. The city clerk was a semi-dictator of his own. The carrying the name, the honored name, James Tumulty, who was either a grandson or whatever, some relationship to the James Tumulty who was the secretary to Woodrow Wilson when he was President of the United States. And he was a martinet; he ran that clerk's office and drew the ballot positions with disdain for anybody raising any objections.
Q: Many people, including Brendan Byrne, have cited Chief Justice Weintraub as one of the most imposing and brilliant people that they've met in their lifetimes. What was your experience with Chief Justice Weintraub?

Albert Burstein: Quite the same. He was a man with what they call, conventionally, a steel trap mind. What it means is that he retained so much in his head about matters of language and the law, of precedent, of ability to logically think through an issue that may not have been decided before, as was the case on this ballot issue that I'm talking about—that you could see an exceptional mind at work. And that proved itself out in so many ways in later cases. He ran an exceptional court. He had giants, legal giants, on that court with him.

Q: How dominant was he on the court? He had, as you say, some peers who were certainly intellectually able and impressive people in their own right. But he was also a very dominant personality wasn't he?

Albert Burstein: Yes he was. And that particularly showed in an issue of this sort, because he came—he was very conversant with the politics of New Jersey. It wasn't as though he came out of some cloistered environment. He knew New Jersey; he knew its political figures; he knew the interplay between the local powerful organizations, whether it be Nucky Johnson in Atlantic City or Hague up in—or John Kenney in Jersey City, or wherever else the center of power might have been at the time. Thorn Lord, I think, was the boss down in Camden. So he was comfortable—shall I say?—with the background of the way in which these things worked, and particularly with the arbitrariness of some of the local officials, including the one that we were taking an appeal from at that time. So in that setting he was dominant, but there were others on the court who were throwing questions, because many of them also came through the political process and had that kind of background.

Q: Well, you're now relocated to Tenafly. Did you think that move was going to end your political career? Were you going to be viewed as a carpetbagger in Bergen County?

Albert Burstein: I didn't even think of it in terms of "carpetbaggering" because I had no—at that point—had no inclination to resume a political career that I found unsatisfying—the outcome in Jersey City. It left me with a kind of—even though my interest still remained—I didn't see an avenue for me to become participant in the politics of Bergen County. And I really knew not too much about them, even though one of my friends, Mattie Feldman, had moved to Jersey City and—moved from Jersey City to Bergen County many years before. So—and he had become very active in politics and had become the county Democratic leader. But I had no individual push or desire at that point to get involved.

Q: So you saw your move to Bergen County pretty much as one for personal reasons because of schooling and also, I guess, to advance your legal career primarily?
Albert Burstein: That is correct. That is correct.

#### End of Burstein May 13, 2006 Interview ####

#### Beginning of Burstein June 6, 2006 Interview ####

Donald Linky: Al, at the end of our first session with you, we had gotten to the point where you had moved from Jersey City to the suburbs in Bergen County, at least what were suburbs then--now we’re much more developed. But what was it like joining the many New Jerseyans who had followed the same path moving from the city to the suburbs?

Albert Burstein: I found it a change in several interesting ways. The first is that your day-to-day living was much easier. Things were within grasp from the standpoint of shopping and doing the normal everyday things that one would want to do. And the second thing was that the commute for me--I was still practicing law in Jersey City--was a little easier, despite the fact that I lived in Jersey City. But the road network was beginning to manifest itself with the extension of the turnpike northward, and the traveling part of it became an occurrence that really was not at all burdensome in contrast with some of my New York brethren.

Q: Talk a little bit about the politics and the differences between Hudson and Bergen Counties at that time.
Albert Burstein: The politics was remarkably different because I went from was essentially a completely Democratic area, Hudson County and Jersey City specifically, into a community, Tenafly, which was wholly under the control of Republicans. At that point it didn't make that much difference to me because politics at the local level was not one of my prime interests. But when one does settle down in a Republican area, or an area different from your prior political environment, you're dealing with neighbors who don't think the way you do. And it was a very interesting metamorphosis for me.

Q: Did you try to change their opinions in any way or just let it lie?

Albert Burstein: No. At the time, having come from the maelstrom of Hudson County politics as I described earlier in our interview, it was a phase of my life that I was not deeply involved in when I first moved to Bergen County. I had determined to pay more attention to my law practice and to just settle down in the new environment.

Q: Well, how did things change, and how did you get drawn back into politics?

Albert Burstein: Essentially, it was because of my wife, who is--who at that point at least--was something more of a political activist than I was. She became a Democratic committeewoman, and from that arose a need to find some people to debate some local issues. And she was kind enough to volunteer my services without my knowing it, and after that came a--once I got--slowly, within about three or so years after I moved to Bergen County--more involved in local affairs and political life once again that I began to become the political activist once more. And I ran twice, unsuccessfully each time, for the local council as a Democrat.

Q: Were there specific issues that provoked your wife to get involved in politics in Bergen County, or was it more generally a feeling she wanted to be a participant and a player?

Albert Burstein: She was more a participant in the overall scheme of things, not necessarily looking to local issues. But it did happen, as we with most of the Bergen County communities in that period of time--if you'll recall, I moved to Bergen in 1965. There was still plenty of land available for development. Issues of local development were primary, and how and when and under what circumstances that development was to take place became the political issues of the time.

Q: And sort of what was your take on the sort of development process that was taking place in Bergen?

Albert Burstein: It was somewhat chaotic. Obviously, there are zoning laws that had their role to play in governing the way in which development was going to proceed. But slowly but surely, without thinking through in an overall plan basis, the available land got to be used up. And that proceeded in a rapid
fashion over the next decade to the point where today there is hardly an open piece of land left in Bergen County.

Q: Who were the chief contacts and sort of backers, other than your wife, that you dealt with in returning to your political role?

Albert Burstein: The principal mentor, if one could phrase it in those terms, for me, was a man that I knew back from my Jersey City days, and that was Matthew Feldman. At the time I moved into Bergen County, Mattie was the county Democratic leader. And we maintained a somewhat distant contact even when I was still back in Jersey City, but then when I moved into Tenafly we resumed more frequent contact. And he knew of the fact, obviously, that I had run for office in the municipality.

Q: And he was the one who urged you to run for elected office in Bergen?

Albert Burstein: Well, not necessarily. I don't think that he played any kind of role in my two runs for municipal council. But obviously he was watching what was going on as the county leader, because one evening I recall so clearly, he had an intermediary--one of my neighbors in Tenafly--call me and ask me if I wanted to be on the ticket for the state assembly. And that started the state involvement.

Q: Who was the intermediary?

Albert Burstein: It was a woman, and I honestly don't recall her name right now. I haven't seen her that frequently in recent years.

Q: What were your considerations in deciding to accept that invitation, given that you had decided to focus on your law practice, and I assume part of the balance in making your decision was whether, again, you would have the time and energy to pursue both a public and private career?

Albert Burstein: There is a virulent disease that's entitled a "political virus" that lies quietly at times within one's body. And that political virus, I found, I still had even though I had, as I expressed before, a desire to have a few years of quiet and attention to my professional development. And that was beginning to show fruits. And when the call came, as I've just described it, I was ready to get back into public life.

Q: Did you think it would hurt or help your law practice?

Albert Burstein: I never approached it in those terms. I never thought in terms of political advancement as providing an avenue to professional success.
Q: Was your wife, even though she was somewhat of a political activist herself, supportive—or was she concerned about the time and the travel to Trenton if you were elected and the toll on the family and private time?

Albert Burstein: She was always supportive. The matter of the time devoted to public life was something that you never can plot ahead of time with exactitude. You can guess that it's going to take a fair amount of your time, but you never really know and understand until you become actively involved and remain in public life over a period of time as I eventually did. And then the reality struck. It still didn't diminish my wife's absolute, unvarying support for whatever I wanted to do politically.

Q: Talk a little bit more about the allocating time between the public and private roles in addition to the time as an elected state legislator, going back and forth to official sessions and committee meetings, you also become a target for invitations to all sorts of dinner fundraisers, non-profit groups who want your appearance. How much of a toll is that at that time, and I guess bring it now, has it gotten worse or better for contemporary legislators?

Albert Burstein: I think it's gotten more intense than ever before, but obviously it existed even in the early 1970s when I first went into the legislature. And it does become a difficult balancing act maintaining responsibilities at home, including a relatively young family—although, by that time in 1971 two of my three children already were off into colleges, so there was just one child remaining at home who was going to the Tenafly public schools system. And it is not an easy task because the demands upon you are really enormous. And people don't realize—let's say the electorate doesn't realize how much time is allocated on a daily basis, even though you only meet in the legislative session approximately 40 times a year, plus maybe committee meetings as an extra. But beyond that we had legislative offices that periodically we had to visit and meet with constituents and go to the very types of things you mentioned, dinners and demands for speeches and that sort of thing that is inherent in the public life.

Q: Did you tolerate that part of the job or enjoy it?

Albert Burstein: I enjoyed that. Speaking in front of groups, I found, was something that thoroughly enjoyed and I hope to some extent mastered in addressing audience concerns and in developing certain areas of specialty where I felt I had something to impart to the audience.

Q: Skipping back a little bit to the mid-'60s when you, again, renewed your political career in a new county, Bergen County, at that time also the Democratic Party, both nationally and to some extent in New Jersey, was being split over the Vietnam War and the positions within the party either supporting the Johnson administration's position or moving toward the Gene McCarthy wing of the party. What was your personal position at that time?
Albert Burstein: My personal position was a mixture of things. I was not an Eugene McCarty advocate. I never believed that the way in which you maintain some directional control over a political system is by taking fringe candidates and trying to ride them into an area where you feel that the party is not going in the right path. I was against involvement in the Vietnam War from the very beginning. I had tried to educate myself, not knowing very much about the country initially, by doing some reading and, particularly, I was influenced in a major way by a book by a French journalist who was killed in Vietnam called Bernard Fall [ph?], who wrote about the French experience and their defeat at Dien Bien Phu and how France and its troops were looked upon as colonial masters that the Vietnamese people wanted to get rid of. And the more you read about it, the more you became concerned that America was just replacing France as a colonial power, or at least in the eyes of the Vietnamese. And however we protested that we just were fighting communism, from the standpoint of the man on the street you got the very distinct notion that they were fighting a foreign occupier. And that would have been disastrous for us. So I was against the war from day one.

Q: Was that more of a personal conviction, or did you take any public stances on the war?

Albert Burstein: No. I didn’t take any public stances. This was just my own personal conviction about it.

Q: Were there people within New Jersey in the party then trying to recruit you into some of these antiwar organizations, do you recall?

Albert Burstein: No. Not to the best of my recollection. Nobody tried to recruit me into—and I wouldn’t have joined, as I say, the fringe groups.

Q: Let’s go, again, back into the ’70s—your first election to the assembly. How difficult was it to get that nomination? Was it pretty much unopposed within the party in terms of your selection, or was there some concern about you being relatively new to the county or hadn’t paid your dues within the county at least, and what was the election campaign like?

Albert Burstein: Well, the matter of my being a relative newcomer into Bergen County politics never came up. My running mate was Byron Baer, whom I had not known prior to our running in tandem in what was then the—and I guess today is the 37th legislative district. When I got the call, as I say, from Mattie Feldman, I really had to educate myself about the district lines and the personalities and the people involved in politics in the various communities that constituted the 37th district. So I was really starting from scratch, but to provide context, there was, to the best of my recollection, no opposition to the selection of Baer and myself as the assembly candidates. And part of the reason, I think, was that there were new district lines that just went into effect in that first election—which was held in 1971. And there were no incumbents running in that race. The two Republicans, one of whom was Austin Volk, the mayor of Englewood—and the second I don’t recall anymore—were not officeholders when they ran against us. So it
was like all of us starting afresh in this one geographical area. And as a result there was really no opposition at the initial stages, the primary stage, to my going ahead into the campaign.

Q: So there were no other--no elected officials, mayors, freeholders, whomever--who were seen as potential pretenders to the assembly vacancies?

Albert Burstein: No. Because I think that maybe they were too educated. I was under-educated; they were over-educated about the demographics of the legislative district. And Bergen County, at that time, one has to remember, is--was--a heavily Republican county. And it was only later on that it evolved to what it is today sitting here in 2006 into what is--what has been--a majority Democratic Party--Democratic area.

Q: Well, in those days, what did you do to do research on the demographics and the voters, particularly in a new district? You knew, in general I guess, as to how the registration patterns were by municipality. But what was the type of preparation you did for a campaign in those days?

Albert Burstein: To some extent, I relied upon Behr, because he was far more active and had lived in Bergen County far longer than I had. And he had a statistical bent so that he knew the population down to the last 10th of the various municipalities in which we were running. And there was some amount of guidance that came from him, and of course at the county level itself, Mattie Feldman having had a personal relationship with me, was also immensely helpful in organizing the campaign, telling us where to go, what to do--all the minutiae that go along with running.

Q: Who were the other key people in your campaign?

Albert Burstein: In that first campaign, Loretta Weinberg, who is a now a state senator from that same district, was our campaign manager. And she had a good political head. She was very helpful in knowing where to go, what to do, how to organize the various little events that go along with campaigning.

Q: And what made that campaign successful?

Albert Burstein: It's very hard to say in retrospect. Certainly not the force of my personality or anything like it, or the emergence of any particular issue--but it just happened that in working the out district lines there was a fairly even balance between Democrats and Republicans on registration. And whatever the cause was--and it's very hard for me to say in retrospect what the cause was--but whatever, we had a pretty good idea of the nature of the population we were appealing to. And I felt very comfortable in taking whatever positions I felt were important in running that campaign without fear that I was going to aggrieve too many people and cause a loss of the ticket.
Q: Do you remember at that time, how did the redistricting process go? Was there a commission? How was the process affected?

Albert Burstein: The commission that we are now used to that has been in existence over the last several decades was not in existence at that time. And I think that it was simply a legislative enactment that did it. In other words, there was no prior commission as we have now of five Democrats and five Republicans trying to work out the district lines. It was done, I think, perhaps, through the technocrats working within the Office of Legislative Services in the light of the one man, one vote U.S. Supreme Court ruling that then obtained over--I think it was around that time--that then obtained. But in any event, the whole idea was to get as even a balance among populations within the county in the new lines.

Q: And what was the party majority composition at that time in each house?

Albert Burstein: As a result of the ’71 election?--the result of that election was that the senate remained in control of the Republicans, and I don't recall what the margin was, but it was at least four to five votes if I remember rightly. And in the assembly we ended up in a dead heat. There were 40 Democrats, 39 Republicans and one independent.

Q: And talk a little bit about how that dead heat resulted in terms of the leadership in the assembly.

Albert Burstein: It caused a major leadership fight. Control of the assembly was obviously very important because Governor Cahill, a Republican, was still in office in the ’71 election and had two years more to run on his term. And if he lost control of the assembly, it would've posed problems for him that probably exceeded the problems he ultimately did face. And what occurred was that, given the impasse, the inability of one party or the other as a result of the election outcome to organize the assembly, there were negotiations going on of the fiercest kind, backdoor, backroom, among various different parts of the Democratic Party, with the Republican Party--and the end result of it was, as we all know now, a deal having been made by the Republicans and their leadership, which included Tom Kean and Dick DeKorte--Dick DeKorte was the floor leader for the Republicans, Tom Kean became the assembly speaker. And they entered into an agreement, a "nefarious deal" as we called it at that time, with the Hudson County Democrats in order to have the votes to organize the assembly.

Q: What was your understanding of the quid pro quo for that deal?

Albert Burstein: There were chairmanships of committees given to at least one, maybe more, of the Hudson Democrats, and beyond that there were pieces of legislation that Hudson County was very much interested in that they were promised that they would have put through. And as matters developed during the course of that legislative campaign, there were things that were indigenous to the Hudson County political scene where there was always, at least at that time and even today, a lot of infighting within the

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Interviews with Albert Burstein May 13, 2006 and June 6, 2006

Democratic Party--different factions fighting with one another. And one of the factions at that point was lead by David Friedland from the assembly side--very articulate, but a very complex individual who, unfortunately, ended up in jail for other reasons. And David Friedland was using the assembly to create committees that would conduct investigations that would be helpful to his faction in Hudson County. And he did that with the support of the majority of Republicans.

Q: For the Democrats in the assembly outside Hudson County, what was your reaction to this deal and when did you sort of first get wind of it?

Albert Burstein: Well, it took about a week or so after the normal organization, the time for organization of the assembly, for this to gel. The reaction, predictably, was that the rest of the Democrats were utterly outraged and barred the Hudson County Democrats from participation in caucus meetings, at least initially anyway. Eventually, that kind of petered out and a sort of peace was made with at least some of the Hudson County Democrats, including Joe LaFante who eventually became the speaker.

Q: But I guess the deal was made before the other Democrats had time to scuttle it. Is that true?

Albert Burstein: Oh yes. We were a relatively freshman class of some size, and I guess you would have to say that in the onset of 1971's organization of the legislature there were more of us who were new to that game, new to the negotiation, new to the various factions and how to put them together to create areas of control over the process than would normally otherwise be the case. And part of the reason for that was that this was around the time--it was after the 1970 presidential--no, not--I'm sorry, it was the '72 presidential election. But there was some amount of disaffection with the national leadership. And there were matters that were beginning to gel in a way that made us very experienced in a "compressurized" setting, but when we were going through this initial phase of matters, we were like babes in the woods.

Q: What was your personal feeling, and to the extent you feel comfortable in generalizing, of the other assembly Democrats toward Tom Kean's role in this deal?

Albert Burstein: The attitude was, of course, that he was a part of a nefarious agreement with the Hudson Democrats and that even though he and Dick DeKorte, for whom I had an enormous admiration--a very capable leader and very bright man, and potentially a Governor of New Jersey had he lived long enough to do it--that Kean, coming of that same faction of the--rather the liberal Republican Party--that was when Clifford Case was a United States senator--a Republican who was quite a liberal individual--that Kean had sold his soul to the Devil. And that was a stigma that I think stuck with Governor Kean for some period of time thereafter. I always found him to be a most pleasant and very capable and very charitable individual, but it was hard to forgive what he had done at that point.

Q: Did you have some grudging respect for the shrewdness of the Republican deal?
Albert Burstein: One had to have, purely in political terms, an amount of respect for the way in which they carved out their ability to take control. Absolutely.

Q: To your knowledge, did the deal initiate on the Republican side or the Hudson County Democratic side?

Albert Burstein: I've no idea who initiated it, but given past history, I would say that there were soundings that came from the Hudson Democrats.

Q: Perhaps David Friedland in particular?

Albert Burstein: Yes. Yes. I think he had had some personal relationship, perhaps, with Dick DeKorte prior to these events in 1971. Because I think Friedland already was in the legislature by that time. He'd probably been elected in the 1969 election.

Q: Well, given the fact that the assembly gets organized with a speaker that Democrats sort of recognize as a minority speaker I guess, how did you relate in terms of the official rules and process in the assembly? Was there some effort to undercut the speaker's authority, to raise points of order, to make it difficult for this leader that you felt was put there by stealth?

Albert Burstein: Unfortunately for Democrats, they ordinarily do not operate that way. That would be the political way to go, and probably in the last analysis maybe even the most sensible way to go if you want to achieve your own program. But no, we did not do that. We respected his position as speaker; we tried to work with him, and as a matter of fact, with the Republican administration in some of the most critical issues that came before that session of the legislature--specifically, the income tax program that Governor Cahill had advanced.

Q: Talk more specifically about that income tax and who was on which side, both within the Democrats and within the Republicans. It was a Cahill administration proposal, but many Republicans were vigorously opposed to that. But give us your own recollection of who was standing where.

Albert Burstein: Well, let me start with the Republicans. Among the Republicans, of course, their leadership stayed with Governor Cahill, and a handful of others. I think that there were, if memory serves, there were--when the vote came on the Cahill tax package, there were nine Republicans that voted for it and fifteen Democrats. It only got about 24 votes, as I recall the number at this point. Among the 15 Democrats, you had at least six to seven that came from--or maybe more--that came from the urban areas. And then there were several others, like myself, who came from suburban districts but who felt that this was important for the state and treated it as an issue that had statewide implications. By that time the Robinson-Cahill education finance case had been decided in the lower court, in the trial court, by Judge
Ted Botter—and that the only way to finance what was being demanded of us by the judiciary would be by adopting a broad-based tax. At that time we had a sales tax in place, and I don't recall whether it was three or four percent, that had been adopted by Governor Hughes during his administration, but clearly it was insufficient to fund the educational needs of the state so that there were—there was that number of people who stuck with the Governor on that program.

**Q:** Given that you were representing a district that was somewhat balanced in terms of party registration and that you really hadn't had an awful lot of time to cement your incumbency in the assembly, did you view the vote for the tax as a possible career-threatening move in terms of your electoral career?

**Albert Burstein:** I don't want to sound pompous, and I don't want to sound as if I had made these idealistic decisions. I had always been in favor of a broader-based tax for the state. We were archaic in the way in which our tax system operated in the '60s and '70s, even with the adoption of a minimal sales tax. So it was a decision that I had come upon early on, having an interest in public affairs, and that seemed to me to be a precondition to bring New Jersey into the modern era in a whole variety of ways, not only education. And I did not think of that vote in terms of whether it was going to help or hurt my career. When I went into public office, I went in with the premise that I would vote on matters depending upon what I thought was the right way to go. And it's not that I did not accede to political pressures at times—I certainly did. But when it came to matters as fundamental as tax policy, I just had made a determination long before I got into the assembly, if I ever had the chance, that that was the route I would go in. There was also, and I am candid to say it now as well as at that time, in my district I was hurt less by a vote in favor of an income tax than some of my colleagues were in some of their districts--suburban districts. And what I mean by that is that the demographics of my district had showed many, many people—a good portion of the voting population—working in New York—living in New Jersey, working in New York, paying New York City and New York state taxes. And they would be getting a credit for any New Jersey taxes paid against those foreign jurisdiction taxes. And as a result, they were not going to be really hurt. As a matter of fact, they may even have benefited, depending upon the amount of tax they had to pay, may even have been benefited from the institution of a tax program in the state while at the same time getting the benefit of more money for the schools, more money for infrastructure in the cities and so on. So that I did not think I would be politically hurt anyway, no matter what I believed before.

**Q:** Despite the perception among a lot of voters that this was a proposal to bail out the urban schools and the cities, that didn't weigh in the calculus that you had to make in terms of your vote?

**Albert Burstein:** It weighed in the calculus, but I felt that first, the population of my district was a well-educated population with most of the people that I had to face at election time understanding the value of education in a more global sense, how it affects the amount of crime that we had to deal with, how it affects the prosperity of the individuals involved—that a good education was a foundational matter that should not have been tainted by political considerations. With that in mind, the fact that I was able to
appeal on an intellectual level to people in my district, making that type of argument, left me with a comfortable feeling that it was not going to hurt me politically.

**Q:** Now, the Cahill administration failed in its efforts to push its tax proposal, which also led to a split within the Republican party that later came back to haunt Governor Cahill's re-election campaign. What were the other issues that you dealt with in the assembly, both for and against the Cahill administration?

**Albert Burstein:** The other issues really were so subordinate to the tax and finance issues that it's hard to think in terms now of other matters that might have been hot-button issues where we had tough things going. I will say that I felt very much in tune with the direction in which Governor Cahill was going. I think he was a serious man who was trying to do an honest job, and it was a shame that for those reasons he was knocked out by Charles Sandman in the gubernatorial primary later on. But there were other issues that related to environmental concerns. There was the onset of several pieces of environmental legislation that were put forth by the Cahill administration, again, with which I felt quite comfortable. And I can't say that there were any pieces of legislation that come to mind where I had any real ideological difference with that administration.

**Q:** What about the Cahill proposal to develop the meadowlands and to solicit the football Giants to move to New Jersey?

**Albert Burstein:** I had been looking at the meadowlands in its pristine state for many, many years, because it abutted--well, it's in Hudson County as well as Bergen. And we used to just generically call "The Meadows." So looking at that and seeing that there was nothing going on led to the belief that, with a burgeoning population all over the northeast and specifically in our sections of New Jersey, there was going to have to be something done with the development of the area. And I must say that I looked upon fixing the New York Giants or a sports complex as the triggering point for development made sense. Because nobody else at that point was willing to come in and start development. A lot of the land in the meadowlands was held in the hands of a couple of families, and those families, unfortunately, started fighting within themselves over what development projects ought to move ahead. And with that kind of history, it seemed to be that it made logical sense for Governor Cahill's suggestions to come to fruition.

**Q:** The initial planning concepts for the meadowlands envisaged much more sort of mixed use, almost a new city in the area--triggered, as you said, by the development of the Giants stadium. Looking back over the time, that really hasn't quite happened. It's been mostly commercial, office, retail development. Did we make mistakes, or do you think things went the way the market would push them in any event?

**Albert Burstein:** I believe that the infrastructure costs of developing the meadowlands for relatively intense residential development were such that unless you had a significant governmental subsidy developers could not, fiscally, make a go of it--because of the nature of the land, or the swamps, that they...
Q: Another problem besetting the Cahill administration was a series of scandals that came to light. In terms of the Democrats in the assembly and in the legislature generally, did you sort of see this as something that may lead to a Democratic victory over Governor Cahill in the '73 election?

Albert Burstein: What was happening in New Jersey had its counterpart eventually, as we all know, in the Watergate scandals at the federal level, which in turn, I think, led to Governor Byrne's election by a significant margin. And yes, the Democrats looked upon it, maybe, in a holier-than-thou way--but looked upon what was happening. I think it was Cahill's Secretary of State that was implicated in some wrongdoing, as an opportunity to take control of the state and the legislature for the first time since Dick Hughes middle-'60s years.

Q: As that 1973 primary campaign started, there were a couple thoughts of Bergen County favorite sons getting into the race. What was your perspective in terms of who you might personally support as the nominee, and how did you finally wind up?

Albert Burstein: I don't recall looking upon any of my colleagues or any of the people in Bergen County that I was involved with politically as being viable gubernatorial candidates. I didn't have anybody in particular in mind, but I had know a little bit about Brendan Byrne's background and ongoing career at that point, because I knew a couple of his classmates at Harvard--I think it was Harvard law school--yeah. And they had nothing but good things to say about Brendan.

Q: Who were they?

Albert Burstein: A fellow named Bill Feinberg, who was a lawyer in Bayonne, and I don't recall the other guy that I--the other person that I spoke to. But they knew Brendan and had high marks for him as a person and as a potential candidate. And also, I knew something of his reputation on the bench. At that time he was sitting in Morris County.

Q: But he didn't enter the race until relatively late in the primary season. Were you getting pressure to back other candidates, or were you decided to sit it out in in terms of an endorsement in the primary?

Albert Burstein: I was not pressured by anybody. I believe--I really am not certain about this--but I think that Dick Coffee may have been a candidate in that primary, or at least talked about being a candidate in that primary. He was very friendly with Mattie Feldman. And the only conversation I can recall about other
candidates other than Brendan was Dick and maybe the gentleman from Middlesex County, whose name escapes me at the moment. But he had been the political leader in the legislature in Middlesex County, whose name had been advanced.

Q: When Brendan Byrne announced that he was going to resign from the bench and run for office, did you contact the campaign, or were you contacted by campaign people as to what type of role you might play?

Albert Burstein: I was contacted, as well as a number of other legislators contacted, to be a kind of ad hoc group. Because by that time we had two--close to two years under our belt in the legislature, knew something about the issues that the new governor was going to have to face, and the belief was that we had some amount of information and attitudes, certainly, toward the direction in which the new governor ought to go that he ought to know about. So yes, we were contacted, we did in fact meet with the governor and campaigned with him.

Q: Was this during the primary or after the primary?

Albert Burstein: We were called to help out, it was after the primary as over.

Q: In the primary, one of his opponents was Ann Klein, who was viewed, I believe, as one of the most liberal candidates in the race—if not the most liberal candidate in the race. Your assembly colleague Byron Baer was a very liberal member of the assembly throughout his career and also later in the senate. Did you have conversations with Byron Baer about where he was going and whether Ann Klein was a more compatible candidate than Brendan Byrne in terms of your ideological positions?

Albert Burstein: Well, let me answer that in two different ways. First, I can't recall the time when Byron and I ever talked about who we were going to support in one race or another. We went our independent ways. And insofar as Ann Klein was concerned, I didn't know her at all, except for the fact that she came out of a League of Women Voters background. I think she was a state president of the League of Women Voters before coming into the legislature. And although I was not out of harmony with a lot of what she was taking about--I think she was particularly interested social issues--that seemed be the focus of her campaign--I was looking for somebody to support who was electable. To me that was equally important. I obviously would not support somebody that I was completely out of phase with on the issues, but nonetheless, felt that she was not electable.

Q: Was there a feeling within the party regulars also that it was too early for a woman to run for governor?

Albert Burstein: That may have been a subliminal feeling, but it was not articulated in any outward way.
Q: Well, in that primary in 1973, surprisingly, Governor Cahill gets defeated for reelection by Congressman Sandman. What was your reaction? Were you surprised?

Albert Burstein: Not necessarily surprised, given the primary makeup of Republican voters. Sandman was a rather, I don't know if you'd call him an extremist in today's environment, but certainly for that period of time he was out of the mainstream of the Cahill-Kean-DeKorte type of Republican. And the primaries, unfortunately, ordinarily attract a small number of voters who are the activists. And the activists in the Republican Party at that time were the more conservative voters.

Q: Now, given Congressman Sandman's nomination, did the Democrats then feel, "Well, this is a lock. We're going to win the general election easily?"

Albert Burstein: I don't believe that that was the feeling. I think that we had had a series of defeats over the years, if you look back before Judge Hughes--Governor Hughes--was elected, you had a couple of Republican governors. I know that Bob Meyner broke into that scheme of things, but one could never be certain in New Jersey what was going to happen at the gubernatorial level. You had a Meyner, a Driscoll, and a Hughes--people were going back and forth so that there was no lock on any election at that level at that time.

Q: Now, you said you were asked, with other legislators, to help the Byrne campaign after the primary. Who were your contacts or whom do you remember from the Byrne people?

Albert Burstein: Dick Leone was one of the primary ones. And I am trying to remember whether I had been contacted by Lew Kaden, who became the governor's counsel, but they would've been the key players in the matter.

Q: Did you get a feel for what positions they were going to take on the major issues like broad-based tax?

Albert Burstein: In the course of the campaign, and this may have been already in the general election campaign, I can recall vividly the speech that Governor Byrne made, in which he said that he could--that there would be no income tax advanced by him for the foreseeable future. Now, those words "foreseeable future" turned out to be a rather short period of time. But I cringed when I heard that, because it was contrary to everything that we knew about with what those of who had been through the first couple of years of legislative activity felt strongly was going to be needed.

Q: Did you argue to Brendan Byrne or Dick Leone or other key people that they should take a more forthright position on a broad-based tax?
Albert Burstein: I don't know, because after our first few meetings of the legislators with then Judge Byrne, we really didn't have that much direct personal contact with him to be in a position to say, "You're making a mistake here." So we were essentially out of the loop. They were running their own campaign, and I think that Jim Dugan out of Hudson County was very active in putting together the winning campaign strategy. And I suspect that his influence and others of similar practical background were telling him to lower the issue of taxation.

Q: What about your own campaign? Did you take flak for your tax position?

Albert Burstein: No I--well, I took flak, obviously, from my opponents. But insofar as voter groups or anything like that is concerned, very little. I got a lot more flak for other issues later on.

Q: Did you publicly disagree with the Byrne position that no tax was immediately needed in your campaign?

Albert Burstein: In my campaign I--both in my first campaign in '71 and in the '73 campaign at the time Byrne was running, I stated unequivocally what I felt about the tax problem.

Q: Was there any effort from the Byrne campaign for you to keep it quiet now that were taking a position that is somewhat inconsistent with your own position?

Albert Burstein: No. Because I think in their heart and soul they knew darn well that what I was saying was ultimately something they were going to face--have to face up to.

Q: Now, you mentioned Dick Leone and Lew Kaden after Governor Byrne's election in November. Who were the other people that you came to know as part of the new Byrne team?

Albert Burstein: Well, it was Jerry English, Cliff Goldman in the Treasury Department, and I think that core group was the group that--and Don Lan to some extent, who was in the Secretary of State's office. I think that core group was the people that I came to know best of all, and there were some others like Joe Hoffman who I think was in labor--the Labor Department. But it was that key group that I came to work with on a number of legislative matters.

Q: Did the communication that you said fell off during the general election campaign with the Byrne campaign people improve after the election? Was there more consultation with the Democratic legislative caucus?
Albert Burstein: I think that it would be fair to say that the communication between the executive, after Byrne took office, and legislative leadership left a lot to be desired. There was a strain, whatever the reason was, between the two cohorts that lasted for a fair couple of years I would say. But on the personal level, I was able to establish a very good working relationship with several of the cabinet people. And as a matter of fact, one of the first major pieces of legislation that the new governor wanted to push through was gubernatorial campaign financing. And I had introduced a bill in my first term relating to that very subject. So when the Byrne administration came in and Bob Raymar, who was an assistant counsel at the time, he and I worked a little bit together on fashioning a different approach, but nonetheless the fundamental idea of advancing the gubernatorial campaign bill that eventually became law. I became the introducer of it, prime sponsor of it, and worked with Bob to explain it to the press and to the public.

Q: Of course, helped by Watergate and the Cahill administration's problems, the Democrats have an overwhelming legislative victory in that November, 1973 election. Talk about this organization of the leadership and your personal role and who was who.

Albert Burstein: We did have an overwhelming victory as a result of Watergate I would have to say. I think we had 66 Democrats and 14 Republicans in the assembly and a lesser margin in the senate, but nonetheless comfortable enough. Out of huge majorities comes discord, because you have just too many people coming from their own little backgrounds and their own agendas, and it's like herding cats--very difficult to get people in line on a series of issues that the governor feels is important. So it was not easy to have leadership put in place that could maintain effective control. On the personal level, there was a leadership fight that developed, in which I was a participant. And because there were a few people who thought that I should be in leadership, they had been king enough to advance my name. As I say, I did not know Brendan very well at that time, and he did not ever tell me directly, "Please get out of the leadership fight." But there was a combination being put together, which included Howard Woodson, the minister from Trenton, as the speaker--and I think it was John Horn as the majority leader. I don't recall anymore. I know John was our floor leader in '72 and '73, but also Joe Lafonte was in that scheme of things as majority leader. And matters went back and forth, a lot of newspaper talk about the fighting going on within the Democratic Party, which in actuality is one of the more interesting features of being in public life and in political life--trying to put together a majority of your own party if you wanted to advance into a leadership position. I was not very effective in doing that, and as a result I lost out and became chairman of the education committee instead.

Q: Well, you had demonstrated, as with your tax position, a certain degree of independence from positions of the Byrne campaign. Do you think that part of the reason for the leadership result was the new administration wanting people that they felt would be more their people?

Albert Burstein: There may have been an element of that in the ultimate calculation as to whom they wanted to see in leadership. I think as well, the very fact that Hudson County played a significant voting role in pushing Byrne into the governorship that there was some feeling of obligation amongst--and I'm
hypothesizing, nobody ever told me this—but it's simple common sense that there was a sense of obligation to Dugan from Hudson County and whatever the other county leadership was there to go along with their suggestions.

_Q: And of course, I believe Governor Byrne has said publicly, and including in his interview in this series, that without that Hudson County backing he probably would not have entered the race to begin with.

_Albert Burstein: That probably is true. I think that certainly was a significant factor at that time. So my own hypothesis, I think, proved itself out.

_Q: Well, now that the legislature is organized, you've started a new term with a new governor--what were the things that were on your plate at this point?

_Albert Burstein: On my plate, the primary thing had to be the matter of the education system and the court fights over education finance. And it wasn't just education, but rather, the financial side that was interwoven with implementation of an education program. That probably exhausted 50 to 60 percent of my legislative time. There were other things that I became interested in. I also served on the election law revision commission, which was then in existence and which had been studying Title 19 of the election laws. And that became a pet project of mine. So that was another phase of work that I was doing. And I also was doing a fair amount in connection with internal matters like the reorganization of our committee structure. In the '72-'73 session of the legislature John Horn asked me to write up a reorganization of the committee structure, which I did. And that was carried through with Rules into the '73--into the '74-'75 session of the legislature. So I was pretty much preoccupied with those various items.

_Q: On the tax issue, you had a new governor who, to your chagrin, had come out in the campaign saying there was no need immediately for a broad-based tax. How did you deal with that, and did you try to persuade people within the administration that there was some way to try to change that position?

_Albert Burstein: Well, in the intervening time between the general election and Governor Byrne's swearing in, I believe there was the first of a series of Supreme Court decisions in the case of Robinson versus Cahill—that was the first education finance case to hit the judiciary. It later became Abbott versus Burke, which we deal with even today. So with Robinson versus Cahill, I didn't have to say very much. The court had spoken. And early in the new governor's administration, to his great credit, he put together a team of people who began working on meeting the court mandate. And that included a couple of the people I mentioned before, Dick Leone, specifically, Cliff Goldman—and there may have been others who came onto the scene to help out in various ways. But that was the beginning of a two-and-a-half year process—or actually a two-year process—that led to the adoption of the Education Act in 1975, which included Steve Wiley, who was my counterpart as the senate education committee chairman. And it
included people on the outside like Ernie Reock from Rutgers who provided enormous help to us. And it was that team of people that had a great deal to do with moving forward on the court decisions.

Q: Before we go further into the tax fight, let's take a short break.

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Q: Al, we're now in the early months of the Byrne administration in 1974, and you've spoken about the impact of the Supreme Court's decisions in the series of school finance cases. Take us a little bit further in the story in terms of the court's decision, the impact on the legislature, and the reaction, I guess, to this judicial mandate that the legislature do something about school finance in New Jersey.

Albert Burstein: It was a very intense, high-pressure time, and I can't recall ever having the kind of exhaustion, physical exhaustion, that I did during that approximately 18-month period, during which we were attempting to come up with some solutions. And the reason for it was that no--we really started with a clean slate. And I recall being in the Treasurer's outer office one day for a meeting at the very beginning of all this before we had one word on a piece of paper, at which, as I mentioned earlier, Dick Leone and Cliff Goldman I believe were there, and a couple of other staff people and Steve Wiley and myself. And we started with, I think, I chalkboard--or at least a pad--in which we began all of us with suggestions to make of the path to follow in trying to meet the court decision. How do we go about reconfiguring not only the education system but also the finance side, which was so critical to the implementation phase? Because the court, both then and later--after it became the Wilentz court--were quite prescriptive in what they felt the new system ought to show. So that it wasn't as though we had to wallow around in the mud and try to come up with some answers. They told us where there were deficiencies in New Jersey's educational system. And our task was to figure out how to get there.

Q: In retrospect, the court's focus on dollar-equivalency in terms of equalizing school spending in New Jersey--again, with the benefit of hindsight and many years--was that a mistake? Were there other approaches that might have resulted in a better system today?

Albert Burstein: We didn't start out with the objective of having fiscal equivalency. The constitutional mandate of a thorough and efficient public education didn't mandate that. It provided that we should afford every child in the state exactly what the constitution said--thorough and efficient education. Now, there were other educational decisions, one in particular that I read that was authored by the then Chief Justice Weintraub, in which he pointed out that equivalency was not really a constitutional necessity, that if you applied what was the theory of equal protection--New Jersey's equivalent of the equal protection clause of the federal constitution--to the problems that arose out of unequal education, that the same principle could apply to the inequalities in police protection, in fire services, in all the municipal services that are characteristic of the cities as opposed to the suburbs. And they didn't want to go that route. They stayed
away from the equal protection clause. And inherent in that idea was that you didn't have to have an exact equality in the dollars spent per student in the poor districts as opposed to the wealthier districts. That was a concept that came later on.

Q: But you had to demonstrate "a thorough and efficient education" in the districts that the court had held were not getting that T&E education--T&E experience--at that point. And that sort of is a performance measure as opposed to a dollar measure, at least a performance measure in terms of student performance. How do you come about it other than looking at the dollars spent?

Albert Burstein: You come about it by testing the students, because essentially what you're talking about in educational jargon are the "outcomes." So there had to be, at different points in the educational process from K to 12, test given--uniform tests--to the student bodies to see how they fared. To nobody's surprise, those in the urban areas fared far worse than those in the suburban areas. Now, that was the first wave of reform where we boosted up the amount of money going into the urban districts, but still a pretty good distance away from actual equality. The equalization in dollar terms that ultimately affected what we call the Abbott Districts, approximately 30 municipalities with the wealthiest districts in the state, came as a result of decisions out of the Wilentz court.

Q: In the early days of trying to throw out as many ideas in this small group, including the Byrne administration's key people in the Treasury, were there other approaches that got some fair hearing? Was there talk about possibly going in different path to, say restructure the systems, force the merger of urban/suburban school districts, countywide districts--more things that were aimed toward structure than they were toward spending?

Albert Burstein: Everything was on the table. It included different types of structures, some of which had already been tried in other parts of the country. So it wasn't as though we were closing our eyes to other possibilities. But when you took a careful look at those alternatives, which included coalescing some of the multitudes of school districts that we have in New Jersey or going to a countywide system as the State of Maryland had for a historically lengthy period. We found that not only was it difficult to do politically, but it may not in the last analysis give you the outcomes that you were looking for. Maryland doesn't have the greatest set of outcomes with their students. When you look at it from a graduation rate standpoint, a dropout standpoint--none of the indices used for comparative purposes come strikingly at you when you take a look at other structures. So structure by itself really was not answer, or at least we didn't think so.

Q: And was the political assessment also based on the fact that New Jersey, as it continues today, has one of the most segregated school systems in terms of geography of any state in the country--and trying to force sort of regional or countywide mergers of school districts would be violently opposed on racial grounds?
Albert Burstein: We did not use as a barometer the concept of desegregation as one of the tools for achieving what we felt the court wanted to achieve. Obviously, conscious segregation--Brown versus Topeka Board of Education, the Supreme Court's seminal decision, told everybody that wrongful discrimination would not be tolerated any longer throughout the country. But natural discrimination still exists. And when I say natural, it's simply the force of residency and the use of residential components in allocating students to schools necessarily end up in some places in a segregated school system still. And that we did not undertake to try to change. It was a monumental problem--still is.

Q: And the court itself in its decisions really hadn't given that as an option, had it?

Albert Burstein: No it had not.

Q: Do you think that was, again, a mistake, or was that just realistic politics?

Albert Burstein: I have to believe it to be realistic. Because the problems of implementing even the most basic of changes were monumental in themselves. To get a new finance system in place--huge problem--as we saw when we had to have the schools closed for the state to adopt an income tax in 1976. So to have an overlay of desegregation as a prime factor in what we were doing would have--even though perhaps in the idealistic sense the right thing to do--was not part of our charge.

Q: Apart from the income tax, were there other broad-based taxes that were considered?

Albert Burstein: Yes. We had several discussions about the possibility of having a statewide real property tax, the money from which would be allocated for educational purposes only. And that was a system that I think, in retrospect, probably would have been the most fair system of raising money for education. Because areas of that really weren't carrying their own tax burdens were, in effect, getting away with the raising of money for educational purposes that others were doing, in effect, for their local benefits. Uh..

Q: Al, a statewide property tax--just how would that work?

Albert Burstein: There would a certain--a fixed assessment statewide affecting all properties. Let's assume that it's a dollar per--

Q: Al, describe the workings of the statewide property tax.
Albert Burstein: Let's use this hypothetical. To begin with, properties are assessed at different levels through each municipality's assessor. They're required to reassess periodically, but certainly in the urban areas they don't do that with the frequency that the statute requires. But there is something called "the directors' ratio of taxation." That tends to equalize on a statewide basis assessments of properties. Now, with that directors' ratio, you would then set a tax such as, for an example, one dollar per 100 of taxation on an assessed valuation of property. Collect that money into the state pot; assign that for educational funding. And that is one of the ways in which you can level off those areas that really were not carrying their educational burden, as against those areas where the burden was enormous.

Q: Now, you say in retrospect that might have been a fairer system. Why was it discarded at the time?

Albert Burstein: It was discarded because it was very difficult to get the idea across that another real property tax on top of what people already were paying, just as today that's a major issue, would have been politically impossible to get passed.

Q: And it also would've affected different types of taxpayers, wouldn't it?

Albert Burstein: It certainly would. And I also believe, if memory serves, that there had been discussion about a statewide real property tax for educational purposes either in the early part of the Cahill administration, starting in '69, or even before that in the Hughes administration--and similarly discarded.

Q: In your recollection, what regions and counties of the state would've been winners and losers in terms of the statewide property tax?

Albert Burstein: It really was difficult to put in terms of counties. I think it was more municipality-by-municipality comparison. And it's hard to say at this point who were winners and who were losers.

Q: But it was ultimately decided that the income tax was, even with the difficulty of selling it the public and in the legislature, more politically viable?

Albert Burstein: Yes.

Q: More practical?

Albert Burstein: More practical.
Q: Well, bring us a little further along on this sort of path toward the income tax. What were the hurdles along the way and failures and so forth?

Albert Burstein: If you'll recall, the first tax program that was attempted to be passed offered by the--the income tax program offered by the Byrne administration--came somewhere in 1974 or '75. I don't recall now exactly which year it was introduced. And that was based on more like the federal system of income taxation than the system that was ultimately adopted. And that went through several modifications with regard to rates and impact and, also, what kind of tax package surrounding the basic income tax would be required. It didn't work. It barely got through the assembly, went over to the senate and died in the senate.

Q: Who were the key people on the opposing side of the fence, both within the Democrats and the Republicans?

Albert Burstein: On the Democratic side, there were a number of people who didn't stick with the Byrne program. I don't recall the numbers now. Maybe other colleagues you're going to interview would be far more adept at that, but the Republicans were almost unanimously opposed.

Q: Was one of the problems that you had such a large majority, at least in the assembly, that people didn't feel the discipline of having to back the administration and the party line?

Albert Burstein: As I said earlier, when you have a huge majority such as we had in that '74-'75 term, it's very difficult to maintain the discipline required to face up to as hot-button an issue as adoption of an income tax--very difficult.

Q: And you also had the problem that you had a governor who had come across, at least equivocal in his campaign, in terms of the income tax, changing his position very shortly after he was inaugurated. So that led to issues of credibility, I guess, both within the party and with the public at large.

Albert Burstein: There's no question that Governor Byrne's credibility insofar as that issue was concerned suffered from the fact that he had made that inopportune promise during the course of his campaign. But I think that, wholly aside from any promise that the governor might have made, that really wasn't driving force that kept a lot of Democrats from voting for his version of an income tax. It was largely the response to local pressures. And there were certain regional newspapers that were pounding away at several of our members on an almost daily basis--and they were very sensitive to the fact that if they were going to vote for that program they were serving their last term in office.

Q: On the Republican side who were the key players?
Albert Burstein: There were none. On the Republican side there were—they really had an absence of effective leadership. I don't recall whether Tom Kean was the minority leader at that period or not. He was at some point there. But the makeup of the Republican minority was such that they just wanted to sit back and watch the Democrats stew in their own juice. They were not going to help out; they were not going to advance any other solutions. The only thing that I can recall where the Republicans paid some attention was on the education bill itself. Not the tax bill, but the—Chapter 212 of the laws of ’75. Because I conducted several seminars, which included Republicans, to try to explain what T&E was about, how we proposed in the education side of meeting the court mandate. And there Republicans in good numbers attending those meetings, and we had Republican votes for the adoption of Chapter 212.

Q: Let's break now to change tapes. <audio off>

#### End of Burstein (6/6/06) ####

Q: Al, before our brief break, you spoke about the Republican side. Was there reluctance to help at all with at least one or two or three votes on the tax issue, also, feeling that the Democrats were so much in charge of the legislature that this was really your ball to carry over the goal line.

Albert Burstein: I'm sure that the fact that they were in such a hole as a minority that they looked upon this as their way of stepping into the majority status at some future election. And as a result, if I were in their shoes, I would have laid back myself and wait for the other side to make its mistakes, and that's precisely what they did.

Q: How about the Republicans who had voted for the Cahill plan previously? Any of them still around at this point?

Albert Burstein: Tom Kean was. Tom was around. I can't recall whether Ray Bateman was or not, but there were just a handful. Oh, Moose Foran was around. I think Moose had voted for Cahill tax program, but there were only nine all together. So, Dick DeKorte by that time had died and I don't recall anybody else from the Republican side that had been with Cahill who voted with the Democrats.

Q: And of course, some of the tax opponents took the position that the Supreme Court had overstepped its jurisdiction and also had intruded into the turf of the legislature in the specifics of the decisions on the school finance. How did you deal with that? Did you have some sympathy for that position., that the court was going a little bit far in terms of providing a very specific legislative approach by court order?

Albert Burstein: I always felt that was a specious argument and it was specious because what the court had found was so evident, namely that there was such a vast disparity in the financing by the state of our
public school systems as between the poorer districts and the wealthier districts that it was hard to make a rational argument against that proposition. And the statements that the court was overstepping its bounds always was premised on the fact that the legislature should be allowed to perform its duty and make its own decisions about this. The trouble was if you would let the legislature have its way, it would never act upon it. You needed that stimulus from the courts in order to have the legislature respond because it was a difficult decision for many legislators.

Q: Now, the Byrne Administration loses its first attempt to get the tax passed. What was your discussion within the legislature after that and also to the extent you discussed it with the Byrne Administration people and the Governor himself as to what to do next?

Albert Burstein: The attitude in the Governor’s office at that point I think reflected a sense of discouragement. They had put a lot of effort, as we all did, in trying to get the legislature to adopt the tax package to implement the education bill and I believe that their attitude at that time was, “The ball is in your court. You didn’t want my package; come up with another one.” So, we sat down and I don’t recall now whether we had casual meetings, but there were groups of us within the Assembly side where the bill had to start anyway who began speaking of what kind of alternative package we can put together. And we had staff that helped us out enormously. Gil--

Q: Gil Deardorff?

Albert Burstein: Gil Deardorff, thank you. I least I remembered half. Gil Deardorff helped us with a number of elements of possibilities and we had to take into consideration some of the suggestions that had been made by a number of the legislators as to what would sweeten the pot if we were to adopt an income tax. And as a result of those discussions, we came to the conclusion that we had to have some kind of a homestead rebate. We had to have a cap on educational spending. There had to be a series of things, I don’t have them all at fingertips right now, that would attract people who might be willing to cast their vote for a tax provided they had something to go along to show the voter that there were other things we were trying to do to help ease their financial burden.

Q: Was there also a feeling that this had to be viewed as a legislative initiative as opposed to a Byrne Administration initiative given the impact on the Byrne credibility that had occurred by the failure of the first tax program?

Albert Burstein: If you recall, Brendan Byrne was not the most popular man walking the streets at that time. It was the end product of the credibility issue that you raise and the fact that Brendan was not yet the accomplished speaker in public that he became later on in his Administration and after he left office. So, the public vision of the Governor in 1975 and 1976 was not what you would call very favorable and the slogan that still rings through I’m sure the Governor estate is “One term Byrne.” That’s what people were
saying. So yes, to come back to your original question, there was I guess if not openly articulated a
decision that we had to distance ourselves from the Governor’s program and come in with a legislative
program of our own.

Q: But, I assume there was still quite a bit of back channel communication with Dick Leone, Cliff Goldman,
the other people within the Administration who knew the numbers and who could get you help in getting
more numbers and putting your own package together.

Albert Burstein: No question. What I just described was the surface. Behind the scenes, we had
actually whatever help we needed.

Q: And in terms of the plummeting public credibility and also the credibility of the Byrne Administration
within the legislature at that time, to what extent was it also a failure of communication, both publicly and
with the legislative leadership? I mean there has been talk that the Byrne people were arrogant, were
aloof, were not the types of people that the legislature was used to dealing with.

Albert Burstein: There is more than a germ of truth in that. I think there were strained relations between
the executive branch and the legislative leadership throughout these several years that we were dealing
with the most difficult issues and that did not help in resolving the issues. But even while that was going
on, there were still a great deal of communication between the branches. There had to be. You couldn’t
do this in a vacuum. The legislature couldn’t act in a vacuum, neither could the Governor’s office and as a
result, we kept our ties going. It paid off in the end obviously, but it took a great deal of effort on the part of
a lot of people to bring the matter to a successful conclusion.

Q: Let’s, again, go back to that process. You have another court decision setting a deadline. Talk about
that and the impact within the legislature.

Albert Burstein: There was resentment of course in the legislature, but you have to put that in the
context of the several court decisions that led up to that deadline by the Hughes Court and that was that
they gave signals in almost every one of their opinions. The Supreme Court had about six or seven
different opinions that were rendered in Robinson v. Cahill let alone what happened later in Abbott versus
Burke. But in the Robinson-Cahill, you can see where Justice Hughes, as an example in the few opinions
that he wrote, was sensitive to the legislative prerogative and paid deference to it almost on each occasion
when we wrote an opinion saying, “Now, you got to do this and you have such and such amount of time to
do it in because we have rendered a fundamental decision that the system is inadequate and
unconstitutional.” But the court at that point had lost patience when they say that the Byrne package was
defeated and the difficulty that we had--even though we had adopted the Chapter 212 of ’75 and the court
looked at that and said, “Well, facially, it looks as though it can pass mustard” there was still the financial
side to come to grips with. When the legislature missed one deadline after another and the court set a new
deadline as of July 1st I guess it was of ’76, although there was griping by any rational evaluation of what had gone on leading up to that point, the court was right to do what they did. And I recall also that there was in one of those opinions and maybe even the opinion that set the deadline of July 1 where Justice Pashman wrote a dissenting opinion in which he advocated that the Treasurer of New Jersey be directed by the court not to send any money, any state tax money to the wealthy districts of the state, but to concentrate all money collected by the state in what then became the Abbott District. So, that raised the hackles even further even though it was just a dissenting opinion.

Q: Give us some of your memories of those hectic days after or as you approached the July 1st deadline and after.

Albert Burstein: Well, there was not very much sleep that was available to us. Around the same time as the July 1st deadline, the Republicans initiated an effort in the federal courts to have the federal courts step in and direct the state to keep the schools open and to grant a stay that would have prevented us from implementing the T&E clause of our Constitution. Well, that brought additional tensions to the fore and it was only after the federal courts sitting on bunker the full complement of judges, in other words, the federal New Jersey system, ruled in denying and dismissing the Republican effort with only Fred Lacey and Herbert Stern dissenting in that group. The attention was solely focused on getting a tax passed. Those days, as I mentioned before, were some of the most stressful that I can recall going through because there was lack of sleep, there were pressures and on top of that, after the Assembly acted to pass what ultimately became the gross income tax at a 2% level that was sponsored by Speaker Hamilton, that I played something of a role in negotiating with Joe Merlino, the Majority Leader of the Senate, in trying to get them to act promptly and get the voted lines up, the 21 votes needed in the Senate to pass the bill that we had already passed. And that in itself was a stressful venture. I can recall, just quickly anecdotally, I think we were holed up at the hotel, I don’t think it’s there any longer. But in any event, the Assembly leadership was gathered at this hotel on State Street.

Q: The old Holiday Inn?

Albert Burstein: I don’t recall anymore and I walked from there into the State House corridors to lead to the Senate chamber where the Democratic senators were all gathered and I had to prop myself up against the wall because I was so utterly exhausted. And then, coming to the Senate door and I knocked and Merlino sticks his head out and I say, “I want to explain what we have done and why you should do it,” and he wouldn’t let me in. He would not let me into the Senate Caucus. He said, “Nobody comes into the Senate Caucus.”

Q: Who were the swing votes, both on the Democratic side and what Republicans did you have some hopes of co-opting?
Albert Burstein: In the Assembly?

Q: Yeah.

Albert Burstein: Littell was a Republican vote and there may have been one other. I don’t recall - Weidel, Karl Weidel, that’s right.

Q: Was there a role that you played in trying to both secure Democratic votes or solicit Republican votes, or was that a role for others?

Albert Burstein: No, that was a role for others primarily.

Q: Describe, I guess, the day of the votes and certainly your personal reaction and what was the feeling within the chambers.

Albert Burstein: Well, the feeling amongst those of us who were the proponents of the adoption of the gross income tax, they were euphoric because so much effort had gone in over a period of at least four years, pretty close to four years I should say, that to see it finally come to fruition really was a feeling of pleasure combined with exhaustion that goes along with a major effort of this sort. Probably over pleased because it was no magic answer to what was needed, but nonetheless it was an answer, a legislative answer.

Q: Were there some legislators who knew that by voting for the tax they were ending their legislative careers?

Albert Burstein: There were a handful, a couple of them, yeah.

Q: How did you feel about that in terms of their personal positions or was that something you felt that they just had to deal with on their own?

Albert Burstein: Well, at the personal level, you hate to see anybody who you think does the right thing suffer political defeat as a result of it. One of those who went through that very trauma was Herb Klein. Herb became a friend in addition to being just another colleague in the legislature, but he was from the Clifton area. He was pilloried every day by the local Clifton newspaper or the Passaic County newspaper and his vote eventually came to adopt the income tax and he was defeated.
Q: After the tax was passed, what was the next thing we had to worry about in the legislature - obviously, the implementation, the mechanics of the program. To a large extent, they were the Administration’s problem, but what was the other remaining agenda for the legislature? I assume there was also some feeling of relief that you wanted just to rest after this intense battle.

Albert Burstein: Well, it was certainly true that we were not looking for any more tax fights. That went without saying. The other issues that remained on the plate and on the Governor’s agenda among others, were environmental issues because we were still to face the Pinelands Preservation Act as one major piece of legislation the Governor wanted, as well as a couple of other environmental preservation laws. I think there were refinements to the Spill Act as well. Even though it was in place, there were things that had to be done with that. There were other issues that were coming up such as civil service reform, ethics reform, and things that the Governor wanted to do come the next term.

Q: What about Atlantic City?

Albert Burstein: That was a major thing as well of course. I omitted that from the list, but that certainly was an issue that we had a fight about. I don’t recall the timing of that exactly. I think it was in the beginning of the second term, but there was a lot of opposition to it. It lost on referendum at one point and put it on for a second time. The same opposition, both religious and otherwise, to gambling and the expansion of gambling in the state was something that had to be overcome. Yet, when you put that on the scale, that is to say the adoption of gambling, and looked at what was happening in Atlantic City and also taking a look at the fact that tourism was New Jersey’s major industry and seeing how the decay along the shoreline was proceeding at an increasingly rapid rate, something had to be done about it. Nobody had any answers except for the fact that you could put gambling in there by referendum.

Q: And that was the basis for your personal position in supporting the casino--

Albert Burstein: Yes.

Q: Now, at some point, you’re approached about joining the Byrne Administration. When was that and how did that come about?

Albert Burstein: That was in 1975, I think past the middle of the year. In fact, it may have been right after the adoption of the Education Act of ’75. That was in September. I was approached by the Administration to take on the counsel’s job and I was giving it serious consideration. But after discussing it with a number of people, including some inside the Administration, I decided against it. I don’t regret it. I would have enjoyed doing it and Lord knows looking back there were a series of Governor’s counsels who ended up on the New Jersey Supreme Court. So, maybe it was a terrible mistake on my part professionally, but I enjoyed my legislative life and I really don’t have any regrets.
Q: Was this at the point when Lew Kaden resigned as Governor Byrne’s first counsel?

Albert Burstein: Yes. I was going to replace Lew Kaden.

Q: And of course, this is also a point where the Byrne Administration is still pretty low in public credibility and approval rates.

Albert Burstein: Yes.

Q: Did that have some factor, that the Governor’s future political prospects did not look very promising?

Albert Burstein: It played a role because I had to look upon it at that point as being perhaps an 18-month job. It certainly was in the mix of considerations that I reviewed before deciding not to do it.

Q: Was there any suggestion either directly or through intermediaries, that well, if you lost there was also the judgeship potential, as you pointed out, that many counsels had taken advantage of both before and after?

Albert Burstein: At that time, that was not a pattern that had yet developed. Kaden didn’t go on to the court. It was only in Governor Byrne’s second Administration that a number of vacancies took place so that Dan O’Hern, Stew Pollock, Alan Handler all went from the counsel’s job into the Supreme Court spot.

Q: At least that Supreme Court level, but there had been a prior pattern of appointments to the Superior Court.

Albert Burstein: Oh, sure, but I had that opportunity early on. I had initially been offered the possibility of a Superior Court judgeship during the Cahill Administration.

Q: So, you didn’t think a Superior Court appointment was sufficiently attractive to accept the counsel’s position with the idea that that would lead to a Superior Court--

Albert Burstein: Yeah, that was not part of my thinking.

Q: And after the income tax, what political discussions took place within the legislature about how you try to justify this decision in the oncoming elections, both in the legislative races and also in the gubernatorial race?
Albert Burstein: The patterns that we could see developing, one of which I’ve touched upon already, made for, I thought, a pretty powerful argument in favor of the income tax because we were able to show at that point that certainly in the suburban areas of the state people who worked in neighboring states, and that went for both Pennsylvania and New York, at opposite ends of the state, were going to benefit because of the credit that they could get for the payment of tax to those other states. So, to them, to that cohort of people, they were not going to be suffering. In fact, they would benefit. Additionally, it got the whole education issue out of the courts finally and we were able to show that matters of education would now be dealt with as it had been for so long before, at the local levels and in a measured way and it made for, I think, a very powerful argument.

Q: Again, going back to preparing for the campaign on the tax, were your considerations to stay in the legislature, seek new leadership opportunities, or did you feel, well, you had done your bit in terms of the tax and the other initiatives you had taken on the campaign finance and whatever? Were you burned out at this point?

Albert Burstein: No, at least I was young then. So, I could recover fairly quickly and since I was on leadership track, I wanted to become the Majority Leader and did become Majority Leader in ’77 and I felt that there were still things in my agenda, legislative agenda that I wanted to try to get through. So, I was not yet at the stage where I felt there was repetitiveness setting in, boredom setting in, that I was becoming a less effective legislator. That had not yet happened.

Q: What role did you take in the Byrne reelection campaign both in the primary and in general?

Albert Burstein: Well, in the primary—there was a primary because a number of Democrats felt that what had happened with the programs that we’ve just been taking about made it perhaps possible for them to show their wares as leaders of the state and they had a sense that Brendan was in a weak position and a vulnerable position politically and I think he won the primary with perhaps 23% of the votes, something around there. I never hesitated for a moment in advocating his re-nomination, not for a moment.

Q: Did you speak around the state or just in the district?

Albert Burstein: No, just in my area. I wasn’t doing much speaking in other places.

Q: What do you recall of the other candidates who opposed Governor Byrne’s re-nomination?

Albert Burstein: I recall that they ran rather meretricious campaigns. I think that among them were—maybe I’m confusing the ’77 with the ’81, but I think that Pat Dodd was running in that primary, maybe Joe Merlino; I’m not sure. Maybe Merlino was in the ’81 campaign and Florio.
Q: Joe Hoffman also.

Albert Burstein: Joe Hoffman ran, that’s right, in that primary, yes.

Q: Did you feel a point where the elections swung to Byrne’s favor in the general election? I mean he started off well behind Senator Bateman in terms of polls. What was the swing point of that campaign?

Albert Burstein: The swing was quite discernable and it eventually proved itself out, but two things happened. First, there was a convergence of an illness that Ray Bateman suffered that kept him away from campaigning for perhaps a week, something of that sort. It came at a critical time in the campaign because Brendan was beginning to turn people around. I recall his coming to Bergen County and I was out campaigning with him and as we walked down the streets of the shopping areas, people were giving friendly greetings to him and you could tell that things were beginning to change. They were beginning to listen to what he had achieved in his first term in office and as a result, he carried our area by a pretty significant margin.

Q: Also, there was, I guess, the media and public reaction to the Bateman-Simon alternative program. Were you involved in developing the response to the Republican plan?

Albert Burstein: No, that was primarily done by the in-house Byrne campaign people.

Q: But from the outside, did you feel that was extremely effective in getting that message out, that the Republicans really did not have a realistic alternative?

Albert Burstein: Absolutely. Absolutely, and we were able to use that in our campaign. People sensed that it was a phony and that their alternative was no alternative at all.

Q: Now, we get to the general, Governor Byrne gets reelected surprisingly given the rocky path since his shift on the tax position and the enactment of the income tax. We have a new organization, I guess, of the legislature. Talk about those days in terms of both your personal and the institutional positions that were up for grabs.

Albert Burstein: Well, I became the Majority Leader and it wasn’t the best couple of years of my life, but nonetheless, there were some fractious portions of our reduced majority, but nevertheless, significant majority in the 1977 campaign. But, I’m not sure that was my métier you might say in the legislative life, even though I felt that it was something that I wanted to do and could do. But, there were a number of critical issues and controversial issues that the Administration began to be interested in and it was not easy
keeping together a majority of the Democrats to go along with the Byrne program. Now, part of it was a matter of the Pinelands that I mentioned before. There was a lot of South Jersey resistance among the Democrats and if you combine them with the resistant Republicans, that faced a very difficult path. But, I went down on a trip just to see what it was like to go on the land itself and there was a helicopter trip that was also taken and it left such an impact on me, that this vast area, which was so sensitive ecologically, could become part of the preservation area for the state. I became a real advocate for it, but it was a tough time, as I say, keeping a majority in place in order to get it adopted.

Q: I think you’ve said in another interview that you really knew very little about the Pinelands before you took this trip.

Albert Burstein: That’s quite so, quite so, and we were guided, of course, by some of the locals going through the area and it had a dramatic impact upon me.

Q: Did anyone, including you, argue to the Byrne Administration people or to the Governor himself that this was a fight he really didn’t need to take, that you had already suffered some bruising battles with the tax program and that politically, the Pinelands wasn’t really high on the agendas of even the environmental groups at that time.

Albert Burstein: No, I never took that position, never told the Governor that he should back off on that issue. I felt increasingly strongly that this was something that he should follow through on and I think in retrospect when I talked to him later on at the conclusion of his term, second term in office of the thing that he felt most comfortable with and most proud of, he mentioned the Pinelands, the Pinelands Preservation Act.

Q: But as you suggested, he put a lot of the Democrats, particular in that region who would be in swing districts, who would have kept their seats even despite of the tax position, maybe some of them actually were not voting for the tax, but some of them were politically at risk by his Pinelands initiative, weren’t they?

Albert Burstein: Yes, they certainly were and you come to the proverbial balancing act. Do you worry about the preservation of your seat or the preservation of the environment? And every legislator comes across issues where he’s going to get heat. If you can’t stand it, as Harry Truman said, get out of the kitchen. I sponsored a civil service bill for the Administration and one of the parts of that bill had to do with cutting out the absolute veteran benefits. In other words, if you were a veteran, took a test, passed the threshold, a number of 70 I think it was they had as their standard, irrespective if somebody got 99, you got 70, the veteran got the job. It made no sense and every other state that we took a look at all had a point benefit to the veteran, but not an absolute benefit. But, I had veterans walking in front of my house, walking in front of my campaign headquarters in 1979 threatening me with all kinds of implications. Even
though they may never have heard a shot fired in anger, and I had been in the infantry, it didn’t make any difference.

**Q:** In Governor Byrne’s second term, most of the key players changed. Bob Mulcahy became chief of staff, Harold Hodes was his deputy. He had had new counsels. I guess Stew Pollock may have been at the beginning of the second term.

**Albert Burstein:** Yes.

**Q:** Did the communication improve with the legislature?

**Albert Burstein:** I think so, yes. To begin with, the people that the Governor chose in the counsel’s office were just wonderful to work with. Not only were they smart, but they were also nice, decent personalities that could relate to the people in the legislature that they had to persuade with regard to the Administration program as never before. I think they were far better in that respect. I mean Lew Kaden was a very, very bright buy, but he was not a communicator. But, Stew Pollock collared me one day and he puts his arm around my shoulder and says to me, “You’re just the guy I was looking for. Here’s the civil service bill.” Little did I know the trap I was walking into, but they were just wonderful people. So, the communications did improve and Brendan got used to his job in a way that led to a much easier association with legislative leadership than ever before.

**Q:** Somewhat ironically, the job that you turned down as counsel after Lew Kaden left went to Alan Handler who then was appointed to the Supreme Court before Governor Byrne’s reelection. Did you have some feeling of, “Gee, I blew that one and that could have been me”?

**Albert Burstein:** No, as I say, I never look back on that. I made my decision; that was it, maybe yes, maybe no. I heard at one time my name, even before Alan got on the court, had been submitted with four or five others for a Supreme Court nomination that had opened up before and I don’t really recall when that was. But no, the fact that I didn’t take the available stepping stone was something--sure, to some extent, you might have some regrets, but I also enjoyed what I did.

**Q:** Run us through the rest of the second term and your role and the key people and issues you remember.

**Albert Burstein:** Yeah, in the second term, after--well, going through the majority leadership was one set of circumstances in which I had my rocky moments there, but when it came time--oh, one of the things that I wish to point out, Alan Karcher, unfortunately now deceased, was kind of a renegade Democrat. He was against the income tax. He and George Otlowski from Middlesex County worked as a pair, were against
the first Byrne program, were against the education program, and I believe also voted against the gross income tax. But, Alan had an enormous depth of understanding about the institution of the legislature and I felt that he was somebody that ought to be in leadership. So, when I became the Majority Leader, I went to see Governor and of course, Alan had been taking pot shots at Governor Byrne ever since he took office. I knew that I was going against the grain of normal human reaction when I said to the Governor that I think Alan ought to be brought into leadership, that he is going to be effective and tried to tell him as much as I could. To Governor Byrne's credit, he said to me, "If you think that he's going to be that benefit, you go ahead and do what you want." So, I brought Alan into the leadership and it was the smartest move I ever made. Now, later on, even though he replaced me as the Majority Leader in '79 and '81 term, I never held that against Alan as such because the anticipation was somewhat a little different. Jackman was the Speaker and the thought was that I would take over Jackman's spot, but that thought was in my mind and not in the majority of the other minds. So, through the balance of that time, I began again to focus on education issues because there were a lot of the problems in the implementation of Chapter 212. The education commissioner was Fred Burke, not a very effective education commissioner, and the balance of my career was largely devoted to that, to changing Special Education because that was facing some problems and that really was the cap stone to the career.

Q: Bring us through the rest of your legislative career and your personal decision making in terms of your ultimate political and private career.

Albert Burstein: I ran in the Democratic Congressional primary in 1978 and lost and that persuaded me that I was not a very good politician. I liked dealing with issues and I guess today, I'd be called policy wonk, maybe. I'm not even sure about that, but having lost to a weak opponent in the Democratic primary, which at that point was consisted of parts of Hudson County as well as Bergen and I got killed in Hudson County, persuaded me that I really was not going to go to any higher political office and as far as I was concerned, it was either up or out politically. I was not necessarily interested in moving over to the Senate side; it'd be more the same. I would have preferred to focus upon national issues, but that was not to be and I calculated that was the end of the political career.

Q: Privately, in your career as a lawyer and in your other roles in non-profit and government taskforces and other positions, bring us up to date as to what you've been doing more recently.

Albert Burstein: Well, I have been spending—in addition to obviously the practice of law, I became more active in groups and organizations that were more related. But also, I kept one tie to the legislative process. I became the chairman of the New Jersey Law Revision Commission when it was created in 1986 or 1987 and was its chairman continuously thereafter until two months ago when I relinquished the chairmanship. I'm still on the commission, but I decided it was time to have new blood in the chairmanship and that kept me current with various parts of the law that were going before the legislature and being able to make recommendations to changing big titles of the law such as Title 19, it's still not successful, the section on evidential issues that I became involved with and other matters in the commercial law field that
were the product of the Uniform Laws Commission that we had to evaluate as part of the Law Revision Commission. It kept me current with what was happening legislatively. Then, I also became involved in an Advisory Supreme Court Committee on Extrajudicial Activity and I have continued with that for the past 15 or 16 years which deals with what judges can do off the bench while they’re still active on the bench and in retirement. There are certain guidelines and there are always questions arising as to what is permissible and what is not permissible. I was the only practicing lawyer on this Advisory Commission, but it gave me an opportunity to watch the judicial mind at work dealing with their own local problems.

Q: We began this interview, and I think I asked you to look back at New Jersey over the course of your professional and political career in terms of what was good and what was bad over that lifetime, and maybe that’s where we should also close a little bit. I mean now sitting here, June 6, 2006, possibly the apocalypse, what do you think are the major issues? I mean some of them are the same things that you dealt with in the legislature in those days of unfinished business, but what are the main problems and what do you think should be done about them?

Albert Burstein: The main problems continue to be providing an education for all children in the state that prepares them for the real world after they finish their formal education. We’ve made progress, but I can say from looking at what has been happening in the school systems that we still have an enormous distance to go. And the absence or lack of an adequate education has its impact upon crime rates among other things, unemployment, a very important issue, so that it is central to improving the quality of life in the state. We haven’t arrived at that yet. It’s not that we don’t have some excellent school systems and excellent teachers in New Jersey; we do. We have some fine school systems. I happen to live in one of them, but they are sprinkled throughout the state. But, it is still a question in the urban areas of improving the quality of education there and there we’ve only marginally improved. So, that’s one major section where we’ve got to do something about it. The other, of course, is what you hear increasingly to the point of a din, has to do with real property taxation and what do you do about that? I see that there are proposals to have a Constitutional Convention, some of it targeted at the thorough and efficient education clause of the Constitution. So, that’s the answer to our real property problems. I don’t see it that way and I think the issue has been studied to death. I do think that there has got to be a better balance in the overall tax scheme that we have. It is true that with an aging population in New Jersey, with people living longer lives in their own homes, that they’re being forced out to some extent from their homes because the burden of real property taxation is very real and as income declines or stabilizes once retirement occurs, it’s a hurtful process for the person trying to make a go of it. I do think that there has got to be a better balance among our major taxes, which include income tax, real property and sales, and that’s something that, as I say, has been studied to death. Proposals have been made. They are out there and if the will to do something about it exists in the legislature, I think they could be doing a service for the state.

Q: Any closing thoughts on Brendan Byrne’s place in New Jersey history?
Albert Burstein: When you look back over the spectrum of governors and what they accomplished since the adoption of the 1947 Constitution, I would have to rank Brendan Byrne as one of the most effective, if not the most effective governor in the state’s history since that point began. If you take a look at what was done by his two Administrations in the way of legislative advancement, you can take the issues of environment that we’ve talked about, governmental ethics, the expansion and change in the civil service laws, which although not adopted during Brendan’s Administration, the essence of his bill was adopted when Tom Kean took over as governor. There are a host of things that make a complete menu of what Brendan was able to achieve that I think warrants valuing him as one of our best.

Q: Let’s end there.

Albert Burstein: Thank you.

Q: Thank you.

#### End of Albert Burstein Interviews ####