Donald Linky: We were discussing the two years you spent as law secretary or clerk to Chief Justice [Joseph] Weintraub. How did you view organized crime from your position as a clerk for the court?

Robert Del Tufo: I guess in working on things and also on discussions with him, he was, on the criminal side, more or less a law and order person. If he showed passion, it would be passionately against organized crime and their infiltration and what it means. I think he viewed the bookmaking activity as you put it as an entrance into organized crime, as financing a lot of the other things that come from it, not to say that the other practices aren't a financing mechanism as well, but that this was pretty important and that would lead to prostitution, to all kinds of other things.

I remember speaking to him after not the Ohio, when the U.S. Supreme Court put in the search and seizure rule, the 4th Amendment strictures. He was concerned about that because from a law enforcement standpoint, he thought that it would create arbitrary rules and it does to a certain extent. I can remember cases that discuss over 20 pages whether the garbage can is part of the house or not. Some of this is ridiculous. But he wanted to have law enforcement officers have the flexibility to do their job if they acted reasonably and he was concerned that that would – and this is a pretty harsh way to put it – would turn police officers into liars because they would think it their duty to put drug dealers, for example, away and if they arrested someone and searched him and found say some heroin, that they might testify that the person dropped the bag and it was in plain view and they picked it up, and that's when they were arrested and searched.

He did in criminal law also have – what's the right word – not fatalistic – First of all, he had a view of the world to a certain extent as being a lot motivated by chance, that chance when someone is born, why me and not someone else and the things that progress through life. I do remember a case, State v. Williams, it sticks in my mind, too, and I'm not sure if he wrote the opinion or a concurring opinion but I know that he was into this in terms of how things happen and how just a fraction of a second or a different approach to things could change everything. But this case
struck me and I'll be very brief. Williams was a fellow who had just graduated from police academy in Newark and he went down to bars down in the Ironbound section to celebrate his graduation. He graduated and he was issued a firearm because he was a police officer now. There was a guy by the name of Manuel Tusso – that name sticks in my mind – who was a Portuguese illegal immigrant in the United States and their paths just crossed. It's one in a million. Tusso's coming out of someplace and Williams is going in and he really was anxious to show his new authority and his new role as a police officer. He detected something and told Tusso to stop and Tusso turned around and just started walking towards Williams, which led to Williams shooting him in the thigh and another chance, it severed some artery that was critical and Tusso died. You can just think of all those circumstances.

I always had the feeling that Tusso had been through so much running and being afraid of apprehension as an illegal immigrant that he just had enough when Williams turned and he was just walking towards him, and he would not stop when told to. And Williams, with a career in front of him, did a very foolish thing. That was a second-degree murder conviction. It's just bad for everyone.

Donald Linky: Discuss the dichotomy of Weintraub's liberal and conservative views on certain issues.

Robert Del Tufo: I think what drove him was his concept of fairness and justice and I think he was moved by the facts of cases and also by precedents and what a decision by the court would mean. I think that would explain his philosophy about criminal law. He was looking for something that would be fair and right for society and for the individual, but he was conservative on that side because he thought law enforcement should have more leeway to do its job.

On the civil side, he was also motivated by searching for fairness and justice and would join with other people on the Court in trying to knock down barriers for individuals to find justice and fairness. One case that I remember is the Henningsen v. Ford Motor Company [Henningsen v. Bloomfield Motors] case which had to do with products liability, an opinion that Judge Frances wrote but again, with the leadership of Weintraub, the court moved unanimously in that way. It was a revolutionary decision at the time. Don't ask me how it was revolutionary but it was.

Donald Linky: It was about warranties, wasn't it?

Robert Del Tufo: Yes, it was about warranties. But as I said to you before, I'll take a look at some of these. I'll flip through the Reporters and try to come up with some more examples.
History and Ethnic Diversity in Newark

Donald Linky: How did the ethnic mix in Newark change from your childhood through the '60s?

Robert Del Tufo: I think probably as I was growing up, Newark was a predominantly Caucasian society. It was an extraordinarily beautiful city with nice homes. The downtown was also very pleasing. There were restaurants. I remember my mother taking me to Schrafft's restaurant on Broad Street, which was a real treat and was a very elegant place and they were all over the place. And there were department stores, a Bamberger's, Kresge's, Hahne's, and movie theaters, Proctor's Movie Theater, the Branford and of course – I can't think of the name. There was a burlesque show around the corner at the Adams Theater. Somebody was there. I remember my parents taking me to Proctor's Theater to see How Green Was My Valley.... That goes way back. That same stretch now is a series of not attractive shops but if you're on Halsey Street and Market Street sometime, if you look up at the top, you can see a remnant of Proctor's Theater. It was one of those ornate theaters that are redone, restored these days, and it was very safe. As a fairly young kid, I was permitted to take the bus downtown and walk around and shop and do whatever and come back home on the bus; 9, 10, 11, maybe it was 12, but I was very young.

I don't know exactly what happened but a theory, this was expressed by some other people, too is that during the mobilization for World War II, there were, in the greater Newark/New York area, a lot of defense plants that were very active and to have those defense plants staffed, a lot of African-Americans from the South came north and worked in those defense plants. My gut feeling is that the war ended, there was still this African-American population and there wasn't work for them anymore and everyone just neglected the situation and just forgot about people who might be economically disadvantaged. It was there to explode in the '60s. Newark has really changed dramatically. The department stores closed. There were eating clubs, the Downtown Club on the top of Bamberger's, the Essex Club, which was a beautiful brownstone on Park Place. As Newark became less attractive, professional people and business people moved out. They went out to the suburbs, went to Roseland or Livingston or someplace like that, so there was no more clientele for the clubs so they closed. And then the population became predominantly African-American and then of course, after that, Hispanic people moved into the city. There was still a lot of economic disadvantage and downturn.

And then there were efforts made to rehabilitate the city. I remember Newark Fighting Back, which goes back to the 1990s, where people banded together. Prudential had a lot of influence and supplied money to do a variety of things but
nothing was particularly successful. Now, I guess with the Performing Arts Center and with the new arena-- The Performing Arts Center has had an impact on the surrounding area and it’s provided a real service for the community. There are kids who go there and it caters to the Newark population as well as people coming in from outside. So if that continues to be a success and the arena is a success, perhaps there will be more positive development. I think there has been and I hope that it continues.

Donald Linky: From your early education, Newark Academy, how did the ethnic community sort of stick together?

Robert Del Tufo: In the school, it was more heterogeneous. I don't think there were necessarily cliques like that but there was some – not discord but distance between people who lived in some of the suburbs and were more affluent and people like myself who were Italian and lived in Newark and were not as affluent. And there was a lot of discrimination in those times and I'm talking about ethnic type of discrimination against Italians, and I think the Irish had been assimilated by that time but there were distinct feelings that were not pleasurable. And I don't think that the African-American population had gotten to the point to move into this milieu, like school, like Newark Academy. I can't remember there being a lot of diversity there; in fact, maybe none, which was regrettable. But then, the discrimination as to one's country or background seemed to fade but the discrimination against African-Americans seemed to rise and led to a lot of violence in Newark.

Donald Linky: In 1960, what was your perception of the political leadership at the time within the city and the different pressures, I guess from ethnic communities?

Robert Del Tufo: I'm trying to think who was-- I know it was Addonizio. I think maybe it was in the '70s though. No, maybe it was then. It was then. I don't think people realized that at that point in time that Newark had with Addonizio a very bad deal and would have a bad deal right up until the present time. I remember Mayors Carlin – I can't think of some of the names – Mayor Raymond of course was there. That's why Raymond Boulevard and they constructed Penn Station. The mayors back in the early 20th century that moved Newark along and then there were people who sacked it, so to speak and were corrupt and Addonizio was very corrupt and connected with organized crime. Those cases were prosecuted by the U.S. Attorney’s Office, Fred Lacey and Herb Stern but the cases were developed by Brendan Byrne in the Essex County Prosecutor's office. I can't exactly give you chapter and verse but the evidence was there and the prosecutor’s office had produced it and it was taken by the U.S. Attorney. I'm not sure if that was the '60s or '70s; I'm really confused as to the time.
But then it was followed by a succession of mayors that gave Newark hope but turned out not to fulfill that hope. Ken Gibson was an engineer, a young man and had professed to have the right approach to things and wanted to move Newark along and get it back to an honest status. He started out that way but at the end, it wasn't there anymore. And then I guess we had Sharpe James who did a lot of positive things for the city during the riots and of course was an effective personality and effective leader. I don't want to say ill of anybody but I don't think that he was governing properly for a long time. He of course had recently been convicted of a crime but I think the people deserved better during his tenure. Now Cory Booker's there and God bless him. He's trying his best and he certainly is a positive force.

**End of History and Ethnic Diversity in Newark Discussion**

**Donald Linky:** Let's go back to your personal career again. You're ending your second year of clerkship. What did you see as your choices and what the options were?

**Robert Del Tufo:** I felt at that time that I did not wish to be part of a large organization. I wanted to practice in a smaller venue, which is ironic given where I'm practicing now with like over 2000 lawyers. So I actually went up to Morristown because I looked around the state and tried to see a place that I would like to live and Morristown seemed-- This is not the way you should do it, if anybody is looking for a lesson or a precedent. But I liked Morristown a lot and I went up there and I just walked around to law firms. I went to Schenck, Price, Smith & King and I encountered some Jewish prejudice there because I had worked for Weintraub and they thought maybe I was Jewish, too, just the person who interviewed me. It's a very fine firm. Stewart Pollock worked there. But I just remembered being shocked by that. And then I walked over to a firm on Maple Avenue, Jeffers, Mountain & Franklin and walked in. It was like going to a McDonald's and saying "Do you need a counterman?" I said "Do you need a lawyer," and they said just leave a resume, which I did. Then they called me and said "Come work for us," so I did.

**Gubernatorial Campaign of Gov. Richard J. Hughes**

**Donald Linky:** Did you think at this point of leaving New Jersey at all?

**Robert Del Tufo:** I really wanted to stay in New Jersey but I went out to Denver at the behest of a law firm and looked at it. I just didn't feel comfortable there. I looked in Milwaukee as well but New Jersey was where I wanted to be. I remember in searching for a place that I liked to live, I drove down to South Jersey when there was an encephalitis epidemic, mosquitoes and the like and the gestation period was like 20 days and I was convinced after going down there that I was done. And after the 20 days, I started to have symptoms but it was all coming from my head. This
was a very good firm, very collegial. Worrall Mountain was really my mentor there who became a Supreme Court Justice later on. He was a wonderful, wonderful man. That was a great opportunity. That was typical in those times of a New Jersey law firm. It's different than a New York firm or the like. You actually do anything that comes in the door so to speak, which is nice. I was doing corporate work, drawing wills and doing some litigation and that type of thing.

And then pretty soon, I also became an Assistant Prosecutor in Morris County that was part-time at the time, so I kind of divided my time. I was able to be an Assistant Prosecutor because I had worked on Governor Hughes' campaign. I'd never been involved in politics before and I got involved with his run for governor actually working as the head – there weren't any troops – as the head of Citizens for Hughes in Morris County. As you recall, he was down by 30 or 40 points and he spent the whole summer going all over the state, meeting people. I didn't have a clue what to do and I guess naively, I called Josephine Margetts who was the Republican State Committeewoman and she was very nice. She really helped me. She told me what to do and she even came to some of the events. I don't know but she was a great lady.

And I was at the War Memorial Building when President Kennedy came in to give a speech on Hughes' behalf. The administration did not want to come in when Hughes was down by 20 points because it was not a good idea to throw prestige there and then have the election lost. But if you recall, Mitchell, Eisenhower's Labor Secretary, was the Republican opponent and his campaign was hampered because he slipped and fell in the men's room, broke his leg. But Hughes was tireless. He was an extraordinary, energetic person and the margin closed and it was even or he was down one percent when Kennedy said he would come. That was an extraordinary experience. As head of Citizens for Hughes in Morris County, I don't know how I managed to get there but I was on the platform of the War Memorial when Kennedy came in. Before he came – you know the state parking lot is right out in front – it was kind of dusk and there were people with torches and people coming from all over and marching into those parking lots and into the front of the War Memorial Building. There were thousands and thousands of people and John Kennedy walked past me, really natty guy, great suit and gave a wonderful speech. So I did get to see him first hand. But in any event, then Governor Hughes won and I really wanted to be an Assistant Prosecutor and it happened.

Donald Linky: Apart from Margetts, who was a Republican, did you have any other political mentors?

Robert Del Tufo: No. I can't remember. My brother had been U.S. Attorney some time before that and I think he had developed multiple sclerosis by this time.
Donald Linky: I guess Citizens for Hughes in Morris County was a thin[?] organization.

Robert Del Tufo: Park Masters was the head of Citizens all over the state. I don't know whatever happened to him.

Donald Linky: In terms of getting designated as head of Citizens for Hughes in the county, were there political leaders who had some say in the matter?

Robert Del Tufo: I don't remember. I don't think so. I don't know exactly how I pulled that off but I talked to somebody. I think I went to a meeting that Park Masters and his deputy – his name escapes me now – was putting together to create this organization, with the idea that this organization would function during the summer months when things were quiet and would arrange events for the governor, Judge Hughes at that point, to visit.

Donald Linky: Any other personal recollections of Hughes' style?

Robert Del Tufo: He was very gregarious as you know. He would go to an event and he would give a talk and then he would charm everybody by not leaving but spending some time and walking around and talking to people. And he was extraordinarily appreciative of any effort that we put in to try to help him. I remember we had a Citizen's Day in Morris County. It was a long day right from morning to sometime at night and then he just said “Let's all go to dinner.” We went to Rod's Ranch House late at night and he just kept talking. For a young person, that was heady stuff.

End of Gubernatorial Campaign of Gov. Richard J. Hughes Discussion

Donald Linky: I assume John Kennedy's charisma also had an impact on your later career.

Robert Del Tufo: No question. I was not very politically oriented before that in school or when I was clerking. My father was a Republican. It's still the case. I don't understand how Italians come in and they become Republicans or people live in Hudson County are Democrats, they move to Morris County and they become Republicans. It's very frustrating. I took a great interest in that campaign and I, as most everybody who liked him, was just enthralled by the charisma that he had. But he did one other thing that was terrific. Whether you liked him or not, he had people up and interested in debating and arguing with each other. The country was alive and healthy and his death certainly struck everybody a bad blow so I don't need to dwell on that.

Donald Linky: Describe the role of an assistant prosecutor at that time.
**Robert Del Tufo:** I would say at the private office “I'm going to the Prosecutor's office,” and at the Prosecutor's office, say I was going to the private office and I'd go swimming. You just did what you had to do to resolve both obligations. The Prosecutor's office, when I started, was really part time. There was like a week of grand jury, or two weeks, and then four weeks where nothing was happening and then a trial session of a week or two. And I'm told that before I arrived in Morris County, everything almost literally shut down for the summertime. People, lawyers went out and had recreation. It must have been a nice way to live. As I stayed there, it changed. Morris County started to develop and pretty soon, there were grand juries all the time and you got a week off between trial session, so it really became essentially full time. You really had to devote a lot of effort to it.

Frank Scerbo was the Prosecutor in those days. He was a friend of Brendan's, a remarkably interesting man. He never prepared very much for anything. I tried a corruption case with him and I had the documents but he had the rhetoric. I saw him in a civil case. He was defending a gun manufacturer and he started talking about there were wagon trains going across the plains and he was just wonderful. But Brendan Byrne used to come up a lot to see Frank because they were friends and I got to know Brendan Byrne more during those forays. Brendan would come with a whole bunch of photographers and reporters and they would go out to Rockaway Township and look down a mine ostensibly to try to see if there was a body down there and have a picture taken and come back. And we would go to Trenton – Arthur Sills was the Attorney General – to meetings with the Attorney General and Frank Scerbo took me along and then we would usually have dinner with Brendan and some of his people. So it was a good time. Everyone really pitched in. There weren't a lot of homicides in Morris County in those days but it started to grow and there was enough to keep everyone occupied and the idea was that assistant prosecutors – I don't know that this is a good one – would go to the crime scenes and look at all these cadavers and what had occurred. They even gave me a gun and ammunition, made me take it, so I took the gun home and put it in one place and put the ammunition somewhere else. It was a growing experience.

**Donald Linky:** After a couple years as Assistant Prosecutor, you were promoted to First Assistant Prosecutor. How did your duties change?

**Robert Del Tufo:** They were essentially the same except I had some supervisory responsibilities over other assistants who were in the office. The office was small enough so that you really didn’t exercise a lot of supervisory authority but you tried to keep track administratively of thing that were happening, and also having more to say to the Chief of Detectives and the Captain of Detectives and the like.

**Donald Linky:** At that time, did you think about your career path, private practice versus public?
Robert Del Tufo: I had four kids by that time so I think it was 1967 or so when the two things just became too much to handle to do a solid job in both places. So I resigned from the prosecutor's office to try to develop a private practice to support my family and myself. Then the New Jersey Supreme Court appointed me as a bar examiner and I spent five years drawing questions for the bar exam and grading the booklets, the answers. The summer exam, there were 1200, 1500 books. It was really murder. After a while, you wondered, it's that feeling “Am I putting in objective standard here?” You read a lot of bad books and all of a sudden there's a good one and then you say to yourself “Is it that good or is it because I read it after these?” You do draw an outline of points that one should make and can grade it on that basis. We changed the bar exam. It used to have like 32 subjects including federal income tax and we reduced it to five – contracts, torts, constitutional law, basic things because we decided what we were interested in is whether this person thought and wrote like a lawyer. A person is in a law firm, if he gets some specialized case, he goes and looks it up in the library. It was unfair really to try to test people on a wide variety of topics. The basics were sufficient we thought. And we were there when the multi-state started.

Donald Linky: I wanted to explore legal education. Were lawyers then trained better or worse than they are today?

Robert Del Tufo: I don't have the empirical basis to really evaluate that. I think when there was less of a burden on work and when you had smaller law firms in Morristown for example, I think people received more attention from their supervisors and it was a very collegial relationship and maybe people assimilated more. Certainly now especially in big firms, it's pretty straightforward and objective. People are assigned to certain cases and that's what they're going to work on. It's not as personal and I think maybe the personal side, we're missing these days and I think that's important to the development of a lawyer.

Donald Linky: Did the options between large law firm versus small town practice weigh itself toward the larger firm because of your family obligations?

Robert Del Tufo: No. I was happy where I was. Everyone really got along well and it was a very collegial place. My best friend, Tom Bitar came to the firm the year after I was there so that made it even better. I wasn't even thinking about making a move. People didn't move around that much in those days. Now everyone moves from firm to firm. I really wasn't thinking about moving. I had a lot of good clients and I was content.

The firm name was Jeffers, Mountain & Franklin – I may have mentioned that before – and Franklin was Ben Franklin who was a descendant of Ben Franklin and he represented a lot of corporations, close corporations, small corporations. About seven or eight months after I arrived, he left to take a general counsel's position.
and I inherited what he was doing, which was great experience because I was thrown right in the middle of all kinds of things that I really didn't have a lot of expertise in and had to develop the feeling. So that led to more clients and the like. We also at that time represented a natural gas company that was bringing natural gas to the Northeast and there were ad valorem tax situations, how do you tax a piece of pipe in a taxing district. When a new line was approved by the Federal Power Commission, acquiring the right of way or starting condemnation actions so that the pipeline could be constructed, that took a lot of time. That was interesting work.

**Donald Linky:** Did you do much criminal defense work?

**Robert Del Tufo:** I didn't do a lot at that time. I did some pro bono work. Burt Polo, who was in the prosecutor's office for awhile, he was the First Assistant and became a Juvenile Judge, he gave me an assignment for a kid who had broken into a house and held a knife to a woman's head and burglarized the place. I met him at the youth center and he was really incorrigible. I didn't like his mother and all that kind of stuff. Judge Polo was the Juvenile Judge and we worked hard because this kid had a lot of positive qualities and I don't know, it was probably the longest pro bono juvenile assignment in history but I think I was doing this for a year and a half. Somehow, we got him into the Marines by expunging some of the things that were in his record. I actually went up and sat and talked to the woman who had the knife at her head and got her to agree that she would give the kid a chance. He went into the Marines and he was doing extraordinarily well. I remember being at a traffic light in Morristown. He was home on leave and he knocked on the window. I didn't recognize who he was. Unfortunately, there was a car accident a few months later and he died. It's too bad. I guess there are a lot of people who do a lot of things on a pro bono basis to try to make a difference in someone's life and doing something like that really is important.