

Interview with Sanford M. Jaffe

Donald Linky: It is March 19, 2008. My name is Donald Linky. We're here on the campus of Rutgers University at the Eagleton Institute of Politics. This is another in the continuing series of interviews we've been conducting for the Rutgers program on the governor here at the Eagleton Institute. We're compiling the Brendan T. Byrne archive. This morning, we'll be talking with Sanford Jaffe, who is currently co-director of the Center for Negotiation and Conflict Resolution at Rutgers, and has had a long and varied career in academia, the nonprofit sector. He was a senior executive with the Ford Foundation, and in a variety of roles as heads of commissions, task forces, Supreme Court committees and the like. We'll be discussing Sandy's, I think, diverse relationship with Brendan Byrne over the years, and also his personal background and the history of his career in public policy, particularly as it relates to New Jersey.

Sandy, before we talk about Brendan Byrne, let's talk about you.

Sanford M. Jaffe: Okay.

Q: Family background, education?

Jaffe: Okay, well let's start with my family. Both my parents were immigrants to this country, came here, I guess, around 1908-1910 in the last grade emigration from Eastern Europe, and I was the first of my family's generation actually born in the United States. I went to grammar school and high school in Newark, New Jersey. I attended Peshine Avenue Grammar School, which is in the lower south ward, and then went to Weequahic High School and graduated from there. When I left the high school because of financial considerations, I could not go to college during the day, and so I applied to and was accepted at Rutgers University College, which is the evening school at Rutgers University. I went there for two years, which was an interesting experience and, for me, a very valuable experience, since I had been an exceptionally poor student in high school, probably wouldn't have gotten into Rutgers during the day, anyway, and then in college in Rutgers at the evening, began to really get interested in schoolwork, etcetera.

Q: Let me push you back a little bit. Since the city of Newark is a significant, I think, location in your career, what are your early memories of Newark growing up?

Jaffe: Well you know I remember, obviously, a very crowded, urban environment. It was an environment that was primarily, at least in the areas I lived, relatively lower middle class and poor people. Most people lived in tenement houses or lived in apartment houses at that point. The area I lived in was one of the few areas of Newark at that point that was fairly racially diverse. There were a number of blacks that lived in that area. There were a number of ethnics, primarily Italian and some Polish and so forth, and a fairly significant, although someone minority Jewish community. So it was very diverse, both ethnic and racial community, and in my recollections, a fairly poor community, in fact, all working class. It was the kind of neighborhood in which you spent most of your time playing out on the street <laugh> and doing things out on the street and walking to school, etcetera. It was that kind of a place to be brought up. On the other hand, I think it had a lot of tremendous advantages. You really got to know people of different races and ethnicity. You got to understand what it was like to be brought up in that kind of an environment. And I think that in those early days, you kind of forge various bonds into a community, and I think it helps in terms of developing you as a person. It taught me a lot of skills in terms of resilience. It taught me a lot of skills in terms of survivor. I had to survive. I learned to never walk into a restaurant or a place without making sure I knew where the exit was. I learned that when I came home late at night to walk in the middle of the street so that anybody hiding behind bushes, I had at least an opportunity, somewhat paranoid, but maybe somewhat <laugh> realistic, at the same time. I think you learned a lot on how to really get by at that time.

Q: Did you get any feel, as a very young person, of the politics of the time?

Jaffe: Yes. Not a lot, but my dad, although being an immigrant to this country and having a great deal of difficulty, did not really know how to read or write English. He could read Jewish newspapers, as did my mom. But my dad

was always interested in politics, and so I would, on election days, help him, usually got employed as a pole watcher or that kind of thing. That was my job, too, on election days. And I remember at the end of the evening, going up and taking the election results, when they would come and read the machines, and bringing them down to various headquarters, and so I got very much interested in politics at that time. And Newark, at that time was a city commission form of government. What that meant was that there were five commissioners who really ran the city, and they were always broken down by racial and ethnic diversity. So I understood the imperatives of racial and ethnic politics, because Newark was an extraordinarily <laugh> good place that that was practiced.

Q: Who was the first mayor you remember?

Jaffe: I think the first mayor I actually remember was Leo Carlin. A fellow by the name of Ellenstein had been mayor in the late '30's, but I don't remember. I mean I read a lot about it when I got to understand New Jersey politics, etcetera. But I think Leo P Carlin, I remember, was the first mayor that I recall.

Q: What did your father do for a living?

<crew talk>

Jaffe: My dad did, I guess, what a lot of immigrants did. He just did a variety of various jobs and ran a whole bunch of little businesses. At one point, he sold real estate, but then I understand with The Great Depression in 1932, the real estate business went south. My dad had owned some property and that was all gone, and so he went from there to running a dry cleaning business with one of my uncles, did that for about a year or two. Then I think my uncle got into some problems involving a liquor issue, and so my uncle left and that dry cleaning business went. And then my dad bought a very small, little candy store on the street on Whithorne Avenue, Newark, which is in the Clinton Hill section. He ran the candy store from about 1933 to about 1939. I have a sister and we had three rooms in the back of the candy store where we lived. And then my dad, in 1939, sold the candy store-- I even remember it-- for the grand price of \$800. <laugh> He then got a job in a defense plant. This was just about the time that the United States was beginning to gear up in terms of armaments, just really kind in the late 1930's, '39-'40. And so he worked as a sheet metal person in a factory in east Newark and did that until the end of the war, when that opportunity was gone, and then he ran a small secondhand furniture store for a while and then kind of retired.

Q: You've mentioned the diversity of your neighborhood. Did you feel sort of the difference between the wealthy and the poor people in Newark, or was it since the neighborhood was generally the same level, that wasn't obvious?

Jaffe: Well you know when I went to grammar school, it was pretty much the same level, because it was really primarily poor and lower middleclass, although a few kids who came from a part of the lower south ward, that was a little bit more wealthy, but not a great deal. I think that when I went to Weequahic High School, there was a tremendous difference. As I said, I was closer to a high school called Southside, and that school was populated much more by kids of lower and middle income and poor. Weequahic High School had a lot of reasonably wealthy students, because the Weequahic section, the upper part of the Weequahic section was really very wealthy. And the high school had an extraordinarily high college rate; 90-95 percent of the kids who went there went to college. It had an extraordinarily good faculty there. And so I noticed very significant differences in the experiences I had and the kind of world where a lot of the other students came from and I subsequently became friends with. But I do remember that for the first year or two, it was a process of acclimation and getting used to a different group of people who came from a different lifestyle than I did.

Q: You said that you had financial issues in terms of going on from high school to college. Was there a severe choice as to whether to go out and work and help the family?

Jaffe: There was really no choice. I had no choice but to go out and help my dad at that point. The furniture store was not an extraordinary <laugh> business-making enterprise. It was up in East Orange. I used to go there after school, when I was in high school and help out my dad cover dining room chairs and stuff like that. <laugh> I was

not much of a help, but in any case, I'd go. But he really did not really make very much money at that point. And so when I got out of school, my sister had left to go to Israel . She's two years older than me. She went to Israel to live and work on a kibbutz. There was really no choice. There was no money for me to go to school and I really had to help support my mom, dad and me, so I really did need to get a job. And luckily, when I was in high school, I got to be friends with a young woman who was very, very pleasant, who I knew very well. Her uncle ran an insurance brokerage firm in Newark. She helped me get a job there, my first beginnings in the insurance world. Anyway, that job was in downtown Newark and paid reasonably well. I've forgot but it was, but it paid reasonably well. And I had, in high school, gotten to be very friendly with a teacher, a social studies teacher who I think recognized in me a certain ability that I didn't even recognize. I always tell the story that people laugh at, but I used to make book reports by reading classic comics. I had never really read a book until I got into college. She, one day, wrote back on a report I turned in, "Great report, but you cannot live life going through classic comics." <laugh> And so she and I got to be really good friends and she was very helpful. She convinced me that it was important to go to college and try to do that, so she was very helpful. And I decided then that what I would do was at least try to go to Rutgers at night. And one of the great advantages of going to Rutgers at night is you didn't have to take the SAT's, and also, your high school grades didn't matter. And since I had been in the lower quarter of my class in high school, I probably would never have gotten into Rutgers during the day. And so going to a university college, which basically had open admission at that time, was an extraordinarily good opportunity. It was also good for another reason for me. I had never really been away from home and rarely ate out and all that. And I met a lot of people at University College at that point who were veterans. You know it was post Second World War. It was just around the Korean War. A lot of the students were men and women who had served in the armed services, and were working, and had families and so forth, and so they were going to school at night. And so that was a completely different environment for me. And I think, in many ways, I think it was that exposure to this group of people that led me to all of a sudden take studying somewhat seriously in University College . And I would meet these people. We'd have dinner together, before I went to school. And it was not only a learning experience, but an opportunity to acclimate socially with a very different group of people, many of whom were obviously considerably older than me and had had much different experiences. And I think as a result of all that and, I don't know, probably some good teachers, and the admonition from my friend and social studies teacher to start being serious, I did very well at University College and I got extraordinarily good grades. And so after two years, I decided that if I kept this up, I'd be here for eight years, <laugh> so forget that. And so what I did is I applied to Rutgers day school. I got admitted and got a scholarship. The insurance company that I worked for, the two gentlemen who really ran it were very, very nice people and very helpful. They said, "Look, work it out. You can come to work from 9:00 to 11:00 , go to school from 11:00 to 1:00 , come back here from 1:00 to 3:00 , go back to school from 3:00 to 5:00 . You can keep your own schedule." And since the insurance company was off Broad Street and I could walk to Rutgers in ten minutes or so, I could do that. And so I stayed at Rutgers for three years and actually did get my degree in five. <laugh>

Q: Any recollections of favorite courses or professors?

Jaffe: Oh yeah. I think that the most influential professor I had at Rutgers was a gentleman by the name of Dr. Henry Blumenthal. He was an unusual man. He taught courses in American diplomacy, and generally, courses in foreign affairs, and taught pretty much along the Socratic Method, which I had never really experienced. And Dr. Blumenthal had lived in Germany and had gotten his doctorate from the University of Berlin and taught in a German university. And then in 1938-'39, left Germany . He was Jewish and realized that this was not a good place for him. And he left Germany , traveled to Brazil , and then I think from Brazil to the United States , joined the American army, was an interpreter in the army for four years, and then came to Rutgers as a professor. We got to know each other very well, and he was very influential in helping me in terms of thinking about what I might want to do, and really helping me learn how to really focus more. He was an extraordinarily good analyst and teaching me the value of analytical thinking and looking at foreign policy issues and that. I would say he was probably the most influential professor and very influential in what I subsequently went on to do. And then there was also a fellow by the name of Dr. Larson, who taught political science. He was somebody who I liked a lot and was also somebody whose courses in political science I found very, very interesting. And I guess the third person who I remember well is Dr. DePodwin who was an economist, and then subsequently became, I guess, in the business school, I think, at Rutgers . And while I was not a great student of economics, never had a great interest in it, I had

enough of an interest in it to like his class and do that. If I can think back, I think those were probably the three people who I remember the most and probably had the most influence on me, but again, I think it was primarily Dr. Blumenthal. In many ways, I considered myself extraordinarily lucky. In high school, I met-- her name was Dr. La Pena, I think, and she was very helpful. And in college, I had the opportunity with Dr. Blumenthal, so a great believer in the role that extraordinarily good faculty can play in helping and thinking about lots of things.

Q: Now you're back at Rutgers in your current role.

Jaffe: I might just tell you one other quick thing about Blumenthal. The big issue I did face when I was at Rutgers , I had decided that I think I would go to law school. Why I decided this, I have no idea. But I thought that I had no head for figures, so I didn't want to be an accountant, and I realized that I would not be very proficient as an engineer. And while I had some real interest in some of the sciences, the fact that I had gone to night school for two years meant I couldn't take any lab courses. And so by the time I switched down to school during the day, it was really too late to pursue any kind of a career in any of the sciences, because I wouldn't have had the necessary background and I would have had to extend my college career. So I think law school sort of came by default. <laugh> What else am I going to do? And the real issue for me was do I go to Rutgers where I had gotten a full scholarship to go to Rutgers Law School , and should I try to apply to another law school. Dr. Blumenthal said, "Look, why don't you try Harvard." I said, "Well, I'll never get into Harvard Law School ." He said, "No, I think you might. They don't have too many students who have gone to night school." <laugh> Like the diversity was going to work in my favor. So he said, "Look, I'll help you with the application. Why don't you do that?" And I really thought about that. I had one other thought, which everybody really laughed at me. I was going to apply to Naval ROTC training and become a naval pilot. I don't know why I got that idea, but luckily, my eyes were such that I couldn't pass the physical. <laugh> Anyway, he convinced me to at least apply to Harvard. And I applied to Harvard and I think, much to my surprise, I actually got admitted and then had a real issue about where to go because of financial considerations. And while Harvard had a very generous program-- they would provide half scholarship and half loan-- it still required you to have some expenses on your own. They also offered me a job when I was up there, not a difficult one. <laugh> It was watching the library. And my parents had difficulty, I think, with the concept of me leaving and concerned about the economics of going. And I'll just tell you this one very quick story, which might be fun. Anyway, so I'm trying to decide between Harvard and Rutgers, and my mother and father are kind of trying to talk me into going to Rutgers, and everybody in my family is that I should stay here and all that. Well I had had one friend of mine who was going to Harvard, in fact, a year ahead of me, went to Harvard. It was the only person who I knew had gone there. My mother met his mother in a supermarket and his mother asked my mom, "Where's your son going to school?" and she said, "Well he's going to either Rutgers or Harvard." And she said, "Well your son should clearly go to Rutgers , because somebody from your background should not send somebody to Harvard." My mom came home and said, "You're going to Harvard." <laugh> So anyway, on those slender reeds are major decisions in your life.

Q: Before we move on to your years at Harvard, I wanted you to contrast Rutgers today versus Rutgers when you were a student. How has it changed?

Jaffe: Well I think Rutgers today is a much more superior place than it was in those days. I think a tremendous amount of money and resources have gone into building the university and expanding its faculty. I think the number of courses you can take are so diverse. When I went to Rutgers in Newark , the whole school was in a small building that used to be an insurance company, and another building that used to be a brewery back in the early '30's. So if you had 30 classrooms, 40 classrooms, you probably had a lot. And you had a faculty that was very small. I mean you had some extraordinarily good faculty. I think Rutgers has always been very, very lucky and blessed in that sense that it has good faculty. And the students were of high quality, and the students today are of high quality. But I think overall, I mean the university has grown. It's grown in reputation, grown in resources and grown in faculty. It's a place where you can get a really good, fine education, but I think you could have gotten it there at that point, too.

Q: Let's move on to that inferior school in Cambridge and talk about your years there.

Jaffe: <laugh> Right. Well you know I'm not sure. What would you like me to--?

Q: Well again, any favorite courses or professors that you remember?

Jaffe: Oh well I remember some positives and some negatives. I found it very difficult to acclimate myself to Harvard for the first couple of weeks. I mean it was a world that was completely alien to my world I came from. I always tell the story that I came up to Harvard. I didn't know. I figured well you ought to get really dressed up. And so I went to S. Klein on the square in Newark-- those of whom remember S. Klein-- <laugh> and bought in a bargain basement a one-button roll, which was sort of like a double breasted suit, but it had just one button, so it had bigger shoulders. <laugh> And it was like a purple suit.

Q: Is that what they used to call a Zoot Suit?

Jaffe: Right, that's exactly right. And I bought with that a marvelous purple tie, a tie that I'm somewhat embarrassed. It was sort of one of these painted somewhat naked ladies on it. At that point, <laugh> I thought that was really cool. Anyway, I remember going to class my first day up there and a really very, very nice guy, who was a third year student from New Jersey-- a fellow by the name of Mark Sax, who became very successful lawyer here-- pulling me aside. I lived on the same floor with him and he said, "You know, Sandy . We don't dress like that here." I said, "What's happening?" He said, "Let me take you down to a place in Harvard Square called J. August." I remember he bought me a tweed sport jacket and a couple pairs of khaki pants, which I wear until this day; <laugh> threw out the purple suit. So that's sort of an example. In fact, for the first couple of weeks, I remember not even unpacking, because I figured oh I'm not going to stay in this place. It was really quite different. It's one of the points I try to make when I think how important it is today to make sure that we have access to kids who come from minority communities, who have the ability, but don't have the opportunity to go some of the best universities in the country. And I think its not only providing them with access intellectually and academically, but I think you really have to work with them on social issues, on acclimating people to think that this is a place that they'll be comfortable with and so forth, at least based on my experience. So I remember that as my initial recollections up there, and then I guess little by little, those survival techniques I learned in Newark were helpful. I got acclimated and began to begin to, not enjoy-- I don't think anybody enjoys that place-- <laugh> but became adjusted to Harvard. I mean I liked the idea of going away to school. I thought that was a great experience, and Cambridge and Boston were marvelous places to be, and the opportunity to be exposed to so many lectures and films and all kinds of things that the university provided; although, I was very limited in the amount of money I had, so that limited me very much in what I could do, other than eat the university's meal plan, but you know I did manage to do it. I think if we talk a little bit about professors, the one who I remember the best and really impressed me the most was a fellow by the name of Mark deWolfe Howe, who taught constitutional law and was an extraordinary scholar, but he was an extraordinary, in my view, humanist. And he brought to the study of constitutional law a very broad humanistic approach, so it was not like any of the other law courses I was in, and which as you know, tend to narrow you, and tend to constantly try to focus you and try to be very analytical. His approach to constitutional law was a much more humanistic and broader view of it, and that has always influenced me in terms of how I look at legal issues. I would say he was probably the fellow with the most experience that I experienced the most. I think the course I disliked the most-- while I'm doing that-- was, believe it or not, a legal accounting course, which <laugh> I had to take, which I think I sat through three sessions each day, <laugh> because I had no idea what the difference was between LIFO and FIFO. <laugh> Boy, I had no idea of this stuff. I figured I'd always hire an accountant <laugh> if I had an accounting problem. But uh... it was required. It was required. And so I would say my days at Harvard were mixed. I mean I did not enjoy the first year at all and found that somewhat difficult acclimating, but I think I managed to get through pretty well in the second and third year and get some benefit out of it.

Q: Now you said you went to law school without any great desire to be a lawyer.

Jaffe: No.

Q: Did you develop that desire while you were at Harvard?

Jaffe: Not really, I don't think so. I don't think that outside of constitutional law-- there was one other professor I should mention. There was a fellow by the name of Al Sacks, who subsequently became the Dean at Harvard, and he taught courses in both contracts and legislation. But he was somewhat also like Mark deWolfe Howe. His view: contracts and legislation can be both philosophical and can be extraordinarily narrow. Contracts is a course that one can take a very broad, philosophical point of view of, and as we know, legislation was the same. I really got to like him a lot and I learned a lot in those classes. And I think what I got from both of them was a sense that I liked law, but I didn't particularly like the intricacies of the law. For example, I took a tax course. I didn't find that interesting at all. I didn't want to spend my life trying to read the tax code and interpreting that. And I found I felt the same way about commercial law and all the issues of that kind, and I thought civil procedure was more game-playing than really serious, at least in the way it was taught. I think I took a different view of the law. I came out of law school interested in the law as a means of social reform, or as a way of organizing and looking at social issues, but I was not particularly interested in saying well I'm going to become a bankruptcy lawyer. They're fine professions, fine aspects of it, but I wasn't interested in becoming extraordinarily knowledgeable about commercial law, and bills of lading, and what that meant, and who was sending what to whom. That didn't interest me. I wasn't particularly interested in the intricacies of property law. Go to a title insurance company. <laugh> So I think I had that different perception of it. What I thought I could do with it, I didn't know.

Q: Well your subsequent career has been marked by a series of public sector positions that dealt with social policy. Was there, either at Harvard or outside, some mentor that pushed you that way?

Jaffe: I think some of it came from my exposure to Mark deWolfe Howe and Al Sacks. I think some of it did come from there. But you remember I went to law school at a period that if you talked about public interest, nobody would know what you were talking about. And I went to law school at a period that there was almost no social reform, that the law had not really played. And it was around Brown vs. Board of Education, I mean that was heresy at that point. Also, Harvard Law School was a place that really, the values there were becoming a senior partner or a partner in a Wall Street law firm, or a Boston law firm, or an L.A. law firm. Your focus was towards interviews the last semester, and summer jobs that would prepare you for that. And that was really the complete focus of the school. I don't even think there were any clinical programs at that point. If there was a clinic, I don't remember it, and I know I was not part of any clinical program, because I don't think any existed at Harvard. And there was no attempt to really infuse in a student body any sense that law did have a role in social reform, or no attempt to really train lawyers to be a part of that. So when you came out of law school, you either went to a law firm, or you went to government, or you did neither. And there was not particularly much of a sense that you should go to government. The only other place that was really valued was clerkships, and only certain clerkships. You either clerked for somebody on the Supreme Court, or on the Circuit Court of Appeals, or a State Supreme Court, and if you were clerking for a district court-- well why even talk about that. <laugh> I mean it was such a narrow view, I think, of what law should be about, and what law schools were about. Your basic classes were 120 students. Once in a while, you took a seminar where they would be smaller. I quickly learned to sit in the back <laugh> so I didn't get called on. I always tell the story the first time I got called on-- that was the last teacher-- asked me whether I thought so-and-so was a strong judge. And I'd been to law school about three weeks and I turned and I said, "I didn't know the gentleman, how would I know if he's strong or not?" <laugh> I was used to being a wise guy. <laugh> Everybody else laughed. I thought what do I need this for? I'll move to the back. <laugh> So I don't think that my subsequent career-- except for those vague notions that I have from these two professors-- really influenced it. I think that probably one of the great influences was my clerkship with the Chief Justice, Joe Weintraub, which was also really just by serendipity, because when I got out of law school, I got a job as a law clerk for a law firm, Riker, Emery and Danzig. And in those days, you had to still do a clerkship, so we're two three clerks, we sat in a library and used to throw paper airplanes around. It was not a very serious profession, because you had to keep a diary. And then before Weintraub became Chief Justice, they had this ridiculous rule that you had to do that for eight or nine months. I then decided that well, I guess what I should do is maybe I ought to go in the army. I don't know why I decided that. <laugh> And so I joined a national guard unit. I was 25 at that point, and I think if I had waited another two months, I would have been ineligible for the draft. But then I figured, well, you know, I've hung around, sat around for a long time. Well, why don't I do this for a while? If I go through the National Guard and you could go in the Army that way it may not be too bad. So, I joined the National Guard under that program that they had, six month of active duty and then six month-- six years. And then, I got asked,

You know, did I want to go to Jack, and come out and become an officer. But, that was a three-year enlistment. I didn't want to go do that. So I went into the Army for six months and got sent down to Fort Jackson , South Carolina , which was my first experience with segregation, because at that point South Carolina was still segregated. And I had a number of black friends who were with me in the Army. And when we went to Columbus, the town, we could not go to the same restaurants. If we went to the movies, the black soldiers had to sit up in the balconies upstairs. I sat downstairs, I couldn't sit upstairs, couldn't go to the same hotels. It was really upsetting and quite an experience to actually see what segregation was like in the state at that point, because this was before any of the Supreme Court cases.

Q: About what year was that?

Jaffe: I think was about 1960, 1959, 1960. So the big cases on interstate commerce and all that, and desegregations of the bus stations and all that, didn't come yet. And Brown, which was '54 or '57, I can't remember, that just desegregated the school systems, but that said nothing about interstate facilities and that kind of thing. So, that was my experience, you know. And I was basically in an infantry unit in Columbus at that point and achieved the exalted rank of a PFC, Private First Class, which was major promotion on my part. And so I was there, as I said, for six months. And before I left, I had taken the Bar exam. I don't know if you want to hear a little story about that. It's just kind of a nice story. Anyway, I took the Bar exam right before I left. I had clerked for Riker [ph?] for two months and then I went into the Army, and I took the Bar exam. And I was in Fort Jackson, and we were out-- I was out on-- part of your basic training is you spend a week out on the rifle range in which you're suppose to qualify with a M1 rifle and a couple of other weapons. And we were out there and doing that. It's way out, further away from the base, but the other end of the base. And so one night at roll call-- I mean at reveille at the end of-- no, taps, I'm sorry, Reveille is in the morning. Forget this. At the end of the day we're all-- everybody's in formation and I hear the captain call my name out and said, "Is there a fella here by the name of Jaffe?" And I raised my hand. Very well. They call your name that means they got some detail. <laughs> You hesitate to do anything, but I figured what am I going to do. And he said, "I want to read a telegram aloud. It says, 'Dear Sandy, congratulations. You passed the Bar. Sam.'" A friend of mine. So captain said, "You know, I passed a lot of bars and I never get telegrams." <laughs> And so he asked me, "What did this mean?" And so I had to stand there in front of about 200 men and explain that, you know, that means I passed the Bar, that how I found out I passed the Bar. Well, he said, "Isn't there a swearing in ceremony?" and I said, "Yeah, there's usually one." The telegram said there was one on a Friday morning. He was a really nice guy. He said, "I tell you what. I'll put you in a truck, and there is a train leaving at-- somewhere in the middle of the night, I think about 3:00 or 4:00 in the middle of the night, from Columbus , South Carolina getting into Newark in the morning." And he said, "I'll put you in a truck, we'll drive you down there, and you can get that train and you can, you know, hopefully make your swearing in ceremony." So I said, "That would be great." And so with my fatigues and all, I jumped into the truck and I get driven down to the train station and get the 3:00 train. And unfortunately-- I mean, the train was stopping in Trenton . But unfortunately, Amtrak in those days was not Amtrak, but it was no better on time than today. And we got stopped somewhere in the South. And we got into Trenton about an hour-and-a-half after the ceremony was over. So, I got off the train anyway because, I didn't realize that. Then I looked and realized-- I think it was 11:00 or 11:30 and the ceremony had been at 9:30 . So, there I am at the Trenton station, saying to myself, you know, "What do I really want to do?" Well, I figured, "Well, I'll call up the clerk in the court." And I called up the clerk of the Supreme Court who was a fella by the name of John Gilday, been there for many years. And by this time, you know, Vanderbilt had died and Meyner had appointed Joe Weintraub as Chief Justice. So, I called Gilday up and said, you know, explained who I was and that I had just got in off the train, and, you know, I was in the Army and all that, and missed it. So, he said, "You know, hold on for a minute. Let me see what I can do." So he comes back, and he said, "I talked to the chief." And he said, "Come now, and we'll take care of you." So, I took a cab and went over to the courthouse which was then right next to the state governor's office, and walk in and went to the clerk's office. And Gilday walks me into the Supreme Court. And there was Weintraub, who had convened the whole court. And then, I'm standing there in the well of the court and Weintraub swears me in, in front of the whole court. And each one of the Justices shook my hand. I'll never forget that. And that's how I got sworn into the New Jersey Bar. And it was, to me, an extraordinary experience.

Q: Did he subsequently give you more background, as to why he did that with the full court?

Jaffe: I think, he just thought that, you know, here was some guy, you know, in soldier's uniform, and I had missed it. And that I think he just had probably turned to the court, you know, they had probably were having lunch together, and he said, "Look, I'm going to do this." And they probably all just said that they would like to do it, and just do it as a really nice thing. They all came out in robes. It was really quite an experience.

Q: Why don't we take a short break?

Jaffe: Sure, Okay. We haven't even gotten to Brendan. Yeah. This is the fellow who was commissioner of parks. Yeah, he was my roommate for awhile. Okay.

<crew talk>

Q: Before we broke, Sandy, you said that you wanted to go back and revisit a couple of stories that you had forgotten.

Jaffe: Okay. These are two quick stories that may have some relevance. After the first day in the Army, at night in the barracks, my sergeant called my name out. And again I was kind of hesitate to say something, because I had learned that if you stand in the middle with your eyes down you're better off, you avoid any details. Anyway, so he said, "I want to introduce you to this here man, Jaffe." I kind of stand up and he said, "Look at this guy." I should also prep this by, I was one of the only people I know from up my area who instead of going into basic training in Fort Dix , I got lucky and went to Fort Jackson in South Carolina. And primarily with a group of fellows from Tennessee , primarily up in the hills of Tennessee had been a big company. Anyway, so I stand up and he said, "I want you to look at this fellow." He said, "This fellow has had 19-1/2 years worth of education," because you had to fill all that out when you went in. And he said, "Now you might think he is smart, but he really ain't smart. He'd spend six more months and put that time in the Army, he'd be ready to retire on a pension." I always liked that story. So anyway, not getting my-- having spent it in school and not the Army, I didn't have my pension. Anyway, the other story which really begins my legal career is that I was in, maybe the second or third month, one of the sergeants came up to me and said, "You know, I understand you're a lawyer." And I said, "Yeah." And he said, "I also hear you went to Harvard, so you must be a good lawyer." I said, "The first part of that is accurate, but the second part, not necessarily accurate, since I never practiced." He said, "Well anyway, I got picked up for drunk driving." And he said, "I can't afford a lawyer. Would you come and represent me?" I figured, why not, you know. My dad had once told me that in America , he said, "You never turn a job down, unless, you can hurt people by doing it, by building a bridge." So I figured, why not, I'll do that. Because in one summer I had six different jobs including a bartender, which I knew nothing about. Anyway, so, I go with him, also gets me out of training that day. So, I get all dressed up in my best Army uniform and I go into town, and we go to the, I think it was the recorder's court, whatever they had in South Carolina, which is really kind basically an extension of a judge's house. A judge is kind of informal sitting around in a sport jacket. So I sit down and judge says, "Who are you?" And I say, well, that I'm here I'm going to represent the fellow at the counter. The judge looks at me, you know, I'm sitting there in my private's uniform, and he said, "What's your name?" I told him my name. And he said, "Why don't you come into my chambers. We'll talk for a minute or two." So I walk in to his chambers, he sat down, and he said, "Where did you go at law school?" So I said, "I went Harvard Law School ." "When did you graduate?" I tell him that. And he said, "you know," he said, "I went there, too." We started talking a little bit about that. He said, "You don't know anything about how to handle a case do you?" I said, "No, I don't know anything about that." <laughs> He said, "It's obvious you don't know anything about it. I'll tell you what. We'll go out there, I'll find your man not guilty. It'll work out for you better that way." I go out and the guy's found not guilty. Well, and the Sergeant can't be more impressed with my legal skills. I got out of KP. <laughs> And the word got around the whole army base that I was this great lawyer, I was able to get people off. <laughs> That was the start of my legal career. And my great learning really came in handy. Anyways I don't want to be too frivolous. <inaudible> in this.

Q: Well let's move your legal career a little bit further on. You get sworn in by the chief justice and the full court en banc. Now what's your next step? And also what about the decision to come back to New Jersey rather than to go to the big city or stay in Cambridge or Boston ?

Jaffe: Wow. Well, I had no job. I never went on any of those interviews, because I think instinctively I didn't even want to work for any of those big law firms. So when I got out of law school I didn't really have a job except-- so when I came back-- so the only place I could really come back to was New Jersey . Plus I did not financially have any money so that I could start living in an apartment any other place. The only place I could really live would be at home, with my parents. So that kind of motivated me. That was the main reason to come back to New Jersey . And plus I knew people in New Jersey and felt really comfortable with a lot of the friends I had here. So when I came out of the Army, I got a job as a law clerk again for the old Vanderbilt law firm. I think I just walked in one day and they said, "Fine." You know, it was very easy to get a job as a law clerk, because I think they paid you ten bucks a week or something. And you didn't do very much except carry papers. And I was sitting there one day and I got a phone call from a friend of mine Joel Handler. It was Justice Alan Handler's brother and Joel and I become friends in law school. And Joel was clerking then for Justice Jacobs. And the Chief Justice had gone through the usual process and had hired a law clerk who was Bob Del Tufo. And evidently the legislature at that point passed a some judicial pay raise bill. And in it they gave the chief a second law clerk. So Joel was talking with Justice Jacobs. And the chief mentioned now I have another law clerk. And since it was now out the hiring time, because I think was really the end of summer or something like that, Jacobs turned to Joel and said to Joel did he know somebody who the chief might want to interview. So Joel called me up and said would I like to be interviewed by the chief, and I said, "Sure." So not having a suit at that point I borrowed a suit from a friend of mine, Sam Kriegman [ph?], and got all dressed up. But the only trouble was Sam was six-foot-two, so it was a little bit big. And I walked in, and I started to introduce myself and chatting with the chief. And we talked for a little while and then he offered me the job. And I was convinced that he offered me the job because there was something about me he liked. And I think whether it was the suit that was too big or I came from Newark , because we really didn't talk much about my grades and we really didn't talk very much about what I had done in law school. It was mostly a conversation about me and a little bit him, about how he was brought in Newark , and then he offered me the job. So I always felt that it was his sense that he wanted to take a chance on me, rather than, you know, was I on law review, which I was not, you know, that kind of thing. So that was my-- then I got to work for the Chief Justice.

Q: We'll talk about that relationship. Chief Justice Weintraub is a preeminent figure in New Jersey history, and many people have suggested that he was somewhat of an intimidating figure, both intellectually and on a personal level. How did you find him as a person?

Jaffe: Yeah. Well I can tell you a couple of stories that I think illustrate it. Also, by the way, he was extraordinarily close to Brendan, because Brendan had worked in his law firm. And there was a great deal of camaraderie preaching. I found Weintraub-- he was somewhat off putting, but I found him to be an extraordinarily decent person and a person with a great sense of human-- again of humanity. And a person who was also wanting to teach. I'll give you a couple of illustrations. There was one case before the New Jersey Supreme Court involving the construction of a lease. I won't go into all the details. But the clerks would write a two or three page memorandum for the chief, which would go to the other justices in which he would kind of outline the facts and you'd sort of come to a conclusion how you would decide the case. And the case was a very-- I just remember deciding the case, I'd be giving my recommendation on a very narrow interpretation of a lease. Okay? And I brought them into the chief and he said to me, he turns to me and he said, "You know," he said, "You did exactly the thing that you would have been taught in law school. You construed this lease, you construed it right. But he said, "Is that really a just result? Do you think that's a really good, fair, just result?" And I said, "No." And he said, "No, it really isn't." And it wasn't because the lease had been entered into in the depression, and the terms of it had not changed, and this fellow the leaser-- the lessee had to pay the taxes, et cetera and et cetera. Anyway, he said, "If it's really an unjust result, we ought to really think about whether on the court we really want that kind of result." And he said, "You know, let's go back to the old English law." And he goes and he climbs up a ladder and he brings down one of the old English books on equity. And he opens the book and he starts thumbing through the book and he said, "You know, there was a doctrine in the old English Common law which we follow, which was that you don't have the right to waste another mans property." And he said, "Seems to me that I can apply-- the court can apply that equitable principle in this case. And at that equitable principle ought to override the construction of the lease because it really is a much more powerful point. And so the court went along with that. And to me, I never wrote another memorandum that I didn't think about whether or not I thought this was a just result, and whether this was a result that really fit within the law, but still would be just. And so he constantly-- I think it was a tremendous

educational experience for me. And one other story which I-- oh, well. That's okay.

Q: Are you okay?

Jaffe: Yeah, I'm fine. One other story which I, you know, like to tell because it shows my obstinacy and his perseverance, was another case that the court had that was a very, very important case. Senator Joe McCarthy had come to Monmouth, Fort Monmouth . And in the course of a press conference he had at Fort Monmouth , he allegedly libeled a person, calling him a communist or something like that. The person had sued for libel. And the issue before the court was whether or not the privileges and immunities clause that applies to Congress members apply to a senator when he was not in the well of the Senate, but it was not in what was at a different place. And the court subsequently held that it did apply. I kind of disagreed with that opinion. I thought that was a press conference whatever and that he should be able to be sued. That was the issue. So I'm only arguing with Weintraub about this, and we're having a real back and forth about it. And I think he's getting really exasperated with me, but I'm too stubborn to realize my own fault. And finally Weintraub turns to me and he was sitting across from the table and he said, "I'll tell you what. Would it make you happier if I wrote a footnote in this opinion that said the law clerk disagrees with me? And me like a dummy say, "Yes, chief, I really would have liked that." And he said don't come in here until tomorrow. And I go walking out. I said, "What a jerk I am." But he laughed the next day, I mean it was not-- and then Justice Jacobs came out to me afterwards the next day and he said I hear you're having some problems with the chief on this opinion. You don't like it." So it became kind of a-- and Justice Francis was here in the same kind of group, and they all made a big joke out of my obstinacy. Anyway, I found Weintraub to be an extraordinary jurist. He had an extraordinary capacity to write short declaratory sentences that were very, very clear. I mean that was one of his great capacity. And he had an ability-- I use to watch him in oral argument. He had an ability to cut through what he thought was the most important issue very quickly. And in general, you know, he could be intimidating. But if you knew what you were talking about and you were forthright about it, and sincere about it, that would be fine with him. It's where one story-- I'll tell that one other story. It was a criminal case. And the defendant wrote a brief in which he had written 25 points, you know, 25 reasons it should be reversed. And the 25th was that if none of the above reason, all those 24 are sufficient to overturn this conviction, the combination of all these should be sufficient to overturn it. That was point number 25. So <laughs> I said to the chief, I said, writing a memo, "What do you do with this kind of argument? How do you handle that?" He said, "The easy way to handle that," he said, "you throw the brief in the waste basket if that is the only argument he can make."

Q: Why don't we take a quick break, get you a dry chair.

Jaffe: You know, it's fine. He was also very influential in obviously helping me get my next job. Should we go on to that?

Q: Before we do, let me interrupt. You mentioned a little bit about his interaction with the other justices, but discuss that a little bit more. Again, he had the reputation of being such a leader on the court and somewhat intimidating even to the associate justices. Did you get a feel for that or is that a little outside of the scope?

Jaffe: You know, I did not get that sense. You know, it was Justice Weintraub, Jacobs, Francis and Schettino in that little suite which was down I think, 580 Broad Street . And Justice Jacobs as you remember is really a brilliant person, it would be very hard to intimidate Justice Jacobs on an intellectual basis. And I think Justice Francis and Justice Schettino were really well thought of as jurist. May not have been as extraordinarily academically the same league with Justice Jacobs or maybe, I'm not sure. But they were well thought of and very, very competent justices. And Justice Francis, I remember, was a very, very decent guy, and a person who would spend a lot time with all the clerks. The clerks had a little library. And all of us sat out there in one big room. And Justice Francis would come out and spend a lot of time. He'd talk to the clerks, and this is one of the things the court was facing, what did we think and so forth, and so would Justice Jacobs. Schettino, not too often. And then usually the four of them went to lunch together. There was a cafeteria in there, and you usually go to lunch together. And I never got the sense that it was anything but the greatest mutual respect and admiration between those four. You know, I mean, I don't know very-- you know, there obviously are three other justices, and we weren't really very much privy to their doings. But I never got the sense that it was anything but that.

Q: Now let us move on to the next career step.

Jaffe: Okay. Well, now we're clerking for the chief, and about seven or eight months into that. And chief calls me in one day and said, "You know, what are you going to do after this?" I hadn't really thought about that either. And so I figured well, what have-- so he said, "Look if you want to clerk for one more year, you can do that." And he said, "DelTufo was going to." And, you know, I thought about that. And I said, "You know, I really enjoy this job, and I really like it a lot, but I don't think I really want to do this for another year." So, he said, "Well, what do you want to do?" I said, "I really don't know." I said, "I think I'd really like to learn a little bit how to be a trial lawyer." And so he said, "If you really want to do that, the best place to do that would be the prosecutor office." He said, "If you go to a law firm you'll never get to try cases until you're old." He said, "They do not try many cases anyway. You'll do depositions and that kind of thing. So he said, "Why don't you go to the prosecutor office? You know, Brendan Byrne just got appointed as prosecutor. Meyner had appointed him. And I think he'll run a really good office, he's a bright guy and I would suggest that you try that." So, I called up Brendan's office and got an interview, particularly when I told the secretary that I was clerking for the chief, and I got an interview with Brendan. And I went down and he was in the county courthouse at that point. We chatted, and I kind of liked Brendan, and I think we got along fine. And Brendan said, "Well, you know, I'm looking to hire someone but I can't-- you do not have any trial experience. You don't know anything about a courtroom." I said, "No." I never even took trial practice in law school, not that would have meant anything. So, I think I took an evidence course, and learned absolutely nothing in that either. So anyway, Brendan says, "What I would like you to do is, I'd like you to write briefs, be in the appellate section." And he said, "I got a guy by the name of Billy Caruso, I don't know if you know him, who's a head of the appellate section." But he said, "You know, the man's in his 70s. And frankly," Brendan said, "you know, he drinks a little here and there. But, you know, I'm not going to get rid of him. But, you know, I need somebody else to write briefs." So I kind of groaned. And he said, "Why are you groaning?" I said, "Well, you know, I want to learn how to try cases. I don't want to write briefs. I've been doing that sort of..." "Well," he said, "that is what I'll offer you. But," he said, "if I'm not around you can sneak a trial here and there." So I figured okay I'll do this. But he said, "You need to do one thing. He said, "You know, he said, I just need to get-- I don't need to," he said, "but it will be really good if you got the approval of a-- just got the backing of the senator." And I think it was a fellow by the name of Fox then, was the senator. So, I said, "Okay," and I left. And I had no political connections at all at that point. So I called up Joel. And I said to Joel, "Can I go see your father?" His father Charlie Handler was well-known politically in Newark and had been at one point Corporation Council for the City of Newark. And he ran a very successful practice, a very nice man. So I went over to see Charlie Handler. You know, Joel set the appointment up for me. So, I go to see him and I told him what I want to do, and he said, "Fine." He said, "Let me call up the guy who is in charge of your ward." I forget the name of the guy. So he dials the phone, he calls the guy who is in charge of the ward. And he said, "I got this fellow Sandy Jaffe," you know, it's a friend of my sons. Would you talk to the Senator for him?" So, the guy comes back and says, "No, I won't do it." And he said, "Why not?" He said, "Well, I want a job there. Why would I support him?" So that ended my political thing. So, I went back fairly dejected and chief called me and said, "What happened?" And I said, "Well, you know, I tried this, and told him about the story, and "I don't really know where to go next." He gets his secretary on the phone, he said "Get me the prosecutor on the phone." And Brendan answers the phone. He said, "Do I understand, Brendan, that you want my law clerk to get the approval of the senator?? Then the chief turns to me and said, "You got the job." <laughs> So, that is how I got the job with Brendan. And I don't know whether in retaliation for that or else he just needed it for-- and I remember I finished clerking for the chief, I think it was obviously end of the-- beginning of the summer, end June or when the term ended. And I told Brendan I was going away and I was going to start work, I think, August 1st, or September 1st or something, but I was going to take a long vacation and going away with a whole group of friends. So he said, "Okay, but," he said, "on one condition." I said, "What that?" He said, "You've got to take Sturdivant [ph?] murder case with you, and so you can write the brief when you come back. I want you to read the whole trial transcript." So, I go away on this vacation with this huge-- and that was a very, very brutal murder case that was in the office for a long time. And so I take this with me and write the brief over my vacation. I kidded Brendan, I don't know whether that was retaliation or he really needed the brief then. I think that it was more the later. So, that is how I started working with Brendan.

Q : Before you started working with Brendan Byrne in the prosecutor's office, had you ever heard of his name before?

Jaffe: Not really, I mean I heard the name. Weintraub had mentioned the name a couple of times and I had seen on briefs that came from the Essex County prosecutor's office his name. And I don't remember whether Brendan had ever argued a case while I was here in the courts while I was here as a clerk, that I don't remember. But I had heard-- you know, and I knew his-- and I'd heard about his dad. His dad had been very active in West Orange, you know, politics. So I kind of knew that. But it was very limited knowledge and understanding, because I had been away, law school, then had been in the Army. And then you know I had not really had that much of an exposure to what was then happening in New Jersey.

Q: Did you know any of the political background surrounding his appointment by Governor Meyner as prosecutor?

Jaffe: No. He said that Meyner appointed him and that-- I think Brendan had been friends with Meyner, or his dad had been-- I assume his dad had been very influential in that. But I didn't know the political background. Weintraub never mentioned it, and I never did know it.

Q: Well, how did the job in the prosecutor's office work out?

Jaffe: Really well. I like working in the prosecutor's office. I was probably-- it was at that time a part-time job. I think it paid six or seven thousand dollars. And you could work half-time and still keep a private practice. But since I had no private practice to keep...

Q: It was full-time.

Jaffe: Right. Since I was not going into any law firm I didn't want to do that, I worked full-time, and I was one of the only people there. Me and Billy Caruso who was there too sitting around, we worked full-time. And so I got-- I used to write briefs, which I didn't like doing very much. And I got so proficient at it that, you know, when you write a brief, the weight of the evidence is this, you know, the jury verdict-- I would have these-- no computers in those days, I would have all this stuff all ready and I'd just tell the secretary, "Type in these ten pages right here and then I'll make the argument afterwards," because I got real proficient at doing this. But, I really wanted to learn how to try cases. And I kept bugging Brendan about it. And Brendan was happy, I think, to keep me doing brief because I had clerked for Weintraub, I knew how to write a brief, I think that he was pleased with the quality of work that was coming. And anybody could try the cases, they figured. So, one day Brendan was out, he was going somewhere. And I turned to one of the guys in the office, I think it was Thelman McCune [ph?], I can't remember, and said, "You know, Brendan's gone. Can I try a case while Brendan's gone? And he said, "Yeah." He said, "The only trouble is," he said, "it's a manslaughter case, a pretty serious case." I don't care I'll try anything. So he said, "Prepare yourself." I had about 20 minutes to prepare. That's one of the funniest stories. So, I go up, and it was before, I remember, Judge Masucci [ph?]. And I put the witness on and, you know, I had watched a couple of cases by then so at least I knew what side to sit on, that was about it. And so, I-- I'll never forget this. I had to introduce the pictures of the decedent to establish the death and the identification. Okay? And one of the ways I have learned to do it was the detectives said to me, I had one of the detectives helping me, he said, "Show the picture to the-- I think it was his, either the wife or mother. It was a woman who was relative. And he said, more than likely than not she'll break down and cry, and that'll be great for the jury." "Okay, good. Okay, I'll do that." So I stand up and I mark this picture for identification purposes and then go over and say that-- as I'm doing that the opposing counselor gets up and they're willing to stipulate that this picture is of the decedent and that establishes it. And I said, "Oh, no." Because the guy's giving me the elbow, says, "Don't agree to that." So I get up and I say, "No." The defendant's lawyer gets up again and says, "Your Honor, I can't understand why the prosecutor won't agree to this. We are willing to agree with it." And I said, "No, I need to try this way." And so the judge looks at me and he said, "You really want to do it that way?" I said, "Yeah." So, the judge says, "Well, I'm not going to tell him how to try the case. Let him do it his way." So I go and show the picture to the woman. She looks at the picture, she says, "I never saw that person." At that point, I fall backwards. I fall down. I am so taken back. I quickly get up and I said, "Willing to accept counsel's stipulation. Move it into evidence." And the guy turns, says, "What do think I'm a dummy?" So I called a recess. I learned a lot about how to prepare a case after that. And so we took a recess and refreshed her recollection, and I put her back on the stand and she identified the person. But I figured that was a good lesson for me to learn. And the judge had fallen off his chair, he thought it was the funniest thing that had ever

happened.

Q: So what happened with the case?

Jaffe: It actually-- there was a conviction.

Q: Despite your best effort.

Jaffe: Despite my best efforts. But you know I-- yeah. One of the other, I think, really interesting cases that really got me very much involved working with Brendan, was here was-- I'm still in the appellate section. And there was a shooting up at a place called, The Tremont [ph?] Club, which is a tavern up in the east end of Newark. And the person arrested was a fellow by the name of Tony Boiardo, who was one of the top fellows-- at least, alleged to be one of the top fellows in the criminal enterprises in the state. And Boiardo was arrested for that. And there was a grand jury hearing into that shooting. And Joe Lordi, who was then the first assistant prosecutor, an extraordinarily confident, very nice guy, Joe came up to me one day and said, "Look, you know, you really want to learn a lot. Why don't you come and sit with me and I'll show you how to run a grand jury? And this will be a real significant case, you'll learn a lot." So, I went and was with Joe in the grand jury. But as time would-- as it happened, Boiardo, before the grand jury, took the Fifth Amendment, his right not to incriminate himself. And so, the grand jury held him in contempt. And there was then a proceeding before the judge as to whether or not he should be held in contempt, or whether or not it was appropriate for him to take the Fifth Amendment. And we proceeded on a contempt charge. Well, when we went down to Judge Conklin [ph?] with the report, Joe turned to me and said, "You argue the motion." It was a motion, okay. And so I argued the motion as to why the Fifth Amendment didn't apply. And I won on that account. And the judge sentenced him to, I think, 10 days in the county jail, which got me in trouble with the judge. Because afterwards, being a wise guy, the judge said, "Wow, boy, that was a tough sentence." I said, "Well, Your Honor, I'm sure they'll send you a bouquet of roses." He said, "Don't show up in my courtroom again." Silly thing for me to-- dumb thing. Anyway, So Boiardo is sentenced, but there is a state of appeal and it goes to the New Jersey Supreme Court. It was a landmark case on the interpretation of the Fifth Amendment in this context. And I write the brief with Brendan's help, being that it was such a significant-- and Brendan went and argued the case before the New Jersey Supreme Court. And it was a packed courtroom because it was such a significant case. And the attorney general who was then David Furman, also argued as amicus because of the state's interest in this matter. And I don't recall who argued for the defense. Anyway, the case gets argued. And about a month or two later the court comes down and does not issue a ruling. It says it wants the case reargued. And it wants it reargued and it listed two questions that it wanted the reargument to focus on. And I remember Brendan walking into my office and saying, "This is what the court did." And he said, "You know, we're going to have to rewrite the brief. And I said, you know, "I understand that." And I think one of the most selfless acts I have ever seen a person do, really very selfless on Brendan's part, he turned to me and he said, "I tell you what. What I am going to do is I'm going to ask you to do the reargument. I said, "Me, really?" And he said, "You know," he said, "obviously," he said, "after this first argument they had some questions and maybe they were not answered, or I don't know what the issue is. But I think it would be interesting for them and important for them to have someone else present this." And I said, "Are you really serious about that?" And he said, "Yes, I am really serious. I would like you to do it." I said, "Well that's a tremendous opportunity." So, I wrote the brief and then went down to the Supreme Court, invited my whole family. It was my first argument before the Supreme Court. And Brendan came, and Brendan sat with me at counsel table, and I argued the case. And the chief was sitting up there obviously giving me some really interesting questions. And...

Q: Tough or easy?

Jaffe: Very difficult, very difficult. One really funny side, when Dave Furman was arguing the case for the attorney general after I had gone on, the court-- John Gilday [ph?], the court clerk, comes out to each one of the justices and starts talking to them, and each one of them turns around with their back. And, you know, I would have been appalled if that had happened. What I had heard was one guy saying, "I'll have a tuna fish sandwich, I'll have ham and cheese. They're ordering their lunch. <laughs> I thought to myself, Well thank goodness it didn't happen during my argument. I would have been really nonplussed. Anyway, it was a really extraordinary experience. I remember

traveling down and then having lunch with Brendan afterwards and talking about it.

Q: We have to break to change tapes.

#####End of Jaffe first session 3-19-2008#####