Donald Linky: My name is Don Linky. It is the morning of July 12, 2007. We're here on the campus of Rutgers University in New Brunswick at the Eagleton Institute of Politics. This is another in the series of interviews for the Brendan T. Byrne Archive program being conducted by the Institute for the Rutgers Program on the Governor. This is a continuation in our series of interviews with Jeffrey Laurenti. Jeff, at the end of our last session, we had discussed the various episodes which led to the enactment in the income tax and the school reform package in the summer of 1976. I'd like to start today to talk more generally about the institutional relationships of the legislature, the governor and, to some extent, the judiciary in terms of what they were like then and what they are like now and how things have changed or not changed. How do you sort of see it in terms of legislative power? You had mentioned early in our series that the legislature, when Brendan Byrne was first elected in 1973, was beginning to increase its staff capacity, I think you used the term friskiness of feeling its oats in terms of strengthening its power. Over the time, has that trend toward a stronger legislature continued or has it somehow weakened or stabilized?

Jeffrey Laurenti: Well, there's no doubt that the movement to strengthen legislative power and to strengthen the role of legislators in New Jersey government, as it was happening in many other states at that time, was surging through the late '60s and peaked probably in the '70s. We had the legislative oversight movement then. Senator Raymond Zane had been a very strong promoter of legislation to give the legislature the power to invalidate rules and regulations adopted by executive agencies that offended the legislature in some way simply by passage of a concurrent resolution. This became an issue that bedeviled us during the '70s as an ultimate power grab. You had had already developing, as you've just recollected, a serious legislative staff capacity. When you think of the world before 1970 in New Jersey, legislators were basically picked by county chairman and did not see themselves as having earned their position in the legislature by dint of their own contact with their constituents so much as by dint of their relationship to their county political leaders and political organizations. They were down in Trenton two afternoons a week, if that often. Power basically lay much more in the hands of the executive, not because the constitution put that power in the executives' hands but because the legislature was very weak in its capacity and probably not particularly anxious to develop. You did have, I think, the first stirrings in New Jersey of a sense of legislative differentness[sic] after Governor Hughes and his Democratic majorities in the 1966/67 legislature were blown out in the '67 election and you had three to one Republican majorities in both houses that saw themselves as empowered to chart a different direction. This was the first, I think, in New Jersey's 20th century history, stirrings of a separate legislative consciousness. They had a mandate, a huge mandate to run the state differently than Hughes’ direction would be and they sought to try to implement that. Within two years, they then had a governor of their own party and, in that sense, what had been the political motivation dissipated instantly, but you did have,
with Ray Bateman in particular as the champion, the development of a legislative staff.
First, the creation of an executive director of the state Senate and state Assembly as the
first full-time staff position. They had had none, which then became the seed around
which a whole forest would grow within the next 10 to 15 years. Secondly, a reduction in
the number of committees and a surprising requirement that committees actually meet.
Until that time, bills would be referred to committees, but the committees would not
usually meet. Rather, when the Senate Republican caucus decided that there was a bill
that was ready to vote on, a sign out sheet was sent in which you got a majority of the
members of the committee that nominally had control of this bill and they would, on the
floor of the Senate, just sign it off so the requirement that committees meet. So this was
already under way before the Byrne landslide and the elevation now of three to one
Democratic majorities in the Senate, four to one in the Assembly for that first legislature
serving with Brendan Byrne. We've talked about this before in terms of the interpersonal
relations of the Governor's first term chief political and policy advisors and leaders in the
legislature. There is one important institutional change that resulted from the way in
which the administration conducted business in the Byrne years with the legislature, and
that was the Governor's responsibility to act on bills as the constitution had posted within
ten days of a bill's being presented to him. That was the constitutional formulation. What
people on the outside might have imagined is that, when the legislature passes a bill, it
sends the bill over to the governor's office and then he has ten days, this is what all the
League of Women Voters civics textbooks would tell you, to either sign or veto the bill,
but the practice had developed that the bills would not be sent over to him. Byrne sat on bills for weeks,
months, there were a few that went into the next year, the second year of a two-year
session without action until they, in some cases, had passed the moment when their
effectiveness was required. If something was urgent, rather than veto the bill, the
Governor would just not call for it, and the time period in which this supposedly urgent
time sensitive legislation had to be enacted would be passed, would be moot, and then,
when the veto would come, it was already past time. The legislature responded in two
different ways. After Merlino became President of the Senate in 1978, he incorporated a
rules change, a one Senate agreement to a rules change that authorized him, as
President, to deliver the bills upon passage unless the Governor sent a message asking
for them not to be held. So something that would create a presumption that they should
be delivered, it might have been a little weaker than that but, basically, a statement of an
intent to present bills and not be left victimized this way. On the Assembly side, Al
Burstein thought that the way to deal with this was to require the bills to be presented, but
give the Governor 45 days rather than 10 days. This became an inflexible tool. We had
some success on the Senate side during the period in which the rules change was
adopted, occasionally surprising the Governor's staff with a bunch of bills being delivered
that they hand to run feverishly around to get a quick decision made on and some action.
That was a major piece of legislative power, if the legislature chose to do that, but it was
done even on our side only episodically. It wasn't done in the Assembly. They didn't
have the balls, frankly, to do this wholesale, and so where they showed their cojones, in
a sense, was in voting for Al Burstein's constitutional amendment proposal that we resisted on the Senate side because we thought it was both inflexible and that it was a diminution of legislative power because you were withdrawing from the legislature the discretion as to when to present the bills and you were giving the Governor a month and a half pass. You weren't able to force a decision quickly on something you thought was urgent. In the end, because our rules change seemed too evanescent, not sufficiently reliable, and the wave of indignation among legislators against the Byrne administration's abuse of the courtesy of bills not being delivered until the Governor was ready for them and called for them led to the vote on the Senate side in favor of Burstein's resolution as well. It was presented to the people who, foolishly, perhaps, voted for it and that's why we're stuck with the now inflexible system that, if anything gives a little bit more leverage to the Governor than he had under the old system if the legislature had chosen to use its power to send the bills as soon as they were passed.

Donald Linky: And, of course, one practical impact of the system where the Governor could hold the bills pretty much for an entire session if he so desired was that it gave credible leverage of the Governor over individual legislators who had passed bills that were sitting waiting to be called upon in terms of pressuring them on votes for pending legislature.

Jeffrey Laurenti: Absolutely. Gave him an ever-accumulating number of chits to be able to hold over legislators. This is why, frankly, we thought that delivering bills en masse, you know, after a legislative session had concluded to the Governor's office, would give our guys more leverage. If there was a particular case where a sponsor of a bill felt that his chances of getting it signed would be better served by waiting, we could hold it back but, anyway, they have lost that leverage. The other big development in the '70s was the creation of longer term legislative leadership tenure. Until 1970, the speaker of the Assembly and the president of the Senate served a one-year term and was rotated out so you had a constant churning of the leadership slate and no one became entrenched and no one became a master of the Senate Lyndon Johnson style. Ray Bateman broke that pattern when he was elected to a second term in 1971, so he served two years. Al Beadleston elbowed him aside before he was going to get too comfortable in the job, but the precedent had been set. It wasn't set in the Assembly in '71 because they lost control in the 1971 election and they had to carve out a deal. In '72, they gave Kean speakership, but he held it for two years, '72-'73. Beadleston became Senate president in '73, so reaffirming rotation. When the Democrats then took over, you had a two-year term on the Senate side, Pat Dodd for two years then Manny Feldman and then Merlino locked it down for four years. This then opened the door for what has now become an almost permanent legislative leadership. As long as your party holds control, a president or a speaker is able to hold on unless he has touched off a row in the caucus, and it is further reinforced now by the development of this "new," no longer new but the past two decades' phenomenon, of legislative leadership PACs in which
campaign funding has migrated from the candidates or, as it had been the case in most parts of the states, their county organizations to Trenton. This has had profound impact on how campaigns are run on the centralization of party themes and the power of legislative leaders over their flock, over their members rather than the reverse, because they hold the key to the finances that legislators -- particularly in relatively marginal districts -- need to win election or reelection. That's another huge change. So the '70s were a period in which you had both a stronger legislature overall vis-à-vis decades before and also the development of stronger committees and committee chairs. In terms of the budget, what went into the budget was left entirely to the joint appropriations committee, and the leadership was not involved, even as to what went in or didn't go into the budget. So the budget had its own internal dynamic to the committee, and the leadership was basically brought in only for the decisions on what kind of tax package you might or might not need. That was above the pay grade, as it were, of the chairman of the joint appropriations committee and the members of the committee, to determine what kind of tax package could get 41 votes, 21 votes. But, at that point, what went into the budget was entirely within the committees' domain and today, to judge from a distance the press accounts of the 2007 budget process, even what goes into the budget was the subject of the three-cornered negotiations among Governor Corzine, Speaker Roberts and Senate President Codey. So the legislative leaders being involved in that is a relatively new development. It represents a change from what prevailed during the Byrne years.

Donald Linky: When the 1947 constitution was put into effect, many political scientists wrote that New Jersey now had the strongest governor in terms of the balance of powers among the branches and particularly in relation to the legislature. Have these changes, over the years since 1947, weakened the power of the governor in terms of the respective powers of the three branches?

Jeffrey Laurenti: Well, actually, I think that, in constitutional terms, the legislature in the 1947 constitution was as empowered as it could want to be. It was incapable of exercising those powers, but it had the power to deliver bills and the governor had to respond in 10 days. It had complete autonomy, no restrictions in terms of its sessions. Many states, particularly in the south and west, viewing the legislature as the most corrupt branch of government had, in the early 1900s, imposed very tight limits on how the legislature could be in session. The New Jersey legislature was under no constraints. The only fundamental constraint is the tax bills have to originate in the Assembly. Not much of a constraint. I think the governor's power that separated him from chief executives in most other states lay in his unique control over appointments, his control over the executive branch because, in many other states, you have a number of elected officials who have control over different pieces of what in this state is all subject to the governor. In a number of states, you have entire executive agencies under commissions that are appointed apart from the governor that are in no way, even though
they'd be executive agencies, in no way under his control. So I think that his supposedly being institutionally (or she) the strongest governor is a function of within the executive branch rather than vis-à-vis the legislature. I mean, he's stronger in other states perhaps vis-à-vis the legislature to the extent the legislature was hog tied down to a six-week session and could only be called back by the governor for a special session any other time of the year. That's a more powerful governor in other states. That's not something this governor had.

Donald Linky: You refer to the session schedule. To what extent is New Jersey, as a commuter legislature, typically meeting twice a week, not staying overnight in the state capital, different from other states?

Jeffrey Laurenti: Well, it's had a devastating impact on what could be the night life in Trenton. <laughter>

Donald Linky: Your home town?

Jeffrey Laurenti: My home town. That would be the one argument for keeping them there. The joint appropriations committee was perhaps the one place where we were able to keep, for a few weeks, guys in town with a long days' hearings and then they would meet the next day, you know, three days a week consecutively but that was only a tiny fraction of the legislature and it wasn't enough to keep the Holiday Inn open in Trenton into the 1980s. I think that the fact the legislature could meet throughout the year, even if it's bifurcated this way, has been a source of strength and the fact that people, in effect, had a break of a couple days from one day's legislative activity to the next, to reconsider, for doubts to grow, for cooler heads to prevail, for a smarter idea, for reformulating something to take hold and, when you come back, you're able to fix things. I think it actually worked well for the legislature. If there was something that urgent, as we saw with the tax package, both in '76 and in 2006, the legislature could meet on consecutive days. But also the fact that the constitution requires an intervening day to go from second reading of a bill to its third reading, unless it's deemed an emergency by a resolution with three-quarters of the membership, would require this kind of cooling off period in any event.

Donald Linky: Another major change that has impacted the legislature in various ways has been the public concern over ethics and corruption in New Jersey and in other states.

Jeffrey Laurenti: Other countries.
Donald Linky: The federal level and wherever. Which has led to a series of measures which, I guess, really began in the Byrne administration, to tighten up disclosure and conflicts of interest and has had some impact, I suspect, on the types of people who decide to run for the legislature and serve. I recall, during the Byrne years, I think that Robert Wilentz left the legislature largely because of tightened conflict of interest standards that would have hampered his major law practice in the state.

Jeffrey Laurenti: Bobby Wilentz had already left the legislature before Byrne came in.

Donald Linky: But I believe the reason was because of tightened conflict of interest standards.

Jeffrey Laurenti: Possibly, but that would have been conflict of interest standards adopted by the Republican legislature under Bill Cahill?

Donald Linky: Well, in any event...

Jeffrey Laurenti: Clearly, the conflict of interest issue, the public disclosure, the open public meetings act that they just passed Byron Baer had been the dogged promoter of and such, all these found their ascendancy by 1974 when Byrne became governor because he was (a) succeeding a governor. Bill Cahill had been brought down by corruption scandals. (b) You had the much larger framework of the Nixon Watergate scandals and all of the money corruption scandals that were in the penumbras shaping public perceptions of the loss of integrity in government. This was a response to it, this public financing and so on. I think that we will probably see a new upsurge in this after the 2008 presidential election, when you will have a rearrangement of the pieces in the American political landscape, probably in a very profound way, and that the abuses that have become deeply ingrained at the federal level will be seen as something against which, at all levels, we need to take preventive reform measures. So it's partly a function of where the larger national debate has conditioned voters and politicians to see a need for action as well as the specifics at the state level which also goes back to the question of legislative empowerment. This whole movement in the '70s was really given a huge fill up by the Watergate scandal in the sense that it was the Congress at the federal level that had to step in when you had an irredeemably corrupt and sinister executive branch leadership running amok and that also fed the notion of the whole legislative branch at whatever level having to be more assertive, becoming a protector of the public. That was quickly transmuted in the case of, let's say, that Ray Zane legislation into a plaything of special interests who saw, at the state level, and this was going on in lots of states but, in New Jersey, it was much sought by business groups that saw the Byrne administration as likely to use its rule-making power that the legislature gave it from hospitals to
environment to whatever, something that would tie their hands and that the legislature could be induced to whoop through a concurrent resolution unthinkingly just by political pressure. So that was also conditioned, in part, by the larger Watergate picture nationally because states throughout the country were trying to adopt these legislative oversight mechanisms that turned out to be a plaything in many cases for moneyed special interests.

**Donald Linky:** Has the cumulative impact of these measures to increase accountability, financial disclosure, bar conflicts of interest been a good or a bad thing in New Jersey in terms of the types of people who now run for and serve in the legislature?

**Jeffrey Laurenti:** To my mind, unreservedly a good thing because the types of people who would run for positions, legislative positions or even get executive appointments in the past. But let's talk about the legislature, where people were often looking to feather their law practice as a side benefit of being in the legislature or otherwise advance themselves and advance their financial interests. The fact that the quality of who goes into the legislature has, by some accounts, fallen in the past decade or two decades or whatever relative to the '70s, I think, is much more a reflection of a generational shift in public service, a reflection of the trauma that the Reagan and post-Reagan era has imposed on perceptions of government service and government's capabilities than it is a financial disclosure. I mean, it is not a coincidence that the people who bridle most at these disclosure requirements are Republican business types who don't want to have their financial business out on the public record. This has not been very much a problem for progressive-minded, reform-minded people who don't have such financial entanglements. It's a pain in the ass to fill out some forms. The forms are not that onerous if you don't have complicated tangles of finances that maybe need to be on the public record.

**Donald Linky:** You aren't concerned that there isn't a higher percentage of what we might call professional legislators who now, given that legislative salaries are somewhat higher than...

**Jeffrey Laurenti:** Respectable.

**Donald Linky:** ...in the 1970s plus positions such as in labor unions or...

**Jeffrey Laurenti:** Teachers.
Donald Linky: ...teachers and such are able to blend particular professions with their legislative salaries to sort of make the legislature a way of life?

Jeffrey Laurenti: They've always done that. They always did that.

Donald Linky: But in different roles.

Jeffrey Laurenti: Perhaps lawyers did it more than lawyers do it now, but you've always had that. I mean, if the complaint is that you now can get people from more modest incomes serving in the legislature, what's wrong with that? If anything, that would make, if it were actually true, the legislature a little more representative, a little more authentically representative of the population for which it is making laws. I don't see that as the problem. I don't see that as the problem in terms of getting qualified-- excuse me, not qualified, in getting the best people nominated for office. I mean, the real question is, who wants to go through the hoops to run for the legislature? It usually means going through the hoops of the local parties and, in many counties, that's still the county chairman for nomination and who wants to go through the hoops of having to try to raise money? That's the big discouragement to political service now for those who actually are starry-eyed public interest servants. It's having to raise money. I think that the experiment in so-called clean elections that Maine has pioneered under Wayne Arizona and that, and forgive my use of the vernacular, in the half-assed way we are experimenting with in a couple of selected districts in the 2007 legislative elections may actually be a very instructive study in whether financing is or is not the problem that many imagine it is in terms of the kinds of people that you bring into public life.

Donald Linky: Some have suggested that the clean elections movement really protects incumbents because the amount of money to mount an effective challenge is so high. Do you agree?

Jeffrey Laurenti: Well, it depends on the amount of money that you're going to offer a publicly funded contest for the two sides. Frankly, incumbent state legislators, while they have some name recognition advantage, it's not as if they are legends in their community. They don't have the franking privilege that U.S. House of Representatives members have to put their name in front of every voter in their district umpteen times a year so they are dislodgable if the party balance within that district is close enough. We have seen elections when you have huge tidal waves that wash out both the deadwood and the green when a big issue animates the voters. That tended to be a little more to the disadvantage of Democrats, those tended to happen on the Democratic side more than to the Republican side, but you can get wipeouts.
Donald Linky: You may have indirectly answered this question already, but redistricting and the power to carve up new districts after each census has become almost a science compared to what it was, I guess, in the 1970s, although it was obviously important. Has that so protected incumbents that you think that some new system in New Jersey might be experimented with that would develop maybe a more objective process outside the partisan balance?

Jeffrey Laurenti: Either way, we should, now that you have mentioned redistricting, not forget in a moment to get to the Byrne years congressional redistricting adventures, both the failed one in ’74 and then the one that was adopted late at night just before Brendan Byrne left office for the 1980s.

Donald Linky: Well, let's stay with the legislature...

Jeffrey Laurenti: No, no, no. I want to. I just wanted for both of us to remember that one to come back to it.

Donald Linky: Okay.

Jeffrey Laurenti: But we're talking now in much more broad terms of the impact of the redistricting system on the character of politics in Trenton. The fact is, it is very hard to devise a districting scheme, even if one had this as its goal, to shake up the political system by making as many districts as possible highly competitive, just by dint of political preferences of voters and where people choose to live or are forced to live or whatever, to be able to make a 40-district legislature with 40 highly competitive districts. The system that we have now does tend to create a few more districts favorable to one party or another than you could, if you really wanted to make them 50/50 across the board, than you might be able to create.

Donald Linky: Why don't you explain the system?

Jeffrey Laurenti: Well, you have to get 40 districts, each of which is geographically contiguous for all of its constituent voters, fit them into a map that gives you 40 senators, 80 assemblymen and, when you have, as in Newark, there's no way you're going to be able to create politically competitive districts between Democrats and Republicans in Newark and there's no way out in Sussex County, Warren County that you're going to be able to create a district in which Democrats will be competitive, so you're going to have each extreme. You're going to have X number of districts that are going to be lopsided. Now, what we have is a system in which a legislative reapportionment commission
composed of five people picked by the Republican state party chairman, five people picked by the Democratic state party chairman, sit down in a room together and carve up the state. They naturally both have the same goal, which is to screw the other if they can, and to create districts that give them as many likely winners as possible and create firewalls against the possibility of a 1991-style blowout or a 1967-style blowout, and that give them as much of a shot at being able to knock off one of the other side’s members as possible. That is, a Republican strategist would be trying to create as many very weakly Democratic districts as possible so that you can be competitive in those districts and try to concentrate as many areas we have Democratic voters pack them into 10 or 12 Democratic districts. On the Democratic side, we want to the same to the Republicans, to get Morris County and Sussex, you know, to give them every possible Republican town in a handful of districts and make as many that are competitive where a democrat would have a shot at winning on their side. Since both sides have exactly the same goal, in the end, they very quickly decide that they will create 12, roughly, districts that are impregnable for each side and then, because you have half the state that is really mixed, you're going to have maybe another six districts that would trend Democratic, six districts that are create that lean Republican, in a bad year, that could flip, however, but you're hoping to build the firewalls there. Then it leaves you with basically six to eight districts in which the Democratic/Republican spread is maybe zero percent, that is, 50/50 to 55/45 that are in play. That is where the leadership packs funnel all the money they can shake down from lobbyists and interest groups. Those become the big battle ground districts. You have basically a dozen, eight maybe that are battle ground districts and then you have that rare bird, every legislative election cycle, in which there actually are local circumstances that put a district in play that would otherwise be viewed as cut and dried. In the 2003 elections, that was the case in Monmouth County, western Monmouth Country district, district 12, where John Bennett's much commented on ethics issues changed what was viewed as a pretty safe Republican seat into a highly competitive one in which the democrats were able to clean the Republican's clock that year. In the 2005 Assembly election, held onto one of the two Assembly seats. The system basically is intended to create perpetual, a control for the largest number of districts but you're not going to be able to change that even if you wanted to. You could make a few more districts competitive but, when I look back on the Byrne years, who were the legislators who were the most vigorous reformers? Of course, this now reflects a liberal Democratic bias. Merlino from the totally, what was viewed until Jerry Stockton lost it, the totally safe Trenton-based district in Mercer County. Matty Feldman in the most Democratic, although upscale Fort Lee district in Bergen County and Al Burstein and Byron Bear on the Assembly in that district. Bill Hamilton out of the New Brunswick district. Many of your best legislators were those who came from safe districts, best in the sense of vigorous reform promoters. Now, from a Republican point of view, the mirror image, well, I guess, Gerry Cardinale, that is, you have, for hardcore Republican arch-conservatives, you can only find those people elected in very safely Republican seats and in districts that are a little more competitive like the 13th in Monmouth/Middlesex county, Joe Kyrillos, he's
conservative but he's certainly well protected on flanks as reasonably moderate in that district of Amy Handlin. Now, Assemblywoman, again, of that kind of stripe, those districts tend to push people a little bit to the center because you need to guard your flank against a possible upset. But the other major transformation since the '60s of the past four decades has been the sorting out on ideological lines of the two parties in ways that you did not have then. This also reflects, in part, perhaps the financing realities of centralized control, centralized campaigns, the fact that (a) the legislative leadership and state committees now offer the preset package. If you want their money, you take their consultant. Their consultants have already come up with a standard campaign format in which 90% of your campaign is going to be the state committee package. You don't have to think of issues because the state committee with the legislative leaders PACs have already decided on it for you. This is a huge transformation of politics, legislative politics, from the '70s.

**Donald Linky:** I take, from your tone, you don't see that as a positive transformation?

**Jeffrey Laurenti:** I don't.

**Donald Linky:** Do you want to expand on that?

**Jeffrey Laurenti:** Well, I think that any imposition of uniformity, from a top down, thwarts the democratic will, in a sense, and the democratic competitiveness and the need to regenerate political talent locally because, fundamentally, at the national level, it's all moved to Washington. Here it's moved to the consultants' offices, the cluster around Trenton. I don't think that's a good thing. I think the loss of autonomy locally is a problem. You drain some of the potential richness from the political system.

**Donald Linky:** Of course, as you mentioned before, this, at least in part, was generated by the exceptions carved out in the campaign fundraising legislation for the leadership packs which allowed them to become new centers of financing for individual legislative district races.

**Jeffrey Laurenti:** Absolutely. In the 1970s, (a) legislative campaigns weren't anywhere near on the scale of expense, in part because (b) party organizations still were the kind of automatic pilot mechanism for running campaigns and (c) nobody went to Trenton to raise money. Now, where does the bulk of campaign finance come from for a legislative candidate? We have a couple interest groups that will lavish money on campaigns, real estate, in particular development interests. Those are the biggest. Then you have the professional associations, but they are Trenton-focused. In other words, that money
comes out of the Trenton-based lobbying offices. That's something that I don't think legislative candidates thought much about 30 years ago, 35 years ago, raising money out of the lobbyist community. Now, it's like a mini picture, black and white reprint of the Washington style centralization of politics and that makes the candidates have to dance to the tune of the capital agenda rather than their voters' agenda. That's what I think is potentially interesting about these clean election schemes, because you have to go back to the average voter and somehow craft a message of interest to the voter rather than what can or can't be said in political circles, in fundraising circles in the capital.

Donald Linky: Let's go back to another area of what, in the 1960s and '70s, was viewed as positive area of legislative reform that we talked about in terms of professionalization of the legislature and the expansion of staff capacity, some of which may have been generated by Professor Alan Rosenthal's work here at the Eagleton Institute. We've heard during the course of these interview sessions a couple ex-legislators expressing, perhaps with nostalgia, that this hasn't been the greatest thing over the course of time in terms of putting a wall between the elected legislator and constituents and also making the role of the legislator less important than it used to be in terms of hands-on experience with legislation and negotiating amendments and so forth. What's your take on it?

Jeffrey Laurenti: I'm sorry, I don't see the criticism that nostalgic former legislators have for the current system because there's too much staff? The staff is doing it all?

Donald Linky: Too much staff and the staff is really doing a lot of the contacts on an individual constituency basis with the people that they report to and that their role in terms-

Jeffrey Laurenti: This is part of the centralization-

Donald Linky: Of the mechanics of the legislature is weaker than it used to be.

Jeffrey Laurenti: This is part of the centralization within the leadership of control over the committees and such, and I think -- but that is not an inherent change in having staff. It's a question of where the legislators have allowed, the members, have allowed their leaders to direct them more. When we pioneered a partisan staff person on the central Senate staff, tracking, having responsibility to track a particular committee, this was not to be the staff aide for the chairman, but having somebody in each committee who would be able to let us know and central leadership know what was going on in the committee and be able to report on what the debate was within each -- within the committee on each bill that was now coming to the floor, so then preparing bill comments to inform our
members of the implications of what legislation -- political implications as well as policy implications might be. We would know in advance and have some sense, because, at least at that point, committee chairmen and members turn to the Office of Legislative Services staffer -- non-partisan, generally smart and well educated -- for their advice and for the substance of the legislation. And indeed our staff representatives with each of the committees were to also go to the same OLS committee staffers to be sure they understood what the legislation was and to be sure that they had all of the dimensions of the bill that legislators would need to know. I remember once David Friedland coming in shouting at me that our bill comments had not warned him of X, Y, or Z on a particular bill, and after he votes for it that he then got holy hell and that we had failed in our job, at least on that bill, to warn what the implications were, and so we dug out the bill comment and in fact the bill comment had already indicated that this [was an] issue about which members might want to think. I think that over time the bill comments have since become much more agents of propaganda for a leadership position and lost some of the kind of warning function, but that's also a question of who is doing what job. And whether the membership is satisfied or chooses to complain about inadequacy and all that. I don't know now what the situation is in terms of the partisan staff people's control, relative control over the process. They were not involved except for me personally. People with the committee staffs, or tracking the committees, were almost never consulted by the committee chairman in terms of what should go in the legislation, what shouldn't. That was a legislator-to-legislator decision. So it is possible that now you have an excessive power in the staff, in a sense [that] also mirrors the gargantuan tendency in Washington of congressional staff to acquire disproportionate influence over the legislative process.

**Donald Linky:** Another area in terms of the relationship between the governor and the legislature is the selection of legislative leadership and what role the governor, if any, plays in that. Perhaps most recently we saw Governor McGreevey intervening in the selection of the Assembly leadership. What do you recall of the Byrne years in terms of the Governor's input, if any, into the selection of ________.

**Jeffrey Laurenti:** The Governor's input was first, and I think only, manifested in the deal that fixed the two houses' legislative leadership going into 1974. That is, he was involved in what became a leadership lineup on the Assembly side of Howard Woodson as Speaker, Joe LeFante as Majority Leader, which was interesting because LeFante had been part of the group of four Hudson Democrats who had gone over to elect Tom Kean Speaker session before. This was itself a curious kind of re-embrace back in the fold by being rewarded with the number two position, and I think it was Bill Hamilton is number three and on the Senate side, Pat Dodd, Matty Feldman, who had been out of the legislature for six years or whatever now bouncing back as Majority Leader and Joe Merlino as Assistant Majority Leader. That was carved up with the Governor and Jim Dugan as a way of satisfying all of the major blocs in the legislature and people who seemed entitled to a leadership role. After that, each house went on its own way, and
refresh my recollection if I'm wrong. I don't remember Byrne having had the clout to be able to try to affect a leadership fight when LeFante then ascended to the speakership, or who would then become next in line. Bill Hamilton moved up to become Majority Leader, and may __________ a little later -- may have been, and then he became Assistant Majority Leader. And then on the Senate side, that ladder moving up, Byrne was out of it. Byrne was out of it in after the '77 election. Two houses proceeded on their own. I don't recall him as being able to influence who came in at the third, number three slot to get on the legislative ladder at that point because it was all just a question of moving up, moving the presiding officer out and the next one moving up.

**Donald Linky:** To the extent that you know, and you may not know, do you believe the arrangement with Hudson County was part of the Byrne campaign and Byrne's own negotiations for their support in the 1973 election?

**Jeffrey Laurenti:** Well the fact is that Hudson County had a major block of legislators. They were going to have to be taken care of somewhere in the legislative leadership lineup when you have Democratic majorities. And Byrne presumably owed them something but couldn't avoid them anyway. When you came out of-- the '67 election gave you the contours of where the Democratic heartland was, because the only counties that had any Democrats in the state legislature or in the state Senate were Hudson, Middlesex,, Mercer. And then you had a number of Essex County people in the Assembly, but in '67 they lost all the Senate seats, believe it or not, in Essex. So that was the heartland and those were the places from which, when the Democrats finally came back in, we would have the natural recruiting ground. And lo and behold those are the counties from which the legislative leadership was recruited for that slate that came in with Byrne, with the exception of Mattie Feldman representing a newly empowered Bergen where we had eight of the ten Assemblymen, four of the five senators, so Bergen was entitled and had to be part of that legislative leadership team. But just think, we don't think now as we did then, of “These are the blocs of votes that have to be accommodated,” and then figure “Well who from each of these blocs are the best people?” Now it's much more driven by political, by personality first, and then you look at getting some balance lower down the legislative leadership slate. Back even in '73 the fact that a relatively mid-size county like Mercer would have a Speaker, that's why Merlino was bumped down to Assistant Majority Leader because, although he felt more entitled to be Majority Leader as an incumbent senator, had been quite active in the campaign, a county like Mercer can't claim two of the two four seats in the two houses. But the fact that he was there at all was a sign that even then, the personality was a driver but the exquisite balancing politically. And that's why after Pat Dodd stepped aside, the person to follow behind Merlino and moving up the ladder as Assistant Majority Leader was Joe Maressa of Camden County if you remember Joe Maressa?
Donald Linky: Uh-hum. Later Governor Byrne's relationships with the Hudson County leadership become more complicated. What do you recall of the genesis of that?

Jeffrey Laurenti: Well let us separate out his relations with Jim Dugan from Hudson County, because his relations with the Hudson County delegation as a whole, particularly on the Assembly side, I recollect as being good through the first term. He then had a political convulsion in Hudson County in 1977 in which Paul Jordan and his team and his legislators were all sent packing, and Tommy Smith becomes Mayor and his legislators. Wally Sheil and so on come in, and they are not on the same team in a sense, so they have to be wooed, they have to be mollycoddled, they have to be brought along, they have to be courted in a different way. So are you talking about the Jim Dugan problem?

Donald Linky: Well let's go back to the Jim Dugan relationship. How do you recall the tension starting? Was it mainly personal? Political? How?

Jeffrey Laurenti: This is something on which I was like on the outside, the third circle, so my vague impression of it at the time was a sense on Jim Dugan's part that as State Chairman first responsible for the party, he was entitled to be at the table when a whole set of political decisions are being made, and was consistently excluded in favor of the unelected non-political Leone and Kaden and the others inside the Governor's circle. But if he wasn't being admitted to the inner circle, then he was going to make plain that there were ways in which you had to pay attention to him. And this seemed to us to produce the response from the Governor's side that “we're not going to be pushed around by the likes of Jim Duggan, and I will make clear that if you're not playing on our terms, you're not playing at all.” And then that led to this downward spiral. And Jim Dugan abetted the slaying of the income tax in the summer of '74 in the Senate. You then had cold war, if not political hot war, between them that was to last until Jim himself was removed by the electorate in Hudson County for renomination.

Donald Linky: Let's move from the nitty gritty politics back to the higher plain of the institutional relationships. We've talked about the legislature and Governor's relationship. The Supreme Court starting with the Cahill administration and moving into the Byrne administration was a driver of policy on significant matters, particularly Robinson-Cahill, but also on the Mount Laurel land use and low-income housing decisions. As a liberal Democrat, I assume you were pretty much in tune with those decisions, but institutionally, looking back over the many years since those decisions came down, has the impact been good or bad in terms of the institutional position of the court? Is there skepticism now that the court's attempts to develop policy haven't really worked out over the years in terms of schools and state planning and low-income housing?
Jeffrey Laurenti: Well certainly it hasn't happened in terms of low-income housing because the court itself then backed off and accepted half measures during the Kean years when Kean insisted on these community RCAs.

Donald Linky: The Regional Contribution Agreements.

Jeffrey Laurenti: Yeah, Regional Contribution Agreements <laughs>, that's right, as the escape hatch for municipalities having to provide for their assigned fair share of low to moderate income housing, and the court recognizing that it had pushed itself into a thicket where you had huge and potentially politically arousable public resistance [that] would jeopardize... The court backed off and agreed to accept the halfway measures. Although the court still, I would argue, in an environmentally disastrous way foisted the builder's remedies (if it be a remedy) on as some kind of device. But the builder's remedy was never exercised on behalf of low-income people. It would be exercised on behalf of moderate-income people, important enough, but it has not succeeded at all in changing the very color-sensitive, not colorblind pattern of residential settlement and new development in New Jersey. On the education side, the court's decisions can be faulted, not on legal grounds. As I think that legally the court was doing what the court must do, which is to uphold principles that may not be popular among the well-off in terms of insisting on adequacy of school funding resources for kids in poor districts. That was absolutely right. There is maybe the policy question as to whether such equity produces results, and conservatives would argue that you get a lot more extra brain power cultivated by putting money into rich kids' education than you do putting the same amount of money into some poor slob kid who doesn't have the wherewithal anyway. Fundamentally that is a very racist kind of argument. Not necessarily racist but classist argument. And that if you don't buy into that argument, there is no alternative but to go in the direction the court has gone. And you will have more conservative-minded folks, especially whites, saying "__________ requiring money to be spent in Newark to be equal to what we spend in our districts. It's just throwing money away down a rat hole." But you can't seriously argue in legal terms that kids in poor towns should have less money for their education. I don't think that that's discredited the court, and that's why even when you had Republican control of the legislature and the arch conservatives on the Republican side were pushing for an amendment to be put on- a constitutional amendment to be put on the ballot to eliminate the phrase "thorough and efficient." That was their silver bullet cure for the court problem, but even Republican majorities didn't want to go there.

Donald Linky: Could the court have fashioned a different remedy in the Robinson-Cahill series of cases that, with the benefit of so many years since, [would have] been more effective in terms of a result?
Jeffrey Laurenti: It was the legislature that fashioned the remedy. It was the court that created the parameters, what had to be the goal, but it was the legislature that fashioned the remedy.

Donald Linky: Well let's put the question on the legislature. Particularly in terms of the focus on dollars and equalizing spending among the poor and richer districts, was that a mistake?

Jeffrey Laurenti: If you're asking whether it was a mistake to have poor districts getting the same- getting at least the statewide median dollar amount of financing, no, in my view. As I said, I've already indicated that archconservatives, which say “Yes it was a mistake because those people…,” the money is wasted on in their view. I think in that that's a repugnant view and is it a mistake to have resources going to where the educational deficits are greatest? I don't think so.

Donald Linky: How about a remedy-

Jeffrey Laurenti: You're talking now about policy. We're not talking now about the institutional issues.

Donald Linky: No, but how about a remedy [that] would a focus more on the geography of the system, for example mandating-

Jeffrey Laurenti: Carl Marburger, when he was Education Commissioner in 1967 under Governor Hughes, floated a suggestion about the geography of the system, namely suggesting that we might need cross-district busing for racial balance. That deals with the geography of the system. That became the single biggest Republican legislative candidate campaign theme for that fall's election, and together with the Newark riots as the backdrop. Probably did more to unseat Hughes' two-to-one Democratic majority and installed three-to-one Republican majorities. I don't think the voters then wanted to go there. I suspect you'd get a fair amount of resistance if you were to propose that kind of geography, racial geography solution today.

Donald Linky: Well if the court then had-

Jeffrey Laurenti: And as U.S. Chief Justice Roberts suggests "our colorblind political institutions".
Donald Linky: But if the court then had focused more on the racial issue and simply mandated county districts, do you feel that the political backlash would have been so severe that either…

Jeffrey Laurenti: Well, the court was focusing on financial resources, which had been the central argument brought in the Robinson case about the inequity of the finances. And to say that finances are not crucial to education is a fantasy. Wealthy parents know that finances are important because they will spend $25,000 a year to put their kid in a private school because they figure that is worth the investment. Money does make a difference. Wealthy parents don't send their kids to private schools that cost $4,000 a year. So money is relevant, and it wasn't the court's job to decree county-wide school districts. That would have touched off a far more furious reaction, because what's the constitutional basis for a court decision that you don't want locally-based schools? You know, the court found the unconstitutional and the unequal application of existing school finance laws. Perhaps they might be bolder in finding an unconstitutional consequence of relying on local municipal lines for the formation of school districts. I don't know if that case has been brought in those terms. In any event we're talking now about merits of educational policy rather than about either governmental branches and institutions.

Donald Linky: Similarly on the land use and low-income housing side, would the court again, maybe focusing more on the local powers over development and zoning and housing development take a different approach which would have said well that power should be more in the county so that you had a broader geographical base in terms of land use development in New Jersey? Had a more positive long-term effect of reaching the goal of expanding…

Jeffrey Laurenti: Well that's what the legislature might show. That's not what-- I'm not sure why the court should say that the existing laws empowering municipalities to make decisions on what will be built where and how you will zone locally, why that should be done by the county rather than the municipality. Would give you a -- would guarantee a different outcome. The issue would be the municipalities deliberately zoned and continue to zone for higher end housing, and many of them make no provision at all for low- or moderate-income housing because they don't want those kinds of people within their borders. So if that's the problem, then the remedy doesn't have to involve a larger scale change, which the legislature is perfectly free to adopt, but within the framework that the legislature has already established of local zoning. I simply correct the constitutional defect of zoning at the local level being used to exclude people on grounds of income. The legislature retains the right, and if the governor had the balls, the governor has the right to call on the legislature to change it to a county-based system or to have a strong state directive role. That's in the political framework, in the court is the place, I would think, to which you go only when the political process and the application of the laws is
clearly discriminatory and is used to deny the rights of the citizenry or part of the citizenry. So I think our court in New Jersey, which has been much maligned as activist, has been quite prudential -- becoming too prudent now perhaps. <laughs>

Donald Linky: Well that was one of my next questions. In the 1967s and '70s the court was led by some prominent Chief Justices including Joseph Weintraub, Brendan Byrne's mentor, and former Governor Hughes, who was appointed as Governor Cahill was leaving office, and we've discussed that appointment with Governor Byrne, but they were two very prominent figures, and the court institutionally was viewed with great respect I believe in New Jersey. Maybe even intimidating [the] legislature, and also had a very strong relationship with the Governor because you had a former Governor who was Chief Justice and with-

Jeffrey Laurenti: But also a former county chairman back in that, right, somebody exquisitely sensitive to the politics.

Donald Linky: Yeah, and of course during the Byrne years you had a series of appointments of Governor's counsels to the Supreme Court and also Governor Kean appointing his Policy Director to the Supreme Court, so you had a very strong relationship between the Governor and the Supreme Court and sometimes ganging up I guess against the legislature in terms of pressuring the legislature to do things that politically the legislature really wasn't prone to do on its own. But let's talk about why --

Jeffrey Laurenti: I would fault that piece of analysis, only because even when you had a Governor who wasn't interested in seeing that done, you had this forward momentum from the court. I mean Mount Laurel got played out to a fair degree in the '80s under Chief Justice Wilentz??? when the Kean administration would have been just as happy to have this go away. So it wasn't that it was hand-in-glove with the executive branch, but rather that you had people on the court of generally high caliber and of very sharp legal understanding who believe in the rule of law and in the rights embedded both in New Jersey's constitution and the federal constitution, and that the laws have to protect those rights and uphold them. And the court has continued to be an actor in this front, even when the political signals out of the governor's office and the most conservative governor that we've had has been Ms. Whitman in the past half century, and the courts would still press the envelope. So I don't see this as inherently a ganging up against the legislature, because in a number of cases it was also ganging up against a governor who would rather not have had to deal with this problem. But the Byrne years were exceptional in the close compatibility of both ideological and legal views and political will.
Donald Linky: That leads me to ask about the situation and relationships today. Do you think that the court's institutional role has been weakened, and it may not only be in New Jersey? There's been a national attack against judicial activism, at least at the federal level, a series of appointments of federal judges who have followed a conservative political philosophy, but in New Jersey, has the special history of the impact of Robert Wilentz and Cahill, of Mount Laurel, led to where the court today could not make the types of landmark decisions that it was making in the 1960s and 1970s?

Jeffrey Laurenti: Well I think that political climate has been, how should we put it, more cautionary for the court in terms of taking bold steps, although given its social issues had become the, and this actually may tend to confirm what you're saying as much as the point that I thought I was about to make, with the gay marriage case for the Supreme Court here. The court was three steps ahead of where political opinion might be on this. The court's decision was Solomonic in that you had your unanimous view that you could not have a different kind of legal protection system for couples that were not married, excuse me, that were not heterosexual as opposed to those that were. But they were willing to give the legislature the way out of creating marriage with another name. And three of the seven justices even wouldn't give them that much leeway. And that's the kind of so-called bold issue. Now the question, I think, going back to what affects people's wallets, what affects people's sense of community identity and personal identity, will be how the court will respond and the continued failure of the promise of Mount Laurel and whether it will reengage in that in some way, and how it will continue to deal with the issues of education finance. And I think it's going to continue in small ways to press the envelope, but it may be that the big cases are already behind us, that that period from the late '50s through the beginning of the '80s, of identifying one area after another where palpable injustices were being done through politically agreed arrangements, have largely been addressed in terms of economic and education policy. I don't worry about the New Jersey Supreme Court becoming a rubber stamp for special interests the way the U.S. Supreme Court has become.

Donald Linky: Before we lose track, let's talk about the congressional redistricting that you mentioned before during the Byrne years.

Jeffrey Laurenti: <laughs> Yes indeed. Well there was the 1974 effort that failed to get agreement on a redistricting plan to replace the one that had been imposed by a federal court in 1972, which had been a Republican plan that Republicans in the Senate, led by Majority Leader Joe Maraziti, had pressed and passed, but which died in the Assembly. And the Assembly, basically because it was 40-40, didn't pass any redistricting plans, so the federal court imposed the one and passed one house. And the Democratic members of Congress hated that plan and were anxious to change it. There was a famous meeting of the Democratic members of the congressional delegation with Byrne. I don't know
whether you talked with him about this for the archive ________ and if any of the surviving members of the then congressional delegation are alive, it might be worth getting their views, but as I recall and I was like five layers removed from this so this was just Statehouse gossip after it happened, Pete Rodino was insisting on keep- on redividing Newark because Newark had been, under the Republican plan, put all together to keep all the blacks in one district, and that was still Rodino's district. And Rodino, who was just at this moment basking in his new role of savior of the republic vis-à-vis Nixon and Watergate, was demanding that Newark be re-divided so that he would have a large black minority but going out into the suburbs. This was something that, in its ramifications rippling down toward the rest of the state, was threatening to imbalance some of the others, and Frank Thompson, who had, as often happened in those days, perhaps tipped too much at the meeting, shouted he was some kind of I don't know whether he used the term “guinea” but “cocksucker” quote end quotes, and this was I think in the prints at the time. At any event, you could not get agreement in the delegation on the plan, and so none was offered and none was passed and you had huge Democratic majorities. As it happened the Republican plan nonetheless had stretched Republicans a little too thin for the ’74 Watergate blowout year, and Maraziti himself lost the seat he had just created for himself two years before to Helen Meyner, and I think we picked up Andy McGuire that year, and Bill Hughes I guess. So you had three Democratic pickup seats in what were supposedly Republican districts, all of whom survived at least into a second term. So then you come to 1981 and the redistricting. And this was one in which A an Assembly aide to Dick Coffee, Peter Curtin [ph?] and Tom Lindenfeld became the geniuses, the sinister geniuses some would view, of redistricting with the primitive computers available at the time, coming up with maps that, in order to address Jim Howard's concern about having almost been beaten in the 1980 election by Assemblywoman Marie Muhler in a district that was essentially all of Monmouth County, wanted to get the Republican town, well a lot of Republican towns, get the most Republican towns out of his district and to get Democratic towns in from Middlesex to bolster him. In the end we had the creation of a map with a so-called flying swan at the northern part of the state that was to be the ultra Republican district stretching from Ridgewood all the way down along the Delaware River to Hopewell Township in Mercer County, with the body of the bird in the Republican heartland of Morris County. You had the fishhook, which came out of Elizabeth reaching out to any kind of moderate or reasonably balanced towns through eastern Somerset, Middlesex, into Monmouth to ________ and Marlboro. That was intended to create a district for Adam Levin, and this was a sign of how money influenced contributions because he had contributed very generously to the Union County Democrats, Union County senators, and Trenton insisted that he had to have a district that would not have Matt Rinaldo, the incumbent, living in it, moving Matt Rinaldo into another district. We put two Republicans against each other. This was the most wholesale case of ultra partisan redistricting. And a bill was passed, and then because of some little question about the Burlington County and whatever, we then passed in the waning hours of the expiring legislative session, a bill to revise it, just switching a couple of towns around the fourth district and Camden County district.
borders. That was passed, amending that first bill, and Byrne vetoed the redistricting bill and I forget on what grounds. He vetoed the first one in order to try to, I think it may have been to try to force change in the Adam Levin district. I'm not quite sure what it was. Do you remember what-

Donald Linky: Was it Joe Minish?

Jeffrey Laurenti: It may have been that, and of course in the legislature was unable to-- and Tony Russo would not, from Union County and Alex Menzo [ph?] would not budge to reenact the bill with his changes. He conditionally vetoed it, that was right. He conditionally vetoed it and the Union County folks wouldn't accept it, so the Republicans thought they had won, that Byrne had overplayed his hand and so the new Governor Kean was going to have a big hand in this, and just before the inauguration of Kean, Byrne then signed the second bill, which had been sent as one amending the first one but which was legally valid, and he had had in effect as his insurance for the bold strategy of trying to veto it. So that created a plan on which the '82 election was fought, and here once again the laws of unintended consequences it was set up to create a district for Adam Levin. He lost that election to make the fourth district impregnably Democratic in order to knock off the fluke, Chris Smith, and Joe Merlino failed in a 57 percent Democratic district to win- to beat Smith that year, and of course the courts got involved because of feeling offended by the maps, that then moves into the Kean administration.

Donald Linky: Let's move back to the chronology that we left quite a while ago. The income tax is enacted.

Jeffrey Laurenti: We get through the '77 campaign without any taxes being necessary. We put New Jersey's fiscal house in order, triple A bond rating, New Jersey is in great fiscal shape. Governor wins reelection, surprises everybody, go into a second term, __________ a little bit of this fiscal house in order turns out to have a little bit of a sandy foundation in one corner because we end up with a budget deficit looming for the 1980 legislature to have to deal with, and so in the dead of night between Christmas and New Years, essentially after the '79 legislative election, we rush through a package of tax increases on corporate income tax.

Donald Linky: That's too much of a fast forward.

Jeffrey Laurenti: I know, I just wanted to get the- that's going to be the only financial side thing we talked about and that gets… then that sets the administration up for being
able to go serenely through the remainder of the second term without any fiscal crunch. So that the whole second term looks financially stable. That one little kerfuffle that nobody but the corporate sector was aware of.

Donald Linky: Okay. But going back to the 1977 campaign.

Jeffrey Laurenti: Ah the campaign itself, real politics now.

Donald Linky: Where Governor Byrne starts out with many people thinking he will not seek reelection given his low approval rating.

Jeffrey Laurenti: Twenty-three percent, I think it was.

Donald Linky: I believe so. What was your own take on that?

Jeffrey Laurenti: I thought he was a dead duck. I thought Paul Jordan offered the best hope of being able to continue Byrne's progressive legacy since he was clearly washed up. And he was clearly drawing a whole set of sharks <laughs> into this primary as favorite sons: Roe and Florio, the whole bunch of them, and Ralph DeRose was coming back too as I recall right?

Donald Linky: Uh-hum.

Jeffrey Laurenti: And Byrne makes the decision nonetheless that he will run again, and Dick Leone calls to ask if I will come up and meet with him and Byrne, so suddenly I'm impressed into the campaign. Somebody whom I liked a lot but viewed as political dead meat.

Donald Linky: Was it a reluctant volunteerism on your part?

Jeffrey Laurenti: Well once you're asked by the Governor, and once Dick outlined why he thought it could happen, well if it could be done, this guy deserves it.

Donald Linky: Were you convinced by Dick's presentation?
Jeffrey Laurenti: I was convinced enough to think that there is enough of an outside chance, and after all he had asked and Jordan never had, which also matters. And Merlino then encouraged me: "[I'll] give you the leave of absence from the Senate staff to do it."

Donald Linky: What about Joe Merlino's personal beliefs about Brendan Byrne's electability?

Jeffrey Laurenti: <laughs> Well as he told me "stranger things have happened" than a guy, this guy's condition being able to pull it out, and Joe was quite loyal to Byrne and liked him.

Donald Linky: Let's move on and talk about the 1977 campaign in more detail. We had started and you had said that you didn't believe that Governor Byrne had much of a chance for reelection.

Jeffrey Laurenti: What did I know? I was, what…

Donald Linky: <laughs>

Jeffrey Laurenti: …27 years old. So I had not lived through these things before. But the conventional wisdom was one that you had to be unusually bold and farsighted to disagree with. But the Governor decided he was going to do it again. And when you looked across the field, other than Paul Jordan, who was essentially in the same wing of the party as Byrne, you were getting other pretenders. All of whom looked less appetizing in one way or another and of uncertain conviction. I mean, Jim Florio, from a very safe district in Camden County, had voted against the income tax bill in 1974 because he was running for Congress that year and it would be politically difficult. Of course, we wanted a Democrat elected to be John Hunt in the 1st District so everybody would give him a pass. But wasn’t exactly a profile in courage, right? And you look across the others, Bob Roe, Ralph DeRose, Joe Hoffman, the great defector from the Governor’s own cabinet, who combined the worst interests of labor and industry in the department of which he was commissioner as his kind of campaign direction since environmental concerns were not exactly at the top of the list for Charlie Marciante and the AFL-CIO. So you look across the spectrum. And just in terms of ideological perspective, in terms of vision, in terms of progressive instincts, Byrne still ranked high. And the only question was whether you jump off a horse that you think is already sinking to the bottom to find one that’s almost as good, or whether you think this horse can make it across the river. As I said a moment ago, Dick Leone managed to make enough of a
Donald Linky: This may be an unfair question. But you mentioned that Dick did call and Paul Jordan didn’t call. What would you have done if Paul Jordan had called?

Jeffrey Laurenti: Oh, I don’t know, because that would’ve had to have been much earlier. I mean, this was amazingly late that the Governor is stepping into the race at all. If I recall correctly, I have this meeting in April ’77. Because the filing deadline was second, third week in April I think. And this is just a couple weeks before that. The Governor is going in quite late. Correct me. When did he announce? Maybe this is March. 30 years, people can forget the placement. But I recall walking outside on the grounds of Morven with Dick. It wasn’t cold.

Donald Linky: Do you think that his delay in announcing the decision was a strategic move, or was it simply uncertainty as to what he really wanted to do?

Jeffrey Laurenti: Oh, I would think it would be the latter, but he would know. What do I know? So whether it be late March or early April or whatever. And then you have to play, at that point, a game of trying to line up county endorsements, which-- no. They’re still helpful. As I recall, one of the reforms was, was this before or after the ’77 election, to eliminate statewide candidates from being on party lines so that they would all be off together. Do you recall when that had been adopted? Was that applicable for ’77?

Donald Linky: I don’t remember.

Jeffrey Laurenti: It’s worth looking into.

Donald Linky: Now that you are issues director, what is your day-to-day role?

Jeffrey Laurenti: Day-to-day role is, A, to be able to supply to the candidate the kind of issue themes that should be talked about and background information on them. Although, of course, he has the entire state government or those few people perhaps in the state government who are so politically loyal to him to draw on for much of the substance. But then, second, to prepare the issue content for the campaign’s dialog with the voters, particularly the major literature pieces. We did one big piece. I remember...
Joanne Finley was aghast when she saw this. It’s almost inconceivable today, given the ever-shorter attention spans that we imagine voters to have. But this was almost a newspaper, big-print newspaper, that became the standard piece for the Byrne campaign and the primary, the major piece. “Can You Imagine What Four More Years of Brendan Byrne Would Be Like?” the top of the page of the fold-over kind of tabloid. Bottom, “Look at the Last Four.” And a picture of Byrne that was enigmatic as to whether this was a pro-Byrne or an anti-Byrne piece. And then identified what we argue were the major promises of the '73 campaign and how they had been delivered on. And we were told by campaign county leaders, from some of the northern counties at least, that they detected a major shift in the more upscale towns among Democratic voters from this piece. Any event, part of our work was to try to frame what the substantive issues of the primary campaign were for Democratic voters.

**Donald Linky:** In developing the larger strategy for the campaign and the theme or themes that you wanted to emphasize...

**Jeffrey Laurenti:** Dick and, behind the curtain, the Wizard of Oz, David Garth.

**Donald Linky:** I wanted to explore that, particularly David Garth’s role. We’ve heard, in earlier interviews, that Garth, in the primary season, wanted to take a very low profile.

**Jeffrey Laurenti:** Shooting Star Enterprises was the name of the dummy company that was created to film the one TV spot that the primary campaign ran. And this is one in which Byrne— I think we had him standing at the steps of the Trenton War Memorial looking back to the Statehouse dome. It says four years ago, something to this effect, four years ago, I said that we needed to reform New Jersey’s tax system and that was right, I also said that I didn’t think we needed income tax and I was wrong, but what we have done is X, Y and Z. It was a 30-second spot. This was supposedly eating humble pie. David Garth was there for the production of it, but was otherwise <whispers> totally invisible. On primary election night, when Byrne unexpectedly wins the primary, suddenly he puts out, to the New York Press, that he was the guy who had done this. But till that moment, it was Shooting Star Enterprises, whoever they were, who were the contract ordered to do the TV ads.

**Donald Linky:** I guess the assumption was that David Garth thought that Brendan Byrne’s prospects in that primary were so dim that he didn’t want his name associated...

**Jeffrey Laurenti:** …with a defeat. He wanted a string of victories.
Donald Linky: What personal contact, if any, did you have with David Garth during the campaign?

Jeffrey Laurenti: Basically as the person in the room next to Leone, because Dick would do the strategy discussions, who would have the facts, the issues, what could go into a commercial later in the fall campaign. And there we had a much wider range of both issue pitches and issues that would be developed. Because the primary basically had to crack public opposition or hostility to Byrne based on income tax, which is what I think that one TV commercial helped do. Then to win the general election campaign, you had to talk about a much wider range of things. And many of those had been foreshadowed in the print piece we did for the primary. And we had a variety of pieces, particularly on the tax issue, focused on the blue-collar, poorer towns that were the major property tax reduction beneficiaries. A series that was adapted for each town. Because of the Byrne tax program, the average house in Trenton, which is valued at X, had a tax cut of X number of dollars. And you had that similar kind of flyer with the numbers plugged in for the X and only paid, given the average income of a Trenton homeowner is Y, only paid so much in income taxes. He did this for dozens of towns, larger population centers. So you had a whole tax portfolio, and then you would do environment. You had some other issues as well, but taxes were the one this election was going to rise or fall on.

Donald Linky: In making the decision to confront the tax issue head-on and to have Brendan Byrne somewhat apologize or…

Jeffrey Laurenti: Eat humble pie.

Donald Linky: …say he was wrong, was there any debate among the key insiders as to whether this was a good strategy or whether you should try to focus on other issues apart from the tax?

Jeffrey Laurenti: Well, for the primary, there was no other issue apart from the tax. You had to persuade Democratic primary voters that what was the one big issue that everybody associated with Brendan Byrne was not a loser and that he hadn’t tricked people. Because that was the fundamental issue for Byrne, the suggestion that he had tricked people in the ’73 campaign, that he had willfully mislead them, "I see no need for an income tax in the foreseeable future." So you had to deal with that. And also you had some of the free press opportunities, because May of ’77 became the time at which the Atlantic City casino bill was signed with a great flourish and a parade. That actually got a fair amount of media coverage, insofar as anything gets media coverage in the television markets that serve New Jersey. So you had some good free media things that began to
come along, that began to fall into place. But you had to deal with the tax issue. There’s no doubt it was on that that hostility had been built up to Byrne. And if you turn that around, the rest of what Byrne had done in office, people, when you told them about it, they liked it. They admired it. So clearly that’s the one thing you had to deal with.

**Donald Linky:** You had mentioned the several candidates who challenged him in the primary. Did you think that, as the primary election came closer, that there would be more of a movement for some of the weaker candidates to fold their tents and back other candidates who looked like they would be more serious challengers to Governor Byrne?

**Jeffrey Laurenti:** The only one who folded his tent was Paul Jordan. And he folded his tent after the, what was it, May 12th, May 14th Jersey City election in which his entire slate was wiped out and he realized he didn’t even have his Hudson County base. Because for all the other candidates, the question was, “How much of a primary election turnout can I get in my political base of support?” Because this is a field of eight, whatever was the number of candidates. And it would take only 20 percent to win this. And in Jordan’s case, it was clear that without the Hudson County base he didn’t have it. Because basically he was, for voters outside of those who knew him in Hudson, competing for the kind of voter that Byrne was competing for. And there weren’t enough of those to be able to carry him across if Byrne already had them or had a good share of them. So everybody was basically figuring, going to keep my own base, except Joe Hoffman. Instead of a regional base, he thought he had a labor union base that might carry him.

**Donald Linky:** The Jordan campaign largely collapsed because of local issues and his failure to, as you pointed out, solidify his local base. If he had not suffered that defeat in May, how do you think things might’ve worked out? Would the vote have been split so much between Byrne and Jordan?

**Jeffrey Laurenti:** Well, I don’t remember the numbers from the primary, in Hudson County, in ’77. But I think Byrne did well there. And had Jordan remained in, Jordan would have done well there. As it is, Byrne’s lead statewide over the next candidate was, yeah, respectable. I don’t know whether it would’ve held up as well with Jordan there, if Jordan had been there, but yeah.

**Donald Linky:** Returning back to the question about the other non-Jordan challengers to Governor Byrne. Were you surprised that they didn’t get together?

**Jeffrey Laurenti:** Well, none of them—excuse me. A couple were motivated by animosity to Byrne. And I would assume those were his former Commissioner of Labor
and Industry and the one-term former state senator from Essex County, who I guess was not satisfied with the Waterfront Commission as compensation for having reluctantly backed Byrne in the general election in '73. For the rest, I don’t think that they were particularly anti-Byrne. And for any of them, there’s no mileage in backing somebody else rather than Byrne. You may as well stay in and hope lightning strikes, but otherwise this is a trial run. And just wait four more years.

Donald Linky: We’ve found in our…

Jeffrey Laurenti: That’s my guess. Go on. What have you found?

Donald Linky: Well, we found in our search of the state archives that you were very active in coaching him for debates and other public appearances and speeches. What was that like?

Jeffrey Laurenti: Found it in state archives?

Donald Linky: Well, in archives, various sources.

Jeffrey Laurenti: Aside from finding kinds of useful information about the Republican candidate, because we didn’t have debates in the primary, I don’t recall. I don’t recall any debate.

Donald Linky: No, I think this would be the general election.

Jeffrey Laurenti: There, we ran the opposition research into Bateman’s long legislative record. And I think we had an earlier discussion about how Ray, I think, is held against me. Some of the votes that we found in that long history, that turned out not to be quite assailable to a statewide electorate as they had been to the Somerset County Republican Party, particularly on labor issues and such. Because labor had become a constituency somewhat up for grabs. Byrne was not Charlie Marcianete’s favorite kind of candidate for governor. But we made it impossible for labor leaders to be able to support Ray Bateman, based on his lifelong voting record and, second, finding this new innovation we talked earlier about, the legislative committees actually working Ray’s votes, particularly on the casino control bill. And they were used to good effect. We’d already discussed that in an earlier session. We basically served to channel the information to Byrne. I don’t recall a kind of debate, a mock debate session in preparation, although there must’ve been one. I can’t, in my mind’s eye, see a place and
see who was standing in for Bateman if there was one. But, yeah, we did much more getting the nuggets of useful information the Governor could cite.

**Donald Linky:** Governor Byrne is mentioned, I believe, at the state Chamber debate, which I think may have been in Newark. When Senator Bateman was asked for his position on tax alternatives and it was his turn to talk, he simply deferred and allowed Senator Bateman to take his time.

**Jeffrey Laurenti:** <laughs>

**Donald Linky:** Was that a calculated strategy that you discussed beforehand, or was it off-the-cuff?

**Jeffrey Laurenti:** It may have been discussed with Dick. I hadn't seen it. I recall stifling enormous laughter when he says it up there, because it was a priceless, a priceless, moment.

**Donald Linky:** Any other anecdotes, incidents that you recall from the campaign?

**Jeffrey Laurenti:** Well, I think that in an earlier tape I had related Byrne’s bringing out the vote on conflict of interest in casinos and whatever. So I don’t need to rehash that now. I don’t recall the tax issue having been a central one in the primary. And indeed the striking thing was how un-issue oriented the primary campaign was. The primary election was frankly about whether you were for or against Brendan Byrne. And if you were against Brendan Byrne, then you had your local favorite son to vote for. And obviously majority <laughs> of the Democrats were against Brendan Byrne at that point and would prefer a favorite son. But there were so many favorite sons that the Governor was able to win the election. But I don’t recall, and this may be just hazy memory, the other candidates being put on the spot about what they would do about the income tax when the Musto provision for its expiration would come due. And it was strangely absent from the debate. None of them wanted to take a position on it, and it wasn’t in the Byrne campaign’s interest particularly to focus on any of the others at all or to build up any of the others as an alternative by going after one or the other. Byrne, in that campaign, basically had to re-establish his authority as the governor who made tough decisions, may have made mistakes in getting there but the decision was right and the consequences were good. And that succeeded in winning, what was it, 30-some percent of the-- basically a third of the primary vote. But the fall campaign was where the alternative kicked in. See, for the Democratic challengers, you really couldn’t argue for shifting to something else than what was adopted because for the Democratic heartland,
everything else would be worse. So strangely un-issue focused and non-tax focused. For the general election, Bateman was then caught in the trap that Musto had set of having to say what he would do instead.