Peter Verniero Interview (January 31, 2014)

Marie DeNoia Aronsohn: It is Friday, January 31, 2014. I’m Marie DeNoia Aronsohn here at the Eagleton Institute for the Center on the American Governor. Today I’ll be talking with Peter Verniero who served as Chief Counsel, Chief of Staff, Attorney General and then was appointed to the State Supreme Court by Governor Christie Todd Whitman. We are here today to discuss the Whitman administration.

Justice Verniero, these four roles that you played in one administration how is that as you look back at all that you accomplished during that period?

Peter Verniero: Well, I looked back and it was very exciting. I mean when I think about it now it’s driven home how-- first how young I was. I was appointed Chief Counsel to the Governor at age 34. I was I think the second youngest Chief Counsel in history in New Jersey; I think John Degnan is the youngest. He was kind of teasing me at that time and he still does because when I eventually became Attorney General I was one of the youngest there as well and then when I was appointed to the Supreme Court I was the youngest in history, and in between I did a tenure as Chief of Staff to the Governor. So I think I’m one of the only people in history if not the only person to have held all four positions in one administration, and I think that’s testimony to Christie Whitman more than it is of me because she was the one making that selection. She had a great deal of confidence and trust in me, and she was very supportive of not only my positions but how I undertook to manage those positions. So it’s really a testimony to her leadership that she saw in me, a very young attorney at the time, someone who could eventually do well in these positions.

Marie DeNoia Aronsohn: Huge responsibility.

Peter Verniero: Huge responsibility, yes.

Marie DeNoia Aronsohn: Tell us a little bit about you. Where did you grow up, go to school?

Peter Verniero: I grew up in Morris County in Montville, New Jersey-- not to be confused with Montvale in Bergen County; this is Morris County, Montville-- moved there when I was very young and went to Montville High School, went to public
school, and then I went to Drew University, undergraduate, got a degree in political science, and there I met a professor, Julius Mastro, who many folks may know. He passed away; he was a magnificent human being. He was a terrific professor, a great mentor and instructor, and he really took many, many of his students under his wing and I was one of them, and I became his teaching assistant and he really stimulated my interest in government and politics. And it was through Julius Mastro that I met Tom Kean and I met Jim Courter, former Congressman Courter, former Governor Kean, and I eventually worked as a summer intern while I was still studying. I worked with Congressman Courter and then I was Tom Kean’s driver in his successful gubernatorial election; in the summer of 1981 I was Governor Kean’s driver. And if you really want to get a lesson in politics, drive a gubernatorial candidate. We spent a lot of time together. We got to know the state very, very well and it was in that job and in the job that I had with Congressman Courter that I really got exposed to a professional setting, a political setting and the issues that government leaders have to deal with. That was Drew, graduated from Drew, and then I had to make a decision: Do I go to law school? I was actually with Tom Kean at his home; I think his home at that point was in Livingston. We had just come back from a campaign stop and I had called my mother ‘cause I was very anxiously waiting to hear from law schools and I had gotten the good news that I was accepted to Duke University Law School. And I had to decide do I stay with the Kean campaign or do I go to law school and I remember Governor Kean and I chatted about it and I agreed and he encouraged this as well that I should not interrupt my education.

So I left the Kean campaign and then went onto law school, graduated in three years, which is the normal program, and then I started working at several law firms and eventually I was a lawyer at a firm called Herold and Haines and there one day I was assigned a new client. She was an existing client of the firm but I had not worked on any of her matters and the client was Christie Todd Whitman, and so we started to do legal work-- I started to do legal work for her and really got to know her well and John and the rest of the family. And that was in 1990, ‘91, ‘92 I was doing legal work for the Whitmans, personal legal work. She had run for the Senate and I was somewhat involved as a campaign lawyer for the Senate but not intricately involved. I was not really centrally involved in the Senate campaign but I got very involved when she ran for Governor.

In the primary I was her lawyer for the primary but I was not full time; I was not in-house. I still stayed at Herold and Haines and then just worked on an as-needed basis. And if you know anything about gubernatorial campaigns, at least those who are accepting public finance, they’re very heavily regulated; they’re very heavily scrutinized and there are a lot of campaign reports that need to be filed, a lot of election laws that need to be complied with. So it’s not a small undertaking when
you’re raising millions of dollars and you’re submitting applications for public matching funds. It’s very regulated and you do need lawyers and accountants to help. So after the primary— she won the primary she asked me to take a leave of absence from my law firm and to work full time in the campaign and I really needed to do that. The work was such that it was no longer a part-time job. The compliance operation needed someone full time so I worked in house, I went to the campaign office every day, and I worked with outside consultants, other lawyers, and we had a treasurer, Bill Morrison, who was our treasurer.

Marie DeNoia Aronsohn: The first time you met Christie Todd Whitman, going back can you remember what your first impressions were of her?

Peter Verniero: Well, my impressions were always positive. I may have met her before I began doing legal work; it’s possible because I was— at one point prior to joining Herold and Haines I was the Executive Director of the Republican State Committee. When Jim Courter became the nominee in 1989 for governor he had appointed me— or he had asked the State Committee to appoint me to be the Executive Director and Kathy Donovan was the Chair of the party and I was her Executive Director. So my guess is I probably met Christie Whitman sometime then but I don’t really remember any formal meeting. My real first sustained interaction with the Governor was when I was her lawyer and she was terrific. She was what a lawyer would hope their client to be. She was always reasonable, she sought my advice, she always wanted to do the right thing, and by and large she followed my advice, and so it was a very easy relationship and more and more she had trust in me and got to know my legal abilities and so forth. And then after the campaign, and this was really a shock ‘cause we had not had conversations up to this point, it was when she was elected Governor she asked me to be the Chief Counsel to the governor. And it was the first time that I’ve ever had a job offer where I did not wait to call my wife and discuss it and Lisa did not object ‘cause she understood. I immediately said yes, I would do it because I knew at the time that it would be a once in a lifetime experience and I just had to be part of the excitement and the history making that I was witnessing with the election of Governor Whitman.

Marie DeNoia Aronsohn: From your narrative of your earlier years, it sounds to me that you were a very serious young professional. Going back to the day she asked you to leave your law practice and join her campaign full time, was that a tough decision for you?

Peter Verniero: That actually was a tough decision. It’s not because I didn’t believe in the cause; it was because I had just made partner as I remember and I
was just really coming into my own at the law firm and developing a law practice, and I was a young professional and I was just starting out and I had student loans and I was paying those off and I was finally sort of making a name for myself in a private law practice. And I’m not really much of a risk taker; I’ve never been kind of a crazy partier or anything like that. The joke when I was at Drew was that they were going to name a chair for me at the library because that’s the only place where I usually went. It was the same in building a law practice, but there was just something about Christie Whitman, what she stood for and what I believed she could do for the state, that when she asked me to do it I said, “Yes, I will take a leave of absence from my law firm and I will join your campaign full time.” And at that point she was way down in the polls, no challenger had ever defeated an incumbent governor, so the odds weren’t that good but I did it; I took the risk and my law firm gave me a leave of absence and they were taking a risk as well and then I never went back to the private practice, well, until ten years later.

Marie DeNoia Aronsohn: It was quite a leap of faith there.

Peter Verniero: Yes.

Marie DeNoia Aronsohn: Backtracking, tell me a little bit about your family.

Peter Verniero: Yeah, my dad is a retired electrician, a great guy, salt of the earth, probably best described as a Reagan Democrat although we didn’t really discuss politics much in my home. My mom was a homemaker as they were called back then. I have three-- I have an older sister and a younger brother, three siblings, and I’m the middle child so I had to deal a little bit with the middle child syndrome. I was the one that was supposed to fail, it was the middle child that fails, so I always had to deal with an older sister and a younger brother and we grew up in Morris County, went to as I said Montville High School. I was very active in high school. I was the Editor in Chief of the school newspaper and that’s really where I started to pique my interest in writing. I loved to write and it was through the editing of the paper that I really kind of honed some of my writing skills. I was senior class president and I was voted most likely to succeed, believe it or not, so I had a very interesting high school. I also was student director in student plays and no one appreciates that. People always say, “We can’t believe you did that.” Yes, I was also Linus in “You’re a Good Man, Charlie Brown.” People can see me in that role I am told but that was high school, and then college at Drew as I described was just a terrific experience with Julius Mastro and others. I was the president of the political science honor society and at the time George Bush was running for Vice President; he was on the ticket with Ronald Reagan and he came to Drew and
spoke. And so it was my job to introduce who was then to become the next Vice President to the Drew campus. That was kind of exciting to see the media and the interaction and how a national campaign worked in the context of a campaign stop, a very important campaign stop. And then in law school I was on the moot court and did a lot of the things typical of law students and then came back, and before I went to private practice I clerked for the Supreme Court of New Jersey. I clerked for Robert Clifford who is a magnificent justice and again a great mentor and tutor. So I’ve been very blessed in my career and in my life to have wonderful mentors, my parents, Professor Mastro, Justice Clifford, Jim Courter, Tom Kean and Christie Whitman; I would consider them all my mentors.

Marie DeNoia Aronsohn: Was your family surprised at your political life as it began to blossom or the evolvement--

Peter Verniero: I think they were. My dad is-- as I say he was not engaged in politics. Now he’s retired. He was an electrician, a member of the IBEW union, a great guy and wonderful father and so forth, but no, we did not have great intellectual discussions about politics and it was really through these other mentors, Jim Courter and Julius Mastro and Christie Whitman, that I really sort of got turned onto the government side. I always had the interest but the outlet where these internships and these experiences I had and also in high school too; I was very involved as I said in high school.

Marie DeNoia Aronsohn: You mentioned that the leap of faith that you took was really based on your belief in Christie Whitman, what she stood for, what she was about. How would you describe what was most compelling to you?

Peter Verniero: If I had to sum it up in one sentence, it would be-- and I heard her say this over and over and over again-- the best politics is good government, and she may have phrased it a little differently but that was what she was saying, that it’s-- she put an emphasis on policy and she understood politics quite well given her own upbringing and her father and her mother and so forth. But to her seeking political office just for the politics of it or for the power of it there was no interest in her for that. That’s not why she was pursuing office; she was pursuing office because she had a vision for the state and she wanted to enact policies to make the state a better place, and so politics was important, you have to have politics in order to get these positions, but it was her view on government that really attracted me.
Marie DeNoia Aronsohn: That really seemed to have set your path. Any specific issue areas that you were particularly invested in at that point?

Peter Verniero: No. At that point when you were the lawyer to a campaign back when she was running, my focus was on the accounting side and the legal side. I had set up a compliance system that kept track of every penny that came into the office, every penny that got spent. I prepared—along with Bill Morrison, the treasurer, these voluminous reports that got delivered to ELEC. And I was somewhat of a detail person and maybe a little bit of a nerd. Whereas most folks might have just delivered the papers by shipping them or putting them in the mail, I personally hand delivered all the ELEC reports. You could see me walking down Trenton and with one of those wheel trucks, those portable hand trucks with these boxes because I could not rest until I knew they were properly filed and I had the receipt in my hand. So I took a little teasing and ribbing for that at the time and I was quite insistent on a very precise recordkeeping and compliance system, and as it turns out that system got scrutinized when we had the so-called Ed Rollins incident where Ed Rollins had said some things that I’m sure he now regrets.

Marie DeNoia Aronsohn: The walking-around money.

Peter Verniero: The walking-around money, when he said that I read about it in the paper. I may have heard it was coming. I don’t recall that but I remember picking up my newspaper, my Star-Ledger, at six thirty in the morning or six o’clock in the morning—back then there was no real internet or e-mails; it was written newspaper—picked up the paper and I saw this shocking story of what Ed Rollins had said.

Marie DeNoia Aronsohn: How did you feel—

Peter Verniero: Well—

Marie DeNoia Aronsohn: --especially considering your devotion to the letter of the law?

Peter Verniero: I couldn’t believe it and my first reaction was this can’t be true because I knew so much about how careful we were. I knew how precise we were. I knew how meticulous we were, and I was very hands on when it came to the compliance operation. I thought to myself this has got to be wrong and as it turns out it was. He was boasting and he’s written about why he said what he did but
nonetheless it created quite a firestorm of controversy. There were immediately launched several investigations, state and federal, and the Election Law Enforcement Commission had opened up an investigation so here we were. We had done this miraculous thing of defeating an incumbent governor. Christie Whitman came from behind to win, a historic win, and with very little time to even catch our breath we had to deal with the Rollins controversy. It was intense, it was night and day, and I tell you through it all I gained even more respect for Christie Whitman. I mean I had so much respect beforehand, enough to leave my law firm, but when I saw the way she handled that incident it was very, very impressive. She was calm; she was very resolute; she did not point the finger of blame to anyone. She said, “This did not happen. We have to now cooperate with these investigations and we have to demonstrate why these things could not have happened” and we did that and she was very, very calm about it ‘cause I think in her heart she knew the allegations weren’t true, but still she had quite a trial by fire for her in those first two months.

Marie DeNoia Aronsohn:  How involved were you with the investigation?

Peter Verniero:  I was again the in-house lawyer to counsel. At that point we had hired outside law firms. In an investigation like that, you need the support of bigger firms because there were documents that had to be produced and so forth so I did not represent her or the campaign during that incident. I was-- well, actually at that point I was the Governor-Elect’s Chief Counsel. I was employed by the transition office. We had an office in Trenton and so that was really my full-time job but it was my recordkeeping and a lot of the systems that I had put in place that I was told by the attorneys that was very, very helpful because it showed that there was really nothing to it.

Marie DeNoia Aronsohn:  What was the transition like? What do you remember about that?

Peter Verniero:  Well, I remember the Rollins incident because it dominated so much of the transition but there was still time to do the things that we needed to do, which was hire a staff and put together a cabinet and organize an office. One of the first things that any new governor has to decide is how to structure his or her office. We structured it-- the-- Governor Whitman had structured it under what’s called the Three Chiefs model; there was a Chief of Staff, a Chief Counsel, and a Chief of Policy and Planning. The current governor has a Chief of Staff and a Chief Counsel so it’s really up to each governor to decide how do you configure your staff with this exception: There is actually a statute in New Jersey that creates the office
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of Chief Counsel to the Governor. It’s the only office that has a statute behind it. Chief of Staff there’s no statute; Chief of Policy and Planning there’s no statute. In New Jersey the office of chief counsel is by statute and the Chief Counsel to the Governor has significant authority himself or herself to undertake investigations and to represent the state and the governor and so forth. So I came under a statute and the other two chiefs were just part of a plan that the governor put in place for her office so we were the three chiefs and our job was to between the three of us deal with all the legal, political policy-- not really political policy and administrative work of the governor’s office and that’s what we did.

Marie DeNoia Aronsohn: Did you advise Governor Whitman to go the three chief route? Were you at the table for that decision?

Peter Verniero: Yeah. As I remember, now it’s going back ten years, John Sheridan and Hazel Gluck, who were the chairs or co-chairs with the transition they had done a lot of work because they had prior experience in state government in advising the governor and helping her set up this office. Because I was named Chief Counsel so early I had a great deal of input as well, but I think the initial plan came from discussions that John Sheridan and Hazel Gluck had directly with the governor herself. She was no stranger to state government. She had served in the cabinet as the President of the Board of Public Utilities so I think she had a pretty good sense of how the office should be set up.

Marie DeNoia Aronsohn: As Chief Counsel, what were some of the significant issues you worked on in the beginning?

Peter Verniero: Well, in the beginning I had to hire everybody. I mean we had really no office and we-- remember this was the very beginning of a new administration, one that had switched from a Democratic administration to a Republican administration, and I have to say the transition with Governor Florio and his folks was very smooth, very professional. I’m not sure they thought they were going to lose so I’m sure they must have been in a little bit of shock, but I have to say they were very easy to work with and it was a very nice transition. I’ve since come to know Jim Florio a little bit more than I did then and he’s always been very professional and I actually have regard for Jim Florio in a way that I hadn’t. I just never really knew him, but now that I have a greater sense of what it means to be governor I think I have a greater respect for all governors who have sat in that chair. So it was a good transition from that perspective if you took the Rollins thing off to the side. So my first job was really to hire a staff. I had to build an office for the-- for counsel and my philosophy-- and this is not unique; a lot of Chief Counsels
believe this-- my philosophy was that our office should be managed and run like a law firm with one client, the client being the Governor. The Attorney General’s office is broader. There you’re representing this whole state and you’re representing agencies, but in the Counsel’s Office you’re really there to service the legal needs and to advise the governor on legal issues affecting her office. That is really the main focus of the Counsel’s Office and if you read the statute that’s reflected in the statute. And so I wanted to set out and find the best talent I could and I hired folks like John Farmer who was then an assistant U.S. attorney but I wanted someone with John’s background and experience, experience that I did not have, so I brought in John Farmer. I hired Mike Torpey because Mike had a lot of experience dealing with the legislature and I had no experience and one of the main jobs of the Chief Counsel is to be the liaison to the legislature and so I thought well, I’d better have some folks around me who have some experience there. Dave Hespe I hired because he was at OLS at the time, Office of Legislative Services, and he was their- - he wrote their education bills, he was in their education section, and I knew that Governor Whitman wanted to put an emphasis on education so I thought better bring in some education expertise. And then I hired Janice Mintz-- Janice Mitchell Mintz who I believe at that point was in private practice but she had done some work if I’m not mistaken under the Kean administration, and I didn’t really know Janice but I heard very, very good things about her legal skills and so forth so I hired Janice Mintz. And I just mentioned those individuals because they all then advanced themselves to become either cabinet members or Chiefs of Staff and-- or Chief Counsels and I have to say with some amount of pride that looking back I selected such talented individuals with the governor’s approval of course. Any major decision affecting the Counsel’s office I would consult with the Governor and make sure she was comfortable, and one of the great things about working with Christie Whitman is she always supported me. If I went to her and said, “Here’s something I’d like to do or try from my office. Here’s how I’d like to structure something here, someone I’d like to hire” she was always a hundred percent supportive, put a lot of responsibility on me to make sure I got things right but—

Marie DeNoia Aronsohn: The other side of that is you were living up to all that faith that she had in you--

Peter Verniero: I had a tremendous amount of leeway and it goes back to one of your earlier questions. This is how she was when it was lawyer, client. She would ask my best advice and she would then make her decisions and it was a very similar relationship when we went to the governor’s office.

Marie DeNoia Aronsohn: In 1995, you were named Chief of Staff. What happened there? How did that come about?
Peter Verniero: That came about-- Judy Shaw was the first Chief of Staff and Judy had decided that it was time to move on and you should not be surprised by that because these jobs are so intense. Rarely do you stay longer than a year, year and a half, two years. I mean it’s the rare case where you are in those jobs for more than twelve to fifteen months because they’re so intense; it literally is night and day. And so Judy had made a decision that she was going to move on and <laughs> I remember this ‘cause it was a bit unusual. I was—the Governor and I were at an event somewhere and we had walked by a buffet table and there were salads and food on the table and as we were walking I guess to get to our table she turned to me and said, “Do you want to be Chief of Staff? I’d really like you to be Chief of Staff” so I kind of teased her afterward that I’ve never been asked to take on a significant job while walking past potato salad, but that’s how it happened. And I guess from her perspective it was a seamless transition to move from one to the other but the jobs are very different. The counsel job, at least the way I approached it, was much more legal than administrative. I, as the Chief Counsel, helped the governor select judges and justices of the Supreme Court; I wrote executive orders; I reviewed every bill before she would sign it to advise her whether or not to sign it; we dealt with pardons and clemencies. Those are legal matters-- significant legal matters. Chief of Staff is much more interaction with legislators and with outside stakeholders and interest groups than the Chief Counsel so it was a little bit of a different job, but obviously I understood the job, I understood the office, and the bottom line is when a governor leans forward and asks you to do something you say “yes.” I mean that’s kind of the basic code to live by and so I decided to become Chief of Staff; I said “yes.”

Marie DeNoia Aronsohn: Who replaced you as Chief Counsel at that point?

Peter Verniero: Margaret Foti was the Chief Counsel. She was Counsel to the Board of Public Utilities when Governor Whitman was the President, and if I’m not mistaken it was Margaret Foti who became Chief Counsel and I did not know Margaret well but I came to really respect Margaret as well for her legal abilities and so forth. It was a very nice relationship we had, very good professional relationship between Margaret and the Chief Counsel-- and the Chief of Staff and the Chief of Policy and Planning was Jane Kenny at the time; we had a terrific relationship also.

Marie DeNoia Aronsohn: As Chief of Staff, what were your observations about the Governor’s relationship with the legislature?

Peter Verniero: The relationship with the legislature I thought was always good. There was always a fair degree of grumbling; I think it happens with every
administration where sometimes there were complaints that legislators did not get called often enough or were not given enough attention and so forth. From my perspective, I thought they were getting an enormous amount of attention and so forth; certainly their policies were but that was an issue that we had to deal with from time to time, which is tending to the needs of lawmakers so that-- yes, that came under the Chief of Staff. The Chief of Staff when I describe it to others the shorthand reference is the Chief of Staff is the person whose job it is to say “no” and you say “no” to some pretty powerful folks, “Sorry, Senator, we can’t support this” or “Sorry, Assemblywoman, we’re not going to be able to attend this event,” but that’s the job of the Chief of Staff. There’s much more to it than that but sometimes that’s what I felt like my job was, to say “no” on behalf of the Governor.

Marie DeNoia Aronsohn: Did you enjoy the job?

Peter Verniero: I-- actually I enjoyed Chief Counsel a little bit better because I am-- at the end of the day I’m a lawyer and-- although I did like the job because it gave me a better perspective, it gave me a fuller perspective, but if I had to choose between the two jobs I think I would have preferred staying as Chief Counsel.

Marie DeNoia Aronsohn: Well, a short year later--

Peter Verniero: A short year later--

Marie DeNoia Aronsohn: --you had a new job--

Peter Verniero: --I was back to the law--

Marie DeNoia Aronsohn: --Attorney General.

Peter Verniero: --I went back to the law.

Marie DeNoia Aronsohn: How did that happen?

Peter Verniero: Well, that happened because of the death of Chief Justice Wilentz, a sad event for sure. He had been ill for some time and he passed and then Attorney General Deborah Poritz was nominated to be the Chief Justice and so then an opening was-- needed to be filled in the AG’s office and Governor Whitman
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asked me to become Attorney General. So this was also kind of unique in our history where you had really the two most senior legal positions, Attorney General and Chief Justice, vacant at the same time, and so we moved through the confirmation process more or less as a set and we actually had a ceremony. We joked about it was a double-ring ceremony. We were both sworn in, I as Attorney General, she as Chief Justice in the same event. We actually thought about the propriety of that because of separation of powers and is that something that would be appropriate 'cause it had never been done and we concluded that it was perfectly appropriate. And she was sworn in first as Chief Justice and her first act as Chief Justice was to swear me in as Attorney General so that’s how I became Attorney General.

Marie DeNoia Aronsohn: When you were asked to fill that role, your response? Were you excited about it?

Peter Verniero: It was a quick “yes.” I don’t know whether I spoke to Lisa about that one. I might have, I might have learned my lesson by then, but it was a very quick “yes,” a very timely “yes” again because it’s a job that’s hard to say “no” to as a lawyer or especially a young lawyer. I was very young as Attorney General. As I said, I think I was the second youngest in history there and it presented a new challenge for me and I was looking forward to it.

Marie DeNoia Aronsohn: What were some of the more significant challenges associated with your role as Attorney General?

Peter Verniero: We had a lot of issues going on at that time. There were issues that had begun under Attorney General Poritz such as Megan’s Law and I’ll start there and then I’ll go down the list if I might.

Marie DeNoia Aronsohn: Go for it, yes.

Peter Verniero: When I was in the governor’s office-- and I don’t recall the precise dates; it was either when I was Chief Counsel or Chief of Staff-- we had the horrific assault and murder of Megan Kanka, and it really gripped not only New Jersey but the nation, how could this happen; how could a child be subject to such abuse and harm and violence and how could neighbors and parents not know what might occur. So it obviously became a very significant issue and we had to then with the legislature-- I remember Speaker Haytaian was very involved and the Senate was very involved and the governor’s office was very involved and I was
very involved and Attorney General Poritz was very involved. It really was the four or five of us who set out to write Megan’s Law, to draft the statute, to get it through the legislature and then to defend it in court because it was immediately challenged under constitutional grounds by registered sex offenders and those accused of sex offenses, anyone who came under Megan’s Law’s purview. There were class action suits as I remember and several individual suits so Deborah Portiz had begun to defend those lawsuits in state court and she actually successfully defended Megan’s Law before the State Supreme Court in a case that’s widely cited today called Doe vs. Poritz; that was the state court upholding Megan’s Law.

Then she became Chief Justice and then I-- as Attorney General I had to defend the law in federal court and so the main federal case is called E.B. vs. Verniero, and that was, at the time, the first time any federal court of appeals in the country had upheld a version of Megan’s Law. And so it really opened the door for other courts to do the same and I personally argued those cases. Even though I was the Attorney General and attorney generals typically don’t argue cases, I personally argued the Megan’s Law cases because I felt so strongly about protecting kids-- protecting children and I believed in the law; though I understood the criticisms. I believed in the basic concept of parental notification and community notification. So a big part of my tenure was really defending Megan’s Law and implementing it. We take for granted now ten, fifteen years later that Megan’s Law’s up and it’s working and so forth, but back then it was so very new that there were a lot of systems that needed to be implemented and a lot of best practices that had to be employed. That really fell to Debbie Poritz and myself to do that so that was one big element.

Another big matter we handled as Attorney General was the Ellis Island litigation. If you go back a hundred and fifty years or so there, plus or minus, there was an agreement made between the State of New Jersey and the State of New York over its border, the border between-- in the Hudson, the line in the Hudson that separated two states, and there were some islands there and one of the islands was Ellis Island. So the question was who has sovereignty over this island, and at the time Ellis Island was about three-- I want to say three acres; it was a tiny island or maybe it’s three square miles. I may be getting that wrong but it was small. And then over-- so the agreement was the-- setting the boundary line between the two states when Ellis Island was very small. Over time as immigration grew and as the federal government needed more space and land to implement immigration laws Ellis Island greatly expanded; it was to three or four times the size. So the question was the newer portions of Ellis Island, which was the majority of the island, was that in New York sovereignty or was that under New Jersey; that was the dispute and it went all the way all the way up to the State Supreme Court and-- to the United States Supreme Court rather and the United States Supreme Court agreed with New Jersey and ruled that most of Ellis Island was actually in New Jersey. The
federal government owned the land but the state of New Jersey had sovereignty over it so its tax laws and all the laws of New Jersey would apply. So Christie Whitman and I we tease each other sometimes that hers was the first administration to actually expand territory in New Jersey and she’s right-- and she’s absolutely right about that. So that was a big issue, make sure we won that lawsuit, which we did. Racial profiling was a very significant issue that we dealt with, a very controversial issue. When I came into office in 1996 there was a pending lawsuit that was on appeal, State vs. Soto, that the state had decided it would appeal the lower court’s decision that there was disparate treatment, improper treatment of minority motorists; that’s what the trial court had said. The trial court decision had occurred prior to my becoming attorney general. The decision to appeal it had occurred prior to my becoming attorney general but when I was there it was my job to then prosecute the appeal and we did that; we continued that.

And then in 1998 in April I believe-- I may have the month wrong but it was in 1998-- there was an incident on the New Jersey Turnpike that really shocked the state is really the best way I could say it because it just seemed so out of the ordinary. State troopers had fired upon a vehicle driven by a minority motorist and so it became the subject of great scrutiny and debate. And it really brought into focus the issue of racial profiling in a way that it had not been focused on before, and I had to react to all of that. In looking back now, in hindsight, I could definitely say I could have done things sooner and quicker, but at the time I thought I was acting very appropriately and very aggressively once it became very clear as a result of the April ’98 shooting that we had a significant problem. And if you use that as the benchmark, you see many, many aggressive steps we took to resolve the issue of racial profiling, and one of those things was a comprehensive review of the whole manner in which the state police undertakes law enforcement stops. A law enforcement encounter is actually a complicated thing. It’s not straightforward; it has many constituent parts. There is the motor vehicle stop; there is the search of the vehicle; there is then the arrest assuming you get the requisite suspicion as that sequence plays out in real time. So when we were dealing with the Soto case, going back to Soto, the issue in Soto, the focus, was on the stop and the statistics were really relating just to motor vehicle stops. If you looked at those statistics at that time there was a dispute as to what those statistics really meant in terms of minority motorists. Fast forward to 1998. We then started to look at consent to searches, not the stops but the searches, and when you looked at the searches you saw a very different picture. Eight out of ten minority motorists had their vehicles searched, eighty percent. When you look at how many minority motorists were stopped-- a much lower number so it’s different-- it was a different statistic. But in 1998 because of the turnpike shooting we then started to look at the issue differently and we started to look at different sets of statistics and we started to really talk to folks and we found some unpleasant things. We found that some
troopers might have falsified records and it became then very clear in 1998 that we had a significant issue so what did we do? Well, similar to how we’ve done everything I think in the administration: we confronted it head on with the Governor’s complete support. I put together an unprecedented State Police review team. We issued a hundred-page report that laid it all out in a very candid way and put in place several measures for reform. That report-- it’s called the Interim Report of the State Police Review Team, first of its kind report in the country that is today widely cited as a positive achievement. The fact that you had a law enforcement agency able to engage in self-critical analysis of the kind that we did in that report-- members of the United States Supreme Court have cited this report. Justice John Paul Stevens wrote an opinion in the year 2000, I think it was, where he cited this report. So the report really was a very significant achievement. There were those, as I said, who said it was too little too late. Obviously I disagree with that and I believe we acted appropriately when we were really confronted with the kind of clear and compelling evidence that warranted action. And John Farmer when I went on to the Supreme Court he continued the reforms and he did a wonderful job as well. So that was a big issue—

Marie DeNoia Aronsohn: That’s while you were Attorney General--

Peter Verniero: While I was Attorney General.

Marie DeNoia Aronsohn: --nineteen ninety-nine, Governor Whitman appointed you to the State Supreme Court--

Peter Verniero: Correct.

Marie DeNoia Aronsohn: --and this issue of racial profiling became pivotal to your confirmation process. Correct?

Peter Verniero: State police racial profiling was part of my confirmation process but other issues as well. When you’re the Attorney General-- let me just take a step back; we didn’t really go into this. The AG in New Jersey is one of the largest state AGs of any in the country; it’s a very big office. Most AGs are elected, 42 or 43 attorneys general are separately elected, and district attorneys, many of those are elected and they do not serve under the AG, they’re separate. But in New Jersey we have one chief law enforcement officer, a central officer in the Attorney General, and he or she has enormous responsibility. When I was AG I had several divisions, 6000 employees reported to me, all the prosecutors reported to me, I had
supervisory authority over several law enforcement agencies, so as you can imagine in that job you make a lot of decisions, you make a lot of proposals. You put out a lot of initiatives, and a lot of my tenure as AG came under scrutiny as a Supreme Court nominee and that was fine. So I had to answer a lot of questions about a lot of the decisions I made but racial profiling was a center of that, and at that time I had the report that I had issued and I explained the report along with others; Paul Zoubek I believe testified and others. And I did get confirmed, close vote, not by a landslide but I did get confirmed so I was happy about that.

Marie DeNoia Aronsohn: Was that very tough on you personally to go through that process? I remember that we had gavel-to-gavel coverage of your confirmation hearings because of this issue.

Peter Verniero: It was tough but I knew we had done the right things and I knew I had the Governor’s support, and so when you know in your heart you’ve done the right things and you made the best decisions you can-- I’m not saying I made perfect decisions and I’m not saying I didn’t make any mistakes. I did, I made mistakes, but I knew at the end of the day I made the decisions based on the best information I had and in good faith. And I knew I was qualified to be on the Supreme Court, and I don’t say that in any kind of braggadocios way. But I had gone to a very well-known law school, I had graduated with honors from Duke University, I had clerked for the Supreme Court, which is a very unique honor, and I had done all these significant legal jobs as Chief Counsel and Attorney General. So there were a lot of folks who were saying I was too young; I was too inexperienced; I had never tried a case and so therefore I was not qualified to be on the Supreme Court. I didn’t believe that. I thought I was qualified; otherwise I would not have said “yes.” I have such reverence for the judiciary I never would have accepted a position on the Supreme Court if I thought that I would be dumbing it down or anything like that. So what got me through those tough days? Support from my family, a belief that I had done my best, and the unstinting support of the Governor of New Jersey; that’s what got me through those hearings.

Marie DeNoia Aronsohn: Tell me about that because there was so much pressure at that point, public pressure. She was right there.

Peter Verniero: Right there. She never wavered and other governors might have wavered; she never wavered in her belief that she had made the right choice and she never wavered in my qualification to serve on the highest court. Now fast forward five years later when I retired from the court. Some of the same critics were saying the most wonderful things about my tenure on the Supreme Court. The
then Governor, Jim McGreevey, put out a beautiful statement, the head of the Bar Association, which had voiced opposition to my nomination-- the president of the bar put out a lovely statement about my work and my scholarship and so forth, so I earned a lot of praise I’m happy to say when I left the Court and I felt good about that, not so much for myself but because I wanted the Governor to feel good about it and I wanted my judicial colleagues to feel good about it as well and they all did. So it had a happy ending in terms of my tenure on the court but it was tough there for a while.

Marie DeNoia Aronsohn: When you were doing the investigation after the turnpike shooting I’m not recalling right now exactly what happened. There was a stop and then there was--

Peter Verniero: It was a stop on the turnpike and there were minority motorists in a van I believe and there was some controversy as to why the troopers first discharged their weapon, and the first issue I had to decide was how to investigate that. In the typical case, it goes to a county prosecutor and a county grand jury but I did not think this was typical so I appointed a special prosecutor, a very well-regarded lawyer by the name of Jim Gerrow, and I convened a state grand jury. And I did that because I really wanted to demonstrate the importance of it and I wanted to make sure we had sufficient resources at the state level to make sure that the investigation was completely thorough. While that investigation was pending then we started to look at other issues involving the State Police, and I think at one point there were two or three different investigations going including the review team. And then when I left to go on to the court that’s when John Farmer actually picked up the case and did the actual prosecutions of the troopers so I was not involved with that.

Marie DeNoia Aronsohn: When you began to do the analysis that you mentioned a few minutes ago and you really started to see a different pattern when you looked at searches what was your reaction?

Peter Verniero: Well, we were looking at the numbers in a different way because we now had this different perspective and we were talking to folks so we were getting verbal evidence so to speak so it was not just the numbers. I was dismayed, I was not happy that we had this issue that I did not think we had an issue to this extent, but when you’re in these positions, Marie, you can’t waste a lot of time on emotion; you have to just set things right and you have to put policies in place so that this humiliating and unlawful practice is not repeated. And so that was my main focus: Okay, we have a problem; we now have to fix this problem and we have to
do it in a way that’s lasting where we can put some reforms in place. Now let me just say-- and I said it then and none of these reviews or investigations have proved otherwise-- the vast majority of state troopers are honest but there were issues of oversight and stereotyping and a lot of other things came together such that there were incidences of disparate treatment of minority motorists. And that’s wrong and it should not happen and hopefully we put the reforms in place so it will not happen in the future.

Marie DeNoia Aronsohn: What was your tenure on the State Supreme Court like for you?

Peter Verniero: That was a complete change from what I had <laughs> come from and even without a lot of controversy being AG and Chief of Staff and Chief Counsel these are 24/7 types of jobs. The phones are ringing; you’re getting faxes; no break at all; everyone wants to meet with you, speak with you; they just need ten minutes or five minutes. When you go to the Supreme Court of New Jersey it’s like you’re entering a judicial monastery because the only folks you talk to are the other six members of the Court, your law clerks and your law secretary, occasionally my mother would call, no faxes, no phone calls in the middle of the night, so it was a much more quiet existence. I worked just as hard, I probably put in as many hours if not more, but it was very different; it was thinking and writing and evaluating and not reacting. The Supreme Court of New Jersey is not reactive, it’s a deliberative body. There was a lot of discussion about judicial activism and so forth and I’ll save that for another day, but in terms of just procedure the Court only acts when someone asks it to act; when you have a case before it, the Court will then act on it. And so one of the biggest jobs of a Supreme Court justice is to decide which cases to hear. You do not have an automatic right to an appeal to the Supreme Court; you have an automatic right to appeal to the middle-level court but to get to the Supreme Court you have to apply to the court. And that’s a big decision to make because if you say “no” to the litigants that’s it; that’s the end of the line. So we took that part of the job very seriously. The Court gets about 1400 applications a year, they’re called petitions for certification, for a litigant to hear a case, and the Court on average accepts about a hundred of those applications so that’s a big part of the job, just deciding which cases to hear and then the other part is then to hear argument and decide the cases. I wrote 124 opinions in the 5-year period; I am told that that is the most that any justice had written in that time frame and I think that’s in large measure because I love to write. Some of them were dissents and concurrences but many of them the Chief Justice had assigned to me, and so I’d like to think it’s because she had confidence in my writing and so forth. So for me that was the best part of the job. As I said early on, I just love to write and so writing a judicial opinion was a joy to me, just the wording and the language and making sure we were being clear and of course making sure we were
achieving the correct result, that’s part of it too, but it really was-- for any lawyer I think it’s the highlight of his or her career and it was for me.

Marie DeNoia Aronsohn: Is there any case you can think of in particular that was especially challenging for you?

Peter Verniero: Well, the death penalty cases by definition are challenging. We no longer have a death penalty in New Jersey but at the time we did, and you’re really faced with literally a life or death decision when you’re dealing with those and you’re also dealing with cases that have horrific facts and you’re dealing with the victims of these horrible crimes, the families of these horrible murders. So you’ve got a lot of mind when you’re sifting through the record of a death penalty case. But I was guided by what I understood the law to be and the facts to be and what the law required. And there were some death sentences that I voted to uphold and I wrote opinions upholding death sentences and there were some opinions where we had to set aside a death sentence and I wrote opinions or joined opinions where we were setting aside a death penalty. So in either case those were heavy cases to decide because of what’s at stake.

Another case that was quite significant was the Joy vs. Hunterdon Central I believe the case name was; it had to do with random testing of high-school students, alcohol and drug testing. At the time, the United States Supreme Court had said it was okay under federal law; the State Supreme Court had never addressed the issue under state law. We do have under our system of federalism a state constitution can actually provide greater rights to its citizens than a federal constitution. Many times it’s the same set of rights, sometimes a State Supreme Court will go in a different direction, so it was a very significant case and we were divided; we were four-three. I wrote the majority opinion and I basically set the rules for random drug testing or the court did through my opinion in this case so that was a significant case ‘cause it touched everybody; it touched every high school in the state. There were several business decisions that I had written that I thought were very important and there were search and seizure cases which I liked writing very much again because I enjoy being clear and making sure all the cases are decided in a meticulous way. And with a search and seizure case you need to do that ‘cause the facts are very sensitive in those cases, they’re fact-sensitive cases, and I issued a lot of search and seizure cases and many of them went in favor of the government; many of them went in favor of the defense. So it was hard to pigeonhole me on the court, which is one of the things that my critics I think were afraid that I was just going to be some law and order justice and never forget that I had put on the robes and I would still act as a prosecutor but that was not the case. When you put on the robes in New Jersey you become an independent branch and
every member of that court, all of my colleagues without question, exercised their independent thought when they got onto the court irrespective of how they got to the court.

Marie DeNoia Aronsohn: In 2004, you decided to step down from the bench.

Peter Verniero: Yes.

Marie DeNoia Aronsohn: Why?

Peter Verniero: Well, two reasons that I said and they had the virtue of being true. One is financial; I had underappreciated if that’s a word-- I did not fully appreciate the financial aspect of being in public life. I joined public life when I was 34 years old. I entered the Supreme Court when-- I was nominated when I was 39 and I was appointed when I was 40 so I was a young man when I entered public service. I did not have a big bank account because I just didn’t have enough earning years in the private sector. My dad jokes; he tells me that I did the second half of my life first because most folks they make a name for themselves in law or whatever field and then they go into politics. I did the reverse. I went into government first without a lot of financial wherewithal and my family is not a wealthy family so I didn’t have a lot of money in the bank and I had the prospect of two wonderful children that I had to put through college and I thought I’m not sure that financially I can continue to do this. So that was the first reason, but the second reason-- I was very candid about this-- is I did not want to engender a debate about my reconfirmation. I did not want to replay the debate that had happened the first go-around, and maybe it would have happened that way; maybe it wouldn’t have; maybe I would have had a calm reconfirmation, maybe not. I don’t know and at that point I did not want to engender that debate. So the primary reason was financial; the secondary reason was I thought it was time to move on.

Marie DeNoia Aronsohn: Any regrets?

Peter Verniero: No, no regrets. I have been privileged to serve the state of New Jersey for ten years. I made tough decisions that I thought were right; I had the support of the Governor and the support of wonderful staff that I had, some of whom went on to have their own very distinguished careers. I have absolutely no regrets. I miss being on the court because I enjoyed it so and I value and cherish the institution of the court but I have no regrets.
Marie DeNoia Aronsohn: Looking at Governor Whitman’s two terms, most of the second term, what do you think were her greatest weaknesses?

Peter Verniero: Greatest weakness; that’s a good question.

Marie DeNoia Aronsohn: You worked with other governors. How would you--

Peter Verniero: Greatest weakness-- well, I think all governors because they’re all type-A personalities, otherwise they wouldn’t be governors, and there were some times when we would make policy at the microphone-- what does that mean- - rather than kind of take a step back and deliberate a little bit more. There were some announcements made that maybe could have taken a few days more to kind of percolate but that’s what a leader does. When a leader feels strongly about something whether it’s Christie Whitman or any other governor a leader acts. I don’t know if I would even call that a weakness; it’s just something that we had to deal with at the staff level. Other than that, I really can’t point to any weakness. She was always a total professional to me. She was always someone who was herself trying to do the right thing, putting her best judgment to it. In hindsight, nobody’s perfect and I think she would be the last person to claim she was perfect, but all of her decisions that I participated in were always based on what’s the best policy. It goes back to the first point I made, best politics is good policy, that was kind of her governing principle, and she cared very much about diversity and promoting tolerance and improving the image of the state as all governors have tried to do. So those were very important to her as well, but she was very policy oriented as a Governor.

Marie DeNoia Aronsohn: Her administration as a whole, which I think you just did evaluate in a certain way, but I’ll still pose the question: How would you assess the Christie administration in New Jersey?

Peter Verniero: I would say-- well, everything changes in the long view of history, right, not everything but most things. I think at the time we were governing we had gotten pretty good marks ‘cause we got a lot of accomplishments done, tort reform and I can go through the long list, what I just said here about changing law enforcement in a way to end discriminatory practices, a significant achievement, or at least to put us on the path of discriminatory practices. Rest assured in the area of civil rights you are never done; we can never say we’re done. You always have to be vigilant; you always have to make sure civil rights are not being violated. I’m not suggesting that the problem’s over and it’s done, but we put systems in place to detect problems and to address them before they turned into
significant problems so we had great accomplishments there. On the finances, she cut taxes and she brought the economy back into a place where businesses were again coming to New Jersey and attracting capital and labor to the state, very important. So if you look through the litany of issues I thought we were fairly successful then and I think history will only bear that out, and I think her administration will be held in even higher regard under the long view of history.

Marie DeNoia Aronsohn: You’ve continued to have a very interesting career.

Peter Verniero: Yes.

Marie DeNoia Aronsohn: Tell us about that.

Peter Verniero: Yes. I’m at a very nice law firm, Sills Cummis & Gross in Newark. We have offices in Newark, Princeton and New York; I work mainly out of Newark. I do corporate investigations and litigation. I’m on the board of the Hunterdon Healthcare System. Healthcare is very important to me and both of my daughters were born at the Hunterdon Medical Center so it’s kind of a joyous place for me so I wanted to give back and serve the board in that way. I am the editor and annotator of a significant legal treatise called “Pressler and Verniero on the Court Rules” that is cited by courts and lawyers throughout the state. I’m the chairman of Governor Christie’s judicial advisory panel, I help him vet nominations for the Superior Court, and anything else that clients may ask. I do a little bit of a lot of things in my career right now.

Marie DeNoia Aronsohn: Is there anything else you’d want to tell us about the Whitman administration that we haven’t discussed today?

Peter Verniero: It was an administration of energy, of ideas. I was young; there were other young folks in the administration. It was a thoughtful administration. We confronted issues head on. We worked well together I thought. There’s always going to be a little issue here or there when you’re working in any complex organization but we really respected each other, the three chiefs, and we worked well together, and we had a dream boss. We had a boss whose main instruction to us was “Do the right thing as you understand the right thing to be.” I mean it doesn’t get much better than that from my perspective.