

Mr. Hughes remembers

In a wide-ranging interview, the former Governor and chief justice, one of the state's most valuable natural resources, reflects on the people and events he encountered during his years of public service.

By
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When Richard J. Hughes returned to New Jersey from his winter home in Florida last month, his schedule for the coming months was already beginning to fill. At the age of 76, he is New Jersey's consummate elder statesman. His political and judicial careers spanned the state and nation's most turbulent modern times. More than an eyewitness to history, Hughes was a participant.

As a consequence of his experience and affability, the former Governor and chief justice of the state Supreme Court is busy these days. At least one book is being prepared on his life, and he is often the subject of doctoral theses. Toward the end of March, he participated in the taping of a public television program focusing on aspects of constitutional law.

Hughes is one of New Jersey's most interesting natural resources. When he reminisces, he reveals. When he describes the old days of New Jersey politics — back when “ward-heeler” was more of an identifier than an insult — he provides us with an invaluable perspective. During Hughes' two terms as Governor, from 1962 to 1970, various state agencies were created, including the departments of Community Affairs, Transportation, and Higher Education. The

Garden State Arts Center was constructed; funding for the Public Broadcasting Authority was approved; the Hackensack Meadowlands Development Commission was established. The voters approved the state lottery, and race riots broke out in Newark. New Jersey saw its first gun-control law, and the war took its toll in Vietnam and at home.

While Hughes was chief justice, from 1973 to 1979, the state Supreme Court handed down the first *Mount Laurel* decision, prohibiting exclusionary zoning. Later came major decisions on legislative redistricting and the provision of a “thorough and efficient” education. Hughes wrote the precedent-setting Karen Anne Quinlan decision, establishing a patient's “right to die.”

Hughes spent some time with *New Jersey Reporter* last month, drinking coffee and reflecting on his life and philosophies. His subjects ranged from the importance of picking a spouse with a good sense of humor to President Ronald Reagan.

“You won't believe this, but I was born August 10, 1909, in a little town named Florence, in Burlington County, on the Delaware River. . . . I got to be a pretty good swimmer. Without my mother knowing about it, I used to swim the Delaware over to a little island in the middle. I loved that town,” Hughes

recalled.

Hughes received his political training at his father's knee. Richard Paul Hughes had been postmaster and mayor of Florence, Burlington County Democratic chairman, and, for 34 years a member of the Democratic State Committee. He served as state Civil Service commissioner, and as warden of Trenton State Prison. Hughes watched his father wheel and deal in political circles throughout his youth.

Richard J. Hughes earned his law degree from New Jersey Law School (Rutgers) in 1931 and, shortly thereafter, began practicing law in Trenton. “I settled in Trenton,” Hughes said, “mostly because I fell in love with a Trenton girl named Miriam McGrory.” The couple was married in 1934, and Hughes settled into the area. He was active in Mercer County politics, and was elected statewide president of the Young Democrats in 1937. The same year, he was a Democratic State Committee member from Mercer County. In 1938, he ran unsuccessfully for Congress as a “Roosevelt Democrat.”

Hughes was appointed assistant U.S. Attorney for New Jersey in 1939, and, by 1945, he was Mercer County Democratic chairman. Three years later, he got his first judicial appointment, as a



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judge on the Mercer County Court. In 1950, his first wife died, leaving him with three sons and an infant daughter. Hughes was crushed by the loss.

"I was pretty unhappy, and I had no notion of ever marrying again. I became a workaholic — I did nothing but work, and take my kids out for ice cream." Two years passed, and Hughes was appointed to the state Superior Court. He was stationed in Newark. "There was a very wonderful judge who sat in Newark with me. Usually the judges had lunch together, but he wanted to talk to me privately and I wondered what it was about. At lunch, he said, 'I'm worried about you. You're not happy. You're working hard but you have no social life. I really think you ought to find a wonderful woman and get married again.' I discounted this. . . . It was my affair."

Six months later, Hughes met Betty Sullivan Murphy, a friend of a friend. "She had been widowed in 1951, and I had been widowed in 1950," Hughes recounted. "I said, 'Mrs. Murphy, you're a college graduate, you're well-spoken, you're very attractive.'" And then he let fly with his best line. "You ought to be in politics," he declared. "I'll come down to your house and talk about it sometime."

Hughes followed through. "She lived on Columbia Avenue [in Trenton]. And she had everything pink. Her wallpaper was pink; her fireplace was painted pink. I said, 'Mrs. Murphy, what's with the pink.' 'Didn't you know,' she said, 'that pink is the color for an aging brunette?' We had some coffee, and talked about politics, and fell in love. . . . We were married May 7, 1954, by my brother, Joe, who was then the pastor of the Catholic church in Jamesburg."

Betty Hughes brought three sons to the marriage, and the couple eventually had another daughter and two more sons. "Betty used to call me and say, 'Richard, come quick, your kids and my kids are beating up our kids,'" Hughes recalled. "Both of the girls that I married had great humor. An example of Betty Sullivan Murphy Hughes' humor occurred when, in due course of time, we had our first mutual child. He was her fourth child. . . . We had a picture taken of him about six days after his birth. We were looking at the picture and I said, 'Betty, this kid is pretty ugly.' She said, 'He'll grow out of it.' I said, 'But look, his eyes slant.' And she said,

'When we married, we sold both our houses and bought a big mansion facing Cadwalader Park in Trenton. I was a Superior Court judge getting \$20,000 a year. Taking \$16,000 home after taxes was not all that great . . .'

'Richard, didn't you ever hear that every fourth child born in this world is Chinese?'

"When we married, we sold both our houses and bought a big mansion facing Cadwalader Park in Trenton. I was a Superior Court judge getting \$20,000 a year. Taking \$16,000 home after taxes was not all that great, and I was running out of money. So I reluctantly quit the bench and went into private practice and was instantly quite successful."

In 1961, Hughes was the Democratic Party's compromise candidate for Governor. The party leaders

were divided over a prospective successor to Robert B. Meyner, and their first choice, former state Attorney General Grover Richman, had suffered a heart attack. Democrat Meyner had served for two terms and, if New Jersey voters were to remain true to historical patterns, the next term would go to a Republican. The Republicans had a great candidate to boot — James P. Mitchell, the former U.S. Secretary of Labor under President Dwight D. Eisenhower.

"They [the Democrats] were casting around for a lamb to lead the slaughter," according to Hughes. "Mitchell was well-known nationally. He had been born and lived in New Jersey, but had been away for a long time. He was my opponent, and a nice man, and nobody thought too much of any Democrat's chance because this is a swing state — they have two terms of a Democrat and then they want a Republican.

"I worked hard for eight months. I would get out of town 6:30 or 7:00 in the morning, and get back maybe 1:00 the next morning. Bergen County, for instance, had 75 municipalities, and I made every one of them. I spent 22 days there because I knew it was a Republican stronghold. I got beaten by 49,000 votes in that county. But I worked hard, and I just managed to beat Mitchell by about 34,000 votes of about 3 million cast. It was a pretty tight fit."

During Hughes' first term, he was at odds with a Republican Legislature. His biggest blow came in November 1963, when the voters rejected his proposed \$750-million capital-construction bond referendum, and booted 14 Democrats out of their seats in the Legislature. "Everybody denounced the bond issue," he recounted. "I was about the only one for it. . . . The *Newark News*, which was then in operation, had a lead editorial saying that Governor Hughes should resign. He shouldn't even wait around to fulfill his term, it said, because he obviously can't be elected in 1965 with the disgrace of this bond issue. Betty and I were en route to the airport to fly

to Jamaica when she saw this editorial. She started to cry and said, 'Don't ever let those people [reporters from the *Newark News*] in my house.'"

Hughes learned to work with the Republican Legislature, however, and became quite friendly with Cape May Republican Charles W. Sandman, who was president of the Senate in 1964 and 1965. "We worked well together on patronage and agreements on this and that and let's-get-this-bill-up-front-stuff," Hughes said. "Sandman was a way-far-out-conservative — a nice fellow. I always liked him. He'd leave the State House on a Friday evening and say, 'Well, Governor, have a good weekend now, you've done a good job this week.' On Sunday morning, he'd be in the *Philadelphia Inquirer* calling me a thief — saying I was wasting the state's money and so forth. I'd see him Monday morning and say, 'Charlie, what happened?' And he'd say, 'Governor, you know how these newspaper reporters exaggerate things.' And I was dumb enough to believe him!"

As the 1965 election drew near, Sandman and state Senator Wayne Dumont fought it out for the Republican gubernatorial nomination. Dumont won the primary, and a turbulent campaign began. Hughes considered not running for a second term, but finally decided to do so. "You know," he said, "there are so many hundreds and thousands of people depending on you for jobs."

Before election day, Hughes received four tickets to attend Pope Paul VI's address to the United Nations. "Dumont and Sandman never got along," Hughes said, "so I thought I'd invite Sandman and his wife, Marianne, to be Betty and my guests. The four of us went over to New York to stay in the New Weston Hotel. We had a suite with two big bedrooms and a big sitting room. In the morning, I had to go out in a bus with the other governors to Kennedy Airport to receive the Pope."

The bus left from the Catholic Chancery office right across the street from the Hughes' hotel room. "Coming back from the airport," Hughes recounted, "I missed the bus. I was standing on a corner very forelorn, and who goes by but Senator Bobby Kennedy — big limousine, chauffeur in uniform. Then-Senator Jake Javits was in the back seat with Senator Kennedy, who said, 'What happened, Governor? Did you lose your bus?' I said, 'Yes sir,

senator,' and he said, 'Jump in with me.'

"So we go into the city, and all these nuns and school kids are out waving American flags to greet the Pope. We turn down Broadway to the Carlyle Hotel, where the Kennedys maintained a family suite, and Bobby Kennedy got off there. He told the chauffeur, 'Take Senator Javits wherever he wants, and then take Governor

'After talking with some of the black activists [in Newark], I felt uneasy about it but decided to pull the armor out. The next morning we pulled out the tanks and weapons carriers and not another shot was fired.'

Hughes wherever he want to go.' I said, 'Thank you, Senator Bob.' Javits wanted to be dropped at his law office. So now I'm alone in the back of the limousine, and the street is lined with all these cheering crowds. I asked the chauffeur to drop me at the Chancery office, and I would walk across the street to the hotel. By this time it is 11:00 in the morning, and cheering people are jamming the streets. All of a sudden the limousine pulls up in front of the Chancery office. The people are wild and everybody figures it's the Pope.

"Well, Charlie is leaning out of the window across the street about this time, and he hollers to Betty and Marianne, 'Come quick, girls. It's the Pope!' And there the three of them are when I step out of the limousine. 'Oh hell,' Charlie says, 'It's only Dick Hughes.'"

The war in Vietnam was raging when Hughes ran for his second term. During the campaign, Dumont used the war and a call for patriotism to appeal to the voters. He criticized Hughes for refusing the force Rutgers, the State University, to fire Professor Eugene D. Genovese.

"Instead of talking about taxes, and roads, and the environment, which we should have been talking about, a silly issue came up," Hughes recalled. "There was this college professor at Rutgers. He had a demonstration with kids sitting out on the front of the campus talking about the Vietnam war. He said, 'You all know I'm a Marxist. Aside from that, it won't disturb me if the Viet Cong win in Vietnam because I think that then Vietnam will become a

strong barrier against China.' That was his logic, which I thought was nonsensical.

"Nothing happened except for a little paragraph in the paper, and about two months had gone by when some publicist who worked for the Dumont campaign convinced the senator that would be the smoking gun. Dumont jumped on it with both feet, and he talked about nothing else. The people of New Jersey talked of nothing else.

You'd go in a bar, at the bridge table, everywhere — 'What about that Genovese bastard up there?' I could understand Dumont's point of view. He's a very patriotic man; I think I am too. We had 65,000 American troops in Vietnam laying down their lives, as he used to say 20 times a day. . . .

"Everybody hit me in the head. The labor unions that had supported me were sending me tough telegrams. Veterans' groups were screaming at me. I had terrible experiences. I'd be in a receiving line at a bus station or factory, and up would come some man and he'd say, 'I'm going to tell you something, Governor. I've been a Democrat all my life, and I'm going to vote for your opponent. I've got a boy in Vietnam.' I didn't argue. I just said, 'I hope he gets back safely.'

"I've always loved the Constitution of the United States. . . . To me it's something alive, and it's a protection to us all — including the Genoveses of this world. I didn't want to chip away at it. I stood up and I depended on the Constitution, and I depended on the people, and I'll tell you — I knocked Dumont's brains out. I beat him by 350,000 votes. At that time, it was the largest plurality in New Jersey's history."

Hughes' victory in 1965 gave him a clear mandate, and for the first time in more than 50 years, both houses of the Legislature were controlled by Democrats. During his second term, Hughes secured New Jersey's first permanent broad-based tax (the sales tax) to finance an \$875-million state budget. In July 1967, the Newark riots erupted, and Hughes had to deal with a situation for

which there was no precedent.

"Mayor Hugh Addonizio, who has since passed away, called me at 2:00 in the morning," Hughes recalled. "He said the city was going to burn to the ground. 'This is awful,' he told me. 'People are looting and robbing and stealing and setting fires.' So I activated the State Police and the National Guard and I was in Newark in about two hours. I stayed there for five days — until the thing was over. It was terrible. Many people have said that I talked too tough when I got there, but I think that it called for some tough talk. We lost 25 people — mostly innocent people who were hit in the crossfire or hit by snipers.

"We had all been kidded. Addonizio was supposed to be very popular with black ministers in town, but they just couldn't hold the fort. . . . During the riot, Dr. Martin Luther King called me from Tampa. He offered to come up and help, and bring some young fellows with him to act as peacemakers and peacekeepers. I said, 'No, reverend, I don't want you to come. You come here and you'll be killed.' It was really bad; it was murder. We had rumors that a carload of whites were coming in with sticks of dynamite.

"The National Guard and the State Police were not that well-trained in urban warfare. I thought they both did a good job, considering the pressures. It was the first major riot in the country. President Lyndon Johnson offered to send the Army in, but I declined with thanks. We thought, under our Constitution, the Governor should handle it. If the Army had come in, the Army commander would have handled it. I figured it might be some guy from Arkansas who wouldn't know anything about Newark and its underlying problems.

"After talking with some of the black activists, I felt uneasy about it but I decided to pull the armor out. The next morning we pulled out the tanks and weapons carriers and not another shot was fired — that was the end of the riot. You see, the presence of the armor intimidated and inflamed the people, and they weren't going to give up while it was there. . . . Then I pulled some strings. I talked to the U.S. Attorney General, and got him to call the heads of a couple of food chains and persuade them to open their stores.

"While the riots were going on, it was non-stop work. After eating hot dogs for three days, I wanted to go out

to dinner with [then-Secretary of State] Bob Burkhardt, my counsel, Stanley Van Ness, and some other fellows. We just wanted to take a couple of hours off. Well, at the last minute, somebody remembered I had shut down all the restaurants that served booze, so we had to ride all the way up to Bergen County to get a drink with dinner."

At the completion of Hughes' second term, he returned to the practice of law and Republican William T. Cahill occupied the Governor's office. In November 1973, on the day Brendan Byrne was elected to succeed Cahill, the lame-duck Governor nominated Hughes to be chief justice of the state Supreme Court. "When Cahill dropped the bombshell, nobody would believe it," Hughes recalled. "One judge told a newspaper reporter, 'If you mentioned 1,000 people, that would be the last person I would think would be named.' It was amazing. The Governor had never appointed a member of the opposite party to be chief justice — never in history. So Cahill, a Republican, appointed me, a Democrat, and the Senate had a Judiciary Committee hearing. I appeared before them.

"I was wearing a salt-and-pepper

moustache in those days. I looked like Teddy Roosevelt. One senator, Bill Kelly from Hudson, said, 'Governor, I know you well. I know your ability, and I would like to support the Governor's nomination of you to be chief justice. But I'm troubled by that moustache.' I said, 'So's my wife, Senator Kelly, but I'm not going to do anything about it.' He said, 'Well, use your own best judgment.' They voted for me unanimously. . . . I knocked the moustache off about a year later — I had been getting a lot of abuse from my mother-in-law."

During the six years Hughes was chief justice, the Supreme Court handed down some landmark decisions. The first *Mount Laurel* decision, in 1975, prohibited exclusionary zoning in the state. (Hughes declined to comment on the decision because of continuing litigation surrounding the issue.) In 1976, the high court closed every public school in the state until the Legislature funded its own mandate in the "thorough-and-efficient" education law.

"The Legislature had passed a bill called the Public Education Act of 1975," Hughes recalled, "to rectify the unconstitutional burden on local property taxes to sustain the schools. The

cratic Party, maybe from the Republican Party — after Reagan gets out. Strong moderate leadership will bring a lot of those guys back to the country that have been lost in all this saber-rattling and aw-shucks charm."

On defense — "When I was Governor, we had an expert presentation with LBJ, then-Secretary of State Dean Rusk, and Secretary of Defense Robert McNamara. This was bipartisan — all comers. We were informed that each side, the Soviets and the U.S., had enough intercontinental ballistic missiles to kill everybody in the world 15 times. You can imagine how much has been added since 1966."

On President Reagan — "Republicans who are very close to him are now kind of whacking away at him. Not at him personally, but at his ideas. Nobody is going to whack him personally. . . . Clark Gable could be President today."

On the Legislative Correspondents Club dinner — "I always tell them the same jokes, and they laugh like crazy anyway."

On gun control — "When I was Governor, we got a gun-control law. I'm particularly proud of that. I don't think we'll ever have a national gun-control law though. Congress is practically owned by the National Rifle Association, which turns over millions of dollars a year, tax-free."

On advice and consent — "The Senate has an advise-and-consent function under the Constitution. They should have it, but they abuse it. They blackball a candidate for judge, or other office, and never say why. It's in the club, and it's private."

On William T. Cahill — "He said, 'I'm not going to be crazy like you and go out and dedicate all these baseball fields and bridges. I'm going to sit back here on my backside and be Governor.' And he did — he followed through. But he didn't have all those IOUs that I had when it came time to run again, and the politicians nominated Charlie Sandman."

On packing the court — "In 1937, when he was at the height of his popu-

Richard Hughes: wit and wisdom

larity, Franklin Roosevelt tried to pack the U.S. Supreme Court because the 'nine old men,' as he called them, were against New Deal legislation. He wanted to add some justices of his own. The following year, the people gave him a terrific spanking — he lost 75 congressmen. People don't want their courts abused."

On modern politics — "The difficulty with politics is that it's too dangerous. I'm not sure I'd run for Governor now. All you have to do is tip your hat to a bookmaker across the street, or to somebody you don't know, and you could be in trouble."

On conservatism — "I'm worried about this new conservatism, but I

think it will pass. It's not going to be stylish for very long."

On mandatory sentencing — "I always vetoed mandatory sentencing on the ground of the occasional injustice that could be caused by it. Charlie Sandman would always pass one right before an election, so as to force me to veto it. Then he'd picture me as a friend to the criminal and rapist."

On prisons — "It's a wonder to me that some federal court hasn't closed some of our prisons. . . . [Trenton] State Prison was condemned in 1960 by the federal prison board, and it still hasn't been replaced."

On the country — "We need strong leadership — maybe from the Demo-

"I've always loved the Constitution of the United States. . . . I didn't want to chip away at it. I stood up and I depended on the Constitution, and I depended on the people, and I'll tell you — I knocked Dumont's brains out. I beat him by 350,000 votes. At that time, it was the largest plurality in New Jersey's history."



New Jersey Constitution binds the state to furnish a 'thorough and efficient' education to all its children — equally. They passed this nice act, but they wouldn't fund it. There was no money to fund it, so the Legislature would have had to pass an income tax to get that money. They dilly-dallied along, and they postponed and postponed, and we finally closed the schools in June of 1976. The Legislature realized they were in real trouble, and they passed an income tax 10 days later."

Hughes, as chief justice, is perhaps best known for the Karen Anne Quinlan decision. The case involved a comatose, young, Morris County woman who was thought to be kept alive only by life-support equipment. The court was asked to establish whether such a patient had the "right to die." In Hughes' words, "The opinion established for the first time in the country that there is a constitutional right of privacy which sometimes surrounds the state's duty to protect life. . . . When the bodily invasion becomes very great, and the chances for recovery are almost minimal, then the turntable swings away, against the state's right to protect life and in favor of the right of privacy which we found in the Quinlan case."

Hughes wrote the Quinlan decision in Durham, North Carolina. Betty Hughes had an apartment in Durham, for a time, while she lost weight at the Duke University Medical Center — then in vogue as a diet center. "I was spending three or four weeks in Durham," Hughes recalled, "and Betty asked, 'Richard, when are you going to write that Quinlan decision?' I said, 'I have to go to Japan, at the invitation of the Japanese Supreme Court and the Japanese Bar

Association, which paid the money for my airplane tickets. The court wants me to come over and be its guest for a week to examine the judicial system, visit some prisons, and so forth."

"Well," Betty said, "you're not going to go. I want you to write that opinion. That poor girl may be near death. It will be her birthday pretty soon — 22 years old — and I want you to write the opinion. Tell the Japanese people you'll come some other time, but you can't go." So I did. I stayed there and wrote the opinion in Durham. That was almost nine years ago, and Karen is still alive. Some doctors said, 'She'll die in two weeks without the respirator.' Not one doctor at the trial testified that she could be alive at the end of the year without the respirator," Hughes said.

Hughes resigned from the bench in 1979, when he reached the mandatory retirement age of 70. He attributes his successes to the late Betty Hughes (who died in her sleep in Florida in 1983), humor, and a curious ability to sleep at night — no matter what crises are brewing. "I have one lucky faculty," he said. "I was always able to kind of compartmentalize my mind. I used to deal with a lot of pressure — all kinds of pressure. But I was always able to sleep at night, think about something else, read a chapter in a book, take a drink."

The former Governor and chief justice also possesses an abiding sense of optimism, a belief that one shouldn't worry too much about worldly crises because each one will pass. "My mother used to tell me when I was very young," Hughes recalled, "'Richard, don't worry. The Lord will take care of this country.'"