

## TRIBUTE

### THE BEST IN PUBLIC SERVICE:† A TRIBUTE TO CONGRESSMAN DEAN GALLO

*Senator Robert J. Martin\**

There are always those who may have gotten more attention than Dean. There are those who may have been on television more often than Dean but no one was better loved than Dean Gallo and no State better served than New Jersey. While the Sun may be setting on the 103rd Congress, it certainly will not set on his memory.<sup>1</sup>

#### *I. Introduction*

On November 6, 1994 Dean Gallo, a Republican who represented New Jersey's 11th Congressional District for almost a decade, died of cancer at the age of fifty-eight.<sup>2</sup> Undoubtedly, Dean

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† This title phrase was first expressed by West Essex Tribune editor Christopher Cone in an editorial two days after Congressman Gallo, due to health reasons, announced he would no longer seek another term in Washington. See *The Best in Public Service*, W. ESSEX TRIB. (Livingston, N.J.), Aug. 25, 1994, at 4.

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Presently, Senator Martin is also Director of Special Programs and Adjunct Professor at Seton Hall University School of Law. The author wishes to acknowledge the assistance of the following persons in preparing this article: Donna Mullins, former Chief of Staff of Congressman Gallo's Washington Office; Peter J. McDonough, Jr., former Assembly Minority Executive Director and Administrative Assistant to Congressman Gallo; and Paul Prior, Seton Hall Law School research assistant.

<sup>1</sup> 140 CONG. REC. H11539 (daily ed. Nov. 29, 1994) (statement of Rep. Robert Menendez (D-N.J.)).

<sup>2</sup> Dean Gallo was first diagnosed with prostate cancer in 1992. He kept this information highly confidential and only informed his immediate family and a few close

will long be remembered for his considerable legislative accomplishments,<sup>3</sup> both in Congress and in the New Jersey General Assembly, where he had served nine years previously. But those of us fortunate enough to know Dean personally will remember the special qualities of the man as much as his political triumphs.<sup>4</sup>

Indeed, Dean Gallo was universally respected by political friends and foes alike, regardless of their party affiliation or ideological persuasion.<sup>5</sup> Tall in height and powerfully built, Dean ex-

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friends. After extensive treatment, the cancer appeared to go into remission; however, it resurfaced in the spring of 1994 following Gallo's hip transplant. The cancer metastasized to his bones, and in August 1994, Gallo announced that he would retire from office after his term ended in January. See J. Scott Orr, *Gallo Returns for Greatest Battle, Proud of Service to Constituents*, STAR-LEDGER (Newark, N.J.), Aug. 26, 1994, at 1; Doug Most, *Gallo: It's Time to Take Care of Myself First*, DAILY REC. (Morris County, N.J.), Aug. 26, 1994, at A1. Three months later, Gallo passed away. See Fred Snowflack, *Gallo Dies*, DAILY REC., Nov. 7, 1994, at A1.

<sup>3</sup> The *Congressional Record* contains an extraordinary amount of information concerning Congressman Gallo's legislative activities. A LEXIS search reveals 475 pages of material since 1988. A succinct summary of Gallo's congressional accomplishments has been compiled in a recent memorandum prepared by Donna Mullins, former Chief of Staff of Congressman Gallo's Washington Office [hereinafter *Mullins' Memorandum*] [copy on file with the *Seton Hall Legislative Bureau*].

<sup>4</sup> See, e.g., H.R. Res. 587, 103rd Cong., 2d Sess. (1994), in which profound sorrow was expressed for the loss of Congressman Gallo and a resolution announcing that when the House adjourned that day, it did so in further respect to his memory. 140 CONG. REC. H11538 (daily ed. Nov. 29, 1994). Six weeks earlier, upon learning of the seriousness of Gallo's illness, Rep. Thomas Blithey (R-Va.) made the following observation:

Some have called Dean Gallo "old-fashioned" because of his preference for calm deliberations, instead of heated, partisan confrontation. Well, if old-fashioned means accomplishing great things while earning the respect of members from both sides of the aisle, then I hope Dean wears that label proudly.

140 CONG. REC. H11185 (daily ed. Oct. 6, 1994).

Further indication of the admiration which colleagues and constituents felt for Dean Gallo was displayed at his funeral ceremony held at Jacksonville Chapel, Montville, N.J., on Nov. 10, 1994. It was attended by over 1,000 people, including Governor Christine Todd Whitman, former Governor Thomas Kean, who delivered the eulogy, and most members of New Jersey's congressional delegation. See, Fred Snowflack, *I, 200 Say Last Goodbye to Gallo*, DAILY REC. (Morris County, N.J.), Nov. 11, 1994, at A1.

<sup>5</sup> Rep. Tom Delay (R-Tex.) noted:

We may not have agreed on every issue, but looking back I cannot recall a divisive dispute with Dean. That is the strength of Dean Gallo. Even in opposition, Dean remained a friend. And in this House that is rare.

140 CONG. REC. H11185 (daily ed. Oct. 6, 1994).

Politicians frequently characterized Gallo as an individual who had no [political] enemies. A more insightful, and perhaps accurate analysis, was suggested by Peter

uded a strong sense of presence.<sup>6</sup> He commanded attention without appearing to try; everyone listened closely to what Dean had to say.<sup>7</sup> Possessing indefinable but natural leadership skills, Gallo used them to assist his colleagues at literally every level of government.<sup>8</sup>

Consequently, this personal tribute will highlight not only some of Gallo's major legislative accomplishments, but also those personality traits which made him so admired by his colleagues. Hopefully others in public office will emulate the late Congressman, who by his life's actions, demonstrated that politics is still a noble profession, one which can continue to bring honor to those who pursue it with dignity and for the right reasons.<sup>9</sup>

In an era when career politicians are usually disparaged more than praised, Dean Gallo proved that the term "public servant" still has real meaning. Such an ideal remains with us today, embodied in Dean Gallo's good works and good name.

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McDonough, Jr., who contended that "Dean knew that his friends were not always his allies, and his adversaries were not always his enemies." Gallo treated all colleagues respectfully, recognizing that their views were deserving of consideration. Telephone interview with Peter McDonough, Jr. (Mar. 4, 1995). Mr. McDonough was Executive Director of the New Jersey Assembly Minority Office from December 1982 to January 1984 and Administrative Assistant to Congressman Gallo from 1986 to 1990 and 1992 to 1994. *Id.*

<sup>6</sup> The former lifeguard and star high school athlete stood approximately six feet, five inches tall and weighed well over two hundred pounds. Many political observers believe that Dean's physical appearance gave him a distinct advantage, at least psychologically, in dealing with others in situations in which he sought their support. *Id.*

<sup>7</sup> Congresswoman Marge Roukema (R-N.J.), remarked that "[w]hile Dean is a man of few words, his opinions are valued and when he speaks, we listen!" 140 CONG. REC. H11185 (daily ed. Oct. 6, 1994) (statement of Rep. Marge Roukema (R-N.J.)).

<sup>8</sup> At the local level, he was elected Council President of the Parsippany-Troy Hills Township Council. At the county level, he was elected Director of the Morris County Board of Chosen Freeholders. At the state level, he was elected as Minority Leader of the New Jersey General Assembly. At the federal level, he was appointed Regional Whip of the Mid-Atlantic States by the House Minority Leader and elected Co-Chair of the Northeast-Midwest Congressional Coalition.

<sup>9</sup> This author is certainly not the only one who believes Dean Gallo is worthy of emulation. See, e.g., the comments of Rep. Dennis Hastert (R-Ill.), who stated: "Dean was certainly a unique and wonderful individual, and he will leave his mark on this institution [Congress] for as long as we can remember. We certainly should try to emulate this man and the service he gave, and I feel that I was a much better person for having known him and having worked with him." 140 CONG. REC. H11540 (daily ed. Nov. 29, 1994).

## II. *Emergence of a Political Leader*

Born in Hackensack, New Jersey on November 23, 1935 to parents of Italian and Swedish heritage, Dean Gallo lived his entire life in the Township of Parsippany-Troy Hills, Morris County, New Jersey.<sup>10</sup> Dean grew up in the Lake Parsippany section and attended a local public grammar school and Boonton High School.<sup>11</sup> The caption in his high school yearbook reveals that the young man "with the classic features and broad shoulders" was more athlete than scholar.<sup>12</sup> In fact, Dean was such a hard-throwing pitcher that, upon graduation in 1954, he was offered a try-out with the Brooklyn Dodgers.<sup>13</sup> He subsequently played in their minor league organization.<sup>14</sup>

By 1956, Dean's prospects of playing Major League Baseball had dimmed, so he decided to return to his hometown and join his father's small real estate business in Lake Parsippany. That same year, he married a former high school classmate and the couple

<sup>10</sup> See generally, FITZGERALD'S N.J. LEGIS. MANUAL 265-66 (Mullin ed. 1984).

<sup>11</sup> Telephone interview with Morris County Freeholder Joan Bramhall, former Office Manager of Congressman Gallo's District Office in Dover, N.J. (March 7, 1995). Bramhall also grew up in Parsippany and attended grammar school classes and Boonton High School with Gallo. At the time of Dean's boyhood in the late 1940s and early 1950s, Lake Parsippany was comprised predominately of former summer cottages which were gradually being converted into year-round residences due to the regional housing shortage. Unlike today when Parsippany-Troy Hills Township School District operates two high schools of its own, during Dean's youth it served as a sending district to Boonton High School. *Id.*

<sup>12</sup> Echoes of '54, Vol. XXV (Boonton High School, Boonton, N.J., 1954) [copy on file with the Seton Hall Legislative Bureau]. The caption beneath Dean's photograph reads as follows:

Dean can usually be found carrying the "pigskin" or slamming home runs. The strong, silent type, he prefers the out-of-doors to the inside of a schoolroom. Classic features and broad shoulders are combined to make Dean's physique an enviable one.

*Id.*

<sup>13</sup> The Brooklyn Dodgers, of course, were the forerunners of today's Los Angeles Dodgers, one of Major League Baseball's most successful franchises. The Dodgers did not move from Brooklyn until after the 1957 season. See generally Mark A. Robinson, Note, *Intellectual Property—Lanham Act—Major League Baseball Properties, Inc. v. Sed Non Olet Denarium, Ltd.*, 817 F. Supp. 1103 (S.D.N.Y. 1993), 4 SETON HALL J. SPORT L. 205-06 (1994).

<sup>14</sup> Interview with Robert Tonry, Parsippany, N.J. (Mar. 14, 1995). Tonry also grew up in Lake Parsippany and became a big league baseball prospect. Tonry recalls that Gallo had a great fastball, but lacked control of his curveball and other off-speed pitches. *Id.*

eventually became parents of two children.<sup>15</sup> Over the next decade, Dean remained busy raising a family. Following his father's death, he and his life-long friend and present New Jersey Assemblyman, Alex DeCroce, formed their own real estate partnership.<sup>16</sup>

Dean Gallo's initial involvement in politics occurred more by accident than by design.<sup>17</sup> After Interstate Highways Route 80, Route 280, and Route 287 were opened in the 1960s, Parsippany-Troy Hills, situated at their intersection, grew dramatically from a quasi-rural to a sprawling suburban township with a population well over 50,000.<sup>18</sup> Recognizing that the municipality lacked sufficient athletic fields and parks for his and other children, Dean joined the local recreation committee.<sup>19</sup> He soon became convinced that the township's governing body needed to provide more assistance for recreational programs. Consequently, he successfully ran for township council in 1967.<sup>20</sup>

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<sup>15</sup> Dean and his first wife, the former Anne Schenker, were parents of a son, Robert, and daughter, Susan. Much of the information about Dean Gallo's early life was obtained from numerous discussions with New Jersey Assemblyman Alex DeCroce between 1989 and 1994. Alex and Dean were boyhood friends in Lake Parsippany, attended the same schools, and graduated together from Boonton High School in 1954.

<sup>16</sup> The two together formed Gallo and DeCroce, Inc., which has continued to remain a successful commercial and residential real estate enterprise in Morris County. In the early years, both partners supplemented their income by working as appraisers for Selective Insurance Company. *Id.*

<sup>17</sup> Although Dean's parents were civic-minded (his father established the Township's first-aid squad), they were not directly involved in politics. Deans's father, however, enjoyed "hashing it out" with local politicians at the Corby General Store, down the street from his real estate office. The Gallos were originally Taft Republicans, and then Eisenhower supporters in the 1950s and Nixon supporters in the 1960s. According to boyhood friend Russell Corby, later Democratic Mayor of Pine Beach, New Jersey, "[i]t was a time and place, however, when one's individual contribution to the neighborhood and community held much more standing than political contradictions. I believe that Dean Gallo's public life reflected a genuine respect for another's viewpoint drawn from those early scenes in our life." Russell K. Corby, "*Gallo: Neighborhood Kid Who Did Us Proud*," ASBURY PARK PRESS, Nov. 15, 1994, at A22. Corby also pointed out that this one small neighborhood ultimately produced a Congressman, Gallo, a state Assemblyman, Alex DeCroce, a Morris County Sheriff, John Fox, a Morris County Freeholder, Joan Bramhall, and an Ocean County Mayor, Russell Corby. *Id.*

<sup>18</sup> One commentator observed that "Parsippany-Troy Hills, a sprawling township whose population was only 10,976 in 1940, has nearly 60,000 residents now and is more than three times as big in population as Morristown, the long-time leader [of Morris County]." JOHN T. CUNNINGHAM, *THIS IS NEW JERSEY* 63 (3d ed. 1978).

<sup>19</sup> Tonyr Interview, *supra* note 14.

<sup>20</sup> Interview with Vincent Fox, Parsippany, N.J. (Apr. 12, 1995). Vincent Fox, a

From this modest beginning, Dean Gallo's interest and advancement in politics proceeded rapidly.<sup>21</sup> Within a year after his election, his peers chose him Council President.<sup>22</sup> Two years later, in 1970, he successfully ran for a hotly-contested seat on the Morris County Board of Chosen Freeholders.<sup>23</sup> In 1973, the seven-member board appointed Gallo to be Freeholder Director.<sup>24</sup>

Part of Dean's early political success derived not only from his willingness to immerse himself in legislative and administrative details,<sup>25</sup> but also in many other related, and often time-consuming,

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close friend and long-time associate of Dean Gallo, recalls that in 1967 he helped persuade Gallo to run for local office. At that time Fox was Chair of the Parsippany-Troy Hills Township Republican Municipal Committee and was looking for a locally popular, dynamic candidate to run for Township council. He convinced Gallo one afternoon, while Dean took a break from raking leaves in his backyard, to take up the challenge. *Id.*

<sup>21</sup> Tonry Interview, *supra* note 14. Gallo learned quickly that being an elected official was not always easy. One of his first initiatives as councilman was enactment of an ordinance requiring that a sewer system be installed in his own section of town, Lake Parsippany, to replace aging septic tanks that were polluting the lake and threatening contamination of drinking water. Since the installation required mandatory financial assessments, many of the local residents became quite upset. One of his neighbors even threatened to "bean Gallo with a two-by-four." *Id.* Incidentally, Gallo's interest in clean water and other environmental issues remained a life-long concern. See, e.g., *infra* notes 54-56 and accompanying text.

<sup>22</sup> In his three years on the Township Council, Gallo succeeded in laying the foundation for creation of the recreational fields and parks which he believed were needed in Parsippany. Smith Field, a huge recreational complex housing multiple soccer, softball and football fields, as well as picnic areas and related facilities, was developed during his term in office. Tonry Interview, *supra* note 14.

<sup>23</sup> Interview with Victor Woodhull, former Freeholder who served with Gallo in the early 1970s (Denville, N.J., Mar. 14, 1995). Seven candidates ran for three seats on the Morris County Board of Chosen Freeholders in the Republican primary in June, 1970. *Id.*

<sup>24</sup> Another indication of his leadership skills can be gleaned from the fact that Gallo was appointed to two successive terms as Freeholder Director. In Morris County, a practice has traditionally been followed in which the position of director is "rotated" to a different board member every year. Only twice in the past quarter-century has the tradition been interrupted, one of which occurred in 1973-75 when Gallo was chosen for two consecutive terms. Many observers of county government believe that continuity of leadership is preferable to rotation; however, most Morris County Freeholders, recognizing that their likelihood of becoming director has been enhanced by adhering to a rotational system, have remained reluctant to abandon the traditional practice.

<sup>25</sup> Interview with Henry Luther, former Mayor of Parsippany-Troy Hills Township, Parsippany, N.J. (Mar. 17, 1995). Gallo established a reputation for always "doing his homework." Prior to Parsippany Council meetings, Dean would carefully prepare index cards filled with questions and concerns which he would subsequently go over point-by-point with his colleagues. *Id.*

activities affected by government decision-making.<sup>26</sup> He seemed possessed with boundless energy<sup>27</sup> and the necessary leadership skills to tackle and resolve complex problems.<sup>28</sup>

Yet not everyone in Morris County in those early years appreciated or supported Dean Gallo's rapid rise in politics. Dean and several of his political associates represented a new leadership, distinctly different in style from that of the well-to-do and well-connected families who had traditionally dominated county government.<sup>29</sup> But Morris County was changing, growing and becoming more diverse in ethnic, religious, and racial composition as

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<sup>26</sup> FITZGERALD'S N.J. LEGIS. MANUAL 266 (Mullin ed. 1984). While a freeholder, for example, he simultaneously served as a trustee of the County College of Morris, Committee Chairman of the United Way, and as a member of the Morris/Sussex Boy Scout Council. He was also a member of the Land Use Study Committee for the National Association of Counties. *Id.*

<sup>27</sup> Gallo was famous for his willingness to attend almost any event, be it political, social or business, to which he was invited. By the time he was elected to the New Jersey Legislature, and later Congress, it was not uncommon for Gallo, when not in Trenton or Washington, to attend as many as fifteen separate functions in one day. He believed that, if at all possible, elected representatives should not send surrogates and that it was their responsibility to keep in regular contact with constituents. More importantly, he practiced what he believed; thus a typical daily agenda for Gallo might well include attendance at a Boy Scout Eagle Award ceremony, speech to a local Rotary Club, meeting with the owners of a local business, address before a senior citizen's group, and appearance at a local municipal Republican club meeting.

<sup>28</sup> Woodhull Interview, *supra* note 23. Two of the more significant and lasting accomplishments attributed to the freeholder board at the time when Gallo served as its director were the creation of the Morris County Police and Firefighter Academy and the development and expansion of the County College of Morris, which had first opened its doors in 1968. Both of these institutions have achieved outstanding reputations throughout northern New Jersey derived primarily from a strong foundation of good planning and careful administration. *Id.*

<sup>29</sup> Local politicians who resented Gallo's growing influence often repeated the unflattering rumor that he was running a little "White House" out of Parsippany. They referenced the fact that, with Gallo's backing, two of his close friends from Parsippany-Troy Hills had also been elected to important county positions. Dean's business partner, Alex DeCrose, was elected Morris County Republican Chairman in 1973, and, like Dean, was subsequently elected Freeholder in 1984 and Assemblyman in 1989. His other friend, Parsippany Police Detective John Fox, was elected Morris County Sheriff in 1974, a position he held for the next 18 years.

But, unlike most other counties, Morris County had an "open primary" system and its Republican County Committee did not employ screening conventions or designated lines on election ballots to steer primary voters to pre-selected candidates. Consequently, there was, and continues to be, less bossism. Although a popular elected official such as Gallo could assist other candidates through the influence of his endorsement, neither he nor anyone else, including the county chair, could control the outcome of elections.

more residents of urban Essex and Hudson Counties and New York City migrated to its suburban boroughs and townships.<sup>30</sup> Although the county remained affluent, Republican, and conservative, its newer voters seemed more concerned with the effectiveness of their representatives rather than with their "pedigree." Despite not fitting the traditional political profile and despite his lack of family wealth or a college education, Dean Gallo's political star continued its rapid ascent.

In 1975, he ran for the General Assembly in the former 24th Legislative District and easily won the seat by ousting two-term Democratic incumbent John J. Sinsimer.<sup>31</sup> In Trenton, Gallo immediately volunteered to serve on the Joint Budget and Appropriations Committee.<sup>32</sup> As a member of the Appropriations

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<sup>30</sup> See, e.g., N.J. ALMANAC 459-64 (Bertrand Boucher et al. eds., 1967), which observed:

Twenty-five years ago Morris County could be summed up easily by citing a notable colonial heritage . . . . Today, Morris County has changed radically . . . . With Times Square only 30 miles to the east and Philadelphia only 75 miles to the southwest, Morris County must inevitably modify some of its old ways to accommodate the thousands of new residents flocking to the suburbs.

At the dawn of the Twentieth Century, Morristown boasted more millionaires within a mile of the Green than in any similar area in the world. Most of the millionaires have gone to their reward and Morristown is noted now more for the miles and miles of split-levels which have mushroomed on the estates and farmlands.

Another commentator noted that by 1940, Morris County's population of 125,732 was nearly double the 1900 population of 65,156. By 1976, the population had ballooned to approximately 407,000.

CUNNINGHAM, *supra* note 18, at 63.

<sup>31</sup> See generally FITZGERALD's N.J. LEGIS. MANUAL 936-55 (Mullin ed. 1976). At the time, the 24th Legislative District included parts of Morris, Passaic and Union Counties. Each district, both then and now, has two Assembly members, and the elections for each of the two-year terms are held simultaneously in odd-numbered years. In the November 1975 General Election, Dean Gallo won one of the Assembly seats by coming in second in a four-way race. Barbara A. Curran, the incumbent Republican, who won the other Assembly seat, received 28,493 votes. Gallo, her running mate, received 26,277 votes. John J. Sinsimer, the Democratic incumbent, received 19,672 votes. Paul M. Bontempo, the other Democratic candidate, received 19,382 votes. *Id.*

<sup>32</sup> Even though the State Senate and Assembly Appropriations Committees are generally recognized as the most powerful in state government, few legislators seek to serve on them. Membership on Appropriations has been even more prestigious when both houses have created a "joint" committee, as occurred when Dean Gallo served in the Assembly. Legislators, for the most part, serve part-time and are unable or unwilling to commit the additional time necessary to meet the demands of the Appropriations Committee. The Committee meets on almost a full-time basis in late March, April, and early May to craft the annual state budget. Based upon his own experi-

Committee, the most powerful of all legislative committees, he established a reputation as a fiscal conservative. However, he recognized that those with special needs, such as the institutionalized elderly<sup>33</sup> and the victims of domestic violence,<sup>34</sup> deserved governmental assistance.

After only one term in office, Dean's Republican colleagues elected him Assistant Minority Leader.<sup>35</sup> As a member of the Republican leadership,<sup>36</sup> Gallo proved to be an exceptional party consensus builder and shaper of public policy.<sup>37</sup> By the time his former Assembly colleague and fellow Republican Thomas Kean was sworn in as governor in January 1982, Dean was elected Assembly Minority Leader.<sup>38</sup>

It then became Dean's primary responsibility to act as the Governor's "point man," assuming the task of ensuring that the administration's legislative agenda received sufficient support in the General Assembly.<sup>39</sup> Although at times this role proved both demanding and controversial, Gallo willingly endured political difficulties and criticism in order to advance Governor Kean's public policy initiatives.<sup>40</sup>

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ence, Dean Gallo frequently advised newly elected legislators to consider accepting an appointment on Appropriations if they wanted to receive a fast and thorough introduction to state government.

<sup>33</sup> Gallo sponsored the law providing for protection of the institutionalized elderly. *See* N.J. STAT. ANN. § 52:27G-7.1 (West 1986).

<sup>34</sup> Gallo is credited with sponsoring the first law providing for the establishment of state-supported battered women's shelters. *See* N.J. STAT. ANN. § 37:1-12.2 (West Supp. 1994).

<sup>35</sup> FITZGERALD'S N.J. LEGIS. MANUAL 290 (Mullin ed. 1981).

<sup>36</sup> "Leadership," as used in Trenton, refers to a handful of party members elected by their peers to formulate strategy for their caucus. Leadership positions are highly sought after, and it has been quite rare for relative newcomers, such as Gallo, to win a major leadership position after having served only one term in office.

<sup>37</sup> Telephone interview with Joseph Gonzalez, former Executive Director of the Assembly Minority Office from 1970-82 (Mar. 6, 1995).

<sup>38</sup> FITZGERALD'S N.J. LEGIS. MANUAL 265-66 (Mullin ed. 1984).

<sup>39</sup> McDonough Interview, *supra* note 5.

<sup>40</sup> The most graphic example of this occurred shortly after Governor Kean took office. After having stated during his campaign that he anticipated no new taxes, Governor Kean proposed a substantial tax package, which included both an increase in the income tax and increase in the sales tax. Asserting that the prior administration had created a huge, unanticipated deficit, the governor convinced Minority Leader Gallo that passage of the tax package was necessary, despite its political unpopularity, and then called upon Gallo to round up enough legislative support to enact the package.

During this period, Gallo also succeeded in securing enactment of several of his own legislative initiatives. He was the prime sponsor of laws creating a state insurance fraud bureau,<sup>41</sup> prohibiting ticket scalping at sporting events and public concerts,<sup>42</sup> and establishing a program to spay and neuter domestic animals.<sup>43</sup> But rather than concentrate on accumulating a long list of personal "trophies," Gallo, as Minority Leader, offered his colleagues the opportunity to gain credit for passage of the most politically popular bills. Meanwhile, Gallo continued to work closely with Governor Kean during Kean's first administration to secure adoption of broad-range programs, such as the establishment of the Transportation Trust Fund<sup>44</sup> and reform of New Jersey's automobile insurance laws.<sup>45</sup>

Then, unexpectedly, in the spring of 1984 an exceptional opportunity to win a seat in Congress arose, and Gallo seized upon it. The Federal Court of Appeals ordered a new redistricting plan for New Jersey, substantially altering the geographic composition of the congressional district in which Dean resided.<sup>46</sup> The new 11th

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<sup>41</sup> Insurance Fraud Prevention Act, N.J. STAT. ANN. § 17:33A-1 (West 1994). This act created the Division of Insurance Fraud Prevention. N.J. STAT. ANN. § 17:33-3 (West 1994).

<sup>42</sup> N.J. STAT. ANN. § 56:8-33 (West 1989).

<sup>43</sup> Animal Population Control Program, N.J. STAT. ANN. § 4:19A-1 (West Supp. 1994).

<sup>44</sup> N.J. Transportation Trust Fund Authority Act of 1984, N.J. STAT. ANN. § 27:1B-1 (West Supp. 1994).

<sup>45</sup> Automobile Insurance Reform Act of 1982, N.J. STAT. ANN. § 17:29A-35 (West 1985), amended by N.J. STAT. ANN. § 17:33B-1 (West Supp. 1993).

<sup>46</sup> This plan marked the culmination of a bitter political struggle between the Democratic and Republican Parties. Just prior to Governor Brendan Byrne's departure from office in January 1982, he and the then Democratic majorities in the General Assembly and State Senate enacted a plan for congressional redistricting based upon the 1980 federal census. Republicans, believing that this plan represented an unconstitutional gerrymandering, thus unfairly depriving them of an opportunity to win more seats, successfully challenged it in a case ultimately heard by the United States Supreme Court. See *Daggett v. Karcher*, 462 U.S. 725 (1983). Deeming the plan unconstitutional because districts deviated too much in population in violation of the principle of "one person, one vote," the Supreme Court allowed the results of the 1982 election to stand, but required a new plan to be put in place by the time of the 1984 elections. *Daggett v. Karcher*, 462 U.S. at 744 (affirming *Daggett v. Kimmelman*, 535 F.Supp. 978 (D.N.J. 1982)). See also FITZGERALD'S N.J. LEGIS. MANUAL 315 (Mullin ed. 1986).

But with Republican Governor Kean taking office, the Democratic majorities in the legislature were unable to devise a plan that could win his approval. (Note that since the plan had to be enacted into law, it required the approval of the governor as

District, which had formerly been comprised predominantly of Essex County residents, was reconfigured so that a majority of its population was now situated in Morris County. Although the eleven-term Democratic incumbent, Joseph G. Minish of West Orange, sought re-election, much of his former political base no longer remained within the district.

Thus, after securing the Republican nomination in an uncontested primary in June 1984,<sup>47</sup> the following November Gallo went on to defeat Minish after a spirited and closely followed campaign.<sup>48</sup> The new congressman owed his victory not only to his large Morris County constituency, but also to a vigorous, old-fashioned door-to-door campaign conducted throughout most of the district.<sup>49</sup> As a consequence, he was the only congressional chal-

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well as a majority in each house of the legislature. Although theoretically the two houses of the legislature could override a gubernatorial veto, votes on this matter almost always followed party lines, and the Democrats did not have the necessary two-thirds majority in either house to overcome Governor Kean's opposition.) Because of the legislative and gubernatorial stalemate, a three-judge federal panel, presided over by John Gibbons, Chief Judge of the United States Court of Appeals for the Third Circuit, was ultimately forced to resolve the deadlock. The court did so by adopting one of the plans submitted during the course of the litigation, a plan that most political observers felt was clearly more advantageous to Republican than Democratic candidates. See *Daggett v. Kimmelman*, 580 F. Supp. 1259, 1264-65 (D.N.J. 1984).

The political upshot of all this manipulation by the two parties was that, following the 1984 General Election, the Republicans gained one seat in the House of Representatives, increasing their state total from five to six members. The seat that they gained was the one won by Congressman Gallo. See FITZGERALD'S N.J. LEGIS. MANUAL 315 (Mullin ed. 1986).

<sup>47</sup> Of course, many Republicans were interested in challenging Congressmen Minish in the reconfigured district, but after assessing their chances to defeat Dean Gallo in the primary, none decided to do so. Because most Republican party activists assumed that Gallo would have the best opportunity to defeat the incumbent, Dean had the backing of all the Republican county chairmen and most of the elected officials in the sprawling district. The 11th district included 12 municipalities in Essex County, 31 in Morris County, two in Sussex County, and four in Warren County.

<sup>48</sup> Gallo received 63% of the vote, receiving 91,806 votes to Minish's 53,187. FITZGERALD'S N.J. LEGIS. MANUAL 920 (Mullin ed. 1985). Since that time, he has won re-election easily. For example, in his last election in 1992 (at the same time that Democratic presidential candidate Bill Clinton carried the state), Gallo won re-election with over 73% of the vote, receiving 188,165 votes to his challenger's 68,871. FITZGERALD'S N.J. LEGIS. MANUAL 886 (Mullin ed. 1993).

<sup>49</sup> Telephone interview with Congressman Bob Franks (R-N.J.) (Mar. 17, 1995). At the time, then Assemblyman Franks served as Gallo's campaign manager in his race against Congressman Minish. This author recalls that on one Saturday morning Gallo became so engrossed in his door-to-door campaigning that he inadvertently walked well beyond the boundary of the municipality he was supposed to be in and ended up covering several neighborhoods in the adjacent 12th Congressional District.

lenger in New Jersey in 1984 to defeat an incumbent.

### III. Congressional Legacy

Arriving in Washington in January 1985, Dean immediately maneuvered to secure a position where he could exert maximum influence. Emphasizing his prior experience as a legislative leader in a minority party who knew how to get results, Gallo persuaded his Republican colleagues to elect him Freshman Whip.<sup>50</sup> Gradually, he earned a reputation as a thoughtful legislator who was more interested in goals and policy than in being a "show horse."<sup>51</sup>

Undertaking his leadership responsibilities as one of the Republican whips, Gallo developed a close working relationship with House Minority Leader Robert ("Bob") Michel (R-Ill.).<sup>52</sup> Michel, who served as Minority Leader during Gallo's entire career in Washington, came to value Dean's assistance and retained him in Republican leadership after Dean had completed his freshman term. Michel appointed Gallo Regional Whip for the Mid-Atlantic States, a position of influence which Gallo held for the remainder

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<sup>50</sup> McDonough, *supra* note 5. Presumably, several of his potential rivals for a leadership position thought it more prestigious to be elected class president than freshman minority whip. Gallo was therefore able to be elected class whip with minimum competition. Apparently, what many other ambitious colleagues did not realize was that the class whip became part of the policy-making team headed by the minority leader, whereas the class president assumed no significant responsibilities other than performing some initial, largely ceremonial, duties. *Id.*

<sup>51</sup> See, e.g., 140 CONG. REC. H11538 (daily ed. Nov. 29, 1994) (statement of Rep. William J. Hughes (D-N.J.)). Congressman Hughes noted:

When he came to Congress, he followed through with the same tradition [that he had established in the state legislature], one of reaching out to everyone. His technique was not one of being a show horse. He was a producer of quality legislation. He was one that was concerned about goals and policy. He wanted to be a serious legislator in the time that he served here in the Congress and indeed he became one of New Jersey's finest legislators.

*Id.* Congressman James Saxton (R-N.J.) labeled Gallo a "thoroughbred." 140 CONG. REC. H11187 (daily ed. Oct. 6, 1994). Congressman Jim Kolbe (R-Ariz.) described him as a "legislator's legislator." 140 CONG. REC. H11539 (daily ed. Nov. 29, 1994).

<sup>52</sup> McDonough, *supra* note 5. Dean Gallo and Bob Michel had much in common, which is probably why they worked so well together. Gallo had previously served as Assembly Minority Leader with Republican Governor Thomas Kean who had depended upon Dean to ensure that his political policies were enacted by the legislature. Bob Michel, who served as House Minority Leader under Republican Presidents Ronald Reagan and George Bush, was required to fulfill similar duties in Congress. *Id.*

of his congressional career.<sup>53</sup>

During his first years in the House, Gallo, despite his lack of seniority, proved exceptionally effective in spearheading passage of major environmental legislation.<sup>54</sup> In 1985, he introduced H.R. 2969, which ultimately formed the basis for the national Community Right-to-Know Law, which mandated the reporting of sites where hazardous materials were placed and stored.<sup>55</sup> Moreover, as a member of the conference committee on legislation to end ocean dumping, Dean successfully blocked efforts to extend the 1991 deadline by which dumping of sludge had to be discontinued. He also helped expand the scope of the law to include medical waste and other hazardous materials.<sup>56</sup>

Gallo was also instrumental in the fight to protect the Small Business Administration (SBA).<sup>57</sup> As a member of the Small Busi-

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<sup>53</sup> *Id.* Gallo's opportunity to remain in leadership was always contingent upon his ability to convince top party members that he could "whip" Republican colleagues into supporting leadership's position on key issues. When Newt Gingrich vaulted into the number two position in leadership by winning a caucus fight for Minority Whip in 1989, Gingrich convinced Minority Leader Bob Michel to replace most of the regional whips with more aggressive party members more closely aligned with Gingrich's conservative political views. Although Gallo did not fit that description, Gingrich did not seek to remove him because Dean had proven extraordinarily adept at carrying out his duties as Regional Whip for the Mid-Atlantic States. *Id.*

<sup>54</sup> *Mullins' Memorandum, supra* note 3, at 8. Unlike many of his Republican colleagues, Dean Gallo always displayed a keen interest in environmental issues, both in his early and later years in Congress. More importantly, he was willing to take tough stands on these issues. For example, Dean supported the override of President Reagan's veto of the Clean Water Act, legislation in which Dean, as a member of the Public Works Committee, had been directly involved. *Id.*

<sup>55</sup> The Community Right to Know Act of 1986, 42 U.S.C. § 11001-11050 (1988). H.R. 2969 was originally proposed as an amendment to the reauthorization of the Superfund Act.

<sup>56</sup> *Mullins' Memorandum, supra* note 3, at 8. Naturally, Gallo was most concerned with ocean dumping of sludge off the New Jersey coastline. For years, New York City and several northern New Jersey sewerage authorities had hauled untreated or minimally treated sludge by barge out to the Atlantic Ocean, dumping it a few miles east of Sandy Hook, New Jersey. The dumping not only contributed to occasional beach closings due to fecal matter washing up along the shore, but also raised objections from the fishing industry, which voiced concern about fish contamination. Hazardous waste dumping, particularly medical waste products, also became an issue in the 1980s after several highly publicized incidents occurred involving bathers who were punctured by hypodermic needles while swimming at beaches in Monmouth and Ocean Counties, New Jersey.

<sup>57</sup> *Mullins' Memorandum, supra* note 3. A small business owner himself, Gallo always took a special interest in the concerns of small business entrepreneurs. For example, he sponsored many exporting seminars for New Jersey businesses, including

ness Subcommittee of the Public Works and Transportation Committee, Dean initiated reform legislation that revamped, and thereby saved, the SBA. The legislation ultimately led to a savings of more than a half-billion dollars without producing major cuts in SBA programs.<sup>58</sup>

Following his election in 1988 to a third term in Congress, Gallo was able to attain a highly-coveted position on the House Appropriations Committee.<sup>59</sup> Capitalizing on this appointment, Gallo introduced legislation authorizing pay adjustments for federal employees residing or working in expensive cost-of-living areas, such as northern New Jersey.<sup>60</sup> Gallo's Locality Pay Act was subsequently expanded into a broader law, providing pay adjustments for all federal employees in high-cost metropolitan areas.<sup>61</sup>

During this 101st session of Congress, Gallo continued to achieve important environmental victories. In response to the Exxon Valdez accident of March 24, 1989,<sup>62</sup> which led to widespread

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two focused on trade with the European Community through the gateways of Ireland and Italy, one focusing on women's small business exporting, and another focusing on export financing, which brought federal, state, and private experts together at a workshop with small business owners. *Id.*

<sup>58</sup> *Mullins Memorandum, supra* note 3, at 8.

<sup>59</sup> McDonough, *supra* note 5.

<sup>60</sup> From Gallo's perspective, this was not "pork barrel" legislation; the issue was one of fundamental fairness. Because the Metropolitan New York City Area was one of the most expensive in which to live, those federal employees who worked in this region received relatively less wages because their salary was based upon a national pay scale. Moreover, employees who were transferred to this region suffered a relative pay cut, sometimes even if they acquired a promotion in conjunction with the transfer. The problem also negatively impacted other high cost-of-living metropolitan areas, such as San Francisco and Boston, especially with regard to the price of housing.

<sup>61</sup> The Federal Employees Pay Comparability Act of 1990, 5 U.S.C. § 5304 (Supp. II 1990). Passage of this legislation allowed most General Schedule federal employees in northern New Jersey to receive an 8% locality pay adjustment in addition to a 4.1% cost of living adjustment (COLA), beginning with the first pay period of 1991, and thereafter with regularly scheduled supplemental increments. *Mullins' Memorandum, supra* note 3, at 7.

<sup>62</sup> This accident, the largest oil spill in United States history, occurred after the tanker, Exxon Valdez, struck Bligh Reef, about 25 miles south of the southern terminus of the Alaskan pipeline. The 987 foot tanker was carrying 1,260,000 barrels of oil. "The economic and environmental dimensions of the disaster grew daily. The fishing industry was temporarily wiped out, and the pictures on television of dying birds and otters, soaked with oil, stunned the nation . . . Federal officials reported to President Bush, May 18, [1989] that the response by the industry and government to the spill had been 'wholly insufficient.'" *THE WORLD ALMANAC AND BOOK OF FACTS* 51-54 (Mark S. Hoffman, ed. 1990).

pollution along the Alaskan coastline, he authored H.R. 2609,<sup>63</sup> which mandated the installation of double hulls in all newly constructed oil tankers.<sup>64</sup> Gallo also played an important role in the development of the Hazardous Materials Transportation Law, which provided for the assessment and monitoring of the flow of hazardous materials on the nation's highways and railroads so that emergency teams could be better prepared to respond to potential disasters occurring during transport.<sup>65</sup>

Over the course of his final four years in Congress, Gallo continued to exert strong leadership, as evidenced by his selection in 1993 as Co-Chair of the bipartisan Northeast-Midwest Congressional Coalition.<sup>66</sup> In that capacity, he successfully led the fight to defeat the imposition of an oil import fee on taxpayers, which would have had a disproportionate impact upon those states represented by the Coalition.<sup>67</sup> He also authored legislation that

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<sup>63</sup> It should be noted that in addition to the Valdez incident, several serious oil spills had occurred shortly thereafter near Port Newark and Port Elizabeth, New Jersey, the busiest docking facilities on the East Coast. Gallo was especially concerned about how those spills could affect bathing beaches along the New Jersey shore, as well as bird and wildlife habitat surrounding Newark Bay. Double hulls would provide assurance that tankers maneuvering in and around the Kill Van Kull and Arthur Kill to dock at nearby refineries would not pollute the estuaries should they run aground.

<sup>64</sup> Oil Pollution Act of 1990, 33 U.S.C. § 2701(a) (Supp. II 1990). Gallo offered his initial bill, H.R. 1465, as an amendment to the 1990 Federal Oil Spill Liability and Protection Act. Although the original Senate version did not contain a double hull requirement for tankers, Gallo succeeded in obtaining passage of a House resolution which instructed conferees to insist that the requirement remain a part of the legislation. *Mullins' Memorandum, supra* note 3, at 6.

<sup>65</sup> Hazardous Materials Transportation Uniform Safety Act of 1990, Pub. L. No. 101-615 (1990). Gallo's original bill, H.R. 584, was incorporated into H.R. 3520. This legislation could properly be viewed as an extension of Gallo's previous efforts to enact a Community Right-To-Know Act, which had dealt with the reporting of substances at stationary sites, rather than the reporting of substances in transit. *See supra* note 53 and accompanying text. In developing support for the Transportation Act, Gallo had requested that the General Accounting Office perform a study which subsequently revealed that twelve federal agencies and countless state, local and private organizations afforded some type of police and fire training for accidents involving hazardous materials. This legislation provided those agencies with a method for obtaining critical information and a means for coordinating their joint efforts.

<sup>66</sup> *See* 140 CONG. REC. H11540 (daily ed. Nov. 29 1994) (statement of Rep. Benjamin A. Gilman (R-N.Y.)).

<sup>67</sup> *Mullins' Memorandum, supra* note 3, at 3-4. If enacted, it was estimated that the proposal would have cost the average New Jersey family more than \$250 annually. *Id.* Gallo's alternative approach for energy conservation was to promote the goal of national energy independence through renewable domestic energy sources. As a member of the Appropriations Committee, he helped to enact approval of \$247 million to

changed the definition of "poverty," as used in determining eligibility for governmental assistance programs, from a national standard to a regional standard.<sup>68</sup>

Once again exploiting his position on the Appropriations Committee, he succeeded in blocking efforts by President Clinton's administration to cut \$200 million from the Low Income Home Energy Assistance Program (LIHEAP).<sup>69</sup> Gallo also authored the Mass Transit Incentive Act, which created a tax-free monthly benefit financed by industry to encourage employees to commute by public transportation or participation in van pools.<sup>70</sup>

In addition to pursuing national legislation,<sup>71</sup> Gallo worked vigorously to ensure that the Federal Government responded to many of the most serious problems confronting his own congressional district.<sup>72</sup> He pressured the Environmental Protection Agency to begin actual Superfund clean-up at several highly contaminated sites.<sup>73</sup> He obtained funding under the Clean Lakes program for restoration of several of New Jersey's most important recreational areas.<sup>74</sup> He also obtained numerous grants to finance senior citizen housing, drug and alcoholic treatment facilities,

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fund research and development of solar energy, \$78 million for photovoltaic energy, and \$347.5 million for fusion energy. *Id.* at 3.

<sup>68</sup> 42 U.S.C. § 9902(2) (Supp. III 1991).

<sup>69</sup> *Mullins' Memorandum*, *supra* note 3, at 3.

<sup>70</sup> The Mass Transit Incentive Act, 26 U.S.C. § 132(f) (Supp. IV 1992). After obtaining administration support for the \$60 monthly employer-offered commuter benefit, Gallo succeeded in placing authorization language for the benefit into comprehensive energy law by securing the approval of his colleagues on the House Appropriations Committee. *Mullins' Memorandum*, *supra* note 3, at 5.

<sup>71</sup> Unfortunately, some of the national legislation which Gallo worked on, especially two important consumer bills introduced in the 103rd Congress, were not enacted. The first, H.R. 4353, would have given consumers the opportunity to have their names removed from customer lists sold by one business to another. The second, H.R. 4354, would have made it illegal for companies to buy and sell Social Security numbers, thus preventing them from purchasing such lists to solicit new business.

<sup>72</sup> *See, e.g.*, 140 CONG. REC. H11540 (daily ed. Nov. 29, 1994) (statement of Rep. Christopher H. Smith (R-N.J.)).

<sup>73</sup> *Mullins' Memorandum*, *supra* note 3, at 3. Actual clean-up, as opposed to preliminary measures such as impact assessments, mitigation plans, monitoring tests, and litigation to determine liability, was initiated at a thorium site in Pequannock Township, Combe Fill South in Chester and Washington Townships, Caldwell Trucking in Fairfield Township, a former asbestos site in Long Hill Township, and a well field in Rockaway Township. *Id.*

<sup>74</sup> He was able to secure grants for New Jersey's largest lake, Lake Hopatcong, as well as for Lake Musconetcong and Budd Lake. All of these lakes provide public swimming, boating, and fishing facilities. *Id.*

community health centers, and battered women's shelters.<sup>75</sup>

Gallo was especially effective, and took personal satisfaction, in helping individuals and local organizations in their efforts to cut bureaucratic "red tape" in securing critical governmental assistance.<sup>76</sup> Unlike many federal lawmakers who view constituent services as a necessary part of their responsibilities, but prefer to handle such matters by referring those seeking aid to "more appropriate" governmental agencies, Gallo enjoyed helping individuals directly.<sup>77</sup> If a person could convince the Congressman that his or

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<sup>75</sup> Set forth below is a partial listing of appropriation grants which Congressman Gallo was able to secure for non-profit institutions within New Jersey's 11th Congressional District:

\$1 million to Dover General Hospital for a community health center;

\$919,000 to construct a Sparta Senior Center to provide community and medical services;

\$900,000 to the New Jersey Battered Woman's Shelter in Morris Plains for transitional housing;

\$100,000 to the Neighborhood House in Morristown for minority and youth services;

\$75,000 to Hope House in Dover for rehabilitative services and outpatient drug and alcohol treatment;

\$41.7 million to Lyons Veterans Hospital in Somerset County for construction of a 180-bed, state-of-the-art psychiatric care facility.

*Mullins' Memorandum, supra* note 3, at 5.

Congressman Gallo was also instrumental in attaining a \$5.3 million grant to expand the clinical programs operated by the Center for Social Justice at Seton Hall University School of Law. This funding permitted the Center to increase its quality and quantity of services to indigent clients in the City of Newark and Essex County, New Jersey. H.R. 5257; Pub. L. No. 101-517 (1990).

<sup>76</sup> Gallo achieved widespread recognition for providing outstanding constituent services. His local congressional district offices, situated in West Caldwell, Dover, and Parsippany (the main office, later moved to Morristown in 1993), were well-known as places residents could turn to when they needed help in dealing with the Federal Government. Frequently, persons outside of Dean's district used the services of one of his offices, rather than their own member's, because they believed they would receive faster and better results. During his five terms in Congress, Gallo and his staff worked on behalf of more than 40,000 persons who requested individualized attention. *Mullins' Memorandum, supra* note 3, at 2.

<sup>77</sup> Telephone interview with James Courter, former Congressman (R-N.J.), (Mar. 20, 1995). One of the more striking examples of this tendency was when Gallo traveled to the former Soviet Union in 1988 as part of a private (i.e., non-government funded) trade mission. Having learned of Gallo's trip, a scientist in ill-health who had defected to America 35 years earlier, leaving a young wife and daughter inside the Soviet Union, requested that the Congressman make whatever effort he could to deliver a wedding ring the scientist wanted his wife to receive as a symbol of his continued devotion. Gallo promised he would make the attempt and, employing the resources of the American Embassy in Moscow, was able to arrange a meeting with the wife, daughter, and by then grandson of the scientist. As Gallo personally delivered

her cause was deserving, Gallo would intercede with anyone and everyone, if necessary, to fight on behalf of this constituent.<sup>78</sup>

Probably Gallo's most notable district-wide achievement was persuading the Department of Defense not to close Picatinny Arsenal, the largest employer in Morris County. Convinced that the arsenal was vital to national security, as well as to the local economy, Gallo led an all-out assault to keep Picatinny from becoming a casualty under the Base Realignment and Closure Act (BRAC).<sup>79</sup> Ultimately, Gallo not only helped save the base from closure, but secured additional funds to enable it to expand its mission.<sup>80</sup>

Unquestionably, Congressman Gallo accrued an impressive number of victories concerning both local and national issues dur-

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the ring, tears streamed from his eyes and the eyes of the scientist's family. Courter characterized Gallo's manner in providing assistance to constituents as "relentless." *Id.*

<sup>78</sup> *Mullins' Memorandum, supra* note 3, at 2. In one case, for example, when a constituent with the neurological disorder known as Lou Gehrig's disease (ALS) needed a Medicaid Waiver to receive care at her home (rather than being forced to receive treatment at a health care facility), Gallo took the issue directly to President Reagan in order gain waiver approval. In another case, Gallo expedited necessary federal paperwork so that the Morris County Association of Retarded Citizens (ARC) could expand its network of group homes; he personally intervened on seven separate occasions to secure various approvals. In a third case, he ensured that tenants residing at two publicly subsidized housing projects threatened with sky-rocketing rent increases obtained additional federal funding. *Id.*

<sup>79</sup> In presenting his arguments to the Department of Defense and the Base-Closing Commission, Gallo emphasized the vital role that Picatinny had played during the Persian Gulf War in 1991. As a research institution, Picatinny provided the technology for much of the modern weaponry, particularly the missiles and armored vehicles that proved so effective in helping American troops quickly defeat the Iranian Army while sustaining minimal casualties. Gallo insisted that Picatinny was not really a "base," but rather a research facility, and should therefore be excluded as a candidate for base-closing. Moreover, Gallo contended, because a high percentage of Picatinny's largely civilian and highly trained workforce was affiliated with neighboring corporations and research laboratories, many of these employees would be unwilling or unable to relocate to an out-of-state base should the facility be shut down.

<sup>80</sup> *Mullins Memorandum, supra* note 3, at 4. Gallo obtained funds for several important base improvement projects in an effort to modernize the facility and make it a less likely target for closure during the several rounds of BRAC base-closings. Funding included \$6.1 million to construct an improved facility for the preparation and testing of mines and artillery, as well as cost-effective all-weather testing equipment for munitions. *Id.*

Less than four months after Gallo's death and despite repeated rumors to the contrary, the Department of Defense announced that Picatinny was not on the list of bases targeted for closure in the third and final round of base-closings. See Maria Seminerio, *Picatinny Off Closing List*, DAILY REC. (Morris County, N.J.), Mar. 2, 1995, at A1. Certainly Congressman Gallo would have been very satisfied with that decision.

ing his decade-long career in Washington.<sup>81</sup> What is perhaps most remarkable about his achievements is that he was able to secure them without ever having enjoyed the advantages of serving as a member of the majority party.<sup>82</sup> Ironically, had he not been overtaken by illness, Gallo would have been poised to play a much more prominent, high-profile role as an architect of public policy once the Republicans finally took control of the House of Representatives. They did so for the first time in forty years, in a momentous victory, only two days after his death.<sup>83</sup>

The timing of this shift in power seemed not only cruel, but incredibly ironic in Gallo's case, particularly since he had encountered an oddly similar turn of events shortly after his resignation from the New Jersey General Assembly. Less than a year after Dean had resigned that office to become a member of Congress,<sup>84</sup> the Republicans won majority control of New Jersey's lower house for the first time in fourteen years.<sup>85</sup> Thus, due to unfortunate timing,

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<sup>81</sup> Needless to say, Gallo also suffered several legislative setbacks. One of his biggest disappointments was his inability to win necessary approvals for construction of a massive tunnel to prevent flooding in the Passaic River basin. After having personally observed the tremendous physical destruction (and loss of life) during the 1984 "30-year flood" in Wayne Township and surrounding communities, Gallo became convinced that the only permanent solution to recurring flooding was to adopt the Army Corps of Engineers' recommendation to build a dual-inlet tunnel from the Pompton River to Newark Bay. He arranged for federal funding of \$2 billion for the tunnel project but could not win the required final approval of either Governor James J. Florio or Christine Todd Whitman.

Gallo was also unsuccessful in abating increased aircraft noise in Northern New Jersey. After the Federal Aviation Administration (FAA) adopted its Extended East Coast Plan in the 1980s, which reconfigured flight paths for jets flying into and out of Newark International Airport and other New York City Metropolitan Area airports, residents in Union, Essex, and Morris Counties strongly objected to the resulting significantly increased noise levels. Gallo fought with the FAA, insisting that it come up with a more balanced and less obtrusive flight plan. He was still waging that fight at the time of his death.

<sup>82</sup> McDonough, *supra* note 5.

<sup>83</sup> In the November 8, 1994 General Election, the Republicans won 230 seats out of a total of 435 in the House of Representatives. See THE WORLD ALMANAC AND BOOK OF FACTS 78-81 (Robert Farnighetti ed., 1995). Former Republican Minority Whip Newt Gingrich was elected Speaker of the House on January 4, 1995. See *supra* note 53 and accompanying text. On the same day, former Republican Assemblyman Rodney Freylinghysen of Morris County was sworn in to fill Gallo's vacant seat in New Jersey's 11th Congressional District.

<sup>84</sup> See *supra* note 46 and accompanying text for an explanation of the circumstances which led to Gallo's decision to run for a seat in Congress.

<sup>85</sup> In the November 1985 general election, Republican General Assembly candidates, clinging to the coattails of Governor Thomas Kean, who was reelected in a

this legislative leader spent his entire nineteen-year career in state and federal government serving in the minority.

Yet, because he could never depend on political majorities to achieve success, Dean Gallo was destined to fulfill a special role: to demonstrate how a legislator can still accomplish extraordinary results simply by relying upon his or her own individual skills and resources. This commitment, especially his willingness to work with peers in both parties, regardless of their ideology and temperament,<sup>86</sup> combined with his relentless devotion to solving problems, no matter how large and complex or small and personal,<sup>87</sup> ultimately enabled Gallo to win the lasting admiration and gratitude of both colleagues and constituents.

Perhaps the best summation of Gallo's legislative legacy was offered by Congressman Robert Torricelli (D-N.J.), who, on the final session day of the 103rd Congress, observed:

Around our State there are people who enjoy services, benefits, people who in many ways live better lives because of Dean's service in our state legislature and in this Congress. Perhaps, Mr. Speaker, those are the best monuments to Dean, each of those people, their belief in our system, their understanding of how government can serve the needs of people.

So my colleagues, I ask only this: As you leave this institution or plan to return to it, keep a memory, keep something about Dean alive in you to make you a better servant and a better citizen. Dean, we will miss you. We thank you for your service, for your friendship, for your commitment to our country and for making each of our lives a little better.<sup>88</sup>

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landslide, won 50 of the 80 Assembly seats. FITZGERALD'S N.J. LEGIS. MANUAL 293 (Mullin ed. 1986). Had Gallo still been the Republican Leader after this election, a position he held until his resignation, he would have been in line to be elected Speaker of the Assembly.

<sup>86</sup> See, e.g., the comments of Congressman Thomas Blithey, *supra* note 4.

<sup>87</sup> See *supra* note 77 and accompanying text.

<sup>88</sup> 140 CONG. REC. H11539 (daily ed. Nov. 29, 1994).

#### IV. *Requiem: Saying Goodbye to Dean*<sup>89</sup>

A few days before he passed away,<sup>90</sup> I had the opportunity to visit with Congressman Gallo alone for a few minutes in his room at St. Clares-Riverside Medical Center in Denville, New Jersey. Dean was in good spirits at the time, although experiencing tremendous pain.<sup>91</sup> He told me that he was trying to take less than the recommended dosage of morphine so that he could remain as alert as possible.

To keep him upbeat, I reminisced. I recalled the softball games we played a decade ago against a team from the local radio station. As our shortstop, Dean, the former star pitcher, threw the ball to me, the first baseman, so hard that I often dropped it.<sup>92</sup> Dean smiled and we talked more about the "Glory Days."<sup>93</sup>

I also made a confession: I told him that, over the years, while

<sup>89</sup> The following commentary has been excerpted and edited from an earlier article by this author which appeared in the Daily Record the day after Dean Gallo's funeral. See Martin, *Saying Goodbye to Dean*, DAILY REC. (Morris County, N.J.), Nov. 11, 1994, at A6. It has been included herein to provide a closer glimpse of the human side of Dean Gallo. The first-person style has been deliberately retained in an attempt to capture the intimacy of the setting.

<sup>90</sup> See Snowflack, *Gallo Dies*, *supra* note 2.

<sup>91</sup> By this time, it was apparent that Gallo's cancer was spreading rapidly and uncontrollably. He had even taken experimental drugs, in addition to chemotherapy, without noticeable improvement. He had trouble eating and suffered unbearable pain throughout much of his body. His physician prescribed morphine as a pain killer, which Gallo took in limited quantities.

<sup>92</sup> See *supra* note 13 and accompanying text for an account of Gallo's baseball exploits.

<sup>93</sup> The reference to the best-selling recording by songwriter and singer Bruce Springsteen, himself a New Jersey native, is intentional and particularly apropos to Dean Gallo:

I had a friend was a big baseball player back in high school  
 He could throw that speedball by you  
 Make you look like a fool boy  
 Saw him the other night at this roadside bar I was walking  
 in and he was walking out  
 We went back inside sat down, had a few drinks but all he  
 kept talking about was  
 Glory days well they'll pass you by  
 Glory days in the wink of a young girl's eyes  
 Glory days, glory days

BRUCE SPRINGSTEEN, *GLORY DAYS* (Columbia Records 1984).

Dean loved to swap stories, especially involving politics and sports. One of his favorite activities consisted of dining out in a quiet restaurant, preferably Italian, with a couple of friends, discussing recent events while enjoying a plate of pasta and glass of sambuca.

filling in for him at candidates' nights, I occasionally expressed my own views on such issues such as foreign policy, rather than admit that his staff had not fully briefed me on his positions. Dean laughed and said that, fortunately, I had never cost him an election.

Then we talked about his illness. He knew he was close to death and said he felt comfortable placing himself in the hands of God. He sincerely believed that God would take care of him even if his body could no longer withstand the invidious onslaught of cancer.<sup>94</sup>

He expressed contentment about how his son and daughter had matured and admiration for the way in which his wife Betty<sup>95</sup> had handled these trying circumstances. He was especially grateful for the many close friends who had proffered help during this difficult period.<sup>96</sup>

He was truly disappointed that he had been too incapacitated to appear at the special luncheon given in his honor the week before, which was attended by approximately a thousand people. Nevertheless, he was extremely pleased that President Bush had been kind enough to pay him a surprise visit at the hospital.<sup>97</sup>

At some point, Dean began to cry a little, and I was unable to tell whether it was in happiness or sadness. It may have been a little of both.

We ended up assessing his quarter-of-a-century career in public life. "Bobby [a name he often called me, hopefully with affection], I think I've come a long way for a guy who didn't even attend college." I assured him that, as a self-taught student who had learned by listening closely to the concerns of others, he had

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<sup>94</sup> Gallo disclosed that he had agreed to take experimental drugs in an effort to try to keep his bone cancer from spreading. While he tried to remain optimistic about his chances for recovery, he knew that the prognosis was not favorable. See *supra* note 2 and accompanying text.

<sup>95</sup> Gallo married his fiancée, the former Betty Schmidt, at a private ceremony in the hospital on Sept. 10, 1994.

<sup>96</sup> In particular, he acknowledged the help of his sister, Diane Sanders, his life-long friend and business partner, Assemblyman Alex DeCroce, and former Assemblyman and colleague, Ralph Loveys.

<sup>97</sup> For an account of former President George Bush's visit with Congressman Gallo, see Fred Snowflack, *Bush Joins Gallo Well-wishers at Parsippany Fundraiser*, DAILY REC. (Morris County, N.J.), Oct. 27, 1994, at A13.

achieved an understanding of human affairs far beyond that which could be acquired at any university.

And I reminded him of his enduring contribution: he had always been willing to stand up for the "little guys" of this world:<sup>98</sup> small business owners struggling to make ends meet, senior citizens living on fixed incomes, battered women, parents paying large mortgages and heavy taxes, and so many other individuals with whom he had grown up or had later come to represent.<sup>99</sup>

When Dean's wife, Betty, entered the room accompanied by a nurse assigned to administer more medication, I went over and shook Dean's hand for the last time.<sup>100</sup> I hoped that some of his strength of character would be transmitted to me through physical contact. It seemed as though we held hands a long time, and then I said goodbye.<sup>101</sup>

On the wall in my legislative office, I recently hung a small picture depicting a young school boy holding a history book and staring wistfully. The caption reads, "I want to be like Abraham Lincoln." I think I'll hang my photograph of Dean Gallo right along side of it.<sup>102</sup>

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<sup>98</sup> Rep. Tom Gilman (R-N.Y.) expressed a similar view on the floor of the House of Representatives: "Dean Gallo, with his years of experience as an elected official, first on the local level, then in county government, and finally in the state legislature, never lost his common touch and his appreciation for the common sense of the common American." 140 CONG. REC. 11540 (daily ed. Nov. 29, 1994).

<sup>99</sup> See, e.g., *supra* notes 67-70, notes 75-78 and accompanying text.

<sup>100</sup> This event also reminded me of the first time we shook hands, some twenty years earlier when I, as a young college professor, had asked then Freeholder Gallo to lecture my class in State and Local Government at the County College of Morris. Typically, Gallo consented and, in so doing, motivated me to move beyond political theory to practical application.

<sup>101</sup> In a year-end review of state politics, New Jersey syndicated columnist Steve Adubato, Jr. categorized the death of Congressman Gallo as "The Saddest Political Event of '94." See Steve Adubato, *More '94 New Jersey Political Pundits' Awards*, DAILY REC. (Morris County, N.J.), Dec. 25, 1994, at D3. The columnist described Gallo as "one of those rare politicians that everyone, regardless of party, liked and respected." *Id.*

<sup>102</sup> Both pictures can now be seen, hanging side by side, inside the 26th Legislative District Office, at 101 Gibraltar Drive, Morris Plains, New Jersey.