

**CONFIDENTIAL**

**INTERVIEW**  
of  
**Meredith A. Cote, Esq.**  
for the  
**SENATE JUDICIARY COMMITTEE**

February 6, 2001  
11:30 a.m.  
Committee Room 2  
State House Annex  
Trenton, New Jersey

**PRESENT AT INTERVIEW:**

Scott Louis Weber, Esq. (Special Counsel to the Committee)  
Douglas Wheeler, Esq. (Democratic Counsel to the Committee)

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**SCOTT LOUIS WEBER, ESQ.:** Ms. Cote, let me first apologize, on behalf of everyone in the room and the Committee. And I will accept full blame for us starting your interview late. Being an attorney, I'm sure you can appreciate everyone is good intentioned in their estimates of time that they think will be needed for a witness. And unfortunately, my estimate for Mr. Miller's interview was wildly off-base.

**DEPUTY ATTORNEY GENERAL MEREDITH ANNE COTE:**  
It's quite all right.

**MR. WEBER:** So I apologize for any inconvenience I may have caused you.

Let me introduce myself on the record. My name is Scott Louis Weber. I'm an attorney at Latham and Watkins. And the Senate Judiciary Committee has retained Latham and Watkins and Michael Chertoff and his colleagues to act as special counsel in connection with the Senate Judiciary Committee's investigation into racial profiling -- or alleged racial profiling by the New Jersey State Police.

Before I put you under oath, I'm just going to ask that everyone in the room, please identify themselves for the record.

**MR. WHEELER:** Douglas Wheeler. I'm with the Senate Democratic Office.

**ASSISTANT ATTORNEY GENERAL ALLISON ACCURSO:**  
Allison Accurso, Assistant Attorney General, Division of Law.

**ASSISTANT ATTORNEY GENERAL JEFFREY J. MILLER:**  
Jeffrey Miller, Assistant Attorney General, Division of Law.

**DEPUTY ATTORNEY GENERAL COTE:** Oh, I don't have to--

MR. WEBER: You can.

DEPUTY ATTORNEY GENERAL COTE: Okay. Meredith Cote, Supervising Deputy Attorney General, Division of Criminal Justice.

HEARING REPORTER: Harry White, OLS, Hearing Reporter.

MR. GOLDBERG: Mark Goldberg, Latham and Watkins.

MR. WEBER: Ms. Cote, just to let you know, and I'll apologize to my colleagues because they hear this spiel now every time.

By motion approved January 29, 2001, the Senate Judiciary Committee authorized Michael Chertoff as Special Counsel and his aides and associates to "take such testimony, interview such persons, and gather such documents in further of this Committee's investigation and inquiry into the issue of racial profiling and the circumstances pertaining thereto. Be it further resolved that the Committee hereby delegates to Mr. Chertoff and his aides and associates, the authority to administer oaths, on behalf of the Committee, to obtain sworn testimony as he shall deem advisable and to do every other act and thing necessary to fulfil the responsibility of the Committee's charge."

In connection with my authority to administer oaths, I'd ask that I put you under oath at this time and that you repeat after me.

(Oath administered)

Thank you.

Ms. Cote, let me first thank you for agreeing to voluntarily appear today to allow us to ask you questions in connection with our investigation into racial profiling.

If we could just start off with you providing us with a history, as far as where you went to law school, when you graduated, and then if you could give

us sort of your job history from graduation up until the present, I'd appreciate it.

DEPUTY ATTORNEY GENERAL COTE: I graduated from Rutgers Camden Law School in 1984. I clerked for a year with the Honorable William D'Annunzio. He was, at that time, chancery general equity judge. He since-- He was since elevated to the appellate bench.

In September of 1985, I left the clerkship and came on board with the Division of Criminal Justice. At that time, I was assigned to the Appellate Bureau. From '85 to 1990, I was a DAG in the Appellate Bureau.

In February of 1990, I believe, I transferred to the Casino Prosecutions Unit, which is located in Atlantic City, but is also an arm of the Division of Criminal Justice.

About a year after transferring there, I was elevated to chief of that bureau.

MR. WEBER: That's 1991.

DEPUTY ATTORNEY GENERAL COTE: So that would have been 1991.

And in 19 -- no, 2000, I transferred to the Organized Crime and Racketeering Bureau and transferred my office to Cherry Hill, which is where I'm located now.

MR. WEBER: Okay. Generally, what were your responsibilities as a DAG in the Appellate Division from 1985 to 1990.

DEPUTY ATTORNEY GENERAL COTE: Generally, my responsibilities were writing criminal appeal briefs in response to criminal appeals that were raised by individuals who had been convicted. Most of my

work was done with respect to that in answering briefs. Occasionally, I was asked to write legal opinions or comment on statutory -- proposed statutory laws, things along those lines.

MR. WEBER: One of the benefits associated with me feeling badly about keeping you late is that I will cut to the chase. I am going to show you a series of documents that I will represent to you were produced by the Attorney General's Office in connection with our investigation in connection with some other litigations that are going on.

And the first document I'm going to show you is a document Bates stamped OAG-005665. It is dated February 22nd, 1988. It is to you from Anne Paskow, who is delineated as the chief. And it concerns "Drug courier profile expanded discussion of cases when profile can be used if ever." And the origin is John G. Holl, Deputy Director, Chief of Staff.

Let me show this to you and ask you that you review it, please.

DEPUTY ATTORNEY GENERAL COTE: Okay.

MR. WEBER: Okay. Could you identify for me, please, who Anne Paskow is and what her position was at that time?

DEPUTY ATTORNEY GENERAL COTE: Anne Paskow was the chief of the Appellate Bureau and not my immediate supervisor but, certainly, the overall supervisor of the Appellate Bureau, ultimately, the one -- the individual I would answer to.

MR. WEBER: Did she ordinarily-- Let me strike that. Though you would not ordinarily report to her, was it ordinarily the case that she would give you assignments directly?

DEPUTY ATTORNEY GENERAL COTE: Yeah. She assigned virtually

everything in Bureau to anybody. She was-- She oversaw all assignments.

MR. WEBER: Do you have any understanding as to why you were picked for this particular assignment on the drug courier profiles?

DEPUTY ATTORNEY GENERAL COTE: I have no idea.

MR. WEBER: Had you had experience previously on drug courier profiles or on drug cases that had appellate issues?

DEPUTY ATTORNEY GENERAL COTE: No. I think-- You know, Anne usually selected people based upon her knowledge of their work ability, also their caseload at the time. I may have been between cases. I may have been a little light. Anne and I always had a good rapport. She always respected me, so that may have affected it.

MR. WEBER: And who was John G. Holl?

DEPUTY ATTORNEY GENERAL COTE: John G. Holl, at that time, was the deputy director of the Division of Criminal Justice. He would have been next in line to the director.

MR. WEBER: Was this, ordinarily, the process, or-- Let me rephrase that. Was this the ordinary procedure that was followed when, for instance, either the deputy director of DCJ or the director of DCJ wanted some research done, they would filter that request down to Anne, and then Anne would assign someone within her unit to do it?

DEPUTY ATTORNEY GENERAL COTE: As I understood it, yes. That's normally how it happened.

MR. WEBER: So there was nothing unusual about this request.

DEPUTY ATTORNEY GENERAL COTE: No, not at all.

MR. WEBER: Can I have that document back, please, Mark.

Did you have any discussions with Anne Paskow--

Thank you.

--after you received this request dated February 22nd, 1988 as to the parameters of the assignment?

DEPUTY ATTORNEY GENERAL COTE: No -- with Anne Paskow, no.

MR. WEBER: Okay.

DEPUTY ATTORNEY GENERAL COTE: No.

MR. WEBER: With anyone else?

DEPUTY ATTORNEY GENERAL COTE: I probably would have discussed it with Debbie Stone, who, if you see from that memo, was assigned to be my director supervisory on that.

MR. WEBER: Okay.

DEPUTY ATTORNEY GENERAL COTE: I don't recall any specific instructions.

MR. WEBER: Were there any discussions as to why this research was being requested?

DEPUTY ATTORNEY GENERAL COTE: No.

MR. WEBER: What did you remember discussing with Debbie Stone in connection with this research project?

DEPUTY ATTORNEY GENERAL COTE: I may have asked her questions like, "How detailed do you want me to be?" What kind of opinion do they want? Are they looking for an opinion, that type of thing? Generally, just to get some guidance as to -- you know, to write a memo as to -- to make sure that I answer whatever questions are being raised.

MR. WEBER: Did-- Was any information provided to you, as far as

what type of opinion John Holl was looking for in connection with this research?

DEPUTY ATTORNEY GENERAL COTE: No. The initial memo that I did-- The only thing that was asked was to do a discussion of the case law that was out there. And that's what I did.

MR. WEBER: Did you, at any point in time, gain an understanding as to what this research was needed for?

DEPUTY ATTORNEY GENERAL COTE: You'd be asking me to speculate. I assumed we were trying to put together a constitutional drug courier profile. But did anyone ever tell me that's exactly what we're doing? No.

MR. WEBER: Well, was there -- was there an issue, at this time about drug courier profiling and it being used in the State of New Jersey?

DEPUTY ATTORNEY GENERAL COTE: Not to my knowledge.

MR. WEBER: Were you aware of anything going on in or about February 1988 in connection with the State's involvement on the war on drugs that may have prompted the need for such research?

DEPUTY ATTORNEY GENERAL COTE: Well, I know that we had just introduced a new drug -- overall comprehensive drug reform act that was coming into play and that the emphasis at that time was on curtailing the use of drugs through various means. I just assumed that this was part and parcel of that.

MR. WEBER: The request is dated February 1988. And then the next document I'm going to show you is a document dated March 30, 1988 from you to John Holl, OAG-005667 through OAG-005672. You've CCed Anne

Paskow and Debra Stone. And the memo -- the subject is drug courier profile.

In the beginning paragraph you state you've "requested an expanded discussion of pertinent case law, with respect to a drug courier profile by law enforcement authorities. As previously concluded by Deputy Chief Stone, review of recent court opinions reveals no instance where the use of the profile -- not in conjunction with other objective criteria, was held a valid justification for a stop and/or search of an individual."

Let me show you this document and ask you to please review it.

DEPUTY ATTORNEY GENERAL COTE: Yes, I know this document.

MR. WEBER: Going back to the initial research that you did, because this appears to be a follow-up on what may have been an initial memo. Was this a difficult topic for you to find authority on, or was there decent amount of precedent out there that you were able cite to?

DEPUTY ATTORNEY GENERAL COTE: There was Federal precedent out there, but as I recall, there was virtually none in the State of New Jersey.

This was a follow-up memo to, a very short, I think, one-pager that Debbie Stone did where she discusses or she cites the case log. And as I understood it, they wanted a further discussion of the facts and the issues presented in that case log, which is what this memo was.

There was not a lot-- Even the Federal cases-- There weren't a lot of them. It seemed to be just starting to come to fruition at that point, where the courts were starting to look at it.

MR. WEBER: Okay. Without getting into the substance of your research, I would like to focus your attention on one aspect of the research. And we'll see it come up in subsequent memos, which is the issue of race and

whether or not it is permissible to consider race in connection with the drug courier profiling.

Was that an issue that was specifically identified to you as part of your research, or is that something that came up as a result of your research -- the issue of how race fits into drug courier profiles.

DEPUTY ATTORNEY GENERAL COTE: More the latter. It came up. It was never presented to me at -- that race would be used in the drug courier profile. There was never any discussion, initially, when I did this that race would be a factor.

MR. WEBER: Okay. Let me show you another document dated May 19, 1988. OAG-005673. It's to John DeCicco. Did I pronounce that right?

DEPUTY ATTORNEY GENERAL COTE: DeCicco. (indicating pronunciation)

MR. WEBER: DeCicco. (indicating pronunciation) My apologies -- from John Holl -- subject, drug courier profiling. And it's a one paragraph memo. It states, "Attached, please find memorandum, which was prepared by DAG Meredith Cote--"

DEPUTY ATTORNEY GENERAL COTE: Cote. (indicating pronunciation)

MR. WEBER: Cote. (indicating pronunciation) I apologize. --"which are requested in response to a conversation I had with the director some time ago. This memo was prepared on March 30, 1988. In general, I believe the memo is very good and covers all the applicable laws in this area." As you can see, it concludes that, "A stop purely on the grounds of fitting a profile is probably unconstitutional. I have discussed this matter at length with the

director, and he wishes that additional research be done. In particular, the director has questioned as to whether it would pose a constitutional problem if the police chose to stop only speeders who fit the drug courier profile. I would appreciate your looking into this matter with DAG Cote and advising me as to whether any additional research will be necessary.” Then there’s handwritten notation on the bottom that has Anne Paskow’s name, Debra Stone’s name, your name. It says 5/25/88. And then it says, “Please research as per memo and provide response within one week. Thanks.” And I can’t tell whose initials are there. So if you could identify the initials for me-- And then there’s also other handwriting that says to Cote 5/25/88.

If you could take a look at that and identify for me, if you can, the handwriting, please.

DEPUTY ATTORNEY GENERAL COTE: Well, the to Cote 5/25/88 probably was Anne Paskow sending this over to me. But I can’t say that for certain.

Those initials at the bottom -- Thanks--

MR. WEBER: Were they A.P.?

DEPUTY ATTORNEY GENERAL COTE: Anne never said thanks. (laughter) I’m sorry, but no. It wouldn’t be Anne.

You know what, it looks like a J to me or a P, but I-- You got me on that one. I honestly don’t know whose initials those are.

MR. WEBER: Okay.

DEPUTY ATTORNEY GENERAL COTE: It may have been-- Well, it could have been John DeCiccio sending it over to Anne.

MR. WEBER: Okay.

DEPUTY ATTORNEY GENERAL COTE: And it might be John DeCicco's-- But I wasn't that familiar with his handwriting.

MR. WEBER: The director that is referred to in the memo-- Is that Director Belsole, (phonetic spelling) at the time?

DEPUTY ATTORNEY GENERAL COTE: Yes. Yes.

MR. WEBER: Okay. The next document is June 6th, 1988. I take it as a result of that document, you then went and did some further research.

DEPUTY ATTORNEY GENERAL COTE: Yes, sir.

MR. WEBER: Did you-- Before I show you the next document-- Did you have an understanding as to where else you were supposed to look? I mean, hadn't you already conducted somewhat of an exhaustive search in connection with the--

DEPUTY ATTORNEY GENERAL COTE: I thought I had, but I had-- What I had done was make an expanded discussion or expanded memo based upon the cases cited by Debbie Stone. So, I undertook a more exhaustive search at that point to see -- "Okay. These are the cases Debbie Stone cited. These are the cases I talked about. Is there anything else out there?" I don't know that I came across really anything other than what I had already cited.

But this discussion was a little bit different because it was put to me a little bit differently. It was-- As you can see, Director Belsole had a specific question, which is, "We've got a class of speeders. If we stop only those speeders who fit a profile-- Can we do this, constitutionally?" So I had to look at those questions in a different light.

MR. WEBER: Let's just back up for a moment because the request

originally came from John Holl. And you were assigned to it by Anne Paskow. But then the first memo that was put together was a one-page memo by Debra Stone. Did you communicate the findings of your research to Debra Stone, and she then memorialized it in the one-page memo. And then that then became the genesis of what I'm about to show you -- a series of larger and larger memos?

DEPUTY ATTORNEY GENERAL COTE: I didn't-- No. The one-page memo that Debbie Stone did, I didn't-- I had no input into that. No.

MR. WEBER: Did she conduct research separate and apart from your project?

DEPUTY ATTORNEY GENERAL COTE: Well, she must have. She must have. I had nothing to do with it. Once Debbie Stone's memo had been generated -- then I was brought into the picture, because they wanted an expanded discussion.

MR. WEBER: Oh, okay. So Debbie Stone's memo predated--

DEPUTY ATTORNEY GENERAL COTE: I believe so.

MR. WEBER: --Mr. Holl's request that--

DEPUTY ATTORNEY GENERAL COTE: I believe so. Yes.

MR. WEBER: --someone do thorough research.

DEPUTY ATTORNEY GENERAL COTE: Yeah.

MR. WEBER: Okay. Let me show you OAG-005663. And I can thank Mr. Wheeler for giving me a copy of it. February 18, 1988 -- one-page memo from Debra Stone to John Holl.

I just ask you to identify whether or not that's the one-page memo you've identified for us.

DEPUTY ATTORNEY GENERAL COTE: Yeah, that's the one I'm talking about.

MR. WEBER: Okay. We then go to what appears to be your response to Director Belsole's request -- OAG-005675 through OAG-005678. It is a memo to Anne Paskow from you dated June 6th, 1988 -- subject, supplement the drug courier profile memorandum of March 30, 1988.

I direct your attention to footnote one on the second page which states, "It should be noted that if the drug courier profile sought to be used also includes race as one of its characteristics then the more stringent standard of strict scrutiny may well be applicable, as it would then implicate a suspect class."

DEPUTY ATTORNEY GENERAL COTE: Yes, I'm familiar with this memo.

MR. WEBER: Okay. Again, on the issue of race and footnote number one-- Was this an issue that was specifically brought to your attention, or it came up in the course of your research, and you thought it would be additional, useful information in consideration of the overall constitutionality of the use of drug courier profiles?

DEPUTY ATTORNEY GENERAL COTE: It came up in the course of the research, because if you look at the drug courier profiles that were out there and some of the case law, there was discussion-- Drug courier profiles would vary from agency to agency. Some of them would use or utilize race-based factors. A lot of them did not. They used race-neutral factors. I was being asked to do an analysis of constitutional law based upon the drug courier profile. And the scrutiny that such a profile would come under would depend

upon what the factors were. Race-neutral factors would be a rational test as opposed to the stricter scrutiny with a race-based.

MR. WEBER: Were you provided with any sample drug courier profiles in connection with your research?

DEPUTY ATTORNEY GENERAL COTE: No, I was not.

MR. WEBER: Did you know whether any New Jersey based law enforcement agency had developed drug courier profiles that would be used in the State of New Jersey?

DEPUTY ATTORNEY GENERAL COTE: No.

MR. WEBER: Okay. Were you aware of there being, in existence, any drug courier profiles that were developed by the Federal government, the DEA, or another law enforcement agency?

DEPUTY ATTORNEY GENERAL COTE: I was aware through the case law.

MR. WEBER: Okay. At any time, were you provided with drug courier profiles that were put together by a New Jersey law enforcement agency?

DEPUTY ATTORNEY GENERAL COTE: No.

MR. WEBER: How about by Federal agency?

DEPUTY ATTORNEY GENERAL COTE: No. It was just a generic drug courier profile question.

MR. WEBER: Could I have that back please?

DEPUTY ATTORNEY GENERAL COTE: Do you want it all back?

MR. WEBER: Yes, please.

Thank you.

Let me put two documents in front of you. I'm actually going to give

you back the June 6th memo and ask you to put it along with the June 17th memo that you did to Anne Paskow. And it's also entitled supplement to drug courier profile memorandum of March 30, 1988.

I will represent to you that from my review, it appears that the memos are identical with the exception of a paragraph that is added that starts on the bottom-- The June 17th memo adds a paragraph that starts on the bottom of OAG-005703. The paragraph starts-- Well, I'll just read it.

“Given the clear disapproval with which the courts have consistently treated the use of a drug courier profile, any policy which sanctioned the use of a profile to cause law enforcement authorities to focus more upon one type of motor vehicle violator than another would immediately become suspect. That is, even if police officers utilize the policy whereby they stop all speed restriction violators who fit the profile but had discretion to stop other nonprofile-type violators. Such a policy would still implicate constitutional restrictions. In this respect, individuals would still be subject to seizure, not necessarily because they had violated the highway speed restrictions, but because they match certain general characteristics. Another individual who did not match the profile characteristics, but was equally violative of the law, might or might not be stopped, depending upon how the police officer chose to exercise his discretion. The only difference between these two violators, however, is a set of characteristics which the courts have deemed totally irrelevant to the prevention and detection of criminal activity. Thus, any policy decision which culminates in the singling out of individuals for different treatment based upon profile characteristics will, ultimately, be deemed impermissible.”

If you could please explain to me, if you can remember, why that paragraph was added to the June 17th memo, and it was not in the June 6th memo-- Both of them postdated the request by Director Belsole about the particular instance where you have a speeder violating traffic laws who then fits the drug courier profile.

DEPUTY ATTORNEY GENERAL COTE: I wish I could answer you. I honestly don't know why. I don't even know why a second memo would have been done so quickly in response to the June 6th one. I don't know. You got me on that one.

MR. WEBER: Do you remember there being any discussions between you and Anne Paskow after her receipt of the June 6th memo in which she said, "Hey, the memo's great, but you need to add this idea in," or, "I heard from Director Belsole," or someone else, "and there is one area that you had not addressed in your memo. Could you go back in a paragraph or two addressing it?"

DEPUTY ATTORNEY GENERAL COTE: There wouldn't have been any discussion with Anne Paskow, because Anne would not oversee it that tightly. If anything, there would have been a discussion with the immediate supervisor, Debbie Stone. I honestly don't recall having any discussion with her, with respect to the June 6th memo, that something had to be added in.

MR. WEBER: There is then, just to sort of keep the chronology moving forward, a July 25th, 1988 memo that is 10 pages long to John Holl from you dated July 25th, 1988.

The first paragraph-- "You've requested a discussion of pertinent case law, with respect to the use of a drug courier profile by law enforcement

authorities. It was previously concluded by Deputy Chief Stone -- review of recent court opinions reveals no instance where the use of the profile, not in conjunction with other objective criteria, was held a valid justification for stop and/or search of an individual.” And this is OAG-005680 through OAG-005689. And I ask that you take a look at that. I’m not going to get into the substance of the memo, just a question about timing.

DEPUTY ATTORNEY GENERAL COTE: Yeah, I recognize this memo.

MR. WEBER: Okay. Do you know what the purpose was of further expanding the research?

DEPUTY ATTORNEY GENERAL COTE: Again, I’m at a loss. If you look at this memo -- the July 25th memo -- it basically combines my first discussion with my second discussion and says the same thing.

MR. WEBER: Right.

DEPUTY ATTORNEY GENERAL COTE: Now, if you know anything about DCJ’s bureaucracy, sometimes things get lost in the shuffle, so I’m not sure if that was what was going on. I don’t know why I would have had to go back and combine the two things into one memo when I had already got two memos out there that say the same thing. I honestly don’t know.

MR. WEBER: Just bear with me a moment.

DEPUTY ATTORNEY GENERAL COTE: Sure.

MR. WEBER: In January of 1988, I’ll represent to you that then Attorney General Cary Edwards issued what was entitled the Statewide Action Plan for Narcotics Enforcement, which directed that one of the top law enforcement objectives in the State of New Jersey was the enforcement of criminal drug laws.

DEPUTY ATTORNEY GENERAL COTE: Right.

MR. WEBER: And this, basically, was an offshoot of the Comprehensive Drug Reform Act of 1987.

DEPUTY ATTORNEY GENERAL COTE: Right.

MR. WEBER: You then have this research that is being done by you early 1988 into the summer of 1988. Was there any discussion as to how this research on drug courier profiling would relate or could relate to either the Comprehensive Drug Reform Act or the Statewide Action Plan for Narcotics Enforcement?

DEPUTY ATTORNEY GENERAL COTE: There was discussion at some point in Director Belsole's office after these memos were written with respect to, I believe it's SNAP, S-N-A-P. There was--

MR. WEBER: Could you just identify, for the Committee, what SNAP stands for, please?

DEPUTY ATTORNEY GENERAL COTE: State Narcotics--

MR. WEBER: Action Plan.

DEPUTY ATTORNEY GENERAL COTE: --Action Plan. Thank you.

There was a discussion in Director Belsole's office with respect to that. As I understood it, SNAP -- a couple of the mandates in SNAP wanted all information and training to be put together with respect to drug interdiction. And part and parcel of that, the argument was, that a drug courier profile would be utilized. And I believe that that -- there was that discussion.

MR. WEBER: Okay. So was this a case of, and no disrespect to anyone, almost putting the cart before the horse in that the Action Plan comes out, there are recommendations or actions within the plan -- suggested actions of

creating a drug courier profile, but there had not yet been any research to determine whether or not it was, in fact, constitutional to create and employ the use of a drug courier profile?

DEPUTY ATTORNEY GENERAL COTE: You're asking me for an opinion on -- on -- on what was going on upstairs, and that I can't answer.

MR. WEBER: Well, did you have any other experience or involvement in conducting research in connection with either policy determinations or legislative considerations in which -- for instance, if someone would come to you and say, "Meredith Anne, we're thinking of recommending X policy, but we need some research to determine whether or not we can make that recommendation."

Had you ever been involved in that type of circumstance in the past?

DEPUTY ATTORNEY GENERAL COTE: Yeah, there have been other -- other issues, where a bill was pending or something along those lines, where we were asked -- members of Appellate -- and I was asked, for a legal opinion with respect to this -- with respect to the particular issue being raised in the bill. I can't think of anything in specific right now, off the top of my head, but, yeah, that's not an uncommon occurrence.

MR. WEBER: Were there any complaints or any concerns expressed about the aspects of SNAP that suggested the collection of data and the creation of drug-courier profiles, which then would have led to the need for this research?

DEPUTY ATTORNEY GENERAL COTE: I know there was a discussion with respect to statistics somewhere along the line. But I cannot give you specifics. There was a discussion in Director Belsole's office, where

the issue of statistics was raised, but I -- I honestly don't remember the details.

MR. WEBER: What -- what kind of statistics?

DEPUTY ATTORNEY GENERAL COTE: Statistics with respect to numbers of individuals being stopped, numbers of individuals of one race being stopped. But, again, I really don't -- I honestly don't recall the specifics.

MR. WEBER: Was that discussion more along the lines of racial profiling versus drug-courier profiling?

DEPUTY ATTORNEY GENERAL COTE: If you-- There was an argument, obviously, between myself and Ron Susswein. I know you have the Ron Susswein memos.

MR. WEBER: Well, yeah.

DEPUTY ATTORNEY GENERAL COTE: And that is probably where that came up. There was a concern that a drug-courier profile -- a neutral drug-courier profile--

MR. WEBER: When you say neutral, you mean race neutral?

DEPUTY ATTORNEY GENERAL COTE: Race neutral drug-courier profile would ultimately be used in a discriminatory manner.

MR. WEBER: And that was your concern?

DEPUTY ATTORNEY GENERAL COTE: That was my concern. Obviously Ron Susswein took issue with that, and that is where I think some of the discussion was, with respect to some statistics. But again, what statistics they were? Where they came from? Who generated them? I can't answer that.

MR. WEBER: Were they -- were they-- Do you remember whether they were statistics that related specifically to stops in the State of New Jersey?

DEPUTY ATTORNEY GENERAL COTE: They were stops in-- Yes, they were definitely stops in the State of New Jersey.

MR. WEBER: If you could for me, please, describe to me what your position was on this, and what Ron Susswein's position was on this -- on the issue of race.

DEPUTY ATTORNEY GENERAL COTE: Ron and I seemed to agree that if you put race into the drug-courier profile, we had a major constitutional problem. Where Ron and I disagreed was-- My feeling was-- And I have always done this in the course of my career, I err on the side of caution -- and my feeling was, don't even go down the road of a drug-courier profile.

MR. WEBER: Period.

DEPUTY ATTORNEY GENERAL COTE: Period.

MR. WEBER: Race or not included.

DEPUTY ATTORNEY GENERAL COTE: Anything.

You have Fourth Amendment law that says you need specific, articulable facts. We've done all right with that thus far. If you throw out a drug-courier profile and add that into the mix, in my personal opinion you're just opening a can of worms.

Ron disagreed. Ron felt that a drug-courier profile could, indeed, be formulated and utilized in a race-neutral manner that could be followed by the police.

MR. WEBER: Now, the meeting with Director Belsole in which there was a discussion of statistics-- Let me--

Before I get to that question, to help you sort of put this in chronological context here, I'll now show you OAG-005708 through OAG-005731. A

September 16, 1988, memo, from Ronald Susswein to John G. Holl -- an opus magnum, to say the least at 24 pages -- in which Mr. Susswein, at times, takes pretty strenuous -- presents pretty strenuous objections to the research that you conducted in connection with the drug-courier profiles.

My first question to you on this is: The meeting in which the statistics were discussed about stops and race in the State of New Jersey, did that occur pre this memo or post this memo?

DEPUTY ATTORNEY GENERAL COTE: That would have occurred pre this memo. And the only reason why I say that is, because if you look in this memo, Ron drops a footnote that says, "During our meeting last month on the matter of drug-courier profiles, at which time I was asked to prepare this responding memorandum, it was suggested that I am being incredibly naive." Yes, it was.

So this would have been -- the memo -- the meeting would have been pre memo.

MR. WEBER: Okay.

So then to try and narrow this down, the meeting, which occurred between you, Director Belsole, and Ron Susswein in which there was a discussion of statistics and race for people stopped in the State of New Jersey, occurred sometime between June 16th is it?

DEPUTY ATTORNEY GENERAL COTE: Either June 17th -- either the June 17th memo -- or probably the July 25th memo.

MR. WEBER: Okay.

So between the July 25th memo and the September 22nd--

DEPUTY ATTORNEY GENERAL COTE: September 16th.

MR. WEBER: September 16th memo. Sometime in between those two memos would have been--

DEPUTY ATTORNEY GENERAL COTE: Would have been the meeting.

MR. WEBER: --the discussion about the statistics.

DEPUTY ATTORNEY GENERAL COTE: Just to -- just to clarify: When we're talking about statistics, I mean, we never sat down and looked at any statistics or anything like that. It was a very brief discussion of, "well, we're seeing some stops along the Turnpike that show that a disproportionate number of minorities are being stopped." I mean there was never -- we never went into detail. There was never any-- I -- I never saw anything along those--

MR. WEBER: Do you remember who brought up the issue of there being a disproportionate number of minorities being stopped?

DEPUTY ATTORNEY GENERAL COTE: I honestly don't know. I know I was in the meeting, Ron Susswein, Director Belsole, Debbie Stone, and Paskow was there, and I want to say somebody else was there, but if there was, I can't remember who.

MR. WEBER: Were there any actual numbers that were--

DEPUTY ATTORNEY GENERAL COTE: No.

MR. WEBER: --put out there?

DEPUTY ATTORNEY GENERAL COTE: No.

MR. WEBER: It was just a--

DEPUTY ATTORNEY GENERAL COTE: Disproportionate.

MR. WEBER: Disproportionate amount.

Was there any time frame discussed as to when this disproportionate

amount--

DEPUTY ATTORNEY GENERAL COTE: No, I can't recall any time frame.

MR. WEBER: And it was being stopped on the Turnpike?

DEPUTY ATTORNEY GENERAL COTE: Yeah, it was Turnpike.

MR. WEBER: Okay.

Was there a sense that these individuals were being stopped in connection with the use of a drug-courier profile?

DEPUTY ATTORNEY GENERAL COTE: That was my feeling, and I can-- There's one portion of the meeting that just specifically comes to my mind, and I've never been able to quite forget it.

My feeling was that there is being -- there is a profile being used here. Whether it's being admitted to or not, there is a profile being used here. That was my feeling.

MR. WEBER: What was that feeling based on?

DEPUTY ATTORNEY GENERAL COTE: My guts, nothing else. Just -- just-- To me, it was logical. To me, it was just logical.

Ron said, at one point, "The State Police say they are not using a profile, we have to take them at their word." And--

MR. WEBER: Was that in response to you expressing your gut that there was a--

DEPUTY ATTORNEY GENERAL COTE: No. No, that was not. 'Cause I don't even know if I expressed myself that -- that verbally.

You have to understand something, I was a line DAG with maybe two and a half years of experience, I'm sitting in probably one of my first meetings

with the Director -- I'm not gonna be that vocal.

But I do remember that there was-- Somebody mentioned the use of a profile, and Ron said, "The State Police say they're not using one, we have to take them at their word."

And I just-- That -- that has stuck with me ever since.

MR. WEBER: The language in Ron Susswein's September memo is, at times, strong in his review of your research.

DEPUTY ATTORNEY GENERAL COTE: Yeah, that would be Ron.

MR. WEBER: Were you given an opportunity to respond?

DEPUTY ATTORNEY GENERAL COTE: No.

MR. WEBER: Was there a meeting that occurred subsequent to his memo in which there was a discussion about his conclusions about his analysis of your research?

DEPUTY ATTORNEY GENERAL COTE: Not that I recall, no.

MR. WEBER: After Ron circulated the September memo, did you have any more involvement in the issue of drug-courier profiling?

DEPUTY ATTORNEY GENERAL COTE: Not that I recall, no.

MR. WEBER: Did you ever talk to Ron about--

DEPUTY ATTORNEY GENERAL COTE: No, No. He and I have a difference of opinion in several areas, and that's fine.

MR. WEBER: Did you talk to Anne Paskow or Debbie Stone or anyone else about Ron Susswein's memo and his analysis of your research?

DEPUTY ATTORNEY GENERAL COTE: If I would have talked to anybody, it would have been Debra Stone. Did I talk to her? I honestly don't recall any specific discussion.

MR. WEBER: Was that characteristic of Ron to take such a strong position on things, or was that uncharacteristic of him?

DEPUTY ATTORNEY GENERAL COTE: The drug-- The Comprehensive Drug Act was Ron's baby. So it was very characteristic of him in this particular instance to take a strong approach.

MR. WEBER: What do you mean when you say it was his baby?

DEPUTY ATTORNEY GENERAL COTE: He had-- As I understood it, he had a large input into not only writing the legislation that ultimately became the Comprehensive Drug Act, but also had a large amount of input into the SNAP program, too.

MR. WEBER: Do you have anything? (negative response)

The research that you did focused on drug-courier profiling -- and we've already discussed how there was a footnote, discussed race, and how that would change the analysis. And the impression that I've gotten from your testimony is that your charge was to research generally the constitutionality of drug-courier profiling.

DEPUTY ATTORNEY GENERAL COTE: Correct.

MR. WEBER: (coughs) Excuse me.

After Ron Susswein's memo in September of 1988, you then testified that basically you were finished with this research assignment. At any time thereafter, were you involved in discussions or research concerning the use of drug-courier profiling?

DEPUTY ATTORNEY GENERAL COTE: No.

MR. WEBER: How about the issue of racial profiling by the New Jersey State Police?

DEPUTY ATTORNEY GENERAL COTE: No, never been consulted with respect to any of that.

MR. WEBER: I'm gonna pass the baton over to Doug to see if he has any questions.

MR. WHEELER: I just have a few.

Aside from the -- I guess the meeting between July -- your July 25th memo and your September mem -- the September Ron Susswein memo, did you have any other discussions with John Holl or any of your higher-ups in the AG's Office on your memos?

DEPUTY ATTORNEY GENERAL COTE: No. As I said, if I had had any discussions, it would have been with Debbie Stone. You have to understand how the AG's Office works. You don't just go walking into the Deputy Director's office when you're a line DAG. So you kinda go up the chain.

So I would have-- If I had any discussions, it would have been with Debbie Stone. I don't even recall having any discussions with her.

MR. WHEELER: Did you ever receive any feedback as far as your conclusions in your memos?

DEPUTY ATTORNEY GENERAL COTE: No.

MR. WHEELER: You never felt that they were looking for a particular conclusion or result and that you didn't provide it?

DEPUTY ATTORNEY GENERAL COTE: No. I provided one side of the argument and Ron provided the other side of the argument. Whatever they decided, they decided.

MR. WHEELER: Okay. That's all.

MR. WEBER: Actually, just a couple more questions. I apologize.

There have been -- as I think everybody in the State of New Jersey knows -- 90,000 and now we're up to 95,000-plus pages, produced by the AG's Office.

There are many documents authored by Debra Stone that postdate the exchange that we've talked about today, that deal specifically with the issue of racial profiling, and Debra Stone -- to her credit -- has authored several memorandum that discuss a systemic cultural problem within the New Jersey State Police.

Are you still friendly with Debra Stone? Do you still talk to her?

DEPUTY ATTORNEY GENERAL COTE: Absolutely.

MR. WEBER: Have you ever discussed with Debra Stone the issue of racial profiling?

DEPUTY ATTORNEY GENERAL COTE: It probably only came to the forefront when this committee meeting came to the forefront. And she called me and indicated that I would be called. We just talked about the committee itself or the meetings or the interviews. We never really discussed in detail racial profiling, no.

MR. WEBER: When did she contact you to let you know that we would be asking to speak with you?

DEPUTY ATTORNEY GENERAL COTE: When the list came out.

MR. WEBER: Okay.

Did she explain to you why she was contacting you, as opposed to somebody else at the AG's Office?

DEPUTY ATTORNEY GENERAL COTE: No. Actually, she called me

up and she said, "I wanted you to see it before you saw it in the paper," which is pretty much how things happen sometimes.

MR. WEBER: And did you-- Again, any substantive conversations with Debbie Stone or anyone else for that matter, about the issue of racial profiling?

DEPUTY ATTORNEY GENERAL COTE: No. No.

MR. WEBER: Well, I don't have anything further.

Thank you very much for your time. Again, I apologize for the delay.

DEPUTY ATTORNEY GENERAL COTE: No problem.

MR. WEBER: I appreciate the time.

DEPUTY ATTORNEY GENERAL COTE: Thank you.

MR. WEBER: Oh, before we go off the record -- only because I should have asked at the beginning -- did you retain or do you have in your possession any documents that concern either the drug-courier profiling issue or racial profiling issue?

DEPUTY ATTORNEY GENERAL COTE: No. Before coming to this committee, I was shown the memos that I wrote, because quite frankly, I never retain them.

MR. WEBER: Okay.

DEPUTY ATTORNEY GENERAL COTE: And you have what I was shown.

MR. WEBER: Okay. Terrific.

Thank you very much. I appreciate the time.

**(INTERVIEW CONCLUDED)**