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University of California
Berkeley, California

Anthony Romero

Anthony Romero: Leadership of the American Civil Liberties Union in Times of Crisis

The Marion and Herbert Sandler Oral History Project

Interviews conducted by
Martin Meeker
in 2017-2018

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Anthony Romero

Photograph courtesy of the ACLU

Anthony Romero is the executive director of the American Civil Liberties Union, a position he began just seven days before the September 11, 2001 attacks. Born in New York City to parents who hailed from Puerto Rico, Romero was the first in his family to graduate from high school. He is a graduate of Stanford University Law School and Princeton University's Woodrow Wilson School of Public Policy and International Affairs. Prior to joining the ACLU, Romero worked at the Rockefeller Foundation and the Ford Foundation. In this interview, Romero discusses: his family background and his upbringing and education in New York and New Jersey; his work for the Rockefeller and Ford Foundations; being recruited and hired to the executive director of the ACLU at a relatively young age; ACLU and the response to 9/11; challenges running ACLU and early mistakes; meeting and eventually becoming close friends with Herb and Marion Sandler, seeking advice from the Sandler on a variety of key issues; working with donors, the art of development work; strategic planning at the ACLU, including greater funding of state affiliates; free speech issues; anticipating President Trump; the current status and future prospects for the ACLU.

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Project History: the Marion and Herb Sandler Oral History Project

Herb Sandler and Marion Osher Sandler formed one of the most remarkable partnerships in the histories of American business and philanthropy—and, if their friends and associates would have a say in things, in the living memory of marriage writ large. This oral history project documents the lives of Herb and Marion Sandler through their shared pursuits in raising a family, serving as co-CEOs for the savings and loan Golden West Financial, and establishing a remarkably influential philanthropy in the Sandler Foundation. This project consists of eighteen unique oral history interviews, at the center of which is a 24-hour life history interview with Herb Sandler.

Marion Osher Sandler was born October 17, 1930, in Biddeford, Maine, to Samuel and Leah Osher. She was the youngest of five children; all of her siblings were brothers and all went on to distinguished careers in medicine and business. She attended Wellesley as an undergraduate where she was elected into Phi Beta Kappa. Her first postgraduate job was as an assistant buyer with Bloomingdale's in Manhattan, but she left in pursuit of more lofty goals. She took a job on Wall Street, in the process becoming only the second woman on Wall Street to hold a non-clerical position. She started with Dominick & Dominick in its executive training program and then moved to Oppenheimer and Company where she worked as a highly respected analyst. While building an impressive career on Wall Street, she earned her MBA at New York University.

Herb Sandler was born on November 16, 1931 in New York City. He was the second of two children and remained very close to his brother, Leonard, throughout his life. He grew up in subsidized housing in Manhattan's Lower East Side neighborhood of Two Bridges. Both his father and brother were attorneys (and both were judges too), so after graduating from City College, he went for his law degree at Columbia. He practiced law both in private practice and for the Waterfront Commission of New York Harbor where he worked on organized crime cases. While still living with his parents at Knickerbocker Village, he engaged in community development work with the local settlement house network, Two Bridges Neighborhood Council. At Two Bridges he was exposed to the work of Episcopal Bishop Bill Wendt, who inspired his burgeoning commitment to social justice.

Given their long and successful careers in business, philanthropy, and marriage, Herb and Marion's story of how they met has taken on somewhat mythic proportions. Many people interviewed for this project tell the story. Even if the facts don't all align in these stories, one central feature is shared by all: Marion was a force of nature, self-confident, smart, and, in Herb's words, "sweet, without pretensions." Herb, however, always thought of himself as unremarkable, just one of the guys. So when he first met Marion, he wasn't prepared for this special woman to be actually interested in dating him. The courtship happened reasonably quickly despite some personal issues that needed to be addressed (which Herb discusses in his interview) and introducing one another to their respective families (but, as Herb notes, not to seek approval!).

Within a few years of marriage, Marion was bumping up against the glass ceiling on Wall Street, recognizing that she would not be making partner status any time soon. While working as an analyst, however, she learned that great opportunity for profit existed in the savings and loan sector, which was filled with bloat and inefficiency as well as lack of financial sophistication and incompetence among the executives. They decided to find an investment opportunity in California and, with the help of Marion's brothers (especially Barney), purchased a tiny two-branch thrift in Oakland, California: Golden West Savings and Loan.

Golden West—which later operated under the retail brand of World Savings—grew by leaps and bounds, in part through acquisition of many regional thrifts and in part through astute research leading to organic expansion into new geographic areas. The remarkable history of Golden West is revealed in great detail in many of the interviews in this project, but most particularly in the interviews with Herb Sandler, Steve Daetz, Russ Kettell, and Mike Roster, all of whom worked at the institution. The savings and loan was marked by key attributes during the forty-three years in which it was run by the Sandlers. Perhaps most important among these is the fact that over that period of time the company was profitable all but two years. This is even more remarkable when considering just how volatile banking was in that era, for there were liquidity crises, deregulation schemes, skyrocketing interest rates, financial recessions, housing recessions, and the savings and loan crisis of the 1980s, in which the entire sector was nearly obliterated through risky or foolish decisions made by Congress, regulators, and managements. Through all of this, however, Golden West delivered consistent returns to their investors. Indeed, the average annual growth in earnings per share over 40 years was 19 percent, a figure that made Golden West second only to Warren Buffett's Berkshire Hathaway, and the second best record in American corporate history.

Golden West is also remembered for making loans to communities that had been subject to racially and economically restrictive redlining practices. Thus, the Sandlers played a role in opening up the dream of home ownership to more Americans. In the offices too, Herb and Marion made a point of opening positions to women, such as branch manager and loan officer, previously held only by men. And, by the mid-1990s, Golden West began appointing more women and people of color to its board of directors, which already was presided over by Marion Sandler, one of the longest-serving female CEOs of a major company in American history. The Sandlers sold Golden West to Wachovia in 2006. The interviews tell the story of the sale, but at least one major reason for the decision was the fact that the Sandlers were spending a greater percentage of their time in philanthropic work.

One of the first real forays by the Sandlers into philanthropic work came in the wake of the passing of Herb's brother Leonard in 1988. Herb recalls his brother with great respect and fondness and the historical record shows him to be a just and principled attorney and jurist. Leonard was dedicated to human rights, so after his passing, the Sandlers created a fellowship in his honor at Human Rights Watch. After this, the Sandlers giving grew rapidly in their areas of greatest interest: human rights, civil rights, and medical research. They stepped up to become major donors to Human Rights Watch and, after the arrival of Anthony Romero in 2001, to the American Civil Liberties Union.

The Sandler's sponsorship of medical research demonstrates their unique, creative, entrepreneurial, and sometimes controversial approach to philanthropic work. With the American Asthma Foundation, which they founded, the goal was to disrupt existing research patterns and to interest scientists beyond the narrow confines of pulmonology to investigate the disease and to produce new basic research about it. Check out the interview with Bill Seaman for more on this initiative. The Program for Breakthrough Biomedical Research at the University of California, San Francisco likewise seeks out highly-qualified researchers who are willing to engage in high-risk research projects. The interview with program director Keith Yamamoto highlights the impacts and the future promise of the research supported by the Sandler's. The Sandler Fellows program at UCSF selects recent graduate school graduates of unusual promise and provides them with a great deal of independence to pursue their own research agenda, rather than serve as assistants in established labs. Joe DeRisi was one of the first Sandler Fellows and, in his interview, he describes the remarkable work he has accomplished while at UCSF as a fellow and, now, as faculty member who heads his own esteemed lab.

The list of projects, programs, and agencies either supported or started by the Sandler's runs too long to list here, but at least two are worth mentioning for these endeavors have produced impacts wide and far: the Center for American Progress and ProPublica. The Center for American Progress had its origins in Herb Sandler's recognition that there was a need for a liberal policy think tank that could compete in the marketplace of ideas with groups such as the conservative Heritage Foundation and the American Enterprise Institute. The Sandler's researched existing groups and met with many well-connected and highly capable individuals until they forged a partnership with John Podesta, who had served as chief of staff under President Bill Clinton. The Center for American Progress has since grown by leaps and bounds and is now recognized for being just what it set out to be.

The same is also true with ProPublica. The Sandler's had noticed the decline of traditional print journalism in the wake of the internet and lamented what this meant for the state of investigative journalism, which typically requires a meaningful investment of time and money. After spending much time doing due diligence—another Sandler hallmark—and meeting with key players, including Paul Steiger of the Wall Street Journal, they took the leap and established a not-for-profit investigative journalism outfit, which they named ProPublica. ProPublica not only has won several Pulitzer Prizes, it has played a critical role in supporting our democratic institutions by holding leaders accountable to the public. Moreover, the Sandler Foundation is now a minority sponsor of the work of ProPublica, meaning that others have recognized the value of this organization and stepped forward to ensure its continued success. Herb Sandler's interview as well as several other interviews describe many of the other initiatives created and/or supported by the foundation, including: the Center for Responsible Lending, Oceana, Center on Budget and Policy Priorities, Learning Policy Institute, and more.

A few interviewees shared the idea that when it comes to Herb and Marion Sandler there are actually three people involved: Marion Sandler, Herb Sandler, and “Herb and Marion.” The later creation is a kind of mind-meld between the two which was capable of expressing opinions, making decisions, and forging a united front in the ambitious projects that they accomplished. I think this makes great sense because I find it difficult to fathom that two individuals alone could do what they did. Because Marion Sandler passed away in 2012, I was not able to interview her, but I am confident in my belief that a very large part of her survives in Herb’s love of “Herb and Marion,” which he summons when it is time to make important decisions. And let us not forget that in the midst of all of this work they raised two accomplished children, each of whom make important contributions to the foundation and beyond. Moreover, the Sandlers have developed many meaningful friendships (see the interviews with Tom Laqueur and Ronnie Caplane), some of which have spanned the decades.

The eighteen interviews of the Herb and Marion Sandler oral history project, then, are several projects in one. It is a personal, life history of a remarkable woman and her mate and life partner; it is a substantive history of banking and of the fate of the savings and loan institution in the United States; and it is an examination of the current world of high-stakes philanthropy in our country at a time when the desire to do good has never been more needed and the importance of doing that job skillfully never more necessary.

Martin Meeker, Charles B. Faulhaber Director, Oral History Center, UC Berkeley

List of Interviews of the Marion and Herbert Sandler Oral History Project

Ronnie Caplane, “Ronnie Caplane: On Friendship with Marion and Herb.”

Steve Daetz, “Steve Daetz: Values and Leadership at Golden West Financial and the Sandler Foundation.”

Joseph DeRisi, “Joe DeRisi: From Sandler Fellow to UCSF Professor of Biochemistry.”

Stephen Hauser, “Stephen Hauser: Establishing the Sandler Neurosciences Center at UCSF.”

Russell Kettell, “Russ Kettell: A Career with Golden West Financial.”

Thomas Laqueur, “Tom Laqueur: On the Meaning of Friendship.”

Bernard Osher, “Barney Osher: On Marion Osher Sandler.”

John Podesta, “John Podesta: Building Infrastructure for Progressive Politics with the Center for American Progress.”

Anthony Romero, “Anthony Romero: Leadership of the American Civil Liberties Union in Times of Crisis.”

Michael Roster, “Michael Roster: Attorney and Golden West Financial General Counsel.”

Kenneth Roth, “Kenneth Roth: Human Rights Watch and Achieving Global Impact.”

Herbert Sandler, “Herbert Sandler: A Life with Marion Osher Sandler in Business and Philanthropy.”

James Sandler, “Jim Sandler: Commitment to the Environment in the Sandler Foundation.”

Susan Sandler, “Susan Sandler: The Sandler Family and Philanthropy.”

William Seaman, “Bill Seaman: The American Asthma Foundation.”

Paul Steiger, “Paul Steiger: Business Reporting and the Creation of ProPublica.”

Richard Tofel, “Richard Tofel: The Creation and Expansion of ProPublica.”

Keith Yamamoto, “Keith Yamamoto: The Sandler Foundation and the Program in Breakthrough Biomedical Research at UCSF.”

Interview 1: December 8, 2017

01-00:00:12

Meeker: Today is the seventh of December 2017. This is Martin Meeker interviewing Anthony Romero for the Sandler Family Oral History Project. This is interview session number one, and we are here in the offices at the Sandler Foundation. Thank you very much—

01-00:00:27

Romero: My pleasure. Of course, of course.

01-00:00:28

Meeker: —for spending some time with us today here. I'm going to ask you to situate yourself. I'd like to get your brief background story, so birth and upbringing and education, and then I'll ask about law school, and some of your early positions at the Rockefeller and Ford foundations. Then, of course, we'll get into the ACLU [American Civil Liberties Union], at which point I'm going to ask you about sort of what your agenda is before you were hired and the immediate aftermath of being hired, which of course, within a week—

01-00:01:12

Romero: Changed everything, yeah.

01-00:01:12

Meeker: —9/11 happened, and curious about that change, how the agenda shifted. Then we'll talk about meeting and working along with Herb and Marion Sandler and the kind of contributions that they made. One thing I came across, and I'm sure your work with them moves beyond this particular initiative, but the Strategic Affiliate Initiative.

01-00:01:36

Romero: Yeah, definitely, definitely. They were a big part of the thinking behind it.

01-00:01:42

Meeker: So that's one thing that we'll cover, and then we'll wrap up with some reflections. Sound like an acceptable agenda?

01-00:01:51

Romero: Sounds ideal. Sounds great.

01-00:01:51

Meeker: Okay, good. So the way that we begin these interviews is the same with everyone, and that is, tell me your name and when and where you were born.

01-00:02:00

Romero: So I'm Anthony Romero. I was born on the 9th of July 1965, in the Bronx in New York City.

01-00:02:07

Meeker: Can you tell me a little bit about the family that you were born into?

01-00:02:09

Romero:

Yeah. I was very fortunate; I had great parents. Mom and dad: my father Demetrio—he was known as Mecho in the family—he was the last of thirteen kids, so my grandmother apparently ran out of all the other names, Juan and Pablo, Eduardo, so she went with a Greek name when she named her last son. And he came to New York City right after World War II, in the late forties. My mom, Coralie Borrás Romero—they're both from Puerto Rico, my father from a little town called Isabela, and my mother from the city of Fajardo, the second-largest city in Puerto Rico. She was the daughter of a baker's daughter, so her grandfather was a baker. Her father was a businessman who died when she was young, and then my grandmother with her four kids—four children, with my mom being the eldest—moved to New York as a widow to work in a factory. My father finished the fourth grade; my mother went through high school but never graduated. Both of them incredibly talented, my mother an incredible brain, incredible intellect, but never finished formal schooling. And Mom and Dad met in New York City and fell in love. Mom was very young when she married Dad—she was about eighteen. Dad was a little older; he was eight years older, twenty-six. And I came along in the sixties. They had been together for a while already.

01-00:03:59

Meeker:

Do you have siblings?

01-00:04:00

Romero:

I have one sister, Elizabeth. She's a social worker. She's amazing. She's got my mom's intellect and my father's soul. She is a social worker, so she also went to college. We were the first in our family to finish high school and go on to college. My sister went to Drew; I went to Princeton. My father laughed when both of us started our careers, and I was just a recent graduate of law school and my sister had just finished college and was becoming a social worker. He said, "What did I do wrong? These kids are not making money." I said, "No, Dad, you did everything right. Your kids are trying to change the world and be altruists in their professional work." So very dear and close with my sister. She was my best friend growing up.

I grew up for the first eight years of my life in the Bronx, in public housing projects is ultimately where I lived. It was a time when the public housing projects were more economically integrated. You had people who were working and you had people who were on government assistance. But it was the 1970s in the Bronx. I went to Catholic school, St. John Vianney, for grade school, but then the neighborhood got tough and the projects became very tough, and there was lots of crime, and the conditions of the projects—I remember heat and hot water not being reliable, I remember the elevators not working very often. We were on the twelfth floor. So life was becoming more challenging around the family. Home was always a safe haven. It was always clean, my mother always took pride in her home, and had nice furniture, and it was always a place of joy and happiness, but outside those walls and when you walked through the front door, it was a scary world. And then ultimately I

think there were a series of violence, of deaths—murders, actually—around us and where we lived in the projects that made my mom and dad say, We got to get out of here. We got to pick up and go. And I remembered they really struggled with the idea because, you know, the public housing was affordable. It was a big apartment. I had my own bedroom, my sister had her own bedroom, and my parents had theirs. And I remember when we ultimately moved to an apartment complex in Passaic County, New Jersey, that was kind of a working-class neighborhood.

01-00:06:38

Meeker:

How close is that to Manhattan?

01-00:06:40

Romero:

It's about twelve, thirteen miles, so it's a commuter city; it's a bedroom suburb. My father took the bus every day to go to work at the Warwick Hotel, where he worked for thirty-nine years. It was a lot more money; it was almost quadrupling the rent. I remember they were very anxious about how we can afford this, and my mom was really adamant, saying, "We've got to afford it." And it was a small apartment. It's maybe five hundred square feet for a family of four, and two bedroom, one little bath. By that time I was already becoming a teen, so my bedroom was the living room, and the Jennifer convertible sofa that turned into my bedroom every night, and I was happy. But it totally changed our life, because when we left the Bronx, we were in a more suburban community. I got my first bicycle. I went to public school at that time. There wasn't the need to put me into Catholic school like they did in the Bronx, because they were not as afraid about the environment. It was a vocational high school, and most of my friends, their parents were also blue-collar. My best friend's father was a truck driver and her mother was a bank teller; my other friend's father was a tailor. My cousin, who lived in the same apartment complex, her father was a doorman. So it was kind of a blue-collar community in suburban Passaic County. And it was great. It was great. I learned how to play football—was never very good at it, but always tried. I was always too skinny. Ultimately I finished at Passaic Valley Regional High School. It was a vocational school. It was not a feeder school to any of the elite schools. I was driven—I guess I still am.

01-00:08:44

Meeker:

Were your parents encouraging your education?

01-00:08:47

Romero:

Yeah, my father and my mom always said the only way to get ahead in America is to study. They gave me a sense of confidence and a sense of optimism. I remember I had a little statue they gave me that was like an eagle, a little eagle, on a wooden base, that the plaque on it said "Reach for the stars," and it was always on my shelf. So I always felt that the world was ahead of me and that everything was possible. They gave me a sense of real optimism and confidence. Kind of crazy, because, you know, they just instilled that in us, it was kind of in our blood, and—

01-00:09:28

Meeker:

Do you recall how they did that?

01-00:09:30

Romero:

I don't know. My mom, because she was really a voracious reader and incredibly smart—I mean, she's a woman who would have been able to go to college if she had had the opportunity, and would have excelled—kind of always was focused on schools and our education and our report cards. You know, the positive encouragement when I did well; they positively reinforced it. I didn't know I could go to college, because college seemed expensive, so in the vocational high school, I had the most bizarre transcript as a high school student. I had AP [Advanced Placement] English, AP History, AP Physics, AP Calculus, and I had auto shop and I had welding, and I took a year of typing, and I knew steno at one point, because I figured if I finished high school and I wasn't able to go to college, at least I'd want to have some skills that would help me get a job. And I know when I was applying for colleges, it was a bit bizarre for some of the people who were interviewing me who were just looking at my transcript, and, you know, you have a kid who's academically inclined and doing well, and then he had all these vocational classes. I was just hedging my bets. Kind of the way I live. I always hope for the best and plan for the worst. It's a school that didn't really send kids to a lot of the elite schools.

I remember, I think the thing that transformed my life chances were two things. I took a job. I had a paper route for many years, and then I took a job at the public library in town. I was a page, so I would shelve the books. And my Type A, my neurotic personality, my stacks were always in order and the books were nicely aligned. And I came across the Barron's guide to the SATs somewhere in the Dewey Decimal System. And I was a sophomore. And I remember thinking, Huh, so if I study these books, I can do well for the college entrance exams. So I just started checking them out and started studying for the SATs a year or two before I sat for them. I remember my mom coming in one August, it was a summer, I remember it was hot because the windows were open and we were sweating—didn't have air conditioning. We had air conditioning in the living room and my parents' room. And she said, "Why don't you go out and play, Antonio?" I said, "No, Mom, I'm studying for a test." And she said, "But you're not in school." I said, "Yeah, the test is in a couple years." [laughter] And she just closed the door and kind of looked quizzically at me. I was just really focused on what I needed to do to do the best I could. And preparing myself for the SATs meant that I did well in the PSATs, and then I started getting recruitment letters, because I had checked the Puerto Rican box and I had filled in all the different demographics, and then I scored well enough that I started getting letters randomly in the mail from schools. I remember the first school that wrote me was MIT. I'm like, Well, I'll go to MIT.

01-00:12:49

Meeker:

Did you know much about that university?

01-00:12:51

Romero:

No, but they sent a brochure, and I read about it, and it was a college in Massachusetts. And then I started getting other letters from schools. I guess the first big celebration we had was when I got a letter from Passaic County Community College saying that they would give me a scholarship to go to the community college for two years, and that's when I knew I could go to college. And I remember having a big celebratory family dinner that night. And then I got a letter from Rutgers also inviting me to go to Rutgers on a scholarship. And then I applied to a bunch of schools, some of the elite schools, all the Ivy League schools. And then the second person, the second thing that transformed my life was it was the elder brother of a friend of mine who was from an immigrant family who pulled me aside. He had gone to Stevens Tech. And he said, "Look, Anthony, you are at the top of your class." I was the valedictorian at that time. I ended up not becoming the valedictorian—I lost it at the end—but at that point I was number one in my class. "So you're number one in your class, and these schools are looking for Puerto Ricans like you, and you should apply to the top schools." I'm like, Okay. And then I did a little bit of research, and I applied to Harvard and Princeton and Amherst and Cornell and Columbia and Yale, and, I don't know, I filled in eleven applications, and I got in, I think, to all of them. I didn't really know what I was deciding, or I wasn't an informed consumer of higher education. So Yale was in New Haven, and that was worse than living in the Bronx, and Columbia was in Harlem, and that was like living in the Bronx, and Harvard was too far away, so I picked Princeton because it was close and it was beautiful. I remember going on campus on a trip of high school students and thinking, Oh my god, look at these Gothic buildings and these lawns and cows in a field—I remember seeing cows for I think the first time in my life outside of a zoo. And I just picked Princeton because it looked beautiful and it was close, and that's where I went.

01-00:15:07

Meeker:

I'd like to go back just a tiny bit, and this story about you studying for the SAT a couple years before it happened during the summertime is pretty unusual, I think, even amongst fairly driven students. [laughter] You know, not to mention students coming from your background that aren't pushed into it by their parents, for instance. Have you spent much time reflecting on how you got to that point and what it was that was inspiring you to do something like that?

01-00:15:37

Romero:

I think preparation is everything. I don't like to wing things. I never have. It's always been a recurring nightmare, sitting for an exam that you're not ready for. It's contrary to my nature. And I always took my coursework seriously and my studies seriously. It was a lot of luck. It was a lot of luck and a lot of help, you know, love and encouragement from my mom and dad and a couple of people along the way who were encouraging—the elder brother of my friend. And I look back on it and I think it's a little strange. I see my own godchildren and young people I'm close to, and, you know, I had a level of

drive and—I mean, I was a normal kid. I loved to go out and play, I had friends, I loved music—but I was academically focused, and it was something that was encouraged by my parents. Even though they couldn't necessarily foster it, it was always encouraged. They didn't know how to help very much. I remember they gave me a lot of positive reinforcement when I did well in school. But a lot of it was a drive that was there. It's probably what helped me take certain big leaps in my career, whether it's high school to college or—college to law school wasn't a big leap; by that point I had become much more adept at figuring out higher education—but, you know, taking the big job at the ACLU. There were enormous leaps in my life like growth spurts where your bones hurt because you're growing so quickly. And I think I learned how to manage and cope with that early on in life.

My dad was someone who had an enormous amount of dignity in how he lived about the world and how he carried himself. He worked for thirty-nine years at the same hotel, at the Warwick Hotel. I think it was only his second job, and he stayed at it for thirty-nine years of his life. I think he worked at the Roosevelt Hotel before, for a short bit. He started out as a houseman at the hotel, which is a name for a janitor, who sweeps the floors and breaks down the tables in the common areas. The maids clean the room and the housemen clean the public spaces, the lobbies and the hallways. At one point in his life he wanted to get a promotion to a waiter. And I remember, this was a very formative moment in my life. And he wanted to become a waiter so that he could make more money as a waiter, because the jobs that always interface with the patrons of the hotel were—he was at the Warwick Hotel, Fifty-fourth and Sixth. And he applied for a banquet waiter job, which is actually one of the better-paying waiter jobs because it's a standard tip that's attached to a big function. And he was turned down initially because they said his English wasn't good enough. And he was really troubled by that; he was angry by it. I remember my father was a man who lived his emotions. And he was angry and troubled and then dogged, and then he decided to file a union grievance to get the banquet waiter job. And they said that his English wasn't good enough to interface with the clients, which may have been true and may not have been true. My father's English was not great, but he could make himself understood and understand folks. And he always said, "What does it matter when you're a banquet waiter, because everyone gets chicken." Right? It's coffee or tea. [laughter] And he filed a union grievance, and he got the job. And that's actually right around the time that we moved to New Jersey, and our life circumstances changed. We got our first car, we were able to pay for the new rent on a more expensive apartment, we got new furniture, I got my first stereo, I got an eight-track player. I had one eight-track; I played it over and over again, to the consternation of my parents.

01-00:20:01
Meeker:

I have to ask what it was.

01-00:20:02

Romero:

Grease. Grease. Grease is the word. So I can still almost narrate the songs. And I can remember that being very formative, because it was a young kind of advocate, a young lawyer, at the union, the Local Six, who took my father's case. And I remember thinking this guy I'd never met—I think his name was Vito Pitta—was one of the advocates of the union. He became a union leader at some point. And totally changed my father's trajectory at the hotel, and changed our family's lives and my life as a result. And I remember thinking about my father advocating for himself and standing up to something that he thought was wrong. That kind of just stuck with me. Just the idea that someone could be an advocate for someone else and that someone else's life would benefit and materially change as a result of standing up for yourself and advocating for someone. And I remember thinking early, early on—I mean, I don't know where this all crept from—but people would ask me "What do you want to be?" "I want to be a lawyer." And there was no lawyer in my family. There were lots of doormen and cooks and cleaners and beauticians in my family; there's no one who's ever been a lawyer in my extended family. But somehow, I think that's how the idea kind of crept into my head.

01-00:21:34

Meeker:

Actually, can I pause there? Where did your father end up in his career at the hotel?

01-00:21:39

Romero:

He ended up being a banquet waiter until he retired after thirty-nine years. And he ended up having a heart condition that made it hard for him to carry the plates and the trays, and so just around sixty-two he retired early. Not when he would have wanted to, but it was time for him because he was, you know, physically challenged with the physical nature of—you know, you have these big trays and you're serving French style, so you're serving this filet mignon and you're carrying these trays up and down the stairs. The reason why I know this is because in college, when I was already at Princeton, I went to work at the hotel. So I worked there all three summers—freshman, sophomore, junior year. It's how I paid for tuition.

01-00:22:23

Meeker:

And you were working alongside your father?

01-00:22:25

Romero:

Mm-hmm. Yeah. So I filled in. The first couple of years, I filled in wherever they needed me, and so I was a busboy in room service, I was a busboy in the bar, in the dining room, and then I would become a waiter in the dining room, a waiter in the bar, and then I worked alongside of him a couple times in big banquets. I was always filling in for someone who was on vacation or when they were short staffed. I remember one of the funniest memories I have is that I was serving alongside my dad at a wedding, and, you know, no one ever wants to serve the head table at a wedding because the bride and the mother of the bride are always real pains in the ass and somehow I got stuck serving the

head table. You're serving on the big silver platters, and it's usually a filet mignon or a steak, and you've got the spoon on the bottom of the steak to grab the gravy and the fork on the top, and you're swooping down, serving on the left, picking up on the right. But I'm kind of a frail fellow generally; my biggest muscle is maybe my tongue and my brain. And I remember the tray beginning to slip a little bit, and I could feel the gravy kind of coming down my arm and pooling at my elbow. I think I was wearing a gold jacket. And then I could tell that the gravy was drip, drip, and it came down the front of the bride's dress. And she shrieked, and the wedding stopped, and the mother was rushing the bride to the bathroom to clean up the gravy. It was before the photographs. And I remember being mortified as I felt this tray kind of slipping away from me. The only thing I could hear was my father's chuckle in the back of the room, and I could hear him trying to muffle his laughter. And we got home, he said, "You see? It's a hard job, isn't it?" "Daddy, it's a hard job."

But also, during the hotel, I got to see a lot of the dynamics at play where he had worked. I got to see a lot of the banquet waiters who were banquet waiters before my father became a banquet waiter were also immigrants, and they also had thick accents, and their English was not particularly good, but they were Germans and they were Poles, and there was Greeks. There was one guy, a Greek guy, who had a very thick accent. But my father was the first Hispanic banquet waiter, and then I understood later on that that was part of what was the obstacle. He was helping break through that ceiling. The Hispanics were the busboys, the dishwashers, the housemen, but to interface with the white, relatively affluent clientele—Fifty-fourth and between Fifth and Sixth Avenue—mostly businessmen—most of the support staff who were interfacing with the client were white folk. Behind the front desk, you know, were always kind of the elegant people, usually with a European accent. And then I remembered thinking to myself, Huh, this is one of the challenges my father had to confront. And then there were other Hispanic banquet waiters who came on board and other African American banquet waiters who came after my dad, but I remember that changed a great deal, because those were the plum jobs, and even in a kind of a blue-collar service job like a hotel, there really are gradations about how much you can get paid depending on how you're categorized, and the groups of people who were there changed over time.

I remember having a huge fight with my father. I told Herb and Marion the story a couple of times, and Herb still tells it for me at times. Freshman year, after my freshman year of college—I had just come out of Princeton, got straight A's my first year, worked my ass off to prove that I could belong there, that I wasn't an affirmative action baby. Never got straight A's again, always a couple B's, but did well. But the first year I was really focused. And after I finished Princeton, I went to work at the hotel, and they said, "Well, since you're only going to be here for the summer, we're going to give you your father's nametags, one of your father's nametags." I'm like, "Fine." And

they hand me a nametag that said “Chico.” I’m like, “What’s this?” My father’s name is Demetrio, as I said, the Greek—his nickname was Mecho. “Uncle Mecho” is what he was called by my cousins. But I had never known him as Chico. So I remember coming home the first day at the hotel where I said, “Daddy, why do they call you Chico?” And he said, “Well, when I first started at the hotel”—at that point, thirty-some-odd years ago—“my first boss, I told him my name was Demetrio and my nickname was Mecho, but he called me Chico, and the name stuck.” I said, “Yeah, but your name is not Chico.” And he said, “Antonio, once they get to know you that way, that’s the name that stuck. That’s how they know me at the hotel.” And I pushed him—you know, the arrogance of a young snot-nosed kid from Princeton—said, you know, “Chico means boy, and you’re not a boy, you’re a man, and you need to stand up for yourself, and you need to have them call you Demetrio or Mecho.” And I think he put up with me one or two volleys, and then after I really pushed it too hard, too far, he said, “Look, we’ll have a deal. You keep Princeton out of my hotel, and I’ll keep my hotel out of Princeton,” and then he kind of stormed out of the house. And I remember that story years later with a little bit more maturity, and, you know, what arrogance. Who was I to lecture my father about standing up for himself after he had done that? I mean, he was admired and he was valued and people respected him, and he stood up for himself when he got the promotion to a banquet waiter job. But the arrogance of my giving him this race lecture and telling him “fight the man!” and the arrogance of a young man who didn’t really understand that his dignity came from within and he stood up for himself, and he provided for our family every day. And he put up with a lot of crap to provide for us, and I wasn’t always as appreciative as I wish I could be with him today, realizing how much he sacrificed and what he endured that changed my sister’s life trajectory, certainly my life trajectory. But those are lessons you learn with some time.

01-00:29:37

Meeker:

By the time that you were filling in in the banquet room, were there many other Puerto Rican or Latino servers on staff?

01-00:29:47

Romero:

There were a few. There were a few. There were more—there was George in the dining room. I remember right around the end of my father’s time at the hotel, there was an African American banquet waiter, Fong. It slowly began to change. I don’t remember, but I think my father may have been among the first if not the first of the Hispanic banquet waiters at the hotel. I think his salary doubled from a houseman from a banquet waiter. Partly because you weren’t dealing with the vagaries of the discretionary tips, so there was a big wedding, there was an eighteen-percent tip that was applied to everyone and just became calculated, which wasn’t true in other—certainly not in the dining room or the bars. So it was always the most sought-after, the plum server job in the hotel. And it was interesting to work there. I remember thinking it being so grand. You know, as a kid I’d grown up in public housing projects and then

in a five-hundred-square-foot apartment in Passaic County, and then coming to this hotel on Fifty-fourth and Sixth and thinking, Wow, this is luxury. Now I walk into the hotel and it looks like a boutique hotel. It looks nice, but it's not quite the most extravagant place I've been. And I kind of sometimes marvel at it.

My father—too many stories I could tell about my dad. I miss him a lot, and my mom too. They're not with me anymore. My father always had a sense of—he was a very honest man. He was a very honest man. He was very, very honest; he was always straight-up, and he was always very generous, but there were things at the hotel that he would bring home to us. And I don't know, maybe they were things that were just being discarded or recycled, and maybe Dad helped himself a little bit to some of them. But I remember in the Bronx, he started with this, and then certainly by the time we went to Passaic County. He bought this big chandelier from Sears, kind of like a metal, just the big chandeliers that are outsized for the room. And every day he'd come home, and he had—the old shirts. My shirts don't have front pockets, but his always had a front pocket, and he had stuff shoved in the pocket. So he would come home and he would unwrap something from his front pocket, and then it would be this massive lead crystal. [laughter] And he would get up there on the dining room table with his drill, and he'd drill a hole, and he'd hang the crystal. You know, the chandelier would be lopsided. And then he'd hang another one and then hang another one, hang another. This massive chandelier came into life. And then when we left that apartment, the arms of the chandelier were kind of bent and disformed because they couldn't hold the weight of all the lead crystals, so my mother packed them all up in boxes. Then when my mother finally moved to Florida many, many years later, she didn't put up a chandelier, so she just kept the crystals in the box. And I found them, I don't know, ten years ago, six years ago—six years ago, seven years ago?—and I bought a chandelier, and I bought my version of the chandelier, very different, modern-style chandelier—and I hung my father's lead crystals on it. And I look at them in my own house, and I think about the old guy bringing beauty and glamor to kind of a blue-collar household.

When I worked at the hotel and I would walk into some of the rooms I could see, Oh, that headboard, it looks just like the headboard in my sister's room, and I could tell that some of the remnants of the rug we were using—because the apartment was not very big—were sometimes remnants from the hotel. So the hotel was very much a part of our personal family life.

01-00:34:20

Meeker:

In college—we're looking at the early to mid-1980s, correct?

01-00:34:25

Romero:

Eighty-three to '87, yeah.

01-00:34:26

Meeker:

Eighty-three to '87, so basically right in the mid-eighties. Were you at this time aware of your sexual identity, or were you coming to terms with it?

01-00:34:40

Romero:

Sure, sure. It took a while.

01-00:34:40

Meeker:

Was that something that happened earlier?

01-00:34:43

Romero:

I think I first knew I was different than the other boys around age nine or ten, but knew enough to know that I was different enough to keep it quiet enough. And then by the time I went to college, I began, you know, to experiment sexually. Not yet out. That would come several years later, even toward the end of college, the beginning of law school, when I finally came out to my broader family and my mom and dad, and that was hard. My friends. But I was very Catholic as a kid. Catholic school was deep in me, and then even when we moved out to New Jersey, I taught catechism. We went to church every Sunday. I kind of worried about my soul, because I believed what the Catholic Church was teaching and still sometimes teaches its young and its parishioners about the immorality of the gay lifestyle. So I was very conflicted by that, I think, religiously. I remember also being very afraid about being alone. Family was such an important part of my upbringing, and the way I understood the gay life, I didn't know any gays who had families. It's not like today. I remember when the gay pride parade would come right up Fifth Avenue, so it was a half a block from where my father worked, and I remember working there in college and during the weekend of the gay pride parade, I remember feeling exhilarated, afraid, excited. There were all these other people like me. I didn't know any of them. But ultimately you find your way. And in college, I think actually some of my coursework helped me really think it through, actually. That's kind of the geek in me. I took a few women's studies classes. I think I was a feminist before I was a gay rights guy. And I understood that if I dated women or married women or was involved with women so that I could secure society's approval or my parents' approval, I was treating women as objects. I remember literally that's how my thought process walked into it. So I kind of walked through the gay rights door as a little budding feminist. And I didn't want to treat women as objects for my approval in society.

I remember coming out to my parents, I think it was my first year in law school, and that was very hard, because then you had the son who exceeded all hopes and expectations—really, it was hard for Mom and Dad to accept. Dad got very angry, actually, probably the angriest I've ever seen him, and Mom, very upset. And I remember going over to a friend's house that night and my sister calling and saying—she knew where I was going, I was at a friend's house, and she had the phone number. She goes [whispering], "I can't

talk, but after you left, Mommy and Daddy said they always knew you were gay.” [laughter] So “It’s going to be okay.”

01-00:38:26

Meeker:

I was going to ask that, you know, because it seems like that’s always a big part of the story.

01-00:38:31

Romero:

Yeah, parents know. My father knew. My mother knew probably before my dad. My father was a very Latin guy. He was very devoted to his family but, you know, he lived certain stereotypes. He was very good-looking as a young man, and I think—we’ll leave it at that. So the idea that his son would come out to be—I wasn’t feminine, but there were things that were different. I remember my father really teaching me, “Stand up straight, shake a firm handshake.” And I remember having an argument with him at one point about, you know, you don’t put your hands on your hips; that’s what women do. Hands down, shoulders back, chest out. I remember when he was in the hospital room—he had been diagnosed with lung cancer at this point—and I was standing at the foot of his bed, and I had my hands on the hips, and he kind of looks up and says, “You still have your hands on your hips.” [laughter] I’m in my twenties at this point; I’m twenty-three, twenty-four, twenty-five. Twenty-five? Arms down, shoulders down, chest back. And then he said, “You know I never stopped thinking you were a great man.” And we cried together. That was a couple months before he died. And even though he had a very hard time accepting me as a gay guy early on, we settled the peace. I don’t believe in leaving things undone or unsaid when they’re important. I think of that moment of enormous tenderness and redemption and forgiveness and appreciation. So I knew my dad was very proud of me. Not always throughout, but always at the end; that’s what matters most. So.

01-00:40:52

Meeker:

This period, the mid- to late 1980s, was a pretty heavy time in gay life in the United States.

01-00:40:58

Romero:

Yeah, a scary time. Yeah. I was coming of age sexually in the middle of the HIV/AIDS crisis. I don’t think the young’uns, as I call them in my office, or your camera guy, I would call him, these young’uns really understand what it was like. I mean, I was in my twenties, and there were different measures of being out. People were still afraid of being out on the job because you could get fired from a job—still true, parts of America, but not true in most of the major cities. And then young, dynamic, otherwise healthy people were just dropping like flies. I remember I went to funeral after funeral. One of my first boyfriends died of AIDS. And so, you know, you’re twenty-four, twenty-five years old and you’re watching your contemporaries and your friends just kind of drop. Actually, I remember going with one of my friends, an Italian American guy who was gay and like a brother to me, Sal, going to an ACT UP [AIDS Coalition to Unleash Power] meeting. It was kind of like in the

eighties—this was probably '86. Eighty-six, '87—and I remember going to an ACT UP meeting in the West Village and saying, “The government’s got to do more!” Ronald Reagan’s the president, Christ help us. There wasn’t a lot of research, there was a lot of stigma. It was the gays and the Haitians that people were afraid of. In my twenties and thirties, even in the early part of my career, I never thought I would live into my forties or fifties or sixties or seventies. I thought, you know, I dodged the bullet now, but I’m not going to—you know. And I remember this so distinctly; I remember my first job at the Rockefeller Foundation, where they had a 401(k) program and you could put money aside, I remember having this whole debate with my friends about, like, What’s the point about saving for retirement? We’re not going to live to see it. And it was the real growth of the LGBT [lesbian, gay, bisexual, and transgender] movement in terms of demand—I mean, not the growth, but the birth of it came, obviously, in Stonewall, even before that, in the forties and twenties, some of the early work of the ACLU. But for me, a coming of age on LGBT issues was all around the HIV crisis. And it really galvanized a whole generation and politicized us. We demanded something of government. And we began to demand respect from employers and society and people around us because our friends and lovers were dying. And I remember that the dying individuals would kind of politicize their work environment. I remember a guy I knew a smidgen, who was a gay guy—I don’t think he was out in the way that we’re now out, at the Ford Foundation, and he died of AIDS. And I remember that kind of shocked the Ford Foundation. And as a result of Grid Hall’s death—and he was beloved, he was our program officer who was really well beloved—the Foundation created an HIV portfolio to fund HIV advocacy and HIV help. But it was kind of this political moment that things just kind of unraveled or kind of developed, rather, with their own momentum. It was very organic. It was a very dynamic period. And now I look at where we are, and you know, we’ve come so far. But it’s in my lifetime.

I remember when I first became a director at the Ford Foundation—this is '92 to '96—and I’m the youngest director—appointed by Susan Beresford. I think the first Hispanic, first Puerto Rican director. I was out, kinda-semi-sorta. You know, people knew I was gay, but I wasn’t wearing the pink triangle on my suit. And I remember getting an invitation to come to a trustees’ dinner, me and a guest. I remember asking someone who was higher up at the foundation, I think a vice president, saying, “Should I come with my boyfriend.” “Eh, don’t push the envelope, Anthony. You’re young and you’re Hispanic, they kind of know you’re gay, but do you really want to show up with a same-sex partner at the black-tie Ford Foundation trustee event?” And I remember thinking a little bit about it. There was a prominent lesbian who had never showed up with her partner at these black-tie events, or hadn’t in recent years, and I remember thinking—by this point, I’m already like, I’m fully more politicized—I’m like, “I don’t want to be a director of the human rights program if I can’t show up with my partner.” So I brought him. And I

remember that was a time before they had domestic partnership benefits. This is 1996, it's still—you know, it's twenty years ago.

01-00:46:54

Meeker:

It's about the time that DOMA [Defense of Marriage Act] happens.

01-00:46:56

Romero:

Exactly, exactly. But I remember thinking by that point, "We're taking no prisoners here." I was not going to burn the place down, but I wasn't going to lie or hide anymore. And as time would evolve, I think coming out is always a constant process, even to this day. Sometimes when I'm introduced to audiences, especially a lot of the Hispanic audiences, they're very proud I'm the first Puerto Rican director of the ACLU and I'm one of the twenty-five most influential Hispanics on *Time* Magazine, and they're reading the official bio from the website, which I've heard now a gazillion times, so I could almost memorize it, and they skip over "the first openly gay director of the ACLU." I'm like, okay. Then I have to always find a way—I usually use it in a joke—to talk about my partner, and I use the word "him" or "he" to make sure they understand that I'm a gay guy. So it's always a process. I think things have changed a lot, but there's still incredible hostility. I mean, we see it even in some of the work that we're doing today, the Supreme Court case we just argued this week on the Masterpiece Cakeshop. That's our case, our client, our legal director, David Cole, arguing why a baker in Colorado shouldn't be able to turn away the gay guys who want to buy a wedding cake, for Christ's sake. It's not about the cake. It's all about whether we treat people equally and with dignity, and that the laws should apply equally. So we still have work to do, but we've come a very long way, and I've seen that in my lifetime.

01-00:48:51

Meeker:

When you apply for law school, at the conclusion of your time at Princeton, did you have an agenda, or what were you hoping to accomplish?

01-00:49:01

Romero:

Yeah. By this time I knew I was going to be an activist. Sophomore year in college I took a semester abroad. I went to Bogota, 1985. It was a study abroad program that was not in Europe. Princeton was trying to steer me to Spain or England. I wanted to go to Latin America because I was doing Latin American studies and I wanted to find my roots. I took a program, it was called Literature, Ideology, and Society of Latin America. It was a far left-left-left program. [Antonio] Gramsci, [Karl] Marx, [Friedrich] Engels. I had not studied those political thinkers and philosophers at Princeton yet. So I was like—my eyes popped open. And a lot of the things that troubled me about Princeton, about classism and discrimination. Princeton is the most southern of the Ivy League schools, and so it has a very different persona than Yale or even Harvard.

01-00:50:07

Meeker:

The Woodrow Wilson connection.

01-00:50:09

Romero:

Yeah. It's trying to still get out from under that history. It's come a long way. It's still not perfect, but it's come a long way. And so I get into this program, and it's the first time I get on an airplane in my life. I'm nineteen. Part of the program started out in Puerto Rico. I'd never been to Puerto Rico before. As a kid, you know, I've never been—lots of family. My father would go back for weddings and funerals, but we never had money for family vacations. We took one family vacation to Disneyworld one year. But never been on an airplane. Went to Puerto Rico, studied in Bogota, went to Nicaragua, 1985, the Sandinista revolution's in full force, I'm wearing my hair long. I come back, I'm a vegetarian. You know, I'm fully politicized at this point. I've read Gramsci, I've read Marx, I read Engels. I had my whole class analysis of what's wrong with Princeton and all these elite brats who are my friends. [laughter] And so by that point I knew I wanted to become kind of an activist. So by the time I'm applying for law schools, I'm looking already at the curriculum of the different law schools and the teachers, the law professors. And I really want to focus on constitutional law. My two top schools were Stanford and Yale, and I got waitlisted at Yale. I did better undergraduate from Passaic County. I think I must have gotten rejected from Harvard, because I think it would have been hard to turn down Harvard if I'd gotten into Harvard. But I got into Stanford and Columbia, waitlisted at Yale. I visited Stanford and thought, Hey, small school, Palo Alto, it's gorgeous, a real curriculum focus on constitutional law, great clinical program. By this point I'm an informed consumer of higher education, so I was looking at the professors, and who was on sabbatical, who was teaching what, loan forgiveness program, because I knew I wanted to do public interest work. And then I picked Stanford. It was a big move, because my family was still on the East Coast at that time, in New York, but it was fantastic. And in Stanford, I was a full-formed activist. Very much involved with immigration, issues around diversity, gender. I was chair of Latino Law Students. I knew I wanted to be a public interest lawyer. And did work for the Lawyers' Committee for Civil Rights Under Law in San Francisco, worked with the Ford Foundation, worked at Harlem Legal Services. I was a public interest guy already. I was minted, even though I hadn't gotten my degree.

01-00:53:08

Meeker:

Were there any particular professors who you worked with at Stanford who were—

01-00:53:13

Romero:

Chuck Lawrence. Charles R. Lawrence III. Taught me constitutional law. Still a friend and a mentor. Still talk to him.

01-00:53:24

Meeker:

How did he teach constitutional law? Because different professors will approach it in different ways. Sometimes people will focus on the federalist element of it; some people might focus on the Bill of Rights.

01-00:53:34

Romero:

He's an African American professor. He's one of the leaders of the critical race theory of legal thought. Taught us constitutional law, because we understand the jurisprudence and the doctrine, but also infused it with a kind of a sense of analysis around, you know, civil rights, and a very expansive way of thinking about the struggle for equality. Fully formulated my thinking. Several other law professors were also instrumental. Bill Hing, who taught me immigration law, Gerry Lopez, who taught me rebellious lawyering, but Chuck was probably the most formative person in my career as a law student and helped me shape my understanding about what the law could be used as a tool for social change. Which is why I went to law school. I remember having a discussion with my faculty advisor at Princeton, a guy, Henry Bienen. He would become head of Northwestern University. He was head of the Woodrow Wilson School for a while. He really was unhappy that I was going to go to law school. He says, "You have a mind. The law is a guild. Go do a PhD program." I said, "But I want to change the world. I don't want to just analyze the world, I want to do something. I want to have a tool that allows me to make a difference." That's what Chuck helped me also consolidate. And Chuck has been an ally, a friend, a confidant, an advisor, you know, when I was at the Rockefeller Foundation, during my years at the Ford Foundation. Even recently at the ACLU, we've had this debate recently around civil rights and the First Amendment, especially in lights of Charlottesville, you know, this clash of these big values about free speech for everyone and commitment to racial justice, and do you or don't you defend the Nazis. And Chuck has a very different point of view than the ACLU standpoint. He and I might not agree on everything, but I wanted Chuck to come in and talk to some of my old guard about how we should think about speech in a racial justice context, and not to gaslight the place. I don't want to burn the place down. I want people to think and probe. I want to contest our thoughts and our assumptions, and I wanted people to hear each other even if they don't agree with each other. And I remember tapping Chuck, saying, "Chuck, you're the only guy I trust. My organization is at loggerheads with each other; I have the Montagues and the Capulets, and I have the racial justice and the First Amendment types. I need someone who's going to speak to the challenges of this clash in a way that's respectful and thoughtful. Won't you please come?" This was three months ago. And, you know, he's kind of emeritus. He's kind of an old guy sitting in Hawaii. He's still teaching at University of Hawaii. Airplanes are hard for him because of his back. And I said, "Come on, Chuck, come on. I need your mind. I need your spirit." People like that really make a difference in people's lives. I hope someday to be that to someone else who will make a real difference. But I've been fortunate to have many great mentors.

01-00:56:55

Meeker:

I would have loved to have witnessed that.

01-00:56:57

Romero:

It's online. It should be online, on YouTube.

01-00:57:00

Meeker:

All right. Well, I will definitely check that out. Were you planning, while at law school, to become a litigator?

01-00:57:08

Romero:

Yeah, I really wanted to be a lawyer's lawyer. That's one of the regrets I have. I'm licensed, and I did more litigation in law school than I ever did in my professional career. I had clients and was in courtrooms and represented people in front of judges. But it was very funny. The hardest job I got, the hardest job to get in my career as a public interest lawyer was the first one, because there are not a lot of opportunities for recent graduates of law school who want to do public service, and the competition is stiff, and even though there are fellowships, it sometimes can be very challenging for people. That's why a lot of public-minded law students end up going into the private sector, because those jobs are easier to get. It would have been very easy to get a job on Wall Street. You know, Princeton, Stanford, did well, but I didn't want to do private sector work, I wanted to do public interest work. And I really wanted to work at the ACLU. And this is the irony of ironies—I tell this story to the interns when I talk with them. But at this point, I'm out, I'm gay, I'm a feminist. Even though I'm Puerto Rican and fair-skinned, I care about racial justice. I don't want to pick an issue, I want to work on all these issues, and the organization for me is the American Civil Liberties Union. This is 1989. And they have a fellowship called the Karpatkin Fellowship. That's my job. That's what I want to be, I want to be a Karpatkin fellow at the ACLU. And I go to Chuck, who's my mentor, and he puts in a good word with me with John Powell, who's a legal director at the ACLU, and I'm working the strings and the connections. And I'm a little confident, maybe a little cocky for sure. I'm like, How could he turn me down? Princeton, Stanford, I've got the right connections. And I don't get the Karpatkin Fellowship. And I am totally [laughs] crushed. I'm like, Now what? WTF.

01-00:59:19

Meeker:

Were they just offering one fellowship? It's an annual sort of thing?

01-00:59:22

Romero:

Yeah, they gave it to somebody else. And I didn't really hit it off with the family that the fellowship is named after. Apparently that's where I bombed, on the interview with the family. They didn't like me well enough. I'm an acquired taste; some people love me, some people don't. It's okay. And so that's when I was kind of like—I didn't really have a plan B. That was the cockiness of it. I could have taken a job in legal services. They offered me a job, but then it would have been hard to pay my loans, because I had an enormous amount of loans, over \$80,000. And that's where, out of the blue,

this job at the Rockefeller Foundation came. And it paid \$55,000. The legal services job was \$29,000. So I just took the Rockefeller Foundation job for a year.

01-01:00:11

Meeker:

What was the job description of this?

01-01:00:12

Romero:

I was a Warren Weaver Fellow in civil rights and poverty. It was interesting to me because I wanted to work on civil rights issues, systemic litigation, but also had worked at Harlem Legal Services, working with people who were on the ground and poor, direct services. And the Rockefeller job was to think about a portfolio of grantmaking that for a year—it was a one-year fellowship. So I figured, Okay, let me take the bar, and I'll do the Rockefeller job for a year, I'll pay down a lot of my loans, and I'll go off and be a litigator. And so I took the job as a fellow, and then they invited me to stay on staff, because I guess my boss then, Jim Gibson, really liked me and the president of the foundation, Peter Goldmark, I think took an interest in me. So I became a junior program officer at the Rockefeller Foundation.

Then I was headhunted to the Ford Foundation as a program officer for civil rights. I was very young; I was twenty-six. I worked for an amazing woman, Lynn Walker, who was one of my other mentors. She's now gone, Lynn Walker Huntley. African American woman, worked at the NAACP [National Association for the Advancement of Colored People] Legal Defense Fund. She had become director of the program, and so she was looking to someone to hire to fill the portfolio that she had been overseeing. And the civil rights portfolio at Ford was much bigger, and it was a very high-profile position, because Ford helped create institutions. You know, seed grants to National Council of La Raza and to MALDEF [Mexican American Legal Defense and Educational Fund] and to Lawyers' Committee. It was one of the power jobs within the foundation. It had always been occupied by an African American person, going back to Chris Edley Sr., and then Lynn Walker, and then John Calmore. Then Lynn hired me as a young Puerto Rican gay guy, and so I came in as the civil rights program officer. I was twenty-six. Then I was negotiating grants with the leaders of the civil rights community. That's where I got to know a lot of the groups and the leaders and really cut my teeth on the issues. I don't know how they put up with me. [laughter] Now I'm doing all this fundraising myself and I'm out there with my tin cup in hand, I can only imagine what it would have been like for Julius LeVonne Chambers at the NAACP Legal Defense Fund to see this twenty-six-year-old who's negotiating a grant that could make or break the future of the organization. I'd like to think my boss kept me in line, kept me humble. I was there to serve. I always saw it like a zero-sum game. I always believed that the only thing that really mattered was civil rights, so if I didn't get more money out to the civil rights groups, more money would get spent on Harvard and other programs, museums, which I wasn't—I wanted to change the world, so I was an activist

within the Ford Foundation. I did the civil rights portfolio, which was fantastic. I met Ira Glasser, who was a grantee of the foundation's before I got there, and I inherited the portfolio.

Then I became director of the human rights program when Susan Berresford was named president. I was twenty-nine. I was very young. I had never managed anything before, and then she asked me to be the first Latino gay director of the biggest program, the human rights and international cooperation program. Went to management training. I was supervising people who had graduated law school the year I was born. You know, I was the boss of people like Helen Neuborne, who had been the head of the NOW [National Organization for Women] Legal Defense Fund, or Larry Cox, who had been the deputy director of Amnesty International—very senior, seasoned program officers, and I was the new kid boss. But I learned a lot from them.

01-01:04:13

Meeker:

Have you spent any time sort of reflecting on that? You know, it's not just like kind of a "gee whiz" moment. These are smart people making these decisions, putting you in these senior positions at a fairly young age.

01-01:04:29

Romero:

They took a huge risk.

01-01:04:31

Meeker:

What did they think they were getting? What do you think that they were—

01-01:04:34

Romero:

I think it's better to let them speak for themselves. I would like to think that, I don't know, I was talented. I worked hard. I find institutions interesting. I think it's important to understand how to push an institution, but also I'm not a burn-the-place down person. I believe in incremental change. I believe in playing a long game. I believe in building institutions and understanding the limits and the history of institutions. And they took huge chances. When they put me in charge, I was a program officer for civil rights and I had never litigated civil rights cases. Somehow Lynn Walker thought, Okay, this kid's got some brains, and he's got a heart, and he's got a little bit of street in him, a little grit. She was a hard boss. Boy, she worked me hard, and she wasn't warm and fuzzy all the time. She was a tough one. And then certainly when Susan Berresford, who was the president of the Ford Foundation, then appointed me as director, I felt like, Wow, she took a huge risk on me, and I want to validate that risk and perform.

01-01:06:08

Meeker:

How much do you think that that grit that you just talked about has been pivotal? You know, there are a lot of really smart kids graduating from Stanford and Yale and Princeton, but they might not have that kind of experience. I mean, looking back upon it, is it something that you would identify as consequential in your own education?

01-01:06:36

Romero:

Yeah. Tenacity, resilience, doggedness. Sure. And that's why I tell the story. I actually tell the story, You know, I really wanted to work at the ACLU, and they turned me down the first time around. I couldn't even get an entry-level job here, and then sixteen years later I come in and I'm the CEO and the top boss. And I tell that story to people just to kind of understand that, you know, especially when you're doing public service work, there's no clear trajectory like there is in the private law firms. In private law firms, you go to college, you go to law school, three years of law school, then you go to a firm, and eight or nine or ten years, you move up the ladder, associate to partner. There's not an escalator in public service; it's all-wheel drive. You're going to get a flat tire, you're going to go off the road, you're going to get stuck in mud, you're going to have to go over the log, around the boulder. You just got to be creative and resilient and tenacious. And I think you've got to be willing to take chances.

I remember there were a lot of people along the way in my life—it's one thing that Marion always taught me, too, from her stories—there are so many people who will, along the way, either explicitly or implicitly discourage. "Mm, that's not really for you. Mm, are you sure you want to try that? You're not going to succeed." And I learned in my life, and I learned from learning from Herb and Marion that, you know, when you listen to those kind—because there's lessons and knowledge in some of the cautionary notes—but when you break through them or plow through them or persevere through them, those are the moments of real transformative growth. I remember my high school counselor, in high school, said, "Don't go to Princeton, you'll never fit in." Well, fuck you. Who asked you. I went to Princeton. I didn't really quite fit in, but I found a way to get through. I remember when I was applying for the ACLU job, I remember some of my friends saying, "Well, it's good that you can be in the running, but you're thirty-five years old, and you're up against some very formidable people who are very established and well known in their careers. It will be a good experience for you, but don't get your hopes up."

Marion got the same thing when she was—I mean, I don't want to switch gears on you too soon—but when she decided to go into investment banking, and she was the first woman analyst on Wall Street. She told that story. Women were not analyzing the pros and cons of what investments to make, and she broke through that ceiling. And then after she figured out that she was making all this money for other people, she said, "Why am I doing this for other people? Why don't we do this for ourselves?" And she and Herb then packed up in a car and went across the country to do it for themselves. Every step of the way I can remember somebody—this is where I can identify, this is why—you know, just Biddeford, Maine, to the Bronx, it couldn't be two different worlds, two different generations. She's now deceased, but an older woman in my life when I met her; I was a younger guy. But I kind of understood some of her history because I could identify with some of it. Even

after she achieves a measure of enormous success, you know, they still ask her to walk in the back door of a private club where she's giving the keynote, and then she would tell me years later, "Why did I do that? Why did I walk in the servants' entrance? I don't know." I understood so many of her stories, and I think that grit and resilience, that willingness to hear—because I don't believe in being reckless, and there's usually things that you can, kind of there are flashing amber lights that one should heed, but then kind of figuring out how you push it through, I think, is really key. And that's why I tell the younger folk. And out of every setback, what is the learning? What did we understand from this? Because if you don't do that, you're just going to have another setback. You can't do it always right in real time. And boy did I fuck up at different points of my life. Even to this day, but early on in this job? Oh my god. Luckily, with a little bit of introspection and a little bit of help from people like Herb and Marion and friends, I could figure out, Okay, what did I learn from this and what do I do differently? And trying to reapply it. To use a golf metaphor—I've never golfed in my life—you only can play the hole in front of you, but you got to figure out what didn't work when the hole's behind you. Which way the wind was moving, did you have the right iron, how far behind are you? But you got to learn from the past and play forward.

01-01:11:58
Meeker:

When you were working for Rockefeller and Ford foundations, were you starting to develop an analysis of the role that foundations play, and maybe the role that they should play?

01-01:12:10
Romero:

Yeah. I mean, I was privileged because both institutions had an explicit commitment to the issues I cared about, which is part of the challenge right now, is trying to find institutions to find that moral compass and to commit to these issues. Getting them to worry about the same things we worry about. That commitment was there long before I got there. The thing I was able to do is I think I was really focused on how to make institutions stronger and some of the analysis of what could you build with resources. Ultimately they do the hard work. The grantees are doing the hard work. Some of the same philosophy that Herb and Marion always had in their philanthropy: they ask all the tough questions, you make some hard choices because money is limited, and no matter how wealthy one is, as a billionaire philanthropist like Herb and Marion or a billionaire foundation like Rockefeller or Ford, you have to make choices, and one poor choice means that another worthy, worthwhile group doesn't get a chance. So choices matter, and you do the due diligence, and you ask the tough institutional questions. I care a lot about what was strong about an institution, what could make it stronger. I remember that was a big part of my focus, and kind of the management and the strategic planning and the direction-setting. It wasn't just the issues. The issues are—you take that for granted. They're going to do good work on civil rights and civil liberties issues. How? And what needs to change to be more impactful?

01-01:14:02

Meeker:

Did you take that for granted, though? I mean, they can have a mission that you would agree with, but maybe they've been doing the same thing over many years, and they might be really good and very effective at it, or perhaps it's something that needed to be rethought.

01-01:14:17

Romero:

Definitely, definitely. And I saw institutions struggle. I remember how the NAACP struggled for many years when I was a program officer. Still struggling. It breaks my heart. Some of the same issues playing out now that were playing out in the 1990s when I was their program officer. And I remember thinking, "Why is this institution strong and this one's floundering?" And the thing about a program officer at a big foundation or a philanthropist at a big foundation like the Sandler Foundation, what comes in through the inbox is so amazing, right, because you have all these plans and thoughts, all this data just arrives at your desk, and you can dig in and get more if you wish to. So you have the X-rays of all of these great organisms that are trying to make a difference in the world. And as a young program officer and then as a director, I had insights into, Well, this group is really doing great litigation and has a great theory of change. This group has a great communication strategy. This group is really trying to think about integrated advocacy, so it's not just litigation at the federal court level, but how to marry with advocacy and lobbying efforts. I remember seeing different pieces of different organizations that I thought were really fantastic and exciting and seeing the challenges—every institution has its limitations and challenges. And I think part of that learning is what gave me a lot of material and food for thought as I took over the ACLU. It wasn't just some knowledge of the ACLU—which I had, because the ACLU was a grantee—but it was all the knowledge of how the other groups were doing, faring, struggling, succeeding, that I could bring some of those learnings to an organization.

And institution-building—why do institutions matter? Institutions matter more than people. I'm fungible. If I'm not there tomorrow, if I've done my job right, the ACLU will have better days ahead of it. All of us are replaceable, and any leader or staff member or board member or donor who believes about their essential role in the success of an organization is not building an organization that is going to be essential. We all have to make ourselves redundant, and we have to think about a way to kind of push an organization in a way that survives the personality and the politics of a particular individual. The ACLU was there long before I got there, and if I do my job right, its best days are ahead of it. And you're taking that into account, thinking through, "What choices do I make now that are going to be impactful for the future?" Playing a kind of a longer-term game. I think institution-building is everything, because institutions are what allow you to have real impact. I as a person have—I'm talented, I'm semi-articulate, I'm energetic, I can be persuasive. I wouldn't be able to do much of anything if I didn't have an institution with strength and bandwidth and staying power and momentum

behind me. And so I've never had the great-man-history kind of approach, I've always thought about institutions are what matter, and institutions, the ability to stay innovative but true. The ability to kind of experiment, learn, but to really make an impact. And you can structure those types of conversations, systems dynamic, that kind of DNA, where it's constantly evolving but it's building long-term capacity I think is critical. And that's why I hit it off like gangbusters with Herb and Marion, because that is how they view the world. They build institutions. They make hard choices about which ones they fund and which ones they don't. They do the due diligence to figure out who they're going to support, they ask the hardest questions of any donor I've come across, and then once they put you through their paces, they let you go, and they ramp you up, when you're showing impact they scale you. Especially in the era of Donald Trump, you know, we'll get through the next one, two, three years of this presidency; the question is what type of civil liberties, civil rights framework can we leave behind in five, ten, fifteen years? And we have to build for that now.

01-01:19:19

Meeker:

You know, apropos about what you were just saying about the Sandler Foundation, which doesn't really get started in its entrepreneurial phase, I think, until the early 2000s—I think that CAP [Center for American Progress] starts about 2003—you know, they were obviously funding the ACLU and—

01-01:19:39

Romero:

Human Rights Watch.

01-01:19:40

Meeker:

—Human Rights Watch before then—but from the vantage point of the 1990s, and apropos of what you said about the need to build effective, lasting institutions, from your perch at Ford or Rockefeller, were you thinking that foundations were doing all that they could do?

01-01:20:03

Romero:

No.

01-01:20:05

Meeker:

What was the crux of your critique that you were starting to develop?

01-01:20:12

Romero:

From where I sat at Ford and Rockefeller, there were only a handful of institutions that were really committing to playing a long game. I remember being very frustrated about the kind of mercurial—it felt like a lot of the staff of a professional foundation—and I think it's still true with a bunch of foundations—they were shopping for nonprofits in the way that I shop for a tie. You know, I shop for a tie, I like it very much, I think about it a little bit, I wear it a bunch, and then I don't really commit to this tie for the next five or ten years. And it felt like shopping for nonprofits where they were just following their whim. And it was true of private donors and true of some of the foundations. I mean, you can accomplish a lot in the short term in three

years, but if you're going to make systemic change, what can you do in a three-year period? So a lot of the foundations said, "We had a three year up-and-out grant policy." Well, what's the point of that if you're going to try to fight for immigrants' rights or LGBT rights or criminal justice reform? You can get a lot done in three years, but it's not going to change the big picture all that much.

01-01:21:37

Meeker:

Did you get a sense of where that came from, what the rationale was behind it, what the intelligence was behind that sort of an approach?

01-01:21:45

Romero:

Mine or the other?

01-01:21:47

Meeker:

The up-and-out in three years idea.

01-01:21:49

Romero:

I don't know. I understand that foundations don't want to get themselves enmeshed, they're looking for their flexibility. There's a mercurial nature of a lot of donors and institutions that they like to chase the new, hot thing. It's frustrating, because I don't think that then it means that they are serious about what the real impact could be of their giving.

01-01:22:21

Meeker:

And I guess that kind of giving is oftentimes associated with specific projects or initiatives rather than core expenses or institution-building.

01-01:22:29

Romero:

There's a fetishism about benchmarks and ROI [return on investment]. Those are really good conversations to have, because if we're not thinking about what do you want to accomplish and what does success look like, then we're not thinking through the theory of change, but to be so kind of ironclad or ironbound—"we don't provide general support, we only provide project support"—another thing that drives nonprofit directors like me crazy—"we don't pay for overhead." I just heard this morning, "I don't underwrite any overhead." Well, what the hell do you think I am? I'm overhead. I'm overhead on the Rachel Maddow show, I'm overhead when I'm trying to think through new programs, I'm overhead when I'm trying to think through new cases. I'm overhead. So you don't want to pay for overhead? You're looking at overhead. Right? [laughter] But how do you politely say that to someone? Look, your project support needs to be put in the larger context of what an organization does to be effective. And I think some of that is changing, although not as much as you would think. There are still very few big foundations and big donors who make general support grants. There are very few that take a long-term view. Part of what we struggle with is whenever we get new substantial contributors, well, how long will they stick with you? Can we expect one or two years, three? There are very few that you can expect to have the type of staying power like the Sandler Foundation, where they've

been with us for over twenty years, and really substantially over the last fifteen. God, if I could only have that same history with a bunch of other donors—who have the capacity. I understand if circumstances change and people’s philanthropy isn’t as robust because of the financial circumstances, but when people switch in and out of the lanes on the highway, it’s really hard to kind of go long-distance, if you will. Sometimes it works to our advantage. Right now the ACLU’s a very popular organization. A lot of people understand the importance of the ACLU in fighting Donald Trump. So I’m trying to wire the grid of the place so that when some of these newfound friends fall away whenever there’s a Democrat in the White House, that we’ve done something substantial and meaningful that will have an impact in five or ten years. Can we take a break for a sec?

[Pause in recording.]

01-01:26:07

Meeker:

Okay. We’re rolling again. Let’s get started on the core ACLU chapter of this story. You were at the Rockefeller Foundation—

01-01:26:19

Romero:

At Ford, actually.

01-01:26:20

Meeker:

I’m sorry, you’re at the Ford. Yeah, I got my chronology mixed up there. You were at the Ford Foundation. Was there just a public announcement of this? Were you recruited? How did the ACLU directorship come into view?

01-01:26:34

Romero:

The Ford Foundation was a big contributor to the ACLU, before I got there and during my tenure. During my tenure as director, the Ford Foundation made a very large grant to the ACLU endowment. It was the first time the ACLU had actually launched an endowment campaign. It was over eighty years old, and I remember having the conversations with Ira Glasser when he came in to pitch a big endowment grant to the ACLU. And I went through a bunch of due diligence with him, asking questions about how the—the matching requirements and the purposes of the endowment and how we would underwrite the programs, so I got to know the ACLU very well, both institutionally and issue-wise. The Ford Foundation had grants to the ACLU on reproductive rights, on women’s rights, on voting rights, LGBT rights. There were many grants in my program that grew up through the program officers. Immigrants’ rights was a big focus. So I knew the ACLU substantive work, and I knew it institutionally pretty well, as well as an outsider could, I think.

And then I remember getting the letter from Ira Glasser. It was a letter to all of the donors and foundation executives that funded the ACLU, and I remember thinking, Well, this will be interesting. Let’s see who follows this iconic man. He was an amazing leader. We’ve had amazing leaders. It’s humbling to be in

their midst. But Aryeh Neier and Ira I think were both incredibly effective heads of the ACLU. And the history of the ACLU had always been to hire from within. So I thought, Okay, now we'll see who the heir apparent is. We'll know soon. The first shoe has fallen, and then I'll soon get a letter about the second shoe and they'll tell me who the new head of the organization is, because I didn't really give it much thought. I mean, it was of enormous importance, given the ACLU and the foundation's portfolio in the country, but I thought, They're going to soon let us know who the person is. Ira came in from within the organization, Aryeh came from within the organization. I think there was one director of the five that preceded me who came from outside, and I think four of the five that preceded me all came up through the ranks.

And I remember being asked to dinner, actually by Ira Glasser. I would not be in this job but for Ira. I thought he was going to hit me up for another grant, a transition grant or kind of a bridge grant for the new guy or the new gal. And then when it was clear that he was in his personal capacity trying to recruit me to consider being in the job, I remember being kind of stunned. He told the story later on—we've had a falling-out since then, but he was a friend and ally, and I wouldn't be in the job today but for him. But we're not friendly as much. And he would tell the story years later that I began to speak very quickly [laughs] because I got very nervous, even the idea of it, broaching it with him.

They hired a headhunter to do the search, Ira did and the board did. It was that man, Arnie Miller, who had actually recruited me to the Ford Foundation a thousand years ago as a program officer. So the headhunter knew me. So I said, "Of course I'm flattered, and oh my god, this is such a great institution, but I'm not sure I'm the right guy. Are you sure? Do you need someone who's really well established?" I was confident but insecure, confident about myself but insecure that I was the right guy for the organization. And then the search got underway, and there was no heir apparent. I also was a little bit skeptical. I'm like, Well, maybe they're just asking me to think about this job because they want to diversify the pool. You know, the gay Puerto Rican guy, and they can then say, "We had a diverse pool, but we still picked [laughter] the old white guy who works in the organization." Because, you know, sometimes politics like that play out. And then it was really clear that they had no apparent heir and that the search was wide open. So I remember taking some time to really think it through, because, look, it was incredibly flattering that both the headhunter and the current director of the organization were asking me to consider stepping in, but I also wanted to make sure that I thought I was the right guy for the job and that no amount of hubris or ego feeding was going to be worth it if I wasn't really convinced I would be the right guy for the job. Because the ACLU matters. I remember really sitting: Am I the right guy for the ACLU? The ACLU directorship job would be the right job for me, but am I the right guy for it? And I remember spending some time thinking through about what would I bring and what would I want to do and what are

some of my thoughts? And I remember convincing myself, I have something to offer. And I remember I entered the search process a little bit later than some of the other people, and then there were lots of people already lining up for the job. These jobs don't come up all that often, and they're very political. It's a big organization with lots of people inside and outside. And it was much later in the process, I said, "I'm going to go for it."

And I remember working on my application, I don't know, it was around Thanksgiving, and then submitting it, and then, I don't know, it was maybe—I have to go back and check the day. I was selected in April. So I remember it was not a long lag time because I came in late. Very intensive process. The executive committee of the full board—the full board was eighty-three people—they ultimately interviewed me for four hours one day. Several hours. Maybe a couple hours. Well, I don't know how long I was there; maybe it was longer. It was a full day deliberation. I'm not sure how long I was there with them. But the executive committee met with me, I don't know, many, many times and checked many, many references. They were very thorough. So I think I applied right after Thanksgiving, and then the first interviews came in November, December. January, the Supreme Court decided *Bush v. Gore*, and the Democrats lost the White House and the federal government, and then there were a lot of new people in the pool, some people who were needing to find jobs leaving federal government, people who had serious trajectories and were names, household names, some of them very prominent in the administration under [William Jefferson] Clinton. And I thought, "Okay, this is kind of done, because they're not going to pick a thirty-five-year-old guy." I'm known in the civil rights world, but I wasn't a household name the way some of the other competitors were, or candidates were, rather.

But, went through the process, and then in April I came before the full eighty-three person board. I remember that was kind of daunting, because after having been through a very rigorous interview process, then to be in front of eighty-three people who then had a bunch of questions and then ultimately voted on my selection—

01-01:35:04

Meeker:

What kind of questions did they have? What were they most interested in knowing about you?

01-01:35:07

Romero:

You name it. You name it.

01-01:35:12

Meeker:

Were they able to group in any kind of categories of concerns?

01-01:35:16

Romero:

Well, I think a lot of it at first had to do with, you know, did I have the heart and the gut for civil liberties and civil rights work. So they really wanted to

understand what made me tick. And they asked a lot of personal questions, some of the questions we covered today, about my life trajectory and what informed my work. They wanted to know a vision of what you would do with the organization. Ira had been the director for twenty-three years. He had done an amazing job. But I had been funding and involved with grants at the ACLU for over, I don't know, at that point, fifteen years, so I definitely had an analysis of what I thought was really great work and where were places of weakness. So I had an analysis that it was somewhat informed, as much as an outsider could be. But it was better informed than most outsider would have, because I was a close ally of the ACLU in my work as a program officer and the director. There were a lot of politics, a lot of identity politics. And there were some people who were not enthusiastic about my being the director of the ACLU. There were some who thought that some of the other finalists were better qualified, and they certainly had longer careers, and some of them had argued cases in the Supreme Court and some of them had been on TV. I had done none of that. There were some groups that would have preferred a different demographic; a young, light-skinned Puerto Rican gay guy wasn't exactly what everyone thought the new director of the ACLU should look like, so there were some identity issues, identity politics. There were issue politics; there were some who thought I was all civil rights and no civil liberties. He kind of gets the racial justice piece, but what about his commitment to the First Amendment?

01-01:37:32

Meeker:

How did you respond to that?

01-01:37:33

Romero:

You know, you just try to kind of tell the truth and weigh in and tell them what you think and reassure. And some of them were reassured, and some of them were never reassured. It was a very fractious process. I had a very challenging beginning as the director of the ACLU, not just because of the events of 9/11, but I had many critics who were not happy with my appointment from the beginning who stayed on the board and made my life miserable. And some endeavored to have me ousted early on in my tenure, all as kind of an aftermath of they didn't want me to begin with. Ultimately a lot of questions. I remember this one guy, Joe Sweat, from Tennessee, who in his Southern drawl is like, "In Tennessee"—I can't even do the accent—"I'd rather have a hunting dog you can't show than a show dog that can't hunt. [laughter] What type of dog are you?" I was like, All right, I've been called a dog in my job interview. This is kind of a first; that usually only happens on dates. [laughter] And he ended up being a dear friend and an ally years later.

But, you know, it's an organization that—it's membership based, so we got fifty chapters. We had eighty-three people on the board. Now we have less than that, we have fifty-plus, and we've done a governance reform process where the executive committee really is the part that manages the organization. They hire, fire the executive director, they decide on budgets.

They meet more frequently. They're the ones in the saddle with me. But at that point the bigger board was much more involved. And I think what they kind of responded to was just like, I venerate this organization. I value it. I've always wanted to work here. I believe in it. I believe I can make it different and make it stronger, make it more relevant. I mean, I had the idea that—this is before the events of 9/11—that we have to make this organization relevant for my generation, that this shouldn't just be the ACLU for my grandparents, it's got to be the ACLU for my contemporaries, and how do we revivify an understanding that the rights of all people is the challenge for the younger generation? And I kind of convinced them.

There was a lot of things I didn't know shit about doing. I had never been on TV. I had talked in forums, large forums—nothing quite as large as what would come in the future—had never been on television. Had never done fundraising, so I kind of bullshitted my way through that. I said, "I know what it feels like to have a good grant relationship from the donor side. I know what the relationship is when it's good and the conversation's smart and you're being strategic, and I know the alchemy of asking someone—someone asking the Ford Foundation or the Rockefeller Foundation for a grant that makes a difference." So I said, "I know what it feels like on the donor side, so I'm going to be able to flip it as a grantee." I had never done that before, right, but I was just kind of on a wing and a prayer and a little bit of belief that I could do it, I convinced them that I could actually raise money for the institution. Never knew how hard it was.

I remember that Lynn Walker, who was my boss at the Ford Foundation before, when she hired me as a program officer, actually came up to New York and stayed at my house the night before the interview, and she was my biggest champion and friend. She was one of my mentors. She and Chuck Lawrence, Henry Bienen, Antonia Pantoja. Those are some of the people formative in my life. And when I came back from the interview, I just felt wiped. I was exhausted. And she said, "You put your best foot forward." And then the phone rang and they told me they gave me the job, and I just was like, Wow, this has changed. And it's been a real privilege.

01-01:41:47

Meeker:

So you found out the same day that you had this big interview with the board?

01-01:41:52

Romero:

Same day.

01-01:41:52

Meeker:

Wow. You know, in addition to this notion of making the ACLU relevant for the next generation, your generation—which seems like you would have a lot of credibility, you know, using your youth to your advantage at that point, and I imagine it was an honest desire as well.

01-01:42:12

Romero: It was, it was.

01-01:42:15

Meeker: What else was your agenda? What else did you want to accomplish going in there?

01-01:42:22

Romero: I thought the organization could also think more expansively about future battles on civil liberties, thinking through technology, thinking through the implications of—already by this point, 2001, there are kind of serious developments on the internet, on technology, on smartphones. And the organization had done a little bit of that, but not probably as much as I'd thought they should have, and I was candid with some of my constructive criticism. I would always kind of appreciate what had been done but said it could have been done better, or done more. I remember—and this goes back to what the Sandler's invested in—I remember talking as a program director, program officer, and saying, "What makes the ACLU very different is you have these offices in every state. There's no other grantee anywhere in the stable of the Ford or Rockefeller Foundation that has an office in every state with boots on the ground in every state. And somehow I feel like you're not maximizing that ability. And don't know enough about why or how to maximize it, but I feel like you have an infrastructure that probably can be optimized differently." And I remember just saying that to people. And it was shrewd, because the eighty-three-person board, fifty-three of them came from the state offices, so they heard someone talk about the importance of the state offices, and they're like, "Huh, this guy is not just going to be a New York CEO, he's going to care about the states." So it was a way, certainly, to win some votes.

01-01:44:06

Meeker: Each of the affiliate offices had a seat on the board, I guess.

01-01:44:09

Romero: Yeah. But I also believed it. I also thought the ACLU suffered a little bit from—it liked to wear its hair shirt. It liked the idea that it was always, "We're the only ones who understand what's at stake." They were like the true believers. And I always felt part of it was true, the organization was truly committed. But I thought it was limited by its own PR in the fact that these should be mainstream issues. There is nothing wrong with inculcating a concern for civil liberties and civil rights that goes more mainstream, and there's nothing romantic about having a small band of zealots who are the ones who are in the know and the true believers, and that better to be bigger, stronger, appeal more to more people, appeal to a broader sense of the American public, that these were values that I think many more people could subscribe to and be a part of and support, if we found a way to recalibrate it. And it was different then; it's kind of our elite club of the true believers versus this is about what every American should and does believe. And I remember

talking about that. Some of that was controversial for the place, because the diehards thought I was being more mainstream, and he's going to push us, we're going to lose our edge, or we're gonna—. I got tested on some of these early things right out of the gate, the first week on the job. I remember after 9/11 happened, I was on the job a week, and I remember the first memo to all staff, some of it on email, some of it hard copy, saying, "No interviews on the record on 9/12 or 9/11. I don't want to talk about a civil liberties crisis that hasn't yet begun. Let's meet the American people where everyone is—to lament the loss of life. Let's evoke American values around due process, equality, liberty, and justice. And let's wrap ourselves in the flag." And people were saying, "You need to come out and talk about the civil liberties crisis that we know will come." And I said, "I know the civil liberties crisis is going to come. I know enough about the history and know enough about my own sense of politics that that is coming. But on September twelfth is not the day to talk about the civil liberties crisis. September twelfth is to lament the loss of life and wrap yourself in the imagery of the Statue of Liberty and evoke values." And I remember my first annual report, in 2001, had the American flag on the cover. And some of my folks were just apoplectic. This guy's becoming too nationalist and I said, "You just got to trust me. You hired me for my judgment; this is what I'm exercising."

And then when they started changing the policies and when they enacted the Patriot Act within thirty days, we were full gangbusters, but we were talking on the merits, on the substance, and not just speculatively, and I think calibrating kind of the public message and the position of the organization. We talked about being both safe and free, right. We weren't only going to talk about freedom; safety was an important part of what we needed to accomplish as well. And I think a recalibration of the messaging and the thinking in retrospect was the right decision for us. But it was not without its controversy and pushback. I remember I had one board member, who's now retired, who just thought I was totally—we'll be missing in action if we don't come out swinging right away after 9/11. You're going to not be able to capture the moment. And I just told him, I said, "Frank, just hop on the back of the train and let's go for a ride, and we'll buy you a beer on the other side if I'm wrong, and if I'm right, you buy." And I remember that was an early test of positioning and leadership.

01-01:48:34

Meeker:

Where did that instinct come from? How do you make that decision? Because I can understand the impulse on both sides, and especially young guy starting at the ACLU, I would imagine there would be a real temptation to say, "Okay, yeah, they're right. I need to be a company man now; we're going to do this."

01-01:48:55

Romero:

Yeah. I don't know. I don't believe in saying things I don't believe. I'm polite and I'm circumspect and I can be a little shrewd in terms of interpersonal skills, but I don't bullshit. There's no point in living life that way. So when I

told them, “I think we need to position this organization in the center of a larger group of people and that the mainstream is something we can capture and we don’t have to run from. And we don’t own—we shouldn’t own the exclusive license to liberty. Everyone can care about this in different ways, and we’ve just got to bring them along.” I really believed it, and I really believed it’s a great organization with this huge infrastructure and this long history. And a lot of people didn’t understand it, and it felt like it was misunderstood.

And 9/11 changed everything. I think the institutional adjustment to a young, new leader might have been much harder in some ways had it not been for 9/11. It was a time when the nation was in crisis and the organization needed leadership, and I was the leader, and I could just put my arms around the place and kind of plunge forward. It was a time when I could quickly recalibrate things that really mattered, because all of a sudden we had more visibility. I could build program. We had no national security project when I got there. Fucking crazy. We had a national security project at the ACLU in the 1980s; we jettisoned it out as a freestanding nonprofit. When I arrived at the ACLU on September fourth and the events of September eleventh, I had a half-time person in one Washington office who was tracking national security issues. I had nobody working on national security. So I began to hire, hire people who would end up being luminaries, and pulling people from different projects. I’m like, “You’re working on the First Amendment? No you’re not, you’re going to work with me on national security. You’re working on immigrants’ rights? Come work with me on 9/11.” And built a program that could quickly show results. So you build momentum.

The crisis of the moment also allowed me to make some changes very swiftly. I understand politics and institutions. It’s important to understand opportunities that come up. So I turned over a bunch of senior managers within months of my arrival. Probably would have taken more time if 9/11 had not happened. But I turned over three of the people who worked directly for me. I thought I could do better. I ended up being right. And I could say to my board, “This is a civil liberties crisis. All hands on deck. I don’t have the people I want or need to help us lead in this moment, and I need to switch gears.” And some of the people I turned over were there for decades. My board had always said, Learn from the people who have been there for a long time, and blah-blah-blah-blah, and it was largely good advice, but then when I said, “We’re going to switch gears. We’re going to hire some new senior managers at the organization,” that moment allowed me an opportunity to kind of reengineer the place.

And certainly, then, the events of the time. The ACLU was current again. We’re talking about the Patriot Act, we’re talking about Guantanamo, we’re talking about detention, we’re talking about immigrants under deportation. The visibility of the organization became much higher. I had to quickly learn how to get ready. I hired a new director of communications. It was someone I

knew from my days at Ford, and she started four months after I got there. She comes to me after my first TV interview, and this is why I love her, she said, “You’re not ready for primetime.” I’m like, “I know.” She says, “So we’re going to get you ready.” And she goes, “I’m going to book you on a series of TV interviews in secondary and tertiary markets.” This is before the time of the internet and where everything is a national story. So she says, “You’re going to get really comfortable in front of the camera doing local news interviews. I’m going to send you to Cleveland and through Pennsylvania.” And I remember saying, “Okay.” She goes, “You’re going to go through media training, and you’re going to learn as you do.” And I remember that was really instructive, and I got better. I wasn’t great in the beginning, but I got better, and I constantly got better. And she was my coach, and she helped both the organization’s messaging and positioning and the way we would reach out to the press and the media, and she helped position me as a chief spokesperson. I also leaned heavily on my board chair while I was getting ready, Nadine Strossen, who was the board president when I was hired. We put her out there a lot while we got me ready. And then I could do more of the public speaking.

01-01:54:51

Meeker:

What did you learn in that process?

01-01:54:55

Romero:

Media coaches are brutal. It’s kind of like the end of a bad marriage, where all the true stuff gets said to you. [laughter] I’ve only had one of those. It’s important to understand there are skills. There are definitely skills. What are the messages you want to communicate? How do you bridge from the messages? There are things about affect and style. There are things about learning how to build on what works and doing away the things that don’t work. I remember one of the things early on is when I would get a hard question, I always would look up as a way to kind of like go blank and think about, That’s a hard question, and then I would come back. And you look like a lunatic when someone asks you a really tough questions and you start looking up. You got to go blank making eye contact with your interviewer. I remember when my coach said—I had a goatee at that time—he said, “You got to shave the goatee.” I’m like, “I like the goatee. I’m thirty-five years old. I think I look hip, attractive.” And he said, “It doesn’t come in thick enough, and you look like a beta male.” And I’m like, “Where’s the razor?” [laughs] Get this scrappy little beta male beard off my face. So they gave me a lot of feedback that helps a great deal. Tone, tenor. I still have coaches who help me. I’ve done everything from Colbert and the nightly news and the Sunday morning shows, and just because I’ve run a marathon once doesn’t mean I can run a marathon tomorrow, so I think the only way you do good media is by training and constantly toning and training and learning. When I was doing a TED Talk recently, I hired an acting coach. Incredibly helpful. I’ve done a lot of public speaking, a lot of media but an acting coach really helped me make the material come alive, because I was bored with it already. I was so

exhausted by preparing the TED Talk and memorizing the TED Talk that by the time I was going to give it, I was just—I have no life left for this. And then an acting coach, that's exactly what they do with actors. If you have to give the same performance night after night, how do you make it come alive every night?

01-01:57:26

Meeker:

This is the one that's engaging art history to—it was good, good performance.

01-01:57:31

Romero:

Good, because I had a good coach.

01-01:57:32

Meeker:

I think I'd like to get close to ending today. I know that we've already gone over our slotted time, and we've agreed to meet probably again sometime in January. After 9/11, and you are engaged in this opportunity to reposition and to really I guess remind the broader American public just what the ACLU is and why it's there, and you're given the opportunity to, unfortunately because of things such as the Patriot Act and a broader cultural—

01-01:58:16

Romero:

The immigrant detention, deportation issues were also huge.

01-01:58:18

Meeker:

Yeah, those were huge. I don't know if ACLU got involved in it, but there were certainly some things around the edges around political speech and those kinds of issues as well, similar to now, with the Trump election. I believe that you got quite a few new members for the ACLU at that point in time.

01-01:58:41

Romero:

Yeah.

01-01:58:44

Meeker:

Sometimes new members can be an unruly group. You know, they're not acculturated—they may have a very novice idea of what the ACLU actually is, but the more that they get involved in it as donors, that novice idea might not jive with what they really discover. Did you have to deal with that, and how did you deal with it?

01-01:59:09

Romero:

There are a lot of lessons from 9/11. This period is harder, this current period dealing with after the election of Donald Trump. Even though I thought the challenges of 9/11 were going to be the hardest of my tenure, I was wrong. There's always something that seems bigger and harder. But when I compare what played out during the events after 9/11, there were massive changes on national security laws and policies, and immigration. There were the detention and deportation of almost five thousand South Asian, Arab, Muslim Americans in the events after 9/11. And there was a big onslaught, and the creation of Guantanamo and the use of torture. It was not by any means a romantic period or a golden period for civil liberties and civil rights. But this

is harder, because this, every one of our issues is at play. This one, you have the rights of Muslims are under attack, reproductive rights under attack, the rights of immigrants under attack, voting rights, free speech rights. Every single one of our top issues has gone on the front burner on a high boil, whereas before, I really could only have to focus on national security issues and focus on what are the laws and lawsuits and policies and changes and developments that I had to focus on. Here, I have many more fronts on the war to focus on. What's happening with voting rights and the vote dilution case out of Ohio? What's happening on the transgender ban? What's happening on the Masterpiece cake case? What's happening on the defunding of Planned Parenthood? And what about the Muslim ban? And what about the detention, deportation—? I mean, it's all of our issues are at play. So what I learned from the events of 9/11 is to continue to really issue spot and make sure the organization moves adroitly and smartly and with alacrity into the places that are increasingly important.

We were ready for the election of Donald Trump, because we issued a report in July before the election where we analyzed his positions. We hired an opposition research firm. We were the only nonprofit in the country to do this. We took him seriously and literally. We hired an opposition research firm, followed him on the stump, organized his positions, we analyzed them, and then we said, How would we fight him if he were to implement these policy positions? We called it the Trump Memos. We issued it in July of 2016. No one read it. No one gave a hoot about our thoughts on Donald Trump. I got bumped off *The Rachel Maddow Show* twice that week because there was something else to talk about. But no one thought he would get elected. I didn't think he would get elected. I didn't have a crystal ball. But I like to be ready. So when he did get elected, when everyone was shocked, including me, on that night of election, November eighth, November ninth, we had the beginning of a game plan. We had figured out the issues, we had figured out the priorities, we had figured out how we prioritized them, we figured out how we speak about them, the editorial line. We figured out how we'd fight them in court. We had the beginnings of a game plan, and *boom*, you can go live. We'll see you in court. That's why we could file the lawsuit against the Muslim ban within hours of him signing it, because we had been working on it since the summer before the election. So we learned that after the events of 9/11. That's where it's different but we learned from it.

I think it's also true, how you work with and deploy members. When I got to the ACLU, maybe two hundred seventy thousand members, card-carrying members, dues-paying members, paid twenty bucks or more in a twelve-month cycle, six-month renewal period to be a member, a card-carrying member of the ACLU. In the eight years of George [W.] Bush, that number would almost more than double to 550. And there were new folks who were all about, "How do we fight Bush?" And they were frothy, energetic. They wanted me to lead an impeachment process against George Bush. That wasn't exactly what we were going to do, but we had to kind of educate them about

how we were fighting George Bush but we weren't the Democrats. We weren't the civil liberties wing of the Democratic party. If you wanted to do partisan politics, that was somebody else, but if you wanted to fight the policies of George Bush, we could provide a solution.

Now, in the era of Donald Trump—so it [membership] went from 280 to 550 in eight years of George Bush. In eight years of [Barack] Obama, the number would go from 550 to four hundred thousand. In the first four months after the election, five months after Donald Trump's election, the membership went from four hundred thousand to 1.6 million people. Right? The average age has come down by twenty years. Younger—in every state of the union. Not just in Northern California, but Alabama, Tennessee. The membership has doubled in Louisiana, which is the lowest growth rate of the membership. In some places it's been 300, 400, 500, 600 percent growth. So now we need to deploy these members. And they're active, they're energetic, they want to be put to work. They just don't want to write you a check. "What can we do?" is the big question we get. So we have a whole member mobilization program to put them to work as protagonists in the fight for civil liberties. Sometimes they don't really understand our issues the way we want them to or need them to longer-term, so we have to brief them. We have to do webinars and briefing papers and give them talking points and tell them what the targets are. Sometimes we have to explain what we do even when they disagree with it. So some of the work we did after Charlottesville was very controversial among this new base. Like, wait a minute, I supported you to fight Donald Trump; why are you defending the Nazis' right to march in Charlottesville? You have to take a step back, you have to explain the history of the organization and what we do and why we do it.

But it's an exciting time. And I think if there's one thing that is different—so doubling the membership in eight years of Bush; first six months of Donald Trump we quadruple it—I think this could be different. This feels different. This doesn't feel like the reaction to the events of 9/11 or to George Bush. This feels like this could be the golden age of citizen activism, that people are waking up. People who were never engaged before on civil liberties issues now are paying really close attention, that people are passionate about it. And if we do our job right, even in the onslaught of what we have to contend with—which is a great deal—we can galvanize a citizen movement that can sustain—it could be the golden age of activism that we haven't seen in this country since the sixties. That is where I end up being hopeful.

01-02:06:39

Meeker:

Let's stop there for today. Thank you very much.

Interview 2: January 11, 2018

02-00:00:07

Meeker:

This is Martin Meeker interviewing Anthony Romero for the Sandler Foundation Oral History Project. Today is Thursday, the eleventh of January 2018, and we are here at the offices of the Sandler Foundation. And this is interview session number two. So, thank you again for your time.

02-00:00:25

Romero:

Of course, Martin, of course.

02-00:00:26

Meeker:

I appreciate it. The last interview I thought was super interesting, and I had a chance to read over the transcript, and there's a lot of really great commentary and memory in there. So I look forward to sharing that with you.

02-00:00:41

Romero:

It was great to walk down memory lane with you. I had not really tried to go back to the beginning, and actually to the beginning beginning, early life and my early childhood, and then try to bring it forward.

02-00:00:53

Meeker:

Well, let's bring it forward. What I'd like to do is start out today by centering the Herb and Marion Sandler story. I imagine that you met them at some point, in person or on the phone, but I'm wondering if you knew of them, if their reputation preceded them in any way before actually meeting them.

02-00:01:19

Romero:

Sure. Definitely. So I first heard of Herb and Marion when I was working at the Ford Foundation. So I had started out at the Ford Foundation as a program officer on racial justice, and then I had been made director of its human rights and international cooperation program when Susan Berresford became president. And Susan was and is very close to Herb, and when Marion was alive, with Marion as well. They were iconic funders of the human rights field. They were key funders to Human Rights Watch, which was one of my key grantees when I was at Ford. They had staked out a lot of work on low-income folks and poverty. ACORN [Association of Community Organizations for Reform Now]—they were big funders of ACORN, which was also a big grantee of the Ford Foundation's. So I would often hear their names talked about within the context of these two iconic kind of philanthropists on the West Coast who had the same types of values as Ford, and were sometimes less bureaucratic and more generous, actually, than the Ford grants. I remember at some point talking with a program officer who was working on the human rights portfolio. I kept saying, "Well, why don't we give more money to Human Rights Watch? Who are the other big donors?" And Herb and Marion were the biggest donors to Human Rights Watch—larger than, at that point, the Ford Foundation—which we fixed. We ultimately made a large endowment grant because it was important to make a more substantial grant to Human Rights Watch. So I had heard a lot about them.

And because they were friends with Susan Berresford and because I worked for Susan, and at the end it's all about making your boss feel and look good, they were always on my radar screen in terms of the issues they cared about. There were a lot of the folks that I knew who knew the Sandlers well, but it was above my pay grade to interact with Herb and Marion when I was the director. That was a Susan relationship. But I knew that Aryeh Neier knew the Sandlers very well. Gara LaMarche for many years knew the Sandlers very well.

So they were always in my orbit, and they were always known as people who cut to the chase, were very smart, made real assessments on who they funded, who they didn't, that they were funders—and, you know, the private foundations can sometimes be a bit arrogant; they don't really look at the private donors with the same level of expertise or specialization, they're just wealthy people who give out checks. Whereas the philanthropists, the private foundation types, think they do it better and smarter. But that was not true with Herb and Marion, and they were always seen as peers. They were the types of folks who asked smart questions, did the due diligence, committed to an organization, really understood the issues.

So I knew of them but didn't really know them at all until I got the job. And I remember, it was very soon in my tenure. So I got the job in April of 2001, and I think one of the first appointments, if not the first appointment I had, was with Aryeh Neier, who had been the director of the ACLU [American Civil Liberties Union] prior to Ira Glasser. I had really not known Aryeh that much either. I had maybe met him once or twice, but I had never had a one-on-one meeting with him. My first meeting with him one-on-one was after I got the ACLU job. As is my style—and luckily, it worked with Aryeh—I said, “Look, I know I wasn't your candidate”—he was backing another person in the run—“and I know that you had your doubts,” because I had heard that on the grapevine from a good source, “but I'm really counting on your support and I really need your help, and I won't succeed unless I have your help.” You know, and very characteristic, Aryeh says, equally candid back, he said, “Well, I have a hard time imagining someone from the Ford Foundation, which is so characteristically cautious”—which is true, that was the rap of the Ford Foundation staff—“will be effective as the director of the ACLU. We don't need you to be reckless, but the cautiousness that's often imbued in kind of Ford Foundation grantmaking I didn't think would align well with the organization.” I said, “Well,” I said, “give me a shot, and you'll see I was very effective at Ford in knowing the culture, the climate, the context, and how to operate, but I also understand that the ACLU is a very different beast, and I think I can switch gears.”

And then, you know, soon, over the summer, I spent more time kind of bouncing ideas off of Aryeh and talking with him, getting to know him better. And it was after the events of 9/11 when we kicked into gear, when the ACLU really came forward as one of the premier defenders of civil liberties in the

aftermath of the 9/11 attacks and the Bush assault on civil liberties. I think Aryeh got to see me really soon in my tenure at work, and he was pleased.

I remember right around that time, Aryeh had published a memoir. He's done a series of lookbacks on his life; I'm not sure if it's a memoir. And I remember the one that came out was right in, I don't know, January, December—December 2001, January 2002, around that—early in my tenure. And I remember rushing to the Barnes & Noble bookstore and doing what every kind of egotist does, is kind of picking up the book and then opening up the back and then looking at the index, looking for one's name: Romero, comma, Anthony. Shit, I'm in the book. I went to the page, and Aryeh said a very nice thing about my leadership, my early leadership at the ACLU. I don't remember exactly the words, but I remember it being something like, "Looks like the organization's on track with him at the helm." And I was like, "Yes!" It's understated Aryeh, but I felt like he doesn't give any praise if he doesn't mean it, and even kind of modest praise is high praise in the Aryeh Neier book. So I knew I was on track with him. And then I asked Aryeh to make the introduction to Herb and Marion. Now that I knew that I had Aryeh in my camp and that he was feeling good about my early leadership, I said, "Well, what about you introduce me to Herb and Marion?" Because I knew they were very close. That, I had already had figured out from my conversation with Aryeh and elsewhere.

And Herb and Marion, to be clear, they were already contributors to the ACLU. They had been making I think a modest grant—you know, not insignificant, but modest for their capacity. I think they were making a fifty-thousand-dollar grant to my Northern California affiliate. The woman at the head of it at the time, Dorothy Ehrlich, had developed a rapport with Herb and Marion, especially on a lot of the ballot referenda. I think Herb had funded a bunch of the efforts to oppose Proposition 187, Prop 209. So she got to know him in that mix of ballot referenda, and they had provided the San Francisco office with a fifty-thousand-dollar check. Which was substantial for the office at the time. But I also remember hearing, I think maybe from—better not to say—but I remember hearing that while they were supportive of the ACLU of Northern California, they were not huge fans of my predecessor, my immediate predecessor. And they had met with Ira I guess a couple of times, and it's better for them to say that, to tell that story if they wish to. But apparently that wasn't exactly a match made in heaven. So they continued to fund the San Francisco office, but they didn't fund the national ACLU.

So I show up as the new kid on the block, I get Aryeh to set up dinner. I remember I picked the restaurant, which was always a mistake. With Herb and Marion, let them pick. And I picked a kind of restaurant in Midtown that was loud, and it was just not conducive to conversation, and I was nervous and anxious, and they were irritated at the restaurant, and it wasn't going well.

02-00:10:10

Meeker: Just the three of you?

02-00:10:11

Romero: Just the three of us. And it was like, Shit! I really wanted this one to go well. I don't know, the service was a little bit off. And I remember the only thing I did right that whole night was I decided to walk them back to their hotel, the Grand Hyatt on Forty-Second Street, near Grand Central. And it was only in that walk back, where finally on the quiet streets of Midtown Manhattan, we could actually hear each other, [laughs] and I was able to spark kind of a conversation, a back-and-forth, both about the work and about me personally. I remember, I think it was right then that I told them—I asked Marion about her funding of asthma research, and because I had been asthmatic as a kid. I had kind of many memories of being rushed to the hospital, being asthmatic, with oxygen, and when we were living in the public housing projects, I think I mentioned, the heating wasn't great, so it was often cold, and it would trigger asthma attacks, and so it's kind of a big thing in terms of health. It's the only thing I've ever struggled with in my health. But I remember talking to Marion a little bit, personally, about how frightening an asthma attack can be, and we talked about the asthma foundation and her research. When I finally got to the front door of the Hyatt, I felt, "Okay, maybe it's not all lost."

And then it began a series of conversations. Really soon. It didn't take forever; this was all happening within the first several months of my taking the job.

02-00:11:50

Meeker: Can I actually ask you to pause? So I'm interested about donor relations and cultivating sponsors, because I suspect that you were interested in meeting them just because of the work that they had done, but as head of ACLU, you also want to make sure that you're leveraging the kinds of sponsors that the organization needs to survive.

02-00:12:13

Romero: Sure, sure.

02-00:12:15

Meeker: I don't know what the right word is—is it like a seduction, or is it—?

02-00:12:20

Romero: It's a conversation.

02-00:12:21

Meeker: Is it a conversation?

02-00:12:21

Romero: It's a real relationship. The best ones are real relationships. Look, everyone is different. I've been now doing this job for sixteen years, thousands and thousands of donor meetings. I think every year I go on more than three hundred plus, so if you add that up by sixteen years, that's a bunch.

02-00:12:42

Meeker:

That's a lot of dinners.

02-00:12:43

Romero:

A lot of dinners. That's why I have to kind of skip a meal every once in a while and try to get on a treadmill, because I'm getting that pear shape in me, which is not my ideal body shape.

I didn't know anything about fundraising. I mean, I totally bullshitted my way through that part of the interview with the ACLU. They asked me, "Well, what have you done on fundraising?" I said, "I haven't done any fundraising." I said, "But I've been at the Ford Foundation, and I know what a good grantee-donor relationship looks like. I know when it works. I know the alchemy of that, when there's a good meeting of the minds and there's a real partnership with a distinction of what the grantee does and what the donor does." And I said, "And I think, having been on the other side of the table, I could pivot that experience into the fundraising side." Completely bullshitting my way through it, and I didn't know how hard it was. Because I had had some experience as a grantmaker, as a program officer and the director of Ford, but it's very different, especially this type of individual relationship-building.

But I learned a lot. I hired a really great director of development, who really trained me and helped me understand the alchemy of—it's more art than science. The direct-mail program is all science, it's all how many pieces of acquisition, what are the response rates, what are the renewal rates? It's all formulas and algorithms. That's all science. The major donor fundraising is all art. It's just, Does the donor feel that this is a leader they can believe in and an institution they want to support? And they're both important, the leader and the institution. You might have a great person in the wrong place. You may have a great place with the wrong leader. You really have to have both. The good philanthropists don't just write you a check, they invest. They invest of their own aspirations for what they want you to do. They want to invest their own energy to help you succeed. A lot of that, we'll talk about with Herb and Marion. I couldn't have succeeded without Herb and Marion in a lot of ways. And it's just a relationship and a conversation. And they have to feel, touch the measure of the man or woman. Right? They have to kind of know, "Is this someone I believe in?" I was going with my gut, and I was getting my on-the-job training as I was doing it.

With Herb and Marion in particular, partly because they were well-known philanthropists, I had a lot of feedback about what they were looking for. They want to make sure that an organization is well run and well managed. The mission's got to be coincident with their mission, but the mission alone is not going to get you there with Herb and Marion. Is this an impactful organization asking some tough questions about how to have the biggest impact with the limited resources you've got? They wanted to understand how

we saw the longer term, not just the immediate, like, Let me tell you about today's lawsuit. That doesn't really cut it with them. They want to know a strategy—that you're thinking through longer-term. You got to play out the chess moves even before you put the chess pieces on the chess board. They want to know that you are willing and able and have learned from mistakes. There were a bunch of questions, I remember from the first conversation, where Herb and Marion were asking me about my experiences with terminating staff and with my willingness to kind of pivot and to learn from things that haven't gone right. And by the time I had gone to meet them, I had already begun to make some major changes within the organization, so talking to them about why I moved this person out of their job even though they had been there for fifteen or sixteen years, what assessment I made. And being clear that I wasn't making these decisions hastily, because you don't want an impulsive or impetuous leader. But it's an ongoing conversation and relationship.

What was clear to us was that here you had a couple, two billionaires, who had been with us for years, who had a very deep personal relationship with one of my predecessors, Aryeh. So you don't get a better match in terms of the kind of coincidence between their values and our values. Then they had this huge capacity to give, and they're giving fifty thousand dollars a year.

02-00:17:36

Meeker:

But they also have their own agenda.

02-00:17:38

Romero:

Yeah. Yeah, yeah, but everybody does. Most of the donors have their own agenda, and most of the times it's about talking through where the agendas coincide and where they might diverge. So this kind of giving gap, if you will: people who are with you but are not giving what they could, for whatever reason. And then you've got to do the forensic work to figure out, Why the hell are they not giving commensurately with their capacity? And they had a lot of questions around the management of the organization. They had a lot of questions around the positioning of the organization. They had questions around the effectiveness of the organization. And as I began to say, "I agree with a lot of your assessments. I think you are"—I did say, "I think you are overestimating our weaknesses, but this is a strong organization I inherited." I still say that to this day. Ira turned over a jewel of an organization. It was an impactful, effective—he was a genius for saving it from the brink of collapse, especially in the aftermath of Skokie, and he built some really forward-looking programs that are still kind of hallmarks of the ACLU. That being said, there were some challenges, and there were some institutional weaknesses that Herb and Marion were pretty aware of, and I agreed with them.

02-00:19:04

Meeker:

Can you talk about some of those?

02-00:19:05
Romero:

Some of the stuff they were concerned about was strategic planning. And I remember I had this conversation with Herb and Marion, I had this conversation with Ira. I remember asking Ira when I first came in, “So, where’s your last strategic plan? Let me see what you’ve laid out to accomplish.” And he said, “Oh, that’s a bunch of bullshit, the strategic plan. That’s for the private foundations, that’s foundation speak. You’re running an emergency room, and you deal with what walks in the door.” And I remember thinking, “Whoa.” He was my friend at the time and he was my mentor; I wouldn’t have gotten the job but for him.” But I remember thinking, “Wow, this is really a big disagreement that he and I have.” And I remember leaning in, and I said, “Well, Ira, you know that my partner”—the guy I was living with at the time—“is a doctor and he works in the emergency room sometimes, and even emergency rooms have plans. They staff up differently on a Saturday night than they do on a Tuesday night. They marry the experienced ER surgeon with the young residents. They deal with head wounds differently than they deal with broken legs. So even emergency rooms have plans, and I think even as I run this emergency room, we need to have a plan.”

And I remember having a conversation with Marion and Herb when they said, “We just didn’t know the direction the ACLU was—what its priorities were, where it was heading. It just seemed very responsive but kind of more like whack-a-mole.” And I said, “I totally agree with you,” and I kind of relayed a version of the story without getting into too many specifics, and I said, “I think this organization needs to really map out what it wants to accomplish, what it plans to do, where it thinks it can lean in.” And then you have to revise as you go along, because events will change on you. And I remember, early on, something I’m pretty sure I shared with Herb and Marion—certainly a version of it—so I wrote a transition paper for my board. I did it over Thanksgiving. So I’m in the job two months now full-time. I started in September; Thanksgiving I sent my partner at the time away, I said, “I need four days to myself; I need to compose what I’m going to do with this organization.” It was completely cover your ass, right? Because I knew that my board said, “We want change, we want the new generation, we want the young kid on the block.” But I knew that once I started moving the chess pieces in different directions, they were going to be like, “Wait a minute, don’t change it.” So I wanted to kind of put it all down on paper while I was still in my honeymoon period and say, “This is what I’m going to do differently.” This is a gut check. Just me, me to the computer. No input, just my own guidance. And I talked about it with my executive committee I think in January, and then I shared a version of that with some of our key donors, and Herb and Marion were definitely among the couple of them. And actually I shared it with another guy who was our biggest donor at the time, a guy who was anonymously giving about \$3 million a year, David Gelbaum. And when I gave him a copy of my transition plan, he was like, “I love it. I’m going to give you \$10 million to start, to implement it.” I’m like, “I wasn’t even going

ask you for money, I was just sharing you my thoughts.” He said, “Well, you need money to implement this plan, so here’s \$10 million to go with it.” So I said, “Okay, this plan’s got some juice to it.” And it was very much the plan then I talked to Herb and Marion about. And there were aspects of that early plan which still guide my relationship with the Sandler Foundation even to this day.

I talked about the two things that make the ACLU truly distinct. You know, there’s the litigation and the pedigree and a hundred years of Supreme Court advocacy—that’s truly distinct—but what distinguishes us now from other great litigating groups are two things: is that we have a membership base, we have real bodies and real numbers of people that have grown a lot, we talked about last time, since the Trump election. So we have real constituents, a membership base that can be deployed, and we have offices in every state. We have a grid that’s already extant; in every single state, all across the country, we have boots on the ground who can track the issues, sue, lobby state legislatures. And nobody else has that. There’s no other advocacy, human rights group that has the membership piece and the state infrastructure. But my state infrastructure was relatively weak. It was hit or miss. I had some great offices, like Northern California, and I had some real—you fill in the blank with whatever expletive you want to use—I had some real messes. I couldn’t think of the early ones. And the national office never did much to figure out how to help the struggling affiliate succeed, and there was a kind of a mentality of the us versus them. And it was Darwinian: if you survived, we were proud of you, and if you failed, it was your fault.

I remember saying that the national office had to take responsibility for helping the local offices succeed. And I remember initially, this was very early, this was a couple months in the job, Marion said, “It’s the way we think about our branches.” So the lightbulb went off in a big way, in a Klieg light way, because here you have two people who started out with two branches, in Oakland, I think, and then built the largest home savings and loan bank in history, building up branch by branch and thinking about how you actually make it work and how you knit it all together, and you kind of make sure that the headquarters, where they were, were accountable to their branches all across the country. And the fact that they got exactly what my challenge was—in a different moment, in a different organization, someone would have said, “Well, they’re talking about banks and you’re talking about civil liberties groups.” It’s exactly the same thing. You know, what are the culture, what are the values, what supports are there, what accountability mechanisms? How are you making choices between where you’re going to go? It’s no surprise that Herb and Marion put a lot of energy into building their Golden West infrastructure in places where there would be growing housing booms. The home market was not going to be the same in Wyoming as it was going to be in Florida, so they kind of doubled down on some key states. So when I talked about strategically building some key affiliates and having a cluster of people in the headquarters who were responsible for making the affiliates effective,

and that to do away with this effort of headquarters versus the affiliates and the idea that we were jointly in this together, they totally got that. It's like I was talking about their early efforts of building out Golden West. And that was exciting for me, because then I could have people to bounce ideas off of.

And I remember talking to Marion about training programs. I had talked to Marion mostly. Herb was always in the conversations, but Marion and I did more of the talking. Herb would interject, but Marion was really—Herb talked, but Marion was really focused on this. And I remember asking her, “How did you ensure your insistence on good customer service in all of your branches? Because some of my offices are really good at handling intake,” and some of my offices were not so good. These intake forms, these calls. Some of the offices didn't have the bandwidth to—or in some cases even the desire to—respond to the public, and that, I needed to change. I said, “How did you instill that sense of it?” She goes, “Well, there were auditing efforts, and you have to hold people accountable, you have to raise up the ones that are good at it so that you can kind of show people the way, and you have to train people.” And she would talk to me about a training program that she instituted in the bank around how long people had to wait on lines. And I think there was an effort where—and this was her idea, because I remember her telling me this story—she would make some of her own branch managers go to other banks—I'm not sure if it was hers or somebody else's, someone with long lines—and she'd make them stand in line with pebbles in their shoes so that they would remember what it feels like if you were elderly or you had bunions on your feet or you were weak, just how painful it was to stand for extended periods of time on the line. And she said, “And I trained them. And we don't have long lines at our branches.” I'm like, Uh-huh. And I began to think of, “Okay, now how can I apply some of those same training programs to my new managers?”

So we're off to the races. We're talking about the branches, the affiliates, being the power of the ACLU that were under-resourced. And as I began to build out, I created this thing called the affiliate support department that was a direct report to me. Their job was to make the affiliates succeed. My headquarters staff were deployed to make them succeed. We were all in it together. And then began to flow resources more aggressively to the affiliates, which they very much liked, and then we'll get back to that, because they had a big investment that came subsequently. But I remember when we first started, I think we were giving sixty thousand dollars a year to the offices that couldn't support themselves, which was spit in 2001. You could have a poorly paid director, a part-time office administrator, and rent in some cheap location. You couldn't do much with sixty thousand dollars. So immediately I moved it to seventy-five and then to ninety and to 115 and 125 and 150. So I was beginning to push the subsidy up for the twenty-five smallest offices, so they had some real more resources to work with.

I began to then talk about the fact that it's very democratic, small D, to treat all the offices that can't stand on their own two feet equally: give them all the same subsidy. It's very democratic. It's not strategic. Right? Because Texas, which was on the subsidy at the time had a lot more work to do than Wyoming. So while it was very egalitarian, it was dumb. So I began to talk about, I have to find a way to switch the culture of the place so that I can invest more aggressively in the places where I have the biggest impact. And that was already a conversation about a year or two into the relationship with Herb and Marion. And I'll come back and connect the earlier part, but that led to a big initiative that the Sandler's were anchor donors.

In the early years, I think I remember the big success was I took them from fifty thousand dollars to the Northern California office—I think their first gift, we'd have to go back and look at the files—half a million dollars. I remember, This is great. This is amazing. And then more importantly is that after they made the half-a-million-dollar gift—right? With ten times the size, and they had never funded the headquarters before—they begun opening doors for me.

The first door that Herb opened was Leon Levy. So Leon Levy was Herb's running buddy in New York. I guess they went to City College. And Leon, founder of the Oppenheimer funds and Odyssey Partners, and Herb was his lawyer for parts of his career. I think it was Leon who maybe introduced Herb to Marion. I'm not entirely sure of that story, but at some party—I think it's Leon—in the Hamptons, Herb was invited to the party where Marion was at. That's where they met. But they will tell you who was the actual host. I want to say it's Leon. But in any case, they knew Leon for decades, literally; they were in their twenties when they met and now they're in their sixties, I guess, at this point, seventies. And Herb said, "Well, why don't you go and see if you want to talk to Leon Levy. I think he's someone who might like you and coincide with the ACLU's agenda." And I remember, I was at dinner with Herb, and I wrote it down on a cocktail napkin, Leon Levy, and then I went into the office and I handed the cocktail napkin to my director of development, and I said, "Find out who this Leon Levy fellow is, because he's got money and Herb thinks I should meet him." And then my new director of development comes in, and she's kind of ashen. She's like, "I have good news and bad news." I'm like, "Okay, give me the good news first." "Well, he's been a member since 1977, he's always renewed on his first notice, on the same credit card, so he's never lost his wallet or changed his credit card number." "Okay, that's good news. What's the bad news?" "Well, he's worth a couple billion dollars and we've never talked to him." [laughter] So I'm like, "Herb, Mr. Levy's been a member for decades and we've never talked to him. Can you connect me to Mr. Levy?" He chuckled. I think he knew that. And then Herb connected me to Leon's office, gave me Leon's office number, Nina. And I call, I say, "Hi, I'm calling at the behest of Herb Sandler. This is Anthony Romero; I'm the new director of the ACLU. I'd like to meet Mr. Levy if it's possible." Nina puts me on hold. She comes back, she goes, "How about tomorrow." I go, "Okay." I go the next day, I walk into Leon's office,

and Leon's sitting there kind of—he was a wonderful guy. I loved him. He was a very special guy. With his pipe, and you couldn't tell—his eyes were closed, if he was asleep or just meditating or—he's got a great bust of some Greek antiquity behind him. He's big into antiquity. He's got the Leon Levy–Shelby White hall of Greek and Roman antiquity in the Met named after them. And when I walked into his office, he leans in and he says, “Took you long enough, didn't it?” [laughter] I'm like, “Yes, sir, but I'm here to make up for lost time.”

He said, “Well, why did Herb send you my way?” I said, “Well, Herb was asking me about what I did outside of ACLU, what were my interests, and I said I was interested in antiquities, especially ancient Greek history. And I told him I was a big fan of Alexander the Great, historically, and he said so were you.” And then Leon said, “Well, I am. So who killed Philip?” Leon asked me. And I said, “Well, that was Pausanias, but the question is who put Pausanias up to it?” And he said, “What's your favorite battle of Alexander the Great?” And I said, “The battle of Tyre, because he had to build battering rams on floating barges to attack the city.” And he said, “What about Bucephalas the dog?” and I said, “No, Bucephalas was the horse. Peritas was the dog.” So the guy was testing me to see if I was bullshitting him on my knowledge of Alexander the Great. And the one thing I learned early on in life is you never bullshit. When you don't know, you say, “I don't know.” Really smart people say, “I don't know a lot.” Dumb people fudge their way through it. So after having passed the test with Leon, then we talked a little bit about civil liberties, then we ran out of time. He said, “Well, how much are you going to ask me for?” I said, “Oh, no, I'm not here to ask you for money on the first time. I'll come back.” He says, “Oh, you're going to be very good at this job.” [laughter] And I came back, and I spent more time with Leon and got a \$2 million gift from him. Sadly, Leon died not long thereafter. I was with him the afternoon he had the heart attack. I was with him at the hospital, took him to the hospital. He and Herb were very close.

So it was those types of stories of Herb opening up doors. Hansjörg Wyss, many years later. It's one of our biggest donors right now, the Wyss Foundation. Entirely a Herb introduction. So imagine Herb invests in our organization. They provide money after a lot of due diligence and homework. They provide access to their networks. They provide feedback. And they provide kind of a long-term horizon. They don't just do it over three years and say, “You're on your own.”

And I remember, so we went from fifty thousand to five hundred thousand dollars, and then we had a battle royale in the office where, what would be the second year's renewal? What should we ask for? And I was going to ask for, I don't know, I think it was \$2.5 million or something like that, and everyone thought I was asking for too much. I'm like, “You're going to have to trust me. I think these people know I'm on track, and I can show them outcomes and results from the first year.” “You're going to over ask, it's going to piss

them off, it's worked so hard to get a relationship with them, just ask them to renew the half-a-million-dollar grant." I'm like, "I think they would think me inadequate if I just asked them to do the same. We're in the middle of a civil liberties crisis after 9/11, I'm ramping up the organization, I'm building new programs. They're expecting me to ask for more money."

And then, kind of funnily, I got an invitation—it was certainly the second year—where Herb and Marion invited me to join a group of unknown friends on a week trip to Cancun. Like, oof. I walk over to my director of development. I didn't really know Herb and Marion that well. I knew them some—they had given me half a million dollars, I loved them for that—but they hadn't become friends the way they had become friends. And I walked over to my director of development, Donna McKay. I'm like, "I just got invited to go on vacation with Herb and Marion Sandler, and do I go?" She said, "Of course you go." She goes, "You want to ask them for \$2.5 million, you better get your ass over there." "But it's a whole week. [laughter] They rented a house, and they were going to give me and Manuel a suite. I don't know who the other guests are." And so she says, "You got to go." So I went. And it was great. I remember, it was work. You know, it was work, because we were talking issues. There were a lot of people. Judy Lichtman and her husband, Elliott, were there. She was the head of the Women's Legal Defense Fund. And then Harley [Shaiken] and Beatriz [Manz] and then Tom Laqueur and Carla Hesse, who all become friends of mine, and then me and my partner at the time went there.

And we always had dinner conversations around a round table like this. There was always a demand to have a round table. If dinner was going to be around a table, it should be a round table, one conversation, Sandler rules. No sidebar conversations, no interruptions. Herb would always keep an agenda, like, Today we're going to discuss the Bush War on Terror, and Anthony will lead our dinner discussion, and then we'll talk about academic freedom, and Carla will, and then we'll talk about labor, and Harley [Shaiken] will lead it. And it was delightful. It was fun, it was exciting. It was like a salon, you know, really smart people talking about the issues of the world, and a beautiful place, and we got to get to know each other and eat good food. I remember this is a little bit over a year into my knowing Herb and Marion, and now I'm on vacation with them. And I remember Marion coming into the pool, and she had a very 1950s bathing cap on, with kind of rubber, but plastic flowers attached to the back of it. [laughter] And the gay guy in me couldn't help but just comment on it, like, "Marion, I've got to borrow that cap." And she was like, "You don't have any hair." [laughter] But it was just a lot of fun and conversation.

And I remember, during the vacation, I said, "I'd like to have a business meeting with the two of you, because I'd like to talk to you about this year's commitment," and Herb and Marion said, "Of course." They understood that that's also part of my job. So we slipped away from the rest of the

houseguests, and we had a meeting. I asked them for \$2.5 million, and they said yes. "You're doing a great job. You're on track." I'm like, "Yes!"

02-00:41:07

Meeker:

Is this thing, the social aspect, is that fairly unusual?

02-00:41:12

Romero:

Yes. I don't really become friends with my donors. Herb and Marion were exceptions. I always try to approach my work, my life—you have two ledgers, you have the professional ledger and you have the personal ledger, and you don't really mix the two very much. There are friends who you don't turn into donors or coworkers or board members, and then there are coworkers and board members and donors you don't turn into friends. Herb and Marion were the ones, the only ones I would say are actually friends. When I'm having a hard time in my personal life, I would pick up the call and I would want to talk with them. When I was breaking up with my partner, it was hard, and Marion was a love. She would hear, and she would help me lick my wounds. It was something comforting and maternal. It became a relationship that became very different over the years. In the beginning, they were only on the professional ledger, and then as we got to know each other, and I got real affection for them, they moved over from the professional ledger to the personal ledger. Now, I don't really talk to Herb about grants much anymore. I deal with Steve Daetz, the president of the foundation. It's a lovely division of labor, so that Herb and I still have our relationship, it's about work, it's about the issues, it's about the ACLU, but I'm not asking him for the grant money in the way that I ask Steve. And so we pivoted that relationship. It allows us to be a little bit more free and real with each other. It's a nice pivot from my point of view.

And I do think what's different with Herb and Marion is they want to know the people they're funding. One thing I'm struck by is most of the people they're investing large sums of money into the institution that they run, they really get to know them well. They know Ken Roth very well. They know the folks at ProPublica, Steve at ProPublica, they know them very well. They know Martin Eakes very well. They invest in leaders. Alex Karakatsanis, who's leading a new group that he's funding from the Civil Rights Corps. Herb is deeply invested in Alex and knows Alex well. And I think that is what makes them both really strategic donors but also great partners, the fact that they get to know the leadership of the organization, and they accompany you along the way.

You were asking me before we got on film about some of the challenging years that I had as director, and, look, I'm controversial. Some people like me, and some people don't, still to this day. The appointment I have after this one is with someone who does not like me; I'm trying to mend a fence. But when I was appointed as director of the ACLU, there were many people who were not in favor of going with a thirty-five-year-old gay Puerto Rican guy who was

unknown to the world. And some of those members were on my board and worked very hard not to get me appointed. They lost. They were in the minority, but a bunch of them remained on the board and became real headaches for me. As I made mistakes in the early part of my tenure, which I did, my critics were using that as an opportunity to say, “See, we made the wrong decision.”

And they were not wrong that I had made some mistakes. There were some lapses in judgement, like for instance, I signed a government contract saying I wouldn't knowingly hire terrorists. So I looked at the contract and I said, “Well, I'm not going to hire Mohamed Atta if he applies.” He was dead already; he's a 9/11 attacker. Or Osama bin Laden. I'm not going to hire Osama bin Laden if he applies, but I'm not going to check him against any list, so I'm just going to sign the certification and submit it. And I knew there was something wrong with that. It didn't sit right with me, and I kind of talked myself into it: I need the money. We're in the middle of a civil liberties crisis. It's half a million dollars from the government's Combined Federal Campaign. What the hell? I'm not going to knowingly hire a terrorist, but I'm not going to check people's backgrounds. Oh, my God. When my board found out that I signed the Combined Federal Campaign certification that I wouldn't knowingly hire a terrorist—or the grant agreement from the Ford Foundation. The Ford Foundation, my former employer, gave us \$3.5 million as a transition grant, and because of some of the blowback they had from their funding in the World Conference on Racism, they put a stipulation in the grant letter that you will not use these grant funds to support bigotry, violence, or the destruction of any state. And it's clearly about Israel. And I'm like, That's not great, but what the hell. We're not going to support bigotry; that's not what we're about. We don't support violence. And I'm a domestic human rights group, so destruction of a state—I signed it.

So those two things, when it came out, and I didn't bring it to my board's immediate attention—which was my biggest mistake. Two mistakes was, one, I signed it, and second, I didn't talk to my board in real time. Someone found out about it, and then it was like, “The director of the organization has signed a bunch of loyalty oaths.” Right? They're not wrong. They were not wrong to question. You know, “does this guy really have the values?” And those were mistakes. I should have known better. But I was new, and I was afraid of going to my board, because I wanted to be the executive; I didn't want the board to make my decisions. So I thought about going to my board. Any person who's not a moron would think that. But I said, “I don't want to invite the board to make executive decisions. They hired me to be the executive; I'm going to make the decisions.” And I made the wrong decision, and then I didn't tell them about it. And all holy hell broke loose.

There was an effort to force me out of the organization. My predecessor, Ira, who had been a friend—when the word got out that I was signing these types of certifications, he joined the campaign to have me ousted as director. And I

remember calling Antonia Hernández, who was on Herb and Marion's board at Golden West, who had been the director of MALDEF [Mexican American Legal Defense and Educational Fund]. So she had been through a palace coup of sorts early in her tenure. And I said, "Help, what do I do?" And she said, "How many board members do you have?" I said, "I have eighty-three." She goes, "And how many people on the 'Get Anthony out' campaign?" I said, "There are six, no more than a dozen." She goes, "Eh, no problem. They're never going to get to forty-three, so all you have to do is just be—no more mistakes." Which I largely did. "You got to manage this process," which I largely did not do, because they were pissing me off, and I was showing my anger, which was not appropriate. I was under the gun, and don't have the maturity I now have, and don't have the sense of control I now have. When people were coming at me for what I thought were exaggerations of my mistakes, I kept saying, "Wait a minute, but look at this organization. I positioned us perfectly on the program. I've hired great staff. I'm doing great in terms of the fundraising. The organization is thriving. We're fighting the Bush encroachments on civil liberties. Two little signatures on a grant document so I could get money to do the work for civil liberties—I mean, cut me a break, people." It's not like I was selling the firstborn of the ACLU nation. And the more and more they fought me, the more and more I would get frustrated and angry. But Antonia said, "Just bide your time and ride it out." And as they could not get the numbers to actually force, and they had everything—you know, we had long meetings. There was even a vote of confidence at one point that was just excruciating. All the board members went around the table, and they all had two minutes to say whether or not they were still on Team Anthony or not and were counting up the votes.

And I remember talking to Herb and Marion about this, because when they didn't get the votes to force me out, then my critics went to the press and used the effort to embarrass me in the press, embarrass the organization in the press to kind of try to force me to resign. Which is what Antonia was basically saying: "Only you will get yourself fired." Aryeh said the same thing to me. And then I was in a public battle. You know, the *New York Times*. I had one reporter who totally drank the Kool-Aid with my critics and wrote thirteen stories, many of which were just ridiculous. Some terrible journalism, in my opinion. I put a shredder in my office. My predecessor didn't have a computer in his office, didn't have a cell phone. So I came into the office, I said, "I want a computer, I want a cell phone, I want a fax, dedicated fax." And when I put the shredder in my office wrote some caustic email then, "The era of Enron," "shredding documents." I'm like, "Can you give me a break here?" I just ignored that email. And then there was a *New York Times* story about the shredder in my office, as if that was newsworthy. You can look it up. And as the press continued to kind of say, Oh, my God, this is the ACLU versus the ACLU, the infighting, the palace intrigue, there was a website created as part of a campaign to force me out, another website created to defend me. When it became a media problem, I remember going to Herb and Marion, and they suggested a couple things. They suggested that I spend time with John

Podesta, whom I had known but didn't know all that well, to get his advice, which I did do, and which was incredibly helpful. And John and I began a friendship that would develop over time with Herb and Marion, and we would take trips with them as well, him and his wife Mary and me. And then Herb also introduced me to a crisis media consultant in Washington, whom I hired to help me manage this kind of whack-a-mole bleeding in the press. I had to kind of put an affirmative agenda in place, and that was incredibly helpful.

So that is a longwinded anecdote to show you just how they are there. They were there for me in some very hard times professionally. They were helpful in helping me think through the solutions. They were not necessarily apologists for my mistakes. So Herb and Marion were quite clear, like, "You shouldn't have signed those documents." I'm like, "I know." And they said, "And you should have consulted your board," and I'm like, "I know." As important to them was knowing that I could recognize where I was fucking up. And they were perfectly comfortable, I remember, with the fact that we all make mistakes and you learn from it, and it's an important lesson about how you keep your board close to you. Now I over-consult, right, because now I'm confident that I run the ACLU well. But I consult with my board. Anything that's a little bit dicey, I bring them in. I build the relationship with them in such a way that Anthony's not making a decision that's controversial by himself; we're all making this decision. With time and experience, we all get to know that there is that kind of insurance blanket in that way. But I didn't know that at the beginning. But Herb and Marion stuck with me, gave me feedback, helped me with kind of the solutions to challenges.

02-00:54:51

Meeker:

Were they willing to be public at all with their support of you?

02-00:54:54

Romero:

I think they were always clear that I could talk about them, and the more that they gave, and then the gift went from five hundred to 2.5 to 3.5, and then I think right after that, they made another bigger commitment to like five or six million, so I think their grants were speaking for themselves. And then they were of course talking privately with people in my world, like Aryeh and others, about making sure that people knew that they were in my corner. And I talked a lot with both John Podesta and with the crisis consultant, David Dreyer, that Herb suggested. They said, "Keep this as a family spat. It's good that it's the ACLU versus the ACLU. You begin to involve people from the outside—donors, senators—you give it the patina of a true crisis, whereas if it's just like they're fighting across the street over there behind the white picket fence and so that's the family that's a little loud and raucous, that's the ACLU." That was very helpful. And I remember getting a phone call from Senator Kennedy, Ted Kennedy, who was the one senator I was closest to, saying, "What are they doing to you over there? You're the best thing that's ever happened to that organization, for Christ's sake. You need me to come down and talk to your board?" And this is Ted Kennedy. "No, senator, it's a

family spat. You come in, and it becomes a national story. So just let me handle my family spat.” And Herb and Marion were very helpful and very supportive throughout the process.

There were times when I would have spats with the Sandlers. I don't know if you've heard any of this. There was one moment—have you heard a little bit of the story? So this is four years in, and I've hired my director of communications, I've got a growing staff, I've got a growing budget, we're more visible, I'm more in the media, I'm more capable in the media, I've been trained, I'm getting more confident and maybe a little overconfident. And we decided to launch—I don't know what to call it—a branding campaign about the ACLU in the middle of the Bush years. This is maybe 2005, all right, so this is after the election. So we hired this kind of West Coast firm that did do a very provocative job. I want to be careful here, because I don't want to—they did a very provocative job of how to reintroduce the ACLU to the public. And they came up with this concept where the tagline was, “I am not an American who believes in censorship,” or “who wants to deport immigrants,” or “who believes in the Patriot Act,” or “who believes in torture.” But the tagline, “I am not an American.” And then we had celebrities like the Dixie Chicks, and we had ordinary people, and we had musicians, and we had artists, and it was very avant-garde and cutting edge. And I made a commitment to the media company, to the ad agency and the media companies, to do a year worth of ad buys. I committed, I don't know, three, four, five million dollars to it. And it would roll out over a period of twelve months. And we were targeting a lot of publications that—previously the ACLU had done advertising mostly in the *New York Times Magazine* and the *New Yorker*. And this was trying to be a hip. There was an American flag on a tongue, and it's some girl with blonde hair, with platinum blonde hair, and “I am not an American who will hold her tongue,” or something like that. And we were buying spots in *Rolling Stone*, I don't remember. I remember *Rolling Stone*. So we pivoted from the *New Yorker* and the *New York Times*, these kind of sober, highbrow intellectual outlets to more cutting-edge outlets. And the first one hits, and I get a phone call from Marion, and she's like, “Your ads are a disaster.” And I'm like, “Oh? Uh-huh. So let me explain it to you.” And I went through, and I said, “We're trying to make ourselves more relevant to a younger generation. You're not my audience. I have the people like you, and I'm trying to get at people who are not of your generation, like your grandkids are the people I'm trying to get to, and I'm trying to show a hip organization and position us.” And she was not having it. She was just like, “What's the point? What's the ask? The execution is all wrong.” I remember at one point she brought me into her office, and she actually marked up the ad copy, you know, took a red pen out and said, “Font size is too small.” I'm like, “Yeah, that's because we're not looking to hit the seventy-year-old”—I kept thinking to myself. “Font size is too small. There's no ad, there's no point.”

02-01:00:26

Meeker:

Well, the headline, too. “I'm not an American because—”

02-01:00:28

Romero:

I mean, the headline is very provocative. It was purposely meant to be provocative. It was not a successful campaign, let me just say that, for a bunch of reasons. I couldn't really point to anything, which was their whole point: "What's the point to this? How will you know what success looks like?" "I'm refreshing the brand of the ACLU with a younger generation." "Well fine, how are you going to measure that?" And I didn't have answers for them. The problem was that I had signed a year contract, and I had committed to the agencies to run these ads. So after being schooled by Marion about what was wrong with these ads, there wasn't much I could do with them. I had committed to them, and they were going to continue to roll out. So I was hoping—I was wrong—that maybe they wouldn't see all the ads. And every fucking month, another ad would come out, I would get the phone call, she was like, "You're not hearing us." And then she stopped talking to me. When she got so irritated with the fact that, after giving me her feedback, which was right, and giving me her analysis of what was not the best use of resources—which she was right—and me not having good answers for her. And there was even a television piece. There was even a TV spot, which is ridiculous, because we don't have enough money to run TV spots, and Marion and Herb of course know this because Marion was in charge of marketing for the goddamn bank. So she knew media's all about how many times the impression will hit the same eyeball, how many times you have to have the impressions to change a person's point of view, how to be clear about what the outcome is. An ad in the bank is like, "Do they come and open up new bank accounts? Do they take out new loans?" There's some measurability to it. I didn't have any of those metrics figured out. And as each successive ad kept just coming out, and Marion having giving me the benefit of her feedback and her criticism, and she wasn't seeing any change—because there was no change. It was just on autopilot at this point—she just stopped talking to me. And I remember only talking to Herb. I'm like, "How do I get out of the doghouse with Marion?" He said, "Well, I think you keep trying, and she feels like you're not listening to her, which you're not, and that is a problem." And I said, "But, you know," and I would try to explain it. And it was bothering me a lot at this point, because it was not just the donor who was pissed off at me, it was a friend. I remember penning a letter, rather than sending an email or sending a letterhead letter, I remember just penning a letter saying, "Dear Marion, I can't tell you how much it is troubling me that we are not in contact with each other," and I just talked like I was talking to a friend. And I said, "Look, I understand your point of view. I also feel like I've made certain commitments here; I need to let them play out. I have a contract I don't want to break. But please know that I value your input, and I've learned." And I remember after I sent that handwritten letter on my personal stationary, I got a phone call from her. It was in the office. My assistant was like, "Marion Sandler on line one"; I was like, "What?" And I picked up, and, "How are you, Anthony?" And I'm like, "I'm fine." I was waiting for the next shoe to drop. And she just picked up the conversation as if there had not been a break. She was very elegant about it. She had made her point: she was

angry. She had gotten over her anger. We weren't going to rehash the past; we were going to pick up from where we left off. She was incredibly gentle and generous. And it was as if she had hit the pause button and then she had hit the pause button again and we were playing forward.

And I remember feeling a huge relief, not just because they were contributors—because they were big contributors—but I was more worried about the friendship I had built at that point. Because I've lost donors, believe me. I've lost donors at a lot more money than the Sandlers are giving me. I lost my \$22 million guy, the guy who ultimately gave me the \$10 million for the transition grant, went from ten to fifteen to sixteen to twenty to twenty-two million, and then he became bankrupt, so I've lost him entirely, went from twenty-two million to zero. Peter Lewis, when he died, \$3.5 million, went from three and a half million to zero. So it's not like I haven't lost philanthropists. People sometimes are with you, and sometimes they die, and sometimes they don't stick with you. Leon Levy died, and now we're not getting support from the Levy Foundation. But it was more about losing the friendship. And that's when I realized that she had moved from the professional ledger to the personal side of the ledger, because it was more about the friendship.

02-01:05:45

Meeker:

Did you get any other response to that ad campaign? Did it accomplish anything that you hoped that it was going to?

02-01:05:52

Romero:

No, I can't really say that. I didn't even know what I was going to accomplish. That's where she was totally right. She goes, "What are you hoping to accomplish? What is the goal this ad will run, will accomplish, and does it fit into a strategy?" So refreshing the brand of the ACLU, even at \$5 million over a twelve-month period, in magazines across the country, and I think a million-and-a-half TV buy, you're not going to do it. It's a big country, and four or five million dollars is not going to reposition the organization to the broader public. It might play a role internally—which I think that's part of what also I was doing. I was still early in my tenure; I was going to show the organization to be more modern. It was kind of a new look, a new image. When you walk into our offices, and sometimes I cringe at it, because we still have some of the ads up on the walls as art, because they're very provocative. Kind of, you know, a motorcycle with some kind of tough guy on a motorcycle and the American flag on the—whatever that thing is between the handlebars and the seat, and he's like, "I'm not an American who." So they're pretty images, but they didn't have the impact. And I think where Herb and Marion were really forcing me to think about—which I still do to this day, so it's very funny how the relationship has evolved. Whenever I decide to run an ad, and usually someone's designing it or coming up with the concept. Sometimes it's my concept, but I'm the one who decides it, because they're big buys and they're big attention grabbers.

I remember we just ran an ad just two months ago, on the anniversary of Donald Trump's election, where we were going to make a sum-up of where we had been in the year, and it was a full-page *New York Times* ad, \$150,000, so it's a lot of money for one ad in one paper, and especially if you think about multiple papers. Basically we were saying, "We promised you, we sued you, this is what we've done, and we're going to stay on the case." Basically it was "Promise made, promise kept, and we're on you." And I had been involved with the concept and saw the mockup, and I remember writing Herb an email, and I said, "Herb, as a heads-up, I remember the places we've had the greatest disagreement have been on the paid advertising of the ACLU. There'll be a *New York Times* ad in a week. This is the reason why I'm running it. And I have a bumper crop of new donors who just joined last year, the renewal is up, it's November, it's the end of the year. This is the time to remind them why they joined and show them the work we've done. Look, Ma, I've done my homework. That's the purpose of this ad. That's what the goal of it is. That's why it's placed here, and it will go out." And I remember getting a message back from Herb saying, "You're funny. I have no trouble with this ad." I'm sure I have it in my email; I could look for it. But "I have no trouble with this ad. The goal you outline is a good one, and the way the ad accomplishes it seems right to me. It looks like you're learning on the job. Look how much better you will be in a couple more years." [laughter] And it was only because of the torment of having been in purgatory over the "I am not an American" ad campaign with Marion. But that shows you the type of relationship you have with the Sandler.

And they made me better. And they gave me help when I needed it, they gave me advice and feedback, they helped me do some of the analysis. They bring their own experience from having been in the private sector. You know, there are some people who inherited wealth who are really smart. I think Herb and Marion's kids are amazing that way. But a lot of heirs are not totally engaged in the world of ideas or in the world of work. But the folks who ran businesses and who built businesses really have a set of expertise, and that's part of the reason why I'm so connected with Herb and Marion, because they knew what it was like to build a nationwide franchise of savings and loan with state offices that were effective and had a connection with the headquarters. They understood strategic planning. Peter Lewis, who was also a good friend of Herb and Marion's when he was alive, was the chairman of Progressive insurance company. He built Progressive from the mom-and-pop insurance company he inherited from his father into one of the biggest insurance companies in America. Totally got how you position and how you operationalize it. And in a lot of respects, this same type of relationship—not with the kind of level of propinquity or closeness or affinity—because I didn't spend as much time with Peter. But it was along the same lines. He totally wanted to understand when I screwed up, whether I learned from it. When I was trying to execute on something that was challenging, did I go in with my eyes wide open? How did I course-correct?

So I've just finished this since I last saw you, in between this last interview and this interview. Every year, Herb demands of me the renewal proposal, the budgets, the activities report, the audit, which he reads. He reads the audit and he has questions with me from the audit. It's kind of amazing. So it's voluminous. It's usually like three inches thick, the materials we send him. Then he demands of me a personally drafted memo from me to him about, "What did you learn this year? What were the challenges? Where are you not operating?" And that was Marion's idea, originally. "I want you to write to me every year a reflection memo about what's gone right, short," she would say, "and what's gone wrong, longform. I want to know what you learned from it, what are you doing about it, what's challenging, how you're going to tackle it." Oh, my God. So I've been doing this now for over, I don't know, fifteen years, fourteen years, the Sandler reflection memo. And that was exactly Marion's analysis, like, "What did you learn? What are you struggling with? Where are you spending your bandwidth?"

I remember one year early on, in my zeal to show her that I was really being reflective, I listed like seven or eight things, and she goes, "You're worrying too much about too many things. That's too many things to worry about. You've got to prioritize them. You can't worry about—you maybe can really worry about two or three or four, max, really big things for the organization." I'm like, "You're right." So every year, it's like, "What are the three big things that I'm really kind of still not sure about, or I'm unclear about?" And that's the memo that Marion would read. Herb now is the one who only reads it, Herb and Steve, and that's what they spend their time talking to me about. And that says everything about who they are. And it's only because I have the relationship with them where I trust them. I can say the type of stuff that normally I would kind of cringe to reveal to a donor but I kind of relished to reveal to Herb because he knows then what I'm working on. He's always got feedback.

02-01:15:08
Meeker:

What is the nature of the feedback you're receiving from Herb and, before that, Marion?

02-01:15:14
Romero:

They were always clear about the choices. They never gave me—how do I say this? I will have a donor who will call up—I will have a generic donor, let's say, who will call up: "I can't believe you took that case." "I can't believe you defend the Nazis' right to march or freedom of speech." "I can't believe you defend Larry Craig." "I can't believe you." So there are these liberal donors who just kind of find it challenging when we sometimes defend the rights of people we hate. That's never the challenge with Herb and Marion. They may not love every case I bring, they may not agree with every position of the ACLU, but I think they agree with 99.9 of it, and certainly even the most controversial ones, about defending the rights of groups you hate to march and speak, Herb was definitely on board, and so was Marion. So I don't get those

type of phone calls. The other donors are like, “How could you not support the anti-BDS bill on Israel?” So I had to kind of walk them through, like, why from a civil liberties perspective, the boycott, divest, and sanction of Israel’s freedom of speech and freedom of association, and we’re not taking a position on the state of Israel, but we’re taking a position on the fact that you don’t want to limit protected First Amendment activity.

With Herb and Marion, you never get that. With Herb and Marion, the questions I get are like, “Where are you going deep? We want to know if you’re prioritizing well.” So a conversation most recently with Herb was on voting rights. He thought my voting rights project needed to be revamped. He was not entirely wrong. So I revamped it, and I hired a new director who’s fantastic, Dale Ho, who’s the voting rights project director, and built out a whole series of new litigation and new efforts. And then Herb last year said, “I don’t think you’re thinking ambitiously enough.” I’m like, “You’re right.” Not because Herb said it, and not with Herb’s money, because he’s giving me the same amount of money last year as this year, so it’s not because he’s giving me new money to do this work, but I agree with him. So we grew the staff from eleven to seventeen; we built out new programs, new ballot referenda to fight for voting rights in Florida and Michigan; we’ve used our citizen mobilization platform to enact new voting rights laws in states across the country; and now we’re part of a coalition that I think the Sandlers might fund of other civil rights groups to make voting rights a key issue for the 2018 elections and beyond. So that type of feedback about, “Are you giving this enough priority? Are you thinking about this ambitiously? Are you firing up on all cylinders?” And they’re, I want to say almost always, because I don’t want to sound like a suck-up, if I say always, but they’re always right. Usually when they say, “There’s some place that you need to think more deeply, and I don’t think you’ve sorted this through, I don’t think it’s as strong as it could be.” I can think of one other place where they met someone who was in charge of my project areas, and Herb said, “Eh.” And I’m like, “You’re right. I could do better.”

02-01:19:07

Meeker:

It’s interesting the way that you talk about it, because when I write or I’m doing a program, part of me instinctively knows that maybe a paragraph isn’t working or maybe a particular piece of the program isn’t really as good as it could be, but there’s so many things going on, I can sort of say in my mind, “All right, that’s good enough.” And then other people will come along who I trust and say, “Hey, that paragraph’s not working.” Or, “That program’s not really going along.” It sounds like there’s that kind of relationship here.

02-01:19:43

Romero:

There is that type of relationship. But I think what’s also true is that Herb and Marion—and Marion in particular—so the way I experience the Marion and Herb relationship and relationship as donors, Herb was my internal ops guy. He wanted to know structures, management, turnover, who was I hiring and

firing. He was concerned about the internal operations of the ACLU. Marion was all concerned about the positioning of the organization. So I think that's a lot of how they divide up the work of the bank. They were co-CEOs, but Marion was the chief marketer, the external person, a lot of the public face, how to position the bank, the interface with the regulatory agencies, going public, all the stories that I've heard over the years about Marion being the public face and then Herb making sure that the trains run on time and they're in the station when they're supposed to be. And it's both of those things that they were probing at. And there was not a sense of, like, you have to get a hundred on every test, because they were also clear that, you know, you got a big organization, you've got fifty-plus offices, you've got a big headquarters, and you've got to pick your battles. So sometimes the transaction cost of being the ACLU is not everything is kind of an unmitigated success, but when the things matter, they should be the best. What other stories do I kind of tell you about the way they've—?

So the strategic affiliate investment initiative, which is really a Sandler creation, which is really kind of—at this point, I have grown the affiliates, and then I'm at the point where I've gotten to know the organization, I'm finally going to be able to take the leap and say, I'm going to invest differently in certain key geographies. I'm not going to treat you all one-size-fits-all. So I'm going to be clear about the criteria I used for which offices I'm going to put more money into and why, I'm going to be transparent about it, and I'm going to hold them accountable, because I'm not just going to cut them a check and say, "Let me know how it goes." Because if I'm putting my head on the block with the Sandlers, they have to put their head on the block with me, because mutual accountability. Right? If I'm going to say to Herb, "I'm building you a great office in Florida, I'm building you a great office in Texas," my Florida and Texas offices would be accountable to the headquarters.

So I kind of begin to devise up this plan. We bring them in, we pitch it. Peter Lewis, who was at the meeting with Herb and Marion and Irwin Jacobs, Peter Lewis said, "Eh, never going to work. Not the culture of the place. Not going to support it." And never did. Never bought the SAI [Strategic Affiliate Initiative].

02-01:22:39

Meeker:

Because of the independence of the state affiliates?

02-01:22:42

Romero:

He didn't think I could make the culture shift within the place. And he said, "Don't want to hear it." And the kind of giving them autonomy. He says, "You're tackling something that you're not going to be able to kind of fully kind of absorb." And Marion said, "This would be a big shift for the organization." And actually it was then Steve Daetz who spent a lot of time working with me and Geri Rozanski, my director of affiliate support, in figuring out, "What are the business plans we're going to put in place for each

affiliate? What are the benchmarks that each quarter they're going to meet or not meet?" And we're going to judge them against it, and if they're not hitting their benchmarks, we're going to turn off the spout of money. And if we need to turn over leadership, we will turn over leadership at these affiliates. There is much more mutual accountability now. And we developed a plan. I said, "I'm going to put"—how many of the offices? There were eleven offices on steroids that we were going to spend \$40 million on, and the first big gift I got was Herb and Marion's gift for "We'll say we'll give you one third. Whatever you spend on this initiative, we'll give you one third of it over the next ten years." And at that point I knew I didn't have Peter, so then I had to get the other two people in the room. I had Soros, and I had the Jacobs. So I got Soros. Aryeh Neier then made the second gift, when he was at Soros, and then Irwin and Joan Jacobs out of San Diego made the third gift: a third, a third, a third. And then we built these flagships. And oh my god has it transformed the place. Right? Because it means that Arizona is a much bigger office, so we can fight Sheriff Joe Arpaio. It means Florida now has got like close to fifty people on staff. Texas has close to forty people. There were four people in Texas when I started. Mississippi was one and a half people, now has a dozen staff members. So we picked them geographically, we picked some key kind of Rocky Mountain offices because we wanted to build in Republican strongholds. You know, we wanted to kind of build in the libertarian wing, so we even put Montana on steroids. Small office, two people, now it's about fifteen. And now it's sustainable. And it was the whole Marion insistence on business plans, benchmarks, are you on track, and every year reporting back to them over a ten-year period. So there was a general support grant, which is, you know, "Thank you the Sandler Foundation for the general operations of the place, and here's an additional fifteen, sixteen million dollars to build your state offices. But now we want to know what you're doing year to year." And that's the type of investment relationship that came out of the conversations I had with Marion about the branches, and without them, we would never have succeeded.

02-01:26:01

Meeker:

What are some examples of these benchmarks that were developed in part through your work with the Sandler Foundation?

02-01:26:08

Romero:

We would outline, for instance, if we were going to give additional money so that—a lot of the offices didn't have enough resources to do the hard, important work. So we had a bunch of silly cases. And not silly for the individual client, but silly in terms of like, "What are you doing to change the world?" So the boy with the blue hair who was kicked out of school is terrible for that boy with the blue hair, but in terms of a civil liberties crisis, you know, there are the prisons, there's the school-to-prison pipeline, there's a whole bunch other—but we wouldn't take on the hard issues because we couldn't take on the prison system, or the school system, or the detention system. We could take on the one school. So as we built up these offices, we

could take on more aggressive cases. So there were benchmarks about how many more lawsuits are you going to file? Is it going to be six? You're going to have money for two new additional attorneys; how many new lawsuits will you file each quarter? We would track press mentions, right, because part of you're doing more work, that's relevant to what the issues are in the local community, you should get more coverage in the press. So how many press mentions do you have? How many members are going to join? So if you're building a bigger program and you've got a higher profile, then more people should say, "Holy shit, they're doing good work; let me help them." So your membership should grow, right? There was, "How many bills are you going to be tracking on the state legislature?" Just if we're going to build out the lobbying arm, and the legislatures were all runaway trains where it was hard to keep track of what was going on in some of these red state capitals. Like, what bills are you going to fight? How many are you going to track? Which ones are you going to fight? Which ones are you going to introduce? So really kind of quantified what were they—and they weren't straightjackets. They were kind of goals. They were kind of like, well, let's come back. So we said we're going to have five new lawsuits and we had four, you know, we'd talk about it. But if we had zero, then we'd really have to talk about it. And it was a way to kind of really ask the affiliates—and it wasn't a thing we just created and said, "Here, here's what you have to give me at the end of this course to pass." It would be a mutual conversation with the director of the affiliates. With the Florida director, Howard Simon, "All right, if we gave you an additional \$2 million this year, what new positions would you create?" And he would lay it out. "Okay, and with these new positions, what new outcomes could you expect?" So it was kind of a mutual conversation. It was brilliant. It's probably the most effective program. If you asked the kind of oral history type of question, like, "What is your legacy," right, there are a couple—

02-01:29:04

Meeker:

I'm getting there. [laughter]

02-01:29:05

Romero:

All right. There are a couple legacies that are not my making, that's just me doing the right thing in the right time with the best I can—you know, 9/11 and Trump. We can talk about that. But the one legacy I can say that I created from wholecloth was making our state offices more robust, effective, and building one nationwide organization. That wasn't brought to me from external circumstances. I'm proud of the work we did after 9/11, I'm proud of the work we're doing after Donald Trump, and I think it requires leadership, it requires the organization to step up, and so a lot of people—we could have shrugged. Atlas could have shrugged at those moments. So those legacies are important. But the one legacy that is not driven externally but is driven through an internal analysis of what the gaps or weaknesses and what the strengths could be was, "Let's build these state offices." I don't want to have a four-person office in Texas or a one-and-a-half-person office in Mississippi or a three-person office in Arizona. Let me build the bulwark. I'm already in

those states. It's not a startup. I have the grid, I have local boards, I have a local presence, I have some local members and some local donors, I can build already. Startups are hard. You know, putting more voltage through the grid is a lot easier once the grid is laid. And that's what we did with the Sandlers, and that was entirely because they got it. They totally got it. And they got it because of their experience with their branches and banks.

02-01:30:45

Meeker:

How were they on the multidisciplinary part of ACLU, in the sense that I think a lot of people still look at the organization as primarily taking lawsuits and running with those, trying to get change to the legal system? Whereas there's that, but there's also the political and the electoral side, the legislative side, and there's also the public opinion side too.

02-01:31:09

Romero:

I think what's clear with Herb and Marion, and it's true still with most of our major donors, is that the core competency of the organization is that we are the premier litigators of civil liberties and civil rights. Right? And I do it in my elevator speech to new donors. I know I knock their socks off no matter how much I say. I say, "Let me just, three minutes, tell you our best hits, and where American politics and rights would be without it." And I said, "You know, we start with the Palmer Raids, the Palmer Raids and defending the rights of immigrants who were being deported after the Palmer Raids." And I said, "But our biggest case came nine years later with the Scopes trial. We found Scopes, we hired Darrow, they made a movie out of it, *Inherit the Wind*. Evolution is now taught and not creationism in schools because of us." And I go, "Japanese American internment, World War II. We were the only organization that had the courage to stand up against an iconic, popular president, FDR. Right? *Miranda*, the right to remain silent. *Gideon*, the right to a court-appointed attorney if you can't afford one. *Loving*, the right for interracial couples to marry. *Griswold*, the right to contraception." Then I go, "Today, the *Windsor* case, the Defense of Marriage Act, *Obergefell*, the right for same-sex couples to marry." I said, "All these iconic flashpoints all were ACLU cases, and there are hundreds more that I could mention, right, over the years." And so people are like, "Wow!"

So it is still our calling card, and it's still something that Herb and Marion were kind of saying the core competency of the organization is about its ability to bring smart, aggressive litigation. But Herb and Marion better than most also understand that what is different about the ACLU and that's not in the ecosystem anywhere else is the fact that we have a presence on the ground in every state. So they understand that, look, we're the only ones that are tracking every single state legislature, real-time, all the time, from now on, perpetuity. Right? We're the only ones with lobbyists in every state capitol. So they understand that part of the comparative advantage is being able to use the ACLU's integrated advocacy with litigation, lobbying, community mobilization—the constituent piece, because we have a membership base, we

have bodies—and then the communications, public education piece. So they totally get it when we fire up on all cylinders, and I think they're big fans.

Our national legal director is a fellow, David Cole, who I just hired recently into the job. Herb likes to remind me that he's known David Cole longer than he's known me, which is true. And David Cole wrote a book called *Engines of Liberty*, which I know Herb has read because we've talked about it, which talks about the fact that you can't accomplish civil rights and civil liberties milestones just by the courts, that it's all about this kind of integrated approach to lobbying, community mobilization, changing hearts and minds, and litigation. So they get it better than most. And I think it's true because of their other funding—on school reform, on the environment. There's some of the work they've done on antipoverty issues they work with when they had been funding ACORN. They use multiple different strategies in other areas of their philanthropy, and then when they see us use those same strategies in our bailiwick, they kind of get the fact that it fires up on multiple cylinders.

02-01:35:14

Meeker:

In the foundation world today, I think the word that one hears most often is "impact." There's a lot of debate about what that is and how to measure it. I think that there's a real desire to quantify everything, which, you know, quantification helps when you're trying to make an airtight argument for additional funding, for instance. What kind of conversations have you had with Herb and Marion about this concept of impact, and what are they looking for?

02-01:35:44

Romero:

So what's interesting about Herb and Marion is that they believe in the importance of asking the question around what your impact is, and they ask the question about what your benchmarks are, but then they give you the latitude to decide what's the best way to look at that issue, to measure it, and then to course-correct. In part of the Sandler report, which now we incorporate into other proposals, is Herb and Marion would say, "I want to know what your goals are and your benchmarks, and then I want your report." So we kind of came up with a grid. It's literally, we use it to this day. What's the goal? We want to increase the membership, let's say, just to use an easy one. What's the benchmark? We're going to increase the membership by 20 percent this year. Then you have a—literally, it's the fourth cell on the spreadsheet; it's like, "Did you achieve that goal?" And then you course-correct and you set the goal for next year. Right? So if you came up short with your 20 percent growth in membership, and then you're going to kind of reset the goal for next year, we're like, "We were overly ambitious. The annual growth of the membership can be 15 percent." And we literally walk through—and I ask all of my different department heads to say, "Okay, in your area, this is the goal we set last year. How did we do? Did you meet these benchmarks that we set for ourselves last year? Why?" And then reset new ones. And it's kind of that iterative process where I don't think they spent a lot of time really fussing

over, “Did I have the right benchmarks? Did I have the right goals?” They ask, for the big ones, if we’ve missed something or if we’ve lost an opportunity. I think they want to know that we had the discipline of having that kind of process, and I think that’s what matters most to them. At the end of the day, they give general support grants, and they’re pretty stable. Their grant that we’ve been receiving, we’ve been getting it I think now for over ten years, at basically this amount of money. They give you the latitude, and so they are expecting us to make smart decisions on how the money is spent and where we’re spending it. There’s a fetishism among some donors which is just kind of nuts, where they want to tie their giving to certain key benchmarks, and then it’s worse than running through foam. It feels like being tied up in a knot and then trying to swim. Part of what I try to do with our donors is to say, “Let me show you what I use to judge our success, and let me use my own benchmarks.”

I remember there was one donor, one foundation, out of New York, that was giving me money actually for my political arm. This is pre-Obama, right around the time of the Obama election, and they said, “What are your benchmarks for your political program?” And I gave them kind of a chart that said, well, if Obama wins, it’s this, and if McCain wins, it’s this. Said, “Oh, no, no, no, we need one benchmark, one benchmark document.” I go, “It’s totally different scenarios. Building a political program, totally different set of benchmarks for if the Democrat wins or the Republican wins. You’re going to have to take both. I can’t come up with—otherwise it’s going to be so generic it would be ridiculous.” So there is a fetishism over asking benchmarks that people are a little inflexible about. And then grantees are often reluctant to set ambitious goals. You want to set a goal you can meet so you can say, “Look, I did it,” so you might not set as ambitious a goal. But with the Sandlers, it was very different. You could set ambitious goals and tell them why you fell short. And we report to them each year on some of these issues. And some of them we discuss in detail, and some of it, they know that I’m asking these questions and that we’re assessing for that. It’s very different.

02-01:40:07

Meeker:

After knowing them for many years, both in a professional and a personal context, have you developed a sense, an idea, of where their conviction comes from?

02-01:40:21

Romero:

That’s their life experiences. Part of what they do when they kind of get to know the people they fund is they want to know what makes you tick and the values you learned, either from your family or from life experiences along the way. And part of their being able to understand the life narrative—some of the stories I told you about my father and my mom—so they know what makes me tick. And I think their values have everything to do with who they are. I mean, look. You had a working-class Jewish boy on the Lower East Side who went to the great public university City College, the Harvard for the Jewish

poor at the time, and Columbia Law School, and with a lot of hard work and grit and incredible intelligence kind of makes it. Along the way, he meets Marion. He hasn't made it yet. They make it together, which is kind of fun, because they became rock stars together. You know, the woman who was the first woman analyst on Wall Street. She would tell the stories about being the first woman analyst, and people saying, "Hey, toots, can I have a cup of coffee?" And she was like, "No, but I can give you a good analysis of the savings and loans balance sheet." And had the courage and the ability to get things done. And then they meet when they're still—they're successful already. She's already an analyst and he's already I think a lawyer, and they meet, so they're on track, but they haven't made it yet. And then they said, "Let's do it for ourselves. Why am I going to make all these other people money analyzing what savings and loans to invest in? Let's do it for ourselves." And they did it for themselves, and they bought two branches, borrowed money from their family members. I think you know the story, you know, the brothers who kind of were a key part in their being able to buy the first branches. Barney and the other brother, I always forget, the dentist. And then they built this massive savings and loan with real values, with commitment to their values and serving working people, giving them a shot at the American dream. And built a great big business as a result of it, but it was also about giving people homes and giving people access to capital. And they get incensed when poor people get screwed over, so then they create Self-Help. And then they get pissed off when the press is not covering the issues the way they ought to be because there's so many business pressures on the newspapers and on media outlets, so they create ProPublica. And then they're frustrated at the state of the political discourse in Washington and they create CAP, the Center for American Progress. They have such an entrepreneurial spirit. If there isn't a group that they can fund—so the ACLU is there, and they got a good leader, finally, and they wanted to support the ACLU, and they funded Human Rights Watch, and they funded a couple of other groups. But when there were no groups to fund and they really thought it was important for their country, they built it. It was incredible. And that experience as entrepreneurs, as kids who struggled and made their own way, their humility through it all. They know how hard it is to build, and they know how hard it is to succeed. And they don't suffer fools, and you can't hoodwink them, and you can't smooth-talk them. And they're not impressed by power and prestige; they're impressed by ability and commitment. That has everything to do with where they came from and what challenges they encountered. I know some of the stories that—it's better to let Herb tell them, because I don't know how much of this he wants in the public—but both he and Marion didn't have a gilded life. I mean, Marion more so than Herb, but both of them knew what it was like to struggle. And I think it's that kind of knowledge of what it takes to succeed and what it takes to struggle that's infused their philanthropy and their values.

And then there are people with values, and there are people with ability. So I have a couple donors—I have a couple, a handful—who have the same values

as Herb and Marion, but they're not the entrepreneurs that Marion and Herb are. And it's amazing, because you have the values and then you have the entrepreneurs, and they built institutions that weren't there before. They strengthened ones that were there, like mine, and the ones that weren't there, they went out and built them. And that has everything to do with who they were and what their experiences have been. Pretty amazing. It's an American story. It's like the best of American stories.

02-01:46:13

Meeker:

Tell me about the future of the ACLU.

02-01:46:16

Romero:

Oh, it's going to be better than what we have. I really believe that. I mean, look, if we do our job right, the golden era of the ACLU is always ahead of it. There'll be setbacks, there'll be challenges, there'll be financial challenges, there may be retrenchment in staff, but I think if you build an organization that is constantly evolving and resilient, the best days are ahead of it. The generation of the Hugh's [editor's note: Hugh Mac Neill, a undergraduate at Dartmouth and an intern at the Oral History Center, was the videographer for this interview] of the world who will run this organization will be phenomenal. I look at the younger folks who are involved with us now, and they are so much better trained—I'm not just saying this because it sounds like the right thing to say. We hold a summer institute for high school sophomores and juniors, and it's purposefully, it's like a camp, civil liberties camp, so tennis camp and sailing camp and math camp and—I got the idea when I saw that my friends, J.P. and Silvia, were sending my godson Kabir to camp, and it was costing thousands of dollars for a fucking week to go to tennis camp. I'm like, "That's ridiculous. What is he learning? Tennis?" And I'm like, "We should do a civil liberties camp." So I came up with the idea, and I said, "Here, help me develop it," and my deputy developed it. And we actually have camp now, the kids come, and two thirds of the kids, their parents pay, just like they would pay for tennis camp, and then we make no money off of it, so the people that we charge who can pay, we use all the earnings on that to pay full scholarship to the other third, who are kids who have never been on airplanes before, most of them. And we train them on civil liberties—the issues, how to do a moot court, how to read a bill. They go meet their members of Congress, they go touring around Washington. They are broken off into groups. If you care about LGBT, you have your own group. If you have a women's rights, reproductive rights. And I meet them, I do a talk with them in the middle of each camp session, and these—oh, my God. It's just like, how can you not feel optimistic about the future? They are so much smarter. They are so much engaged than I was. They have a vocabulary which is just phenomenal.

The thing that is really remarkable about my organization is that it is a constantly evolving mission. I don't think Roger Baldwin ever imagined the ACLU would be doing half the stuff we're doing today. You could see some

of the cases. I'm sure he could see that. But he wouldn't see it in the scale or the complexity or the range of issues. And that's because we built in our own DNA that it's a constantly evolving, developing organization. And its best days are ahead of it. We are always going to have despots who we're going to have to fight against, like Trump and Nixon and Palmer. There will always be another American president on the horizon who will betray our core values in the sake of political expediency or in the sake for running for office, but we'll be better and stronger in the future, and we'll be better able to contend with them. I love the fact that, look, I'm a custodian of a national treasure, and my job is make it as effective as I can right now for the largest number of people to make a real difference, and don't fuck it up for the future. Because the most important thing is, I am the conservator of this national treasure, and I am really conscious about the fact that it's got to be more powerful, more effective, more visible in the future than where we are right now. And I have to kind of make sure I have all of the circumstances in place for it now. I don't know, I don't have kids, but I remember my father saying to me, going back, Dad is like, "My greatest"—I'm trying to translate it. "My greatest pride is in the fact that you surpass me." And I said, "No, I didn't do that." But he thought I was more successful than him. And since I don't have kids, I like to think that my biggest pride is going to make sure that when I look back on the ACLU after my tenure and I see that my kid surpassed what I was able to accomplish there, I'll get that pride, because I do think the best days are ahead of us. I'm an optimist, as you can tell.

02-01:51:38

Meeker:

I think an optimistic note might be a good way to wrap this up.

02-01:51:41

Romero:

You have me walking down memory lane when Marion's no longer around. There's a generation of folks from that vintage. And I've been to too many funerals to people who I'm really connected to and care about. Just this weekend we lost Floyd Jones, who's one of our great donors in Seattle. And Alan Rabinowitz a month earlier. Peter Lewis, who I was talking about in Ohio a couple years ago. Frank and Allen Melville out of Connecticut. But I have to say that part of what makes Marion and Herb—and there are a lot of folks that I'm truly touched when I see this older generation, kind of like the seventy-, eighty-, ninety-year-olds, kind of lived through HUAC [House Un-American Activities Committee], who lived through World War II, and it's just like, God, these people got it. And I struggle with some of the ways to make a newer generation understand some of the stuff that the older generations lived through.

Part of what makes Herb and Marion so incredibly unique is that they always are—Herb still is, and Marion always was—they were always contemporary. It wasn't like they were the old guard. With some of my old guard, I talk to them about the things I know they care about, like freedom of speech, and freedom of religion, and church-state separation, or there are criminal justice

issues. Marion and Herb were always kind of iconoclastically contemporary. I remember we had a long conversation about the transgender rights issues. I don't really talk about transgender rights to my eighty-year-old donors. It's just not something they get, right? They don't understand it. They maybe get LGBT, but not really the T. But Herb and Marion, that is what is so incredible about them, is that there are very few of my old guard donors who have retained the optimism and the creativity and the inquisitiveness for the future. Yeah. And I'm optimistic that the best days are ahead of us, but there are not a lot of people like Herb and Marion on the horizon, and I want to say that too.

02-01:54:43

Meeker:

I think it's your job to discover those people and to bring them along.

02-01:54:44

Romero:

We've got to find them. Thank you, Martin.

02-01:54:48

Meeker:

Thank you very much.

[End of Interview]