

## NEW JERSEY'S THREE CONSTITUTIONS: 1776, 1844, 1947

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The exhibition, *New Jersey's Three Constitutions: 1776, 1844, 1947*, held at Rutgers University's Alexander Library in 1998,<sup>1</sup> was created to celebrate the fiftieth anniversary of New Jersey's 1947 Constitution. This important document in the state's history was ratified by voters in November 1947 and implemented in January 1948. To put that document in proper context, material relevant to all three state constitutions (1776 and 1844, as well as 1947) was included in the exhibit. The exhibition, which provided an understanding of why the 1947 Constitution was seen as necessary as well as how the state has changed and developed over 221 years, is the basis for this article.

The first of New Jersey's three constitutions was literally written in the teeth of war. Colonial delegates to the Provincial Congress worked hastily to produce a document that was necessarily brief. While ties to the king were abolished, the basic structure of the previous royal government was retained, with the court system virtually unchanged. This 1776 Constitution, however, provided for a weak governor and a government dominated by the legislature, a typical Revolutionary period reaction to what had previously existed.

By 1844, as New Jersey became more commercial and industrial, new economic needs provided the background for constitutional change. The 1844 Constitution added a Bill of Rights, which extended "civil rights," office holding, and voting to non-Protestants by stating that "no person shall be denied the enjoyment of any civil right merely on account of his religious principles."<sup>2</sup> It also lengthened the governor's term from one to three years and abolished imprisonment for debt (making it easier to take financial risks). It sufficed, with only a number of changes made in the 1870s, until the twentieth century.

The 1940s brought a major effort to replace the now outdated second constitution. With war once again in the background, it was seen as obsolete, inefficient, and inadequate for the times. Three efforts to obtain a new document finally resulted in success with the 1947 Constitution. This document strengthened the governorship, streamlined both the executive branch and the court system, and added rights provisions. It moved the perception of New Jersey state government from being among the “worst” in the nation to a model for others to follow. This document has been amended, most substantially in 1966, to meet the “one man one vote” rule (proportional representation in both houses of the legislature). Today it is still seen as a prototype, worthy of imitation.

All three state constitutions have had an impact on the structure and operation of government in the state. What follows is the tale of these three documents.

### ***The First Constitution: 1776***

The Revolutionary War began on April 19, 1775 with the Battle of Lexington and Concord. Americans wrestled for over a year with what would follow, reconciliation or independence, even as they fought British troops in and around Boston. In January, 1776, Thomas Paine wrote *Common Sense*, and his arguments helped Americans take the final steps towards independence. As part of that process, the Continental Congress on May 10, 1776, “recommended to the respective assemblies and conventions of the United Colonies” that where no “sufficient” government existed they “adopt such government as shall ... best conduce to the happiness and safety” of their colony and “America.”<sup>3</sup> In June it appointed two committees — one to write a formal declaration, and the other to begin drafting a national constitution (which would later become the Articles of Confederation).

Within New Jersey, radicals moved towards independence. A new provincial congress was elected in May. On June 21st, the congress resolved to form a government. This provincial congress sent a new delegation to Philadelphia, one willing to make the commitment to independence. Then, on June 24th, it appointed a committee of ten of its own members, with the Reverend Jacob Green as chair, to draft a constitution for the state. The document was completed in two days. Little time was spent on discussion. Drafting, debate, and decisions were all made against the background of an imminent British attack on New York and New Jersey. On July 1, 1776, *The*

*New York Gazette and Weekly Mercury* ominously reported that General Howe, with a fleet of “113 Sail,” is “now at Sandy-Hook.” On July 2nd the New Jersey Provincial Congress adopted the 1776 Constitution,<sup>4</sup> while the Continental Congress meeting in Philadelphia simultaneously voted for independence, two days before approving the formal statement written primarily by Thomas Jefferson.

New Jersey’s 1776 Constitution is brief. It left the colonial court system virtually intact, providing for a two-house legislature with a weak governor, who lacked veto power and was elected annually by a joint meeting of the two houses. There were no provisions for amendments. It has been seen as a conservative document that referred to New Jersey as a “colony” and concluded with the waffling statement that if there should be reconciliation with the king the entire document would be “null and void.”<sup>5</sup>

If some in New Jersey were reluctant revolutionaries, others celebrated the steps taken as a nation and a state. On July 8th in Trenton, “The Declaration of Independence was ... proclaimed ... together with the new constitution of the colony of late, established ... The people are now convinced of what we ought long since to have known, that our enemies have left us no middle way between perfect freedom and abject slavery.” On August 7th, “the Committee of Inspection for the county of Cumberland ... the officers of the militia, and a great number of other inhabitants, having met at Bridge-Town, went into procession to the Court House, where the *Declaration of Independence*, the *Constitution of New-Jersey*, and *Treason Ordinance* were publicly read, and unanimously approved ... after which the peace officers’ staves, on which were depicted the king’s coats of arms, with other ensigns of royalty, were burnt in the street. The whole was conducted with the greatest decency and regularity.”<sup>6</sup> Members of the legislative council elected under the new constitution left no question where they stood — taking an oath of allegiance not to the king but to the STATE of New Jersey.<sup>7</sup>

The legislature met on August 27th, but it was not until the 29th that there was a quorum. The first vote for governor, taken on August 30th, resulted in a tie between William Livingston and Robert Stockton. The next day the joint meeting selected Livingston and delegated “Mr. Crane, Mr. Dey and Mr. Garritse [to] be a Committee to wait upon The Honorable William Livingston Esqr. and acquaint him that he has been this Day duly elected Governor of this State pursuant to the Constitution of Government

lately established, and that it is the Desire of this Meeting that he will be pleased to repair, with all convenient Speed, to this Place and take upon him the Exercise of the said Office.”<sup>8</sup>

The constitution went into effect in August when the newly elected legislature met in Nassau Hall which housed the College of New Jersey (now Princeton University).<sup>9</sup> At that time members of the legislative council, the equivalent of today’s state senate, signed an oath stating: “I \_\_\_\_\_ do swear that I do not hold myself bound to bear Allegiance to George the third, King of Great Britain ... and that I do and will bear true Allegiance to the Government established in this State, under the Authority of the People.” While the Constitution of 1776 ended on a conservative conciliatory note, this oath was a bold rejection of British authority and a radical embrace of republicanism.<sup>10</sup>

### ***The Second Constitution: 1844***<sup>11</sup>

Long before 1844, New Jersey’s first constitution had provoked criticism. One problem was that the document, written in the first wave of constitution crafting that came with the Revolution, was outdated by more mature political concepts of subsequent years. In 1798 William Griffith, a Burlington lawyer, wrote a series of essays titled *Eumenes: Being a Collection of Papers, Written for the Purpose of Exhibiting Some of the More Prominent Errors and Omissions of the Constitution of New Jersey...* In them he objected to “blending separate powers of government” and to the dominant role of the legislature. Griffith wrote that the “charter contains no vestiges of dignity, wisdom, or safety.”

Another difficulty resulted from the increase in commerce that accompanied the development of the market revolution and early industrialization. Financial transactions were more fluid and business was more risky. The Panic of 1837 produced a bumper crop of bankruptcies and lawsuits which New Jersey’s legislative and judicial systems were not equipped to handle. Not surprisingly, those at the forefront of economic development, such as the directors of the Delaware and Raritan Canal and the Camden and Amboy Railroad (known as the Joint Companies), led the parade of those desiring constitutional revision.

At the same time, the 1776 Constitution, by then the oldest in the country, was for some an embarrassment. It referred to New Jersey as a “colony” and, although there were some civil rights protections included

within the text, it lacked a separate or specific Bill of Rights.<sup>12</sup>

Despite these criticisms, when Governor William Pennington asked the legislature in 1840 and 1841 to support constitutional revision, it rejected the idea, fearing “the hazards of a radical change.” However, the legislature, under the urging of his successor Governor Daniel Haines, provided for a constitutional convention. Haines (1801-1877) was governor from 1843 to 1844, and again from 1848 to 1851. He was a graduate of Princeton, a lawyer, and a Democrat. He argued that the 1776 Constitution had “Provisions which are at least inexpedient if not wholly incompatible with the spirit of the age.

In the spring of 1844 fifty-eight delegates were chosen, of whom fifty were political officials, four were farmers, and four were businessmen. They divided almost evenly in terms of political parties, there being thirty Whigs and twenty-eight Democrats. The convention began on May 14, 1844, in Trenton and produced, with little disagreement, a new constitution. Former Governor Isaac Williams, who had served from 1817 to 1829, presided.

The 1844 Constitution included a Bill of Rights, especially interesting because it appears at the beginning of the document and because some of its provisions are much more specific than the federal Bill of Rights written fifty-five years earlier. The new constitution abolished imprisonment for debt and ended the requirement of property qualifications for voting, renamed the legislative council the Senate, and separated the offices of the governor and chancellor. It also provided for popular election of the governor while increasing his term to three years and giving him veto power. Provisions were made for future amendments of the document, but this required a complex procedure which actually limited their usefulness.

The constitution was published upon completion,<sup>13</sup> ratified by the voters — the count shows 20,276 for the new Constitution, 3,526 against<sup>14</sup> — and finally printed in book and pamphlet form.<sup>15</sup>

### ***Major Revisions: 1875***

In 1873 the legislature rejected a call for a constitutional convention but created a constitutional commission, following the 1872 New York example. New Jersey’s commission recommended a series of twenty-eight amendments, which were first approved by the legislature and then adopted by voters in 1875. The amendments included the requirement for “thorough and efficient education,” the provision for the governor to use a line item

veto, restrictions on laws that interfered with municipal affairs, and a requirement that taxes be uniform. These modifications helped the constitution survive another seventy-two years, although not everyone thought them sufficient. Efforts in 1894 and 1905 to create other commissions were not successful.

### *Efforts to Revise: 1942 Draft*

Starting in 1939 there was increasing support to change the Constitution. The executive branch was seen as bloated, with over eighty agencies and no means for overall control. The office of governor was weak, an instant lame duck elected for three years and unable to succeed himself, and whose veto could be overridden by a simple majority vote of the legislature. The court system was seen as “byzantine,” the “most complicated in the English speaking world,” consisting of multiple courts that had overlapping jurisdiction. “Jersey justice” had become a derogatory phrase.

In his 1941 inaugural address, Governor Charles Edison strongly argued that the state needed a new document. He called for a constitutional convention.<sup>16</sup> Instead, the legislature created a commission of seven members, chaired by Senator Robert C. Hendrickson. The commission wrote the draft for a new constitution, which it urged be submitted to the voters for ratification.<sup>17</sup> A joint legislative committee established to consider the matter disagreed and said that the state should wait until “after the termination of the present war” to act. Among those opposing this 1942 effort at revision were the southern counties, which had a stake in maintaining the existing system of representation in the upper house; Jersey City Mayor Frank Hague and his municipal political machine, which was constantly at odds with fellow Democrat Edison; farmers, who wanted to retain control over the Secretary of Agriculture; and those favoring charity gambling and the busing of children to parochial schools.

Edison did not stop his efforts to obtain a new constitution with the failure in 1942. He supported a 1943 referendum authorizing constitutional revision, and continued to advocate change even after his term as governor ended in 1944.<sup>18</sup> Although Edison was unable to gain a new state constitution on his watch, the efforts of the legislative commission of 1941-1942 established the foundation for the drafts and discussions that followed.

The need for a new constitution was illustrated by a cartoon that probably first appeared in 1941, representing the 1844 Constitution as an outdated

cart pulled by a mule, while planes fly overhead.<sup>19</sup> Additional arguments for change were presented in numerous pamphlets and flyers such as *What is Wrong with the New Jersey Constitution?*, and the *Cartoon Book on the State Constitution*.<sup>20</sup> In 1939, the League of Women Voters also began to campaign for a new constitution, producing varied materials to obtain support, including the script for a radio show, *Leaguesboro-on-the-air*, called “Thy Liberty in Law,” in which music and characters were used to tell why New Jersey needed a new constitution.

### ***Efforts to Revise: Draft of 1944***

When Governor Walter E. Edge came into office he, like Edison, pushed for constitutional revision. Edge (1873-1956), was governor during both world wars. A newspaper publisher and advertising executive from Atlantic City, he also served as United States senator, and as ambassador to France. He ran for governor in 1917 as a Republican on the slogan “A Business Man with a Business Plan.” He ran again in 1944 with a campaign opposing the influence of “labor leaders, communists and Hagueism.” Edge strongly supported constitutional revision.<sup>21</sup> Rather than a commission, this time a joint legislative committee was created to write a new document. It consisted of thirty legislators — all Republicans. When finished, the document became a lightning rod for criticism, some of it purely political because it was seen as a starkly partisan product.<sup>22</sup>

But the draft of 1944 was also opposed by some of the same groups that objected to the 1942 effort at revision (and in turn was supported by some that had backed that version). Opponents led by Frank Hague turned out Democrats, Catholics, southern agricultural interests, labor organizations and other groups to vote against change — or at least this version of it. As a result, when the constitution was sent to the voters in November for ratification, they rejected it in November by a substantial margin — 789,956 against and 663,435 in favor. Despite this failure, Walter Bilder argued that there actually was a great deal of support for revision.<sup>23</sup>

Once again numerous pamphlets appeared, many the work of a series of statewide groups created to support reform.<sup>24</sup> This time the League of Women Voters prepared a sheet of songs written to support the proposed constitution, to be sung at the League meetings.<sup>25</sup>



Fig. 1.1 Cartoon from *Newark Evening News* 12 May 1943 illustrating the out-of-date condition of the 1844 Constitution. (From New Jersey State Archives)

### *The Third Constitution: 1947*

By 1947 there was increased support for a new constitution. Alfred E. Driscoll (1902-1975), Governor from 1947 to 1954, was a graduate of Williams College and Harvard Law School, and a Republican with a long history of involvement in local and state politics. He made obtaining a new document one of the major objectives of his administration. In his inaugural address he referred to the 1844 Constitution as “hopelessly out of step with the requirements of our modern industrialized age. It handicaps rather than helps our efforts to achieve good government and sound fiscal policies.” While working for a new constitution, he was clearly determined to avoid the pitfalls of his predecessors.

Driscoll called upon the legislature to provide for a referendum on electing a convention. Voters were asked on June 3, 1947, to vote on the referendum question and at the same time select delegates to a convention.<sup>26</sup> As a result no time was wasted. When the referendum approved a convention, efforts to begin work were undertaken immediately. The governor created a Committee on Preparatory Research for the New Jersey Constitutional Convention, chaired by Sidney Goldmann, State Archivist. Goldmann then called upon a number of scholars in the state to write “brief, comprehensive, and *objective*” research papers that would give background information for the delegates if the voters approved holding a convention — and to do this in three to four weeks.<sup>27</sup> The committee also prepared draft rules, and created a reference library.<sup>28</sup>

A concerted effort had been made by Driscoll to insure a bipartisan convention, and in the end there were fifty-four Republicans, twenty-three Democrats, and four Independents in the group. To obtain support from the southern part of the state, the convention was forbidden to change equal county representation in the senate.

Once the convention met, following Driscoll’s preference, it selected Dr. Robert Clothier (1885-1970), a graduate of Princeton and delegate from Middlesex County and a long-time supporter of constitutional change, as presiding officer. Sessions were held at Rutgers University in New Brunswick, where Clothier was university president.

The delegates, meeting through the hot summer months, divided into committees to speed up the work. The document was written in sections, each of which was then considered and revised by the body as a whole.<sup>29</sup> The major points debated included rights for women and for labor, and an

anti-discrimination provision. The most divisive issues were gambling (resolution of which was postponed to a later referendum) and taxation policies. Driscoll personally intervened on the taxation issue to help broker a deal with Frank Hague and his Jersey City allies, who were concerned about railroad taxation in that city, a major transportation center.

Court reform was also important. Real change had long been the objective of Arthur Vanderbilt, Dean of New York University Law School and head of the Essex County Republican "Clean Government Association." Although in Maine all summer, he kept tabs on discussions within the convention, which made major revisions in the court system. Vanderbilt became the first State Supreme Court Chief Justice under the new constitution, and implemented those reforms.<sup>30</sup>

The convention concluded September 10th, adopting a constitution that was sent to the voters in November.<sup>31</sup> Driscoll, members of the convention, and other supporters of reform made a concerted effort to educate the public and turn out the voters. They were successful and the new document was ratified 653,096 to 184,632.<sup>32</sup>

The Constitution of 1947 greatly strengthened the office of governor by increasing the term to four years with the possibility of reelection, requiring a two-thirds vote to override a veto, and providing control over executive branch officers and departments. It also simplified the executive branch, limiting expansion to twenty departments, and streamlined the court system by reducing the number as well as the layers of courts (the existing seventeen courts were consolidated into seven). In addition, the chief justice was given responsibility for centralized administration, while the term of senators increased to four years and of assemblymen to two years. Under the Constitution of 1947, the merit/civil service system for state employees was made part of the basic law.

What emerged was a document that clearly took New Jersey into the "modern age" and set an example for other states. Fifty years later this is still seen as a remarkable feat.

### *Convention Held at Rutgers*

New Brunswick offered a central meeting place, and rail transportation was available.<sup>33</sup> As soon as Rutgers ended commencement, the university transformed into a convention center. Detailed floor plans were drawn of the gym locating areas for delegates, the press, and observers.<sup>34</sup> Four vans

brought desks from the state assembly and senate chambers in Trenton to New Brunswick, where the delegates used them. Committees used classrooms, the press used locker rooms, and everyone utilized the dining facilities.

In the middle of the summer, pictures of the delegates were taken, both inside and outside the gym.<sup>35</sup> According to Frank Schlosser's memoirs of the convention, "Mr. Lance of Hunterdon enlivened the proceedings as we huddled together on the outdoor steps by remarking in a loud voice: 'This is as close as this bunch will ever be together'."<sup>36</sup>

### *Opening Day*

Ceremonies and entertainment marked opening day for the new delegates. When they arrived they signed in and received an official button.<sup>37</sup> The seventy-five delegates present were sworn in. The program that followed included prayers and a speech in which Governor Driscoll told them that the 1844 Constitution "forged the handcuffs that today prevent your government from freely meeting the challenge of an industrialized society." Clearly he hoped they would remedy the problems. Then there was a half-hour pageant, with 100 participants. According to the *Trenton Evening Times*, "It included a tableau of the great seal of New Jersey, the signing of the first state constitution in 1776, a scene from the convention of 1844, and a color guard representing the men of New Jersey who fought in the country's wars. There was also ballet dancing by the School of American Ballet typical of the mood of each age depicted in the pageant."<sup>38</sup>

### *Major Issues: Rights for Labor, Women, and African-Americans*

The argument concerning rights for labor took place in the context of the national debate over, and then passage of, the Taft-Hartley Act, which placed restrictions on labor unions. The statements of the New Jersey State Chamber of Commerce and the New Jersey State Federation of Labor illustrate the two sides in the debate over rights for labor. Proposal #19, stating the right of labor to organize, did eventually become part of the Bill of Rights.

In 1947 women were divided, as they had been for quite some time, over whether an equal rights amendment was desirable or if it would end all protective legislation for women. Debate over an anti-discrimination clause took place against the background of recent condemnation of religious, ethnic, and racial hatred that had been part of World War II. Divisions

among women are illustrated by pamphlets from 1940 to 1947 arguing for and against equal rights.<sup>39</sup> Women delegates were also divided on the role they should play at the convention. Two even sent telegrams to Clothier urging that women not be appointed to chair committees because they feared that this would be divisive.<sup>40</sup> However, Mrs. Marie Katzenbach accepted the position of second vice-president of the convention. In fact, she worked to forge a compromise between women who wanted an equal rights statement and those who wished to ensure the continuance of protective legislation. The result was a simple agreement to substitute the word “person” for “man” throughout the document, and that this “be deemed and taken to include both sexes.”<sup>41</sup> Just what the change in wording from man to person meant was worked out in later court interpretations. For instance, in *Peper v. Princeton* (1978) the New Jersey Supreme Court stated that the constitution prohibited discrimination based on sex in employment.<sup>42</sup>

Oliver Randolph, a lawyer from Newark, introduced a resolution on August 14, 1947, stating that there would be no discrimination or segregation in the state by adding new wording to the Bill of Rights. The only African-American elected as a delegate, Randolph was a graduate of Wiley College in Texas and Howard University Law School, and had been involved in Republican politics. Newspaper articles noted that he was descended from Virginia slaves. According to the press, Randolph “pleaded with the convention to make New Jersey ‘the torchbearer in the fight for justice, democracy, and social progress.’”<sup>43</sup> In the end, the convention revised the Bill of Rights to read: “No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin.” New Jersey was the first state to make such a constitutional provision.

### ***Crisis Point***

The convention reached a crisis point when there was difficulty in working out agreements on taxation and the issue of charity gambling. The problems were graphically illustrated in a number of cartoons printed in daily newspapers. “The Great Railroad Convention Wreck at New Brunswick!” showed the crash of a train, school bus, and homeowner’s car to illustrate clashing interests on tax questions at the convention.<sup>44</sup> Another, “The Night Before the Morning After,” pictured a man with a headache

caused by the controversy over the tax provisions of the constitution.<sup>45</sup> A third, "Bringing Home the Bacon," illustrated what was seen as victory for Frank Hague and Jersey City on the tax provisions of the constitution. The cartoon showed his nephew, Frank Hague Eggers, then Mayor of Jersey City, running with a platter of bacon while his uncle looked on.<sup>46</sup>

### ***Another Issue: the Power of the Governor***

The 1844 Constitution limited the power of the governor by imposing a one-term restriction and by vesting the legislature with overlapping authority. Strengthening this office had long been the objective of reformers. Just how much power to give the governor, however, became an issue during the convention.<sup>47</sup> At one point Wesley Lance, a delegate from Hunterdon County, stated, "My personal view is that the gubernatorial cup already runneth over, plus the table on which the cup sits, and maybe the floor upon which the table rests."<sup>48</sup> His objections were voted down. One of the major legacies of the 1947 Constitution is the creation of the strongest state governor in the nation.

### ***Recording History***

Provisions were made to keep the public informed about the proceedings, and to insure that the convention would have a place in the state's history. The legislature appropriated \$350,000 for convention expenses. The state provided forty employees to help the proceedings run smoothly, and to record committee meetings, speeches, etc. This was done to provide a record for the future. Arrangements were then made to deposit these materials in the State Archives, where they remain today.<sup>49</sup>

### ***Convention Concludes***

Ceremonies marked the end as well as the beginning of the convention.<sup>50</sup> Once again there were prayers and speeches.<sup>51</sup> The governor thanked the delegates, stating: "Under divine guidance you have labored through the heat of the summer and now in the fullness of the harvest season you are reaping the product of your toil. It is a goodly harvest, one that merits the admiration and plaudits of your fellow citizens." A dinner of filet mignon in the University Commons followed.<sup>52</sup>

Subsequent weeks saw a well-orchestrated campaign to turn out the voters and obtain approval of the new constitution, with the publication of

many pamphlets.<sup>53</sup> The cartoon, "Getting Behind It," aptly illustrated the point by portraying many groups literally pushing the new constitution: labor, business, politicians, professions, and even a "housewife."<sup>54</sup> The delegates as well as the governor and his family appeared across the state to urge support. As part of the campaign, a new orchid was named "New Constitution" during the Florist Convention held at the War Memorial in Trenton.<sup>55</sup>

### *Major Issues Since Adoption*

Since 1947, some of the issues unresolved by the convention have been dealt with while others have appeared. The gambling question was resolved by a referendum in 1953 approving "charity" gambling (bingo games and raffles sponsored by non-profit groups), and another in 1976 permitting casinos in Atlantic City.<sup>56</sup>

Equal representation in the senate was ended by a state convention called in 1966, after both the United States Supreme Court and the New Jersey Supreme Court declared such representation a violation of the principle "one man one vote." Total membership in both houses of the legislature increased from 81 to 120. Several constitutional amendments have further streamlined and centralized the courts. Today there are no county courts below the superior court, and all judicial expenses are paid for by the state.

New issues yet to be resolved have appeared, including restrictive zoning (condemned in the various Mt. Laurel cases) and unequal funding between rich (suburban) and poor (urban) school districts. These derive from judicial interpretations based on the provisions of New Jersey's Constitution related to home rule in zoning and the concept of "thorough and efficient" education. The strong office of governor (constitutionally the strongest in the nation), and a powerful court system with activist judges have also provoked controversy. All of this makes it clear that the New Jersey Constitution has made a difference for the state over the course of the last fifty years.



Fig. 1.2 Cartoon, "Getting Behind it," illustrating the efforts to get as many groups as possible behind the new Constitution. *Newark Evening News* 18 October 1947 (From New Jersey State Archives).

## NOTES

- I. While most of the items in the exhibition came from the holdings of Rutgers University Special Collections and University Archives, Archibald Stevens Alexander Library, materials from a number of institutions and individuals across the state were also on display. The Rutgers materials included broadsides, books, pamphlets, and manuscript collections such as the League of Women Voters Papers, Robert Clothier Papers and University Archives records from his presidency, and the Sidney Goldmann Papers. In the endnotes below, unless otherwise stated, all archival items are from Special Collections and University Archives. Newspaper citations with no page numbers are from its clipping files. The State Archives provided original documents including the 1776 and 1844 Constitutions, photographs and other materials from its extensive collection of 1947 Constitutional Convention materials. The New Jersey State Library, the Monmouth County Historical Association, the Historical Society of Princeton, and the New Jersey Historical Society loaned additional items. The catalogue, *New Jersey's Three Constitutions: 1776, 1844, 1947* (Maxine N. Lurie, curator), describes the more than 150 items in the exhibition (January 20-June 30, 1998).
2. Text of the Constitution reprinted in Julian Boyd ed., *Fundamental Laws and Constitutions of New Jersey* (Princeton, 1964).
3. *Journals of the Continental Congress 1774-1789*, v.4 (Washington: Government Printing Office, 1906):342.
4. *Journal of the Votes and Proceedings of the Convention of New Jersey* (Trenton, 1776).
5. Text in Boyd, *op.cit.*
6. *Documents Relating to the Revolutionary History of the State of New Jersey: Extracts from American Newspapers, 1776-1777*, v.I (Trenton, 1900):141, 172-173.
7. Oath of Office taken by Legislative Council, August 1776. New Jersey State Archives.
8. *The Papers of William Livingston*, v.I (Trenton, 1979):132.
9. The exhibition at Rutgers University included a draft of the proposed Constitution of New Jersey in the handwriting of John Cooper (1729-1785) owned by the New Jersey Historical Society, and the original final text in the handwriting of William Paterson, the Secretary of the Provincial Congress in 1777, on loan from the New Jersey State Archives. Also on exhibit was one of the four copies of the constitution known to still exist of the original 1,000 printed by Isaac Collins (1746-1817), as well as the text as it appeared on 15 July, 1776, in the newspaper *Dunlap's Pennsylvania Packet* or the *General Advertiser*.
10. Oath of Office, August 1776. New Jersey State Archives. This previously unknown document was discovered in the State Archives while searching for materials to use in the exhibition.
- II. Items used to illustrate the writing and adoption of the state's second constitution included the Oath of the Delegates of the Constitutional Convention, 14 May, 1844 (on loan from the New Jersey State Archives); printed drafts of the Constitution of 1844 with handwritten notes; and the official printed Constitution of 1844 (on loan from the New Jersey State Archives).
12. Complaints appear in *Articles on the Separation of the Office of Governor and*

- Chancellor of New Jersey* (Princeton, 1843); these articles first appeared in *The Monmouth Democrat* published in Freehold, NJ.
13. *Proclamation by Daniel Haines* (1844); *Somerset Messenger-Extra* 29 June, 1844.
  14. Statement of the Board of State Canvassers Relative to 13 August, 1844 Vote on Proposed Constitution, 29 August, 1844. New Jersey State Archives.
  15. *A Constitution, Agreed Upon by the Delegates of the People of New Jersey, in Convention*. (Trenton, 1844); *A New Constitution for the State of New Jersey* (Newark, 1845); *Constitution of the State of New Jersey* (Trenton, 1847).
  16. *Special Message Urging a Call for Constitutional Convention 28 July, 1941*.
  17. *State Of New Jersey, Proposed Constitution of 1942* (Trenton, 1942).
  18. Charles Edison, *Governor Edison Names "The Most Important Problem Before the State" The Constitution of 1844* (New Jersey Constitution Foundation, 1943); *Speeches on the Constitution of New Jersey* (1943); *A New Constitution for New Jersey* (1944).
  19. *Trenton Express* (n.d.). A similar cartoon appeared in the *Newark Evening News* 12 May, 1943. Both are in the collections of the New Jersey State Archives.
  20. Both produced by the New Jersey Committee on Constitutional Convention.
  21. Walter E. Edge, *Governor Edge Challenges the Opposition* (1944).
  22. *Proposed Revised Constitution of 1944 pending before the Joint Legislative Committee* (1944); *Revised Constitution* (1944).
  23. *Useful Reflections on the Constitutional Election* (1944). (Reprint from *New Jersey Law Journal*.)
  24. *What is Wrong with the New Jersey Constitution?* (New Jersey Committee on Constitutional Convention, 1944?); *Vote YES* (New Jersey Committee for Constitutional Revision, 1944).
  25. League of Women Voters Song Sheet (1944).
  26. *Vote "For" on the Special Ballot at the Primary Election* (New Jersey Committee for Constitutional Revision, 1947).
  27. An example of the reports is Richard P. McCormick's *Suffrage and the Constitution* (May 1947).
  28. *Official Rules Adopted by the Constitutional Convention with List of Delegates and Committees* (Trenton, 1947).
  29. An example of the Committee reports is *Committee on Taxation and Finance: Committee Proposal* (New Brunswick: 30 July, 1947).
  30. A letter from Arthur T. Vanderbilt to Edmund M. Morgan, Jr., dated 30 September, 1948, discusses organizing the new court system. United States Court of Appeals for the Armed Forces.
  31. President Robert Clothier's copy the *State of New Jersey Constitution* (1947, special edition), signed in back by most of the delegates and one of six "original copies" signed by the Governor on 10 September, 1947, is preserved in the New Jersey State Archives.
  32. "Vote on the Constitution," *Newark Star-Ledger* 5 November, 1947.
  33. Proclamation by Governor Driscoll to hold the meeting in the Rutgers Gym. 6 June, 1947.
  34. A copy of the entire plan is in the collections of the New Jersey State Archives. Also shown in "Seating Arrangements for Convention Sessions," *Newark Evening News*

- 10 June, 1947 (clipping also in the New Jersey State Archives).
35. Notice to the delegates that a picture would be taken, 29 July, 1947.
  36. Schlosser, *Dry Revolution: Diary of a Constitutional Convention* (Newton, 1960): 77.
  37. "Convention Opens at Rutgers," *Newark Evening News* 12 June, 1947.
  38. Program, *First Session of the Constitutional Convention of 1947*, 12 June, 1947; photographs of the Convention Swearing-in Ceremony, Rutgers Gym, 12 June, 1947, and "Pageant at Opening Session —Tableau of the Great Seal," in the New Jersey State Archives.
  39. Arthur J. Edwards, *Women's Rights under the Proposed Revised Constitution* (Newark, NH, 1944); *The Women's Non-Partisan Committee against the Proposed Revised Constitution Urges You to Stop Look Listen and Watch Out* (1944); *Women's Rights are Protected!* (c. 1944).
  40. Telegrams from Mrs. Jane Barus and Mrs. Marion Constantine to Clothier, 14 June, 1947. (Papers of Robert T. C. Colthier, Special Collections and University Archives)
  41. "N.J. Will be First State to Give Women Equal Rights," *Newark Star Ledger* 9 September, 1947.
  42. Robert F. Williams, "The New Jersey Equal Rights Amendment: A Documentary Sourcebook," *Women's Rights Law Reporter* (Winter 1994): 122.
  43. "Segregation Ban, Faces Tax Issues," *Trenton Times* 21 August, 1947.
  44. *Hudson Dispatch* 28 July, 1947.
  45. *Newark Evening News* 25 August, 1947.
  46. *Newark Evening News* 28 August, 1947.
  47. Walter E. Edge, *How much Power Should A Governor Have?* (1947); letter to Clothier from Governor Driscoll, 8 July, 1947; statement by Walter E. Edge, 9 September, 1947.
  48. Quoted in *Star Ledger* 21 September, 1947.
  49. *The Trentonian* 12 July, 1947, reported on the recording system being used at the Convention.
  50. Program, *Constitutional Convention of 1947: Concluding Session*, Rutgers Gymnasium, New Brunswick, 10 September, 1947.
  51. Archbishop Thomas J. Walsh from the Newark Catholic Archdiocese gave the concluding prayer on 12 September, 1947. Photograph/newspaper clipping in the New Jersey State Archives.
  52. Menu for the Governor's Dinner for the Delegates to the Constitutional Convention held at Rutgers, 10 September, 1947. (New Jersey Political Broadside, Special Collections and University Archives)
  53. For instance: *Signatures of the Delegates to the Constitutional Convention* (1947); *Your New Constitution: for a Better New Jersey. Ask for your copy. Vote!* November 4th (1947); *A New Constitution for the State* (1947).
  54. *Newark Evening News* 18 October, 1947. New Jersey State Archives.
  55. A photograph of the New Jersey Florist Convention, 23 October, 1947, is in the New Jersey State Archives.
  56. Robert F. Williams, *The New Jersey State Constitution: A Reference Guide* (New Brunswick, 1997).