

## DEMOCRACY WORKS IN NEW JERSEY

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American democracy works. That was the proud conclusion of those who thoughtfully observed the actions of the New Jersey Constitutional Convention in session on the Rutgers University campus during the summer months of 1947. The people of the state, through their elected representatives, exercised their right to alter their form of government. On November 4 it will be the people who will decide whether to accept or reject the document prepared for them by the convention. In an era when democracy faces serious challenges, when skeptics taunt and believers waver, it is heartening to ponder the significance of what took place at New Brunswick.

The need for a new fundamental law for the state has long been recognized. Drafted in 1844, when New Jersey was predominantly rural, had 400,000 inhabitants, and spent less than \$100,000 annually on its government, the present constitution has been rendered obsolete by changing conditions. New Jersey today is a leading industrial state with a population of over 4,000,000 and a yearly budget of \$150,000,000. The constitution has not kept pace with the times because the amending process is so cumbersome and inadequate that amendments have been adopted on only four occasions. Outstanding defects, therefore, have gone uncorrected. Consequently the state has a governor who lacks the executive power to discharge properly his heavy responsibilities, a bewildering court structure whose closest counterpart is to be found in medieval England, a legislature unique in the United States in that it is elected annually, and a tax system totally unsuited to modern requirements.

An awareness of these grave imperfections gave rise in recent years to demands that the outmoded basic charter should be renovated. In 1942 a

special commission and in 1944 a joint legislative committee undertook to draft a satisfactory constitution, but the first group never submitted its handiwork to the people and the second produced a document that was defeated at the polls. Still the movement for revision persisted. In his inaugural address in January 1947, Governor Alfred E. Driscoll took the forward step of calling for a constitutional convention, and the legislature unanimously gave its approval to the recommendation. On June 3 the voters of the state endorsed the proposal by a large majority and at the same time chose eighty-one delegates to the convention. One important limitation was placed upon the constituent body. In order to safeguard the political interests of the small counties, it was prohibited from altering the existing basis of representation in the legislature.

The seventy-three men and eight women who were elected to rewrite the basic law of the state were well qualified by experience and ability to carry out their mandate. Fifty of them were trained in the law. Twenty-three had gained first-hand knowledge of the problems of government by serving in the New Jersey assembly or the senate. Twenty-one were either active or retired judges. Others had filled a variety of offices ranging from justice of the peace to United States senator. By vocation they were lawyers, bankers, housewives, teachers, ministers, journalists, brokers, industrialists. There were also a labor leader, a former woman colonel of the marines, a doctor, an inventor, and a college president. Fifty-four were members of the Republican party, twenty-three were Democrats, and four styled themselves "Independents." All were public-spirited citizens who showed a conscientious determination to lay aside their partisanship and work in harmony toward a common goal. The art of politics was employed in the best possible manner, that is, to reconcile differences of opinion and to devise acceptable compromises. At no time during the session was any issue settled by a straight party vote; unanimity was more generally the rule.

The convention began on June 12 in the Rutgers gymnasium, which only the day before had been the scene of the annual commencement ceremonies. After an impressive address by Governor Driscoll, the delegates elected Dr. Robert C. Clothier, president of Rutgers, as their presiding officer, and organized themselves for the task ahead. Five major committees were appointed. These groups spent nearly two months listening to testimony, drafting proposals, and conducting public hearings. By August 11 the preliminary drafts had been completed, and they were laid before the

convention for final consideration and adoption. Then followed two weeks of debate, at the end of which the new constitution was approved by the overwhelming vote of eighty to one.

The deliberations of the convention were not, of course, entirely free from controversy. Disputes arose over such matters as the right of the governor to succeed himself, the status of the court of Chancery, the disposition of the gambling question, the loosening of the amending process, and the wording of the tax clause. But in every instance reasonable men and women demonstrated their ability to submerge their differences of opinion and accept the verdict of the majority.

The proposed constitution reflects both the practical approaches of the delegates to governmental problems and their earnest desire to draft a document that would be acceptable to the people. Although devoid of theoretical innovations, it contains dozens of features designed to remedy the obvious defects in the present charter and to improve the efficiency of the state government. It is in almost every respect a new constitution, not merely a slightly revised edition of the old one. Only a few changes can be mentioned here.

In the first place, the governor is given power commensurate with his responsibilities. Elected for a four-year term and allowed to succeed himself in office for a second term, the chief-executive will, like the president of the United States, be able to appoint and remove his principal administrative officers. A two-thirds vote of the legislature will be required to override his veto instead of a simple majority as is now the case. He will have a longer period in which to consider bills, but he will not be able to kill measures by a "pocket veto." At the same time, he is restricted to the exercise of executive functions.

The reconstituted legislature will be composed of assemblymen elected for two-year terms and senators for four years. Less time will be spent in campaigning and more in lawmaking. "Legislature lightning" will be ended by the provision that one day must elapse between the second and third reading of bills. The appointive power of the legislature, heretofore extensive, will be limited to the choosing of the state auditor. The controversial question of gambling, by a skillful compromise, is left for the people to decide through referendums.

In place of the present anachronistic court structure, the new charter provides for a judicial system similar to that of the federal government and

most of the states. At the top will be a seven-man Supreme Court, below that a superior court, and at the lowest level the county courts. Justices of the two highest courts will be eligible for good-behavior tenure after seven years' service, but retirement at age seventy is mandatory. Above all, the dual system of law and equity courts, long a source of confusion, expense, and delay, is brought to an end.

A modified tax clause, minus the restrictive "true value" phrase, will make possible a more flexible system of taxation. Tax exemptions for religious, charitable, educational, and cemetery associations — as well as for veterans — are specifically guaranteed, and the legislature may provide for the transportation of children to public and private schools. Special financial provisions are made to encourage slum clearance and the redevelopment of blighted areas.

A significant addition to the bill of rights is the recognition of the right of privately employed labor to organize and bargain collectively. Another article provides that no person shall be discriminated against in the exercise of his civil or military rights because of his religion, race, color, ancestry, or national origin. An altered amending process may make changes in the constitution less difficult than in the past. Altogether the new document represents a great advance over the old.

No account of the convention would be complete without some mention of the contributions that Rutgers made to its success. Every facility of the university was placed at the disposal of the delegates. The main floor of the gymnasium became the convention hall. Former classrooms were converted into committee rooms, offices, and a well-equipped library. In the basement, locker rooms were turned into press headquarters, complete with teletype machines. The delegates lunched in the faculty dining room of the vast Commons and took their ease in lounge rooms in the music and art buildings. In the library annex, adjacent to the Commons, a large corps of office workers attended to business details and prepared thousands of copies of reports and proposals. Although the delegates agreed that New Brunswick, with its ninety-degree heat, was scarcely an ideal summer resort, they had nothing but praise for the arrangements made for their convenience.

A host of Rutgers men played important parts in the work of the convention. Dr. Clothier won a unanimous vote of thanks for his "devoted leadership, sound judgment, uniform good nature, and earnestness of effort" as presiding officer. A trustee of the university, Mrs. Marie H. Katzenbach,



delegate from Mercer County, served as second vice president of the body. The only alumnus among the delegates, Walter G. Winne '10 of Bergen County, was an influential member of the judiciary committee. Herman Crystal '30, bustling and efficient, was one of the three key men charged with providing the services and facilities requisite to the smooth functioning of the convention. Directing public relations and information was Wallace S. Moreland, director of public relations, assisted by Marshall G. Rothen '39, Edward R. Isaacs '39, and Richard N. Baisden '46.

Members of the faculty who prepared research monographs for the guidance of the major committees were Professor Eugene E. Agger of the Department of Economics; Professors L. Ethan Ellis, John J. George, Bennett M. Rich, and the writer of the Department of History and Political Science; Professor Francis C. Hopkins of the Department of Economics at N.J.C.; and Professor C. William Heckel of the School of Law in Newark. C. Thomas Schettino '30 and Evelyn M. Seufert, N.J.C. '26 also prepared monographs. Russell E. Watson '07 assisted in an advisory capacity. There was scarcely a department that did not aid what will probably go down in history as the "Rutgers Convention."