

REMARKS OF GOVERNOR RICHARD J. HUGHES AT  
OPENING DAY CEREMONIES  
CONSTITUTIONAL CONVENTION 1966  
RUTGERS - THE STATE UNIVERSITY  
NEW BRUNSWICK, NEW JERSEY  
MARCH 21, 1966

Today we meet under the eyes of the United States Constitution and the Supreme Courts of the United States and New Jersey. My duty as a sworn constitutional officer, and yours as elected delegates, is exceedingly clear. The legal injunctions of Reynolds v Sims and Jackman v Bodine are equally clear. The former stating that "As a basic constitutional standard the equal protection clause requires that the seats in both houses of a bi-cameral State Legislature must be apportioned on a population basis." The latter concluding that the:

"\*\*\* legislative article of our State Constitution must \* \* \* be adjudged to be invalid insofar as it deals with the apportionment of the members of the Legislature."

As a lawyer and former judge it seems to me that we meet not only to fulfill judicial injunctions, but to act as agents of change in a world which has changed. We live in difficult times when ancient inequities, must, even with the sanction of long usage, give way to dimensions of new freedom.

The right to equal representation is one vital dimension of that new freedom. One man, one vote is so simple and so fair that we can only marvel at how long the principle was observed only in its breach in most states of the union until corrected by the courts. For what was accepted tradition yesterday has become inadequate today. As what was bold and daring and even revolutionary once, becomes comfortable, acceptable social tradition later.

The people who make up American democracy have become more sophisticated in their wants and hopes and needs and in their understanding of human rights. And that is the real reason why we are here today.

The United States Supreme Court, in interpreting the fundamental law of this nation, respecting both its inherent truths and its built-in flexibility, was not unmindful of the new free spirit abroad in the land when it made its now historic decisions. That new spirit is at least as old as the thinker Aristotle who said, more than 2,000 years ago, if the law of physics does not fit the falling object, do not bend the object, change the law. In other words, rather than bend the citizen to an inadequate law, courts amend the law to accommodate the inherent rights of the citizen. That is essential democracy.

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So, we are here to change certain provisions of the legislative article of our Constitution. We are here not so much to "improve" on the dilligent work of those dedicated men in 1947 who drafted the present organic law. We are here to follow the dictates of our highest courts as reflecting the dictates of public conscience in a state, a country, a world passing through the pains, the torments, the benefits of rapid change.

It is common knowledge that as long as there was any reasonable chance that the New Jersey system of representation might prevail in harmony with the United States Constitution, my Administration made strenuous representation to the courts to uphold that system. Even those who believe in the necessity and value of change also believe firmly that long-accepted, defined and workable tradtions should not lightly be disturbed or discarded - to paraphrase Jefferson. But we all know that legislative apportionment based on grounds other than population was deemed no longer appropriate. It did not fit the shifting population of this State or country. Indeed, it had become antagonistic to the rights and privileges and equal protection under the laws of many, many citizens. And any government which permits unequal representation - a diminution of equal weight of the vote of one man as distinguished from another - is no longer representative government. So holds the court; so demands a public conscience living under a supreme law of the land; so is our course directed by the United States Constitution.

Thus, Reynolds v Sims and Jackman v Bodine embodied judicially what had already occurred sociologically. The face of America has changed. Vast population shifts have transformed once rural areas into suburban areas, agricultural areas into industrial parks and increased our numbers so that New Jersey is the most densely populated state in the nation. So, the problems of the Garden State of 1900 are superseded by the problems of Industrial New Jersey, 1966.

In the time ahead, therefore, you will be the agents of change. Let us not turn change into chaos but into an orderly transition of the old to the new.

This Convention was elected on a bi-partisan basis. My sincere compliments go out to each of you and to all those who made this possible. But, I would be unrealistic if I did not believe that political interests, so lively and energetic in New Jersey on other occasions, would on this historic issue pale into insignificance. Let there be political interest. Let there be a debate of political views. Let Democrats and Republicans oppose and criticize and explore, for that is the glory

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of the American political system.

But, let us remember that much more than party interest is represented here today. There are voices of business and labor and agriculture. There are voices of geographic areas north and south, east and west with deep roots in New Jersey history. There are voices of big city and small city, suburb and rural area alike. There are voices of the minority and the majority. And in the aggregate there are the voices of all the people.

Though passion may run high, and immediate advantage might occasionally tempt us, let us remember that you will write an apportionment formula for the Constitution of this State which will remain in effect for a long time to come. I know you will weigh present decisions against their unanticipated consequences in the future.

There is much tradition bound up in this meeting. Governor Alfred E. Driscoll expressed that same sentiment when he said to the delegates of the momentous 1947 convention:

"It is part of our tradition, and a valuable tradition it is, that when we revert to fundamentals in government, we look for the highest form of representative democracy as well as the ultimate consent of the governed expressed through the process of free elections."

Those elements are here present in this convention. It is part of our tradition to meet in such conventions to resolve fundamental questions of basic law. That is the American way and the New Jersey way, and carries forward the historical continuity of the very best in the American "Town Meeting."

Although each of us has certain personal expectations about the results of this convention, I need not remind you that what we do will also be judged by how we do it. The public expects leadership from all of us, and rightly so. They expect that partisanship will be tempered by reason; that the urge for change will be measured by respect for useful tradition; that deliberation will be thorough but decisive; and that much work of this body will be done through able committees in the period of time allotted to it by law.

The New Jersey citizen and the American citizen have become more sophisticated. They will look closely at the work and deliberations which transpire here. And I think that although they know the American political system will be functioning in full view, still they expect final decisions to be decisions of government, not of party.

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The State Constitution under which we now function as an effective government was the proud work of a similar convention. It is significant that the efforts of that convention were almost universally praised for their vision, the efficiency of the end-product, and their achievements which are measurable in the 20 succeeding years of good responsive government.

I have high hopes that the work of this convention will produce an instrument of voting apportionment which will be as just and equitable as it is efficient.

More than one hundred and twenty five years ago, one of the wisest and most perceptive students of the American commonwealth said: "...Among democratic nations each new generation is a new people." This new generation expects new rights, or rather old rights newly declared by the courts. You are about to help them achieve those rights, and my sincere good wishes go out to all of you for the good accomplishment of your task.

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