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PUBLIC HEARING

before

SENATE STATE GOVERNMENT, FEDERAL AND INTERSTATE  
RELATIONS AND VETERANS AFFAIRS COMMITTEE

on

SCR 3008 (OCR)

(Proposes an amendment to the Constitution  
to provide for two single-member Assembly  
districts within each Senate district.)

Held:  
April 9, 1981  
Seton Hall Law School  
Newark, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Wynona M. Lipman (Chairman)  
Senator Donald T. DiFrancesco

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ALSO:

James A. Carroll, Research Associate  
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\* \* \* \*

New Jersey State Library

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SENATE CONCURRENT RESOLUTION No. 3008

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1981

By Senator LIPMAN

Referred to Committee on State Government, Federal and  
Interstate Relations and Veterans Affairs

A CONCURRENT RESOLUTION proposing to amend Article IV, Sections  
II and III, of the State Constitution, and providing a schedule  
therefor.

1 BE IT RESOLVED *by the Senate of the State of New Jersey (the*  
2 *General Assembly concurring)*:

1 1. The following proposed amendment to the Constitution of the  
2 State of New Jersey is hereby agreed to:

PROPOSED AMENDMENT

3 a. Amend Article IV, Section II, of the Constitution to read as  
4 follows:

5 **[1.** The Senate shall be composed of 40 senators apportioned  
6 among Senate districts as nearly as may be according to the number  
7 of their inhabitants as reported in the last preceding decennial  
8 census of the United States and according to the method of equal  
9 proportions. Each Senate district shall be composed, wherever  
10 practicable, of one single county, and, if not so practicable, of two  
11 or more contiguous whole counties.

12 2. Each senator shall be elected by the legally qualified voters of  
13 the Senate district, except that if the Senate district is composed of  
14 two or more counties and 2 senators are apportioned to the district,  
15 1 senator shall be elected by the legally qualified voters of each  
16 Assembly district. Each senator shall be elected for a term begin-  
17 ning at noon of the second Tuesday in January next following his  
18 election and ending at noon of the second Tuesday in January 4  
19 years thereafter, except that each senator, to be elected for a term  
20 beginning in January of the second year following the year in which  
21 a decennial census of the United States is taken, shall be elected for  
22 a term of 2 years.

23 3. The General Assembly shall be composed of 80 members.  
24 Each Senate district to which only one senator is apportioned shall  
25 constitute an Assembly district. Each of the remaining Senate

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.**

26 districts shall be divided into Assembly districts equal in number to  
 27 the number of senators apportioned to the Senate district. The  
 28 Assembly districts shall be composed of contiguous territory, as  
 29 nearly compact and equal in the number of their inhabitants as  
 30 possible, and in no event shall each such district contain less than  
 31 80% nor more than 120% of one-fortieth of the total number of  
 32 inhabitants of the State as reported in the last preceding decennial  
 33 census of the United States. Unless necessary to meet the foregoing  
 34 requirements, no county or municipality shall be divided among  
 35 Assembly districts unless it shall contain more than one-fortieth  
 36 of the total number of inhabitants of the State, and no county or  
 37 municipality shall be divided among a number of Assembly districts  
 38 larger than one plus the whole number obtained by dividing the  
 39 number of inhabitants in the county or municipality by one-fortieth  
 40 of the total number of inhabitants of the State.

41 4. Two members of the General Assembly shall be elected by the  
 42 legally qualified voters of each Assembly district for terms begin-  
 43 ning at noon of the second Tuesday in January next following their  
 44 election and ending at noon of the second Tuesday in January 2  
 45 years thereafter.】

46 1. *The Senate shall be composed of 40 senators. One senator*  
 47 *shall be elected by the legally qualified voters of each Senate district*  
 48 *for a term beginning at noon of the second Tuesday in January*  
 49 *next following his election and ending at noon of the second Tues-*  
 50 *day in January 4 years thereafter, except that each senator\*\*【】<sup>10</sup>*  
 51 *to be elected for a term beginning in January of the \*【second】\**  
 52 *year \*【following the year】\* in which a decennial census of the*  
 53 *United States is taken, shall be elected for a term of 2 years.*

54 2. *The General Assembly shall be composed of 80 members. One*  
 55 *member of the General Assembly shall be elected by the legally*  
 56 *qualified voters of each Assembly district for a term beginning at*  
 57 *noon of the second Tuesday in January next following his election*  
 58 *and ending at noon of the second Tuesday in January 2 years*  
 59 *thereafter.*

60 3. *The Senate districts shall be composed of contiguous territory,*  
 61 *as nearly compact and equal in the number of their inhabitants as*  
 62 *practicable. Unless necessary to meet the foregoing requirements,*  
 63 *no county or municipality shall be divided among Senate districts,*  
 64 *and each Senate district shall be so drawn as to adhere to as many*  
 65 *county and municipal lines as practicable. Each Senate district*  
 66 *shall contain two whole Assembly districts.*

67 4. *The Assembly districts shall be composed of contiguous*  
 68 *territory, as nearly compact and equal in the number of their in-*  
 69 *habitants as practicable. \*\*【Unless necessary to meet the foregoing*

70 requirements, no county or]\*\*\*No\*\* municipality shall be divided  
71 among Assembly districts \*\*unless it shall contain more than one-  
72 eightieth of the total number of inhabitants of the State\*\*, and each  
72A Assembly district shall be so drawn as to adhere to as many county  
72B and municipal lines as practicable.

73 b. Amend Article IV, Section III, of the Constitution to read as  
74 follows:

75 1. After the next and every subsequent decennial census of the  
76 United States, the Senate districts and Assembly districts shall be  
77 established[, and the senators and members of the General Assem-  
78 bly shall be apportioned among them,] by an Apportionment Com-  
79 mission consisting of 10 members, 5 to be appointed by the chair-  
80 man of the State committee of each of the two political parties  
81 whose candidates for Governor receive the largest number of votes  
82 at the most recent gubernatorial election. Each State chairman, in  
83 making such appointments, shall give due consideration to the  
84 representation of the various geographical areas of the State.  
85 Appointments to the commission shall be made on or before  
86 November 15 of the year in which such census is taken and shall be  
87 certified by the Secretary of State on or before December 1 of that  
88 year. The commission, by a majority of the whole number of its  
89 members, shall certify the establishment of Senate and Assembly  
90 districts [and the apportionment of senators and members of the  
91 General Assembly] to the Secretary of State within 1 month of  
92 the receipt by the Governor of the official decennial census of the  
93 United States for New Jersey, or on or before February 1 of the  
94 year following the year in which the census is taken, whichever date  
95 is later.

96 2. If the Apportionment Commission fails so to certify such  
97 establishment [and apportionment] to the Secretary of State on  
98 or before the date fixed or if prior thereto it determines that it will  
99 be unable so to do, it shall so certify to the Chief Justice of the  
100 Supreme Court of New Jersey and he shall appoint an eleventh  
101 member of the commission. The commission so constituted, by a  
102 majority of the whole number of its members, shall, within 1 month  
103 after the appointment of such eleventh member, certify to the  
104 Secretary of State the establishment of Senate and Assembly  
105 districts [and the apportionment of senators and members of the  
106 General Assembly].

107 3. Such establishment [and apportionment] shall be used there-  
108 after for the election of members of the Legislature and shall  
109 remain unaltered until the following decennial census of the United  
110 States for New Jersey shall have been received by the Governor.

1 2. When this proposed amendment to the Constitution is finally  
 2 agreed to, pursuant to Article IX, paragraph 1 of the Constitution,  
 3 it shall be submitted to the people at the next general election  
 4 occurring more than 3 months after such final agreement and be  
 5 published at least once in at least one newspaper of each county  
 6 designated by the President of the Senate and the Speaker of the  
 7 General Assembly and the Secretary of State, not less than 3  
 8 months prior to said general election.

1 3. This proposed amendment to the Constitution shall be sub-  
 2 mitted to the people at said election in the following manner and  
 3 form:

4 There shall be printed on each official ballot to be used at such  
 5 general election, the following:

6 a. In every municipality in which voting machines are not used,  
 7 the following legend shall immediately precede the question:

8 If you favor the proposition printed below make a cross (X),  
 9 plus (+) or check (✓) in the square opposite the word "Yes." If  
 10 you are opposed thereto make a cross (X), plus (+) or check (✓)  
 11 in the square opposite the word "No."

12 b. In every municipality the following question:

	Yes.	<p style="text-align: center;">CONSTITUTIONAL AMENDMENT                  PROVIDING STANDARDS FOR ESTABLISHMENT                  OF STATE LEGISLATIVE DISTRICTS</p> <p>Shall the amendment of Article IV, Sections II and III, of the State Constitution, agreed to by the Legislature, providing standards for population equality, preservation of political subdivision boundaries, contiguity, and compactness to which the Apportionment Commission shall conform; *<del>deleting certain previous standards declared by the State Supreme Court to be in violation of the Federal Constitution under the one-person, one-vote principle; and</del>* establishing 40 Senate districts that elect one senator each and contain two *whole* Assembly districts each and 80 Assembly districts that elect one member of the General Assembly each; *and creating **hereafter** a Senate with terms in each 10-year period starting with a year ending in 2, of 4, 4 and 2 years instead of the present terms of 2, 4, and 4 years;* be approved?</p>
	No.	

SCHEDULE

13 This Constitutional amendment shall, if approved, be applicable  
 14 to any establishment of Legislative districts subsequent to  
 15 December 31, 1982 \*\*and to terms for the State Senate subsequent  
 16 to December 31, 1990\*\*.

SENATOR WYNONA M. LIPMAN (Chairman): I am Senator Wynona Lipman, Chairman of the Senate State Government Committee. I would like to call this public hearing to order.

If Fred Herrmann is here, I would like him to come forward and sit with us since he is one of our experts.

The purpose of this public hearing is to take testimony on Senate Concurrent Resolution 3008, which was reported out of committee favorably with amendments, which we will explain, on March 23, 1981.

The State Constitution mandates a public hearing on all concurrent resolutions which propose an amendment to the Constitution of the State of New Jersey. A special preliminary hearing was held by our committee on March 5, 1981. The effect of this proposed amendment will be to restructure the representational base of the General Assembly to create single-member Assembly Districts. The purpose of this restructuring is to improve representation for all the citizens of the State. Of course, it should be noted that minority groups in particular would be given a better chance for representation if this amendment is adopted.

As you know, the members of the General Assembly presently serve "at large" - two Assemblypersons for each of the 40 Senate Districts. This creates a situation in which even in the "ideal" district, each Assemblyperson, according to the 1980 census figures, represents 184,104 citizens, as does the Senator of that district.

The United States Supreme Court has said (*Whitcomb v. Chavis* 403 U.S.124, 1971) that "the use of multimember State Legislative Districts is not per se unconstitutional under the equal protection clause, but is subject to challenge where circumstances of a particular case may operate to minimize or cancel out the voting strength of racial or political elements of the voting population."

The impact of the proposed amendment would be not only to give minority groups a chance for better representation but also to reduce the size of each Assemblyperson's district to more manageable dimensions, to bring Assemblypersons closer to the people they represent and to give them a higher level of identification among their constituents.

I would also like to point out that 28 of the 50 states have single-member districts. Among these 28, are other states with large urban areas, including Connecticut, Massachusetts, New York and Pennsylvania.

The constitutional amendment proposed by the resolution will, if approved by the voters of the State, apply to any legislative redistricting that takes place subsequent to December 31, 1982.

The Senate State Government Committee added language to the proposed amendment that would, in addition to restructuring the General Assembly, change the terms of the members of the State Senate.

Under the present language of the Constitution, Senators serve terms of two, four and four years in each ten-year period following a census. The change proposed by the resolution now under consideration would reverse the order of the terms. If the voters approve the amendment, the terms will be four, four and two years for the Senators.

The purpose of this reversal is to place the short two-year term at the end of the 10-year period when representation is most likely to be unbalanced as a result of demographic changes which will have taken place during that time.

I will ask Fred Herrmann, who is our sort of expert, to make any comments he may want to make?

MR. FRED HERRMANN: I don't believe so, Senator. I think you covered

everything very well.

SENATOR LIPMAN: Jim, as the Committee Aide, do you have any comments?

MR. CARROLL: No, not at this time.

SENATOR LIPMAN: I think I should also mention that it was State Senator Perskie who suggested the amendment. Senator DiFrancesco and Senator Perskie are not with us today. They are members of the Reapportionment Commission and that Commission has been meeting daily for the past week or so and is meeting today.

I will now call Mr. Howard Rosen from the Committee for a Responsible Legislature.

H O W A R D R O S E N: Thank you very much.

My name is Howard Rosen, President of the Committee for a Responsible Legislature. Our Committee was organized in 1975 to work toward strengthening the New Jersey Legislature. We are interested in improvements in its structure and procedures so that it can fulfill its role as a co-equal branch of State government.

Let me first extend our compliments and sincere thanks to Senator Lipman for the leadership she has taken in bringing this very important measure before the Legislature so that it can go on to referendum before the people. This has been an effort that has been long advocated by our Committee and other responsible groups in the State of New Jersey and we are glad that a Senator of the distinction of Senator Lipman had the courage and initiative to move forward with it at last.

Over the past decade, the New Jersey Legislature has shown a remarkable capacity for self-improvement, for which it is to be commended. The Committee believes that adoption of SCR-3008 would be another significant step in this process.

To encourage qualified men and women to run for the Legislature and to enable them to serve more effectively, we believe members of the Assembly should be selected from single-member districts.

Each Assembly district now has about 185,000 people and is represented by two Assembly members. By dividing each district into two single-member districts, each Assembly member would represent about half as many people. This would make it easier for legislators to communicate with and to represent their constituents, legislators would be more visible and thus more responsive and accountable to voters.

It would be easier for minority groups to be represented so the Legislature would be representative of the wide variety of interests within the State.

Members of the same party would no longer have to run against each other in two-member districts, thus eliminating a major source of antagonism that can hamper the efficient operation of the Legislature.

Because Assembly candidates would need to appeal to fewer voters, campaign expenses would be reduced and more people might be willing to run for election.

For these reasons, we believe the New Jersey Constitution should be amended, as this bill proposes, to provide for two single-member Assembly districts within each Senate district. We strongly urge your support of SCR-3008.

SENATOR LIPMAN: Thank you, Mr. Rosen. I don't believe I have any questions for you, but thank you so much for the presentation.

The next witness is Councilman Donald Tucker, who is President of the National Black Caucus of Local Elected Officials.

D O N A L D T U C K E R: Madam Chairman and members of the Senate Committee, at the outset I want to express my firm support of Senate Concurrent Resolution 3008, which is the subject of this public hearing today. Increasing minority representation in the government of this State is an absolutely necessary goal, the dire need

for which is dramatically underscored by the present level of minority representation in our State Legislature.

As you know, Senator Lipman, you are the only minority member of the New Jersey State Senate. In the New Jersey State Assembly, out of 80 members, only 4 are minorities from the Black community, with no representation from the Spanish-speaking population.

This level of representation does not adequately reflect the fact that 10 percent of New Jersey residents are Black, based on the advance counts, uncertified figures of the Federal Census Bureau of the State of New Jersey, 1980. Similarly, as reported by the Census Bureau, 7 percent of the State's population are of Spanish origin. Any measure which would improve this situation is most certainly welcome to those of us who are underrepresented, in proportion to our numbers rather than the quantity of representation, in the State Legislature.

I believe that Senate Concurrent Resolution 3008 will do much to improve this situation, by creating smaller Assembly districts, which would allow concentrated pockets of Black and Hispanic citizens to be represented by members of their own ethnicity. This is often not possible under the existing plan of 2 Assemblypersons per Senatorial district, where pockets of minority voting strength are neutralized by a district-wide majority, who then determine both Assemblypersons for the district.

The Senate Concurrent Resolution 3008 plan also has two attractive advantages which relate to every one of the voters in this State, be they Black, Hispanic or White. First, because the Assembly district would be smaller under this plan, each Assemblyperson would be responsible to only half of their district's present constituency under the existing plan, and, thus, would be able to give each voter better service and more individual attention.

Senate Concurrent Resolution 3008 would also lead to an Assemblyperson representing a constituency which would be more homogeneous, not only in physical boundaries, but similar in their goals and aspirations on issues that affect their community. An example of the present inadequate system is that it would be difficult for an Assemblyperson to be elected from a district which would be comprised of an urban, suburban and rural constituency, and address the three constituencies adequately on the multiplicity of issues that affect the Assembly.

The concept of the New Jersey State Senatorial Districts and the State Senator is analogous to the United States Senate, where individuals must out of necessity represent a broad constituency and be able to address issues on a statewide basis.

In contrast, Assemblypersons are quite similar to our United States Congressional Representatives, who have specific districts that they represent and can be held accountable by the electorate for their representation.

Further, under the SCR-3008 plan, the Assemblyperson would gain more recognition from their constituents, since they would be the representative from a smaller district, and probably more relevant to the individual citizen. This can only help to improve the accountability, visibility and responsiveness of the members of the General Assembly, and thereby improve the function of State government as a whole.

In closing, I respectfully urge every member of the New Jersey State Senate and the General Assembly to give their strong support to this important measure. I am certain that it will help to improve the quality of our State's Assemblypersons by channeling their representation of the districts and by helping

the elected officials to be more accountable to the needs of their constituents.

SENATOR LIPMAN: Thank you very much. As to your population figures in the third paragraph, Councilman, 10 percent is what the Hispanics claim is the annual count.

MR. TUCKER: I understand. What I am relating to is the uncertified figures, based on the advance count. The advanced count was delivered to the State of New Jersey. I believe the overall time frame was March 15th. Those figures at this point in time are still subject to challenge. But, as it stands right now, based on the fact that they are uncertifiable, it appears from the census information that has been presented that there is an overall population of 10 percent in minorities which happen to be Black and 7 percent ---

SENATOR LIPMAN: You probably have another version.

MR. TUCKER: No. Let me indicate that these are the advance figures and, based on the position of Essex County and two other counties throughout the State, there are basic challenges involved. The overall population of the State of New Jersey, based on the advance count, is 7,364,458. The overall figure of the Hispanic-speaking population, based again on the advanced count, is 491,867. Let me indicate that is Hispanic surnames. It may or may not be the total Spanish-speaking population, or at least as the Census Bureau has identified it.

The Black population, again based on the advanced count, is 736,415 persons. Again, these are the only figures that are available as of today. The certified figures will not be available, I have been informed, until the disposition of the two suits in the county and, hopefully, the United States Census Bureau has indicated that we will have the exact figures or the certified figures, based on head count - not dealing with the ethnic breakdown, the income or whatever - by September. That is when they are projecting that the suits will be resolved. (See letter of correction on p.

SENATOR LIPMAN: Can you tell me from your national office - I am speaking of your position - whether this kind of consideration is being given in other states?

MR. TUCKER: At this point, yes. The same kind of public hearings are being held by the various state representative bodies, maybe the State Senate or, in some cases, they call it the commonwealth. But it is currently now being considered in seven states. That was the statistical information that was provided by the Joint Center for Political Studies in Washington, D. C. It is currently under consideration.

I think most people generally understand that within each one of our Assembly districts that exist now within the State, generally speaking, people do not know who their Assemblyperson is. They may know one particular person, but rarely do they know who both of those representatives are. I think single-member districts provide an opportunity to now make the Assemblyperson identifiable. On the State level, we have three representatives. People can easily remember who their particular State Senator is. But it becomes difficult when there are two Assemblypersons and to hold those two persons accountable is pretty difficult. I am not talking now about people who are active in politics. I am just talking about the general electorate at large. They will not be able to evaluate them separately. In some cases, you may have a situation where one of the Assemblypersons has done a tremendous job for the constituency. You may run into a situation where another Assemblyperson has not made the mark. Based on the New Jersey Constitution as it now stands, it means that a prson has to vote either for one of those particular individuals and forget about the other on a bullet vote concept or try to vote for both of them , or deal with a Democrat - Republican.

What I am saying is that it would be simpler just to have a situation

in which the citizen could say, "This person is my Assemblyperson and this is my Assembly district." In this way, the person can be identified and the electorate can hold that person accountable.

SENATOR LIPMAN: I would like this session to be a friendly one since I don't have any colleagues here. Would somebody from the audience like to ask the Councilman a question on his concept? (No questions.)

I believe Fred Hermann wanted to comment on the population figures.

MR. HERRMANN: I did.

SENATOR LIPMAN: He has different figures.

MR. HERMANN: My understanding was that the Black population was perhaps as high as 13.5 percent.

MR. TUCKER: I indicated initially that you are dealing with the uncertified figures and it is, in effect, the advanced count. In New Jersey, there are three challenges, one originating obviously from Essex County. That at this point in time has not been resolved. Now, that prevents the Census Bureau from certifying those figures. You also have --- I am not sure of the exact counties. There are two other counties who are challenging the actual count, specifically in the Black population and in the Hispanic population. That is why I am saying that we will know, hopefully, by September the overall population figures. I think then they can be certified. The problem is that the figures that I am giving you are the figures that are coming on the advance count from the Census Bureau. They are not certified. I want to indicate that they are not certified.

SENATOR LIPMAN: Thank you, Councilman.

I would like to say that we have here a copy of the first public hearing that we had on this concurrent resolution. We have a few with us. If you would like to obtain a copy, write to Jim Carroll.

MR. CARROLL: We do have a few with us if anyone is interested in the transcript of the first hearing, and we will make them available. If I run out, I can send them to you.

SENATOR LIPMAN: He is with Legislative Services in the State House.

I will now call Mr. Norman Primus, Chairman of the Common Cause Task Force on Apportionment.

N O R M A N P R I M U S: Thank you very much.

My name is Norman S. Primus and I live in Englishtown, New Jersey. My remarks this morning are on behalf of Common Cause, a citizens' lobby organization whose goal is responsive and accountable government.

Common Cause strongly supports your desire to amend the Constitution of the State of New Jersey, whereby the citizens of our State will be better served. By reducing the size of Assembly districts, we will all have closer access to our representative in the Assembly and our representative will "collectively" cut in half the time, cost of travel, phone, mail, etc., for themselves.

Our desire to see single-member Assembly districts was communicated to the present Apportionment Commission in this very room on January 29, 1981, and was repeated at each of their four succeeding meetings. From this you can easily see, Madam Chairman, that Common Cause is an ally in the purposeful work lying ahead to bring our goal to fruition.

The Common Cause Taskforce on Reapportionment has spent several months in developing a plan, using fixed criteria which would produce a fair and equitable division of our State, and we would like to share some of our experience with you so that you can understand our view of your amendment.

As we view the essence and spirit of the amendment, we could not agree more.

Our perpetual fear, however, with any legislation is the interpretation and application by individuals bent on circumventing, not only the essence and spirit of the law, but the very law itself. It is for that reason we feel your amendment should consider specific criteria as to how the redistricting plan is to be selected. A little later, I would like to enumerate those criteria. But, first, I would like to cite a case in point.

The proposed amendment states that the districts shall be compact. The present Constitution states that the districts shall be compact. Having attended all five public hearings of the Reapportionment Commission and listened to all of those who spoke, they do not think that the present districts are compact. The 1970 Commission thought they were compact. The 1974, State Supreme Court didn't think the districts were compact. And, by no stretch of the imagination, do I think they are compact, and God alone knows what the present Reapportionment Commission thinks. They went underground on March 17th and haven't been heard from since. I might say that I am surprised to hear today that your colleagues are not here and at a meeting of the Apportionment Commission when they adopted rules of open public meetings and there have been no meetings so scheduled and posted. We follow that very carefully.

If your amendment, Madam Chairman, is to serve the people of the State, you must reduce the opportunity for opportunists to circumvent your good intentions.

As to the compactness question, our recommended criteria is that the aggregate length of all boundary lines shall be as short as possible. Here, you see, is a way to express compactness in explicit numerical values instead of ambiguous terms.

There is attached to this testimony an example of our districting guidelines which we trust will give you cause to consider them for inclusion in your amendment. We stand ready to work with you, to discuss with you, and support you in the effort to bring about single-member Assembly districts.

If I may, I would like to go over the guidelines. (See appendix for guidelines.)

SENATOR LIPMAN: Please do that.

MR. PRIMUS: First, they must be equal in population. We all know that, expect that, and the Supreme Court in its "one man, one vote" rule so states. I want to point out that we have drawn 80 Assembly districts based on the present population and then, just as you say in your amendment, taken two Assembly districts and made one Senate district.

We find that you cannot be rhetorical in setting up criteria. You have to work at it and find out what the problems are. From those problems, we say that a district shall be considered equal where variations do not exceed 8.4 percent greater or lesser than the average population.

In addition to that, we put another condition on that saying that the sum of the farthest variation plus and the farthest variation minus should not exceed 16 percent.

The basis for that is a United States Supreme decision in the case of Virginia in 1973, which stated that the court would accept a 16.4 percent deviation as long as the county lines were held intact in order to get a fair and equal representation, that that was not a violation of the "one man, one vote" rule.

Secondly, in our criteria, we say all districts should be contiguous. In terms of cities, no city blocks should be split in half or cut up in order to satisfy some individuals.

Now, we get to something that is a little more tricky. The counties, cities and towns will be divided among more than one district only when the division

is necessary to avoid going beyond the 8.4 percent. But there should be as few divisions as possible.

When the division of a county, city or town is unavoidable, according to our criteria, the town or city should first be divided. We are basing our criteria on holding county lines as the base for reapportionment.

SENATOR LIPMAN: Can I interrupt?

MR. PRIMUS: Absolutely.

SENATOR LIPMAN: The Constitution, as it reads now, bases representation on counties and the courts have said that we can no longer divide the population based on counties, but on population - we can no longer make divisions. So, when you say that it should be based, first, on counties, you do not mean that it should be based on counties instead of on a population count. You are not saying that.

MR. PRIMUS: No, I say the population count is the number one criterion.

SENATOR LIPMAN: It is the number one criterion.

MR. PRIMUS: Right. Within that framework, the county is the next guideline.

SENATOR LIPMAN: The county is the next guideline.

MR. PRIMUS: What we are saying is that if you have to split a county, fine. Let's take Essex County. You cannot put Essex County into an equal number of senatorial districts or assembly districts --- No, you can't even put it into assembly districts at the present time on the population. So you have to cut the line someplace.

SENATOR LIPMAN: Right.

MR. PRIMUS: In certain cases, the counties can be expanded or made smaller. We feel, for instance, in Ocean County, it is better to split a town of, say, 40, 50 or 90 thousand - and there are none 90 thousand - than it is to split Ocean County and go into Mercer County. The division should hold the county lines and split the most populous community that is available to split.

I know that the Commission has gone into court and has had the court waive the use of county lines in the present redistricting plan that they are working on. However, I point out that in 1970 --'74, the Commission at that time did the same thing. When it got to the courts, the courts said, come on back with county lines. So, I am not impressed by the current position of the Commission in trying to do it without county lines.

SENATOR LIPMAN: All right. I think it is more difficult in highly populated areas, such as Union County, Essex County and Hudson County, to do this.

MR. PRIMUS: Let me explain it. Hudson County has a population which equals 3 Senate districts. Yet Union County with its population is more than one district by itself. The thing to do is to stay within Hudson County and divide it into 3 and I don't say, no matter what. But one must find a configuration within that county to divide Union County and try to hold all municipalities within that county whole, only dividing Union City.

On the other hand, someone can come up with a configuration where they want to make the largest piece for Union City and divide Hoboken, let's say. Our criteria would say we think you should take the largest populous unit and split it down within the county. You don't go outside the county to try to make some other kind of configuration.

SENATOR LIPMAN: The City of Newark has four districts within it. We only have the population for about two districts since the census?

MR. PRIMUS: Newark has a population of around 330,000, which would be

two Senate districts. In our configurations, as I recall - we had a couple drawn - in one we took Belleville and Newark and we had two equal Senate districts. How it was split within the tract of voting population within the City of Newark is not really Common Cause's concern. It is our concern. But our concern is: Here is the criteria. You divide it along equitable lines.

SENATOR LIPMAN: Here is Senator DiFrancesco.

MR. PRIMUS: See, there is no meeting today.

SENATOR LIPMAN: He is a member of the Reapportionment Commission. The Commission has just come under great fire here from Mr. Primus of Common Cause. Maybe if he will repeat his statements about the Reapportionment Commission when he finishes with his suggestions ---

SENATOR DI FRANCESCO: I have read his statement.

SENATOR LIPMAN: (Continuing) --- you can answer them. Oh, you have read them in the paper.

SENATOR DI FRANCESCO: He has testified a number of times.

SENATOR LIPMAN: Oh, yes, but I am not speaking of that. He said your meetings are no longer open to the public. You do not observe the Sunshine Law.

Mr. Primus was explaining his basis of division.

MR. PRIMUS: I will be glad to answer questions because I think I have pretty well covered the manner in which our criteria work. But, to sum it up, the districts should consist of the greatest number of whole counties, another one of our criteria. For instance, there are seven counties which by their population could fit within a senatorial district. However, on our map - and it would be very difficult for anyone to come up with Cumberland County whole by reason of its geographic location. It is just impossible. But we would insist that the six counties remaining should be whole and should not be split up for any purpose to try to accommodate someone. Enough said on that.

Also, we feel that the fewest number of county boundaries should be crossed in creating districts. That follows our criteria of using counties as the base.

Then, in the final analysis, the total aggregate length of the boundaries of all the district should be used as a criterion in establishing compactness. So, of course, the map which comes in with the lowest total miles would be the most desirable map for compactness.

I would be glad to discuss any of the points that you might want to.

SENATOR DI FRANCESCO: Obviously, I am late; so I have questions. I want to apologize for being late. I was given a number to reach Jim, but the phone was never answered. I called the general number and they gave me a phone number to call direct. I don't see any phone here. So that is probably the answer.

MR. CARROLL: We called your office.

SENATOR DI FRANCESCO: And I had already left?

MR. CARROLL: No, this was the day before yesterday, I think.

SENATOR DI FRANCESCO: No, I mean I was trying to reach you today to tell you I'd be late.

Anyway, if you could repeat for me what your priorities are in terms of points to be considered in formulating a district plan, I would appreciate it. For example, you say the guidelines are thus and so. Are the guidelines listed in terms of priority?

MR. PRIMUS: Yes.

SENATOR DI FRANCESCO: Do you think that compactness should be given any priority at all in this kind of thing?

MR. PRIMUS: It is the last priority on the list.

SENATOR DI FRANCESCO: Which means it is really not that important.

MR. PRIMUS: It is very important. It is the tie-breaker.

SENATOR DI FRANCESCO: The problem that I see with most of these priorities is that they bump into each other.

MR. PRIMUS: That's right.

SENATOR DI FRANCESCO: To try to get the population deviation down and compactness and contiguity at the same time is like ---

MR. PRIMUS: Like squeezing a balloon, right?

SENATOR DI FRANCESCO: Yes. So, at least in my mind, deviation, based on what I have read, is probably the most important - the minimum population deviation.

MR. PRIMUS: No, that is not true.

SENATOR DI FRANCESCO: What is the most important?

MR. PRIMUS: The "one man, one vote" rule.

SENATOR DI FRANCESCO: That is what I mean by deviation - the least deviation.

MR. PRIMUS: But what does that constitute? The United States Supreme Court says that a deviation of 16.4 percent is acceptable. They think it is kind of high, but they have accepted it.

SENATOR DI FRANCESCO: They have accepted it, but our New Jersey courts haven't accepted it.

MR. PRIMUS: Just a moment - in February, 1974, the Commission was called back before the New Jersey State Supreme Court and asked why it didn't come back with a plan similar to the one in Virginia with a 16.4 percent deviation. They wanted to see such a map. So the New Jersey Supreme Court was denied access to such a map. The Commission did come back and said ---

SENATOR DI FRANCESCO: Was that in '74?

MR. PRIMUS: In '74.

SENATOR DI FRANCESCO: Was it in '72 perhaps?

MR. PRIMUS: No. I beg your pardon.

SENATOR DI FRANCESCO: Anyway, wasn't it four point something percent? It wasn't even close to 16.

MR. PRIMUS: What I am saying is that the present districting that we now have was brought forth by the Commission and the court didn't like it and sent them back to the drawing board. When they came back, the court bawled the blazes out of them for not coming back with a plan which followed a 16.4 deviation which didn't follow the county lines.

SENATOR DI FRANCESCO: I am not concerned with that. I think my first question was: Do you agree with me that the population deviation factor probably has the highest priority, the "one man, one vote" principle?

MR. PRIMUS: You and I agree on that. What we don't agree on is what ---

SENATOR DI FRANCESCO: Forget about what the court has said about 16 percent.

MR. PRIMUS: We agree on the language, but we don't agree on the number. You are saying 4 percent and I am saying 16 percent.

SENATOR DI FRANCESCO: My number is as little as possible.

MR. PRIMUS: I am saying that isn't the criteria.

SENATOR DI FRANCESCO: Then you disagree with me.

MR. HERRMANN: My understanding was - and the New Jersey courts have said this and the federal courts have said this time after time - that the paramount criterion is population equality.

MR. PRIMUS: Right.

MR. HERRMANN: Now, your 16.4 percent figure came out of the Mahan v. Howell Case, which was a Virginia case in 1973. The court accepted 16.4 percent in that case, but they said that Virginia had to give them rational reason. What we have based on that case and other cases, is what is called the three-tier system. The courts have ruled that under 10 percent is the de minimis standard. If you get under 10 percent, there cannot be a successful challenge based on population alone. It can be based on other things. But if a plan is under 10 percent, the courts have pretty much said that is acceptable. If a plan goes over 10 percent, but 16.4 percent or under, the court said that can be justified if certain criteria are given. The court doesn't have to accept the rationalization. But if your rationalization, for example, is to preserve whole counties, the court may well feel that that is a good rationalization and, if you fall under 16.4 percent, it would be okay. Anything over 16.4 percent would be unacceptable, no matter what rationalization you came up with.

The current New Jersey plan, as the Senator said, is 4.24 percent, which is well under the 10 percent de minimis. My understanding of the New Jersey cases, the Scrimminger Case and the Davenport Cases, was that the 4.24 percent was considered acceptable. The Scrimminger Case overturned the older plan which was based on whole counties, which was the '71 portion of the plan, which had deviations in the 20's. That was unacceptable. But when the Apportionment Commission came up in '73 with a plan with 4.24 percent, that was all right. The plan was challenged for other reasons in the Davenport Cases. But the 4.24 percent was deemed completely acceptable.

SENATOR DI FRANCESCO: I am not dealing with percentages. What I am saying is the priority, as I understood it - the top priority is to minimize the deviation.

Forgetting about what a court will accept or not accept, you are talking about the 16.4 here - I believe that is probably a federal case - federal courts are less likely to interfere with our plan than state courts. A federal court might accept 16 percent, but the New Jersey Supreme Court probably in no way will accept 16 percent. So, I am not concerned about that part of it. I am concerned about getting down to zero.

What is the second factor that is most important?

MR. PRIMUS: The county lines.

SENATOR DI FRANCESCO: You consider that the second most important?

SENATOR LIPMAN: Not the population number?

MR. PRIMUS: The population we have now agreed to. As a matter of fact, I will accept the 4 percent variation or deviation, whichever you want.

SENATOR DI FRANCESCO: No, zero. Then you work up.

MR. PRIMUS: Let's start out with, we want zero; we want 184,104 persons per district. That is what we want and I agree and Common Cause agrees.

SENATOR DI FRANCESCO: You want them to be contiguous though, don't you?

MR. PRIMUS: Absolutely.

SENATOR DI FRANCESCO: So it shouldn't be a plan that doesn't have municipalities contiguous to one another.

MR. PRIMUS: That's right.

SENATOR DI FRANCESCO: Without question, right?

MR. PRIMUS: Absolutely.

SENATOR LIPMAN: His suggestion about counties has to do with compactness.

SENATOR DI FRANCESCO: Some counties are compact in and of themselves. Passaic County is a very compact county.

MR. PRIMUS: You accept it the way it is. I didn't draw up Passaic County.

SENATOR DI FRANCESCO: I don't think compactness is all that important. I think deviation is important. I think contiguous territory is important.

MR. PRIMUS: But, Senator, if you decide that you want a zero variation in the district. ---

SENATOR DI FRANCESCO: And I want to draw it like this to get that zero population. I think it is more important to draw it like that.

MR. PRIMUS: But I want you to follow other criteria. I don't want you to go from Princeton all the way to Hudson County to find a district for somebody.

SENATOR DI FRANCESCO: Without breaking up municipalities that would be very difficult.

MR. PRIMUS: Breaking up municipalities has to be like we talked about before. When you squeeze a balloon at one end to get a nice compact, contiguous, very nicely balanced district down in Salem County, you are going to squeeze the hell out of Essex. This entire thing is a trade-off of high variation you are willing to accept for all the other criteria. Using the "one man, one vote" rule and just that as the basis, which apparently the current commission is trying to do and the prior one did, is like a doctor telling me to go on a diet and stop eating bread. I am not going to lose any weight that way. There are other things than dieting and there are other things in districting, other than the "one man, one vote" rule. We are saying, don't apply just one item to try to cure the situation.

SENATOR DI FRANCESCO: Do you think political party affiliation has anything to do with it - in other words, in this case, Republicans and Democrats?

SENATOR LIPMAN: You are asking him, but I will answer the question. I do.

SENATOR DI FRANCESCO: You wouldn't want us to draw a map that would place one particular party in a position of either being a majority for the decade or a minority for the decade? Wouldn't you want it to be a competitive plan, based on the vote as reflected in the State? Let's say we have a 55 percent Democratic statewide vote and a 45 percent or so Republican vote. Shouldn't you have a plan that reflects that kind of representation as best you can? I am not saying that is the top priority. But shouldn't that be one of your goals?

MR. PRIMUS: No. I don't want 50-50. I want the people who decide to live in Monmouth County to have a district where they feel compatible with the people around them. If I moved, as a Democrat, into a Republican area, I have to know before I move in that I am going to be in the minority or else I just opt not to move there. By the same token, black people or white people move into districts or communities on the basis of where they want to live. I don't think they move for political reasons. But if they find the political climate is not to their liking, they have a choice of moving out. But once they are there, they are a minority and they have to accept that situation. That is the democratic process.

SENATOR LIPMAN: The representative of the League of Women Voters pointed out at the last hearing that if we had single-member Assembly Districts, one political party may not be in control there. You could even have a Democrat and a Republican elected in the same district.

MR. PRIMUS: I suppose so.

SENATOR LIPMAN: They were carrying their analysis as far as ---

SENATOR DI FRANCESCO: Until you have a plan, I don't know how you can analyze anything.

What about incumbency; do you think that is a factor at all?

MR. PRIMUS: I don't think it makes any difference where you draw the lines. I think Senator and Assemblymen who are going to wherever you are meeting, which we don't know, by the way - I wish they were posted so we might attend those meetings because we would like very much to attend ---

SENATOR DI FRANCESCO: Well, I don't call the meetings. There haven't been any meetings of the Commission.

MR. PRIMUS: I would point out that at the first public meeting of your Commission, you adopted the rules of open public meetings and there has been no such thing since March 17th that I know about. Yet we hear all kinds of stories of how all these poor Senators or poor Assemblymen are being cut out of their districts already.

SENATOR DI FRANCESCO: You hear a lot of rumors. My phone rings off the hook with rumors about things that are to happen that haven't happened. I have no control over that.

SENATOR LIPMAN: Are you in executive session?

SENATOR DI FRANCESCO: We are not even in that. We are not anywhere. That is what it boils down to.

MR. PRIMUS: It seems to me that no matter where you draw the lines, the stature of the individual and the record they have already achieved in the Senate or the Assembly will give them the ticket back to the Senate or the Assembly, regardless of the district. So I think we are talking about something that is academic. But from the standpoint of the people I listened to at the five public hearings and the people I have talked to in *Common Cause*, we feel the people should be represented by this redistricting and not the incumbents. We have nothing to argue about with the incumbents. We understand their plight. And we think they are better off under this type of criteria because they could have known long ago what their districts were instead of waiting for all these shenanigans that are going over wherever they are taking place right now.

SENATOR DI FRANCESCO: I wouldn't say it is shenanigans.

MR. PRIMUS: I know it is hard work, etc. But, frankly, I am frustrated. I have been working on this since 1974. I have worked on the particular 1980 numbers since January. I feel I have been cut out and I am a citizen entitled to see what is happening to my State.

SENATOR DI FRANCESCO: Well, I don't want to get into an argument about something else. I guess we are here to talk about single-member districts. You have submitted a plan?

MR. PRIMUS: Yes, we did.

SENATOR DI FRANCESCO: And your plan provides for these particular priorities?

MR. PRIMUS: That is correct, sir.

SENATOR DI FRANCESCO: How about the county line thing, staying within a county? I notice in the plan I was basically in Middlesex County and I am a Union County resident. I looked at the district you have for me, being from Scotch Plains, and it ran I think from - I don't know where exactly it ran - New Brunswick or someplace. That seemed a little weird to me. But I understand there are situations where you have to overlap.

MR. PRIMUS: What I am really selling, like the gentleman who walked out of the construction with a wheelbarrow and sawdust and drove his boss crazy trying to figure out what he was stealing in the sawdust --- He was really stealing the wheelbarrow, as you recall. We are not trying to sell a plan. That is not *Common Cause's* or my intention. What we are selling is criteria and the rules. If you don't like the configuration of my plan, God bless you, but draw a better one within

the criteria.

SENATOR DI FRANCESCO: I raised the question about the whole county thing. That is a factor that you think is important, staying within the counties.

MR. PRIMUS: Of the 40 Senate Districts in our plan, we went into 53 counties in order to make the configuration. But, presently, you are serving in a configuration which has 69 counties in the 40 districts. To me, that is gerrymandering. That is outrageous.

SENATOR LIPMAN: I think I have to point out this amendment takes into consideration compactness, contiguity. It is stated here.

MR. PRIMUS: That is true. But your compactness and my compactness are not the same thing.

SENATOR LIPMAN: I know. We have a different definition.

SENATOR DI FRANCESCO: And what the court says is compactness is what counts.

SENATOR LIPMAN: I would also point out that one of the objections of the present incumbents is: For example, if two Assemblymen for the sake of efficiency had their district offices in the same place in the same town, and especially if they lived in the same town - outside of a city like Newark, in which they live in different ends of the town - and they had other towns in the district, smaller towns, to cover, and they lived in the one large town, then that would make a problem for one of those Assemblymen. We have some who live in the same town. These are incumbents. This is why this bill may not do well.

SENATOR DI FRANCESCO: When you go with single-member districts, you are going to find that you are going to have a lot of problems like that, I would think. I haven't analyzed it. I know of a couple of instances where there are two incumbents in one municipality. So you are going to have problems. But if this passes and it is voted on, that's tough.

SENATOR LIPMAN: With the exception of Newark, in which the whole district is in one municipality.

SENATOR DI FRANCESCO: I am sure you will have problems in Newark.

SENATOR LIPMAN: I was just saying that the whole 29th District lies in one city. When you get ready to divide Newark, it is different from dividing Long Branch, for example.

SENATOR DI FRANCESCO: A good example would be Jane Burgio and Fred Remington who both live in North Caldwell. I don't think it is a large community. There are problems in certain instances. But if this is the will of the people and the Legislature, then that is tough.

SENATOR LIPMAN: You mentioned two incumbent Republican Assemblypersons. Because Senator Di Francesco is Republican, he chose them instead of Democrats.

SENATOR DI FRANCESCO: I didn't want to get anybody else excited. If anybody getsexcited, let it be the Republicans.

MR. DAVID LEVINE: My name is David Levine.

SENATOR LIPMAN: He is a citizen and he wants to speak.

MR. LEVINE: In the matter of dividing a municipality within a district, you were using Hudson County as an example and talking about Union City. But I believe a bit later you mentioned the criterion of dividing the largest city. Is this something you are taking a stand on when you are trying to stay within the county guidelines?

MR. PRIMUS: You take the largest populous municipality, if the choice is there. If you do maps, as you go along you add these communities. You can't skip over to a noncontiguous community and pick that one up. You have to take what

is in front of you and divide the next one in line if that is what it takes to make the district.

MR. LEVINE: There are other ways. You were using dividing Union City as an example. If you were working in Hudson County, it would be Jersey City without question.

MR. PRIMUS: I apologize. It was Jersey City I was referring to.

MR. LEVINE: You do mean then in Essex County your stand would be dividing Newark and working from there on.

MR. PRIMUS: If the configuration so indicated, yes

MR. LEVINE: Or if the population gives four, Newark will go into quarters.

MR. PRIMUS: In one configuration we did, we took Newark and Belleville and said, "Look that is two Senate Districts right there. Now we will go to the rest of the county." And I would have recommended dividing some other municipality if it was necessary down the pike.

MR. LEVINE: Then you wouldn't take a stand on either side?

MR. PRIMUS: I take the side for the best configuration. I would like to see what they are before I say which one to take.

MR. LEVINE: What is best again?

MR. PRIMUS: Well, I don't know until I see all the plans drawn.

MR. LEVINE: In Essex County, you would leave Newark as an entity, but in Hudson County, take Jersey City apart, and in Union County, take Elizabeth.

MR. PRIMUS: I don't want to prejudge until I see what I am buying.

MR. LEVINE: I would think you would want to have one guideline as the basic principle for the State. This is the only equitable way. Do not leave Newark intact, but go 5 miles and divide Elizabeth because that is the largest city in Union County.

MR. PRIMUS: You have to understand that in your progression for building a district, I start with the south and go north. You may start north and come south. Somebody else goes east to west or west to east. In one of those configurations is the better way of doing it, not necessarily the best, but a better way than mine. If you come across a community that has to be divided, you divide the one you come to. I am not going to tell you now that you start with the highest population and start with dividing it. You build the configuration. If the 12 or 14 of us in the room got together and came up with 12 or 14 maps, then you and I could sit down and decide which one was the better map, based on the more equal numbers of population or based upon better compactness, whatever it may be.

MEMBER OF AUDIENCE: The person from the Redistricting Committee hasn't been identified.

SENATOR LIPMAN: Senator Don DiFrancesco. He is also a member of the Senate State Government Committee.

SENATOR DI FRANCESCO: That why I am here.

SENATOR LIPMAN: Yes, that is why he is here at the hearing. He didn't come representing the Reapportionment Commission.

Thank you very much.

MR. PRIMUS: Thank you very much.

SENATOR LIPMAN: We have a rather famous person with us today, Joseph Scriminger, who made the first case in the courts, Scriminger versus Sherwin in 1972. The court ruled, in 1973, that the division should be done on the basis of population and that the deviation was too great and they called a reapportionment commission back into session and we got our present districts, which the court clarified further in 1974 with another case, Mr. Davenport. Unfortunately, we cannot bring you Mr. Davenport today, but we do have Mr. Scriminger.

J O S E P H S C R I M I N G E R: Good morning. My name is Joseph Scriminger and I am a resident of the City of Newark. I live in the 29th district. I sit here in amazement at some of the things that I've heard here this morning and I look at our Legislature as it is now constituted. Basically, the history of New Jersey, we are creatures of habit. We have had what we call "at largeitis" and this is a disease that most New Jersey legislators suffer from because they ran everything at large here. When I was a legislative aide, I thought it was part of the Constitution. So, I checked the Constitution to find out that it was not.

You know, it takes us a long time to go through the withdrawal symptoms to get away from "at largeitis" because we tend to do everything at large and what has happened to large portions of the population, the various people who spoke here this morning argued about numbers.

Clearly, the minority in the State of New Jersey has never been adequately represented. That's clear. Even Ray Charles can see that clearly. When I brought my suit, it was during a period of time when we only had a black senator who was serving, Senator Ange, and the next election, we had none. That disturbed me a lot. We seen our votes come out of the City of Newark and when they got past East Orange, they melted away and when they were counting votes, we could not count on representatives because we were clearly washed out in the linen and thrown away with the water. So, I decided to bring my suit to the dismay of many of my colleagues and friends. They just thought it would not go anyplace. I looked at various court cases, one from Milwaukee where they had five districts there and the minority district had close to 50% of the population. Closer to home, I looked at the City of Paterson and in its council districts, it had five districts also and the minority district had close to 50% of the population. I wondered if anybody had ever heard of "one man, one vote" and so I started doing some research and called upon some of my friends to assist me and we talked to some attorneys and we got some people in the American Civil Liberties Union to file a brief for us.

What I'm mostly concerned about is fairness of representation in the State of New Jersey and I think that people who are elected are basically democratic in their process of getting elected. Once they are elected, they have households or boundaries that they have to protect because this is where they got elected from and they start protecting those boundaries and they become sacrosanct. People talk about county lines. God forbid we should cross a county line to elect somebody. We do it when we elect United States Senators. All I'm saying is that "one man, one vote" is the ultimate and must be observed, should be observed.

Compactness is the second priority. I know they had a congressional district in New York that looked like a snake, up and down, up and down, and I daresay that the people in this end of the district who knew the people who lived in that end of the district or wherever the congressman came from, I wondered how he even got to know where the boundaries to his district were. He probably didn't even know who he represented.

These are the kinds of criteria we must face. The difficult part of this whole process is that we are going to have to have people who are affected sit in the Assembly. I think the Senate is probably going to be a little easier to get it through. I think the Assembly is where you are going to have the problem.

SENATOR LIPMAN: You mean the resolution.

MR. SCRIMINGER: Yes, because they are the people that are affected by it. The senators are affected by it only because their colleagues are running and the districts, you know, basically aren't going to change that drastically with the plan that they're going to come up with.

SENATOR DIFRANCESCO: I wouldn't want to serve on that commission again.

MR. SCRIMINGER: If I had my druthers, I would rather not have people who are directly involved going through the process because I know how people are. People like to protect their own houses.

SENATOR DIFRANCESCO: You can't avoid it.

SENATOR LIPMAN: Let me just point out too that this takes place not this time although we hope that we are lobbying real well with the reapportionment commission about how they should divide. But, you sit on this reapportionment commission for ten years, don't you?

SENATOR DIFRANCESCO: Theoretically, yes.

SENATOR LIPMAN: This resolution would not take place until 1982 and, at the latest, 1991. But, presumably, it would be 1982 because it would have to go on the ballot this November. They would have already made their division. The assemblymen and senators would already have run for this time and this arrangement will take place after two years, not immediately.

MR. SCRIMINGER: The following election. It is like pay raises. You vote for them and you hope that you are the recipient of them.

You know, we look at these population figures, and I know the population figures aren't accurate in the State of New Jersey, and as much as I jump on the people from the Census Bureau, I understand how difficult their task is. But, clearly, in 1971, we had a larger minority delegation in Trenton than we have today and that disturbs me. It disturbs me that cities like Paterson no longer have minority representatives. Cities like Trenton no longer have minority representatives.

SENATOR DIFRANCESCO: Do you blame that on redistricting?

MR. SCRIMINGER: Of course.

SENATOR DIFRANCESCO: Did you know that the City of Plainfield has a white mayor? I'm just giving you one example. I'll grant you that perhaps the redistricting had something to do with, but I wouldn't rely totally on that when I see examples like that.

MR. SCRIMINGER: One of the major criteria, if you point to me the incidence where minorities are elected throughout the country where the majority of the population is white, I could give you a thousand dollars for each incident. The reverse is more true, where whites are elected in minority districts. We tend to be more liberal and more gracious and we tend to give more than other people.

SENATOR LIPMAN: Could I give an example of this currently advanced in two towns, Trenton and Hamilton. Hamilton is suburban white and Trenton--

SENATOR DIFRANCESCO: Wait a minute. If you split up Trenton and Hamilton, the resulting districts will only result in the Trenton district of a +2500 more blacks because Hamilton also has--

SENATOR LIPMAN: You see, I'm not doing this scientifically. I'm making a political statement that the people in Trenton made, that politicians in Trenton made, when they say they are not represented correctly because the people in Hamilton vote and on election day, the black population in Trenton does not come out and vote and so Hamilton elects 2.

SENATOR DIFRANCESCO: Howard Woodson was there for years and would still be there, really.

SENATOR LIPMAN: Yes, but Hamilton has increased in size and suburban population since Howard Woodson left office and Trenton has stopped voting as constantly as they did when they had a representative.

MR. SCRIMINGER: Anybody who studies history, the evidence is clear and we need not quarrel about it because the facts represent the truth. I know it is difficult and the case is probably going to wind up in court. The courts have always made decisions when the Legislature wouldn't. People damn the courts but the courts take on the ultimate responsibility for the mass population when our elected officials refuse to act. That's the sad part. It's hard to give up a district that you represent and I understand that. It's just like if I had a Jaguar sports car and some fellow said he needed it to go work and I live in town and walk to work. It would be difficult for me to give up my Jaguar. So, I do have compassion for those people running for office. I know the difficulty, the amount of time that you spend in it, and people, generally, try to be good representatives. But, there are other criteria once people are elected. They begin to want to hold onto what they feel is theirs and I think that if we look at this whole question of reapportionment, reapportionment belongs to the people in the State of New Jersey, not to the elected officials. Reapportionment is based on the criteria, the needs of the people of the State, not to those who serve at their demand. You know, people vote and the elected officials represent those people once they are elected. I see swings in population and, you know, I think those in politics should have no criteria how the lines are drawn because I don't think you could ever draw those lines to be truly reflective of the people who live in those districts.

We have large proportions of the population who don't register and who don't vote or else people who do register and then don't vote as often as they should. So, when we say we represent them, we represent only those people who vote at a given time and I think our mass media does a disservice when they talk about 52% of the population coming out to vote in a national election and then saying, "Overwhelming Approval." Gee, I hate to think what those 48% of the people who stayed home thought. So, it was not that overwhelming and it did not give all the criteria that the media says it gave. We should look very, very carefully at those people who are least represented, the elderly, the poor, the minority groups. You know, I live in an urban area and I work in an urban area. I deal with urban problems every day. I know the effect of what politicians do in Washington, how it affects us here, locally, at home. You know, when I have a 78 year old person living in an abandoned house with no heat and hot water and, come to find out, had no heat and hot water or no utility service for two years, that's shameful. People thought it was an abandoned house. We should try to find a house for that kind of individual. That's a human being. You know, you can't talk about politics in that sense. Would somebody represent that individual. I, as a member of the bureaucracy, have to act to protect that individual's rights.

SENATOR DIFRANCESCO: Sir, let me ask you a couple of questions. You mentioned that you weren't all that concerned about staying within the county lines. Am I correct; you did say that didn't you?

MR. SCRIMINGER: Yes.

SENATOR DIFRANCESCO: Now, I was here one night a couple of months ago and we had our first public hearing and it was my impression that--now, maybe this only applies to Newark and not necessarily Essex County--but, one of the gripes that the people from Newark was that they were chopped up in all different directions.

SENATOR LIPMAN: That was the Mayor of Newark who made the presentation saying that he wouldn't like his city broken up into little pieces. He would like it broken up into as few pieces as possible.

SENATOR DIFRANCESCO: Do you agree with that?

MR. SCRIMINGER: Yes, because I remember a time when Newark had three congressional districts. I don't want to see that kind of thing. That's why I said compactness is important.

SENATOR DIFRANCESCO: No, I don't think that that's all that important.

MR. SCRIMINGER: I'm saying coming north to south, east to west or whichever way you're going, there is a way of dividing Newark that is fair, where the near suburban areas of Newark like Hillside, Elizabeth, Irvington, Belleville, Nutley--

SENATOR DIFRANCESCO: I'll give you an example of Hillside, which is in Union County. Do you think the people in Hillside would want to be represented by legislators who live in Essex County?

MR. SCRIMINGER: No.

SENATOR DIFRANCESCO: I'll give you another example. I represent Chatham Township. I didn't even know where it was when I started running. I'm from up in Scotch Plains, which isn't all that far away. Those people in Chatham Township, for five years, all I've heard is, "Get me back into Morris County." That's how county oriented New Jersey people are. Everything is county. I come from Union County or I come from Morris County or I come from Essex County. That's why it appears to me that most people think the county line thing is pretty important, because people want it. Our people want to stay within the county, where you can.

MR. SCRIMINGER: But, we're creatures of habit.

SENATOR DIFRANCESCO: Absolutely.

MR. SCRIMINGER: If we look at our long history, our first government was county government--the Board of Chosen Freeholders. Of course, we're creatures of habit. But, you know, we look at several hundred years down the road where we have to cross county lines and we're going to have a population deviation from the senators' districts where we're going to have probably an odd assembly district sitting out there somewhere.

SENATOR DIFRANCESCO: There is no question that we have to cross county lines, but as little as possible, based on people want now.

How about the minority representation thing? You mentioned that you think minorities are under-represented in the Legislature based on the population that exists in New Jersey. Do you think the single member district proposal would help that situation?

MR. SCRIMINGER: It would give great opportunity to cities like Paterson, Camden, Trenton, just to name three. It is a possibility. I'm not talking about anything sure, but the possibility is there. When people see possibilities, they can work toward aims and goals. I remember a time when we ran senators at large and coming out of Newark, would get one hell of a vote and you get beyond the City of East Orange, it look like we never voted. What happened to my vote?

SENATOR LIPMAN: Excuse me. A member of the public would like to say something. I told them they could join in this conversation. This is Ken Garrett.

MR. GARRETT: My name is Ken Garrett and I am a concerned citizen and what I consider to be an advocate for the people in the urban area. I think that Mayor Gibson's comments were based on the ethnic makeup of the area, not necessarily in terms of having the city itself broken up into different pieces. I think that a lot of times we make the mistake of thinking in terms of contiguous areas and county boundaries and various lines. Our focus, as members of the black community and people who live in urban areas, is that we are concerned about representation of minorities and the continuation of the number of minority representatives that we have as opposed to the decrease in the number of minorities representing us.

SENATOR LIPMAN: Your point is that if we had four districts, we should keep four districts in the same city. That's what you're saying?

MR. GARRETT: Right, in order to maintain the black representation that we have. Now, just one other thing. The reasoning behind having one legislator per district, the reasoning behind that is we believe in "one man, one vote" and we think that particular individual could represent one area a lot better or probably more directly than two individuals representing a larger area. This may look good on paper, but a lot of times, it does not always come to be a reality. I think, Senator Lipman, you and a member of the freeholder board, when they were all voted on, were elected at large.

SENATOR LIPMAN: The county, then, did not have the present division, not the present kind of representation, where they have at large and local type of representation. It's a better kind of representation. That's where districts come in.

MR. GARRETT: Well, I don't know about that.

SENATOR LIPMAN: You don't? You don't like the present system?

MR. GARRETT: I don't think that there have been a million improvements because of that. We have more black freeholders than we did and this new election is going to determine whether or not we continue to have that number, whether we continue to have four out of nine. It is going to be an acid test, but I believe in the "one man, one vote" system if, in fact, we can achieve that. But, I am not necessarily for change for the sake of change. I would prefer and I think probably everyone would prefer to see the way that the districts are going to be broken up prior to making a decision in terms of how many people--

SENATOR LIPMAN: We all would like that.

MR. GARRETT: But, that's not practical; it's not going to happen. So, I have a certain fear that anytime you talk about cutting up things and changing things, I have a certain fear that the way that they'll cut it up or the way they'll separate it may decrease our minority representation.

SENATOR LIPMAN: That has been a statement that has been often quoted in the press from the experts saying that because of the decrease in population in urban areas that minorities would lose the small number of representatives they have. That is an entire possibility. So, I can understand your anxiety. However, the breakup of the councilmatic form of government where you have councilmen-at-large and direct councilmen of wards, that is supposed to be a closer form of representation than the old commission form of government where all the commissioners represented the whole city and they all run together. Whether or not it has been effective in Essex County, I think we'll have to measure that after a little while.

But, it is interesting that you don't know whether it's been an improvement or not. I find that very interesting.

MR. GARRETT: Well, you know, I think it's going to take quite a bit of time to determine the amount of improvement if, in fact, there is an improvement. But, a lot of times, me, myself, I'm afraid of change just for the sake of change. If I could put my hand on something a little more tangible with respect to how these changes would affect the black community and with respect to how many improvements are going to be made or how much of an increase would result from it, I would be more inclined to--

SENATOR LIPMAN: It is designed to improve minority representation where there are pockets of minority persons and not enough to elect two minority assemblymen, but they could, presumably, elect one of their candidates.

SENATOR DIFRANCESCO: Well, I'm not sure that any single member district-- and I'm talking as a non-professional, not an expert--I'm not sure that any single member district plan is going to be designed for minority groups. It may result in more minority representation and I think your point, your concern about seeing something before you could know whether you could support it or not, because your basic concern is more minority representation, maybe this plan that would eventually come about would not give you that and you would say, "Well, what did we do it for?" I don't think the supporters, the basic overall support is because it is designed for a particular reason like more minority representation.

SENATOR LIPMAN: No, it just happens to do that, in my opinion.

SENATOR DIFRANCESCO: That very well may be a result of single member district plans.

MR. SCRIMINGER: I feel that would be the ultimate end result for the future. I'm not talking about tomorrow, now. I look at districts in terms of possibilities in the future and when we're talking about two years hence, I'm talking about the '86, the '88 election, the '90 election and what the census for this decade will show. But, clearly, if we have single member districts, the possibilities exist for more minorities to be represented. There are areas in Hudson County, I dare say, that probably would have a Hispanic surname representative in the course of this decade, which we've never had in the Legislature before. I'm saying that we have to look at the possibilities down the road. We're not going to have them today.

I disagree with Mr. Garrett's representation about Essex County. My God, if we've made any strides in Essex County, we've made them in the County government in terms of representation. You know, I remember the time when we had the one ethnic member of the Freeholder Board that ran at large. My God, we represented a good deal of the county population and that one member sitting there, that was appalling.

SENATOR DIFRANCESCO: It takes more than a plan. Even if we redesigned today's reapportionment plan for minority groups, it takes more than that to get those people into office. It takes the people.

MR. SCRIMINGER: All I need is the possibility to do it because then, if you don't do it, you can't say that guys like you with elongated districts and at large and stuff were the culprits. You can then look inward. But, as long as I have roadblocks up there, illegal headwinds--I understand what the illegal headwinds are all about and I understand how they repress people and I'm not just talking about blacks. I think, probably, the people who are most discriminated against in the State of New Jersey are the Hispanics. I think it is probably safe to say that I could count the number of elected representatives who have Hispanic surnames on this hand.

They don't even hire them as staff members. They get no exposure to the Legislature and its workings. They are unconcerned about them when they are dividing up the pie. They look at it as a two group thing. The whites want their share and when they divide it up and look at it, the poor Hispanic sits there and they say, "Oh, gee, we forgot about him." But, I say, if you break those districts down--I'm not talking about tomorrow or next year---in the future some of those districts will produce Hispanic representatives.

MS. KEY: He's talking about the Hispanics. I heard they want to put a Hispanic in as mayor. I think the Hispanic people are closer knit and they will stick together. I don't think they're having any problems. If you go out there, you can count the Hispanics that go in to vote. You can't get your own people to come out and vote. Now, I'm a senior citizen and I've been here in Newark all my life. I have seen this city go down to where it is now. I have campaigned for Leo Collins, Myron Allenstein and Hugh Addonizio. This city is now in the worst condition that I have ever seen. You can't even get people to come out and vote. I have worked on the polls and you don't see nobody. You asks them to vote and they almost cuss you out. I don't care who you put in there. You can put a black one in there and they still don't want to vote for him. So, what are you going to do. You can't get the people to go out. Get out in the street like I do. I don't ride in a limousine. I walk the streets, sonny, and I go in New York. I see Mayor Koch walking the streets and I walk over to him and shake his hand and say, "I wish you were over in our state. Maybe we could get something done." You see, most people know what Newark was, like I do, when we had truant officers out there. The garbage on Broad and Market is a disgrace. We don't have one city official that will go out and take a look at the City of Newark and then they want to go to higher places. I can give you the three people--which I've given to the Star-Ledger already--who would be the Governor of this state. I have three that I made. But, you know, you should get out in the streets and see what goes on once in a while, the garbage on Broad and Market, the pickpockets. Now, the weather is getting warm. Now, they're going to come out like roaches out of the rug. The parks that they have for seniors to sit in, you know who they got sitting in them, the winos drinking wine, smoking cigarettes, making remarks. We don't have enough control over our own streets. Harlem is coming back. Have you ever been up to Harlem. I go up there quite a bit. 125th St., you can walk anywhere you want. They have people that parade their streets. They have walkie-talkies. They want the people to come back and visit the city. I've seen people coming from the South and they come here and they say, "Oh, I can't believe this is Newark." Two guys came out of a hotel and they said to me, "Lady, what happened? You got a garbage strike?" I felt so embarrassed. I don't care whether the people are black, white, yellow, or green, you need to get your own people out to do something.

SENATOR LIPMAN: Thank you. Did you have anything else, Mr. Scriminger?

MR. SCRIMINGER: No, I have nothing else.

SENATOR LIPMAN: Thank you very much, Mr. Scriminger. Assemblyman Thompson has been making motions. So, we will now have Assemblyman Eugene Thompson, 29th District.

A S S E M B L Y M A N E U G E N E T H O M P S O N: Thank you. Good afternoon. I'm going to try and get back to the point of why we're here.

First of all, Senator, I think that your concurrent resolution is revolutionary in nature. I think that that type of legislation is long overdue.

What I would like to do is point out and reiterate what you stated earlier in your statement.

The United States Supreme Court in Whitcomb versus Chavis said that the use of multi-member state legislative districts is not, per se, unconstitutional, but is subject to challenge where circumstances of a particular case may operate to minimize or cancel out the voting strength or ratio the political elements of the voting population.

What I would like to point out in reference to the legislative districts in the State of New Jersey, I've gathered some information. The possibility, in reference to all the legislative districts throughout the state, is that there can possibly be nine changes where you would have some type of minority representation. So, if you add that, I'm talking about nine numbers added on to the four that we have at this particular time. So, you're talking about 13.

The first district which is Atlantic and part of Burlington and Ocean, I think that this type of legislation would bring about a change and possibly a split district would mean that Atlantic City would be one district and Burlington and Atlantic County and Ocean, you would possibly have the other district. I don't know the formula, but I'm just speculating as I go down the state.

The second district, I think it is the same thing with Camden. I think this is quite obvious because the two incumbents in this particular district are both residents of the City of Camden, which I will show you a strange change as you go throughout the state. This does not always exist. Incidentally, I think that where you have the changes, you will find the changes, basically, in Democratic districts. It is not the Republicans at all, basically. Some of the previous speakers have spoken about District 13, which is part of Mercer and this is in reference to Trenton itself. You will find that both the incumbents residences are in the City of Trenton, also, in this particular area. I think, if the district were split, you could have Trenton representing one of the split districts and the other would be Hamilton.

District 21, this district says part of Union and Middlesex. Number one, you have a tremendous increase of Cubans in the City of Elizabeth and in that area. Perhaps the reason that they're not politically involved is that they have not yet gained their citizenship. But, I think this is something, with this type of legislation that you are proposing, perhaps, in the next ten years, you will see a tremendous change in this particular district.

The 26th District is basically the black people's fault. They could take this district easily, especially the over-popular Senator Dodd is not running anymore. But going back to the question that you raised twice, I sorry the gentleman would not give you a direct answer. Certainly, Paterson and even in Essex, nobody is going to give you anything. It's been basically the black people's fault. Another example is the 28th District. Somebody played politics.

SENATOR DIFRANCESCO: That is in Essex County also?

ASSEMBLYMAN THOMPSON: Yes. It is McElroy, Zangari and Caufield. At least two of the people should be black. About 70% of the population is black.

SENATOR DIFRANCESCO: If you broke down--I don't know what the population is now--but, let's say that was equal, could you divide that up so that, perhaps, it would be maybe one out of two or two out of three?

ASSEMBLYMAN THOMPSON: Well, under the Senator's resolution, you couldn't do that because that's the area where Newark is chopped, but the West Ward of Newark is basically 90% black and the district runs over into Irvington, where the black population is increasing. So, that's what I'm saying. But, under the Senator's

concurrent resolution, in my head, I couldn't figure out how you could--well, you could. Yes, you could split it, but you couldn't keep it in Newark. You could split it with, say, the upper part of Newark and run the rest of it up with Maplewood and South Orange.

SENATOR DIFRANCESCO: Irvington is 60,000 people. If you took 20,000 people from Newark and added that to Irvington, you would have half a district.

ASSEMBLYMAN THOMPSON: Right. But, you have to understand, when you leave that area and start going to South Orange and Maplewood, then you start talking about one family houses and, probably, to pick up the same population, you probably would have to run into Livingston somewhere. You may not have to go as far as Livingston, but you would have to go far up.

Here is something that someone alluded to earlier--and this is in all due respect to our great Speaker. This particular district here, I think it is the 33rd District. You start talking about Weehawkin and West New York and Union City, you're talking about total Cuban and Latin American populations. They even have a bank out there. I think it's about ten years old. This is something in the future that it probably will be Hispanic.

The 35th District, this is a good example of gerrymandering and I think there are going to be some changes in this particular area very soon.

The 37th District is part of Bergen. You could get a black out of this if you possibly partitioned the district, but I think, also, I think the blacks have not participated in the political process in that particular area and I don't think they're cognizant. This is Byron Baer. This takes in Teaneck and Englewood and this is where you have a lot of fluent blacks living in that particular area. I'm talking about \$100,000 homes and I think they are basically people who have moved over from New York City throughout the last twenty years and they're not participating much in the process. Nobody is going to give you anything. I think this bill would almost force them to get involved in the process if you make it where Teaneck and Englewood are contiguous. But, I think, at one time, it was either here or Passaic that was represented by a black. I'm not sure. But, I think the prior speaker did allude to the fact that we did lose one back in the early 70's.

I want to thank you for giving me an opportunity to say a few words. That's about it, as far as I see it. I think it is a possibility that you could have nine changes affecting the representation of the blacks.

SENATOR DIFRANCESCO: With single member districts?

ASSEMBLYMAN THOMPSON: Right.

SENATOR DIFRANCESCO: At least during the decade anyway.

ASSEMBLYMAN THOMPSON: Right. It's not going to happen immediately.

SENATOR LIPMAN: Not in the next two years, but maybe in the next ten.

SENATOR DIFRANCESCO: Maybe the county thing is not that important. How do you feel about staying within the county borders?

ASSEMBLYMAN THOMPSON: I don't have any problem with that. I think the problem is that the reapportionment committee hearings that you had here in Newark that night, I think one of the problems is just plain politics. The Mayor of Hillside testified that he would be happy if they stayed withing county lines. I'm just making a political guess that if the Doctor and I and Willie Rand--you have to understand that Curry Avenue divides Newark and Hillside. If we ran across Curry Avenue, right across the street, we would politicize that area and it may not be in his best interests.

I'm sorry, it's Grummin Avenue and it may not be in his best interests if we come over and start politicizing. I think the largest portion of the Hillside population lives on this side of 22. I don't know that much about Hillside, but I know that the people that are moving into Hillside are blacks and Spanish.

SENATOR DIFRANCESCO: Well, from his standpoint, he was a candidate a few years ago. So, I took his comments based on the fact that he is going to run again and he wants to stay within his county borders. But, that's an example of, if we're going to transcend county lines, it is a good spot to do it because it is compatible.

ASSEMBLYMAN THOMPSON: And, the people who are moving into Hillside are former Newarkers.

SENATOR LIPMAN: Okay, Gene. Thank you very much.

ASSEMBLYMAN THOMPSON: Thank you.

SENATOR LIPMAN: We now have Mr. Samuel Perelli.

S A M U E L P E R E L L I: Thank you. My name is Sam Perelli and I am the State Chairman of the United Taxpayers of New Jersey. Sitting out there in that audience, I heard a lot of remarks, a lot of remarks that cannot go unanswered. I didn't come here today as an expert with numbers or facts on your redistricting plan. I will say to you at the outset that there is a task force that has been commissioned by the United Taxpayers of New Jersey to study this. It has been received. There is a lot of interest in your program. I have received a lot of letters from the more than 200 organizations that we represent throughout the State.

SENATOR LIPMAN: If it has been received well, I'm delighted.

MR. PERELLI: You can be assured of that and I give you congratulations from us for this innovative legislation because we believe that the closer the government can get to the people, conversely, the people become closer to the government. I think we have clearly established that the old system doesn't seem to be working too well.

There were a couple of remarks made that I would like to deal with. Someone talked about a hell of a vote and I recall, in 1978, at the Newark City Council Chambers, this elderly black woman worked her way up to the front in a packed chambers, where there was actually fighting to get rid of the television cameras out of that room, and I shall never forget this. With a cane, she went up to the front and she pointed this cane at Earl Harris and she said, "Earl Harris, I know your family, I know your mother and I saw your mother change your diapers," and anybody who disputes this can look into the record, and she said, "you came through our communities and you said, 'Change the makeup of this council and you shall change the City of Newark,' and we did that and we listened to you, Earl Harris, and we changed the ration makeup of this council and the first thing you changed was your pay scale." A 60% pay increase. The people, after breaking their butts in the streets--I personally participated in the collection of signatures. I remember, if we want to talk about black and white, a lot of black faces garnering signatures and picketing in front of City Hall. It was placed on the ballot and guess what. Six to one, it was defeated. Just the other day, in our courts, it was overturned and I want you to know that that same council, who are predominantly black and who claim to represent blacks went around and changed that pay raise ordinance to the letter of the law which said that if you want it changed again, you have to come to the streets again. So, when the remarks were made that government is not being responsive, I couldn't agree more.

Senator Lipman, in your Committee right now is a bill, S-828, and I came here to discuss the whole question of you wanting to get closer to the people of this state and I couldn't agree more with this redistricting plan that you have. I say, let's try it. But, I say to you, Senator, that if you release bill S-828, which will allow the people of this state to change the State Constitution by publicly petitioning like they do in California and many other states, maybe your legislation wouldn't have been necessary because I believe that the people would have, themselves, demanded this kind of legislation. So, we would have assisted you in this.

MR. CARROLL: SCR 7 is the resolution that would be needed to amend the Constitution. 828 is the Initiative and Referendum law which sets up the procedure.

MR. PERELLI: That sets up the procedure and asks for a vote in November.

MR. CARROLL: Scr 7 is the one that would have to go on the ballot in November.

MR. PERELLI: That's the amendment.

MR. CARROLL: That's right. There are two bills involved here or two measures involved here.

MR. PERELLI: And they are, unfortunately, locked in committee. They were released unanimously.

SENATOR LIPMAN: Mr. Perelli, I have to tell you that we have just received those bills before we went into recess and we have not had a meeting since we've been back.

SENATOR DIFRANCESCO: It was released?

MR. PERELLI: It was released unanimously.

SENATOR DIFRANCESCO: And, the President of the Senate sent it back to committee. It's not Senator Lipman's fault that it was sent to her committee.

MR. PERELLI: Well, Senator Lipman, I'm asking you publicly, right now--and I pledge my support to your piece of legislation because I believe they are companion. I believe that your bill should go on the ballot and the people of this state should have the right to vote on it and I also believe that that other piece of legislation should be part of your effort to get these people, whether they be black, white, or whatever, to get all of us to work closely together with our government because we're turning people off rapidly and we need your help in all aspects of getting this legislation out.

If anyone has any questions, I would be happy to answer them. I didn't come here as a professional witness other than I'm pretty darned involved in people's rights.

MR. HARRIS: May I ask Mr. Perelli a question?

SENATOR LIPMAN: Yes.

MR. HARRIS: Will your organization be actively be supporting this Constitutional Amendment?

MR. PERELLI: I will say this. If Senator Lipman can give us some assurances that we can put these two questions on the ballot, we will give her 100% support.

MR. HARRIS: If, for example, she has no control over--

MR. PERELLI: Oh, I beg your pardon. Senator Lipman is quite a powerful human being in our Senate.

SENATOR LIPMAN: Mr. Perelli, I just want to assure you, as Senator DiFrancesco has already pointed out, the Senate State Government Committee received this bill just before the recess and, since we have not been in session, there has

been no meeting. Consequently, the Initiative and Referendum bill could not be considered. It's not that we can't call a meeting. This is a public hearing, which is required of a bill which we already discussed. As soon as the Senate returns--and we don't know the schedule--I assure you that your bill will get consideration.

MR. PERELLI: It's the people's bill, Senator.

SENATOR DIFRANCESCO: I don't know that she could say any more than that. I think that's a fair statement. She's going to consider it and I think Senator Lipman is as far a committee chairman as I've seen.

SENATOR LIPMAN: Let me tell you that the State Committee has some quite difficult bills, but we don't shirk our duty. We wade right into the difficulty.

MR. PERELLI: I can assure you that the bill has been hanging around our state legislature for some five years.

SENATOR DIFRANCESCO: No question about that.

MR. PERELLI: It just gets me kind of annoyed that something as important as the people's right to petition their state lays for five years. It frightens me.

SENATOR LIPMAN: Well, this may be your year.

MR. PERELLI: I sure hope so. Maybe we'll have the year of the voter. Thank you.

SENATOR LIPMAN: Mr. Garrett just wanted to make a final comment.

MR. GARRETT: In reference to the old role, the way this bill looks totally, I would like to speak from my standpoint that it is not the type of bill and the basis of the bill is not something that we would be opposed, me personally. I'm not against it.

SENATOR LIPMAN: Mr. Garrett, do you want us to point out that you are a candidate?

MR. GARRETT: That's not the point I'm trying to make. The thing is, the bill itself, as it refers to "one man, one vote", I think, is an excellent idea. But, as a person, I always bring up the redistricting angle or the redistricting portion of that and I would just hope that when promoting this bill and pushing this bill that Senator Lipman will keep in mind, as best she can, the fact that we are concerned about losing representation in our urban areas. Senator Lipman has always been a proponent of black people and has promoted things to improve black people in urban areas, the areas that she represents. I think, with respect to this bill, she has thought it out and had the thinking or the feelings of the urban population in Essex County in mind when she promoted this.

SENATOR LIPMAN: Ken, I really appreciate that comment. Thank you very much. If there is no more to be said, then we will now adjourn.

(Meeting adjourned)



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April 9, 1981

Hon. Wynona Lipman  
New Jersey State Senator  
Robert Treat Hotel  
50 Park Place  
Newark, New Jersey 07102

Dear Senator Lipman:

Please be advised that my presentation to the Committee on Thursday, April 9, 1981 at 11:15 a.m., I indicated that the Black population in the State of New Jersey, based on the preliminary Census count was 736,415 or 10% of the overall New Jersey population which is 7,364,458, (based on the advance counts, uncertified figures of the Federal Census Bureau of the State of New Jersey, 1980.), was in error. The 10% figure represents the certified percentage of the Black population in 1970.

The advance count figures of 1980 indicates that the Black population of the State of New Jersey is 924,786 or 13%.

Would you please accept this as a correction to my original testimony.

Sincerely,

Donald Tucker, President  
National Black Caucus of  
Local Elected Officials

1x

AN EXAMPLE OF STATE LEGISLATIVE DISTRICTING GUIDELINES

1. All districts shall be equal in population. Districts shall be considered equal where variations do not exceed 8.4% greater or lesser than the average population. In addition, the deviation, the sum of the greater or lesser variation, shall not exceed 16%.
2. All districts shall consist of contiguous territory; land areas separated by waterways shall not be included in the same district unless said areas are connected by highway bridges or tunnels wholly within the district; population permitting, islands not connected to other land areas by bridge or tunnel shall be included in the same district as the nearest land area within the same political subdivision.
3. No City block may be divided in the formation of districts.
4. Counties, cities and towns may be divided among more than one district only when such divisions are necessary to avoid the maximum allowable population deviation, but there shall be as few such divisions as possible.
5. When the division of a county, city or town is unavoidable, if a choice is possible among more than one like unit to be divided, a city or cities, a town or towns shall be divided in preference to counties, and, more populous units shall be divided in preference to less populous ones.
6. In dividing a county, city or town among more than one district, as populous a portion as possible of such county, city or town shall be placed in a district or districts wholly within the county, city or town, and only as much of such county, city or town shall be separated from the rest as is necessary to avoid violating the maximum allowable population deviation.
7. Consistent with the above rules:
  - The districts shall contain the greatest number of whole counties possible
  - The fewest number of county boundaries shall be crossed in creating districts
  - The aggregate length of all boundary lines shall be as short as possible.
8. The above rules shall be applied in the order listed.