

Programs

STATEMENT OF
NEW JERSEY STATE FEDERATION OF LABOR
Concerning Its Program For The Revision Of The ~~State Constitution~~

TO THE DELEGATES TO THE NEW JERSEY CONSTITUTIONAL CONVENTION:

The New Jersey State Federation of Labor, an organization representing several hundred thousand workers in our state, wishes to express its hope that your deliberations will produce a document for the government of our State that will provide efficient government, economical government; but, above all, one that will provide democratic government with a full and complete recognition and assurance to our citizens of their civil, economic and social liberties and rights.

Too long have we in New Jersey favored the Hamiltonian theories of the superiority of the few, as against the Jeffersonian theories of the dignity and intelligence of all men. Too long have we suffered under the oligarchic form of government provided by the 1844 Constitution, in which we are permitted but the voice of annually electing candidates nominated in fact and reality, if not in theory, by the few men who control the political destinies of our State.

We conceive, and submit to you as our basic governmental philosophy, that the citizens of New Jersey are competent to govern themselves; and that they should be enabled, as the essential factor of any new constitution, to act, without permission of the Legislature, to assert their will, and to effectuate their will. The 103 years' delay in securing proper modification of our old constitution results simply from constitutional disability of the people to institute reforms at their initiative. This mistake should not be repeated.

We submit herewith for your consideration our proposals for changes or revision of the present State Constitution. In most cases we have not presumed to propose the exact wording to be included in the revision, feeling that the delegates to the convention would prefer to develop the phraseology to conform with the general pattern of the docu-

ment as a whole.

It should be noted that our specific recommendations are by no means exclusive, and that we would support modifications other than those presented herewith. Those which we submit herewith are the portions which, from our point of view, seem of the greatest importance.

You are probably acquainted with the fact that the State Federation of Labor has favored and supported for many years the proposal to revise our State Constitution. Our suggestions are therefore the result of much discussion, careful analysis, and deep interest in the matter. We trust that you will be able to give them your serious and favorable attention.

Very truly yours,

N. J. STATE FEDERATION OF LABOR

LOUIS P. MARCIANTE, Pres.

VINCENT J. MURPHY, Sec-Treas.

Recommendations for
CONSTITUTIONAL CHANGES

Submitted by: New Jersey State Federation of Labor

BILL OF RIGHTS

Article I

1. Prohibition of Discrimination

An effective and self-implementing prohibition of discrimination on the ground of race, color, creed, national origin or ancestry should be incorporated in Article I. It should assure the freedom from discrimination not only with respect to governmental acts, but also with respect to all rights inherent in the concept of a fair social order, including employment and education, as well as civil, social and political rights and liberties.

2. Rights of Labor to Organize and Bargain Collectively

We recommend the inclusion in the Bill of Rights of a clause, necessary in any modern constitution, providing an effective and self-implementing assurance and protection of the right to organize and bargain collectively. We suggest the following language:

"Employees shall have the right, free from interference or coercion, to form, join, organize or maintain labor organizations of their own choice, for their mutual aid and protection, to bargain collectively with their employers, and to peacefully strike and conduct peaceful activities in support thereof."

3. Public Housing and Aid to Private Housing

In view of the inclusion of paragraphs 19 and 20 in Article I, we recommend a provision therein enabling the State, the counties and the municipalities to engage in public housing and to provide assistance for private industry in order to eliminate substandard dwellings and provide adequate, decent and sanitary dwellings for the people.

4. Avoid the So-called "Equal Rights" Amendment

We desire to express our opposition to the inclusion of any so-called "Equal Rights" Amendment which would abolish the existing laws protecting women in industry, such as the Minimum Wage Law and similar protective legislation.

RIGHT OF SUFFRAGE

Article II

1. Eliminate the word "MALE"

Our old constitution limits the right of suffrage to "male citizens". This limitation should be removed.

2. Eliminate the word "PAUPER"

Our old constitution deprives "paupers" of the right to vote. This relic of the past should be eliminated.

3. Extend the franchise to persons who have reached the age of 18 years.

We submit that our 18 year-old citizens are far better educated and are much more familiar with the processes of government, because of our schools, our newspapers and our radios, than were the 21 year-old citizens of 1844. They are entitled to the privilege of the franchise.

LEGISLATIVE

Article IV

1. Terms of Legislators

We recommend that Senators be granted a four-year term and Assemblymen a two-year term.

2. Salary of Legislators

The Constitution should not specify the salaries of the Legislators. These salaries should be fixed from time to time by the members of the Legislature, to be effective during the next session of the Legislature.

3. Legislative Lightning

The practice of legislative lightning is one of the two most

vicious, undemocratic and actually subversive practices that are presently extant in our government.

Legislative lightning is the practice of passing legislative bills, under suspension of the rules, without reference to committee, without printing, and without giving an opportunity, not only to the public, but even to the members of the Legislature, to study or even read the bills. It is becoming more and more frequently invoked, to the detriment of the public and to the shame of the Legislature.

Article IV, Section IV, paragraph 6, was intended to prevent this practice, but it has been subverted and made meaningless. We therefore recommend an additional paragraph, reading as follows:

"All bills and joint resolutions shall be printed in the form in which they are finally adopted and shall be placed in such printed form on the desks of the members of the Legislature at least one week before the final adoption by either house of the Legislature."

4. The Caucus System

The present practice of the caucus system is the other of the two vicious, undemocratic and subversive practices above referred to.

Article IV, Section IV, paragraph 6, was intended to require public consideration of all legislation and to place all legislators on record by their yea and nay votes with respect to all legislation.

This also has been subverted; and the Legislature has adopted the practice of invisible, secret and irresponsible government through the caucus system. Members of the majority party meet in secret session, decide in advance upon their prospective action and refuse to permit the consideration of a bill on the floor of the respective houses of the legislature unless a majority of the entire membership of the house, in secret session, of the majority party alone, favors the bill in question. This reduces the members of the minority party to the position of a robot. It destroys representative or democratic government, creates a tight oligarchy, and effectively avoids the public responsibility to their constituents of the members of the majority party. It must be

stopped.

We recommend the addition to the legislative article of a new paragraph to read as follows:

"All bills and joint resolutions shall be reported to the floor of the house of the Legislature in which they shall be considered, by the committee to which they shall be referred, within four weeks from the date of referral to such committee. All bills and joint resolutions which shall be favorably reported by committee shall be voted upon by a record vote of the house to which such report is made within one week after the receipt of the committee's report, if the house shall be in session; otherwise such vote shall take place at the next session of such house. All bills and joint resolutions which shall be unfavorably reported by committee shall, notwithstanding such report, be voted upon by a record vote of the house to which such report is made, provided that a motion for such consideration, made by a member of the house, is adopted by the vote of a majority of such house; the vote upon such motion shall be by yeas and nays and shall be entered on the journal; upon the adoption of such motion, such bills or joint resolutions shall be considered by such house and voted upon, by a record vote, on the day of the adoption of such motion. Neither house of the Legislature shall adjourn sine die while any bills or joint resolutions remain in the consideration of any committee, while any bill or joint resolution which has been reported favorably by committee has not as yet been considered on final passage by either house, or while any bill or joint resolution which has been reported unfavorably by a committee, but has been ordered up for consideration by vote of a majority of the house, has not as yet been considered on final passage by either house."

We respectfully submit that the foregoing amendment to the Legislative article would put an end to the vicious aspects of the caucus system and to the invisible government arising therefrom. It would, in addition, impose upon each legislator the duty to act publicly, and on the record of the journal in his respective house. Furthermore, we submit it would have the effect of discouraging the introduction of useless or worthless bills, since all bills introduced would be required to come to the floor, at least with a report from committee.

5. State Support of a Free Educational System

By the Constitutional Amendment of September, 1875, it was recognized that it is the State's responsibility to maintain our educational system. Our Constitution provides that, "The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in this state between the ages of five and eighteen years."

The obvious intent of this constitutional provision was to require the maintenance and support of our school system through the use of state revenues. This intent has been subverted. Instead, the legislature has required the municipalities to support the school system by a highly devious and intricate system of bookkeeping entries.

In order to overcome this, we recommend that the last sentence of paragraph 6, of Section VII of Article IV, be amended to read as follows:

"The legislature shall provide for, and defray the expense, through the use of state revenues, of the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in this state between the ages of five and eighteen years."

6. A Free State University

We submit that the failure of our state to provide a free state university for deserving but financially disabled students has seriously hampered our proper development. Many other states, far less industrialized and with substantially smaller per capita incomes, have

realized the value of free higher education.

We therefore recommend the addition to Article IV, Section VII, paragraph 6, of a provision requiring the legislature to provide and maintain a free institution of higher learning for the deserving students of the state.

7. Assembly Districts

The practice of electing assemblymen at large in our more populous counties has resulted in the past and today in a decidedly unfair distribution of representation. Newark, for example, with approximately one-tenth of the state's population, is represented in the 1947 Assembly by only four Assemblymen, or one-fifteenth of the Assembly. The ratio has been even worse in prior years. With over fifty percent of the population of Essex County, Newark has a one-third representation in the Essex County Assembly Delegation.

This inequity can be corrected by a provision for Assembly Districts. We respectfully recommend favorable consideration of a constitutional provision requiring the establishment of Assembly Districts, rather than language which will merely permit their establishment by legislation. Legislative representation is a matter of constitutional determination, not legislative in character.

EXECUTIVE

Article V

1. Term of Office for Governor

We believe that the Governor should have a four-year term, with no limitation on the right to succeed himself in office.

A short term in office effectively prevents a Governor from carrying out the reforms on the basis of which he was elected to office. The prohibition against self-succession weakens or destroys the power of the Governor in the latter portion of his term of office.

We submit that the prohibition of self-succession is a reflection upon the intelligence of the electorate -- a continuance of the aristocratic, oligarchic theories of Hamilton which, while theoretically declaring that "all power is vested in the people", practically deprives the people of exercising this power.

We have greater faith than this in the intelligence of the electorate. If a Governor performs his services capably and well, he should be retained in office. If not, he will be removed by the vote of the people.

2. Appointment to Office

We suggest that all appointments to state office should be made by the Governor, with the advice and consent of the Senate. The practice of election of some state officials by a joint session of the legislature has proven to be undesirable; since in many cases it has produced the election of persons not properly fitted for the office.

3. Governor's Cabinet

We believe that the Governor should be enabled to appoint his own designees to the high state offices which are policy-making in nature. We therefore recommend that all policy-making positions should be made co-terminous with the term of the Governor.

4. Veto Power

The Governor's veto power should be effective. We therefore suggest that a two-thirds vote of each house of the legislature should be required to override a veto.

JUDICIARY

Article VI

1. Election of Judges

All judges, except municipal magistrates, should be elected by the people. The experience in New York with the election of judges has produced a judicial calibre equal to or better than that found in any other state. Above all, it will reduce the degree of political subservience of judges to the appointing authority.

2. Court of Chancery

We recommend the elimination of the Court of Chancery as such, and the merger of its functions with the court of general jurisdiction.

3. Simplification and Unification of Court Structure.

We support the unification of our courts and the simplification of judicial procedure. Highly technical matters of procedure and jurisdiction should not be permitted to defeat a litigant whose cause of action is just.

4. Constitutional Jurisdiction of the Courts

The Constitution should not, as it has in the past, vest in the Courts a jurisdictional power which cannot be removed by the Legislature. It should be specifically provided that the courts shall have such jurisdiction as may be vested in them by act of the Legislature. Without such a provision, the basic theory of checks and balances would be destroyed. The only irrevocable power should be vested in the courts is the power to enforce, interpret and apply the provisions of the Constitution and of legislative enactments in the light of the Constitution.

CONSTITUTIONAL AMENDMENTS AND REVISION

Article IX

We believe that no Constitution can properly provide a democratic form of government unless the right of the people to change it is recognized, not only by lip service in its preamble, but by an effective, self-implementing provision securing this right without the necessity of legislative action. We therefore recommend the provision of three methods for constitutional revision, in the belief that any document failing to make such provision must necessarily be lacking in the basic essentials of the recognition of the people's right to self-determination. These three provisions are as follows:

1. The Initiative and Referendum

The people should have the right, by petition, to secure a referendum with respect both to constitutional amendments and to legislative

enactments. Without this, democracy is totally lacking in a state government.

This provision should, of course, to be effective, be self-implementing and automatic, but should require a sufficiently large number of signatures to a petition so as to make it not too easy of accomplishment.

It is suggested that a petition for a referendum on a constitutional amendment require the signatures of 10% of the registered voters, and a petition for a legislative provision require the signatures of 5% of the registered voters. On the basis of present registrations, this would mean that over 200,000 signatures would be required for constitutional amendments, and over 100,000 for legislative changes. We submit that the voices of 200,000 and 100,000 voters, respectively, are entitled to be heard and to be given effect.

2. Automatic Constitutional Conventions

There should be a mandatory, self-implementing provision for recurrent constitutional conventions every twenty years. In these days of frequent economic and social change it is imperative that a thorough review of our Constitution be conducted periodically.

Provision should be made, however, for a non-political, non-partisan selection of delegates. Bracketing of candidates for delegates should be prohibited, since such bracketing places control of such elections in the hands of the political parties. Designations of candidates should not be permitted; or, at least, such designations should not be permitted to refer to political parties. We would thus be assured, at least to a large extent, of a non-political and non-partisan convention.

3. A Simpler Amending Procedure

We submit that constitutional amendments should be submitted to the people at referendum, at the general election next succeeding the approval of the proposed amendment by a 60% vote of each house of the legislature.