

P U B L I C H E A R I N G

before

SENATE JUDICIARY COMMITTEE

on

SENATE CONCURRENT RESOLUTION NO. 44
(proposing to amend the State Constitution to provide
that the Secretary of State and the Attorney General
will serve at the pleasure of the Governor.)

Held:
April 5, 1972
Assembly Chamber
State House
Trenton, New Jersey

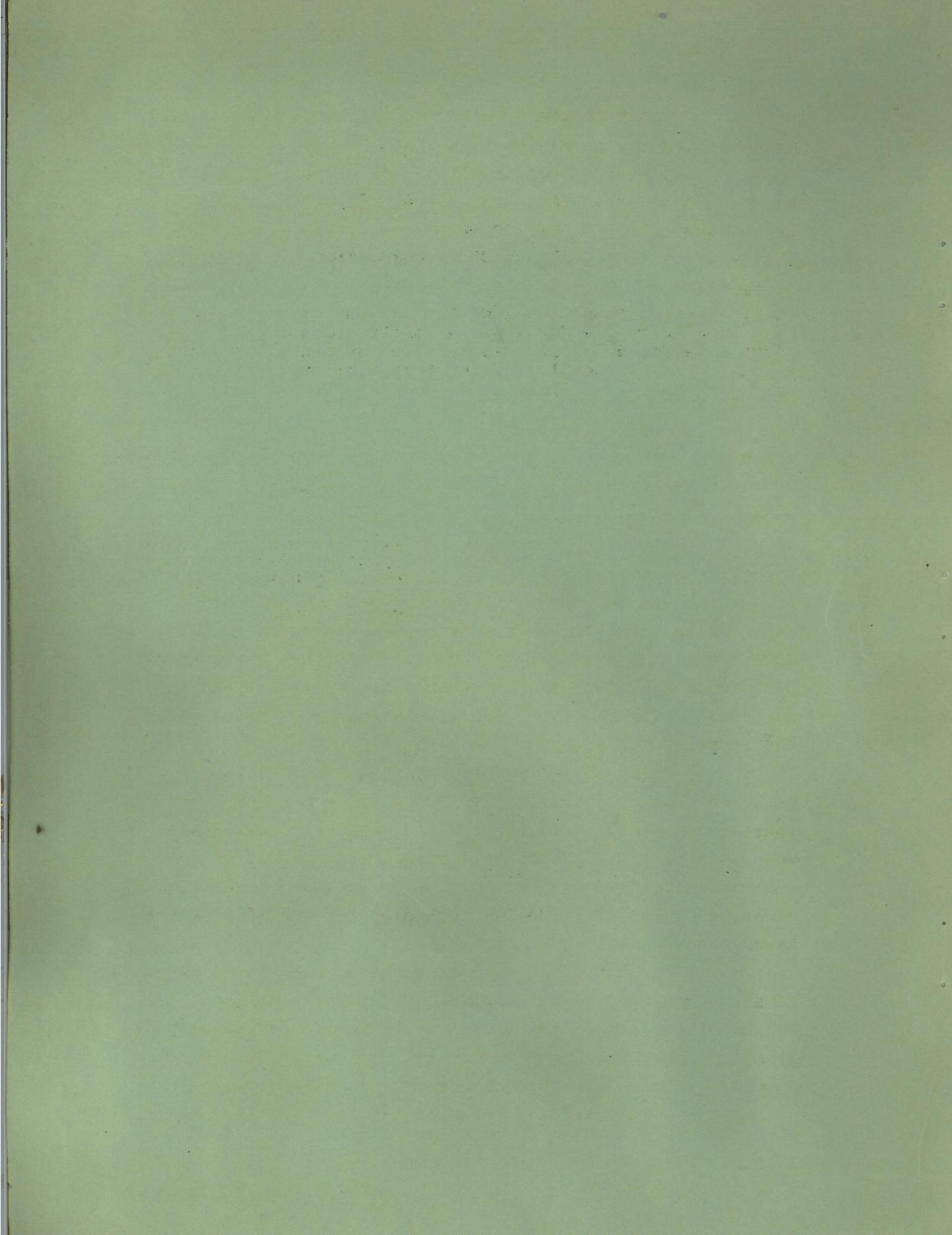
WITNESS:

Senator Alfred N. Beadleston

MEMBER OF COMMITTEE PRESENT:

Senator Joseph C. Woodcock, Jr. (Chairman)

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SENATOR JOSEPH C. WOODCOCK, JR. (Chairman): We have reached the appointed hour.

This public hearing on Senate Concurrent Resolution No. 44 proposing an amendment to the State Constitution is being held by the Senate Judiciary Committee by direction of the Senate in accordance with the procedure for consideration of proposed amendments to the Constitution, directed by the Constitution and the Rules of the Senate.

We will open this hearing by asking the Sponsor of SCR 44, Majority Leader, Senator Alfred N. Beadleston, to testify in behalf of the proposal.

Senator Beadleston.

A L F R E D N. B E A D L E S T O N: Thank you, Senator.

This proposal is a recommendation of the Governor's Management Commission and was unanimously approved by the special committee of the Legislature that was appointed to report on that report.

Under the Constitution today, all single-head departments - that's all but two - are nominated by the Governor and confirmed by the Senate, and they serve at his pleasure and until their successors are appointed and qualified, with the exception of the Attorney General and the Secretary of State.

I think this goes back to the time when people believed that the Secretary of State was a permanent official where documents were filed; and that the Attorney General was separate and distinct from government, should be removed from all political considerations, and be able to be around to enforce the law regardless of the whim of the Governor.

Well, today, of course, we know that the Secretary of State has been, over the last twenty years or more, the political advisor of the Governor who was in office at the time, and that the Attorney General has pretty much been required to have the same philosophy as the Governor.

I will cite as an example the Abortion Law, which

has been declared unconstitutional; the law on the financing of schools, which has been declared unconstitutional; the congressional districts, which has been declared unconstitutional; portions of the Death Penalty Law have been declared unconstitutional.

I think it is fairly obvious that the Attorney General, not only in the enforcement of law but in the arguing before our Courts of matters of that kind, should be of the same philosophy of the Governor and be such that he should serve at the pleasure of the Governor. So that both offices should now be changed so that they would read, as proposed in this amendment, to serve during the term of and at the pleasure of the Governor and until their successors are appointed and qualified. That would make all single department heads then be under the same general provisions of the Constitution and the Law.

SENATOR WOODCOCK: Thank you, Senator Beadleston.

Just one question. There have been, I believe, times when, because of the fixed term for the Attorney General, the Attorney General and/or the Secretary of State have been at odds with the then Governor.

SENATOR BEADLESTON: That is true. That was the case when, at the end of Governor Edge's term, the Attorney General overlapped into the term of Governor Driscoll.

SENATOR WOODCOCK: And this has lead to rather ineffective government, would you say?

SENATOR BEADLESTON: Not only ineffective but highly unpleasant, if I remember, and I was here at the time.

SENATOR WOODCOCK: All right, Senator. I have no more questions. I would just like to thank you for coming down and attending the hearing.

Is there anyone else wishing to be heard with respect to the public hearing on Senate Concurrent Resolution No. 44? Hearing none, I will close the hearing.

Thank you.

(Hearing concluded)

SENATE CONCURRENT RESOLUTION No. 44

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1972

By Senator BEADLESTON

Referred to Committee on Judiciary

A CONCURRENT RESOLUTION proposing to amend Article V, Section IV, paragraphs 2 and 3 of the Constitution of the State of New Jersey.

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
2 the State of New Jersey is hereby agreed to:

PROPOSED AMENDMENT

3 Amend Article V, Section IV, paragraphs 2 and 3 to read as
4 follows:

5 2. Each principal department shall be under the supervision
6 of the Governor. The head of each principal department shall be
7 a single executive unless otherwise provided by law. Such single
8 executives shall be nominated and appointed by the Governor,
9 with the advice and consent of the Senate, to serve at the pleasure
10 of the Governor during his term of office and until the appoint-
11 ment and qualification of their successors **[**, except as herein other-
12 wise provided with respect to the Secretary of State and the
13 Attorney General**]**.

14 3. The Secretary of State and the Attorney General shall be
15 nominated and appointed by the Governor with the advice and
16 consent of the Senate to serve *at the pleasure of the Governor*
17 during **[the]** *his* term of office **[of the Governor]** *and until the*
18 *appointment and qualification of their successors.*

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 shall
5 be 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

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

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

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

12 2. In every municipality the following question:

	Yes.	Shall the Constitution be amended to provide that the Secretary of State and the Attorney General shall be nominated and appointed as heretofore but that they shall serve at the pleasure of the Governor and until the appointment and qualification of their successors?
	No.	

STATEMENT

This concurrent resolution would amend the State Constitution to provide that the Secretary of State and the Attorney General will serve at the pleasure of the Governor as is now provided for most other heads of principal departments appointed by the Governor. Approval of this amendment would implement Statewide Reorganization Recommendation 3 of the Report of the Governor's Management Commission.

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JUN 27 1985

