

STATE OF NEW JERSEY
n.f. CONSTITUTIONAL CONVENTION OF 1966

Second Hearing

before

COMMITTEE ON APPORTIONMENT OF THE LEGISLATURE ,

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New Brunswick, New Jersey

April 21, 1966

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STATE OF NEW JERSEY
CONSTITUTIONAL CONVENTION OF 1966
COMMITTEE ON APPORTIONMENT OF THE LEGISLATURE

April 21, 1966

(The hearing began at 2:05 P. M.)

MR. WALTER DUANE LOCKARD: I think we should get the hearing under way. I am going to preside this afternoon in the absence of Senator Keegan who necessarily has to be absent.

We will follow the same ground rules that we followed last week of having presentations of roughly 20 minutes or no more than 20 minutes from the witnesses and then such questions as may be appropriate from the Committee, switching back and forth from Panel A to Panel B for the questions.

The first scheduled representative is from the Board of Chosen Freeholders. If you would like to proceed now, we will be glad to hear you.

J O H N J A Y S U L L I V A N: I have requested this appearance here today as President of the New Jersey Association of Chosen Freeholders, representing the 21 county governments. My aim is not to recommend a specific plan of legislative apportionment, but to urge your Committee to recommend the county as a valid basis of representation in our State Legislature.

In your mandate to comply with the will of the U. S. Supreme Court of an apportionment plan which will accommodate

"one man, one vote," we strongly recommend "one county, no less than one vote," with a reasonable multiple in recognition of populations. We declare the counties themselves as opposed to weighted or fractional voting, and consider that numerical size is not the prime consideration, but rather a properly balanced legislature which will recognize the rights of all and deny proper representation to none.

Your task cannot be achieved without courage and imagination. You can strengthen the heritage of fair and equitable representation which reaches back to 1675, by devising a means of preserving what Governor Richard J. Hughes has wisely called "the integrity of the counties." At the same time, you must erect a balanced legislative structure which will recognize the rapid population shifts taking place in New Jersey, which is the nation's most urban state.

Our credo is well put by Governor Hughes, when he says: "County lines must be considered in governmental decisions, because counties do reflect the needs and aspirations of the diverse geographical areas in New Jersey." He emphasizes this by declaring: "Each county's voice ought to be distinguishable, instead of just being cut up into a hodge-podge of non-county areas."

"There ought to be a direct line of communication between any county at all times and its state government. This is necessary because one county has traditional problems existing which are different from those of other

counties, ranging from highways to welfare or law enforcement. In other counties, these same pressures may not exist, at least not in the same form. Therefore, it is tremendously important for the identity of the counties to be preserved."

The Governor continues: "If our counties are to continue to be distinguishable, and to continue to have an identifiable voice, then the integrity of county lines has to be preserved in New Jersey." Integrity can be defined in relation to the counties as a "sense of wholeness" or "completeness." The founding fathers in their wisdom in creating the several counties along natural physical lines have managed to serve us well in modern times. By erecting counties on geographical bases such as river basins, coastal plains or around hill country, they provided us with what have become fully recognized planning regions in our present society.

We submit that the most adequate and serviceable units of legislative representation in New Jersey are its counties. Our counties have a recognizable community of interest, each differing from the other, which makes it a unique creature of local home rule government, responsible to the specific needs of its people, living in a definite region of our State. The factors which underline the separate community of interest of each of the several counties are three: geographical, cultural and economic. First, the regions of nature where men settled and worked out their livelihoods, helped to shape the size and type

of county region which was to emerge. Second, this physical basis of life affected the development of cultural advantages which followed lines of interest, access and desire. Third, the work of men in the various regions developed into trade climates in which industries grew up, jobs became available, banking and investment worked to provide a distinct economic atmosphere in relation to that county.

Now let us look at the great resurgence of responsibility placed upon the several Boards of Freeholders as the elected managers of the counties by acts of the Legislature. This, in itself, confirms the counties as valid creatures of the State best suited to enact its will. In the past ten years the average number of departments of county government has grown from 20 to 30; its statutory services jumping from less than 1,000 at the time of World War II to more than 3800 today - all this in response to the Legislature's confidence in the ability of the county to serve the legitimate needs of our citizens.

Governor Hughes puts it this way: "Increased responsibility has fallen on all levels of government and nowhere is that increase more obvious than within the historic unit of New Jersey government - the county. We are witnessing today a renaissance in county government. County government has improved its efficiency in carrying out traditional responsibilities and now has taken on new challenges, including everything from the promotion of economic development to the two-year county college system.

"County government has responded to the new times in another way. It recognizes the new working relationship which has emerged between county, municipal, state and the federal governments. This new relationship is based on a realization that regionalism - area-wide solutions to area-wide problems - is a fact of life in this most urban and highly developed state in the country."

I stress again that the size of the New Jersey Legislature is not important, nor should it be the controlling factor in your task of apportionment of either one or two houses. Its composition must recognize the validity of those regional units, the counties, which are the most dynamic units of government in our State today, even as counties are increasingly the "get-it-done" form of government all across America.

It is imperative that the sound unit of home rule government, the New Jersey County, be the keystone of any workable system of fair representation which the Constitutional Convention of 1966 may devise. Any other system will be unrealistic, requiring a whole new body of statutes - a patchwork quilt which will deny the vast community of interest inherent in each of the 21 counties and so valid a factor in the welfare of our people.

The 1947 Constitution provides (Article IV, Section 3, paragraph 1) that "The General Assembly shall be composed of members elected biennially by the legally qualified voters of the counties." This says that the county constitutes the regions or districts for members

of that house of the State Legislature. Your task is to fashion a thoroughly legal and workable Legislature of one or two houses which recognizes this same principle of the integrity of the County, as the only sound, valid and legal basis of legislative representation.

Thank you.

ACTING CHAIRMAN: Thank you, Mr. Sullivan.

Now there may be questions from members of the Committee. I will recognize any member who wishes to raise a question.

Will you please give your name.

MR. SIDNEY M. SCHREIBER: My name is Sidney Schreiber and I am a member of the Union County Delegation, Mr. Sullivan.

You stated that in your opinion each county should have at least one vote. Now if you had a bicameral legislature, is it the position of the Freeholders Association that, in say the Senate, each county would have at least one Senator?

MR. SULLIVAN: Well, now I am not here specifically to tell you how this setup should come about finally because that isn't part of my duty or the Association's to point out. We do say that each county should have at least one vote, whether it's one Assemblyman or one Senator.

MR. SCHREIBER: In other words, it is not the position, as I understand it, of the Association that we have to follow that - or that you suggest that we follow

that type of mandate in both houses. Is that right?

MR. SULLIVAN: Right.

MR. SCHREIBER: And is it also my understanding that your group has come to the conclusion that there should not be any fractional voting?

MR. SULLIVAN: Not any fractional voting.

MR. SCHREIBER: Well, have you worked out a formula so that we wouldn't have to go to something like fractional voting in order to stay within a lawful deviation on the representatives?

MR. SULLIVAN: No. We have not worked out any system. We believe that that will be well taken care of by the group now working on this whole proposition.

MR. SCHREIBER: And I assume that if mathematically this can't be done the Freeholders Association then would go along with whatever plan the Convention came out with that met the constitutional requirements of "one man, one vote?"

MR. SULLIVAN: Well, I wouldn't say that. I think we would have to know in advance a little bit to do some more thinking on this. But as it stands now, we are perfectly satisfied that one vote from within a county would give the county some representation and some voice, and that's the important thing.

MR. SCHREIBER: Did your Association come to any conclusion at all with respect to the size of either one of the houses? I understood you to say at one point in your prepared talk that it would make no difference to

you as to what the size of any house would be, so that if we came out with an Assembly of 250 people this, you think, still would be good government?

MR. SULLIVAN: If it was thought to be workable, we would say that that would be fair enough.

MR. SCHREIBER: Thank you very much.

MR. WILLIAM L. ROACH, JR.: William Roach of Morris County.

I would like to pursue a little further a question asked by Mr. Schreiber.

According to the 1960 census figures, Cape May County, the smallest county in the State, had approximately a 125th part of the population of the State. Figures have been released by the Department of Conservation and Economic Development giving estimates of the population in 1965. While these estimates have been contested, their indication is that Cape May County is continuing to lose, in comparison with the rest of the counties in the State, and now Cape May has about 1/131th part of the total population in the State.

In view of the fact that the situation that Mr. Schreiber was talking about is not inconceivable, I would like to ask whether you have any other suggestions as to how this should be handled if it turns out that the Convention is unwilling to go along with an indefinitely increasing legislature.

MR. SULLIVAN: Well, I still stick to my argument that we would like the counties to have one vote. Now

if there's going to be a change in the situation that we can't put our finger on now, I don't know how we can even approach it at this time to say if this comes about would we favor another system. I can only say this that as of now our State Association believes in the integrity of the county, in the county boundary, and we believe that the people within that county boundary should have a voice in the government whether it's by one or two representatives, at least one.

MR. ROACH: And if it came to a choice on the part of the Convention between fractional voting for the small counties or combining small counties, the Freeholders have no opinion on this?

MR. SULLIVAN: Not at this time, no.

MR. ROACH: Thank you.

MR. DAVID L. HORUVITZ: Mr. Sullivan, my name is David Horuvitz and I come from Cumberland County.

I understand clearly your point that each county should have at least one vote but my inquiry to you is this: Where a county, particularly in the Assembly, let's take this first, would have, say, three votes, are you for districting those assemblymen or do you prefer the notion of multi-member districts? What is your position?

MR. SULLIVAN: Districting in counties within counties, we favor.

MR. HORUVITZ: Now, is that for the Assembly?

MR. SULLIVAN: That's right, and the Senate.

MR. HORUVITZ: And this is the expression of the voice of the New Jersey Board of Freeholders. Is that right?

MR. SULLIVAN: That's right.

MR. JOSEPH J. MARAZITI: I am Joseph Maraziti, a Delegate from Morris County.

As I understand it, you want at least one county representative in each house, if there are two houses. And this could mean a legislature of approximately 220, 225 or 230. Is that right?

MR. SULLIVAN: Yes. We feel that each county should have at least one representative.

MR. MARAZITI: Now, would the Freeholders be willing to accept the principle that each county, as much as can be worked out, have one senator - if we have a two house legislature - and combine several of the smaller counties? In other words, you may have only three combinations, and a senate of 35 to 45 senators. Would the Freeholders go along with something like that in order to avoid a larger senate?

MR. SULLIVAN: Well, in the final analysis, whatever the Constitutional Convention might work out wherein one vote is allowed a county, whether it be - and it would be an Assemblyman, no doubt, - where the districts are small or the population is small, we would be very satisfied with that.

MR. MARAZITI: In other words, you would be satisfied where you might have a combination of three

counties from which there would be elected two senators. Would you feel that would meet the approval of the Freeholder Association?

MR. SULLIVAN: If the county has its representation through an assemblyman. I wouldn't venture as to what the feeling would be and I don't want to go on record as to what the feeling would be where they were combined to have more than one or two senators from two or three counties.

MR. HARRIS Y. COTTON: Mr. Sullivan, my name is Harris Cotton. I am a Delegate from Gloucester County.

If the Convention concluded that the proper form of government would be one body or a unicameral legislature, guaranteeing to each county, within county lines, at least one representative in this one house, would the Board of Freeholders not prefer this than two houses in which perhaps a county had a representative in one and another body in which perhaps they had a representative in combination with some other county or part of another county?

MR. SULLIVAN: If in the wisdom of the Convention they felt that a unicameral legislature would meet the problems of the day and each county had at least one vote, we would be satisfied.

MR. COTTON: My question to you is whether or not the Board of Freeholders had come to any conclusion as to whether they would prefer one body in which each county had at least one representative or two bodies in

which perhaps they did not have one representative.

MR. SULLIVAN: No, sir. We haven't taken a stand on that.

MR. COTTON: Thank you.

MR. JAMES M. CAWLEY: Mr. Sullivan, I am James Cawley from Union County.

You mentioned in your particular talk the fact that home rule government is the keystone of any workable system of fair representation.

Based on that, if one county would have one representative and another county would have, say, five or six, would you say that the Freeholders would be acceptable to having the county or somebody in the county making up the districts in their own particular county, or would you want some outside body to set the districts in your particular county?

MR. SULLIVAN: Well, because the problems in each county differ and because of the location and for many other reasons that their problems might differ, I think that the county should have some major say as to how they should be represented and not have anyone come from outside to tell them, especially with regard to the chance or the right and privilege to have at least one voice.

MR. CAWLEY: Thank you.

MR. FRANK S. FARLEY: My name is Farley and I am a Delegate from Atlantic County.

Mr. Sullivan, the Boards of Freeholders are

very strong advocates of retaining county lines. Is that correct?

MR. SULLIVAN: Yes, sir.

MR. FARLEY: And under the present law there must be thousands of statutes that deal with county business. Is that correct? Such as roads.

MR. SULLIVAN: Yes.

MR. FARLEY: And likewise you have first, second, third, fourth and fifth class counties under the present statutes. Aren't you more concerned with the lines of the county than you are concerned with the district voting? Isn't the Board more concerned about county lines rather than - let's take Atlantic and Cape May Counties, suggested to be combined for the purpose of having two assemblymen and one senator. Would the County Boards of Freeholders of the State oppose or object to that?

MR. SULLIVAN: We think county lines are very important, Senator, and I think that's one way to preserve the integrity of the counties by observing county lines.

MR. FARLEY: But you feel that there should be at least one representative.

MR. SULLIVAN: Right.

MR. FARLEY: In other words, if the counties of Atlantic and Cape May were made up as one district and had one senator and two assemblymen and it was arranged that there be representation from both counties

in the assembly, would that meet with your approval?

MR. SULLIVAN: I think that that would be giving them the voice that we think is important.

MR. FARLEY: So that your key presentation today is the retention of county lines. Is that correct?

MR. SULLIVAN: Yes, sir. I think county lines are very important.

ACTING CHAIRMAN: Are there any other questions from members of the Committee?

MR. JOHN B. DUFF: I am John Duff from Essex.

Have the Freeholders thought about the question of floterial districts to perhaps solve some of the problems of excess population? In other words, if two counties together are entitled to three assemblymen, to use a for instance, and only one from each, would they accept a plan whereby the third man would represent two counties to run at large among those two counties?

MR. SULLIVAN: We haven't considered anything like that, Mr. Duff.

MR. DUFF: Thank you.

MR. HORUVITZ: I just have one further question. I'm for this plan of each county having at least one vote but suppose you have this situation: If Cape May County has 50,000 and you have a county, let's say, with 75,000, and you are against fractional or weighted voting, how do you work the percentage of deviation? Is that county entitled to two or one? Where do you draw the lines, because that question will

inevitably present itself?

MR. SULLIVAN: I think that's a question that will have to be worked on by the members of this Constitution, for the representatives to work out.

MR. HORUVITZ: Yes, but what's your thought?

MR. SULLIVAN: I wouldn't venture a thought because I think it will take a little bit of study - there's no doubt about it - and a great deal of negotiation to get that accomplished so I wouldn't want to give an offhand opinion.

ACTING CHAIRMAN: If there are no further questions from the Delegates --

MR. WESLEY L. LANCE: I have one. Before you leave, Mr. Sullivan, do you believe that all of your Freeholders - incidentally, I was Attorney for a Board of Freeholders for a while - do you believe that all of your Freeholders realize that if you have two houses and if the smallest county, now Cape May, has one vote in each house that you have to have an assembly of at least 107 and a senate of at least 107 which would make a total legislature of at least 214 members?

MR. SULLIVAN: Well, I think if I got back to my original statement that one vote in some counties would be the most that could be in the final analysis, in the final planning, given to that county because of size of population, I think that the Freeholders, generally, would accept that as being a compromise and as being enough to satisfy a county's needs to have at least one member,

whether he be in the assembly - probably in the assembly - to voice their problems and to talk about their problems and I think that would satisfy our situations.

ACTING CHAIRMAN: If there are no other questions then we thank you very much, Mr. Sullivan.

MR. SULLIVAN: Thank you.

ACTING CHAIRMAN: The second witness to appear today is Mr. Henry Haines. Mr. Haines, I might add, is a former State Senator from Burlington County.

Mr. Haines, in addition to giving your name, if you do represent anyone else, any group, would you so state, please?

H E N R Y S. H A I N E S: My name is Henry S. Haines of Burlington, New Jersey. I am chairman of Citizens for a Representative Legislature, which has been formed for the purpose of making recommendations to this Convention on behalf of a number of citizens and statewide organizations. I appear here today authorized to speak for a number of citizens and the following organizations who have endorsed this policy statement of Citizens for a Representative Legislature.

The following organizations:

New Jersey State Chamber of Commerce - and we have with us in the audience a representative of that group, Jerry Hall.

New Jersey Farm Bureau - represented in the audience here by Charles Fields.

New Jersey State Grange.

New Jersey Association of Manufacturers.

New Jersey Education Association - and Lewis Applegate of that organization is here with us today.

The New Jersey Congress of Parents and Teachers Association - represented here today by Mrs. Arthur Davis.

New Jersey Bankers Association.

New Jersey Petroleum Council.

Savings Banks' Association of New Jersey.

New Jersey Savings and Loan League.

New Brunswick-Raritan Valley Chamber of Commerce.

Whippany Paper Board Company, Inc.

Minerals & Allied Industries of New Jersey.

Houdaille Construction Materials, Inc.

New Jersey Association of Real Estate Boards.

New Jersey Motor Truck Association.

New Jersey Highway Users Conference.

In our Committee meetings and deliberations we had other organizations that met with us that, by reason of the fact of having only monthly meetings and meetings not giving them an opportunity to subscribe to our statement, we are not identifying with our Group but there were a number of other groups.

I would like to add that I am not an officer of any one of these groups. I am here truly as a citizen but I, incidentally, happen to be a member of the New Jersey Association of Real Estate Boards.

The central purpose of our group is to work toward the development and adoption of a plan for reapportionment of the Legislature that will carry out the mandate of the Court and at the same time insure a legislature that will be truly representative of the entire population of the State.

Before presenting our specific recommendations, we would like to indicate our general approach to legislative apportionment and the responsibility of this Convention.

We applaud the wisdom of the Legislature and the people of New Jersey in the composition of the delegate body of this Convention. The decisions reached by the Convention and subsequently approved by the voters will fundamentally influence the future of our State and its most important political institution.

The legislative process in New Jersey has a long and proud history. Viewed in this historical perspective, the legislative branch of our state government has served the needs and aspirations of our people well. The present high level of our political, economic and social advancement is ample evidence of that fact. The over-all purposes of this Convention should be to make sure that whatever plan of apportionment is devised, it is carefully calculated to continue and advance this record of steady achievement so as to insure that the legislative branch of our government grows in stature and significance, and continues to serve the best interest of all of our

people.

As a group of responsible citizens and associations representing a broad cross section of the economic and political community that is New Jersey, we are concerned about the status of the legislature. We insist that the legislature be in a position to perform its vital role as the full equal of the executive and judicial branches of government. Only the election of men and women of stature to the legislature can fully insure this goal, but the framework in which it can be achieved must be provided.

It is the construction of such a framework that has been assigned to the delegates to this Convention. If this framework is to be sturdy and true for the future, it needs to be as free as humanly possible from the purely partisan considerations of the present or future members of the legislature. The goal of this Convention must be to provide a legal framework for the legislature that will protect the welfare of all citizens, regardless of where they live, their present political coloration, or their community or economic interests.

With these general considerations in mind, we wish to make the following specific recommendations:

1. We believe the present size of both houses of the legislature to be about right, and that neither body should be appreciably increased or reduced.

2. We believe the bicameral type of legislature should be retained in New Jersey, provided that senators are elected from larger districts than assemblymen. The

Nebraska system has been pointed to as an example of a successful unicameral legislature, but we do not believe that such a nonpartisan legislature with only one body would serve the diverse interests of New Jersey as well as a bicameral system with its inherent checks and balances.

The legislature must be a deliberative body, where all interests can be represented and all viewpoints expressed and considered. Any desired improvements in the operation of the legislature can be achieved as well with a bicameral system as with a unicameral system. The change brought about by the present mandate of the courts will be enough shock to our legislative system without the unnecessary radical change to a unicameral system.

This does not mean, however, that we completely rule out a unicameral legislature for New Jersey. If it could be demonstrated that such a legislature could be apportioned in such a way as to maximize the preservation of county lines with single-member districts within such lines, and if the rules governing the procedures of such a legislature were to be written into the Constitution, as they are in Nebraska, then we would give consideration to supporting a unicameral system.

3. We believe that both houses of the legislature should consist of members elected from single-member districts. These districts should be compact, contiguous and substantially equal in population, as determined by the United States census. In the drawing of district

lines, municipal and county boundaries should be respected and retained wherever feasible.

Single-member districts will make it possible for every voter to vote for one congressman, one state senator, and one assemblyman, regardless of where he or she lives. It is important that each citizen be able to identify himself with his congressman, his state senator and his assemblyman. In multiple-member districts this relationship is not possible, since a citizen in such a district must contact several such assemblymen or senators. He cannot identify himself with any one such representative.

It is possible that the court might consider multiple-member districts invalid, since some citizens would have the opportunity to vote for only one senator or assemblyman, whereas other citizens would have the opportunity to vote for several such representatives.

We believe that single-member districts will result in smaller legislative districts that will better assure representation of community interest; that such district lines can be more finely drawn to achieve a more precise population equality of representation; and that such districting will make it possible to preserve some regional interest in our legislature and prevent absolute domination by well-organized special interests.

Multiple-member districts will inevitably lead to serious underrepresentation of the suburban and rural areas of the state. This could occur despite the fact that a majority of people in New Jersey do not live in

the larger municipalities. As a matter of fact, it takes the combined population of at least 52 of the largest municipalities in the state to equal half of the total population. Multiple-member districts too often result in bloc or boss control.

We are as aware as anyone else of the desirability of maintaining county boundaries in legislative representation, but we believe that the "one man, one vote" decision of the Court makes such boundaries almost impossible to use in all cases in drawing the lines of legislative districts that are equal in population.

4. The Convention should go beyond mere constitutional guidelines in the determination of legislative districts for the 1967 election. We believe the bipartisan composition of the Convention will better assure an apportionment plan that will be fair to all concerned. The Convention should actually draw the lines for the 1967 election by designating such districts in an amendment to the Constitution, subject to the approval of the voters; and provide that subsequent districting be accomplished by the Legislature following the promulgation of the next decennial United States census and every ten years thereafter.

5. A definite plan for the control of gerrymandering should be a part of the proposals of the Convention. It is true that moving boundaries of single-member districts could result in excessive gerrymandering, but this can be controlled to a large extent by

constitutional safeguards. The Constitution should provide that all districts must consist of contiguous territories; that each district must be as compact as practicable, measured by a definite yardstick of compactness. The Constitution also should provide that no local unit of government be divided unless it contains enough population to justify a division; and that maximum deviation in population among districts should not exceed a plus or minus five per cent.

6. We favor a provision in the Constitution giving the legislature primary responsibility for reapportionment, as set forth in the Constitution. To forestall future delay and uncertainty in redistricting, however, we recommend an amendment to the Constitution providing for a definite system of reapportionment within one year following the promulgation of each decennial United States census. Such an amendment should provide for the establishment of a Legislative Apportionment Commission that would be empowered to prescribe congressional and legislative districts if the legislature failed to act within one year following the promulgation of each decennial census.

7. The basis for apportionment should be total population, as determined by the United States census. For purposes of drawing district boundaries for 1967 election, however, we believe the Convention should use the 1965 population estimates published by the State Department of Conservation and Economic Development, since

they are obviously more current than the 1960 United States census.

This would make it possible for this Convention to create districts that most nearly adhere to the Court's population guideline, and would mean any needed changes in district lines following the 1970 census will be minor in nature.

8. In drawing the district lines, the Convention should give first consideration to the objective purpose of apportioning seats in the legislature on the basis of population and community of interest, rather than purely personal or partisan considerations of preserving or protecting the interests of either political party or any present member of the legislature.

In conclusion, we plead with you to do the job assigned to you by the Legislature and the courts. This responsibility should not be passed along to the Legislature itself, or to the courts. We look with dismay at the situation that has developed in some of our sister states where the courts have been forced to district the legislature or at-large elections have become necessary. The people of New Jersey are looking to the Delegates to this Convention for definite constitutional recommendations on legislative apportionment. They have elected you for that purpose. We are confident that the Delegates to this Convention will accomplish this historic mission.

We appreciate the opportunity to present our views.

ACTING CHAIRMAN: Thank you, Mr. Haines.

Are there any questions?

MR. COTTON: Senator Haines, apparently your group has come to the inevitable conclusion that with a bicameral legislature, unless it was going to be cumbersome, you would have to either combine counties or cut through counties or have some type of districts. You have also come to the conclusion that single-member districts would be the better form of government.

Aren't you really creating a situation where every 10 years we are going to have to go through the same problem or even a greater problem than we are going through at this Convention, to do the same thing over again as population changes?

MR. HAINES: We believe not. You clearly understood that we were talking about in cases of having to join two counties. We are prepared to present the 1965 figures but as we have toyed with the 1965 figures and as we have projected the 1970 figures we believe that the single-member assembly districts, without much deviation, without appreciable disproportionment, can be devised and keep the integrity of the county lines.

MR. COTTON: Well, Senator, certainly you would have to agree, wouldn't you, that regardless of what we do, if we start to draw lines either by combining counties or districting counties into single-member districts, by the very nature of that program we are not going to have anything lasting. And it would seem

to me, and I ask you this - don't you think it is also important for this Convention to try to come up with some program that will change itself almost in a ministerial manner in the future rather than to ask the Legislature, because you have said in your presentation that you ask this body, this Convention to do what the Legislature has asked us to do and not pass the burden or pass the buck back to them. Now, in fact, aren't we really doing that in the future, because I can think of no plan for creating single-member districts within a county that would not require the Legislature or some convention ten years from now to sit down and draw the same lines all over again, if there is a shift in population or if one area or one municipality, as often happens, goes through a concerted building program in a period of ten years. We have seen municipalities in Gloucester County go from three or four thousand people to eight or ten thousand people, which would create and call for redistricting.

MR. HAINES: I would assume that very definitely on the subdistricts, particularly, that there would be a substantial adjustment that might have to be made within the county framework. However, as I stated, having studied the 1965 and the 1970 projections, a plan can be worked out by this Convention. And our organizations would be very happy to offer our services to the end of helping to draw districts. We believe that they can be done very conveniently and with not too great deviation.

MR. COTTON: Your group has realized or apparently recognizes, however, that a unicameral legislature would create a lot less combination of counties or cutting through county lines, has it not? At least you mention that in your presentation.

MR. HAINES: A unicameral system - well, let's say this, that any districting that you came up with on a unicameral basis by the 60 seat concept - it would be easy to come up with a 30 member senate by combining two of the assembly districts and, here again, respecting county and political subdivision lines as much as possible within the limits of deviation.

I would like to say in that connection that on possible deviation and the integrity of political subdivision it's rather interesting that Chief Justice Warren, being among others who, we'll say, perpetrated this "one man, one vote" rule on us, nevertheless when it is read, when some of his statements in this connection have been read I think there is quite a misnomer in this phrase "one man, one vote" because he himself says that a state may legitimately desire to maintain integrity of the various political subdivisions insofar as possible. And his statement as you go along - I won't read it all - contemplates this very thing and subscribes to it. So I believe that under the Supreme Court mandate we have no major problem in this respect.

MR. COTTON: One last question. Don't you feel, having been yourself a candidate involved in political

campaigns that single-member districts will have a disastrous effect on local political organizations? By "local," I'm talking about county political organizations.

MR. HAINES: I don't think it will have a disastrous effect at all. Now when you are asking me about my personal experience it just so happened I was from Burlington County and Burlington County didn't have any major problem in this area.

I believe, myself, knowing a little about the situation by observation in the larger populated counties, - I think we could have and can have a stronger two party system with single-member legislative districts and have better over-all representation and the people more directly represented.

Now, on the "one man, one vote" principle, if this is what has been mandated, let's have it, because you can have it only on a single-member district basis.

MR. COTTON: Thank you.

ACTING CHAIRMAN: Are there other questions?

MR. SANFORD L. HOLLANDER: Mr. Haines, I am Sanford Hollander of Sussex County.

I read your specific recommendations here and I see that they are all explained in some depth except for the first one.

You talk about maintaining the integrity of the county lines. Don't you feel that you would truly maintain the integrity of the county lines if you guaranteed to each of the counties at least one

representative in either of the houses of the legislature?

MR. HAINES: That could be done only if you went to something more than 107 seats. We gave this very careful consideration and we believe that an assembly of larger than 60 seats would be cumbersome and not a particularly healthy situation. And, on that account, Sussex and Warren or some other groups, such as Cape May and Salem, must fit in the program. So now it's a question of which you do.

Now we are not suggesting. We would like to keep the county lines as much as can possibly be done from a practical basis within the framework of this mandate.

MR. HOLLANDER: Just a couple of other questions in that regard.

You say that your Organization represents the New Jersey Farm Bureau and the New Jersey State Grange. Do those two organizations particularly agree with this conclusion?

MR. HAINES: From a practical standpoint, yes.

MR. HOLLANDER: Also, was the advantage of a unicameral legislature, as far as representation of single counties giving each one of them one vote, - was that considered in this regard also?

MR. HAINES: In the same light. You see, in our presentation, so far as the districting is concerned, you can go from unicameral to bicameral and back again without any disturbance because if we establish 60 districts for an assembly and we went to a unicameral

system, the suggestion would be a 60 seat senate.

MR. HOLLANDER: Your recommendation then is, as I understand it, if we had a unicameral legislature you would still limit it to only 60.

MR. HAINES: Not more than 60.

MR. HOLLANDER: Not more than 60. And if you would just briefly explain to us why you believe that a house of the legislature larger than 60 would be cumbersome and not workable?

MR. HAINES: Sir, that is just a matter of judgment and some study of legislatures of other states of the Union where they have a vast number of legislators. It would appear as though the more you have the more possibility there is that a strong man is going to dominate. You can dominate 120 easier than you can 20, so far as the practical workings of the Legislature are concerned.

This can be argued, but one man in 20 is not as strong or important as one out of 60, for that matter one out of 30.

MR. HOLLANDER: Or one out of one.

MR. HAINES: Well, then we're getting down pretty thin.

ACTING CHAIRMAN: Senator Farley.

MR. FARLEY: Senator Haines, in paragraph 6 you make a recommendation to the Constitutional Convention that in the event the legislature failed to determine reapportionment your recommendation is that

"Such an amendment should provide for the establishment of a Legislative Apportionment Commission."

My question is, who is going to appoint this Legislative Apportionment Commission?

MR. HAINES: There is a precedent for that in Maryland. And while I do not have the details on what the Maryland actual procedure is, the Apportionment Commission would be a standing commission by office and not by --

MR. FARLEY: But who would appoint it, Senator?

MR. HAINES: Well, we are asking that this Constitutional Convention set up the machinery for it.

MR. FARLEY: In other words, it is your feeling that if per chance there is failure by the legislature to act within a period of a year, they should spell out in this Convention definitely who should have the responsibility for appointing the Commission?

MR. HAINES: That's right.

MR. FARLEY: Whether it be the Governor, whether it be the Secretary of State, whether it be the Legislature, whether it be the Supreme Court, that's something that you think this Constitutional Convention should determine. Is that correct?

MR. HAINES: Yes. And I would like to say further on that, that by all means some provision should be made to avoid having the courts have to do it. Now if the legislature failed within a year and if the Commission failed, yes, then the court is going to

step in. But we feel strongly that there ought to be a midway point there to avoid the necessity of this having to be a judicial rather than a legislative matter.

MR. FARLEY: Senator, would this commission be bipartisan?

MR. HAINES: Yes, definitely.

MR. FARLEY: What would be the majority? Would you suggest 5, 7, 9 or what?

MR. HAINES: I do not have a specific plan for what the apportionment commission would be but I would commend the Convention to study the provision that Maryland adopted.

MR. FARLEY: Well, if there were a commission it would have to be an uneven number for the purpose of determination in case of a tie vote, would it not?

MR. HAINES: Well, we're assuming -- wait, I have a reference here to Maryland. You're driving me against the wall here, Senator Farley.

MR. FARLEY: I'm sorry. What you say has been of interest and these 17 key organizations you are speaking for are very reputable and more than worthwhile listening to.

MR. HAINES: One of the other states provided that there be in the ultimate, before it actually went to the Supreme Court of the State, that there would be two Superior Court Judges and an elector comprise this commission. It isn't clear to me where the

elector would come from. But I submit that this ought to be very much of a last resort proposition.

MR. FARLEY: But, Senator, you did recommend that the court should stay out of it, as a matter of fact, did you not?

MR. HAINES: I think that every conceivable step ought to be taken to avoid the court having to step in. I think it's primarily the legislators' job and, secondly, the citizens' job, and not the court's job.

MR. FARLEY: Senator, would you then recommend that on a commission, if such were determined by this Convention, there should be small county representation?

MR. HAINES: I would subscribe to the thought that there should be a good cross representation, yes.

MR. FARLEY: All right. Thank you very kindly.

ACTING CHAIRMAN: Mr. Cawley.

MR. CAWLEY: I am James Cawley of Union County, Senator.

You have a formula which you have presented to the Committee here today and in making up this particular formula I was wondering whether you proved it out with any plans and, if so, would these plans be available to this Committee, either now or sometime in the future?

MR. HAINES: We would like to make those available in the very near future. And the reason there were no copies made today, actually, we would feel more comfortable if they were checked out by statistical experts. I will say that this was not

exactly an amateur's job and we think the statistics will stand up, but before they are submitted officially to members of this Convention, we would like an opportunity to have them fairly well checked out.

ACTING CHAIRMAN: Mr. Perry, may I recognize all the Delegates who are members of the Committee first and then if you have a question later? Mr. Roach has asked for recognition.

MR. PERRY: Yes, sir.

MR. ROACH: I would like amplification, Senator, of one aspect of your testimony.

Your statement says that in general it should be a legislative responsibility, subject to safeguards in the Constitution, to do the actual reapportionment of the legislature. However, you state that for some reason the present legislature should be denied the right to do this in the first instance. Could I ask for some explanation of this position?

MR. HAINES: What we are saying is that this Convention assembled ought to be the agency to do it in the first instance. You were elected really for that purpose.

MR. ROACH: My understanding of the statute was that we were elected for the purpose of submitting a legislative article of this Constitution and not necessarily performing any actual apportionment.

In view of that fact, I would still like further amplification of why you think the legislature should

be denied the right of doing this in the first instance?

MR. HAINES: I'm not suggesting that they be denied but we are suggesting that this Convention accept the responsibility.

MR. DUFF: I want to thank you for a very lucid statement, Senator Haines.

You have quite a varied list of organizations that are supporting your statement and some of them I am acquainted with, like the New Jersey Education Association.

Was the support for this by the New Jersey Education Association made by the Association in convention voting or by the officers? Or, for example, The Whippany Paper Board Company - did all the workers in the Whippany Paper Board Company subscribe to this statement?

MR. HAINES: Well, I'm sure you are not attempting to be facetious.

MR. DUFF: Well, I would like to know if the NJEA - if all the delegates voted for this.

MR. HAINES: I do not know with what power the officers of the NJEA can act, nor do I know to what extent they undertook to get representation and expression from every member of their organization.

MR. DUFF: Well then it is a statement from the officers of these various organizations.

MR. HAINES: It's represented to me that the organization has subscribed to the statement.

MR. DUFF: I see. Now, I have a few questions on some of the remarks in here.

You have a statement on page 4. "Multi-member districts too often result in bloc or boss control." What evidence do you produce to justify that statement on page 4?

MR. HAINES: That's a general observation .

MR. DUFF: Well, Richard McCormack, Professor of Political Science at Rutgers, writing a history on voting in New Jersey, wrote concerning single member districts that were in use from 1870 to the '80s and '90s - concerning single member districts, despite its obvious inequities, the district system actually produced legislatures that more nearly represented political alignments within the state than the county unit system -- often represented the so-called boss or machine system than did multi-member districts. And I want to know if you have any scholarly evidence to support this assertion that you make on page 4 that multi-member districts often result in bloc or boss control. I also would like to know what is meant by bloc control.

MR. HAINES: Bloc control. We know that in an assembly of 60 members it takes 31 votes and the blocking of groups of special interest to produce more than the required number to pass legislation can be this kind of bloc assemblage which we contend can be more easily accomplished on the multiple .

district basis.

MR. DUFF: Well they still are rather nebulous blocs. And I still suggest there is no evidence of this that you produce, while the historical evidence and objective study by Professor McCormack suggests the opposite, so far as control of special interest groups in single-member districts.

But we will go on to another point here. On gerrymandering here, you say that constitutional safeguards can be drawn. Do you recall that these same constitutional safeguards, almost in the same language that you describe, were written in in the 19th century and yet there were, again to quote Professor McCormack, horrifying examples of district gerrymandering throughout the 19th century when districts were supposed to be compact, when they were supposed to be contiguous and all?

Now, how can we really prevent that? Most studies have shown, as McCormack writes, - the next 40 years numerous successful attempts to gerrymander the districts by both parties when in power, always to the great advantage of the incumbent, succeeded. Always under the single-member district they did succeed despite the protections that were written in the Constitution.

MR. HAINES: The best that you can do in order to avoid gerrymandering is to spell out clearly,

by virtue of the experience that we have had, provisions that will limit.

We believe that the single-member district will encourage it. There is a paper that was made available to all the Delegates by Ernest Reock, Director of the Bureau of Government Research at Rutgers, on the prevention of gerrymandering. And his paper and his conclusions are worth reading, and I commend it to the attention of the Delegates.

MR. DUFF: Yes, I know Dr. Reock's paper but doesn't he state that multi-member districts, by their very nature, tend to inhibit gerrymandering much more so than single-member districts?

MR. HAINES: I did not read it that way.

MR. DUFF: Well wouldn't you agree that multi-member districts, based on county lines, by their very nature tend to inhibit gerrymandering since you can't change county lines when you are drawing them? Don't you think that's the very nature of the thing?

MR. HAINES: That is to be weighed and measured against the single-member or the advantage of the single-member district so far as representation is concerned and bearing in mind the suggestion that multiple districts might well, under the decision of the Supreme Court, be unconstitutional.

MR. DUFF: Another question. You write, again on page 4, "As a matter of fact, it takes the combined population of at least 52 of the largest municipalities

in the state to equal half of the total population." Now the Census Bureau says that the State of New Jersey is 85% urbanized. How does that square with your statement that it takes 52 cities to compose half the population of the State? You haven't submitted any cities for us to make a judgment on that. We have to take it in faith, in other words.

MR. HAINES: No, you don't either. I think that reference very specifically to that was made in the Meyner Report, as I recall. I'm sure that's where you will find it. That's where, basically, we got that piece of information. That's in this book here (indicating.)

MR. DUFF: All right. Will you agree that the single-member district system would tend to preserve county lines in the smaller counties where small populations tend to destroy county lines and break up counties and remove the system of home rule county government in the larger counties where the population is larger?

MR. HAINES: I don't follow this question.

MR. DUFF: For example, if you preserve county lines throughout the State --

MR. HAINES: Right.

MR. DUFF: -- and the County of Gloucester, for example, is given one senator or two senators - in many cases most counties would get one senator - then wouldn't this tend to preserve the counties in the State with

the smaller populations while the populous counties, like Essex, would be divided into senatorial districts where there would be no county organization that would have effective say-so in any choice of candidates, etc., in those areas?

MR. HAINES: You bring up a very interesting question. I believe this, that in the single-member districts where there would be more than one district in a county they still are within the confines or geographic boundaries of the counties. And we have the further suggestion that in those districts within the county that subdivisions of the county be respected --

MR. DUFF: Where practical.

MR. HAINES: -- as much as possible. Those people will be identified with their county. And we do have, very importantly, every year county officers on the ballot with them. They will be identified with their county, yes.

MR. DUFF: Well, finally, wouldn't an acceptable compromise to your group be to put one house on a single-member district plan and another house on the multi-member district plan? Wouldn't that give better representation in that some of the legislators, at least in one house, could take a wider, less parochial, viewpoint of the State problems, that they would not always be beholden to a community, they would represent more people and would be given a greater latitude in using their own independent

judgment on problems that come before the Legislature?

MR. HAINES: One of the strong points of this Committee that I represent, that is the group, as we met and deliberated on this subject, was unequivocally a single-member district for both houses if it be a bicameral setup.

MR. DUFF: Well, I understand that from your statement but I am just asking you why. I asked, wouldn't it give a broader, a more statesmanlike viewpoint of state problems if some members were elected from a larger constituency than others?

MR. HAINES: This is why we were advocating a bicameral system.

MR. DUFF: But this doesn't answer my question.

MR. HAINES: So that there would be a broader representation by the senator.

MR. DUFF: But if they represented different constituencies, wouldn't it be still better? Much larger constituencies than the assemblymen. For example, in Essex County --

MR. HAINES: Well, if it be the decision of the Convention that we have a 30-60 ratio then there would be one senator from two assembly districts. This would be broader, give him a broader representation.

MR. DUFF: But he still would be rather limited compared to one senator representing, for example, in Essex almost a million people. He would

still have to take a narrow viewpoint.

MR. HAINES: Well, it would be broader than a 60 member representation.

MR. DUFF: But less than -

MR. HAINES: But less than a million.

MR. DUFF: Thank you.

ACTING CHAIRMAN: Senator Lance?

MR. LANCE: I am Wesley L. Lance one of the two Co-Chairmen of the Apportionment Committee.

Senator Haines, I want to congratulate you on your presentation which covers so many points in such a short period of time, and it would be a miracle if everybody agreed with every conclusion you drew. However, I know you have given deep study to this and I am sure that you ran across, in your research, the fact that in the 1890's, when we had a single-member district Assembly, those Assembly districts varied as much as five-to-one in population, did you not? And under the law of "one man, one vote" the single-member district must be substantially equal in population.

MR. HAINES: Well, more equal than that, yes, very definitely.

ACTING CHAIRMAN: Are there other questions from members of the Committee?

MR. ROBERT J. NOVINS: I am Robert Novins from Ocean County.

Senator, I have a very short question. In your

paragraph 2 you indicate that in the Nebraska system they have presently a nonpartisan legislature and you are adverse to that.

Would your representation of these groups be at the present time that if this was a bipartisan legislature in a unicameral system - would your organizations change their attitude in regard to your favoring a bicameral over a unicameral system?

MR. HAINES: Would you give me that again?

MR. NOVINS: Surely. In your paragraph 2 on page 2 you have indicated: "The Nebraska system has been pointed to as an example of a successful unicameral legislature, but we do not believe that such a nonpartisan legislature with only one body would serve the diverse interests of New Jersey as well as a bicameral system."

My question, sir, is, if that nonpartisan were changed to bipartisan for a unicameral legislature, would you then change your attitude and recommendations regarding your preference for a bicameral rather than a unicameral system?

MR. HAINES: The strong purpose of the group is for single-member districts, and I believe that the group would, as we say in this subsequent paragraph, prefer a single-member unicameral legislature to a bicameral legislature that was single-member in one house and multi-member in the other, providing that there were very definite built-in guarantees in the legislative procedure.

Now we were listening today to the people from Nebraska where they are sold on the unicameral system. We are concerned, however, that the legislature, whether it be a single-member body or a bicameral body, be a deliberative body. So there must be built-in guarantees for a genuine procedure that will have due consideration for bills that are presented and the right of the public to know what is being considered by the legislature; a very definite provision against suspension of rules for expeditious legislation.

This is a big concern of the representatives of the groups that I am speaking for.

MR. NOVINS: Would you say that changing of the nonpartisan to bipartisan would be one of the most important factors in accomplishing what you are talking about?

MR. HAINES: It's my personal feeling and I think it's the feeling of most of the representatives of the groups that I'm representing here that the two-party system, political party system, is better for a democratic government than a nonpartisan party on a state level. And there is an awful lot of fiction to this nonpartisan basis, as we all well know, having experience on school boards and local elections.

Personally, I feel strongly that the preservation of our democracy depends on a strong two-party system.

MR. NOVINS: Thank you, sir.

ACTING CHAIRMAN: Are there any further questions?

Mr. Metzger.

MR. KARL METZGER: I am Karl Metzger from Middlesex County.

Senator, with relation to paragraph 7 on page 5, and I ask this question with all due respect to the State Department of Conservation and Economic Development for whose work I have great respect.

Is it not possible, however, that you are putting a little too much faith in the accuracy of the figures which have been compiled by the Department so far as population estimates are concerned? And, if the answer is "yes," or even if the answer is "no," is it not possible that there is a little bit of danger in using two different sources of information for population figures? You would be using the Department's figures for '65, and the Bureau of Census information for 1970.

MR. HAINES: The reason this suggestion was made was because the United States Census figures were gathered starting in 1959. This State of New Jersey is growing so fast in population that we know without the statistics of the Department of Conservation, we are all aware of the growth impact on this State. Now, the first legislature that could be elected under this program will be 1968, which is 9 years from the time that the United States Census figures were taken.

Now, I don't know really what the basis is for the State Department of Conservation figures. I feel

this, that these figures were not printed with anything but objectivity in mind; they weren't printed to prove any preconceived table that we might come up with in this Constitutional Convention for Reapportionment.

I believe that we could do a better job in redistricting for the seats that will be taken in 1968 by using the best available current figures and I believe or I see no reason, myself, for not putting reliance in these figures for the purpose of reapportionment.

MR. METZGER: Senator, do you know whether or not your organizations would be strongly opposed to the use of 1960 census figures?

MR. HAINES: No, they are not strongly opposed to that at all. No. We recognize that it might well be a subject of argument. But we know this, by applying figures of 1965 and using the projected figures for 1970, respecting county lines, trying to weave in a redistricting within the framework of existing political subdivisions, that you can do a good job with '65 and '70 projections.

MR. METZGER: Thank you.

ACTING CHAIRMAN: If there are no other questions from members of the Committee.

MR. HOLLANDER: Just one further question.

Senator, would your group be in favor of supporting a plan that was not endorsed by a majority of the Delegates here at this Convention?

MR. HAINES: Would we?

MR. HOLLANDER: Would you be in favor of placing

on the ballot a plan that was not endorsed by a majority of the Delegates to this Convention?

MR. HAINES: I don't know what the groups that I'm representing here would have to say about that. I can't speak for them in that particular excepting to refer to our statement which intimates, I think, that this Convention should come up with a program and not have two alternatives on the ballot in November.

MR. HOLLANDER: Thank you.

ACTING CHAIRMAN: Thank you, Senator, for an excellent presentation.

Now the Committee will hear representatives of the AFL-CIO who asked for an opportunity to speak.

Is there a representative of the AFL-CIO here who wishes to be heard?

(Silence)

Well, if some representative of that organization comes in subsequently, we will give them their opportunity.

The next person on our agenda today is Mr. William Everett. Is Mr. Everett here?

All right, Mr. Everett.

W I L L I A M H. E V E R E T T: First, may I apologize for not having a copy of my statement for all of you but it is being prepared and will be given to you shortly. This is due to the fact that when you have your wife as your secretary you cannot prepare too many copies.

To the Members of the Constitutional Convention:
In your consideration of reapportionment of the New Jersey Legislature, I strongly urge that you adopt a plan which will:

1. Maintain the present bicameral legislature with a senate composed of 30 members and an assembly of 60 members;

2. Create 30 senatorial districts with one senator and two assemblymen elected from each senatorial district;

3. Establish districts which are compact, contiguous and have a community of interest;

4. Delineate the boundaries of each district so that the voters will have an opportunity to accept or reject these proposals along with the amendments to the Constitution;

5. Propose the establishment of a permanent Legislative Revision Commission composed of persons who do not hold any elective or state office, with the exception of the Chief Justice of the Supreme Court, whom I recommend be chairman of the Commission.

Need for a bicameral legislature. Elimination of one of our present legislative bodies can result only in the creation of one house so large that it will be unwieldy and hence ineffective or so small that there would be too great a concentration of power.

In a large legislative body the opportunity for political activity would be enhanced, since each member would represent only a relatively small number of

voters and would primarily concern himself with the desires of those constituents. In a small house, each representative's effective representation would be diluted to the extent that he would be concerned only with the desires of large pressure groups and political machines which could insure his reelection. Suburban, minority and independent groups would have little voice in their government.

It is indeed significant that we have two national legislative bodies - the Senate and the House of Representatives - and 49 of the 50 states have a bicameral legislature.

From experience, I believe that a Senate of 30 members and an Assembly of double that number can best serve the interests of all the people of the State.

Senatorial and Assembly Districts. I would point out that the Legislative Reapportionment Commission unanimously agreed that senators should not be elected at large in the several counties, but in either 15 or 30 senatorial districts which were not co-terminus with the county borders. I adopt and reiterate the arguments presented by the Commission in its report.

While I would like to adhere to county lines, the obvious disparity in the population of the counties makes this a mathematical impossibility. To arrive at any fair and equitable plan, geographical boundaries must give way to population concentrations. As an example, I would point to the divergence in population in the districts of the present members of the Senate, a deviation of

nearly 50% between the Mercer County district and the combined Cumberland-Salem district.

Therefore, I agree with the proposal of the minority commission report that 30 senatorial districts be created, as indicated in that report, with each senator elected by approximately 200,000 inhabitants. Such a division would not only be fair and equitable to all groups, urban and suburban, minority and majority, but would carry out the spirit of the "one man, one vote" rule.

Contrary to expressions by others, I believe that at-large voting in counties will result in the same undesired results as "gerrymandering" and is an open invitation to political bosses to obtain firm control of the legislature. Such domination by the big city machines would deprive the suburban voter of his rights and would be as objectionable as control by rural counties. Under multi-member districts I can foresee domination of the Senate by urban areas, the same as we have had domination by rural areas in the past. Again the suburban areas would be caught in the middle.

Assembly districts should be co-terminus with the senatorial districts for several reasons:

1. There would be much less confusion by the electorate which always results in apathy at the polls.
2. Close liaison could and would be maintained between the senator and the two assemblymen.
3. As in the case of senators, it would reduce

the concentration of power of political machines through regimentation of large voting groups; give adequate representation to all groups, particularly suburban independent voters; restore the interest of many voters who would feel a "grass roots" relationship to their representatives; permit representatives to concentrate upon the needs of their district without having their effectiveness spread thinly over a large population. This was pointed out in the Legislative Commission Report, a senator or assemblyman running at-large would, in Essex, represent nearly 1,000,000 persons.

4. Election from single districts would permit and encourage the ablest citizens to aspire to election. They would be campaigning among their neighbors; they would not be forced to abandon their businesses during the campaign; they would not be faced with tremendous financial election costs, as they are now; and they would become candidates from a sense of community responsibility.

Compact Districts. All who have supported plans for reapportionment agree upon the need that the districts be compact and contiguous. We think there is a further test: Do they have a community of interest?

As the minority members of the Legislative Commission, including Senator Ozzard, Assemblyman Beadleston and Commissioner Anton said: "The 'one man, one vote' principle of the United States Supreme Court may be met simply by allocating within broad areas the required number of persons to be represented, but it is best met,

in my opinion, by distributing the representation over as many areas as possible so that local interests are understood and respected, rather than the simple weight of numbers."

This is my contention: that consideration of local interests is of paramount importance in drawing district lines particularly if the suburban voter is to be given a fair opportunity to have his vote carry equal weight with the voter in the urban area.

Creation of District Lines. As a member of the Legislature that created this Convention, I am of the opinion that it was the intent that the Constitutional Convention draw exact district lines and submit it to the voters at referendum for their approval or rejection. Without this information, a proposal would be meaningless. I believe it is the duty of this Convention to promulgate these district lines. A failure to do so can only lead to chaos.

This Convention should also, in my opinion, propose an amendment which would create a Legislative Reapportionment Commission, after each census, to be headed by the Chief Justice of the Supreme Court of this State which would be empowered to submit to the people, immediately after each census, revised boundaries of election districts in conformity with shifts of population. This Commission should be composed of persons not holding state office and could be appointed, two by the governor, two by the President of the Senate, and two by the Speaker of the

Assembly. To me it is basic that reapportionment should have the vote of the people, and the members of the Legislature, who must of necessity be concerned with retaining their seats, should not participate in redistricting.

In conclusion, I urge that the Convention adopt a plan which will carry out the spirit of the Supreme Court's decision. I do not agree that either Senators or Assemblymen, or both, elected at-large within county borders meets the requirements imposed by the Court. As the minority members of the Legislative Commission said: "The matter of separate and different Assembly districts seems to have little point and purpose except political."

I do believe that the adoption of a two-house legislature composed of representatives from thirty districts of equal population that are compact, contiguous and have common interests is not only the best plan, but one that will have the support of the people and the approval of the Supreme Court.

Thank you very much.

ACTING CHAIRMAN: Thank you very much, Mr. Everett.

May I ask the first question, which is a very brief one.

To what Supreme Court cases are you referring wherein you believe the multi-member district might be held invalid?

MR. EVERETT: One in - I have it here - I believe it's in Georgia, I believe it's a Fulton County case of --

ACTING CHAIRMAN: The Fortson Case?

MR. EVERETT: That's right. Yes.

ACTING CHAIRMAN: Thank you.

Are there other questions?

MR. NORMAN H. ROTH: Mr. Everett, I'm Norman Roth of Hudson County.

On the question of future reapportionment, I take it that it was your intention that the group that is set up be a bipartisan group.

MR. EVERETT: Yes.

MR. ROTH: Even though you didn't say it.

MR. EVERETT: I don't know though - I'm not an Attorney and I don't know whether you could provide for that in the Constitution.

MR. ROTH: Well, I was wondering whether that was your intention because you are saying that two be appointed by the Governor, two by the President of the Senate, and two by the Speaker of the House. Unless you thought that a provision be made there that it be one member of each group, that is both parties, --

MR. EVERETT: It's my intention that it be bipartisan.

MR. ROTH: Oh, that wasn't stated and I thought that wasn't it.

Another item that you were talking on was a question of the districts not being at-large.

MR. EVERETT: Yes.

MR. ROTH: Of course, I presume on that you are trying to avoid the excess of any one wrong continuing

on the other side through the present time.

MR. EVERETT: Right.

MR. ROTH: Was it your thought on that you would get better government eventually or that you would have more effective political control one way as against better government the other way.

MR. EVERETT: It was my thought that under that plan we would have better government not only eventually but immediately after or as soon as this went into effect.

MR. ROTH: That's what I was hoping we would get.

ACTING CHAIRMAN: Any other questions?

MR. ROACH: When you appeared, Mr. Assemblyman, I thought I knew what you were going to say because I've associated you with other views than those you are now espousing.

Is it true that you ever favored a one-house legislature?

MR. EVERETT: No, never.

MR. ROACH: Is it true that you ever favored a 75 member house with 5 men elected at-large in each 15 districts?

MR. EVERETT: I never espoused a 75 member house.

MR. ROACH: Well, more generally speaking, is it true that you ever had views different from those you are expressing here today?

MR. EVERETT: No. I have always been for single-member districts. No, I'm sorry. I did at one time favor the creation of 15 congressional districts with

two senators from each district and either four or five assemblymen from each congressional district. I did.

MR. ROACH: Yes, that was the understanding I had.

Now, for what reason have your views changed over the period since then?

MR. EVERETT: None, except that further study brings me to the conclusion that when you come down to single-member districts you are going to get better representation for all the people.

MR. ROACH: Thank you.

MR. JOHN E. HUNT: I am John Hunt from Gloucester.

To clarify the air, Mr. Assemblyman, --

MR. EVERETT: Former Assemblyman.

MR. HUNT: Former, sir. Insofar as the questions by Mr. Roach, that he propounded, is it not true that just prior to the conclusion of our deliberations insofar as the temporary reapportionment of the State of New Jersey was concerned, in the New Jersey Legislature last year, we consulted with the entire Assembly group and the Senate group on just such a plan as you have proposed today?

MR. EVERETT: Right.

MR. HUNT: And at that time, the last meeting prior to the passage of the bill, were not the conclusions that you have stated today the same as they were then?

MR. EVERETT: Right.

MR. HUNT: And is it not true that they were the reflections of much study and that what you might have said

prior to that was in a discussion or verbal arguments as to which was best for the State of New Jersey?

MR. EVERETT: That's absolutely correct.

MR. HUNT: Was it not true that the plan then propounded followed the lines as propounded essentially by the Meyner Commission of 15 congressional districts, 30 senatorial districts and 60 assembly districts?

MR. EVERETT: That's right

MR. HUNT: The congressmen, of course, to run by themselves; the senators to run in their own respective senatorial districts which comprised at that time, by the 1960 census figures, 200,000 people; and two assemblymen to run with each senator in senatorial districts.

MR. EVERETT: Right.

MR. HUNT: And these are your same views today.

MR. EVERETT: That's right.

MR. HUNT: So there is no change in your thought as at the end of the deliberations, prior to the enactment of legislation for this temporary legislature, and today.

MR. EVERETT: No change.

MR. HUNT: Thank you, sir.

ACTING CHAIRMAN: Any other questions?

MR. DUFF: Mr. Everett, I don't have a copy of your statement so I hope I don't misquote you but, if I do, you can correct me.

You said, first of all, that single-member districts lead to better caliber representatives, I believe.

MR. EVERETT: Well, if I didn't say it, it was along

those lines.

MR. DUFF: On what basis do you make that statement?

MR. EVERETT: Well, there are certain areas of the State where there are men of very high caliber who would submit themselves to the voters for election to the legislature if they were running in single-member districts, where they would not submit themselves to the type of campaign where they would have to campaign the way the members of the Legislature have to campaign today.

MR. DUFF: What kind of men are these?

MR. EVERETT: Well, I can give you one example. A former Mayor of West Caldwell by the name of Sylvester Liddy would have run for State Senator. He's a man who should not only be running for State Senator but for United States Senator, the caliber of that man, but he would not submit himself to running in a campaign like we have to run in under the present system.

MR. DUFF: Do you think then that the 13 candidates in Essex, last year, on the Republican ticket, the 9 Assemblymen and the 4 Senators, were men of high caliber?

MR. EVERETT: I happened to be one of them so I don't want to answer that question.

MR. DUFF: Well, I just think that this is a rather specious kind of argument. I don't want to make a point about it.

But there is another question that I have. You say that people are better represented if the districts are broken down. Now this assumes that the best representa-

tion comes from geographical areas. Isn't it true that perhaps many people would rather be represented by a person that was in the same occupation as they were? For example, if a man was a member of a labor union he would feel more confident that the particular representative was also acquainted with the problems of the workingman rather than being represented by people who simply lived in the same area. Do you not feel that it has been the history in our states, in politics in the United States, certainly since the great immigrations began over a hundred years ago, that many people feel more confident when they are represented by people that have some kind of sympathy to cultural ties that exist among large groups of people, ethnic relationships, etc.? Isn't this a true representation of what the people want, more than geography, in many cases?

MR. EVERETT: I think you would meet that under legislative districts.

MR. DUFF: But I'm saying, you assume, it appears in your statement, that they can only be reached by geographical districts. I suggest that representation could come better for people, even though members of the legislature might live in the same area, as long as they represented a community of interest for the most of their constituents - don't you agree that could be true in many cases?

MR. EVERETT: It could be in some cases.

MR. DUFF: All right. Thank you.

ACTING CHAIRMAN: Mr. Jacobson has his hand up.

MR. JOEL R. JACOBSON: My name is Joel Jacobson. I'm a Delegate from Essex County.

Did I understand you to say that you recommend the creation of single-member districts because it would make it easier to provide good legislation? Was that your point, sir?

MR. EVERETT: I didn't say, easier to provide good legislation; I said it would make it easier for the legislator to have a knowledge of what his legislative district desired and to represent them properly.

MR. JACOBSON: Well, would I be correct in assuming that because the United States Senate elects two senators at large, two is unrepresentative and, therefore, the senators are unable to do exactly what you just said? Would that be a correct assumption?

MR. EVERETT: Oh, I don't want to get into whether the United States Senate or the House of Representatives are right or wrong. I'm here to talk about the New Jersey State Legislature.

MR. JACOBSON: Well, you're missing my point. The point is that the United States Senate is not elected by single-member districts, they are elected at large, and I want to know whether your criteria about the New Jersey Legislature would also apply to the U. S. Senate.

MR. EVERETT: No, I don't think so, because this is a national body.

MR. JACOBSON: Well, I fail to see the difference.

Are you familiar, sir, with the lines that currently divide the three congressional districts in Essex County?

MR. EVERETT: Yes, I think I am.

MR. JACOBSON: That each of the three districts include a part of Newark and part of the suburbs?

MR. EVERETT: I do.

MR. JACOBSON: Do you happen to know which party was in control of the Legislature when these lines were drawn?

MR. EVERETT: Yes, I do. It was the Republican party and I might add that I don't agree with the way they were drawn.

MR. JACOBSON: Now, would you say that these lines, as they are currently drawn, would provide for clear representation of the suburban groups and the urban group, such as Newark?

MR. EVERETT: No.

MR. JACOBSON: Thank you.

ACTING CHAIRMAN: Mr. Kimmelman.

MR. IRWIN I. KIMMELMAN: My name is Irwin Kimmelman and I'm a Delegate from Essex County.

Mr. Everett, I would like to test some of the suggestions contained in Dr. Duff's questioning, through you. I understood your statement to reflect the fact that it was your opinion that a higher caliber of person would put himself forth if it were a single-member legislative election. Is that a fact?

MR. EVERETT: That's right.

MR. KIMMELMAN: And wouldn't you agree that in a situation such as prevails in Essex County, where you have 13 legislators strung across a line, it is easier or easiest for a county boss or leader to bury particularly his favorite ward heelers in that line?

MR. EVERETT: I would say so.

MR. KIMMELMAN: And wouldn't you agree that in a single-member legislative election it behooves each party to put forth its best candidate where the two candidates meet head to head?

MR. EVERETT: Yes.

MR. KIMMELMAN: Thank you.

ACTING CHAIRMAN: Any other questions?

Senator Dumont.

MR. WAYNE DUMONT: I am Wayne Dumont from Warren County.

Mr. Everett, in this fourth point you make here about delineating the district boundary lines, do I understand that you mean that you would actually take the district lines and submit them on the ballot to each voter in that particular district for their approval or rejection?

MR. EVERETT: Well, I don't think you would do that on the ballot but it could be brought out in some way, just what the lines are, so that each member in his particular municipality or locality could know what he is voting for. We've had referendums before where

you couldn't put it all on the ballot.

MR. DUMONT: But you don't have in mind any lengthy question, then?

MR. EVERETT: No.

MR. DUMONT: You just want to explain it to them outside and then submit the question.

MR. EVERETT: That's right.

MR. DUMONT: Thank you.

ACTING CHAIRMAN: Are there other questions?

MR. NEIL F. DEIGHAN, JR.: I am Neil Deighan from Camden County.

Mr. Everett, to carry it a little bit further, your views on single-district elections, I think we tend to recognize that the urban areas are Democrat and the suburban areas are Republican. Now, wouldn't it be true that in the single-unit districts, if they were broken down, that a person who is a member of a minority party, for instance in a suburb he was a Democrat and could be very, very capable and very well qualified, but he would stand no chance whatsoever of ever being elected from that district; whereas, if it were at-large so that there would perhaps be a spill-over of majority votes from other districts, he would certainly stand a better chance, and that in this fashion we would be getting the best of both parties, be they Republican or be they Democrats?

MR. EVERETT: No, I couldn't fully agree with that. It comes to mind, when you speak of that, of a

Democrat in the suburban area, the President of your Convention today, Adrian Foley, who lives in a municipality adjoining mine - if he should submit his candidacy to the voters in a single legislative district - and I'll just for an example say the West Essex Area - when I say West Essex, I mean that which borders on the Morris County area - I would say that Adrian Foley could win the senatorialship in that district.

MR. DEIGHAN: Can you guarantee us that?

MR. EVERETT: No, I wouldn't guarantee anything.

(Laughter)

But there are many others, - the former Speaker of the House, Elmer Matthews, who lives in Verona, would be a strong candidate.

I can't agree that just because a suburban area is Republican a Democrat cannot win there. And the same, in reverse, for the City of Newark - I cannot agree just because a man is a Democrat that a Republican can't beat him.

MR. DEIGHAN: Well, Mr. Everett, in my particular municipality there has been one Democrat elected in 75 years. We are surrounded by municipalities who -- I don't think there has ever been a Democrat elected. If the districts are contiguous and compact, there is no doubt that these districts are all going to fall together. Now, I might say that when I moved into my municipality, when they found out that I was a Democrat the Welcome Wagon came around and took everything back. But, seriously,

in an instance like that, there wouldn't be a possibility of two-party representation. In other words, you could guarantee that there is going to be a Republican from that district. By the same token, in the City of Camden, if you did that, you could guarantee that there would always be a Democrat. So that a competent, qualified Republican in the city or a qualified Democrat in the suburbs wouldn't stand a chance.

Now, do you think that this is getting the maximum out of qualified candidates?

MR. EVERETT: I do, because I can't agree with you that a qualified Republican or a qualified Democrat can't win in either other district.

MR. DEIGHAN: You have been in politics, as I understand.

MR. EVERETT: Yes.

MR. DEIGHAN: That's all.

MR. EVERETT: I will give you an example. In Caldwell, which is the next town from mine, they hadn't had a Democrat councilman in over 75 years and last November they elected one.

MR. DEIGHAN: After 75 years they found a good Democrat.

MR. EVERETT: He is a good one.

ACTING CHAIRMAN: Are there other questions?

MR. HUNT: Mr. Everett, following the remarks of Mr. Deighan, I might remind him to the converse. He should be well acquainted with the fact that the City of Gloucester, after 61 years, elected a Republican

Mayor. I think that perhaps he might know this from being an able campaigner in that county. So it works both ways. I don't think that any one particular party would be affected by your plan, per se, because again it would depend upon the caliber of people that they put up and whether or not the voting element liked his record.

Now, I have no quarrel with Mr. Deighan as to his selection of a domicile but I would suggest that perhaps he might take issue with the Welcome Wagon people there. That has nothing to do with this case.

But I think what you are trying to drive at, if I understand you correctly, is that in single-member districts in the larger counties there would be a better chance for the voters to see the candidates and have a chance to observe them in smaller localities, such as 200,000, than in the case of Essex where they would be running among 9 million people where it's impossible for the people to make a decision and they might get someone whom they didn't actually want when they got through.

Conversely, so far as the voting up there would be concerned, in a large county, I believe it is your contention in your report that all the senators could be elected from a large city and that the suburban area would be totally neglected.

MR. EVERETT: Absolutely.

MR. HUNT: And this is the reason why you are in favor of single-member districts.

MR. EVERETT: Yes.

MR. HUNT: Thank you, sir.

ACTING CHAIRMAN: If there are no other question then thank you very much, Mr. Everett.

The next witness to be heard is Mr. William Schluter.

W I L L I A M E . S C H L U T E R: Before I begin my prepared statement, I wonder if most of you can see this chart up here. I do have some additional copies which I will leave with the Committee, of this chart, and the overlay which will be placed on it.

I am sorry that I do not have enough reprints of my statement. If those people here who do not have a copy would so indicate, maybe you could borrow one from the other side, and I will get a larger supply to your Committee within the next week.

By way of preface, I would like to say that I am speaking on the basic principle of the individual assembly districts, and I hope to illustrate this principle by application to my home county, which is shown on the map.

I do think that this analysis has application in other areas of the State because Mercer County is very diverse. It has industry, it has intense urbanization, it has residential areas of single family dwellings as well as apartments, it has education complexes, light industry and rural areas.

As a resident of Mercer County and as a Councilman of Pennington Borough, I am advancing the following plan for Assembly District representation in Mercer county. This particular plan is based on maintenance of present county boundaries. It is also predicated on Mercer receiving three seats in the New Jersey Assembly.

And I might add, at this point, that my mention of being a Councilman of Pennington Borough is by way of identification and in no way means endorsement of what I say. Also, by way of further identification, I think it might be appropriate to add that I was a candidate for the State Senate in the 6th District, last year, but was unsuccessful.

In applying the principle of "one man, one vote," it is hereby proposed that three individual assembly districts be established within Mercer County. These districts should be nearly equal in population and should represent contiguous, compact areas. It is desirable to arrange districts so that all of those persons living within a district have interests which are in common with other persons in the same district. If these guidelines are followed, each resident can expect true representation from one assemblyman living within his own district.

Mercer County does not have a uniform distribution of population, industrial activity, agriculture, recreational facilities and other ecological factors. For purposes of representation, therefore, it is logical to combine into districts those areas within the county that are most

similar. This objective is achieved by the arrangement of three individual districts as outlined by this plan.

Another advantage of separate assembly districts is that representation is direct. Every resident has a more direct link to the legislative process of the State of New Jersey through his own assemblyman rather than through a combination of three assemblymen. Moreover, with the arrangement of districts as proposed, it is assured that each district would be represented by an assemblyman - living in that district - whose interests with his constituency are most likely to be similar.

By the same token, a municipality also has a more direct link to the state government when it has a single assemblyman representing it and whom it can contact for legislative assistance on the state level.

The accompanying map and table show the geographic boundaries and the population of the proposed districts in Mercer.

I would like to add the plastic overlay at this time, and if you will refer to the last sheet of this statement you will see the population breakdown by municipalities. (See p. 79)

There is the City District which includes the North, South and West Wards of Trenton and which has a population of 86,066. That is the shaded area in here (indicating on map). Trenton contains 4 wards, 3 of which, as proposed, would be put into an assembly district.

There is the Hamilton District which includes the East Ward of Trenton and all of Hamilton Township for a total population of 93,145. That is this section down here (indicating). One city district and Hamilton Township.

Finally, the Northern District encompasses the remaining townships and municipalities and has a total of 87,190 people.

This arrangement of district boundary lines was developed in order to combine areas of similar patterns and interests while arriving at a population figure as close to the norm of 88,797 as possible. You will further note that all municipal boundaries are respected in that they are not cut by an assembly district line. The sole exception is Trenton which is too large to comprise a single district. Accordingly, the East Ward is separated and added to Hamilton Township. It is my believe that many characteristics of the East Ward are similar to those in the Hamilton Township area adjacent to it. As a result, the combination of Hamilton Township and the East Ward creates a compact Assembly district with many of the same physiological aspects.

The remaining municipalities which constitute the Northern District have many features which are similar. These areas are primarily residential with a small amount of light industry and some agricultural activity. Their inter-relationship as municipalities finds more common ground than their relationship to either Trenton or

Hamilton Township.

For the above reasons, I am advancing this proposal as the best possible way to arrange districts in Mercer County and as the best means of apportionment which manifests the principle of "one man, one vote."

Now I might add, in closing, that the illustration of Mercer County, I believe, is a principle of sub-districting which can apply very readily to other areas of the State.

Thank you very much.

ACTING CHAIRMAN: Thank you, Mr. Schluter.

Are there any questions from members of the Committee?

(Silence)

If not, we thank you very much for your presentation.

MR. SCHLUTER: Thank you.

ACTING CHAIRMAN: We will now hear from Mr. Clark.

W I L L I A M H. C L A R K: My name is William Clark. I am a member of the Town Council of Livingston, and Mayor last year. I am here today representing the League of Suburban Municipalities in Essex County, as President of the League.

I am appealing to you to give us, in the suburban areas of the counties, such as Essex, better representation. I am not here to suggest to you just how this should be done because I do not feel technically advised or informed to be able to do so, but I hope that by presenting our particular problem you will be aware of

a specific situation.

The Suburban League of Municipalities in Essex County consists of 16 towns surrounding the central core or Newark. There are 6 other towns of an urban nature. We at the present time have 9 representatives for the County at-large within Essex County. We have 4 Senators. None of the 9 representatives are from the suburban communities I mentioned.

Of the 4 Senators, 1 is from one of the suburban communities.

I believe that they have a problem in representing us because our problems, as largely a residential area, are different from the problems of the higher density communities highly industrialized.

As a matter of fact, I ran for Assembly in 1961 and as I learned the problems of the cities and of the suburban areas, I wondered how I could represent both as problems came up.

I also found that with a million voters in the County, going 9 months during the campaign, it was possible to meet no more than about 10,000 of the voters even at large gatherings. It was most difficult. And it was difficult for me to see how I could adequately represent the people of my county insofar as representing all interests, etc.

If we were districted in smaller areas in equal population, then I as a representative running for office would feel closer to a group, closer to their

problems and they would be closer to me.

I haven't had the opportunity of meeting the representatives in our district at this particular time, or our County.

Generally, that is the basic problem and we hope that it will be possible for you to find a way that we can have better representation, better identity of our representative,, and his identity with us.

The Suburban League of Municipalities, recognizing this problem and being fully aware of it, passed a resolution last month - I don't have the exact date here, I have it on the other side - and I would just like to read it to you.

WHEREAS, it is the considered opinion and judgment of the member communities of the League of Suburban Municipalities of Essex County that the more limited the number of citizens represented by a member of the Legislature, the greater will be the knowledge and awareness of each legislator of the problems and concerns of his constituents and the better able he will be to present the views of his constituents with respect to such problems and concerns to the other members of the legislative body of which he is a member, thus enabling the individual legislator to provide mover effective and adequate representation; and

WHEREAS, in the light of the foregoing, more effective and adequate representation may be had for the citizens of Essex County and other counties electing more

than one senator and/or assemblyman if such legislative representatives are elected from separate districts within each such county, instead of having all such legislative representatives elected on a county-wide basis as is presently done, now, therefore,

BE IT RESOLVED by the League of Suburban Municipalities of Essex County that the provisions of the New Jersey Constitution dealing with the election of members of the Legislature be so revised as to provide that, in all cases where there is more than one senator and/or assemblyman to be elected from a single county, such county be divided into that number of assembly districts and senate districts equal to the number of assemblymen and senators, respectively, to be elected from such county, each such assembly district and each such senate district to be of approximately equal population with all other assembly and senate districts within the same county, and

BE IT FURTHER RESOLVED that the Secretary be and he hereby is authorized and directed to forward certified copies of this resolution to the Governor of the State of New Jersey, to the Secretary and all members of the New Jersey Constitutional Convention presently in session, and to all members of the Legislature of the State of New Jersey.

Now, it is realized that in a county as large as Essex we still would not have majority representation but we do feel that we should have a voice so that those who have majority representation in number from the greater

populated areas would at least hear the voice of a representative from people having a particular interest for an area.

And I say again, it is not my purpose here today to tell you how to accomplish this because I don't feel qualified to do so.

I hope that I have presented to you an idea of our problem in Essex County.

ACTING CHAIRMAN: Yes, Mr. Kimmelman.

MR. KIMMELMAN: Mr. Clark, being a Councilman or Committeeman in Livingston and former Mayor, you have been identified with governmental life. And, of course, you realize that you are represented by 9 Assemblymen and 4 Senators in Essex County. Is that correct?

MR. CLARK: That's correct.

MR. KIMMELMAN: Could you name all 13?

MR. CLARK: No, I couldn't.

MR. KIMMELMAN: You couldn't. If you wanted to write a letter to one of your representatives, would you direct it to a particular one?

MR. CLARK: No.

MR. KIMMELMAN: What would you do?

MR. CLARK: I would have to look up the names and I would write to all of them hoping that I would get a voice.

MR. KIMMELMAN: Would you mind naming the 16 municipalities that you represent here this afternoon?

MR. CLARK: Yes. It might be easier to name 6 -

exclude them, rather than go through 16. Those that are the urbanized areas and not members of our League are Belleville, Newark, Irvington, Orange, East Orange, and Bloomfield.

MR. KIMMELMAN: I would suggest, Mr. Clark, one correction to your statement. Assemblyman Mandelbaum, a Democrat, I believe does live in Maplewood which, apparently, then would be a member of your League.

MR. CLARK: Yes, you're right. I perhaps overlooked that. I didn't have a specific list coming down here and I was recollecting what I did remember.

MR. KIMMELMAN: Thank you.

ACTING CHAIRMAN: Mr. Duff?

MR. DUFF: Mayor Clark, I don't know how far from me you live in Livingston but I only live about a mile from two of our Senators in Essex. Actually, two live in West Orange, Senator Giblin and Senator Goldman. I'm sure you know Mac Goldman enough to write him a letter.

MR. CLARK: I have met him a couple of times over the years.

MR. DUFF: And isn't it true also that Senator Fernicola lives on the last street in Newark - another block over and he would be in South Orange - and a lot of people living in that section of Newark feel that they live in the suburbs? And don't you feel that a lot of people who live in Orange wouldn't like you to say that they don't live in the suburbs? And even the people who live in East Orange sometimes claim they live in the

suburbs. So I think that suburb is a rather large term and you can't define it. And it seems to me that with two Senators living in your particular area, in the suburban municipalities, that's pretty adequate representation since those towns you name are nowhere near 50% of the population of the County of Essex. So we have, it seems to me, in the suburbs rather adequate representation in the Senate.

But the main question I wanted to ask you is, don't you think a fair plan would be to base one house on districts and the other on a wider area say, for instance, the county?

MR. CLARK: I would like to see the Assembly districted, from my personal point of view, but perhaps you are confusing my main point. Even though there may be a representative from West Orange, at the moment --

MR. DUFF: Two from West Orange.

MR. CLARK: -- and one from Maplewood, at any rate, I believe that you find that running at-large the representative must direct his attention to the greatest percentage of votes and the greatest percentage of votes is in the urbanized area. So that his main interests are bound to be in that direction. So, although you and I live a mile apart, we have the same interests, I think.

ACTING CHAIRMAN: Are there other questions from members of the Committee?

(Silence)

If not, thank you very much, Mr. Clark.

Are there now representatives of the AFL-CIO here who wish to make a statement?

(Silence)

Hearing none, and knowing of no other person who wishes to be heard, we will declare the hearing closed.

(The hearing was concluded at 4:30 P.M.)

* * * * *

TO: NEW JERSEY CONSTITUTIONAL CONVENTION COMMITTEE ON APPORTIONMENT.

MERCER COUNTY

1960 Population --- 266,392
Norm for 3 districts -- 88,797

PLAN W: - 3 Equal Districts

NORTHERN:

POPULATION

Ewing	26,628
Hopewell	11,809
Lawrence	13,665
Princeton	22,301
Windsors	<u>12,787</u>
	87,190

HAMILTON:

Hamilton	65,035
East Ward	<u>28,110</u>
	93,145

CITY:

North Ward	28,011
South Ward	29,024
West Ward	<u>29,031</u>
	86,066

April 21, 1966

William E. Schluter
205 South Main Street
Pennington, N. J.