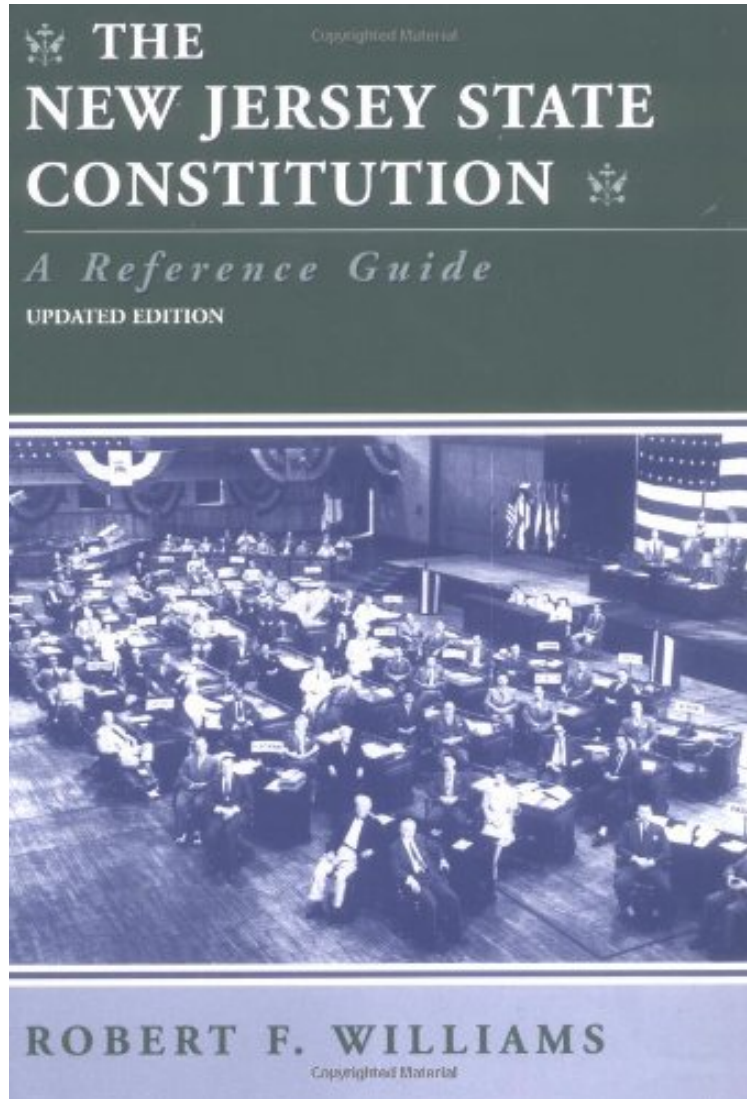


The New Jersey State Constitution: A Reference Guide

Robert F. Williams

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Robert F. Williams : The New Jersey State Constitution: A Reference Guide before purchasing it in order to gage whether or not it would be worth my time, and all praised The New Jersey State Constitution: A Reference Guide:

0 of 0 people found the following review helpful. The Citizen's GuideBy Acute ObserverRobert F. Williams is Professor of Law at Rutgers Law School and has written, lectured, and practiced widely in the are of state constitutional law. The 'Foreword' by Richard J. Hughes, former Governor and Chief Justice of the NJ Supreme Court, claims the NJ court system is "the envy of practitioners and scholars all over the country". Yet no state has adopted this royalist and anti-democratic system. Hughes does not see any flaws, yet has listed them previously. They are:

"unprecedented administrative authority" which seems to imply independence from (or superiority to) the Legislature, the highest political authority in any state. A "strong governor" who has royalist powers in appointing judges and prosecutors and other state officials; no other state has ever adopted this system. The net effect was to create the highest property taxes in the nation, create suburban sprawl, kill off farms and small businesses, etc. The main advantage of New Jersey is still geographic: the land bridge between New York and Philadelphia, and a better life than in those cities. Having visited other states I can list other flaws. A lack of Initiative and Referendum, or term limits. The inability to elect municipal, county, and state judges. The inability to elect state officials (as in New York and Pennsylvania). The inability to elect county district attorneys. A limited number of county commissioners (called Freeholders in NJ) to reflect popular opinion. A legislature that meets continuously instead of two months a year. A line item veto (p.89) gives tremendous power to any governor to affect legislation. This seems to have led to increasing taxes and governmental power to the detriment of the citizens. All current problems seem the result from a lack of popular political power. There is no explicit right to keep and bear arms for a popular militia. NJ was ruled by big landowners and manufacturers from the 18th century. Part I deals with NJ Constitutional History. Two basic political groups had opposing views. "West Jersey" seems to be the area owned by the big landowners. "East Jersey" supported popular democratic policies (p.3). The original structure of state government was parliamentary (no separation of powers). The legislature selected judges for a limited term. Most other states passed new constitutions in the 1820s. "Social and economic conditions had not changed enough" (p.6). There was no bill of rights. After the Panic of 1837 people wanted a modern constitution (no imprisonment for debt). Note the failure of a right to keep and bear arms (except for the Saving Clause). By the 1870s the legislature was afraid of popular opinion (p.9). The 1873 changes created a powerful governor to limit the legislature and a judiciary to control legislation (p.10)! Was this "constitutional rigidity" a euphemism for rule by wealth? That rejected 1974 "equal rights amendment" was really a gay marriage amendment (p.17). The quote on page 18 suggests the NJ Supreme Court has stronger powers. Equal representations for counties (p.19) is not a problem when counties are divided to keep populations equal. There were 13 counties in 1776, and 21 by the mid 19th century. The test of a state constitution is how well it meets the needs of the people (p.20). What do the people of NJ say about this? 3 of 3 people found the following review helpful. How This Caused NJ's Current Problems By anonymous This book analyzes the history and current status of the state constitution, provides the text and a commentary on each clause, and related references. Its aim is to increase understanding. The "Foreword" says the 1947 Constitution's main change was to give the Supreme Court unprecedented control of all courts in NJ. These unelected politicians became the most powerful in the country (p. xix). He claims this court system is "the envy of practitioners and scholars all over the country", but no other state has ever copied it, and citizens have only growing contempt for this anti-democratic system. The other landmark feature was to create a royalist governor "the only state-wide elected official". No other state has ever copied that. Both of these features deny the system of "checks and balances", and a "separation of powers", common sense ideas that go back centuries. The Federal Constitution guarantees each state a republican form of government. In a royalist government the monarch appoints government officials, and that is what the 1947 Constitution does. NJ's fabled corruption from the 19th century onwards is explained on page 101: "New Jersey has never had an elected judiciary". Senatorial courtesy is a poor substitute for democracy. The Governor, Supreme Court, and Senate were made more powerful, the people and the General Assembly were the losers (p.xx). This was done for the Corporate Ruling Class: "growth of business and industry", "corporate headquarters to the state", etc. The 1844 Constitution reflected an egalitarian society. To say he does "not see any flaws in the Constitution" is to admit he does not recognize the reality of today's life for citizens. To learn why NJ has the highest property taxes in the nation, read pages 109-111. The older law assessed property for taxes at "true value", the new law at "same standard of value". Under the old law the value for taxes was based on its selling price. (The scam for the rich was to sell property for "\$1 and good will" to pay less than ordinary people.) The new law resulted in much higher taxes on older homes. This forced people to move to the suburbs to seek lower taxes. "Urban renewal" attacked older neighborhoods and the small businesses there. (You may have seen this reported on PBS TV.) Moving industry from cities to "industrial parks" was another way to create a market for Big Oil. Since nearby housing was also banned by zoning laws, everyone needed cars to work or shop, etc. This was repeated in other states. Until NJ passes a "Proposition 13" to lower property taxes (as in 1978 California) and bring more democracy to New Jersey, things will only get worse. Before the 1947 NJ Constitution there were no sales or income taxes, no toll roads, plenty of farmland, and healthy cities with prosperous manufacturing. This all changed in the decades that followed. Increasing property taxes drove people into the suburbs for better living conditions. Then came sales taxes (1965) and income taxes (1976) and a lowered quality of life. You can compare the results to all other states which have a more representative form of government (no "strong governor"). The 1947 Constitution changed the "Garden State" into the Paved-Over state. 3 of 3 people found the following review helpful. The Origin of NJ's Problems By A Customer This book provides the full text of the constitution, with a commentary on each section. It is aimed for general readers. The Constitutions of Pennsylvania, Virginia, and Massachusetts are often studied. The 1776 Constitution of the Colony of New Jersey was a copy of the colonial charter, but did adopt the revolutionary politics of legislative supremacy (p.2). It lacked a Bill of Rights. Large landowners predominated in the

government as many people were excluded from voting (p.3). The legislature appointed most state and judicial officials. The 1776 Constitution was never ratified by the people, but "used ever since as the legitimate constitution" (p.5). While many other states revised their Constitution in the 1820s to incorporate separation of powers, and checks and balances, NJ did nothing until 1844. The 1844 Constitution placed a bill of rights at the beginning. Property requirements were eliminated for voting by white males. The governor was now elected, had veto power, and appointed judges and other officials (p.8). There was now a method for amending the constitution. No debt could be created without approval by the voters. Slavery was still legal (p.9). The 1873 Constitutional Commission recommended a long series of changes. It provided for a "thorough and efficient system of free public schools", and that property be assessed "according to its true value". The governor would appoint trial judges, they would no be elected by the people (p.10). De Tocqueville (and others) explained that a governor could not succeed to a second term in order to limit their power. Governors lusted for more power, and criticized this ban. The book mentions "the need for a stronger governor" but provides NO FACTS to justify this! Is this another example of academic censorship? The "Edge Draft" proposed a new constitution, but it was soundly defeated; the book censors the reasons why (p.15). It also doesn't tell what pressure was used to make everyone fall into line behind Driscoll's proposal (p.16). The voting public was unaware that the elimination of "true value" and its replacement by a "uniform standard" would create continually rising property taxes. Note how this is also censored here. The newly powerful and still unelected NJ Supreme Court claimed absolute power; there would be no legislative control on the court system (p.17)! Next the code words "uniform standard" was interpreted to create an increasingly regressive property tax system. (Was this the secret agenda behind the 1947 constitution?) In 1974 the people turned down casino gambling; in 1976 it passed. Academic censorship again fails to tell how this trick was done. New Jersey has averaged a new constitution about every 50 years (p.18). Is it due for a new one? Will the NJ Ruling Class ever allow a more democratic constitution?

This comprehensive reference guide provides an in-depth study of New Jersey's constitution. The year 1997 marks the fiftieth anniversary of New Jersey's well-regarded state constitution. State constitutions, although the highest source of law within a state, are not well understood by citizens, government officials, historians, political scientists, lawyers, or even judges. This book is the first single volume to combine a detailed review of New Jersey's constitutional history and analysis of each section of the current constitution. It is the standard work on New Jersey constitutional development and law. Divided into two parts, the book first covers the historical development of the constitutions of 1776, 1844, the Constitutional Commission of 1873, and the current constitution written in 1947. It then traces the origins and major judicial interpretations of each section of the present-day constitution. It concludes with an exhaustive bibliographical essay which organizes the most complete listing of primary and secondary sources to date.

From Library Journal In this book, the first in the publisher's "Reference Guides to State Constitutions of the United States" series, Williams (law, Rutgers Univ.) examines the 1947 New Jersey Constitution, in use in the state today. He lists each of its 11 Articles, briefly explains their meanings, and describes anything of relevance pertaining to them, such as judicial interpretation. An extensive Table of Cases is provided at the end of the book. Williams also discusses the state's previous 1776 and 1844 constitutions, the 1873 Constitutional Commission, the changes made between 1875 and 1940, and post-1947 development. While on a rather narrow topic, this reference will be a useful purchase for libraries that specialize in constitutional matters or that want a reference source on their state. -Robert W. Langran, Villanova Univ., Pa. Copyright 1990 Reed Business Information, Inc. ? In this book, the first in the publisher's "Reference Guide to State Constitutions of the United States" series, Williams (law, Rutgers Univ.) examines the 1947 New Jersey Constitution, in use in the state today. He lists each of its 11 Articles, briefly explains their meanings, and describes anything of relevance pertaining to them, such as judicial interpretation. An extensive Table of Cases is provided at the end of the book. Williams also discusses the state's previous 1776 and 1844 constitutions, the 1873 Constitutional Commission, the changes made between 1875 and 1940, and post-1947 development. While on a rather narrow topic, this reference will be a useful purchase for libraries that specialize in constitutional matters or that want a reference source on their state. ? -Library Journal From the Back Cover The year 1997 marks the fiftieth anniversary of New Jersey's well-regarded state constitution. State constitutions, although the highest source of law within a state, are not well understood by citizens, government officials, historians, political scientists, lawyers, or even judges. This book is the first single volume to combine a detailed review of New Jersey's constitutional history and analysis of each section of the current constitution. It is the standard work on New Jersey constitutional development and law. Divided into two parts, the book first covers the historical development of the constitutions of 1776, 1844, the Constitutional Commission of 1873, and the current constitution written in 1947. It then traces the origins and major judicial interpretations of each section of the present-day constitution. It concludes with an exhaustive bibliographical essay, which organizes the most complete listing of primary and secondary sources to date. Originally published in 1990 as the first volume of a fifty-state series, The New Jersey State Constitution has added new material to update developments to 1997 for this paperback edition.