



# Constitutionally New Jersey

## Third Time is the Charm for New Jersey's State Constitution

by Jodi L. Miller

**T**oday, New Jersey's constitution and court system are revered and serve as models for other states to follow. That was not always the case. It would take New Jersey three times to get its constitution right. The state's first constitution was written in 1776, that document was revised in 1844 and finally totally rewritten in 1947.

In an editorial written in 1997 to celebrate the 50th anniversary of New Jersey's constitution, John Farmer of *The Star-Ledger* wrote, "New Jersey was perceived widely as a bit of an embarrassment. Its government and politics were condemned, quite rightly, as boss-ridden and blatantly corrupt. Its judicial system evoked derisive jokes about "Jersey justice," all richly earned."

How did New Jersey's constitution go from worst to first? The credit for the turnaround

is largely given to Governor Alfred E. Driscoll, who pushed for a constitutional convention, which was finally held in the summer of 1947, and Arthur T. Vanderbilt, who has been called the "architect of New Jersey's modern-day court system."

### First two not quite right

According to Robert F. Williams, author of *The New Jersey State Constitution: A Reference Guide* among other books, New Jersey's first constitution was written hastily in 1776 during the Revolutionary War. While the document would last 68 years, it was highly criticized by those in and out of New Jersey.

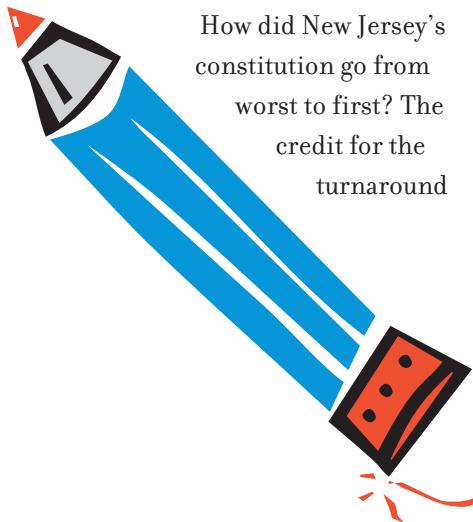
In 1844, the New Jersey Legislature called for a constitutional convention to address the criticism and revise the

## Fighting for the Right to Vote in New Jersey

by Cheryl Baisden

On the afternoon of November 2, 1920, 95-year-old Antoinette Brown Blackwell, armed with a small folding stool in case the wait was long at the polls, proudly signed the registration book and cast her Election Day ballot in the city of Elizabeth. Her poor eyesight and hearing made the trip to the polling place challenging, and she needed help filling out her ballot, but Blackwell was determined to vote in the presidential election of 1920. The right to participate in the democratic process was something she and generations of women had fought long and hard to win.

It turned out Blackwell, who founded the New Jersey Woman Suffrage Association (NJWSA) in 1867 with her sister-in-law Lucy Stone, had no need for the stool. "[A]s soon as the long line of men and women realized that



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## New Jersey Firsts

- Dutch settlers in the Kittatinny Mountains opened the United States' first copper mine in 1640.
- America's first brewery opened in Hoboken in 1642.
- The first seashore resorts opened in Cape May and Long Branch in the early 1800s.
- The first ferry service operated between Hoboken and Manhattan in 1811.
- The first organized baseball game was played in Hoboken in 1846.
- The first intercollegiate football game was played on College Field in New Brunswick between Rutgers University and Princeton University on November 6, 1869. Rutgers won six to four.
- The first boardwalk in the world was built in Atlantic City in 1870.
- The first saltwater taffy was produced at the Jersey shore in the 1870s.
- Thomas A. Edison invented the first phonograph (1877) and the first light bulb (1879) in Menlo Park.
- The first town to be lighted by electricity was Roselle in 1883.
- Thomas A. Edison developed the first movie in West Orange in 1889.
- The first professional basketball game was played in Trenton in 1896.
- The first condensed soup in the U.S. was cooked and canned in Camden County in 1897.
- The first airplane passenger flight flew from New York to Atlantic City on May 3, 1919.
- The first Miss America was chosen in Atlantic City in 1921.
- The first radio broadcast of the World Series was transmitted live on radio station WIZ in Newark in 1921.
- The first drive-in movie theater was built on a 10-acre plot in Camden County in 1933.
- The United States' first national historic park was established in Morristown in 1933.
- The first solid body electric guitar was invented by Les Paul of Mahwah in 1940.
- The first robot to replace a human worker was used by General Motors in Ewing Township in 1961.

Source: [www.nj.gov](http://www.nj.gov)

## Third Time is the Charm *continued from page 1*

state's constitution. In an article written for *New Jersey Lawyer Magazine*, Williams, who teaches state constitutional law and legislation at Rutgers Law School — Camden, states that among the changes made in New Jersey's 1844 constitution were the addition of a separate Bill of Rights and the elimination of property requirements for white males to vote. In addition, changes were made to the office of governor. The governor would now be elected directly by the people of the state; he would have veto power and a longer term, but still could not succeed himself in office.

### Convening a convention

According to a *Star-Ledger* article that commemorated the state constitution's 50th anniversary, since 1877 governors had been trying to have New Jersey's 1844 constitution replaced. Every governor had met with resistance to a constitutional convention, particularly from the small counties in the state that were concerned their voting power in the Senate would be reduced.

Governor Driscoll allayed the fears of New Jersey's small counties "by agreeing to put the convention proposal to the voters with a prohibition against changing the makeup of the Legislature," *The Star-Ledger* reported.

**Delegates** to New Jersey's Constitutional Convention were elected through statewide balloting on June 3, 1947.

Eighty-one delegates convened at the Rutgers University Gym on College Avenue in New Brunswick on June 12, 1947, with a deadline of September 12, 1947, to come up with a new constitution for New Jersey. The breakdown of the delegates, according to *The Star-Ledger*, was 23 Democrats, 54 Republicans and four Independents. An additional breakdown revealed that 50 delegates were lawyers and, of the 81 delegates, only eight were women. Governor Driscoll reportedly gave the delegates a short speech on their first day, advising them to "write a constitution that would be brief, that would stick to general principles and not repeat the mistakes of the 1844 constitution."

Among other things, the 1947 constitution expanded the Bill of Rights to include equal rights for women and also included an anti-discrimination provision. In addition, the new constitution strengthened the office of the governor, putting all executive agencies under its control and permitting the governor to be re-elected. Previously, the governor could only serve one four-year term.

## Revamping New Jersey's courts

Before the adoption of the 1947 constitution, the state justice system was considered unwieldy and confusing. It was comprised of 17 different courts, including the Court of Quarter Sessions, Court of Oyer and Terminer, Court of Common Pleas and Orphans' Court, "some run by judges who weren't licensed to practice law," *The Star-Ledger* reported.

"Before 1947, the courts were badly fragmented," Williams told *The Star-Ledger*. "If you got into the wrong court you were trapped and could not get the relief you needed. In the meantime, the statute of limitations ran out and it was sort of a Catch-22 system. Even the most expert lawyers could make a mistake," Williams said.

That's where Arthur Vanderbilt came in. A Newark lawyer and professor at New York University Law School, Vanderbilt was considered an expert on judicial administration and was appointed to the New Jersey Judicial Council in 1930. Once appointed, Vanderbilt led a 17-year fight to reform New Jersey's judicial system. That fight was won with the adoption of the 1947 state constitution, which streamlined New Jersey's court system.

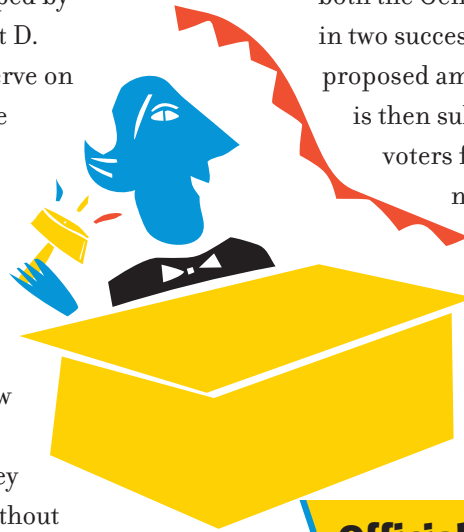
In September 1948, Governor Driscoll appointed Vanderbilt the first chief justice of the New Jersey Supreme Court under the new system. According to *The Star-Ledger*, between September 15, 1948 and the end of that court year, Vanderbilt had taken the 9,000-case backlog and dwindled it down to 458 cases waiting to be heard. *The Star-Ledger* also noted that Vanderbilt believed the way to earn respect for the new judicial system was to appoint "the finest legal minds in the state to serve as judges." Vanderbilt personally sought out the best. Among those that he persuaded to join the New Jersey bench was William Brennan,

who, at Vanderbilt's urging, Governor Driscoll named to the New Jersey Superior Court in 1949. Three years later Brennan would be elevated to the New Jersey Supreme Court before being tapped by President Dwight D. Eisenhower to serve on the U.S. Supreme Court.

In an essay written in 1957, Vanderbilt wrote, "The past nine years in New Jersey have been busy ones but they have not been without very real compensation. With essentially the same personnel we have had the satisfaction of transforming one of the worst judicial systems in the country to one of the best. We have had the pleasure of being visited by judges and lawyers from many other states and nations, all anxious to learn firsthand of our methods. We have experienced the very real pleasure of doing a job well in the public interest."

## New Jersey's Constitution today

While some states, such as California, have constitutional provisions that allow "initiative and referendum" (I&R), where average citizens may propose their own statutes or amendments to their state constitution, New Jersey does not. According to an article in *New Jersey Lawyer Magazine*, written by Robert J. Martin, a New Jersey state senator and professor at Seton Hall University School of Law, attempts to establish I&R in New Jersey have failed. Currently, only legislators can propose amendments to New Jersey's Constitution.



A proposed amendment requires either a three-fifths vote of the total membership in both the State Senate and the State Assembly in one legislative year or a majority vote in both the General Assembly and Senate in two successive years. Once a proposed amendment achieves that, it is then submitted to New Jersey voters for **ratification** in the next general election. Since New Jersey's current state constitution was adopted in 1947, more than 50 amendments have been enacted. ★

## Officially New Jersey

Although New Jersey doesn't have an official state song, it is the only state to have an official state demon. The New Jersey Devil was named the state's official demon in 1939. In addition, New Jersey's official state flag, which includes the state's official colors – buff and jersey blue – depicts two goddesses that represent the state's motto, Liberty and Prosperity.

Here are a few other New Jersey symbols and the year they became official.

**State Bird: Eastern Goldfinch (1935)**

**State Tree: Red Oak (1950)**

**State Flower: Common Meadow Violet (1971)**

**State Insect: Honey Bee (1974)**

**State Animal: Horse (1977)**

**State Dance: Square Dance (1983)**

**State Fish: Brook Trout (1992)**

**State Shell: Conch Shell (1995)**

**State Fruit: Blueberry (2004)**

Source: [www.nj.gov](http://www.nj.gov)

Dr. Blackwell was in the room the voters immediately gave way to her and insisted that she take first place, according to the *Elizabeth Daily Journal*. The day after the election the paper said, "For those who stood near it was an impressive moment..."

Blackwell, the first female ordained minister in the country, was one of New Jersey's most well-known **suffragists**. Committed to winning women the right to vote, New Jersey's suffragists staged rallies, protests and letter-writing campaigns; demanded meetings with political and business leaders to discuss their cause; and used a wide range of tactics including hunger strikes to convince the country's male population that women deserved the same rights as men when it came to voting. The suffragists won their hard-fought battle in 1920, with the

ratification of the 19th Amendment to the U.S. Constitution.

Determined to make the most of their voting rights, that same year members of the NJWSA founded the League of Women Voters of New Jersey to educate women about their newly won rights, encourage voter participation and lobby for women's interests. A year later, Jennie C. Van Ness and Margaret Laird, both from Essex County, became the first two women elected to the New Jersey Assembly. And by 1928 one of the founding members of New Jersey's League of Municipalities, Lillian Feickert, had already taken the next logical step and made an unsuccessful run for a U.S. Senate seat.

**Familiar ground**

While voting in the 1920 presidential election was a historic

moment for American women of the day, it was not the first time women had cast their ballots in New Jersey. For 31 years, when the United States was in its infancy, New Jersey women possessed the same voting rights as men, however, those rights were **rescinded** in 1807.

On July 2, 1776, two days before America declared its independence from England, New Jersey's political leaders took a surprising step toward granting women equal rights when they adopted the colony's first constitution. That document gave "all inhabitants" who met a few basic requirements the right to vote in local, state and national elections. Under New Jersey's first constitution women had a rare right in the nation's early history.

New Jersey's first constitution gave *any* adult who had lived in the colony for

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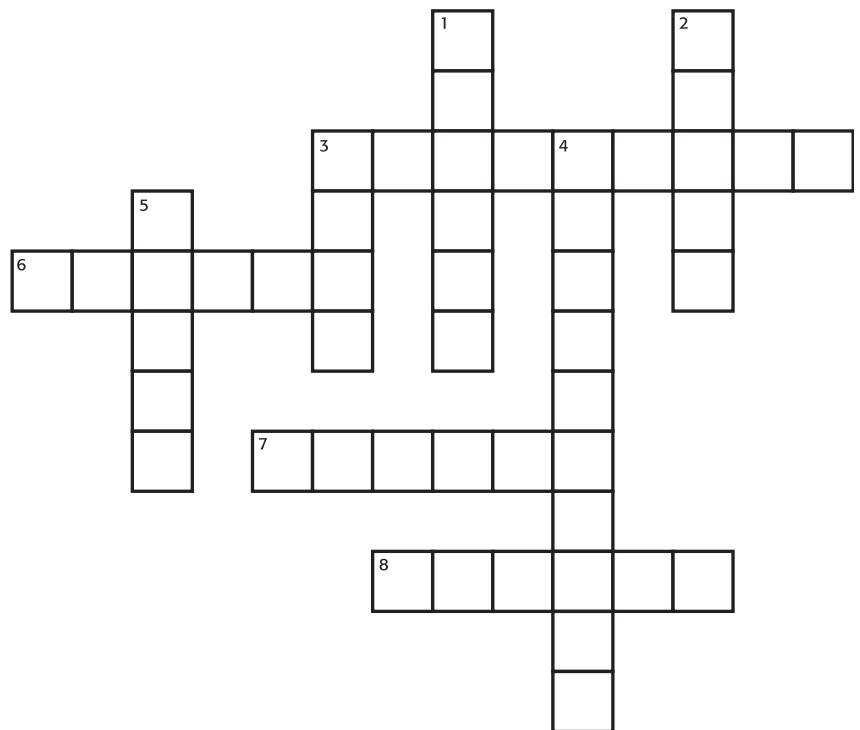
**Crossword Puzzle** *see solution on page 12*

**ACROSS**

- 3 New Jersey's official state fruit.
- 6 The Common Meadow Violet is New Jersey's state \_\_\_\_\_.
- 7 The Honey Bee is New Jersey's official state \_\_\_\_\_.
- 8 New Jersey's official state tree.

**DOWN**

- 1 The official state dance of New Jersey is the \_\_\_\_\_ dance.
- 2 New Jersey's official state animal.
- 3 The Eastern Goldfinch is New Jersey's state \_\_\_\_\_.
- 4 New Jersey's official state fish.
- 5 The official state shell of New Jersey is the \_\_\_\_\_ shell.



## Honoring New Jersey Suffragist Alice Paul

Although it has been more than 85 years since Alice Paul and her National Woman's Party succeeded in winning women the right to vote, her deeds are still being discussed in Washington, D.C. In the past year, New Jersey's two U.S. senators, along with one California congressman, have introduced bills that would honor the New Jersey woman, who died in 1977, with the Congressional Gold Medal of Honor.

"The America we know today would not have been possible without the courage, wisdom and conscience of Alice Paul," said Sen. Robert Menendez, who introduced the Senate bill along with Sen. Frank Lautenberg. "Eighty-seven years ago, because of the efforts of Alice Paul, the Congress kept faith with the high ideals of America and passed a resolution that paved the way for a more equal and freer America. Recognizing Alice Paul with the Congressional Gold Medal is the least we can do to honor the legacy her courage has left on our nation and democracies around the world."

The Congressional Gold Medal of Honor, was originally awarded to military leaders and was first awarded to General George Washington in 1776. It is the nation's highest award given to civilians. In the history of the United States, there have been more than 100 recipients, all of whom were recognized for single acts of exceptional service or lifetime achievement.

### A lifetime of achievement

Alice Paul was born in 1885, in Mount Laurel, New Jersey. The proposed bills state that she "dedicated her life to securing **suffrage** and equal rights for all women and, as founder of the National Woman's Party, she was instrumental in the passage of the 19th Amendment to the U.S.

Constitution... Alice Paul did not stop her fight after the 19th Amendment was ratified; she drafted the Equal Rights Amendment to the U.S. Constitution in 1923, and fought tirelessly for its passage until her death 54 years later."

Paul's strong commitment to a woman's right to vote and equal rights in general were instilled in her by her parents, who were Quakers. The Quaker religion teaches that all people are equal, and encourages its followers to work to improve society. Several other prominent suffrage leaders of the time were Quakers, including Susan B. Anthony and Lucretia Mott.

"When the Quakers were founded...one of their principles was... equality of the sexes. So I never had any other idea... The principle was always there," Paul once told a reporter.

According to the Alice Paul Institute website, when she was still a young girl, Paul's mother would take her to meetings of the National American Woman Suffrage Association (NAWSA), where she first learned of women's fight for equality. But Paul's active role in women's suffrage would not begin until after she graduated from Swarthmore College with a degree in biology, and headed to England to study social work. There she met a group of radical suffrage leaders who used demonstrations and hunger strikes to gain attention for their cause. When she returned to the U.S. a few years later, Paul began using similar tactics and formed the National Woman's Party.

In 1912, she organized the nation's first march on the White House, with hundreds of women protesting for the right to vote coinciding with President Woodrow Wilson's inauguration. After a crowd of men became violent and the police stood by and watched the attack, women's suffrage became front-page news. A three-week hunger strike organized by Paul helped push the federal government to finally pass the 19th Amendment, sending it to the states for ratification.

Paul was also instrumental in the fight for women's rights in other parts of the world. She helped found the United Nations Commission on the Status of Women, helped incorporate gender equality into the rules governing the

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# How Students' Rights Stack Up in New Jersey

by Barbara Sheehan



**s Americans, we're all entitled to basic civil rights under the U.S. Constitution.**

**What about a citizen's rights under a state constitution? Are there differences between what federal and state laws provide? If so, how do New Jersey laws stack up?**

## The answer is...

The short answer is yes — there are differences. While the federal or U.S. Constitution establishes a set of laws and protections that apply to the nation as a whole, each state, through its state constitution and its legislature, creates its own set of laws and statutes as well.

At the state level, the laws and constitution typically go into more detail — such as the process for electing state officials. State constitutions may also include additional civil protections, unless expressly prohibited by federal law.

This is the case in New Jersey where the courts have interpreted the laws to be more protective of individual rights in a number of areas, such as privacy matters (for non-students) and freedom of expression.

When it comes to student rights, however, differences between state and federal laws are generally more subtle, according to Edward Barocas, legal director for the American Civil Liberties Union (ACLU) of New Jersey.

Still, there are at least two areas — provision of free public schools and, most recently, peer-to-peer

discrimination and harassment — where significant differences do exist. In both these matters, the New Jersey Supreme Court has been on the side of giving New Jersey students extra protection.

## And equal opportunities for all...

A student's right to an education finds its grounding in a New Jersey constitutional provision that requires the state to provide "a thorough and efficient system of free public schools for the instruction of all children in the state between the ages of five and 18 years."

According to Barocas, this provision, which was established with a constitutional amendment in 1875, is the most significant affirmative student right provided in the state constitution.

Perhaps as important as the provision itself is the New Jersey Supreme Court's interpretation of it, which largely has focused on ensuring equal educational opportunities — including consistent per-pupil expenditures — for all districts in

## Do "Bad" Kids have a Right to Attend School?

The state's beefed up protection of kids who are bullied made headlines recently when the New Jersey Supreme Court ruled that students at school should receive the same protections that adults in the workplace are provided under the New Jersey Law Against Discrimination.

In the context of this ruling—and with incidents like Columbine still fresh in many people's minds—many schools have taken a hard stand on bullies, which raises another concern. What should schools do with the student offenders? And what are those kids' rights under the state constitution, which requires "a thorough and efficient

system of free public schools for the instruction of all children in the state between the ages of five and 18 years?"

These questions were addressed in a New Jersey case several years ago involving a Bergenfield High School student known by the initials M.C. In that case, M.C., a 15-year-old sophomore, was reportedly expelled from high school for slashing at another student with a box cutter, causing a gash in that student's coat, and for being in possession of four box cutters and a Swiss army knife.

The New Jersey State Board of Education ruled in 2002 that students, like M.C., who are expelled from high school,

New Jersey, whether they are wealthy, poor or in between.

This, Barocas noted in an article he wrote for *New Jersey Lawyer Magazine*, stands in “stark contrast” with the U.S. Supreme Court’s ruling in the case of *San Antonio Independent School District v. Rodriguez*, where the Court held, “Education, of course, is not among the rights afforded explicit protection under our federal Constitution.”



## What does this mean for students?

To help ensure a “thorough and efficient education,” the New Jersey Supreme Court has issued a series of rulings — known as the “Abbott” rulings after a case called *Abbott v. Burke*. Among other things, these rulings address funding **disparity** for poorer school districts and require the state, together with the schools, to implement a number of initiatives and reforms, such as universal pre-school education and supplemental (“at risk”) programs to address student and school needs attributed to high poverty.

While the Abbott rulings have been decades in the making and have come with their share of challenges, they have received praise. In 2002, *The New York Times* said *Abbott v. Burke* “may be the most significant education case since the Supreme Court’s desegregation ruling more than 50 years ago.”

## Cracking down on bullies

Another area where New Jersey students receive additional protections under state law involves bullying and discrimination. This was the subject of a widely publicized court case brought by a student known as L.W. against the Board of Education of the Toms River Regional Schools.

In that case, L.W. complained that the school district did not take adequate measures to stop other students from harassing him about his perceived sexuality. Beginning in fourth grade, L.W. alleged that he was repeatedly “taunted with **homosexual epithets**.” This harassment, L.W. said, continued into high school, where he was physically attacked twice.

In its ruling on February 21, 2007, the New Jersey Supreme Court agreed with an earlier decision by the Division on Civil Rights director and essentially held that schools are liable for such conduct if they know about it and fail to take reasonable measures to stop it. Further, in its opinion, the Court held

*continued on page 12*

are entitled under the state constitution to an alternative education program until they graduate or turn 19.

While recognizing the challenges students like M.C. present, the State Board of Education in the case noted, “[We] do not believe that it is sound educational policy to turn our back on students just because it may be difficult to educate them. To the contrary, it is all the more imperative that we fulfill our responsibilities to these children both for their sake and for society’s.”

While that case was on appeal by the Bergenfield School District, M.C. turned 19 without receiving his high school diploma. Subsequently the State Board of Education ruled

in 2003 to extend the alternative education for M.C. until he turned 20.

Although M.C. prevailed in that case, the State Department of Education has adopted regulations that leave open the possibility that a student who is already receiving alternative education could be expelled without any further alternative, noted Elizabeth Athos, senior attorney for the Education Law Center (ELC), who was involved in M.C.’s representation.

To date, these regulations have not been challenged, Athos said.

— Barbara Sheehan

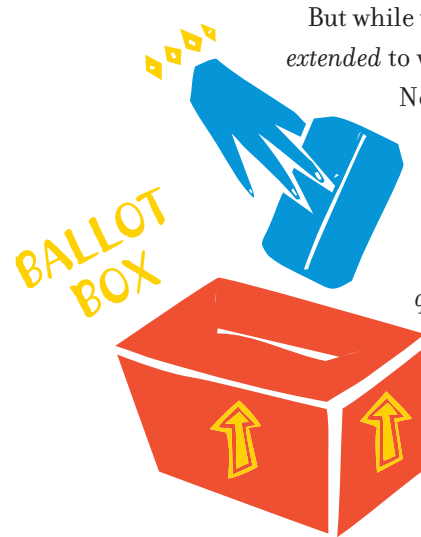
## New Jersey Facts

- New Jersey has 21 counties and 566 municipalities.
- In the United States Congress, New Jersey has two U.S. senators and 13 U.S. representatives.
- In its state government, New Jersey has 40 state senators and 80 members of its General Assembly.
- According to the U.S. Census Bureau, in 2005 New Jersey had 8,717,925 residents.
- New Jersey has 314 public libraries, 1,866 public elementary schools, 398 public secondary schools, 132 private high schools, 20 four-year colleges, 21 two-year colleges, one medical college, two dental colleges and three law schools.
- New Jersey is comprised of 7,504.8 square miles of land, 699.57 square miles of water, and has 127 miles of coastline on the Atlantic Ocean. In addition, there are 34,268 miles of highways and roads in New Jersey.
- There are more than 800 lakes and ponds, more than 100 rivers and creeks, 36 state parks, 11 state forests and 24 historic sites in New Jersey.
- New Jersey was settled in 1618 by the Dutch and became a British Royal Province in 1702. New Jersey is the only British North American colony whose first European settlers were not English.
- New Jersey was known as the "Pathway of the Revolution." More than 100 battles were fought on New Jersey soil.
- During the Revolution, two New Jersey cities served as the nation's capital. From June 30 to November 4, 1783, Princeton was the U.S. capital and from November 1 to December 24, 1784 Trenton served as the nation's capital.
- New Jersey was one of the 13 original states and was the third state to ratify the U.S. Constitution in 1787. It was the first to ratify the Bill of Rights in 1790.

Source: [www.nj.gov](http://www.nj.gov)

## Fighting for the Right continued from page 4

a year before an election, and could prove that he or she owned \$250 in cash or property, the right to vote. This meant that both women and men — regardless of race — were entitled to cast a ballot if they met these requirements. At the time, no other colony or state granted women that right. New Jersey further clarified the matter in a 1790 law that described voters as "he or she."



But while voting rights were *extended* to women under New Jersey's first constitution, meeting the financial requirement to *qualify* as a voter

was a different matter. Under New Jersey law, women had few rights to own property or control money. Brothers, fathers or uncles of unmarried women controlled their property or money, and married women's assets were usually under the control of their husbands.

"Women very definitely had few rights in New Jersey at one time," said attorney Margaret Goodzeit, a family lawyer in Woodbridge. "The laws have changed a lot over the years, and continue to change today."

Suffragist Lucy Stone reported to the New Jersey Legislature on March 6, 1867, that under New Jersey law at the time:

- A wife who inherited property from a family member could not sell it without the consent of her husband.
- If a wife died, her husband automatically received their home. If a husband died, in many cases his wife could live in the house for 40 days before having to pay rent or having to sell the house, with the income going to male heirs.
- If a wife died, regardless of who she left her possessions to in her will, her husband was entitled to them. If a husband died, his wife could not receive more than half of his possessions if they had no children; a third if they did. If his will left his possessions to someone else, his wife received nothing.



# New Jersey Counties Word Search

S B E R T R N A D H U N W C A B D E E X  
 O G E A S O M E R S E T H A Y D A P T C  
 M L F R G C E G A B D A I R B Q F A R F  
 Q O C B H T R E Z C Y C G H A S T S E E  
 H B A C G F C G D A C B S U E D M S F E  
 A D M E F E N A M D B D B N O D O A I L  
 M I D D L E S E X C B D S T E U N I O N  
 I U E J R X P A F A U I D E K O M C Z T  
 H B N R C A D M A B R C E R S K O M U V  
 B V A C C U M B E R L A N D L C U A Q B  
 C W B A A V A B O H I A U O B V T C T B  
 U J A C A M G M O B N H C N O N H A E D  
 O E P U T U D B M B G F E O Z P V S T A  
 C D I G L O U C E S T E R U A S B J E L  
 A N U B A M Y K R J O C E A N U A C Y D  
 F A P X N I N M C H N R C E S S E X F A  
 W C E J T H P K E I X F G D H S E G F E  
 D R F D I A R L R G F R D M B E A I J C  
 B O E G C G W S A L E M N K B X C C G D  
 C D W H F E H D R B I F A M I B O I G C

Find all 21 New Jersey counties. The words may be found across, up & down or diagonally.

ATLANTIC  
 BERGEN  
 BURLINGTON  
 CAMDEN  
 CAPE MAY  
 CUMBERLAND  
 ESSEX  
 GLOUCESTER  
 HUDSON  
 HUNTERDON  
 MERCER  
 MIDDLESEX  
 MONMOUTH  
 MORRIS  
 OCEAN  
 PASSAIC  
 SALEM  
 SOMERSET  
 SUSSEX  
 UNION  
 WARREN

• A mother had no right to custody of her children, and orphans were defined as “fatherless” children.

“Married women could not meet the property qualification for voting because all their property automatically belonged to their husbands, unless they could prove that they had received [money] as a ‘gift,’” authors Neale McGoldrick and Margaret Crocco explain in their book *Reclaiming Lost Ground: The Struggle for Women Suffrage in New Jersey*. “According to some reports, about five percent of the landowners were women...”

Although meeting the financial requirements was not easy for women, estimates suggest that as many as 10,000 New Jersey women may have cast ballots in elections between 1790

and 1807, according to McGoldrick and Crocco. And in some cases women represented a considerable percentage of voters, like in the 1802 election in Trenton, where as many as 25 percent of the votes cast were by women. In a contested election in Hunterdon County that same year, a handful of women tipped the scales in favor of one candidate in a race for the state Legislature.

## A sudden change of heart

As economic realities for women changed, more and more women were exercising their right to vote at the polls in New Jersey. Then suddenly, without warning in 1807, New Jersey’s political leaders fell in step with the rest of the nation and stripped the female

population of their voting rights.

The voting rules changed for women as a result of a fierce election where residents were battling over whether the new Essex County Courthouse should be located in Elizabeth or Newark. Voting took place over three days, and many people apparently voted more than once. While no evidence existed to show that women, in particular, had anything to do with these voting irregularities, Essex County legislator John Condict proposed and won approval for a law restricting the vote to white men. The change was then included in the New Jersey Constitution when it was revised in 1844.

“In one sentence, women and blacks lost the vote, despite the fact

that inconsistencies and irregularities were fixed features of voting in New Jersey elections at the time,” wrote McGoldrick and Crocco. “Ironically, this same law also effectively eliminated property qualifications for white male voters who were twenty-one years of age.”

New Jersey women unsuccessfully challenged their loss of voting rights from the very start, but protests began heating up once the 1844 constitution was ratified.

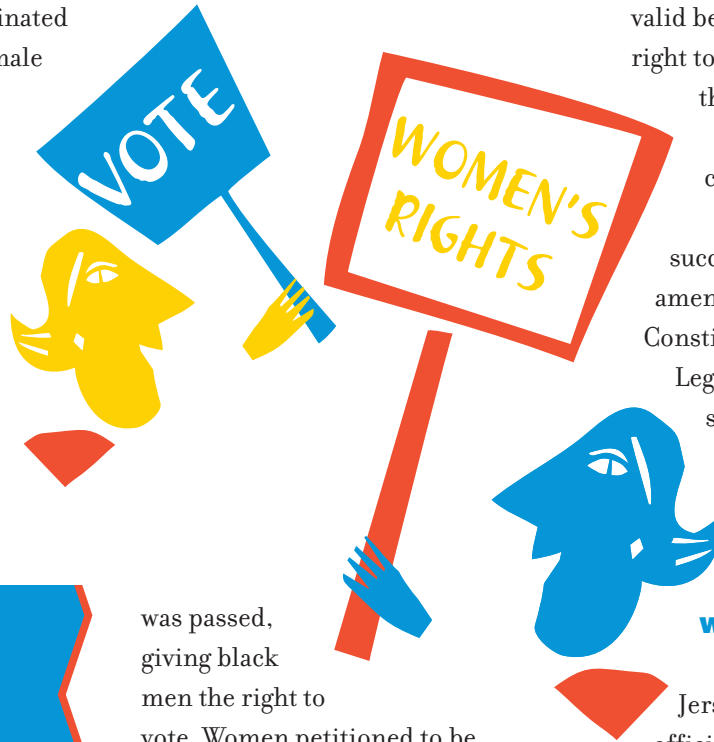
“We have had this right. We have exercised it. It has been unjustly and illegally taken away, without our consent, without our

being allowed to say a word in our own defense,” Stone said in 1867.

The following year, the 15th Amendment to the U.S. Constitution

filed a lawsuit against the state hoping to win women the right to vote, but the courts ruled against her argument that the 1844 New Jersey Constitution wasn’t valid because women, who had the legal right to vote prior to 1807, were denied the opportunity to cast ballots regarding the change in their constitutional rights.

In 1915, when women finally succeeded in getting a suffrage amendment to the New Jersey Constitution approved by the Legislature, they suffered a new setback when the amendment was defeated in a public referendum.



### **New Jersey catches up with the nation**

It wasn’t until 1947 that New Jersey again had a constitution that officially granted women the right to vote, an opportunity that by then had been in place for 27 years under the U.S. Constitution’s 19th Amendment. Pressured by women’s groups, state lawmakers added gender-neutral language such as “person” where the 1844 constitution had inserted the word “man.”

Today, the words spoken by suffragist Susan B. Anthony have become a reality for New Jersey’s women: “[S]omeday ... everyone will think it was always so, just exactly as many young people think that all the privileges, all the freedom, all the enjoyments which a woman now possesses always were hers. They have no idea of how every single inch of ground that she stands upon today has been gained by the hard work of some little handful of women of the past.” ★

was passed, giving black men the right to vote. Women petitioned to be included in the amendment, but were denied. Still, in New Jersey 172 women tried unsuccessfully to cast ballots that year in the local and presidential elections.

A New Jersey petition followed in March 1869, when the Women’s Suffrage Association demanded voting rights. Although the newspaper the *Paterson Daily Press* called the request “respectful,” the Senate Judiciary Committee considered it a joke. The committee’s report to the senators was written and presented as a comic play, that lawmakers found “hysterically funny,” according to the newspaper.

Year after year the suffragists continued their fight, petitioning for change, meeting with state lawmakers, and in each instance, state legislators denied their request for suffrage. In 1912, attorney Mary Philbrook even

### **Alice Paul**

*continued from page 5*

**United Nations, and successfully lobbied Congress to include sex discrimination in the Civil Rights Act of 1964.**

**“Few people have played a greater role in shaping the history of the United States than Alice Paul,” according to the Senate bill proposed by Menendez and Lautenberg. “Alice Paul is an example to all Americans of what one person can do to make a difference for millions of people.”**

**If the legislation is approved, Congress would then commission the U.S Mint to design a unique medal illustrating Paul’s special achievements.**

**—Cheryl Baisden**

# A State by any Other Name Wouldn't be the Garden State

**W**hy is New Jersey called the “Garden State?” The origin of New Jersey’s nickname is the subject of some debate. Most credit the Hon. Abraham Browning of Camden, a former New Jersey Attorney General for coining the term during a speech he gave on August 24, 1876, at the Philadelphia Centennial Exhibition on New Jersey Day.

According to the 1926 book, *Jersey Waggon Jaunts*, during his speech that day Browning “compared New Jersey to a barrel filled with good things to eat and open at both ends, with Pennsylvanians grabbing from one end and New Yorkers from the other. He called New Jersey the Garden State and the name has clung to it ever since.” The discrepancy comes in when others claim that the notion of a barrel being tapped at both ends actually dates back to Benjamin Franklin.

Whoever coined New Jersey’s nickname, it has stuck, and in 1954 the name was added to the state’s license plates over the objection of then Governor Robert Meyner. Governor Meyner claimed to have done research into the nickname and found no “official recognition of the slogan ‘Garden State’ as an identification of the state of New Jersey.” Before he signed the bill into law, Governor Meyner noted, “I do not believe that the average citizen of New Jersey regards his state as more peculiarly identifiable with gardening or farming than any of its other

industries or occupations.” Despite the governor’s initial rejection of the bill, the state legislature overrode his veto.

While Governor Meyner may not see gardening as the premier industry in New Jersey, according to the New Jersey Farm Bureau 805,682 acres, or 17 percent of New Jersey land is devoted to farming, and the state boasts nearly 10,000 farms. New Jersey ranks second in the nation for blueberry production, third for cranberries and peppers, and fourth in peaches, according to the bureau. New Jersey’s Farm Bureau also reports that the state’s largest crop is nursery/greenhouse with its second being equine or horses. In fact, the New Jersey Farm Bureau claims that New Jersey has more horses than Kentucky.

Given these statistics, it seems New Jersey has earned the right to be called the Garden State and perhaps, had he known, former Governor Meyner would have changed his mind. ★

—Jodi L. Miller

## New Jersey-Related Word Scramble

Unscramble the words below that all relate to New Jersey in some way. The letters in the shaded boxes will spell out New Jersey’s official state motto.

- VEDLI
- THGLILUBB
- LKDROAWB
- YSREJEELUB
- ASEERSHO
- HTCDU
- FAFYT
- SIMSAERICAM
- RDGNEA
- DENISO
- HGRAPPOHNO
- KEPINRTU
- OOLLAFTB
- LLESBBAA
- UOSP
- ENACO
- KRPAAWY
- OINACS
- NTONETR
- RYFRE

## Student's Rights *continued from page 7*

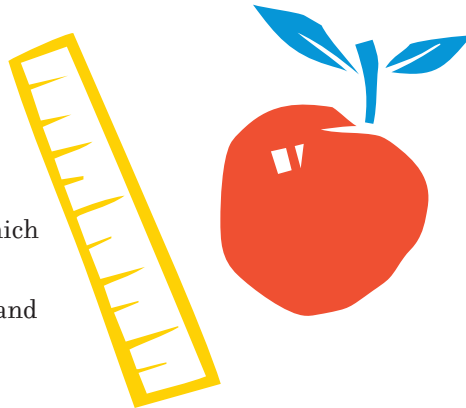
that students at school should receive the same level of protection that adults receive in the workplace under the New Jersey Law Against Discrimination (LAD).

Elizabeth Athos, senior attorney for Education Law Center, an organization that advocates on behalf of New Jersey's schoolchildren, deemed this ruling "very significant," noting that it could be applied to other "protected categories" under the LAD as well. For example, this state law not only addresses sexual harassment but also prohibits discrimination based on race, creed and color.

In his article, which was written before the Supreme Court's ruling in the L.W. case, Barocas indicated that subjecting schools to suit under LAD forces them to rescind "numerous discriminatory school practices," such as requiring that girls wear dresses and boys wear pants under their graduation gowns, or that same-sex couples be barred from being elected best senior couple.

New Jersey is one of nine states with laws that protect students from bullying and harassment based on sexual orientation. In addition, New Jersey students are protected by anti-bullying legislation, passed in 2002, which among other things requires schools to adopt policies prohibiting harassment and bullying in school settings.

It's safe to say that the New Jersey Constitution, together with some state laws, provides more civil protections for students than the U.S. Constitution. ★



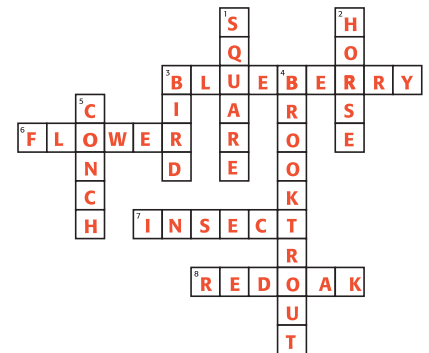
## Odd New Jersey Laws

- Cabbage can't be sold on Sunday.
- It is against the law to frown at a police officer.
- In Newark, it is illegal to sell ice cream after 6 p.m. unless the customer has a note from his doctor.
- It is illegal to slurp soup.
- In Trenton, it is illegal to throw a bad pickle into the street.
- Anyone who chomps loudly in a restaurant faces penalties.

Source: *It Happened in New Jersey by Fran Capo*

## Puzzle Solutions

Crossword from page 4



Word Search from page 9



Word Scramble from page 11

1. devil;
2. light bulb;
3. boardwalk;
4. jersey blue;
5. seashore;
6. Dutch;
7. taffy;
8. Miss America;
9. garden;
10. Edison;
11. phonograph;
12. turnpike;
13. football;
14. baseball;
15. soup;
16. ocean;
17. parkway;
18. casino;
19. Trenton;
20. ferry.

ANSWER: Liberty and Prosperity

## Glossary

**delegate** – a representative that is empowered to act for a group.

**disparity** – difference.

**epithet** – a negative word or phrase used to describe or demean a person or thing.

**homosexual** – a person who romantically desires another person of the same gender.

**ratification** – approval or endorsement

**rescind** – take back or cancel, repeal.

**suffrage** – the right or privilege of voting.

**suffragist** – a supporter of suffrage (voting), especially for women.

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