

THE
NEW JERSEY STATE
CONSTITUTION

A Reference Guide

UPDATED EDITION



ROBERT F. WILLIAMS

New Jersey State Constitution A Reference Guide

Robert F. Williams, Lawrence Friedman



New Jersey State Constitution A Reference Guide:

The New Jersey State Constitution Robert F. Williams, Ronald K. Chen, 2023 The New Jersey State Constitution is a thoroughly revised new edition that provides an extensive historical account and constitutional analysis of the state's governing charter In addition to an overview of New Jersey's constitutional history it provides an in depth section by section analysis of the entire constitution detailing the many significant changes that have been made since its initial drafting This treatment along with a table of cases index and bibliography is an essential resource for students scholars and practitioners of New Jersey's constitution State constitutions perform different functions and contain different provisions from the more familiar U S Constitution The book first outlines the historical development of New Jersey's state constitution from 1776 to the present and explains the highlights of the process of state constitutional development leading to the current New Jersey constitution Next each section of the current constitution is analyzed including its origins general intent and purpose and important judicial interpretations illustrating the types of situations in which the section can come into play including references to key academic analysis of each section Careful explanation is provided with illustrations from cases of the complex and evolving relationship between rights guaranteed by the U S Constitution and rights guaranteed by the New Jersey constitution In many instances New Jersey's rights can be more protective than those included in the Federal Constitution Finally the book provides a thorough bibliographical essay reviewing the evolution of the New Jersey constitution

The New Jersey State Constitution Robert F. Williams, Robert Forrest Williams, 1990 Williams launches our new series with this guide to the state constitution of New Jersey His volume treats New Jersey's constitutional development since statehood covering the constitutions of 1776 1844 up to and including the current constitution written in 1947 Through this in depth study Williams is able to provide important insight into the broader issues of New Jersey's political economic and social growth The book's first part traces the constitution's development since statehood and a second part is a thorough section by section analysis of the current constitution a useful purchase for libraries that specialize in constitutional matters or that want a reference source on their state Library Journal Robert F Williams launches our new series Reference Guides to the State Constitutions of the United States with this guide to the New Jersey State Constitution The New Jersey Constitution is strictly a basic constitutional document not a code of laws It remains unblemished and envied State constitutions have been referred to as mine's of instruction for the natural history of democratic communities This in depth study of New Jersey's constitutional development provides an important insight into the broader issues of New Jersey's political economic and social growth In Part I Williams traces the constitutional development from statehood in 1776 followed by a thorough analysis of the current constitution in Part II With forewords by G Alan Tarr and former New Jersey Governor and Chief Justice Richard J Hughes Williams The New Jersey State Constitution A Reference Guide covers the historical development of the constitutions of 1776 1844 the Constitutional Commission of 1873 and the current constitution written in 1947 The

volume then provides a section by section analysis of the present day constitution The New Jersey State Constitution Professor Robert F. Williams, 2012-06-01 The New Jersey State Constitution is a completely revised new edition that provide an outstanding constitutional and historical account of the state s governing charter In addition to an overview of New Jersey s constitutional history it provides an in depth section by section analysis of the entire constitution detailing the many significant changes that have been made since its initial drafting This treatment along with a table of cases index and bibliography provides an unsurpassed reference guide for students scholars and practitioners of New Jersey s constitution State constitutions perform different functions and contain different provisions from the more familiar U S Constitution The book first outlines the historical development of New Jersey s state constitution from 1776 to the present and explains the highlights of the process of state constitutional development leading to the current New Jersey constitution Next each section of the current constitution is analyzed including its origins general intent and purpose and important judicial interpretations illustrating the types of situations in which the section can come into play including references to key academic analysis of each section Careful explanation is provided with illustrations from cases of the complex and evolving relationship between rights guaranteed by the U S Constitution and rights guaranteed by the New Jersey constitution In many instances New Jersey s rights can be more protective than those included in the Federal Constitution Finally the book provides a thorough bibliographical essay reviewing the evolution of the New Jersey constitution The Oxford Commentaries on the State Constitutions of the United States is an important series that reflects a renewed international interest in constitutional history and provides expert insight into each of the 50 state constitutions Each volume in this innovative series contains a historical overview of the state s constitutional development a section by section analysis of its current constitution and a comprehensive guide to further research Under the expert editorship of Professor G Alan Tarr Director of the Center on State Constitutional Studies at Rutgers University this series provides essential reference tools for understanding state constitutional law Books in the series can be purchased individually or as part of a complete set giving readers unmatched access to these important political documents State Constitutions for the Twenty-first Century, Volumes 1, 2 & 3 G. Alan Tarr, Frank P. Grad, Robert F. Williams, 2007-06-01 State Constitutions for the Twenty first Century Volume 1 The Politics of State Constitutional Reform State Constitutions for the Twenty first Century Volume 2 Drafting State Constitutions Revisions and Amendments State Constitutions for the Twenty first Century Volume 3 The Agenda of State Constitutional Reform

State Constitutions of the United States Robert Maddex, 2005-09-23 Newly updated and reflecting the diversity of state policies and the issues that are important to them State Constitutions of the United States collects explains and offers comparison of each of the fifty state constitutions Its in depth explorations and easy to follow structure reveal individual state priorities the significance of state constitutions and their impact on issues that affect the day to day lives of citizens This major revision incorporates specific details and describes trends and patterns in state constitutions drawing on over 380

amendments passed since the first edition of this resource was published in 1998 These amendments address at the state level important issues that are also being debated on the national level such as freedom of religion Alabama tobacco Arizona death penalty Florida and same sex marriage in a number of states The new edition addresses all of these issues and more in well organized state by state chapters including a new chapter on Washington DC Beyond the extensive state by state coverage this resource provides further insights through supplemental materials including an overview of state constitutions comparative tables new rights such as privacy and victim s rights special provisions such as the environment and home rule and much more This is the only one volume resource on state constitutions designed to inform non specialists including students non constitutional scholars and interested citizens about the variety influence and continual revision and innovation that define state constitutions in the U S A wide range of libraries including those that serve college students AP high school students and the general public will want to update their collections with this unique and essential reference work

Understanding State Constitutions G. Alan Tarr, 2018-06-05 For many Americans the word constitution means just one thing the national Constitution According to a recent survey almost half do not know that individual states also have constitutions Scholars have also paid little attention to state constitutions favoring the apparently more dynamic and significant federal scene G Alan Tarr seeks to change that in this landmark book A leading authority on state legal issues he combines history law and political science to present a thorough and long needed account of the distinct and important role of state constitutions in American life Tarr shows that state constitutional politics are dominated by three crucial issues with little salience at the national level the distribution of power among groups and regions within states the scope of state and local governmental authority and the relation of the state to economic activity He explains how state constitutions differ from the national Constitution in treating not only matters of high principle but also such mundane subjects as ski trails and motor vehicle revenues He also explores why state constitutions unlike their federal counterpart have been so frequently amended and replaced Tarr concludes that the United States not only has a system of dual constitutionalism but also has dual constitutional cultures Powerfully argued and meticulously researched the book fills an important gap in political and legal studies and finally gives state constitutions the scholarly attention they richly deserve *State Constitutions for the Twenty-first Century, Volume 3* G. Alan Tarr, Robert F. Williams, 2012-02-01 This third and final volume in a series devoted to state constitutions analyzes how these documents address major constitutional issues such as the protection of rights voting and elections constitutional change the legislature the executive the judiciary taxing spending and borrowing local government education and the environment Contributors identify the strengths and weaknesses of current state constitutions highlight the major issues confronting the states and assess various approaches for reform The New Jersey State Constitution Robert Forrest Williams, 2012-05-24 The New Jersey State Constitution provides an outstanding constitutional and historical account of the state s governing charter In addition to an overview of New Jersey s constitutional history it

provides an in depth section by section analysis of the entire constitution detailing the many significant changes that have been made since its initial drafting This treatment along with a table of cases index and bibliography provides an unsurpassed reference guide for students scholars and practitioners of New Jersey s constitution State constitutions perform different functions and contain different provisions from the more familiar U S Constitution The book first outlines the historical development of New Jersey s state constitution from 1776 to the present and explains the highlights of the process of state constitutional development leading to the current New Jersey constitution Next each section of the current constitution is analyzed including its origins general intent and purpose and important judicial interpretations illustrating the types of situations in which the section can come into play including references to key academic analysis of each section Careful explanation is provided with illustrations from cases of the complex and evolving relationship between rights guaranteed by the U S Constitution and rights guaranteed by the New Jersey constitution In many instances New Jersey s rights can be more protective than those included in the Federal Constitution Finally the book provides a thorough bibliographical essay reviewing the evolution of the New Jersey constitution The Oxford Commentaries on the State Constitutions of the United States is an important new series that reflects a renewed international interest in constitutional history and provides expert insight into each of the 50 state constitutions Each volume in this innovative series contains a historical overview of the state s constitutional development a section by section analysis of its current constitution and a comprehensive guide to further research Under the expert editorship of Professor G Alan Tarr Director of the Center on State Constitutional Studies at Rutgers University this series provides essential reference tools for understanding state constitutional law Books in the series can be purchased individually or as part of a complete set giving readers unmatched access to these important political documents

The Constitution of the State of New Jersey Timothy Ball, 2018-05-20 This book is intended as a Quick Reference Guide It presents the text of the state s constitution in a straightforward and easy to read format For citizens students legislators judges or merely the curious This edition has been revised and updated with a clear and easy to read table of contents The updated format facilitates quick reference to every section and article

Paving the Way Herma Hill Kay, 2021-04-13 The first wave of trailblazing female law professors and the stage they set for American democracy When it comes to breaking down barriers for women in the workplace Ruth Bader Ginsburg s name speaks volumes for itself but as she clarifies in the foreword to this long awaited book there are too many trailblazing names we do not know Herma Hill Kay former Dean of UC Berkeley School of Law and Ginsburg s closest professional colleague wrote Paving the Way to tell the stories of the first fourteen female law professors at ABA and AALS accredited law schools in the United States Kay who became the fifteenth such professor labored over the stories of these women in order to provide an essential history of their path for the more than 2 000 women working as law professors today and all of their feminist colleagues Because Herma Hill Kay who died in 2017 was able to obtain so much first hand information about the fourteen

women who preceded her *Paving the Way* is filled with details quiet and loud of each of their lives and careers from their own perspectives Kay wraps each story in rich historical context lest we forget the extraordinarily difficult times in which these women lived *Paving the Way* is not just a collection of individual stories of remarkable women but also a well crafted interweaving of law and society during a historical period when women's voices were often not heard and sometimes actively muted The final chapter connects these first fourteen women to the second wave of women law professors who achieved tenure track appointments in the 1960s and 1970s carrying on the torch and analogous challenges This is a decidedly feminist project one that Justice Ruth Bader Ginsburg advocated for tirelessly and admired publicly in the years before her death

Courting Justice Paul L. Tractenberg, 2013-07-23 Since 1947 a modernized New Jersey Supreme Court has played an important and controversial role in the state nation and world Its decisions in cutting edge cases have confronted society's toughest issues reflecting changing social attitudes modern life's complexities and new technologies Paul Tractenberg has selected ten of the court's landmark decisions between 1960 and 2011 to illustrate its extensive involvement in major public issues and to assess its impact Each case chapter is authored by a distinguished academic or professional expert several of whom were deeply involved in the cases litigation enabling them to provide special insights An overview chapter provides context for the court's distinctive activity Many of the cases are so widely known that they have become part of the national conversation about law and policy In the *Karen Ann Quinlan* decision the court determined the right of privacy extends to refusing life sustaining treatment The *Baby M* case reined in surrogate parenting and focused on the child's best interests In the *Mount Laurel* decision the court sought to increase affordable housing for low and moderate income residents throughout the state The *Megan's Law* case upheld legal regulation of sex offender community notification A series of decisions known as *Abbott Robinson* required the state to fund poor urban school districts at least on par with suburban districts Other less well known cases still have great public importance *Henningesen v Bloomfield Motors* reshaped product liability and tort law to protect consumers injured by defective cars *State v Hunt* shielded privacy rights from unwarranted searches beyond federal standards *Lehmann v Toys R Us* protected employees from sexual harassment and a hostile work environment *Right to Choose v Byrne* expanded state constitutional abortion rights beyond the federal constitution and *Marini v Ireland* protected low income tenants against removal from their homes For some observers the New Jersey Supreme Court represents the worst of judicial activism others laud it for being in its words the designated last resort guarantor of the Constitution's command For Tractenberg the court's activism means it tends to find for the less powerful over the more powerful and for the public good against private interests an approach he applauds

Rutgers Law Journal, 2006 **The American State Constitutional Tradition** John J. Dinan, 2006-04-14 For too long the American constitutional tradition has been defined solely by the U S Constitution drafted in 1787 Yet constitutional debates at the state level open a window on how Americans in different places and at different times have chosen to govern themselves From New Hampshire in 1776 to

Louisiana in 1992 state constitutional conventions have served not only as instruments of democracy but also as forums for revising federal principles and institutions In The American State Constitutional Tradition John Dinan shows that state constitutions are much more than mere echoes of the federal document The first comprehensive study of all 114 state constitutional conventions for which there are recorded debates his book shows that state constitutional debates in many ways better reflect the accumulated wisdom of American constitution makers than do the more traditional studies of the federal constitution Wielding extraordinary command over a mass of historical detail Dinan clarifies the alternatives considered by state constitution makers and the reasons for the adoption or rejection of various governing principles and institutions Among other things he shows that the states are nearly universal in their rejection of the rigid federal model of the constitutional amendment process favoring more flexible procedures for constitutional change they often grant citizens greater direct participation in law making they have debated and at times rejected the value of bicameralism and they have altered the veto powers of both the executive and judicial branches Dinan also shows that while the Founders favored a minimalist design and focused exclusively on protecting individuals from government action state constitution makers have often adopted more detailed constitutions sometimes specifying positive rights that depend on government action for their enforcement Moreover unlike the federal constitution state constitutions often contain provisions dedicated to the formation of citizen character ranging from compulsory schooling to the regulation of gambling or liquor By integrating state constitution making with the federal constitutional tradition this path breaking work widens and deepens our understanding of the principles by which we've chosen to govern ourselves

State Constitutional Politics John Dinan, 2018-04-06 Since the US Constitution came into force in 1789 it has been amended just twenty seven times with ten of those amendments coming in the first two years following ratification By contrast state constitutions have been completely rewritten on a regular basis and the current documents have been amended on average 150 times This is because federal amendments are difficult so politicians rarely focus on enacting them Rather they work to secure favorable congressional statutes or Supreme Court decisions By contrast the relative ease of state amendment processes makes them a realistic and regular vehicle for seeking change With State Constitutional Politics John Dinan looks at the various occasions in American history when state constitutional amendments have served as instruments of governance Among other things amendments have constrained state officials in the way they levy taxes and spend money enacted policies unattainable through legislation on issues ranging from minimum wage to the regulation of marijuana and updated understandings of rights including religious liberty equal protection and the right to bear arms In addition to comprehensively chronicling the ways amendments shape politics in the states Dinan also assesses the consequences of undertaking changes in governance through amendments rather than legislation or litigation For various reasons including the greater stability and legitimacy of changes achieved through the amendment process he argues that it might be a more desirable way of achieving change

A Distinct Judicial Power

Scott Douglas Gerber, 2011-01-10 *A Distinct Judicial Power: The Origins of an Independent Judiciary 1606-1787* by Scott Douglas Gerber provides the first comprehensive critical analysis of the origins of judicial independence in the United States. Part I examines the political theory of an independent judiciary. Gerber begins chapter 1 by tracing the intellectual origins of a distinct judicial power from Aristotle's theory of a mixed constitution to John Adams's modifications of Montesquieu. Chapter 2 describes the debates during the framing and ratification of the federal Constitution regarding the independence of the federal judiciary. Part II, the bulk of the book, chronicles how each of the original thirteen states and their colonial antecedents treated their respective judiciaries. This portion, presented in thirteen separate chapters, brings together a wealth of information: charters, instructions, statutes, etc. about the judicial power between 1606 and 1787 and sometimes beyond. Part III, the concluding segment, explores the influence the colonial and early state experiences had on the federal model that followed and on the nature of the regime itself. It explains how the political theory of an independent judiciary examined in Part I and the various experiences of the original thirteen states and their colonial antecedents chronicled in Part II culminated in Article III of the U.S. Constitution. It also explains how the principle of judicial independence embodied by Article III made the doctrine of judicial review possible and committed that doctrine to the protection of individual rights.

Encyclopedia of New Jersey Maxine N. Lurie, Marc Mappen, 2004. Contains nearly original articles along with illustrations and maps collecting a wealth of information about the state of New Jersey.

Judging Inequality James L. Gibson, Michael J. Nelson, 2021-08-31. Social scientists have convincingly documented soaring levels of political, legal, economic, and social inequality in the United States. Missing from this picture of rampant inequality, however, is any attention to the significant role of state law and courts in establishing policies that either ameliorate or exacerbate inequality. In *Judging Inequality*, political scientists James L. Gibson and Michael J. Nelson demonstrate the influential role of the fifty state supreme courts in shaping the widespread inequalities that define America today, focusing on court-made public policy on issues ranging from educational equity and adequacy to LGBT rights to access to justice to workers' rights. Drawing on an analysis of an original database of nearly 6,000 decisions made by over 900 judges on 50 state supreme courts over a quarter-century, *Judging Inequality* documents two ways that state high courts have crafted policies relevant to inequality through substantive policy decisions that fail to advance equality and by rulings favoring more privileged litigants, typically known as upperdogs. The authors discover that whether court-sanctioned policies lead to greater or lesser inequality depends on the ideologies of the justices serving on these high benches, the policy preferences of their constituents, the people of their state, and the institutional structures that determine who becomes a judge as well as who decides whether those individuals remain in office. Gibson and Nelson decisively reject the conventional theory that state supreme courts tend to protect underdog litigants from the wrath of majorities. Instead, the authors demonstrate that the ideological compositions of state supreme courts most often mirror the dominant political coalition in their state at a given point in time. As a result, state supreme

courts are unlikely to stand as an independent force against the rise of inequality in the United States instead making decisions compatible with the preferences of political elites already in power At least at the state high court level the myth of judicial independence truly is a myth Judging Inequality offers a comprehensive examination of the powerful role that state supreme courts play in shaping public policies pertinent to inequality This volume is a landmark contribution to scholarly work on the intersection of American jurisprudence and inequality one that essentially rewrites the conventional wisdom on the role of courts in America s democracy *State Constitutionalism in Maryland* Michael Carlton Tolley,1992 **The Law of American State Constitutions** Robert F. Williams, Lawrence Friedman,2023 The second edition of *The Law of American State Constitutions* provides complete coverage of the legal doctrines surrounding applying to and arising from American state constitutions and their judicial interpretation Drawing on examples from specific states Professors Williams and Friedman analyze the nature and function of state constitutions in contrast to the federal Constitution including rights separation of powers issues of interpretation and the processes for amendment and revision In this edition Williams and Friedman focus on recent developments including the state constitutional dimensions of same sex marriage and the reaction of state courts to U S Supreme Court decision making This edition of *The Law of American State Constitutions* remains an important analytical tool that explains the unique character and the range of interpretive approaches to these constitutions It covers the structure of state governments under state constitutions as well as the distribution of powers among the legislative executive and judicial branches Like the first edition this edition presents a complete picture of state constitutional law and the attributes and features that make this body of law so distinctive **On Equal Terms** Douglas S. Reed,2021-03-09 Since *Brown v Board of Education* and the desegregation battles of the 1960s and 1970s the legal pursuit of educational opportunity in the United States has been framed largely around race But for nearly thirty years now a less noticed but controversial legal campaign has been afoot to equalize or improve the resources of poorly funded schools This book examines both the consequences of efforts to use state constitutional provisions to reduce the resource segregation of American schools and the politics of the opposition to these decisions *On Equal Terms* compares the relative success of school finance lawsuits to the project of school desegregation and explores how race and class present sharply different obstacles to courts Since a 1973 U S Supreme Court decision that effectively deferred to the states in the matter of educational equity about a third of state judiciaries have mandated reform of state level educational funding systems Douglas Reed analyzes both the rhetoric of reform and the varying effects of these controversial decisions while critiquing the courts failure to more clearly define educational equity Well written with keen insight throughout the book concludes with an intriguing policy proposal that acknowledges obstacles to such efforts This proposal aims to enhance education by fostering racial and economic integration locally Setting the stage for a more coherent debate on this controversial issue and expanding our understanding of constitutional design *On Equal Terms* will have far reaching implications for law public

policy politics and not least the future of American education

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