

FOREWORD

In New Jersey, the 1940s are marked as years of change. According to the public sentiment of the time, New Jersey's government was fraught with instability and was in need of major revision if the state was going to face the problems of the postwar era.¹ According to Governor Driscoll, the 1844 Constitution was "hopelessly out of step with the requirements of [the] modern industrial age" and "handicapp[ed] rather than help[ed] [the state's] efforts to achieve good government."²

Although governmental revision was recognized as a necessity in the early part of the 1940s, it was not a reality until 1947. On the urgency of Governor Driscoll's Inaugural Address of 1947, and an unusual display of bipartisan strength, the state legislature submitted a referendum to the state citizenry for a constitutional convention. In June of 1947, the populace approved the convention by an overwhelming five-to-one margin.³ The convention met nine days later, and the 1947 Constitution was ratified in November of 1947, to take effect in 1948.⁴ The rest, as they say, is history.

Fifty years following the enactment of the new constitution, the success of the document speaks for itself. The 1947 Constitution, particularly the articles dealing with the executive and the judiciary, is "considered a model by experts on state government."⁵ As Governor (and later Chief Justice) Richard J. Hughes once stated, "[t]he 1947 New Jersey Constitution was the most exciting and wonderful thing that happened" in his political lifetime.⁶ Similarly, Governor Kean candidly admitted that almost every day he silently offered a prayer of thanks to Chief Justice Arthur Vanderbilt and Governor Alfred E. Driscoll for authoring the 1947 Constitution.⁷ It has been said that "[i]f imitation is the sincerest form of flattery, the way other states have followed New

¹ROBERT F. WILLIAMS, *THE NEW JERSEY STATE CONSTITUTION: A REFERENCE GUIDE* 13 (1990).

²*Id.* at 16.

³*Id.*

⁴*Id.* at 16-17.

⁵RICHARD J. CONNORS AND WILLIAM J. DUNHAM, *THE GOVERNMENT OF NEW JERSEY* 37 (1993).

⁶WILLIAMS, *supra* note 1, at ix.

⁷THOMAS H. KEAN, *THE POLITICS OF INCLUSION* 63 (1988).

Jersey's example is quite flattering."⁸

On this day, March 12, 1997, the day this book is released, the *Seton Hall Constitutional Law Journal* celebrates the 50th Anniversary of the New Jersey Constitution and honors the men and woman that have contributed to its successes. As one of many celebrations that will undoubtedly take place throughout the state during this momentous year, this symposium will focus on the role of the judiciary under the 1947 Constitution and the New Jersey Supreme Court's interpretation of the state constitution. The thoughtful speeches and panel discussion that will take place on this day will be published in Volume 7, Number 3 of the *Journal*.

Amidst the celebration, we must all pause to honor and remember a man who was committed to the vision of the 1947 Constitution and the betterment of the state judiciary. Robert N. Wilentz served as Chief Justice of the State of New Jersey for 17 years and shepherded the court system through an era in which an overwhelming demand on the judiciary was met with deficient resources. While Chief Justice Wilentz was powerless to curb the influx of litigation presented in New Jersey's courts, he worked tirelessly to improve the efficiency of the court system. Guided by the skilled craftsmanship of Chief Justice Wilentz, the New Jersey court system has been lauded by many experts as the most efficient state judiciary in the nation. As Professors Ambrosio and McLaughlin recognize, although many of Chief Justice Wilentz's innovations, rulings, and judicial decisions have been controversial, few could ever question the dedication and pride with which Chief Justice Wilentz served this state.⁹

Chief Justice Vanderbilt once expressed the notion that an essential of a sound judicial system is to have judges with an "an abiding conviction . . . that the law and the courts exist not for the benefit of the judges or lawyers or the court officers who are merely the servants of the law, but for the benefit of the litigants and the state."¹⁰ Without knowing more, one would think that Chief Justice Vanderbilt directed this statement at Chief Justice Wilentz; of course, we know that is not possible—Chief Justice Vanderbilt died when Robert N. Wilentz was only 30 years of age. One cannot help but think, however, that Robert N. Wilentz was the jurist Chief Justice Vanderbilt envisioned.

The articles contained in this issue of the *Journal* demonstrate the profound impact that Chief Justice Wilentz has had, and will inevitably continue to have, on the New Jersey state judiciary. The tribute articles contained herein reflect

⁸CONNORS AND DUNHAM, *supra* note 5, at 37.

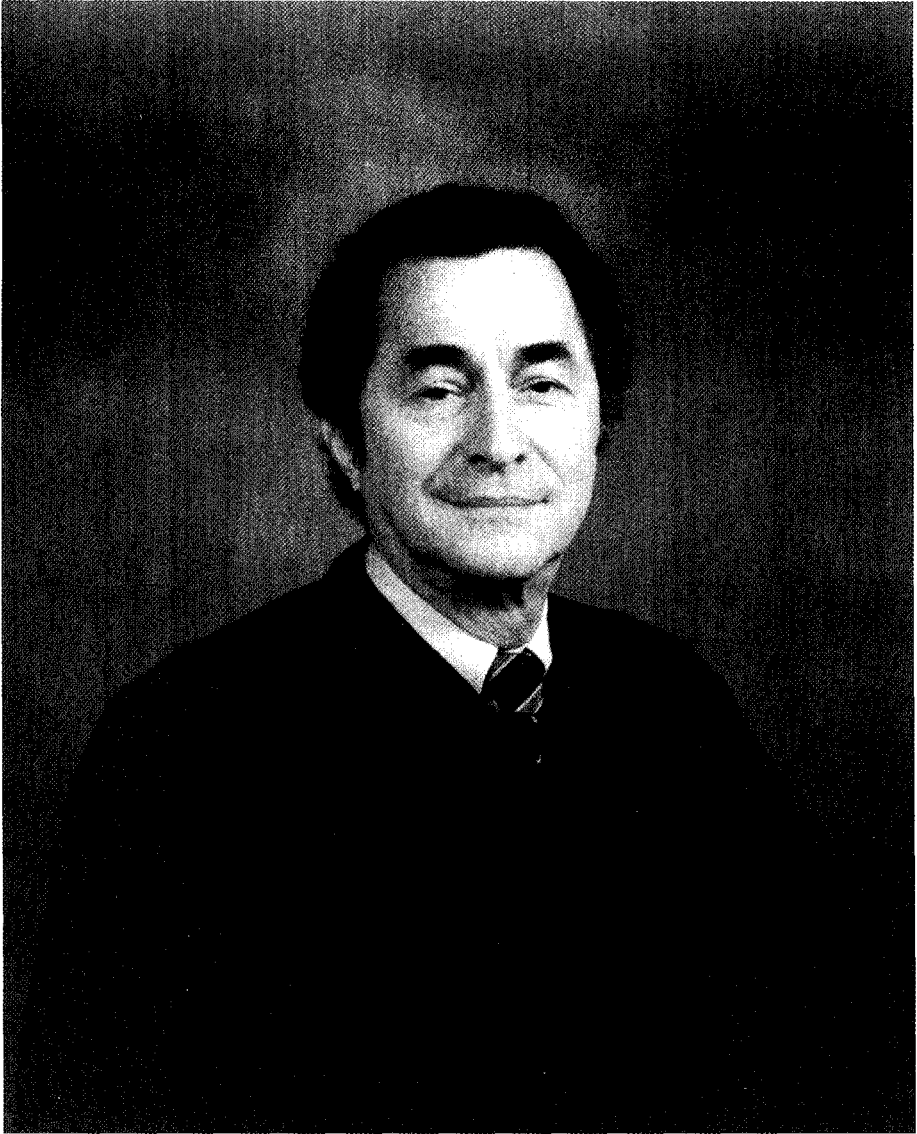
⁹See Michael P. Ambrosio and Denis F. McLaughlin, *The Redefining of Professional Ethics in New Jersey Under Chief Justice Robert Wilentz: A Legacy of Reform*, 7 SETON HALL CONST. L.J. 351, 357-59 (1997).

¹⁰Arthur T. Vanderbilt, *Essentials of a Sound Judicial System*, 48 Nw. U. L. Rev. 1, 15 (1953).

the deep admiration and respect that Chief Justice Wilentz's colleagues had for him. The fact that all seven active Justices of the New Jersey Supreme Court have inscribed their thoughtful remembrances of the Chief Justice in this issue speaks volumes. The remaining articles address significant state constitutional issues that bear the signature of the Wilentz Court.

It is the *Journal's* hope that we have presented our readership with an accurate image of a man who was admired and respected by his colleagues on the New Jersey Supreme Court, and whose role in interpretation of the state constitution will endure for many years to come. If we have done so, our intentions have been brought to fruition. The *Seton Hall Constitutional Law Journal* proudly dedicates Volume 7, Number 2 to the career and life of the late Chief Justice Robert N. Wilentz.

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Editor-in-Chief



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