

The Constitution of 1947

ALFRED EASTLACK DRISCOLL (October 25, 1902–March 9, 1975) was born in Pittsburgh, Pennsylvania, the son of Alfred Robie and Mattie (Eastlack) Driscoll. His ancestry can be traced to revolutionary Haddonfield, New Jersey. In 1906, when Driscoll was four years old, the family moved back to Haddonfield. An only child, Driscoll could attribute his interest in public affairs directly to his parents, who participated actively in the affairs of the community. His mother, a participant in many church, reform, and educational movements, including the founding of the Peddie School for Girls in Hightstown, appears to have influenced her son's development profoundly.

Driscoll displayed enormous energy and drive as a child, and these became his most pronounced characteristics as governor. He graduated from Haddonfield High School as the school's most outstanding student, receiving the Childrey Award for his reputation as a hard-working student, his performance as captain of the debating and track teams, and other achievements. At Williams College, he served as captain of the track team again, continued his commitment to debating, and became one of the college's two four-letter men.

During his college years, Driscoll satisfied a thirst for adventure and a love of the outdoors. Later he reflected: "When I was in college I had a bad case of wanderlust. I went to sea during a couple of summer vacations. I worked as a cook with an expedition to the Canadian Rockies and another time, I cooked for an outfit that went north to the arctic circle. I used to justify myself by saying that I was building windows out of which I could look after I had settled down." Besides opening "windows" for the future governor, these excursions helped mold his sense of independence, which, combined with the security of deep roots in his native state, shaped his political style. That style was already visible when, at 28, he entered politics.

Fresh from Harvard Law School, Driscoll became associated with the Camden firm of Starr, Sumerhill and Lloyd. Shortly after that, he was asked to run for the Haddonfield Board of Education to prevent the local political machine from "politicizing" a nonpartisan body. When Republican leaders informed him that he could not run because the local party had already selected its ticket, Driscoll retorted, "Until a minute ago, I didn't want to run. Now, I'm going to."

Thus, Driscoll entered politics only to keep "politics" from getting in the way of the matters he deemed important. A young man of intelligence and means, he did not need the party as a vehicle for personal, financial, or political success. It was only natural that Arthur T. Vanderbilt's "Clean Government" movement, which was beginning to enjoy success in the northern counties, looked on him as a "comer." Driscoll's disdain for "petty partisan politics" would help him secure a new constitution for the state, which others had failed to do. The same quality, however, would also eventually weaken his influence over many county leaders in the party he led.

Driscoll remained on the school board for seven years, serving for a time as its president. He resigned in 1937 to run for the Haddonfield Borough Commission. After his election he became director of revenue and finance, in which office he significantly lowered the municipality's taxes and bonded debt.

At this juncture the Clean Government faction of the Republican party approached Driscoll to oppose the entrenched Baird machine in the primary for state senator, and he did so successfully. He went on to win the election. In that year a Frank Hague favorite, A. Harry Moore, won his third term as governor. Moore defeated the Clean Government candidate, Rev. Lester H. Clee, by 40,000 votes, though he carried only Hudson and Middlesex counties. Driscoll was among the first to notice irregularities. "Funny things happened in that election," he said, "including the burning of ballots." Retaining his borough commission seat, he entered the senate determined to combat machine politics in both parties at every level in the state.

He managed Robert C. Hendrickson's ill-fated campaign in the 1940 election for governor, which Charles Edison won by 60,000 votes. The following January the thinned Republican majority selected Driscoll as senate majority leader. He spent his brief term cautiously walking a tightrope between the Hague Democrats

and the patronage-hungry "old guard" Republicans from the rural counties. Analyzing his situation, he observed, "My job was to get as much as I could and to yield as little as I would." Shortly thereafter, the Republican legislature designated him New Jersey's alcoholic beverage commissioner.

In that post, Driscoll displayed the capacity for hard work and for enduring sixteen-hour days that would mark his seven years as governor. He established the reputation of a strict and impartial watchdog over an industry frequently beset by scandal.

In addition to his official duties, he immersed himself in the movement for constitutional revision and administrative reorganization, which gained momentum during the administrations of governors Edison and Walter E. Edge. Edge named Driscoll to the New Jersey Commission on State Administrative Reorganization, which was chaired by Charles R. Erdman, Jr., and included Senator C. Wesley Armstrong, Assemblyman Walter Jones, and public member Charles A. Eaton, Jr. The commission thoroughly investigated the existing one hundred independent spending agencies and fifty independent boards and commissions, then recommended consolidating twenty-four agencies into five principal departments. These recommendations were enacted promptly. The defeat of the 1944 constitution precluded further reorganization, but Driscoll's work on the commission gave him a familiarity with the mechanisms of state government that equipped him for his most memorable feat, engineering the ratification of the new constitution.

Supported by Governor Edge, Driscoll stopped former Governor Harold G. Hoffman's attempted comeback in the Republican primary of 1946 and then defeated the Democratic candidate, Hudson County Judge Lewis G. Hansen, by a plurality of 221,000 votes. By all accounts the gubernatorial campaign was a lackluster affair, with the Republicans seeking to capitalize on President Harry S.

Truman's unpopularity and on the close relationship between Hansen and Hague. Driscoll stressed his experience and promised strong and efficient state government. He expressed support for constitutional revision only in the most general terms.

Driscoll's inaugural address revealed that in the eleven-week transition period he had studied the Edison and Edge constitutions carefully. To the surprise of most of his listeners, he called for a constitutional convention, a remedy he had not alluded to in his campaign or post-victory press conferences. Acting in the belief that the Edison constitution had been filibustered to death by a suspicious legislature and that the Edge draft had been defeated by the partisan nature of its guidance through the legislature, Driscoll decided that a limited convention would help the cause by removing it from legislative halls and partisan politics. He gave assurance that the convention would be prohibited from entering the thicket of reapportionment, and the legislature, after wrangling about how many delegates each county would send to the convention, complied with his request. To reassure skeptics who doubted that New Jersey was ready for a new constitution, Driscoll described the 1944 referendum as a defeat for the specific proposal rather than a vote of confidence for the 1844 document then in use.

The governor was responsible for a number of measures to guarantee the orderly transaction of business during the convention and to ameliorate antagonisms that could have jeopardized the new constitution at any point between the start of deliberations in New Brunswick on June 12 and the referendum in November. He marshaled the state government's resources to facilitate the deliberations and to publicize the document. As soon as the legislature approved the convention, he commissioned a Committee on Preparatory Research, headed by state archivist Sidney Goldman, to develop material that might assist the delegates, to help prepare a tentative

draft of rules for the convention, and to set up a library of important reference tools close to the delegates. He minimized procedural and partisan quibbling by encouraging county leaders to field bipartisan delegations and by procuring agreement on the convention's officers before the first session.

Driscoll kept informed of the proceedings through transcripts of committee and floor deliberations, briefings with delegate George Walton, his representative at the convention, and appearances as a witness. He intervened personally to bring about at least two compromises that helped save the constitution from the kinds of sectional and religious antagonism that had defeated its 1944 predecessor.

He issued a plea to "isolate" the emotional issue of gambling from the issue of constitutional reform; he seemed to favor leaving an open door for a future referendum on charity raffles and bingo and letting the 1939 referendum on pari-mutuel betting stand intact. The second intervention involved the issue of second-class railroad taxation. When it became apparent that this matter could not be resolved either in committee or on the floor, Driscoll negotiated directly with the Jersey City leaders. They wanted the constitution to prohibit the preferential tax rate that the legislature had awarded the railroads in 1941 and to provide for the assessment of local property (terminals, yards and stations) at "true value" instead. The administration held out for uniform rules with the legislature empowered to handle specific problems as they arose. A compromise was reached that in effect committed the governor to the repeal of the 1941 statute but did not mention second-class real property. The compromise also strengthened the power of the legislature without abandoning the "true-value" clause. Students of the subject cite this compromise as the saving of the constitution, for it guaranteed that Hudson County would not sabotage the document at the polls as it had done in 1944 and was threatening to do again.

The rapprochement with the Hague machine was a significant retreat for Driscoll, however, and it involved a minor risk. While in the senate, he had been one of the sponsors of the legislation Hague wished to nullify, and in yielding now to the demands of practicality he angered longtime advocates of constitutional revision such as Arthur T. Vanderbilt and Walter E. Edge.

Driscoll's unwavering support for a strengthened executive and a streamlined judiciary, which had been cited by a series of former governors as the reforms most needed in New Jersey and as the major reasons for adopting a new constitution, balanced whatever concessions he made to Hudson County in this and other instances. Other highlights of the Driscoll-inspired draft included a merit system for state employees, and a guarantee of the right of collective bargaining for persons in private employment; in abolishing segregation in the militia and in public schools, the document made New Jersey the first state to outlaw segregation constitutionally. Although Governor Edge had long advocated these measures, he had refrained from including them in his draft constitution on the grounds that they represented concessions to special interests. These deletions had made it possible for Hague to instill fear in disappointed interest groups and to encourage them to vote against any draft not specifically addressed to them. The reverse was true of the 1947 draft, which was approved by a plurality of 470,464 votes.

In 1948, the Driscoll administration continued the reorganization of state government begun by the New Jersey Commission on State Administrative Reorganization and further mandated by the new constitution. Some seventy departments were reduced to fourteen, saving the state an estimated \$2 million in administrative costs. One important consolidation unified all law enforcement agencies under one administrative head; another merged all fiscal functions into one department with a single director.

The law-enforcement reforms also allowed the attorney general to supersede local county prosecutors, creating an important weapon for combating organized crime. New Jersey was the first to consolidate law enforcement and financial functions in this manner, and it was a model for the twenty-eight states that followed suit after 1948.

Another constitutional mandate Driscoll was quick to act on was the commitment to civil rights. He turned over the enforcement of the new provision to the Division Against Discrimination in the Department of Education, and threw his weight behind the legislation the division recommended. That legislation included a bill making it a misdemeanor to bar any child from the public schools or to discharge a teacher on grounds of race, religion, or national origin. He also integrated the national guard at once, preempting efforts to have the secretary of the army help it thwart integration by creating all-black divisions. He signed the Freeman Bill, which prohibited discrimination because of race, color or creed in any place of public accommodation. The bill, which predated the Civil Rights Act of 1964 by sixteen years, had been in trouble in the legislature until the governor made it part of his legislative program.

In his first three years in office Driscoll also raised minimum teachers' salaries from \$1,200 to \$2,200, effected a temporary disability insurance program to protect workers from accidents and illness incurred off the job, and updated the parole system.

Driscoll was reelected in 1949 by a plurality of 75,860 votes, defeating Senator Elmer H. Wene, a South Jersey chicken farmer. His victory was regarded as a fatal blow to Frank Hague, who wanted to regain at the state level the power he had lost in Jersey City. Insurgent Democrats in Hague's bastion had passed the word that Driscoll's reelection would be useful to their purpose, and as a result the governor had become the first Republican since Warren G. Har-

ding to carry Jersey City. He won there by 16,000 votes, and he only lost Hudson County by 3,400. The \$100-million slum-clearance and rehabilitation bond issue he supported in that election was less fortunate, but he later secured passage of a \$41 million bond issue to build low-cost housing for veterans.

During Driscoll's second administration the New Jersey Turnpike and the Walt Whitman Bridge were opened, and the Garden State Parkway was begun. The 118-mile turnpike was perhaps the most spectacular of these achievements. The Turnpike Authority, created in 1949, issued its first bonds in 1950, and the highway was built in twenty-three months. Two of the reasons frequently cited for this record construction pace are that the authority commissioned a multitude of contractors and that the governor closely supervised the project, making countless on-the-spot inspection tours. The New Jersey Highway Authority was created to build the Parkway in 1952. The 164-mile road opened in 1954.

In his last year in office, Driscoll supervised the state's purchases of Island Beach State Park and the 110,000-acre Wharton Tract in South Jersey, which he called "a rich source of water resources and reserves for the future." He also planned the development of Sandy Hook State Park, which was considered New Jersey's future answer to Jones Beach.

Like most recent administrators, Driscoll took steps to confront the problems of organized crime, racketeering, and political corruption, which had long plagued New Jersey. With Governor Thomas E. Dewey of New York he created the Bistate Waterfront Commission in 1950 to remove racketeers from the Hudson River docks. During the same year, the state police broke up a nationwide Western Union bookmaking network and moved in on a statewide narcotics syndicate.

Two scandals erupted during the Driscoll years. Neither directly touched the governor or his close advisers or damaged the credibility of his administration,

but both tarnished his reputation as a party leader. The first scandal involved the purchase of two privately owned bridges by the Burlington County Board of Freeholders from a company whose major stockholders were Republican County Chairman and National Guard Chief of Staff Clifford R. Powell and his associates. The state planned to acquire the bridges for \$4,900,000 through condemnation, but the freeholders, most of whom owed their positions to Powell, purchased them for \$12,400,000, selling bonds to a syndicate at a New York meeting. The courts ordered the return of the profits and the bridges, and Driscoll moved to block public purchase of the bonds. Later, acting as commander of the national guard, he removed Powell from his position in that organization.

The second scandal involved another Republican bastion, Bergen County. Learning of a major gambling scandal there, the governor sent Deputy Attorney General Nelson Stamler to supersede prosecutor Walter G. Winne. Stamler secured indictments and jail sentences against three defendants. Winne was also indicted but he was later acquitted. Stamler had further success, but before he was finished the state attorney general removed him. Later, legislative investigation revealed that the brother of one of the defendants had asked the Republican state chairman to have the heat from Trenton removed. It was also learned that another defendant had briefly been employed as a clerk in Driscoll's office. Though the scandal never brought the governor's integrity into question, it revealed his failure to keep a close enough watch over the local and county Republican organizations. The very independence he had maintained from his party throughout his career may have contributed to his negligence. It is altogether likely that Driscoll's preoccupation with policy making led him to ignore or fail to scrutinize the administrative and partisan aspects of the job of governor as closely as he would have liked.

On his retirement in 1953, Driscoll as-

sumed the presidency of the Warner-Hudnut Company (now the Warner-Lambert Pharmaceutical Company). He continued his activity in governmental affairs, presiding over the National Municipal League, speaking for a citizens' committee for the establishment of the Gateway National Recreation Area, and serving on the 1967 riot commission. He supported a number of his successors' programs, including Governor Richard J. Hughes's ill-fated 1963 bond issue and Governor William T. Cahill's 1972 tax reform package. In 1970 Governor Cahill named him head of the New Jersey Turnpike Authority, and he occupied that post until his death. He was also an active member of the New Jersey Historical Commission.

Throughout his years as governor and concerned private citizen, Driscoll embraced a concept he called "working federalism." He argued that states should have greater initiative and should cooperate with each other more fully, and the federal government should share more functions with the states. A careful reading of his second inaugural address shows that this concept resembles the idea of revenue sharing, an innovation of the 1970s. Driscoll's denunciation of what he saw as the national government's growing detachment from the public suggests that he would have had much in common with the "anti-Washington" politicians of the contemporary era: "In our republic, it has been the traditional task of the states to protect individual freedom. . . . Despite the contention of some who would put their trust in a strong, centralized government in the nation's capital, Big Government sooner or later ceases to be either representative or responsible. It retains the appearance of a union of states and of popular representation, but abandons the substance."

Records of Governor Alfred E. Driscoll, New Jersey State Library, Bureau of Archives and History, Trenton, N.J.

Bryan, Brantz Mayer. "Alfred Eastlack

Driscoll: Governor of New Jersey." Senior thesis, Princeton University, 1952.

Cutler, Robert G. "Charter Reviewed: The New Jersey Constitution, 1947-1957." Ph.D. dissertation, Princeton University, 1958.

Felzenberg, Alvin S. "The Impact of Gubernatorial Style on Policy Outcomes: An In Depth Study of Three New Jersey Governors." Ph.D. dissertation, Princeton University, 1978.

Wood, Robert. "The Metropolitan Governor." Ph.D. dissertation, Harvard University, 1950.

Alvin S. Felzenberg



ROBERT BAUMLE MEYNER (b. July 3, 1908), lawyer, governor of New Jersey, was born in Easton, Pennsylvania, the son of Gustave Herman and Mary Sophie (Baumle) Meyner. His parents, who were of German and Swiss ancestry, came from humble backgrounds: his father worked as a loom fixer and silk worker. When Robert was eight, his family moved to Phillipsburg, New Jersey. Except for a short stay at Paterson, his family remained in Phillipsburg. The need to earn a living occupied his youth, and he worked in various jobs as a newspaper boy, grocery clerk, garage mechanic, and foundry handyman. In 1926 Meyner graduated from Phillipsburg High School and entered Lafayette College in Easton, Pennsylvania, financing his education by working in the silk mills near Easton and Phillipsburg. He developed an early interest in politics in 1928, when he became president of the Young People's Al Smith for President Club at Lafayette.

From 1930 to 1933, he attended Columbia University Law School, and in 1934 he was admitted to the New Jersey bar. Working as a law clerk for the firm J. Emil Walscheid and Milton Rosenkranz in Union City and later in Jersey City, Meyner gained "a lot of experience but