

# “The New Brunswick Massacre of 9/10/47”

By Ed Smith

50 years ago a quiet seizure of power took place at Rutgers University, in the State of New Jersey. While families looked to the future, trying to forget the fresh and horrible memories of the war, politics were not the big subject of the moment. The armies for the different competing branches of government were still vying for power, waging their century old legal war. The official winner, on September 15, 1948, was to be the Judicial Branch.

The victims were to be the people of the State of New Jersey, doomed to live in a state totally under the control of the Supreme Court. In fact, in 1950, the Supreme Court decided that it's rulemaking power was exclusive, displacing any legislation on practice and procedure in the courts (*Winberry v. Salisbury*).<sup>(1)</sup> This demonstration of Supreme Court power was supported by the new “Constitution of 1947”. Article VI, Section VII, of all the courts in the State. He shall appoint an Administrative Director to serve at his pleasure.” The Constitution of 1947 establishes the Chief Justice as the *absolute czar* of the Judicial Branch!

This is but the tip of the iceberg. In Article VI, Section 2, Paragraph 3: “The Supreme Court shall make the rules governing the administration of all courts in the State and, subject to the law, the practice and procedure in all courts. The Supreme Court shall have jurisdiction over the admission to the practice of law and the discipline of the persons admitted.” This new section introduced a mechanism of control over all lawyers practicing in the state which was not in the 1844 constitution. <sup>(2)</sup> Officially, by constitutional provision, as of 9/15/48, every lawyer was truly an officer of the Court, and thus, a representative of the Judicial Branch of government. <sup>(3)</sup>

SEPARATION OF POWERS:

Both Constitutions, the one of 1844 and the one of 1947 outline the “Distribution of the Powers of Government” in Article III. It states: “The power of the Government shall be divided into three distinct branches (departments-1844), the legislative, executive, and judicial. No person or persons belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this Constitution.”

In light of this, how an officer of the Court, also known as lawyers and attorneys, serve in the Legislature? We must always remember that there is an ongoing war between the branches of government in the endless quest for absolute power. Because of the provisions of the 1947 Constitution in Art. VI, Sect. 2, Paragraph 3; the Judicial Branch has had spies, for lack of a better word, infiltrating the Legislative Branch. In the current 207<sup>th</sup> Legislature, 12 Senators and 21 Assembly members are listed as *attorneys* in the Legislative Directory published by the N.J. Business and Industry Association. There may be more, for anyone who is permitted to practice law, whether doing so now or not, is still held hostage to the right to practice law by the *pleasure* of the Court.

The Senate, the upper house of the Legislative Branch, best demonstrates the degree of the Judicial Branch’s infiltration into the Legislative Branch. The Senate President, the Majority Leader, the Minority Leader, 3 of 4 Assistant Minority Leaders, and 1 of 2 Deputy Assistant Minority Leaders are all lawyers. (4) The Senate Judiciary Committee has been totally undermined. The Legislative Branch’s major weapon against abuses by the Judicial Branch is the Judiciary Committee. Unfortunately, the Chairman, Vice Chairman, and 4 other attorneys comprise a controlling vote totaling 6 of the 9 members of the committee. It is important to remember that any bill can be killed by just not getting passed out of committee. It is no surprise that there has been no legislative response to some of the bizarre decisions that the Court has made since 1948.

Clearly, Article III of the State Constitution has been violated. While lawyers could legally serve in the Legislature until 9/15/48, be because there was no

provision for their control prior to that date; (5) after that date, they didn't do as they were instructed voters and the judiciary. The voters obviously can't end or disrupt a lawyer's legal career, so it is easy to figure out who's views get best represented.

In simple language, lawyers cannot serve on the Legislature, by order of the New Jersey State Constitution of 1947.

## WHAT TO DO?

This time, I have decided to carry the ball. I am not under the Judiciary's control, and fully understand the topic. On September 10, 1997, exactly 50 years after *The New Brunswick Massacre of 1947*, (6) I will have sent, via certified mail, a formal complaint to the Division of Elections Director, Joseph Britt. This letter, will call for the removal from the ballot, any candidate seeking an elected state office in either the Legislative or Executive Branch, that is admitted to practice law in N.J.. This ineligibility is based upon the arguments mentioned above. We shall all see what happens. Obviously, the Supreme Court will not be able to make an unbiased decision when its *children* are at the core of the question.

In closing, I would like to use a famous quote: "Let us have faith that Right makes Might, an in that faith, let us, to the end dare to do our duty as we understand it." (Abraham Lincoln, Cooper Union, New York City, February 1860)

## Notes:

1. The New Jersey State Constitution, A Reference Guide, by Robert F. Williams, Pg. 17.
2. State v. Rush, 46 N.J. at 411.
3. In re Wilson, 81 N.J/ at 458.
4. Seton Hall Law Review, Vol. 23:153, Page 204."

5. State Of N.J. Constitutional Convention of 1947, Vol. II, Page 1322.
6. State of New Jersey, “A New Constitution For The State”, Published by The Law Revision and Drafting Commission, September 10, 1947 at Rutgers University, New Brunswick, N.J..

**Comment from NJIAT.COM (<https://www.njiat.com/local-government.html#1> & <https://www.njiat.com/local-government.html#5>)**

Ed Smith served as *Chief of Staff* for NJ State Senator Mike Doherty (23<sup>rd</sup> District) and was a former *Warren County Commissioner*. Also, former Congressman Leonard Lance (7<sup>th</sup> District), who served as a member of the NJ Senate, would always praise the New Jersey Constitution because his father (Wesley Leonard Lance (November 21, 1908 – August 25, 2007), who also served as a member of the NJ Senate) was a delegate to the 1947 constitutional convention that established the current New Jersey State Constitution, and to the 1966 convention that established the current New Jersey Legislature with 40 senators and 80 assembly members. It is one of the worst *State Constitutions* ever written—no voice by the NJ citizens. The New Jersey Constitution is totalitarian and fascist to the core.