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State of Rhode Island and Providence Plantations

**JOURNAL OF THE
CONSTITUTIONAL CONVENTION**

Providence, Rhode Island

May 10, 1965

The Convention was called to order by Mr. Dennis J. Roberts, Chairman, at 2:15 P.M.

INVOCATION

The Chairman presented Rev. Arthur L. Hardge, Pastor of Hood Memorial A.M.E. Zion Church of Providence and President of the Ministerial Alliance of Providence and Vicinity, for the purpose of giving the Invocation. The Invocation was given.

The roll of delegates was called; there were 75 present, 24 absent. A quorum was present.

Absentees were Messrs. Appolonia, Baccari, Mrs. Barber, Messrs. Belhumeur, Bissonnette, Bride, Cooney, Delehanty, DeCiantis, Dodge, Fanning of Cumberland, Gallagher, Gates, Giguere, Gorham of Foster, Kiernan, Lallo, Laporte, LaSalle, McCabe, Murphy of Coventry, Ricci, SaoBento and Smart.

The names of the absentees were called.

On suggestion of Mr. Cochran, the delegates extended Rev. Arthur L. Hardge a rising vote of appreciation for his kindness in giving the Invocation.

On motion of Mr. Cannon, seconded by Mr. Dolbashian, the reading of the journal of the previous day was dispensed on a voice vote.

REPORTS OF STANDING COMMITTEES

Mr. Cannon, for the Committee on Administration of the Convention, reported back with recommendation of passage, Resolution No. 15, entitled "Resolution Providing for Pages".

On motion of Mr. Cannon, seconded by Mr. Manning, Resolution No. 15 was passed on a voice vote.

Mr. Murray, for the Committee on Rules and Credentials, reported back that the determination of the qualified electors' status of sponsors of all qualified electors' proposals heretofore submitted had been made and that all such sponsors are qualified electors.

The report was accepted by unanimous consent.

Mr. Murray reported back for reference to Committees the following proposals:

Qualified Elector's Proposal No. 10005. The proposal was referred to the Committee on Personal Liberties.

Qualified Elector's Proposal No. 10006. The proposal was referred to the Committee on Personal Liberties.

Qualified Elector's Proposal No. 10007. The proposal was referred to the Committee on Personal Liberties.

Qualified Elector's Proposal No. 10008. The proposal was referred to the Committee on Personal Liberties.

Qualified Elector's Proposal No. 10009. The proposal was referred to the Committee on Resolutions.

Mr. Murray for the Committee on Rules and Credentials, reported back with recommendation for adoption, Amendments to the Rules for the Rhode Island Constitutional Convention as follows: (These Amendments were earlier submitted in Resolution No. 11, Resolution No. 13 and Resolution No. 16)

In Rule 9a the second sentence to be amended to read:

"He shall furnish each delegate with a copy of the journal of the proceedings of the previous day."

Rule 9c to be amended to read:

"The Secretary shall number each proposal in consecutive order as introduced. Each proposal shall be referred by the Chairman to the appropriate committee or committees. Upon referral to committee, each proposal shall be printed and distributed to the delegates as soon as possible. After hearing and deliberation, a committee may report out an original proposal with recommendation that it be adopted or rejected, or may report out the original proposal with certain amendments or revisions with recommendation that the original proposal as amended or revised be adopted. An original proposal amended or revised by a committee shall carry the same identifying number as the original proposal and shall be known as "Substitute A". In the event a committee report shall recommend amendments or revisions, then the original proposal as amended or revised shall be

printed and distributed to the delegates as soon as possible. The Secretary shall be responsible for the care and preservation of each original and substitute proposal and shall accurately note thereon all action taken by the convention, committee of the whole or a committee, and the date of said action. Original or substitute proposal after being reported out by committees shall constitute the general orders of the day."

In Rule 9e the first sentence to be amended to read:

"All permanent papers of the Convention and the Committee of the Whole shall be delivered to the Secretary for safekeeping."

Rule 21 to be amended to read:

"Every proposal shall be reported by the committee to which it has been referred, together with the action taken thereon, by vote of the majority of the committee members. In the event there is a minority report, it shall be reported by the committee chairman at the time the majority report is given. All proposals, after being reported to the convention by a committee, shall be referred to the committee of the whole, together with the action of the committee thereon, including a minority report, if any."

In Rule 30 the first sentence to be amended by deleting the comma after the word "action" and inserting the words "except as otherwise provided".

Rule 43 to be amended by deleting the entire second sentence.

Rule 45 to be amended by adding thereto the following:

"Rule 45a - In the event a committee has under consideration more than one proposal covering the same or similar subject matter, it may re-write said proposals and incorporate them into one proposal to be known as a committee proposal.

"In the event a committee wishes to introduce new subject matter which is within the jurisdiction of the committee and which is not included within the scope of the proposals before the committee, it may draft a proposal containing said new subject matter to be known as a committee proposal. Said new subject

matter may be included as part of a re-written proposal.

"Committee proposals shall be drafted only upon a vote of a majority of the members of the committee and shall be filed by the committee chairman with the Secretary of the Convention and shall follow the procedure prescribed by the rules for other proposals."

Rule 46 to be amended by adding thereto the following:

"Rule 46a - No proposal, whether submitted by a delegate or an elector, shall be received by the convention after June 1, 1965, except by vote of a majority of the delegates present and voting at a duly called session of the convention, provided, however, that the time limit set herein shall not apply to "committee proposals" as provided for in Rule 45a."

The Chairman ruled that each amendment would be acted upon separately.

The amendment to Rule 9a was adopted on motion of Mr. Murray, seconded by Messrs. Matzner, Greenhalgh and DiLuglio, on a division vote, 64 members voting in the affirmative, 0 members voting in the negative.

The amendment to Rule 9c was adopted on motion of Mr. Murray, seconded by Messrs. Vacca, Murphy of Tiverton, Coleman, Kagan and Cochran, on a division vote, 64 members voting in the affirmative, 0 members voting in the negative.

The amendment to Rule 9e was adopted on motion of Mr. Murray, seconded by Messrs. Vacca and DiSandro and Mrs. Webster, on a division vote, 59 members voting in the affirmative, 0 members voting in the negative.

The amendment to Rule 21 was adopted on motion of Mr. Murray, seconded by Mr. Vacca, on a division vote, 63 members voting in the affirmative, 0 members voting in the negative.

The amendment to Rule 30 was adopted on motion of Mr. Murray, seconded by Mr. Vacca, on a division vote, 63 members voting in the affirmative, 0 members voting in the negative.

The amendment to Rule 43 was adopted on motion of Mr. Murray, seconded by Mr. Vacca, on a division vote, 63 members voting in the affirmative, 0 members voting in the negative.

The amendment to Rule 45 was adopted on motion of Mr. Murray, seconded by Messrs. Murphy of Tiverton, Bizier and Kagan, on a division vote, 68 members voting in the affirmative, 0 members voting in the negative.

Mr. Murray, seconded by Messrs. Cochran and Foster, moved that the amendment to Rule 46 be adopted.

Mr. Vacca, seconded by Mr. Lawrence, offered the following written motion to amend:

"I move to amend the proposed rule 46a by deleting
'June 1, 1965' and inserting in lieu thereof
'October 1, 1965'."

Anthony Vacca

The motion to amend was laid on the table on motion of Mr. Chaharyn, seconded by Mr. Bizier, on a division vote, 53 members voting in the affirmative, 22 members voting in the negative.

Mr. Vacca, seconded by Mr. Lawrence, offered the following written motion to amend:

"I move to amend the proposed rule 46a by deleting
the words 'present and voting'."

Anthony Vacca

The motion to amend was laid on the table on motion of Mr. Chaharyn, seconded by Mr. Bizier, on a voice vote.

Mr. Viall, seconded by Messrs. Feeney and Gammino, moved that the amendment to Rule 46 be laid on the table. On a voice vote, the Chairman ruled that the motion to lay on the table prevailed. Mr. Foster appealed the ruling. On a division vote, 18 members voting in the affirmative, and 45 voting in the negative, the ruling of the Chairman did not stand and the motion to lay on the table did not prevail.

The amendment to Rule 46 was recommitted to the Committee on Rules and Credentials, on motion of Mr. Gallogly, seconded by Messrs. Prince, Dolbashian and Bizier, on a voice vote.

Mr. Lawrence, for the Committee on Public Information, reported back the progress of the committee. By unanimous consent the report was accepted.

Mrs. Pell announced that the Committee on Education would meet on Tuesday, May 18, 1965 at Convention Headquarters, with the Deputy Commissioner of Education of the State of New York as a guest at 4:00 P.M. and in a public meeting at 7:30 P.M.

COMMUNICATIONS

The Chairman announced receipt of several communications relative to proposals under consideration and the communications were referred to the Committees considering the respective proposals.

INTRODUCTION OF PROPOSALS

The Chairman announced receipt of the following proposals:

Proposal No. 88 offered by Mr. Fanning of Cumberland, entitled "Eminent Domain". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 89 offered by Mr. Fanning of Cumberland, entitled "Voting". The proposal was read by title and referred to the Committee on Elections and Right to Vote.

Proposal No. 90 offered by Mr. Fanning of Cumberland, entitled "Trial by Jury". The proposal was read by title and referred to the Committee on Judiciary.

Proposal No. 91 offered by Mr. Fanning of Cumberland, entitled "Taxation". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 92 offered by Mr. Fanning of Cumberland, entitled "Secretary of State". The proposal was read by title and referred to the Committee on Elections and Right to Vote.

Proposal No. 93 offered by Mr. Fanning of Cumberland, entitled "Oath of Fealty". The proposal was read by title and referred to the Committee on Resolutions.

Proposal No. 94 offered by Mr. Fanning of Cumberland, entitled "Taxation". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 95 offered by Mr. Fanning of Cumberland, entitled "General Assembly". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 96 offered by Mr. Fanning of Cumberland, entitled "Lotteries". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 97 offered by Mr. Fanning of Cumberland, entitled "Personal Liberty". The proposal was read by title and referred to the Committee on Personal Liberties.

Proposal No. 98 offered by Mr. Fanning of Cumberland, entitled "Personal Liberty". The proposal was read by title and referred to the Committee on Personal Liberties.

Proposal No. 99 offered by Mr. Fanning of Cumberland, entitled "Personal Liberties". The proposal was read by title and referred to the Committee on Personal Liberties.

Proposal No. 100 offered by Mr. Fanning of Cumberland, entitled "Racing". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 101 offered by Mr. Fanning of Cumberland, entitled "Alcoholic Beverages". The proposal was read by title and referred to the Committee on Local Government.

Proposal No. 102 offered by Mr. Fanning of Cumberland (no title). The proposal was referred to the Committee on Local Government.

Proposal No. 103 offered by Mr. Fanning of Cumberland, entitled "General Officers". The proposal was read by title and referred to the Committee on Executive Department.

Proposal No. 104 offered by Mr. Fanning of Cumberland, entitled "Judicial Power". The proposal was read by title and referred to the Committee on Judiciary.

Proposal No. 105 offered by Mr. Fanning of Cumberland, entitled "Property". The proposal was read by title and referred to the Committee on Personal Liberties.

Proposal No. 106 offered by Mr. Fanning of Cumberland, entitled "Disclosures". The proposal was read by title and referred to the Committee on Elections and Right to Vote.

Proposal No. 107 offered by Mr. Fanning of Cumberland, entitled "Criminal Procedure". The proposal was read by title and referred to the Committee on Personal Liberties.

Proposal No. 108 offered by Mr. Fanning of Cumberland, entitled "Criminal Procedure". The proposal was read by title and referred to the Committee on Personal Liberties.

Proposal No. 109 offered by Mr. Fanning of Cumberland, entitled "Criminal Procedure". The proposal was read by title and referred to the Committee on Personal Liberties.

Proposal No. 110 offered by Mr. Fanning of Cumberland, entitled "Criminal Procedure". The proposal was read by title and referred to the Committee on Personal Liberties.

Proposal No. 111 offered by Mr. Fanning of Cumberland, entitled "General Auditor". The proposal was read by title and referred to the Committee on Executive Department.

Proposal No. 112 offered by Mr. Fanning of Cumberland, entitled "General Treasurer". The proposal was read by title and referred to the Committee on Executive Department.

Proposal No. 113 offered by Mr. Fanning of Cumberland, entitled "Towns and Cities". The proposal was read by title and referred to the Committee on Local Government.

Proposal No. 114 offered by Mr. Fanning of Cumberland, entitled "Legislative Power". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 115 offered by Mr. Fanning of Cumberland, entitled "General Assembly". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 116 offered by Mr. Fanning of Cumberland, entitled "Personal Liberties". The proposal was read by title and referred to the Committee on Personal Liberties.

Proposal No. 117 offered by Mr. Fanning of Cumberland, entitled "Jury Trials". The proposal was read by title and referred to the Committee on Judiciary.

Proposal No. 118 offered by Mr. Fanning of Cumberland, entitled "Suffrage". The proposal was read by title and referred to the Committee on Elections and Right to Vote.

Proposal No. 119 offered by Mr. Fanning of Cumberland, entitled "Judicial Power". The proposal was read by title and referred to the Committee on Judiciary.

Proposal No. 120 offered by Mr. Fanning of Cumberland, entitled "Suffrage". The proposal was read by title and referred to the Committee on Elections and Right to Vote.

Proposal No. 121 offered by Mr. Fanning of Cumberland, entitled "Attorney General". The proposal was read by title and referred to the Committee on Executive Department.

Proposal No. 122 offered by Mr. Fanning of Cumberland, entitled "Personal Liberty". The proposal was read by title and referred to the Committee on Local Government.

Proposal No. 123 offered by Mr. Fanning of Cumberland, entitled "Judicial Power". The proposal was read by title and referred to the Committee on Resolutions.

Proposal No. 124 offered by Mr. Fanning of Cumberland, entitled "Education". The proposal was read by title and referred to the Committee on Education.

Proposal No. 125 offered by Mr. Fanning of Cumberland, entitled "The Governor". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 126 offered by Mr. Fanning of Cumberland, entitled "Judicial Power". The proposal was read by title and referred to the Committee on Judiciary.

Proposal No. 127 offered by Mr. Fanning of Cumberland, entitled "Judicial Power". The proposal was read by title and referred to the Committee on Judiciary.

Proposal No. 128 offered by Mr. Fanning of Cumberland, entitled "Of the Judicial Power". The proposal was read by title and referred to the Committee on Judiciary.

Proposal No. 129 offered by Mr. Merolla (no title). The proposal was referred to the Committee on Personal Liberties.

Proposal No. 130 offered by Mr. Merolla (no title). The proposal was referred to the Committee on Personal Liberties.

Proposal No. 131 offered by the Messrs. Merolla and McKinnon, entitled "Of Suffrage". The proposal was read by title and referred to the Committee on Elections and Right to Vote.

Proposal No. 132 offered by Mr. Martin, entitled "Creating a 'Property Owners' Bill of Rights'". The proposal was read by title and referred to the Committee on Personal Liberties.

Proposal No. 133 offered by Mr. Pucci, entitled "Of the Department of Justice". The proposal was read by title and referred to the Committee on Executive Department.

Proposal No. 134 offered by the Messrs. Canna and Principe (no title). The proposal was read by title and referred to the Committee on Executive Department.

Proposal No. 135 offered by Mr. Beauchemin, entitled "Capital Punishment". The proposal was read by title and referred to the Committee on Personal Liberties.

Proposal No. 136 offered by Mr. Wexler, entitled "Referendum on Legislation". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 137 offered by Mr. Wexler, entitled "Recall of Public Officers". The proposal was read by title and referred to the Committee on Elections and Right to Vote.

Proposal No. 138 offered by Mr. Wexler, entitled "Education". The Proposal was read by title and referred to the Committee on Education.

Proposal No. 139 offered by Mr. Wexler, entitled "Legislative Initiative". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 140 offered by Mr. DiLuglio, entitled "Legislative Session". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 141 offered by Mr. DiLuglio, entitled "Legislative Rules". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 142 offered by Mrs. Foster, entitled "Of the Legislative Power". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 143 offered by Mrs. Pulner, entitled "Declaration of Certain Rights and Principles". The proposal was read by title and referred to the Committee on Personal Liberties.

Proposal No. 144 offered by Mr. Vacca (no title). The proposal was referred to the Committee on Legislative Department.

Proposal No. 145 offered by Mr. Vacca (no title). The proposal was referred to the Committee on Legislative Department.

Proposal No. 146 offered by Mr. Vacca (no title). The proposal was referred to the Committee on Personal Liberties.

Proposal No. 147 offered by Mr. Moon, entitled "Qualifications to Vote". The proposal was read by title and referred to the Committee on Elections and Right to Vote.

Mr. Kagan announced that the Committee on Elections and Right to Vote would meet at the rising of the Convention.

Mr. Manning announced that the Committee on Administration of the Convention would meet at the rising of the Convention.

Mr. Murphy of Warren announced that the Committee on Personal Liberties would meet at Convention Headquarters on Tuesday, May 18, 1965 at 7:30 P.M.

Mr. Gallogly announced that the Committee on Executive Department would meet at the rising of the Convention.

Mr. DiLuglio announced that the Committee on Legislative Department would meet at Convention Headquarters on Monday, May 17, 1965 at 7:30 P.M.

Mr. Coleman announced that the Committee on Local Government would meet at Convention Headquarters on Monday, May 17, 1965 at 3:30 P.M.

ADJOURNMENT

At 3:47 P.M., on motion of Mr. Cannon, seconded by Mr. Cochran and all of the delegates and as a mark of respect to the memory of the late Mrs. SaoBento, late wife of Delegate Augusto W. SaoBento, the Convention adjourned to meet on Monday, May 24, 1965 at 2:00 P.M. in the Chamber of the House of Representatives at the State House on an unanimous rising vote.

August P. LaFrance
Secretary
Constitutional Convention