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SECOND DAY'S SESSION CONVENES
AT 7:30 P.M.

The Chairman: The chairman understands there are at least three delegates elect who have not as yet been sworn. They will please step forward in front of the rostrum. Mr. Malinon, are you here?

Mr. O'Donnell: We have two delegates that are here and have not been sworn at the last meeting. They have been sworn before notary public, Chris DelSesto, before the convention—Donald Large and Alan Gelfuso.

The Chairman: The chairman is going to call as the first order of business the reading of the roll, but I should like to advise you that notwithstanding diligent efforts to the contrary, we have been unable as of this moment to obtain a permanent reading clerk or recording clerk who has experience in those fields.

So, for the purposes of this evening, the Chair will ask the secretary of the convention, Patrick Conley, to act as reading clerk at the moment in reading the roll.

Mr. Secretary, please.

Mr. Conley: There were several delegates here waiting to receive the oath. They are Democratic Steven Kenny of West Warwick—should the oath be administered?

The Chairman: Yes, is there anything other?

Mr. Conley: Edward Costello of Woonsocket, Robert Salvatore of Providence, Steven Kenny of West Warwick. The delegates can be sworn by Martin Malinon.

(Delegates sworn.)

The Chairman: Thank you, Mr. Malinon. The chair will welcome the newly sworn delegates sworn by the Associate Justices. Now we are in order.

(Off the record.)

Mr. Conley: There are 91 present and 9 absent.

The Chairman: The convention will recognize there is a quorum present. Up to the time this convention was called to order by His Excellency the Governor, there was no color or type authorized to invite the members of the clergy to open our session with the request for divine inspiration.

However, I presumptuously assumed the right to do that for the people, and ask guidance for you hereafter. I would like to ask you to arise and ask for His divine blessing on our behalf by the Reverend Mr. Stone, Pastor, The United Baptist Church (John Clarke Memorial) Newport.

(Invocation by Reverend Stone.)

The Chairman: The record will reflect the appreciation of the delegates as to Reverend Stone for the services he rendered. I think I should advise you because it is a noteworthy deed that the Reverend Mr. Stone is Pastor of the United Baptist (John Clarke Memorial)
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founded by John Clarke, the first named grantee in the St. Charles Charter.

It is significant indeed on this occasion of the Constitutional Convention we should have a successor of this regard here with us on this occasion. Thank you very much.

The chair wishes to make another announcement. If you wish to go to the floor, take one of the portable mikes; there are six workable mikes on the floor. You will address the chair through one of those microphones. This will serve a dual purpose, everyone will be able to hear clearly the name of the delegates, and what he or she has to say. More important, these microphones are geared to stenotype tapes, which Mr. Murray is operating at this time.

It will constitute a correct and absolute, total record of what transpires. Now, I understand that delegate Kenny addresses the floor, for what purpose?

Mr. Kenny: At this time I would like to present a motion to thank Harry V. McKenna of the Providence Journal for the use of his tapes for our Journal. Thank you, Mr. Chairman.

Mr. McKenna: I second the motion.

The Chairman: You have the motion and seconded, as many in favor say, "Aye", opposed, "No."

Mr. Malineau: No.

The Chairman: The "Aye's" appear to have it, the "Aye's" do have it so voted.

(Short recess.

The Chairman: The following opening prayer is inserted:)

Rev. Stone: Eternal God, God of our fathers, we offer our gratitude for the civil and religious liberty which we of the State of Rhode Island and Providence Plantations have so long been permitted to enjoy.

At the opening of this Constitutional Convention we ask your blessing upon our endeavors; grant us wisdom that we may make each decision intelligently; give to us a desire for justice for all citizens; move us with a concern for the dignity of each person; make us eager to maintain the highest values of our heritage.

I want to apologize for what errors you may find or corrections you think should be made. Someone has to assume the responsibility for any shortcomings, and I think the burden should fall on me.

You know as well as I do that the act of the General Assembly submitting the question of the convention to the people did not set up authority in anyone to take steps prior to the organization of the convention. So there wasn’t anyone who really had the right to start making preparations. It puts us in a rather difficult position on Tuesday — and that “we” of course means all of us as delegates, but with the help of these people we have got out the Journal, and I believe from my recollections, which I admit are becoming recently flawed, that they are pretty basically sound.

Have the delegates had a sufficient opportunity to read the Journal? Do you want a short recess to read the Journal? Very well, we will take a five minute recess to read the Journal.

(Short recess.)
Send your blessing upon us, O God, that by the work we do here the civil and religious liberty which we have so long enjoyed will be continued and transmitted to succeeding generations. Amen.

The Chairman: The chair wants to inform you that there are several typographical errors of which the secretary is aware in the light of several of the members, and we're going to ask him to call them off, let you know they are being corrected now, and the delegates have the burden of calling the chair's attention to that or Secretary Conley if you let us know after.

Mr. Conley: The Page 8, second column, two-thirds of the way down, refers to election for secretary of the convention. It should be Mary X. Kilmarx, "I" for Independent, not "It" for Republican.

On the roster of the delegates District Number 23, George Ogley, after his name there should be a "D" in parentheses for Democrat, and the address should now be 721 North Quinnesset Road.

On Page 7, second column, District 26, James J. Federico, no "R" after the "F." It’s been repeatedly misspelled on all the literature of the convention so it’s Federico and not Frederico.

District Number 48, the first column on Page 9, Michael Miller’s residence is Trimble Road and not Tremble Road.

The Chairman: The chair recognizes the delegate, Senator Robert McKenna.

Mr. McKenna: Mr. Chairman, I would like to move a correction on Page 1 of the Journal on the third full paragraph after the words "(Discussion from floor.)" I move to insert the following: "Mr. Conley: I move to conduct the election for the Chairman of the convention, such election to be conducted by open division vote. Mr. McKenna seconds this motion."

The Chairman: That's a motion?

Mr. McKenna: Yes, Mr. Chairman.

The Chairman: You so move.

Mr. Hines: Second that motion.

The Chairman: Are there any remarks on the motion?

Mr. O'Donnell: I believe that was a correction, Mr. McKenna?

Mr. McKenna: Yes it was.

Mr. O'Donnell: I don't think we have to move on it. Just correct the Journal.

The Chairman: I asked if it was a motion. He said that it was.

Mr. O'Donnell: I stand corrected.

The Chairman: Are there any other remarks

Ms. Summer: May I make another correction on Page 5, the last name, Barbara Summer.

The Chairman: Just a moment, please. The chair has before it delegate McKenna's motion that the chair be directed to include the material that he read, and that motion was seconded, and it awaits a vote before we attend anything else. Are you ready for a vote on delegate McKenna's motion? As many as are in favor will say, "Aye." Opposed, "No." The ayes do have it.

(Voted: That the above insertion be included.)

The Chairman: The chair recognizes Secretary Conley.

Mr. Conley: Page 4, first column, at the top, my serving as temporary chairman, it should be corrected as follows: "Chairman Powers: I hereby request Mr. Conley to serve as temporary secretary of this convention pending the election of a permanent secretary."

Correct the first paragraph on Page 3 to read as follows: "Chairman Powers: The immediate order of business is for me to tell you how deeply I appreciate your vote of confidence and the resulting privilege of presiding over this
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Correct the third paragraph as follows: "Joseph H. O'Donnell, Jr. served the people of this state as Lieutenant Governor..." instead of Joe O'Donnell, Jr.

Correct the fourth paragraph as follows:
"Thus, I assume the office you have entrusted to me with a keen awareness that my friendly adversary would have unquestionably served you with distinction, and this awareness will be a spur to my serving you with competence and impartiality."

The Chairman: The chair recognizes the delegate, Barbara Summer.

Ms. Summer: I have a correction on Page 5. Barbara Summer, Representative from District Number 3, and would you please change it to "I" instead of "R."

The Chairman: Anything else?

Ms. Furtado: I would like to note that I seconded the motion to nominate Judge Powers for Chairman of the convention.

Mr. Conley: The sense of the correction is that Mary Kathleen Furtado seconded the motion to nominate Judge Powers for Chairman of the convention, is that correct?

Ms. Furtado: Yes.

The Chairman: Yes? The chair recognizes delegate Gelfuso.

Mr. Gelfuso: On Page 6 of District 15 the correct spelling is G-E-L-F-U-S-O.

The Chairman: Do we have all of the corrections?

Mr. O'Hare: Mr. Chairman?

The Chairman: Yes?

Mr. O'Hare: Delegate O'Hare, District 37.

I have a correction on Page 2, Column 2, with the seconding of Judge Powers as Chairman of this convention. I seconded the Chairman, John O'Hare.

The Chairman: The chair recognizes delegate Cavanagh.

Mr. Cavanagh: Mr. Chairman, delegate Cavanagh. On Page 2, the end of the first paragraph where it states, "Will all those who are in favor of the amendment to the proposed motion please rise," I think the vote should be recorded as 44 yes, 48 no.

Further, directly after that, delegate Partidge moved to amend that the vote of the Chairman be by a majority of all delegates elected. Delegate Taylor then made a motion to lay that on the table, and that motion carried 52 to 40. Further on on Page 3, the first column, it would be in the second paragraph, halfway down, where it says, "The vote is 55 for Justice Powers and 34 for Mr. O'Donnell." I believe the vote correctly was 52 votes for Justice Powers and 39 votes for Mr. O'Donnell.

Furthermore, on Page 4 I believe there should be another correction. This is where Mr. Taylor moved to table, for the second time on that page, and it reads: "Mr. Taylor's motion to table is adopted by a division vote 48-44." I believe the correct vote was 49 to 41, and further at the bottom of that column, the next-to-the-last complete sentence is that, "The rules are adopted by a voice vote without objection." I believe there was considerable objection raised. Thank you.

The Chairman: Are there further amendments?

Mr. McIntyre: Jerry McIntyre, District 25. My home town is Jamestown and not Johnston.

The Chairman: Yes?

Mr. O'Donnell: "Stephen" on Page 7 on District 29, S-T-E-V-E-N.
Mr. Malinou: Martin Malinou, District 1. I would like an addition on Page 1 of the Journal at the point where the Governor administered the oath of office. I would hope that the words of the oath could be inserted, and following that the notation, "a chorus of ayes."

The oath had been reported in the Providence Journal of yesterday accurately and could be taken from there.

The Chairman: That was an oversight.

(The following oath of office is included as part of the Journal.)

"I, (delegate), by free vote of the electors of the State of Rhode Island and Providence Plantations elected as delegate to the constitutional convention, do solemnly swear to be true and faithful unto this state and to support the Constitution of the United States and to faithfully and impartially discharge all the duties of the aforesaid office to the best of my abilities according to law, so help me God."

The Chairman: Are there any further suggestions? Nothing further? Are there any objections to any of the offered corrections? At this point then I think we can determine that the order of business is adoption of the material for Tuesday, the 4th of September. Do I have a motion?

Mr. Taylor: I so move.

Mr. McKenna: Seconded.

The Chairman: As many as are in favor say, "Aye." Opposed, "No." The ayes do have it. The Journal is approved.

(Voted: That the Journal of Tuesday, September 4, 1973, be approved.)

The Chairman: The next order of business is the report of the Rules Committee. Proposed rules to be adopted have been printed, and there are copies in front of you. It has been the long experience of the chair that while many people are able to assimilate what they hear, others have difficulty, and are much more at home reading material they wish to present, and unquestionably there are delegates here who want an opportunity not to listen to the proposed rules read but to read them for themselves, and so the chair will call a half-hour recess to give the delegates, each delegate an opportunity to read the proposed rules in the rule of reading by the secretary. After you have read them for yourself, it's the rule of the convention that they will be read anyway, and we will do that. We will be in recess for a half-hour.

(Recess.)

The Chairman: The convention will please come to order. During the recess I learned that I should have been paying closer attention to the Journal myself. My remarks, accepting this office were read to me, and there are several more or less typographical errors. If there is no objection, I would like to correct them for the permanent Journal. Are there objections?

Mr. Conley: Two individuals have come in since the calling of the roll. I would like to announce them in attendance, M. Christine Byrnes, and William T. Murphy of Providence.

Is there anyone else who was not here for the calling of the roll who has since arrived?

The Chairman: Record them as present. The order of business is the report of the Rules Committee, and the Chair recognizes the Chairman of that committee, delegate Leo T. Connors of Providence.

Mr. Connors: The Rules Committee met until two o'clock this morning and the rules were put together in a one-day marathon. The proposed rules are here by the majority vote of that committee. They are to be presented to the convention in whatever manner it wants to proceed, but I have remarks I would like to make. These rules are designed to further the business of the people in their convention. One of the salient reasons why the last convention
It has been brought to my attention that there is some misunderstanding, and I am going to call a recess until 9:15.


The Chairman: Is this on the rules?

Ms. Baker: The report was intended to include...

The Chairman: Would you please hold that until you come back?

Ms. Baker: It is an omission on the Committee of Elections and the Committee on the Grand Jury, Your Honor, and we want the delegates to know that should be in their copies.

It is a typographical omission.

Mr. Conley: Between the fifth and sixth lines on the bottom of Page 4, two committees, the Committee on Elections and the Committee on the Grand Jury should be on that line that have been omitted. When you are considering them, consider them with those because they are in this particular official copy.

The Chairman: Meanwhile, the convention stands recessed.

The Chairman: The meeting will be in order. Secretary Conley?

Mr. Conley: Robert Paci is in attendance.

(Mr. Paci is recorded as being present at this time.)

The Chairman: Just prior to the last recess was the motion by the Chairman of the Rules Committee, seconded by delegate McKenna that the report of the Rules Committee be adopted. I know you don’t want to take up more time than is necessary; but it will be necessary, unquestionably, to take up time to the extent that a reasonable amount of discussion and debate is had on these rules. I am going to ask the Chair-

failed is that it was distinguished in higher or lower degree by political infighting. The two party system is an integral part of the political spectrum, and each party has positions with reference to the issues of the convention, which positions are entitled to serious consideration.

The ultimate power however, resides in the people. Our principal objective in these rules is to get on with the business of the people. No one in this convention wants to be a participant in an abortive convention. To that end these rules are designed for simplicity and ease of understanding. They are designed to move proposals with dispatch to discussion, and of merit to passage.

The Rules Committee met with the monumental task of providing rules in one day. All members attended and the work continued until 2:00 a.m. in the morning. The hearings were fair and the integrity of all viewpoints were respected with free discussion. The work proceeded in an orderly manner, the merit of a suggestion rather than its origin was taken into consideration.

As the first work of the convention, we hope these rules set the tone and spirit of the convention.

Special praise is justly to be made to Ted McLoughlin, our secretary, who typed the drafts until 4 in the morning. I believe he is of the Republican persuasion, if anyone finds that important.

Sound work, full attendance and a regard for all viewpoints, we hope, will be the hallmark of this convention. Anything less will demean ourselves and the confidence of the public.

The Chairman: The chairman of the committee has moved adoption of the rules as submitted; is there a second?

Mr. McKenna: Robert J. McKenna of Newport. Seconded.

The Chairman: Delegate McKenna seconds the motion.
man of the Rules Committee if he wishes to be heard in support of them, or if he wishes some short time to be extended to another delegate for that purpose?

Mr. Connors: No, I do not. I have introduced the rules, and I move their passage. I want to state I think they are fair rules, fairly arrived at, and I think they could be well recommended to this convention.

Mr. Cavanagh: Delegate Cavanagh from District 24.

The Chairman: Yes?

Mr. Cavanagh: As I understand there is a motion and a second on the floor, is it appropriate now to bring a motion to amend a motion to amend some of the proposed rules before it is voted upon by this convention?

The Chairman: The motion consists of multiple provisions?

Mr. Cavanagh: Yes.

The Chairman: The chair will rule that the delegates will be in order to move amendment for specific items.

Mr. Cavanagh: In that event, I so move, and start, if I may. I refer to Rule 3b on page one of the proposed rules, and I would move to amend that to read from its present form, to read:

"The five general officers of the convention shall constitute the Committee on Administration, together with five delegates elected by the convention."

Mr. Mallon: I second the motion.

Mr. McKenna: Delegate McKenna from Newport.

The Chairman: Mr. McKenna?

Mr. McKenna: I move to lay the amendment on the table.

Mr. Capaldi (North Providence): Second the motion.

Mr. Brosco: Second the motion.

The Chairman: Motion has been moved to be amended by adding five more. That motion is succeeded by a motion to table which has been seconded. The chair recognizes the delegate, Edward Torgen.

Mr. Torgen: Requests a division vote.

The Chairman: You're familiar with the question? As many as are in favor of laying the motion to amend on the table will please rise?

(Rising vote.)

The Chairman: The chair recognizes the delegate, Roderick Cavanagh.

Mr. Cavanagh: Mr. Chairman, while this is being counted, may we have someone counting from the opposing view?

The Chairman: Go ahead, have someone. I'm surprised you didn't think of it sooner. Is the count completed? All those opposed to the motion to table will rise.

(Rising vote.)

The Chairman: The chairman is informed that there were 52 votes in favor of laying the motion, and 38 votes against the motion. Is anyone correcting that figure?

Mr. Cavanagh: I believe we're still operating under Roberts' Rules of Order as to the count, am I correct?

Mr. Taylor: Mr. Chairman, Roberts' Rules of Order is not permitted in this assembly.

The Chairman: We're not operating under Roberts' Rules.

Mr. Cavanagh: What rules are we operating under?

The Chairman: Rules of the chair.
Mr. Cavanagh: I would suggest that Roberts' Rules of Order would indicate that a two-thirds vote. . . .

The Chairman: You're out of order. You're going to tell me that it takes a two-thirds vote?

Mr. Cavanagh: That's correct.

The Chairman: Then we'll declare that motion did not carry, and we'll vote directly on the other motion which will take a majority vote. You want all that?

Mr. Cavanagh: Yes, your Honor.

The Chairman: All right. I'm bound by the temporary rules of this convention.

Mr. Conley. One of the temporary rules say that the Chairman makes the determination.

The Chairman. Motion to lay on the table prevails.

(Motion so tabled.)

The Chairman: The chair recognizes the delegate, Edward MacLaughlin.

Mr. MacLaughlin: I have a question before I have an amendment. We're still on the motion to accept these rules; we're still on the main motion; we're still accepting amendments?

The Chairman: Yes.

Mr. MacLaughlin: I have one I would like to suggest under Rule 3e. It reads: "Consideration shall be given to all minority parties on all appointments." I would like to add a sentence: "Both parties shall have legal counsel of their choice who will serve without pay." Shall I read it again or do we all have it? I would like to suggest an addition to 3e to read: "Both parties shall have legal counsel of their choice who will serve without pay."

The Chairman: You have heard the motion to amend on the table. The committee will say, "Aye." Opposed, "No." Those in favor of laying the amendment on the table will please rise? Those opposed please stand? Fifty-four in favor of the motion to table; thirty-eight opposed.

(Motion so tabled.)

Ms. Baker: Mr. Chairman, I would like to make an amendment.

The Chairman: Unless the delegates identify themselves when they take the mike, the chair will not recognize them.

Ms. Baker: Ana Baker, District 2. I move the following motion, that we add or that we create a new rule, Rule f. 12f, which would state: "The meetings of all substantive committees shall be open."

The Chairman: Second?

Mr. Malinou: Martin Malinou, District 1. I second the motion.

The Chairman: You have heard the motion, the second. Any discussion?

Mr. Cavanagh: Mr. Chairman, delegate Cavanagh. I move to amend that to say, "all committees," not only committees of substance.

The Chairman: The chair recognizes the delegate, Leo Connors.

Mr. Connors: Mr. Chairman — Mr. Connors — I move to lay that motion on the table.

Mr. Garan: Second the motion.

The Chairman: The chair recognizes Mr. Cavanagh.

Mr. Cavanagh: Mr. Chairman, I previously spoke that you entertain open free debate on these rules, and it is being foreclosed in its entirety. Every time there seeks to be any debate on anything, there is an immediate motion on the table. This is depriving in excess of two. . . .

The Chairman: All right. The question before the house is shall the motion to amend the motion be tabled? As many as are in favor will
please rise? Will you please be seated, and those opposed will please rise?

(Rising vote.)

The Chairman: The chair is informed that the vote on the motion to table was 51 in favor, 37 opposed, and it's tabled.

(Motion so tabled.)

The Chairman: Now at the suggestion of the delegates, the chair is going to attempt to expedite this. We're going to take it section by section. Is there any objection to Section 1?

Ms. Baker: Mr. Chairman, we have a motion on the floor.

The Chairman: I'm sorry. You're correct. The main motion at the moment is the motion by delegate Baker to amend. Are you ready for the question? As many as are in favor will say, "Aye." Opposed, "No." The ayes have it. They do have it, and the rule is amended as proposed.

(So voted.)

The Chairman: Is there any objection to Rule 1? Is there any objection to Rule 2? We have dealt with Rule 3. Is there any further objection that has not been heretofore considered? Rule 4? Rule 5?

Mr. Borges: Mr. Chairman, Joseph Borges. I would like to amend Rule 5a to read: "The Chairman, after consultation with the General Officers, shall appoint all committees with the approval of the convention."

The Chairman: Does it have the second? Delegate Kaufmann, Providence?

Mr. Kaufmann: I move that we table that proposal.

Mr. Caprio: Frank Caprio, Providence. I second the motion to table.

The Chairman: The motion to amend has been moved to be tabled. As many as are in favor of the motion to table will please rise.
to make, they can. If they want to debate the amendment themselves, that is open to debate, but the motion to table is not. Now you are going to have to leave the judgment up to the delegate's conscience.

Mr. Breslin: I don't want to take any more time than is necessary. I think there are very valid points and amendments being suggested, and I think the people here who have been elected from the districts are entitled to be heard, and through a parliamentary maneuver they are being entirely excluded from making a point, and I really feel it is entirely unfair, and I don't feel that you personally — and this why I am standing here — I find it hard to believe that you personally would make a rule of this type that would have the effect of entirely cutting off debate on any of these rules or any suggestions made on the rules.

The Chairman: The chair will comment on that. I was first elected to serve in this Chamber back in 1930 and I came in at a time when there were 72 Republican members and 28 Democratic members, and I was appalled and astonished to find that the 28 Democratic members were spending most of their time trying to find the rule that would overcome the fact they didn't have enough votes.

In 1949 the tide went the other way, and there was a Democratic membership of 36 here in this Chamber and 44 Republicans, and lo and behold the Republican members were spending all of their time trying to find the rule that would overcome the fact they didn't have enough votes.

Voice: They are still doing it.

Mr. Breslin: I came here in 1961 and it was even more lopsided. There were 19 Republicans and 81 Democrats, and I have been here 10 years.

Mr. Caprio: Point of order.

Mr. Breslin: ***And we don't have that right today.

The Chairman: The chair has ruled. Rule 7, 8, 9, 10, 11, 12. The chair recognizes Mr. Saunders.

Mr. Saunders: Albert D. Saunders, District 22. I am premature in my comment, you were running on so quickly, I had trouble keeping up. I will refrain from speaking at this time.

The Chairman: The Chairman recognizes Mr. MacLaughlin.

Mr. MacLaughlin: Edward R. MacLaughlin, District 20. I have been asked by the Republican Caucus to enter this particular amendment for Rule 9. Can we go back to Rule 9?

Mr. Garan: John Paul Garan, District 9. Point of Order.

Mr. MacLaughlin: I can't get to the microphone.

The Chairman: We will go back to Rule 9 on this one, but let's not have it happen from now on. We will take Rule 9.

Mr. MacLaughlin: As serving on the Rules Committee, I am sure Mr. Connors and the other people in the committee will agree there is anything we might be able to make an amendment to help, it certainly should be heard.

The Rules Committee does not stand as an infallible body before this group tonight. I would like to make an amendment to the last sentence in Rule 9. It reads as follows: "The Chairman and the Vice-Chairman of each committee shall be given preference in the choice of seating according to the order in which the Committees are listed in these rules." I have been asked to present the amendment, the seating of the remainder shall be determined by the individual choice of the delegates.


The Chairman: This is second to the motion to amend as the amendment was offered. Any remarks to this amendment?

Mr. Brosco: A. J. Brosco, District 28. If the other side has no debate, I have a motion I want the chair to entertain. I will wait until such time as they debate this motion.
The Chairman: Who wishes to be heard in favor?

Mr. MacLaughlin: I would speak in favor of the amendment.

The Chairman: Right.

Mr. MacLaughlin: The Republican caucus, Republican delegation, by virtue of their smaller number, by virtue of the workings and doings in the past three weeks prior to the call of the convention, wishes unanimously to sit as a body, that is their choice.

I believe there are some members on the Democratic side who feel that we can sit where we want. This allows all delegates to sit in a group if they wish.

Mr. Malinou: Martin Malinou, District 1.
I rise to speak in favor of the motion. I think the point is well taken. If delegates to this convention want to sit with people who are like-minded, there is no reason...

The Chairman: This is a citizens or two party convention? The chair assumes it is a people's convention and not a meeting of Democrats and Republicans.

Mr. Malinou: As a matter of fact, there are caucuses going on all the time. The Democrats reach their decisions, Republicans reach their decisions. After the election of officers, at that point, some people suggest, well now we can dispense with partisanship, but I think partisanship is here. We ought to recognize it and allow the Republican party to sit together if they choose to do so.

The Chairman: Anyone wish to be heard? The chair recognizes Mr. Capaldi.

Mr. Capaldi: John F. Capaldi, District 36. I might bring to the attention of the chair that there is sentiment in the Democratic delegation for just that proposal.

(Motion Seconded.)

Mr. Breslin: I request a division vote.

The Chairman: You have heard the motion to amend. As many as are in favor of the motion to amend will please rise.

(Rising vote.)

The Chairman: Those opposed, please rise.

(Rising vote.)

The Chairman: The chair is informed that the motion to amend prevails by a vote of 72 in favor and 11 opposed. So, the clerk will note the amendment to Rule 9. The chair recognizes Mr. Saunders.

(So voted.)

Mr. Saunders: It seems somewhat premature in my way of thinking to even consider the establishment of permanent committees of this convention at this time, my reason being that there is much discussion, speculation, newspaper publication and what have you relative to the possibility of this convention becoming an open convention, and it seems to me that in establishing the standing committees as proposed in the rules, we have in effect, or will have in effect, made that determination this evening.

As a consequence I say it is premature action and in effect would foreclose the ability of this convention to ask for an advisory opinion or further to in and of itself determine that this convention should be open.

I feel that even though the language of Rule 12 would allow for the establishment of other committees, it would in effect relegate them to second-class status, and because I feel personally that this convention might very well be a better convention with it open, I would propose or move an amendment to Rule 12b, to add a standing committee to consider other proposed amendments to the constitution to be composed of 21 delegates.

Mr. O'Donnell: Seconded.

The Chairman: You have the proposed amendment to amend and second. Before we
take any further action I would like to know if these rules, it is the intention of the chair as authorized by the rule to create a committee on resolutions for the purpose of having referred to all proposals to amend the constitution which are not contained within the four areas set forth in the Act.

I am fully aware there will be proposals to amend all sections possible of the constitution and would not be properly referable to the standing committee names in the group, to which all such proposals would be referred for study and action.

Mr. Taylor: Erich A. O'D. Taylor, District 49. Move to lay on the table.

Mr. Kaufmann: Robert K. Kaufmann, District 9. I second that. In view of your remarks...

The Chairman: Let me explain something to you. We will take the question in a moment. If you don't use the microphone, it isn't getting on the tape, so that we don't know — that is an editorial "we" — the recorders in making up the Journal will not know who it was that made this particular motion or who made the particular remarks.

So, will you please before you address the chair, get hold of the portable mike and use it. The business before the convention is the motion to table the motion to amend. We will go into a division vote again. As many as are in favor of the motion to table, please rise.

(Rising vote.)

The Chairman: You may be seated. Those opposed, please rise.

(Rising vote.)

The Chairman: The chair is informed that the vote in favor of tabling is 56 and opposed 34, and the motion to amend is tabled.

(Motion passed.)


Mr. Borges: Joseph Borges, District 48. I would like to amend Rule 17, the second sentence, to read, "The written position of a minority may be read to the delegates on the floor and filed with the Secretary."

The Chairman: Did the convention hear that?

Mr. Borges: Mr. Chairman, I made a mistake. It is, "The written position of a minority shall be read and filed with the Secretary."

Mr. MacLaughlin: Second that.

The Chairman: You have heard the motion to amend and the second. The chair recognizes Mr. Brosco.

Mr. Brosco: Anthony J. Brosco, District 28. Through the chair, may I ask the gentleman who introduced that amendment to explain to me — I don't understand what the purpose is of having it read or whether it is for the record or whether he wants it read on the record for the Journal or read to the delegates. I would like to ask that question.

Mr. Borges: I would like at this time to yield to Mr. MacLaughlin.

Mr. MacLaughlin: The only purpose is that it will be read on the floor and entered into the record, and then filed with the Secretary. Other than that, the position simply is that the minority position from the committee will only be filed, it will not be read.

Mr. Brosco: Is it part of the Journal, will it be filed?

Mr. MacLaughlin: We don't think it is, that is why we want it read. We are not sure.

Mr. Brosco: As the rule reads now, and as I understand it, "The written position of a minority shall be read and filed with the Secretary." It may be a vote of the committee of 12
to 9 or 13 to 8, and the minority in that committee may want their position reflected both in the report and also read on the floor. This changes it from being “may” to making it mandatory.

The Chairman: If the chair understands it, it simply means a minority report will be coming out of a committee if the minority members wish to present such report, is that correct?

Mr. Borges: Yes, and it shall be read and filed with the Secretary.

Mr. Broseo: If that motion has been seconded and there is no debate, I have a motion to amend that motion. I move that sentence read, “The written position of a minority shall be read and filed with the Secretary.” Rather than the word, “may”, and I delete from his motion read to the delegates on the floor.

Mr. Caprio: I second the motion to amend, Mr. Chairman.

The Chairman: The business before the convention is the motion to amend and offered amendment to Rule 17. As many as are in favor to amend the amendment. The “Ayes” have it and the motion to amend the amendment carries.

(Motion carried.)

The Chairman: Now the question is shall Rule 17 be amended as proposed. As many as are in favor will say “Aye”, opposed, “No.” We appear to have it and Rule 17 is amended as offered. The chair recognizes Mr. Cavanagh.

Mr. Cavanagh: I believe back sometime ago we were dealing with the motion to table. In Rule 12 there had been a motion that all substantive committees shall be made open to the public. I believe that was tabled. I believe the open hearing was not approved and is still pending on the floor.


That was voted on, you stand corrected.

Mr. Malinou: Are we still on No. 17? I have an amendment to the first sentence. I should like the first sentence of Rule 17 to read, “Every proposal approved by the Committee shall be reported to the floor.”

Ms. Kilmarx: Mary N. Kilmarx, District 44. Second the motion.

The Chairman: You have heard the motion.

Mr. MacLaughlin: Mr. Chairman, I would like to speak against the motion if I may, for this reason, if every proposal referred to committee is reported to the floor, this could take innumerable hours before this convention, and I don’t think we have the time in 30 days to listen to all of the proposals that are going to committee.

Mr. Malinou: If I may speak to that.

The Chairman: You may.

Mr. Malinou: If the proposal comes out of the committee with the recommendation that it be defeated, it can be voted down in this Chamber very quickly.

My objection is to the first sentence of 17 when coupled with Rule 19. When you put those two rules together, Mr. Chairman, you have a situation where the power of this convention is being delegated to committees. It is for this convention to pass on the proposals that come before it. It is not for this convention to delegate its authority from committees. We are getting into a situation where some serious questions concerning the right to alter the constitution of this state are prevented.

The Chairman: Are you talking about supporting the constitution of this state?

Mr. Malinou: Not at all.

The Chairman: Mr. Malinou, under Rule 19, if the majority of the delegates of the convention, which is 51, when they speak, wishes any proposal to go to the people, that is where it is going to go. So, there is absolutely no relationship between the point you make in Rule 17 as it stands, and Rule 19. Motion to amend has
been seconded. As many as are in favor, "Aye"? Oppose "No"?

Mr. Caprio: I don't understand the vote we are now taking.

The Chairman: Mr. Mallinou has a motion to amend the first sentence of Rule 17. It has been seconded.

Mr. Caprio: Every legislative body must, of necessity, operate through committees, or its work load would be very cumbersome. I move to table.

Mr. Principe: Anthony F. Principe, District 45. Seconded.

The Chairman: The motion to table comes too late. The chair calls for a vote on the motion to amend and was in doubt. Now, as many as are in favor of Mr. Mallinou's motion will rise.

(Rising vote.)

The Chairman: All right, be seated. Those opposed please rise.

(Rising vote.)

The Chairman: The chair is informed that the vote in favor is 11, vote opposed 73, and the motion to amend defeated.

(Motion defeated.)

The Chairman: Rule 18? 19?

Ms. Baker: I would like to make a motion to change the words in Rule 19 to read, "Forty of the delegates (40) may by resolution, require a committee to return any proposal without recommendation."

Mr. Murphy: William Murphy, District 3. Seconded.

Mr. Kaufmann: I move to table that proposal, I think too many things are being brought before this convention could be lost with not a quorum present.

Mr. McKenna: I second the motion to table.

The Chairman: The order of business before the convention is a motion to table the motion to amend. As many as are in favor of the motion to table, please rise.

(Rising vote.)

The Chairman: Be seated. Those opposed, please rise.

(Rising vote.)

The Chairman: The chair is informed that the motion to table has 46 votes opposed to 41; motion to table prevails.

(Motion to table carried.)


Mr. MacLaughlin: 23, Mr. Chairman.

The Chairman: Yes?

Mr. MacLaughlin: I would like to make an amendment, and I think this is an important amendment because this is an error that I just caught tonight, that the entire motion should read: "After a motion has been stated by the Chairman or read by the Secretary, it shall be deemed to be in the possession of the Convention, but may be withdrawn," and I would like to put an insertion here, "by the maker of the motion at any time before being amended or put to a vote."

Mr. McKenna: I second that motion. delegate McKenna from Newport.

Mr. Connors: I second the motion, delegate Connors from Foster.

The Chairman: You have heard the motion and the second; as many as are in favor say, "aye," those opposed, "no." The ayes have it.

(Voted: That the above amendment to Rule 23 be inserted.)

The Chairman: Rule 24? 25? 26?
Mr. Cavanagh: Mr. Chairman, I'm sorry. As to Rule 24, if we may, I would like to make a motion to amend Rule 24, delegate Cavanagh from District 24.

The Chairman: Yes?

Mr. Cavanagh: As I understand, these are the motions that will be made available at this convention. I think that we are missing one motion to reconsider, as it would appear that it's in a later rule. I believe Rule 28, yet it isn't listed in Rule 24. I think that the Rule 24 should be amended to include such motion.

The Chairman: Is the motion seconded?

Mr. Cavanagh: I stand corrected. I understand — I will withdraw that motion.


Mr. Breslin: Delegate Breslin from Warwick, Mr. Chairman, on Rule 45?

The Chairman: Yes, Senator?

Mr. Breslin: Being a member of the Rules Committee, this probably should have been brought up last night. It is an afterthought on my part for the last sentence on Page 14. It reads at the present time: "A reasonable period of time shall be allotted for the public to express its viewpoint." It seems to me, Mr. Chairman, that if we — that there should be at least a three-day notice to the public to appear to express a viewpoint at any public hearing, and I would move to amend that rule to read as follows: "A reasonable period of time, not less than three days, shall be allotted to the public to express its viewpoint . . ."

Mr. Connors: Mr. Chairman, delegate Connors from Foster. That sentence is intended to mean that the committee will afford in its public hearing sufficient time for all viewpoints of the public to be heard, and does not have any reference to the time within which the public will be notified of the meeting.

The advertisement placing, if you want to place an amendment, to provide that the advertisement shall be at least three days before the meeting, I would have no objection.

Mr. Breslin: Thank you, Mr. Connors. I will withdraw that motion and move to amend that rule as follows: After the words, "notice by advertisement," adding the words, "at least three days," between the words, "advertisement" and "prominently," on line 4, Rule 45.

Mr. Connors: Delegate Connors from Foster seconds that motion.

The Chairman: You have heard the motion. It is seconded. As many as are in favor say, "aye," opposed, "no." The ayes have it. The amendment carries.

(Voted: That Rule 45 be so amended.)

The Chairman: Senator Breslin, will you put that in writing and give it to the secretary?

Mr. Breslin: Yes, Mr. Chairman. I will. I am not a senator, Judge. I was a representative; but I never made it that far.

The Chairman: It was your performance that gave me the impression that you were. Rule 46? 47? 48?

Mr. MacLaughlin: Mr. Chairman?

The Chairman: Yes?

Mr. MacLaughlin: I will move at this time that we accept the rules as permanent rules of this convention as amended.

Mr. Capaldi (North Providence): I second the motion.

Mr. Connors: Leo Connors seconds the motion.

Mr. McKenna: Delegate McKenna seconds the motion.

Ms. D'Alessio: I second the motion.
The Chairman: We will take a division vote. 
As many as are in favor will please rise.

(Rising vote.)

All those opposed will please rise.

(Rising vote.)

The chair is informed that the vote is 83 in favor; opposed, 2, and the permanent rules of this committee reported by this convention, reported by the committee and amended here on the floor are adopted.

(Voted: That rules as amended be adopted.)

The Chairman: The next order of business I suggested to you during the discussion on Rule 12 would be that, and that is, that under that rule the chair in its discretion may determine the necessity of a committee.

The chair has indicated that it does feel the necessity for the committee on Resolutions which we will create consisting of seven members and to which committee all proposals to amend the constitution which are not relative to the four standing committees will be received and considered. The second committee the chair hereby creates, consisting of seven members, is the committee on Public Information. Now, if you will be patient for a moment, the chair will announce the committee members.

Mr. Conley: The Committee on Elections: William T. Murphy, Jr. of Providence, the Chairman; Robert J. McKenna of Newport, Vice-Chairman. The other members of the committee are as follows: Virgil Dutra, Robert Paol, Michael Miller, Laurent Rousseau, Domenico Manfredo, Edward Casey, M. Louise King, Emmett Cotter, John Coleman, Anthony J. Brocco, Robert Mauro, Jerry McIntyre, Joseph Borges, Jr., Stephen Jenkins, John J. Partidge, Mary S. Kessler, Edward MacLaughlin, Arthur A. Kidder, and Barbara Williams.


The Committee on Style and Drafting: The Chairman is Eric A. O'D. Taylor of Newport; the Vice-Chairman, Arthur Murphy. The other members of the committee: William Murphy of Tiverton, Robert Mauro, John Hines, Robert Tucker, and William Peotrowski.

The Committee on Legislative Pay, Legislative Compensation: The Chairman is Zygmunt Friedeimann of Warwick; the Vice-Chairman, Ethel DeAngelis of Cranston. The other members of the committee: John Small, Robert Kaufmann, John D'Arenal, Adrian J. O'Rourke, Salvatore Cesaro, Richard Costantin, John Capaldi, Anthony Principe, Alice D'Alessio, Arthur Mitchell, N. Jameson Chace, M. Christine Byrnes, Donald Large, Robert Breslin, Guiliana Colafrancesco, Manuel Botelho, Jr., Paul Vadenais, David Veloso, and Mary Hiltz.

Ms. D'Alessio: Alice D'Alessio from District 7. I decline from serving on that committee because I don't think I'll have the time. I would just as soon not serve on any committees. Thank you.

Mr. Conley: Now the Resolutions Committee: Frank Caprio, Chairman; John Cioci, Vice-Chairman. The members of the committee are: Joseph Calli and Joseph Borges; other mem-
Finally, the Committee on Public Information. The Committee on Public Information is chaired by John M. O'Hare; the Vice-Chairman, Christine Byrne. The other members of the committee: Marilyn Thetonia, Janet Hartman, William Murphy of Tiverton, Herbert Rock, and Paul O. Vadenais.

I believe that completes the naming of the committees.

The Chairman: Thank you for that, Mr. Secretary. The chair would like to announce that the Committee on Administration, anticipating the situation, caucused to see what the choices would be if the rules were adopted. If the rule is adopted, it leaves the election of the membership of the Committee on Administration to the members of that committee, and, of course, the election of the secretary is another part of the rule. The committee decided to elect Joseph H. O'Donnell as Chairman and Patrick Conley as Secretary.

Mr. Conley: Mr. O'Donnell is Chairman of the Committee on Administration. Would you wish to announce the appointments that we made at our meeting or would you want me to read it as secretary?

Mr. O'Donnell: Would you read it, Mr. Secretary.

Mr. Conley: At the meeting of the Committee on Administration during the recess it was unanimously decided to retain Fernando Cunha of Providence as Executive Director of the convention, the individual who would be the executive agent of the Committee on Administration. He is an individual who has had experience in manufacturing and industries. He has a law degree from Suffolk University Law School and a member of the Rhode Island Bar. He was unanimously approved as Executive Director at the rate of $15 per hour.

Also, it was voted by the Committee on Administration to appoint as Sergeant-at-Arms Mr. Wilfred Thibeault of Cumberland, and that compensation for Sergeant-at-Arms would be $25 per session.

An assistant sergeant-at-arms at a future date, we did not name.

Also, there was some discussion as to designation of a research staff to be discussed at the next meeting, and also some secretaries, and hopefully a recording clerk to relieve the secretary of the chore he had here tonight. That's the report of the Committee on Administration.

The Chairman: Thank you, Mr. Secretary.

Now we have reached the end of the substance of business to be considered at this session, but we do have a problem to consider or to take up, and that is when we shall meet. The question is when shall we again meet? But there has been some discussion or questions asked of me relative to "Could we have a fixed calendar on the meeting dates of the convention?" I would like to see, speaking for myself, personally, and my capacity as presiding officer, I would like to see a calendar, but I recognize that it's a little difficult to accommodate everyone on what it will be. Essentially, it is dates that will be difficult to pick—dates that most of you will be able to attend. I had some preliminary discussion about this with Joseph O'Donnell relative to the next meeting and suggested that you think about this and toss out something and let's chew on it. If you wish to make a suggestion?

Mr. O'Donnell: Mr. Chairman, relative to that, I would suggest at this point that we probably consider next Wednesday, September 12, at 7:30. It would place me in the middle of the week, and if it at all proves convenient to the membership, then I would say that we might move on at that point to a calendar, but I would suggest that the next one be—we try that date and see how it works out.

Mr. Malinou: Mr. Chairman?

The Chairman: Mr. Malinou?

Mr. Malinou: Mr. Chairman, before a motion to adjourn is put on the floor, I have a piece of business.
The Chairman: Yes?

Mr. Malinou: I would like an opportunity to introduce some records into the official records of this convention and to move the adoption of a resolution if I may come forward and present my motion to the chair?

The Chairman: We'll give you time to see about Wednesday for the next meeting. Is there any pronounced objection to that?

Mr. Garan: John Garan, 9th District.

The Chairman: Yes?

Mr. Garan: I would like to propose Thursday evening at 7:30.

The Chairman: They tell me Thursday is out of the question. The chair will entertain a motion that this convention will meet on Wednesday, September 12, at 7:30.

Mr. O'Donnell: Joseph O'Donnell, District 39, so move.

Mr. Borges: Joseph Borges, District 48. I second the motion.

Mr. McKenna: Robert McKenna, District 50. I second the motion.

The Chairman: As many as are in favor, say, "Aye." Opposed, "No." The ayes have it. The next meeting will be held on September 12, Wednesday.

(So voted.)

The Chairman: Before Mr. Malinou presents his business, I took it upon myself, and I admit it was presumptuous of me, to invite Reverend Mr. Stone here this evening. I would like the consensus of the convention if it would like to have that at every session inviting different members of the clergy.

Mr. MacLaughlin: Under Rule 43 it empowers the Chairman to take care of any item that's not written in the rule. For one, I think it would be an excellent idea and leave it to the discretion of the chair to do so.

The Chairman: Is it the wish of the convention that it be left to the chair? The chair so reads it.

(So left to the chair.)

The Chairman: Mr. Malinou?

Mr. Malinou: I want to offer into the records of this convention part of the pleadings in a Superior Court action, Docket 73-1328, in Superior Court, Providence County, the part of docket entries and the most recent brief in that case. As you're probably aware, this is the lawsuit in which I seek to obtain . . .

Mr. Taylor: Point of order.

The Chairman: Mr. Taylor?

Mr. Taylor: Erich Taylor from District 49. I believe that is not part of the action of the convention. I would question whether he has a right to be here; as he questions the convention before a court, I think he is probably not legally a delegate. He doesn't believe that, but I think certainly this matter of a court hearing does not belong on this floor, and I would so move.

The Chairman: The chair believes that the point of order is well taken. It's a ruling of the chair. Anybody wish to appeal?

Mr. Malinou: Yes.

The Chairman: You wish to appeal from the ruling of the chair?

Mr. Malinou: I wish to appeal from the ruling of the chair.

The Chairman: Second?

Mr. Borges: Joseph Borges—second that motion.

The Chairman: I'm going to ask Vice-Chairman Helen Migliaccio while we take into account the appeal from the chair to preside.
The Vice-Chairman: All those approving the ruling of the chair please rise.

(Rising vote.)

The Vice-Chairman: Please be seated. Those opposed, please rise.

(Rising vote.)

The Vice-Chairman: The ruling of the chair prevails, 62 to 20.

(The Vice-Chairman now relinquishes the chair.)

Mr. Principe: Mr. Chairman?

The Chairman: Mr. Principe?

Mr. Principe: Anthony Principe. I move we adjourn.

Mr. Capaldi (North Providence): Seconded, Mr. Chairman.

Ms. Messina: Isle Messina, District 49. Would it be possible that the cafeteria will be open on our meeting nights? It will be a too long time out tonight, and there wasn't a cup of anything to be had. I feel we all are of the opinion that it should be open.

The Chairman: The chair will make every effort to see that the cafeteria will be open. As many as are in favor of the motion to adjourn, say, "Aye." Those opposed? The ayes do have it, and this session stands adjourned.

(Constitutional Convention adjourned at 11:43 P.M. to meet on Wednesday, September 12, 1973, at 7:30 P.M.)

Elliott E. Andrews, Recorder

Patrick T. Conley, Secretary