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JOURNAL

OF THE 1973 CONSTITUTIONAL CONVENTION

Vol. 1, No. 9

Thursday, October 4, 1973

NINTH DAY

THURSDAY, OCTOBER 4, 1973

THE CONVENTION CALLED TO ORDER

AT 7:30 P. M.

The Chairman: The Convention will please come to order. With the indulgence of the Convention, the invocation will be moved back on the docket. Please attend our salute to the flag.

The Chairman: Mr. Secretary, please call the roll.

(The following delegates were absent.)

Alfred A. Almonte, Jr.	Laurence T. O'Brien
Joseph A. Caliri	George Ogley
John E. Small	David Veloso, Jr.

The Chairman: That brings us to the minutes of the previous session. Are there any errors, corrections or omissions?

The Chairman: Any errors or omissions to note? Hearing none, the Journal of the previous session stands approved.

Mr. Capaldi: At this time I would move for a 15-minute recess and announce there would be a caucus of the Democrats in the House Lounge.

Mr. O'Donnell: I second the motion, Mr. Chairman.

The Chairman: The question before the convention, shall there be a recess estimated at 15 minutes and duly seconded. As many as are in

favor say "Aye"; opposed, "No." The "Ayes" appear to have it.

(15-minute recess.)

The Chairman: Reports of committees. The chair recognizes the chairman of the Committee on Administration, Joseph H. O'Donnell, Jr.

Mr. O'Donnell: Mr. Chairman, the Committee on Administration wishes to present the expenditures to date.

Personnel

Director of Administration	\$1,890.00
Secretaries	1,032.00
Research Director	1,440.00
Research Assistants (6)	2,650.00
Pages (7)	460.00
Sergeant-at-Arms	175.00
Ass't Sergeant-at-Arms	120.00

\$7,767.00

Payroll Taxes

777.00

\$8,544.00

Contract Services

Stenographic	\$5,159.00
Equipment Rental	135.00
Supplies	175.00
Printing 8 Journals	2,195.00

Total Contract Services \$7,664.00

TOTAL EXPENDITURES \$16,208.00

81% of Appropriation

We have also as of our last meeting appropriated \$1,500 to the Committee on Public Information, bringing out total expenditures to \$17,708. We are projecting at this point that approximately \$500 may be left when we finish with the work that has to be done. That is the report, Mr. Chairman.

The Chairman: Thank you, Mr. Chairman. The report of the chairman of the Committee of Administration is received and approved as reported.

The Chairman: The Committee on Legislative Compensation — the chair recognizes Zygmunt Friedemann, Chairman of that committee.

Mr. Friedemann: Thank you, Mr. Chairman. I am pleased to report that as of its meeting on Tuesday, October 2, the Committee on Legislative Compensation has concluded its business. Out of the twenty resolutions referred to it, the committee reported one resolution (#51) to the floor, and tabled nineteen other resolutions.

This being my final report I would like to take this opportunity to express officially and publicly my personal thanks and appreciation to all members of the committee for their seriousness, time, and plain hard work displayed in discharging the business and the duty of the committee. On a personal level I'm appreciative of the many kindnesses but above all for the friendship shown to me personally by the members of the committee. I would like also to express my gratitude to you, Mr. Chairman, and to the delegates of this convention for according me the honor and responsibility for chairing the committee, a task which proved to have been difficult, tiring, but nevertheless challenging. Thank you, Mr. Chairman.

The Chairman: You have heard the report of the Committee on Legislative Compensation. The report of the chairman of the committee is received and approved.

The Chairman: This rostrum has been graced on all our sessions by a dedicated churchman. Accepting your invitation to deliver the invocation this evening is the Reverend Miss Paula

P. Durrant, Assistant Minister of the Beneficent Congregational Church of Providence.

(Invocation by Reverend Miss Paula P. Durrant, Assistant Minister of the Beneficent Congregational Church of Providence.)

The Chairman: On behalf of the delegation the chair expresses appreciation. The business of the convention resuming, the chair recognizes Ronald Gagnon, Esq., Chairman of the Committee on Lotteries, for his report on that committee.

Mr. Gagnon: Mr. Chairman, the Committee on Lotteries having read its report last Thursday, it does not meet again. It stands ready to meet again at the time the business is through.

The Chairman: Thank you, Mr. Chairman.

The Chairman: The Committee on Elections, the chair recognizes Chairman William T. Murphy.

Mr. Murphy (Providence): Mr. Chairman, I would like to take this opportunity to thank the members of the Elections Committee from both parties as well as the two Independents for the support and cooperation and deliberations in the Elections Committee, and secondly, to report that since the last meeting of the convention we have had no substantive deliberations in the Elections Committee.

The Chairman: Thank you, Mr. Chairman.

The Chairman: The chair recognizes John Folcarelli, Esq., Chairman of the Committee on Grand Jury revision.

Mr. Folcarelli: Mr. Chairman, the Committee on Grand Jury has no business before it. I do also want to take this opportunity to thank all of the members of the committee for their dedication to their work, for their deliberations, and I want to have the public at large know that we have served them well.

The Chairman: The report is received and approved as read. The chair recognizes the dele-

gate from Newport, Senator Erich Taylor, Chairman of the Committee on Style and Drafting.

Mr. Taylor: Delegate Taylor. I would like at this time to thank very much our legislative assistant, roving clerk, Mr. Dulgarian. He has been outstanding in assisting us and has helped us in our very long, but controversial discussions. He has helped us to be a little more rational with each other, and we feel very definitely he should be commended.

We have two proposals. There is another one we will place later. Proposal Number 56 and Proposal Number 48.

The Chairman: We will accept them under second reading.

The Chairman: The chair recognizes Frank Caprio, Esq., Chairman of the Committee on Resolutions.

Mr. Caprio: Mr. Chairman, the Committee on Resolutions has acted upon and disposed of all the matters pending before it, and we presently have adjourned our committee meetings. I wish to thank you, Mr. Chairman, for giving me perhaps the most pleasurable and easiest political appointment I have ever had, and that is being chairman of the Resolutions Committee. Members of that committee were certainly very conscientious and dedicated. I wish to tell you, Mr. Chairman, every resolution that was acted on in that committee and passed was passed with unanimous consent both of Democrats and Republicans. We are particularly proud of that fact.

The Chairman: Thank you, Mr. Chairman. The report of the committee is accepted and approved as reported.

The Chairman: The chair recognizes Delegate John O'Hare of Pawtucket, Chairman of the Committee on Public Information.

Mr. O'Hare: Delegate O'Hare reporting for the Committee on Public Information.

(Text of report in transcript.)

The Chairman: The Committee on Public Information is received and approved as read.

The Chairman: Mr. Malinou, do we have anything to report from the Ad Hoc Committee?

Mr. Malinou: Mr. Chairman, Martin Malinou reporting for the Committee on Funding.

(See transcript.)

The Chairman: Communications? The secretary informs the chair that there are none.

The Chairman: We will turn to resolutions and motions.

Mr. Conley: The first resolution is by Giovanni Folcarelli.

Mr. Folcarelli: "BE IT RESOLVED, That the Committee on Grand Jury wishes to express to Edward H. Newman its appreciation for his excellent and invaluable services as Research Assistant to the Committee."

Mr. Malinou: I second it.

Mr. Conley: All in favor of the resolution as moved and seconded say, "Aye"; those opposed, say, "No." The "ayes" have it. Resolution No. 22 congratulating Edward Newman passes and is so recorded.

Mr. Conley: Delegate Zygmunt Friedemann.

Mr. Zygmunt J. Friedemann, District 18: On behalf of the entire Legislative Compensation Committee and the Convention as a whole I offer the following resolution: For her outstanding devotion to the many tasks—taking the minutes of the meetings, counting our committee votes, preparing our background materials—we ask the Convention to commend Miss Ann Keegan, our research assistant, whose patience and dedication was deeply appreciated. I so move.

Ms. D'Alessio: I second the resolution.

Mr. Conley: All in favor of the resolution as read by Chairman Friedemann say, "Aye"; those

opposed, say, "No." The "ayes" have it. Resolution No. 23 congratulating Ann Keegan is passed.

(So noted.)

Mr. Conley: Delegate Friedemann.

Mr. Friedemann: On behalf of the entire Legislation Compensation Committee and the Convention as a whole I offer the following resolution: That, Prof. Elmer E. Cornwell, Jr., Research Director, receive the highest of commendations this Convention can offer for his genius in constitution making which he freely lent us, for his accessibility on even the most trivial of questions, for the excellence of materials he and his staff provided which made the work of this Convention infinitely less and for his dedication to the State of Rhode Island and its citizens. I move the resolution.

Mr. Principe: Seconded.

Mr. Conley: All in favor of the resolution say, "Aye"; those opposed, say, "No." The "ayes" have it unanimously, and resolution No. 24 congratulating the Director of Research, Elmer Cornwell, is passed.

Mr. Malinou: I have two resolutions, Mr. Secretary.

Mr. Conley: Resolution No. 25. I move that the Convention adopt the following resolution: "RESOLVED: That all the proposals adopted by this Convention be submitted to the electorate on a ballot arranged by the Secretary of State so as all the adopted proposals appear in one vertical column in the order from top to bottom of the column as this Convention by further resolution shall direct. This resolution is mandatory. Martin Malinou, Delegate District 1." (Resolution No. 25.)

The Chairman: Special orders for this session.

Mr. Conley: And resolution No. 26.

(It was read and then was ruled out of order.)

(See transcript.)

Mr. Conley: The next resolution is by John M. O'Hare, the Chairman of the Committee on Public Information.

Mr. O'Hare: John M. O'Hare, District 37. I have a resolution commending Paul Campbell, our research assistant to the committee.

"BE IT RESOLVED That the Committee on Public Information commend its research aide, Paul Campbell of the City of Cranston, for the valuable services which he has performed on the Committee's behalf.

"He has worked with diligence and dedication to help disseminate to the people of Rhode Island information regarding the proceedings of the convention. The Committee thanks him for a public service well done." I move for passage, Mr. Chairman. (Resolution No. 27.)

Mr. McKenna: Seconded.

Mr. Conley: All in favor of the resolution as read by Chairman O'Hare say, "Aye"; opposed say, "No." The resolution passes unanimously.

(Resolution 27 so moved)

Mr. Conley: Delegate Albert Saunders.

(Resolution 28 related to making proposals approved by the electorate effective when so voted. After discussion it was tabled.)

The Chairman: The next order of business is second reading. This calls for the report of the Committee on Style and Drafting for substantive proposals.

Mr. Conley: The second reading of proposal Number 48 as amended proposed by Delegate Patrick T. Conley.

The Chairman: General Orders for today's session.

Mr. Conley: Proposal 56 as amended, second reading.

The Chairman: General Orders for today's session.

The Chairman: On Special Orders for the day there is a resolution of Delegate Martin Malinou which the secretary will read. (Resolution No. 25.)

The Chairman: Filed in General Orders for the day.

The Chairman: There is before the convention now consideration of final adoption of Proposal 21, revision of Grand Jury. The secretary will read the final draft of the Committee on Style and Drafting to the convention, and the question of final approval will then be up for discussion. The secretary will please read.

Mr. Conley:

PROPOSAL NO. 21 AS AMENDED

PROPOSED BY DELEGATE WALTER KIMBALL

Referred to Committee on Grand Jury 9/12/73
 Reported out of Committee 9/25/73
 Referred to Style & Drafting 9/27/73

GRAND JURY

PROPOSED AMENDMENT OF SECTION 7 OF ARTICLE I OF THE CONSTITUTION OF THE STATE OF RHODE ISLAND.

Except in cases of impeachment, or in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger, no person shall be held to answer for any offense which is punishable by death or by imprisonment for life unless on presentment or indictment by a grand jury, and no person shall be held to answer for any other felony unless on presentment or indictment by a grand jury or on information in writing signed by the Attorney General or one of his designated assistants, as the General Assembly may provide and in accordance with procedures to be enacted by the General Assembly; provided however, that until such procedures are adopted prosecution of all fel-

onies shall be as presently provided. The General Assembly may authorize the impaneling of grand juries with authority to indict for offenses committed any place within the state and it may provide that more than one grand jury may sit simultaneously within a county. No person shall be subject for the same offense to be twice put in jeopardy. Nothing contained in this article shall be construed as in anywise impairing the inherent Common Law powers of the Grand Jury.

Mr. Taylor: One change has been made and this has been the addition of the clause at the bottom, commencing "Nothing." "Nothing contained in this article shall be construed as in anywise impairing the inherent Common Law powers of the Grand Jury." Everything else is as was sent to us, and we found it a very fine job.

The Chairman: This, of course, is on final adoption. When we get to the point it will be by roll call. Are there delegates who wish to be heard?

Mr. Folcarelli: Mr. Chairman, this particular proposal, we must admit, has been studied over a period of perhaps a year or two by a commission appointed by the General Assembly, and we were the beneficiaries of much research in that respect, so that when this committee was appointed, we were able to obtain from the experts that information which could help us make a decision. I think that several doubts arose, and those doubts were resolved by further amendments to the original proposal, the so-called Walsh proposal. I, Mr. Chairman, took a 180-degree turn as far as my own personal views on Grand Juries were concerned. I came into the convention with the thought that Grand Juries should be completely abolished. After hearing all of the testimony, after hearing all of the experts, after discussion with the committee members, I, too, was convinced that this particular proposal was the best proposal that could be laid before the people of the State of Rhode Island and possibly adopted by them. The proposal was meant to solve the present and current problems that are faced by the judicial system in the State of Rhode Island.

Mr. Chairman, I think that this particular proposal with the exception of one member in our own committee who had the legal opinion of his own, and correctly so, has unanimous endorsement and unanimous backing, and feeling that this particular proposal should be adopted by the people of Rhode Island, and I'm asking that this convention adopt this proposal.

Mr. Torgen: I would also like to go on record as urging this convention to adopt this amendment. I had the privilege of serving for two years as secretary of the Walsh Commission which studied this matter in great depth. For the interest of those of you who are not aware of the workings of the Walsh Commission or the composition of the Walsh Commission, it was made up of various state senators and representatives, the Attorney General of the State of Rhode Island, the public defender of the State of Rhode Island, the chief judges of all our courts, members of the public, and it was a very, very fine commission who has worked diligently which came out with many proposals which are law today. This question was studied and re-studied. This amendment was drafted and re-drafted. The committee worked very hard on this and came up with some good suggestions to incorporate into this piece of legislation. I think it's a very fine bill, and I would like to urge this Constitutional Convention to adopt the same. Thank you, Mr. Chairman.

Mr. Murphy (Newport): I would like to speak against the adoption of this proposal for the following reasons: I'm not willing to strip fundamental common law rights unless I'm thoroughly convinced that we are going to a better system. This new system will indeed be less expensive, it will indeed hurry up the court. These are admirable goals. It may well be that it costs too much. The price of the preservation of individual liberties is often high. We cannot abandon them just because of the cost to this state. It's the state's obligation to protect the liberties of its citizens. Therefore, I would urge reconsideration by all members in this room although there is a consensus for it. If indeed it does pass, I would suggest that perhaps we will feel that the real problem in the courts is not the Grand Jury system, but the number of

felonies that are committed in Rhode Island. It is the number of felonies and the inordinately high jail sentences that causes the real backlog in the Grand Jury system. If more of our felonies were misdemeanors, we could then send them directly to the courts without the Grand Jury system. So I would like you to consider that and consider again that the members of the General Assembly could reduce the number of felonies so that one might not be charged in Rhode Island with an infamous crime by the mere stroke of a pen of the Attorney General or one of his designates.

Mr. Federico: Mr. Chairman, fellow delegates, I would like to say that I also support this proposal of the Constitution, and I would also like to say that finally and at long last a contribution from a delegate from South County, Washington County, has been honored, and acted upon for the first time in this convention. Thank you.

Mr. Malinou: Mr. Chairman, members of this convention, the history of American freedom has been the history of procedure. In the United States Constitution, Amendment V, there is a provision to the effect that a charge against the person for a felony must be made no other way than by indictment by a Grand Jury. In 1884 the United States Supreme Court was faced with a case involving a conviction for murder out in the State of California, and the claim there of the person convicted was that he was charged by an information and not by an indictment. The court in 1884 ruled that due process of law did not require a state to charge a person for a felony by means of a Grand Jury indictment. The name of that case was *Hurtado v. California*, and it has been cited for our committee by a young but nevertheless learned staff counsel for the proposition that in Rhode Island we may charge for a felony by way of information because the United States Supreme Court in 1884 said it was okay, but we are not taking cognizance of the fact that in the 1960's and 1970's the United States Supreme Court has set upon a path of applying the Bill of Rights of the first ten amendments to the Constitution to the states through the due process clause of the XIV Amendment.

For those of you who are not lawyers, let me say that the due process clause of the XIV Amendment of the United States Constitution says that no person shall be deprived of life, liberty, or property without due process of law. The Fifth Amendment of the United States Constitution which has always applied to the Federal Government has a similar provision and also says that Grand Jury indictments are necessary. The procedural requirements of the Fifth Amendment have been applied within the past twenty years or so to the states through the XIV Amendment.

The Chairman: We have a long evening ahead. All the chair is suggesting is that after all the Grand Jury began in England and they abolished it twenty years ago. Let's keep it short.

Mr. Malinou: I will wind up my remarks very quickly, Mr. Chairman. It is my opinion, fellow delegates, that when next confronted with a set of facts where a man is convicted, having been charged with a felony by information and not by Grand Jury indictment, the United States Supreme Court will hold that the requirement of indictment by a Grand Jury is required under the XIV Amendment due process as is made binding on the states by the Fifth Amendment requirement of the Grand Jury indictment. There are, of course, some states that have employed this information procedure, but in the notes to a Kansas statute which retains the indictment procedure you can find reference to the fact that it was thought best that the Grand Jury indictment procedure be retained because the committee anticipated U. S. Supreme Court would find that the information procedure did not meet the Constitution.

The Chairman: Those in favor of final adoption of Proposal 21 will vote "Aye" when their name is called. Those who are opposed will vote, "Nay."

(Roll call vote.)

The following delegates voted, "Aye."

- | | |
|--------------------|------------------------|
| Martha R. Bailey | Manuel Botelho, Jr. |
| Ann R. Baker | Robert H. Breslin, Jr. |
| Joseph Borges, Jr. | Anthony J. Brosco |

- | | |
|-------------------------|----------------------------|
| M. Christine Byrnes | Mary N. Kilmarx |
| Arthur G. Capaldi | Walter M. Kimball |
| John F. Capaldi | M. Louise King |
| Frank Caprio | Donald Large |
| Edward L. Casey, Jr. | Donald W. Lister |
| Roderick A. J. Cavanagh | Gerald R. Lynch |
| Salvatore R. Cesaro | Edward R. MacLaughlin, Jr. |
| N. Jameson Chace | Domenico Manfredo |
| John R. Cioci | Robert A. Mauro |
| Guistina Colafrancesco | Richard McAllister |
| John A. Coleman | William J. McAtee |
| Patrick T. Conley | Robert J. McKenna |
| Leo T. Connors | Ann M. McQueeney |
| Richard W. Costantino | Ilse I. Messina |
| Edward Denis Costello | Helen Migliaccio |
| Emmett J. Cotter | Michael W. Miller |
| Alice E. D'Alessio | Arthur F. Mitchell |
| John D'Amico | William F. Murphy |
| J. Colin Dawson | William T. Murphy, Jr. |
| Ethel L. DeAngelis | Joseph H. O'Donnell, Jr. |
| Arthur D. Salvo | John M. O'Hare |
| Virgil H. Dutra | Adrian J. O'Rourke |
| Giovanni Folcarelli | Robert J. Paci |
| James J. Federico, Jr. | John J. Partridge |
| Zygmunt J. Friedemann | William J. Peotrowski, Jr. |
| Mary Kathleen Furtado | James A. Petrosinelli |
| Ronald R. Gagnon | William E. Powers |
| John Paul Garan | Anthony F. Principe |
| Alan P. Gelfuso | Rob Roy Rawlings |
| Charlotte M. Gleeson | Herbert G. Rock |
| Wilfred L. Godin | Laurent L. Rosseau |
| Raymond E. Grimes | Robert V. Salvatore |
| Janet A. Hartman | Albert D. Saunders, Jr. |
| Kathleen J. Hawkins | Edward J. Slattery |
| Mary R. Hiltz | Arthur Spingarn |
| John Hines | Barbara Summer |
| Charles Hooper | Erich A. O'D. Taylor |
| Stephen A. Jenkins | Marilyn A. Thetonia |
| Robert K. Kaufmann | Edward H. Torgen |
| Steven B. Kenny | Paul O. Vadenais |
| Mary S. Kessler | Milton Wallace |
| Arthur A. Kidder, Jr. | Barbara Williams |

The following delegates voted, "Nay."

- | | |
|-------------------|------------------|
| Martin S. Malinou | Arthur W. Murphy |
| Jerry L. McIntyre | Robert B. Tucker |

The Chairman: Before the vote is announced, is there any delegate who is called who did not respond and wishes to vote? Hearing none, the chair is informed that there are 90 votes in the affirmative, 4 votes in the negative, and Proposal Number 21 is finally adopted.

Mr. Taylor: I believe that we have in the Chamber at this time the man who is most directly responsible both by his tremendous work, and his hard thinking for producing

this effect which may speed up our course. I would like to introduce Senator Joseph Walsh at this time.

The Chairman: Love's labor was not lost then.

The Chairman: This brings us to Proposal Number 35, the Lotteries amendment.

Mr. Conley: It was reported out of the Committee on Lotteries on September 27; adopted by the Floor on September 27, the first reading; sent to the Committee on Style and Drafting on September 27.

The proposal was that of the Committee on Lotteries, it reads as follows: "All lotteries shall hereafter be prohibited in the state except those previously permitted by the General Assembly prior to passage of this amendment, and all shall hereafter be subject to the proscription and regulation of the General Assembly; provided that before the effective date of this amendment no other lotteries shall be permitted or authorized."

Mr. Taylor: Thank you, Mr. Secretary. We have been talking this over back and forth between our committee and other gentlemen of this assembly and we have decided to request that the text be changed to conform this way, you see four lines down from the top, the word, "passage", we want to strike out the word, "passage" and substitute therefor the word, "adoption."

Two lines up from the bottom, there is again the "effective date"; we would strike "effective date", and substitute therefor "adoption" with this form we presented to the assembly.

I would like to call your attention to what this does. As we unfortunately know, the race track problems of this state were never properly adjudicated. We could not authorize something that was banned by the Constitution, but no check on this was ever made.

Therefore, if we simply stop a ban, we leave these things in limbo. It is the intention of this to take care of those things. We have two other things that would be considered, Jai lai in Newport and the various things like bingo and

other charitable matters. Those were allowed and should not have been by the General Assembly.

First we say there should not be lotteries in the state, except now those previously permitted, and excepting those operated by the state. I think we are all agreed that is the kind of lottery we want, no others.

Second, those previously permitted—you can't say authorized because you didn't have the authority to authorize—those are two kinds of lotteries and all shall hereafter be subject to the proscription and regulation of the General Assembly provided that before the adoption of this amendment no other lotteries shall be permitted or authorized, and that means at the time of passage, as the chairman has said. I move adoption.

Ms. Summer: I rise to question the wisdom of removing the Constitutional ban on lotteries. In so doing I ask the delegates to consider this move in the light of good judgment necessary to choose a source of the state's income.

It appears for the first time in its history, Rhode Island is going to do business and that business is gambling. Its competitors will be race tracks, bookies, and numbers operators. The state will promote and sell the lotteries to the public and try to convince citizens that the small estimated profit will promote all manner of good services for them.

The truth is that the cost is high and the return is low. The business is questionable. It would also bring along the source of abuses that cost much in the quality of life.

The lottery returns elsewhere are falling far short of estimates, as in New Hampshire. Start-up and maintenance costs are three-quarters and one-half million dollars respectively, and policing the embezzling, robbery, and forgery that attend these ventures cannot be figured.

Does the state need revenue so much that it is willing to take a chance on this business? I think you will agree that a responsible government will rely on a much more equitable tax

such as an income tax, instead of another hidden tax.

In conclusion, I wish to observe that of the four subjects deliberated before this convention only one is not worthy of due consideration; therefore, I urge you to allow the ban on lotteries to remain intact.

Mr. McAllister: I have the floor for the first time in this convention other than to introduce one proposal and co-sponsor another. By remaining silent I have learned a lot. One of the things I have learned, namely that this convention and the news media has received a proposal to amend the ban on lotteries in a very complacent mood. This I don't understand at all.

The lottery is the one thing that has come before this convention that has excited the people. It is the one thing that is going to produce funds for the benefit of the people of the state of Rhode Island. While the figures that have been mentioned; namely, \$6.7 million and up, may be exaggerated; it is my contention that no matter how minute these figures are, no matter how small the profits actually will be, they will be welcomed by the taxpayer.

I will grant that every proposal that has come before the convention is an extremely important one; however, I say that the lottery will set the mood for the other proposals that would go on the ballot.

If you want those people to go into the polls with a smile on their face—and it has been my experience, my sad experience, that when people go into the polls with a frown, you are going to end up a loser—then I say we as delegates must push the lottery.

I sincerely hope that all of you will feel that now is the time—because no one has said anything yet—but now is the time to go out and speak on behalf of the lottery; now is the time to tell the people of Rhode Island who are looking forward anxiously to the day when they can buy their first 50-cent ticket, that this new and exciting harvest could be ours. Thank you.

Mr. Grimes: I think anything that would be said about a lottery here would be repetitious, would be boring; we have heard all the arguments about money flying over the state's borders, cutting down on crime, and so forth.

What I got up to speak about this evening is with some chagrin, I watched the make-up of the Lottery Committee, and when I saw the vice-chairman, Mrs. Summer, I was a little upset, and I want to apologize at this time to Mrs. Summer. In all my years in the political arena, I have never met a more charming opponent and I have to compliment her on the fact she was so nice.

Also I think we should not forget some of the points she brought up. There is no bigger pusher for a lottery than I am, so she brought up some very eye-opening facts that just because we are going to have a lottery doesn't mean it is automatically a success.

My only hope is that when — I am sure it will be voted in — that this lottery doesn't turn into an Edsel. I hope that the state takes heed to some of the remarks made by Mrs. Summer, because we want a good lottery.

Mr. Connors: I am in favor of a lottery; that is the game, the lottery itself, that is what we commonly call the lottery. However, this particular bill ought to be examined closely because it allows the General Assembly to commission anything which would be a lottery.

I feel in pointing that out if that is what you want, fine. The game, so-called, or the lottery, is something the people desire, but you want to consider whether or not you desire the General Assembly to be able to commission any form of gambling.

Mr. Rousseau: I would like to direct a question, if I could, to the chairman of the Lotteries Committee. First of all I would like to preface my question by saying I support this proposed amendment wholeheartedly.

One thing strikes me, that is Senator Taylor pointed out that perhaps the Jai lai facility in

Newport, and perhaps the horse racing facilities in Rhode Island could be considered lotteries. If that is so, would we not by passing the amendment in this language prohibit the General Assembly from allowing another dog track or horse racing track or Jai lai facility since any lottery would have to be operated by the state?

Mr. Gagnon: I think he is directing the question to me, but in all fairness the amendment proposed this evening is not the amendment of the Lottery Committee, it is Senator Taylor's so I think we should ask Senator Taylor what he means.

Mr. Taylor: No, I think not. It says here very clearly that all lotteries except those previously permitted by the General Assembly — now in my mind this would be protecting race tracks as we have them, and protect the racing legislation as we have it, but dog racing is not allowed now and would not be allowed under this.

Mr. Kimball: I would just like to say that even right at this hour, I am not sure of my vote regarding this amendment. I look at this as purely economic. If the State sets up a lottery with the population of the State of Rhode Island approximately one million people, how can we afford in the State of Rhode Island to compete with the State of Massachusetts, with the State of New York, with the State of Connecticut, with New Hampshire, with New Jersey? In Massachusetts they give away a million dollars. Now the State of Rhode Island would never be able to afford to give away a million dollars unless they sold \$10 tickets, and I therefore feel this should be rejected.

The Chairman: You raise a nice point. One, people may not want a lottery. Two, the lotteries may prove unfeasible, and that will be the end of them, but there seems little doubt the people of this State and those who approved the calling of the Convention certainly expected there would be submitted to them the question of the lottery ban, up or down. Whether they favor it or not is something else.

Mr. Cioci: I would like to say something on behalf of a man who I think sponsored the lot-

tery for Rhode Island year in and year out, who is not present. I am just thinking of a fellow by the name of Hugo Ricci who spent the better time of his life in the House sponsoring the lottery, and I am glad to see it's coming.

The Chairman: Those in favor for final adoption, vote, "Aye," and those opposed, vote "No."

Mr. Conley: "All lotteries shall hereafter be prohibited in the State except lotteries operated by the State and except those previously permitted by the General Assembly prior to adoption of this amendment, and all shall hereafter be subject to the proscription and regulation of the General Assembly; provided that before the adoption date of this amendment no other lotteries shall be permitted or authorized."

The Chairman: The Secretary will call the roll.

(Roll call vote.)

Ann R. Baker	Raymond E. Grimes
Joseph Borges, Jr.	Janet A. Hartman
Manuel Botelho, Jr.	Kathleen J. Hawkins
Robert H. Breslin, Jr.	Mary R. Hiltz
Anthony J. Brosco	John Hines
M. Christine Byrnes	Charles Hooper
Arthur G. Capaldi	Stephen A. Jenkins
John F. Capaldi	Robert K. Kaufmann
Frank Caprio	Steven B. Kenny
Edward L. Casey, Jr.	Mary S. Kessler
Roderick A. J. Cavanagh	Arthur A. Kidder, Jr.
Salvatore R. Cesaro	Mary N. Kilmarr
N. Jameson Chace	M. Louise King
John R. Cioci	Donald Large
Guistina Colafrancesco	Donald W. Lister
John A. Coleman	Gerald R. Lynch
Patrick T. Conley	Edward R. MacLaughlin, Jr.
Edward Denis Costello	Martin S. Malinou
Emmett J. Cotter	Domenico Manfredi
Alice E. D'Alessio	Robert A. Mauro
John D'Amico	Richard McAllister
J. Colin Dawson	William J. McAtee
Ethel L. DeAngelis	Jerry L. McIntyre
Arthur DiSalvo	Robert J. McKenna
Virgil H. Dutra	Ann M. McQueeney
Giovanni Folcarelli	Ilse I. Messina
James J. Federico, Jr.	Helen Migliaccio
Zygmunt J. Friedemann	Michael W. Miller
Mary Kathleen Furtado	Arthur F. Mitchell
Ronald R. Gagnon	Arthur W. Murphy
John Paul Garan	William F. Murphy
Charlotte M. Gleeson	William T. Murphy, Jr.
Wilfred L. Godin	Joseph H. O'Donnell, Jr.

John M. O'Hare	Robert V. Salvatore
Adrian J. O'Rourke	Albert D. Saunders, Jr.
Robert J. Paci	Edward J. Slattery
John J. Partridge	Arthur Spingarn
William J. Peotrowski, Jr.	Erich A. O'D. Taylor
James A. Petrosinelli	Marilyn A. Thetonia
William E. Fowers	Edward H. Torgen
Anthony F. Principe	Robert B. Tucker
Rob Roy Rawlings	Paul O. Vadenais
Herbert G. Rock	Milton Wallace
Laurent L. Rousseau	Barbara Williams

(The following delegates voted "Nay.")

Martha R. Bailey	Barbara Summer
Walter M. Kimball	

Mr. Connors: I would like to abstain, Mr. Chairman.

Mr. Gelfuso: I would like to reserve the right to abstain.

The Chairman: The Chair is informed that there are 88 votes in the affirmative, 3 votes in the negative, 2 delegates abstaining, and Proposal 35 is finally approved.

The Secretary has asked for a moment to make an observation, and the Chair will indulge him.

Mr. Conley: Delegate Cioci mentioned the champion of the lottery during the '50's and '60's, my good friend, Hugo Ricci, of Providence, and I would like to take notice of the individual who at present, is responsible perhaps more than any other individual, for this proposed amendment. That would be Delegate Raymond Grimes of Providence.

(Applause.)

The Chairman: Consideration for final adoption of Proposal 48. The Secretary will read the proposal.

Mr. Conley: Proposal No. 48, as amended. Passed on October 2, 1973 for its first reading, referred to Style and Drafting October 2, 1973, reported to the floor October 4. Proposed by Delegate Patrick T. Conley. **ELECTION REQUIREMENTS FOR CONSTITUTIONAL REVISION. SECTION 1.** The General Assembly may propose amendments to the Constitution of

the State by a roll call vote of a majority of the members elected to each house. Any amendment thus proposed shall be published in such manner as the General Assembly shall direct, and submitted to the electors at the next general election as provided in the resolution of approval; and, if then approved by a majority of the electors voting thereon, it shall become a part of the Constitution. **SECTION 2.** The General Assembly, by a vote of a majority of the members elected to each house, may at any general election submit the question, "Shall there be a convention to amend or revise the constitution?" to the qualified electors of the State. If the question be not submitted to the people at some time during any period of ten years, the Secretary of State shall submit it at the next general election following said period. **SECTION 3.** If a majority of the electors voting at such election on said question shall vote to hold a convention, the General Assembly at its next session shall provide by law for the election of delegates to such convention. The number of delegates shall be equal to the number of members of the House of Representatives and shall be apportioned in the same manner as the members of the House of Representatives. No revision or amendment of this Constitution agreed upon by such convention shall take effect until the same has been submitted to the electors and approved by majority of those voting thereon. Signed by the Committee on Style and Drafting.

Mr. Taylor: This proposal does two things. The first says that the General Assembly may itself propose amendments to the Constitution and handle them in a specific way. Then the second one says the General Assembly must, every ten years, submit the question of calling a Convention to the people. If the question of revising the Constitution is not submitted within a period of ten years, the Secretary of State shall submit it on the next following election. The result of that is it means there could be a Constitutional Convention every ten years. The original section 3, which was deleted by the committee, authorized the Governor to set up a committee to study what the Convention should do. We did not feel any gain would be had by that. We dropped it, therefore. It was a nonsubstantive matter.

The Chairman: Delegate Peotrowski was denied the floor. Does the delegate wish to speak?

Mr. Peotrowski: Yes, Mr. Chairman. I have an amendment that I wish to propose to Section 3 of Proposal 48. It is this: That the sentence, "The number of delegates shall be equal to the number of members of the House of Representatives, and shall be apportioned in the same manner as the members of the House of Representatives," that sentence be deleted.

(Motion was not seconded.)

Mr. Godin: Mr. Chairman, I move the reinsertion of the original section 3 on the ground that the Committee on Style and Drafting has made a substantive change to this proposal, and since I was the author of a similar proposal containing section 3. I move that section 3 as in the original proposal be returned.

Mr. Murphy (Providence): I second that.

Mr. MacLaughlin. I agree with the gentleman that this coming out of Style and Drafting was a substantive change. I also mentioned that earlier this evening. I cannot understand with all due respect to my good friend Senator Taylor, how he really believed that this was not a substantive change.

According to the proposal as it now reads, unless the general assembly sets up machinery to hold the constitutional convention, the Secretary of State may do so by simply asking the people "Shall we have a constitutional convention?"

If there are no substantial issues before the people, if there is no prior knowledge by the people of why or the necessity for a constitutional convention, unequivocally they will say, "No, we don't want a constitutional convention." This section 3 provides the machinery of bringing knowledge before the people to tell them what issues are important. What issues need to be changed, etc., so therefore, I am seconding this amendment that section 3 be put in as stated originally, the people have a right to provide a constitutional convention as necessary and I hope that delegates here will agree with me.

Mr. Murphy (Tiverton): As a sponsor of legislation for a proposal similar to Delegate Conley's, I will second Mr. MacLaughlin's thinking about that paragraph relative to a preparatory commission and I would move that that section be reinserted. I am a member of Style and Drafting Committee, but I was not in attendance last night when this was done. Had I been I would have raised that objection at that time. Thank you.

Mr. Hines: Mr. Chairman, I am on Style and Drafting and I would like to point out the reasons why the committee omitted that section. It was the feeling of the committee that the requirement that there be a commission could result in either the General Assembly or the Governor appointing a commission which could take a slant which would not be objective and you might have a commission established to become a propaganda arm. We felt that if a commission was required or necessary or desirable that the General Assembly without this section could do so. They could appoint such a commission. However, we felt to make it mandatory could result in a commission being established which would not be at all objective in presenting the views to the public and we felt with that possibility it was thought not worth leaving the section in the proposal. That is the reason why it was deleted.

Mr. Tucker: Mr. Chairman, as a member of the committee on Style and Drafting which met last night to consider this proposal, I should like to point out that the decision of the committee on Style and Drafting was not at all unanimous. As a matter of fact, this particular deletion was made on a vote of four-to-two, and I am happy to report that I am one of the minority. I do feel it is a matter of substantive change by the committee on Style and Drafting and I do think it will provide a service if this provision is left in there in that the General Assembly determines that a commission should be held or determined certain things should be presented to the voters for amendment. I think it would be a distinct advantage to have the commission placed before the electorate at the time a decision was made whether to go to election or not.

Mr. McKenna: I would like to be recorded as seconding the amendment.

Ms. Kilmark: I would like to speak to the point that my friend John Hines made as to why it was felt that the General Assembly in its wisdom could have a commission in operation if it felt that it were needed. I think that it is extremely important that this commission be mandatory so that in the event of the failure of the General Assembly to act, that is if there are amendments that General Assembly might wish to pursue, if it became aware of them the commission would automatically be in operation to bring these things to the attention of the people. I think it is a safeguard to the people and I think it should be reinstated.

Mr. Taylor: It is very interesting to me to hear these statements that they are going to inform the people. I don't think that we are informed by a committee deliberately set up to do a particular thing.

Now, were the committee set up to be pro and con, that might be something; but if we set it mandatorily, and it is one way, then what can you do?

I think you will find this is simply a means of employing political scientists who are said by one person or another to be the principal advisors to the rest of us. This is simply a means of employing people and expending more money.

The Chairman: The secretary will read the proposed amendment.

Mr. Conley: The proposed amendment is to reinsert Section 3 into the original proposal. Section 3 is as follows:

"Prior to a vote by the qualified electors on the holding of a convention, the General Assembly, or the Governor if the General Assembly fails to act, shall provide for a preparatory commission to assemble information on constitutional questions for the electors."

The Chairman: The chair would like to observe that the purpose of this amendment, as the chair understands, is to set out that these periodic conventions that will be called will be limited. The thrust of the proposed amendment to

the article is to provide for periodic unlimited conventions.

If this amendment prevails and then the article is approved by the people it will not be unlimited conventions that are called periodically either by the general assembly or placed on the ballot automatically by the will of the people by the Secretary of State. So that's going to be the thrust.

Mr. Gagnon: If your Honor please, I believe your Honor's interpretation of this proposal is incorrect. All the amendment seems to provide is that the electorate shall be given some information and not no information at all. It does not necessarily mean that we will have a limited convention.

Mr. Conley: That particular provision was not inserted to provide for periodic limited constitutional conventions. The most recent experience we have had with the preparatory commission is when they prepared this excellent document in 1962 under the direction of a prominent attorney and constitutional lawyer, William H. Edwards, and the convention that followed upon that commission was not a limited constitutional convention, and it was not the intention that I had in submitting it to either limit or impose any restrictions whatsoever upon the operation of the constitutional convention by virtue of that preparatory commission's recommendations.

Mr. Gagnon: It's in plain language, and, apparently, Mr. Conley reads it the way I do.

The Chairman: You are familiar with the proposed amendment? Unless there is a request for a roll call, we will have a division vote. As many as are in favor of the amendment will please rise and remain standing until counted.

(Rising vote.)

The Chairman: The chair is informed that there are 59 votes in the affirmative and 30 in the negative, and the amendment passes.

The Chairman: I think that Delegate Cavanaugh now had a further amendment to offer.

Mr. Cavanagh: Yes, Mr. Chairman, I wish to insert the word, "bipartisan" before "preparatory commission," to cover any problems as Mr. Hines alluded to of being a one-sided commission.

Mr. Taylor: Delegate Taylor seconds it.

The Chairman: Motion to amend by providing for "bipartisan," is seconded. As many as are in favor will say, "Aye." Opposed, "No." The ayes appear to have it. The ayes do have it. The amendment is adopted.

The Chairman: Now we will go onto the final reading of Proposal 48 as amended.

Mr. Breslin: I would like to make a few comments in regard to section one, which provides basically for the constitution to be amended by the roll call vote of majority of the members elected to each house and then approved by the majority of the electors voting thereon, and if those two conditions are met, any proposed amendment shall become a part of the constitution of this state. At the present time the method of amending is either by convention or two passages of two successive general assemblies, and then a subsequent passage by sixty percent of the electorate, and I would like to state four facts for the consideration of the convention.

At the present time there are 32 out of the 50 states which require more than a simple majority of the elected legislators. There are nine states requiring only a majority of the legislators to require approval by two sessions of the legislature. There are two others that require a majority vote of those voting in the election as opposed to those voting on the proposed amendment, voting in the entire election.

Therefore, we must conclude there are only seven states which presently require a simple majority of elected legislators in just one session, and a simple majority of those voting on the amendment, and I sincerely question the sagacity of requiring the simple method to amend such a basic document, and I suggest something — a situation — which I think is quite realistic, and that is that there could be a passage by a

majority of elected members of the general assembly of a proposed amendment in May of 1974, and then the subsequent general election in November of 1974 by a simple majority of those voting on the proposal, not those voting on the election; but solely those voting on the proposed amendment.

It would, therefore, result in constitutional change. I, in my own mind, question whether or not that is sufficient protection to allow for the passage of time and for the majorities required to amend the basic document.

Mr. McKenna: I think, sir, that the kind of proposals that we are proposing at this time, and the procedure we are using is even easier for amendment. It requires a simple passage by a simple majority of those elected to this convention in a unicameral operation. At least there is a bicameral requirement in the general assembly.

Mr. Taylor: I think what we have now is two things. First, it enables something that was imperative to be changed promptly.

The second would be that continually every ten years there will be a revision of the whole constitution.

The Chairman: The question before the question is, "Shall Proposal 48 as amended be finally adopted?" The secretary will call the roll.

(Roll call vote.)

(The following delegates voted "A".)

Martha R. Bailey	John A. Coleman
Ann R. Baker	Patrick T. Conley
Joseph Borges, Jr.	Leo T. Connors
Manuel Botelho, Jr.	Richard W. Costantino
Robert H. Breslin, Jr.	Edward Denis Costello
Anthony J. Brocco	Emmett J. Cotter
M. Christine Byrnes	Alice E. D'Alessio
Arthur G. Capaldi	John D'Amico
John F. Capaldi	J. Colin Dawson
Frank Caprio	Ethel L. DeAngelis
Edward L. Casey, Jr.	Arthur DiSalvo
Roderick A. J. Cavanagh	Virgil H. Dutra
Salvatore R. Cesaro	Giovanni Folcarelli
N. Jameson Chace	James J. Federico, Jr.
John R. Cioci	Zygmunt J. Friedemann
Guistina Colafrancesco	Mary Kathleen Furtado

John Paul Garan	Ilse I. Messina
Alan P. Gelfuso	Helen Migliaccio
Charlotte M. Gleeson	Michael W. Miller
Wilfred L. Godin	Arthur F. Mitchell
Raymond E. Grimes	Arthur W. Murphy
Janet A. Hartman	William F. Murphy
Kathleen J. Hawkins	William T. Murphy, Jr.
Mary R. Hiltz	Joseph H. O'Donnell, Jr.
John Hines	John M. O'Hare
Charles Hooper	Adrian J. O'Rourke
Stephen A. Jenkins	Robert J. Paci
Robert K. Kaufmann	John J. Partridge
Steven B. Kenny	William J. Peotrowski, Jr.
Mary S. Kessler	James A. Petrosinelli
Arthur A. Kidder, Jr.	William E. Powers
Mary N. Kilmarx	Anthony F. Principe
Walter M. Kimball	Rob Roy Rawlings
M. Louise King	Herbert G. Rock
Donald Large	Laurent L. Rousseau
Donald W. Lister	Robert V. Salvatore
Gerald R. Lynch	Albert D. Saunders, Jr.
Edward R. MacLaughlin, Jr.	Edward J. Slattey
Martin S. Malinou	Arthur Spingarn
Domenico Manfredo	Barbara Summer
Robert A. Mauro	Erich A. O'D. Taylor
Richard McAllister	Marilyn A. Thetonia
William J. McAtee	Edward H. Torgen
Jerry L. McIntyre	Robert B. Tucker
Robert J. McKenna	Paul O. Vadenais
Ann M. McQueeney	Milton Wallace
	Barbara Williams

(The following delegates voted "Nay.")

Ronald R. Gagnon

The Chairman: The chair is informed that there are 93 votes in the affirmative, one vote in the negative, and Proposal 48 as amended is finally adopted.

(Proposal 48 as amended finally adopted.)

The Chairman: Business coming before the convention is consideration of final adoption of Proposal 56, four-year terms for the Governor and other General Officers.

The chair recognizes the Chairman of the Committee on Style and Drafting.

Mr. Taylor: What this does is provide for four-year terms for the Governor, Lieutenant Governor, Secretary of State, Attorney General and General Treasurer and it lets these terms begin with the 1974 election.

It also provides that if a man has served part of a Governor's term like Lieutenant Governor filling more than two years of his term, it would be considered as a term and then the one who becomes Governor would only be entitled to two more terms himself. So, three terms or twelve years would be a maximum.

Mr. Saunders: I merely have a question for the Chairman of the Committee on Style and Drafting, my question is there is reference here to election of the General Officers at town, ward, and district meetings. I fail to understand that and perhaps you can amplify.

Sen. Taylor: That is what elections are for.

Mr. Saunders: Is it any longer applicable?

Sen. Taylor: I don't know whether it is applicable or not. When it was furnished to us, we felt they so desired to have it as in the present Constitution. I think unnecessary changes don't gain anything. Would the gentleman suggest a more convenient reform?

Mr. Caprio: I am the Chairman of the Committee on Resolutions which reported this proposal out.

The language is consistent with present practice — the Board of Canvassers of the several cities and towns prepare their voting list: Their voting lists are according to town, ward and district lines.

Mr. Folcarelli: I wish to reiterate my opposition to this particular proposal, on the basis that it is without the scope of this Convention that this particular proposition should be studied in conjunction with other changes that should take place in the General Offices of the State of Rhode Island, and that we have neither the authority to consider this nor do we have the time to take into consideration all of the other changes to bring the General Officers of this state up to modern times.

Mr. McKenna: I would like to offer an amendment to resolution number 56.

Mr. Conley: "I move to amend proposal number 56 as amended as follows: After the word, 'Attorney General,' delete the word, 'and,' then add after the words, 'General Treasurer,' the following, 'and Senators in the General Assembly.' Further delete the word, 'Senators,' in line 11. Respectfully submitted — Robert J. McKenna, District 50".

Mr. McAtee: I second that.

Mr. Conley: Delegate Conley, District 15 would like to second that amendment.

The Chairman: All right, it has been seconded.

Mr. Breslin: I move to lay Senator McKenna's motion on the table.

Mr. Kaufmann: I second the motion.

The Chairman: As many as are in favor of the motion to table the amendment will please rise.

(Rising vote.)

The Chairman: The chair is informed there are sixty-two in favor and twenty opposed. The amendment is tabled.

Mr. Gagnon: I would like to speak in opposition to this particular proposal. I have heard the argument in favor of the four-year term and I have not been convinced of the passage that the proposal for four-year terms is right. I can't see how we can compare it with the states of New York, California or the big states in terms of saying they should have four-year terms and, therefore, Rhode Island should.

I think the people have a right to review the action of the General Officers every two years and I think it is too long a period of time for any General Officers to be in office without being accountable to the electorate and I speak strongly against a four-year term.

Mr. Kenny: I rise also to speak in opposition. It is true that many states do have four-year

terms for the General Officers, but the analogy isn't perfect, because many of those states are larger than Rhode Island.

Furthermore, this proposal is beyond the scope of the convention.

Mr. Connors: This is another instance where the power of the people is being diminished gradually. I think any elected official doing a good job doesn't have any fear of facing the public for reelection. We are cutting down the right of the people to review every two years the conduct of the elected officials and it is something you need not do. I am against it.

Mr. O'Donnell: I concur, if someone is doing a good job, certainly they can be returned to public office. However, the question I have always had is, whether they can do the best job in the time allotted to them. I don't feel anyone taking on the magnanimity of the office of Governor, particularly, in the state, can do this to the best of his ability. I will support this vote.

Mr. McAllister: On Tuesday evening, I was one of five, I believe, who voted in the negative against a four-year term of office for the Governor and other General Officers. I did so simply because I personally am opposed to a four-year term.

However, I am not up here to vote for Richard McAllister or on behalf of Richard McAllister. At no time during my campaign was the subject broached to me as to whether or not the Governor and other officers should have a four-year tenure in office, and at no time did I propose the subject to the people.

Since Tuesday evening, I have, however, talked with some of my constituents from the thirteenth district and find the reaction mixed.

On that basis, this evening I am going to change horses in the middle of the stream, so to speak, and I am going to vote in the affirmative, not on my own personal behalf, but to simply allow the people of the thirteenth district to cast their ballot and have their say as to whether or not they want four-year terms.

Mr. Caprio: Mr. Chairman, as Chairman of the Committee that reported this proposal to the floor, I feel compelled to again lend my voice to the support of this proposal which, in effect, provides for four-year terms for all of the General Officers.

At the last meeting, the proposal was discussed and explained in its entirety, and per chance, someone was not here at the last meeting. I will briefly again explain.

The proposal provides that each of the General Officers shall enjoy a four-year term, commencing after the election in 1974. Further, it provides that the Governor shall be limited to three terms in office and further it provides that if one completes the term to which another has been elected, in the event the Governor has been removed from office or leaves for any reason, the Lieutenant Governor is to then fill the office of Governor. If he serves more than two years of a term to which another person has been elected Governor, he may then only serve two terms of his own. If he serves less than two years of a term to which another has been elected Governor, he may then serve three terms of his own.

Mr. Chairman, that is the explanation. The committee discussed the bill very carefully. We had a public hearing at which we elicited comments and statements from those people. The bill was supported unanimously in our committee.

We feel that it is not taking the power away from the people, Mr. Chairman, but rather putting it back in the people's hands because we feel that the General Officers will have a better opportunity to perform their duties and tasks over a four-year period rather than be constantly on the campaign trail and subject to public pressure in a two-year period.

For those reasons, we recommend passage. I would hope that everyone would support this proposal. Also, I wish to point out, Mr. Chairman, that this was not passed for any particular individual. We currently have individuals of both political parties who are presently General

Officers, and we passed it because we thought it was the right thing to do.

Mr. Cavanagh: I would like to add to the sentiments of Mr. Connors. If one thing has become apparent in this chamber it is concern for accountability, when we put in the amendment requiring a roll call on all passage of public laws, it is for the accountability of the General Assembly. We want to know what, why and when they are doing. I think if we give four-year terms to General Officers, we cut down that accountability to the public.

In four years a lot can be forgotten. Therefore, I urge this assembly to reconsider their votes before they give the votes to it.

The Chairman: The question comes on for final approval, on 56 as amended. The chair will direct the secretary to call the roll.

(The following delegates voted "Aye.")

Martha R. Bailey	John Hines
Ann R. Baker	Charles Hooper
Joseph Borges, Jr.	Robert K. Kaufmann
Manuel Botelho, Jr.	Mary S. Kessler
Anthony J. Brosco	Arthur A. Kidder, Jr.
M. Christine Byrnes	Mary N. Kilmarx
Arthur G. Capaldi	Walter M. Kimball
John F. Capaldi	M. Louise King
Frank Caprio	Donald Large
Edward L. Casey, Jr.	Donald W. Lister
Salvatore R. Cesaro	Gerald R. Lynch
N. Jameson Chace	Edward R. MacLaughlin, Jr.
John R. Cioci	Martin S. Malinou
Guistina Colafrancesco	Domenico Manfredo
John A. Coleman	Robert A. Mauro
Richard W. Costantino	Richard McAllister
Edward Denis Costello	William J. McAtee
Emmett J. Cotter	Jerry L. McIntyre
Alice E. D'Aless'o	Robert J. McKenna
John D'Amico	Ann M. McQueeney
J. Colin Dawson	Ilse I. Messina
Ethel L. DeAngelis	Helen Migliaccio
Arthur DiSalvo	Michael W. Miller
Virgil H. Dutra	Arthur F. Mitchell
James J. Federico, Jr.	Arthur W. Murphy
Zygmunt J. Friedemann	William F. Murphy
Mary Kathleen Furtado	William T. Murphy, Jr.
John Paul Garan	Joseph H. O'Donnell, Jr.
Alan P. Gelfuso	Adrian J. O'Rourke
Charlotte M. Gleeson	Robert J. Paci
Wilfred L. Godin	John J. Partridge
Raymond E. Grimes	William J. Peotrowski, Jr.
Janet A. Hartman	James A. Petrosinelli
Mary R. Hiltz	Anthony F. Principe

Rob Roy Rawlings
Herbert G. Rock
Laurent L. Rousseau
Robert V. Salvatore
Albert D. Saunders, Jr.
Edward J. Slattery
Barbara Summer

Erich A. O'D. Taylor
Marilyn A. Thetonia
Edward H. Torgen
Robert B. Tucker
Paul O. Vadenais
Milton Wallace
Barbara Williams

(The following delegates voted "Nay.")

Robert H. Breslin, Jr.
Roderick A. Cavanagh
Patrick T. Conley
Leo T. Connors
Giovanni Folcarelli
Ronald R. Gagnon

Kathleen Hawkins
Stephen A. Jenkins
Steven B. Kenny
John M. O'Hare
William E. Powers
Arthur Spingarn

The Chairman: Delegate Powers wishes to explain his vote. From the moment that it was determined this convention would be called, I stated to a number of people that I believe that election revisions did not contemplate the term of office of the incumbents or candidates to be. It related to election revisions affecting the electors. I took a firm position. I had a discussion with the chairman of the Committee on Elections regarding this and my personal feeling was it should not go to elections, but said there may be a doubt about it and I will resolve it against my judgment. However, I am casting my own vote against. William E. Powers votes no.

The chair is informed eighty-two in favor, twelve in the negative. Proposal 56 as amended stands finally adopted.

Sen. Taylor: I think if our committee could get together, we will meet for a few minutes, if we could have a recess of ten or fifteen minutes.

The Chairman: Are you moving for a recess?

Mr. Taylor: Yes.

Mr. Principe: I second that motion.

The Chairman: The question before the convention, shall the convention stand in recess for twenty minutes?

Mr. O'Donnell: Mr. Chairman, if the recess is in order, I would also like to announce there will be a caucus in the library.

The Chairman: As many as are in favor of the motion to recess, aye. Those opposed, no. The ayes have it. Stand in recess for twenty minutes.

The Chairman: The convention will come to order. The order of business in the ordinary course would be to continue with general orders on this session; but the Chairman of the Committee on Style and Drafting informs the chair that his committee is ready to bring out for second reading Proposal 51 as amended.

The chair recognizes Senator Taylor.

Mr. Taylor: This Proposal 51 has been passed by the committee, and I believe it should go to you and then be put on general orders.

Mr. Conley: Proposal 51 as amended—as reported out of committee on legislative October 2, 1973; referred to style and drafting October 2, 1973; proposed by delegates: Friedemann, Cesaro, O'Rourke. "Section 1: There shall be a session of the General Assembly in Providence, commencing on the first Tuesday in January of each year.

The Senators and Representatives shall receive such compensation and benefits as the General Assembly may prescribe by law. Hereafter, no law increasing the salary of members of the General Assembly shall become effective during the current term of office of the General Assembly enacting such law. However, commencing January 1, 1975 and thereafter until altered, pursuant to the provisions hereof, the members of the General Assembly shall receive Two Thousand Dollars and the Speaker of the House Four Thousand Dollars as annual compensation, and Fifteen Cents a mile for traveling expenses in going to and returning from each day's attendance of the General Assembly, and such other benefits as are already authorized by law. Provided further, that the members of the General Assembly shall record, by roll call, the vote on passage of all Public Bills.

The General Assembly shall regulate the compensation of the Governor and of all other general officers subject to the limitations contained in the Constitution.

Section 2: This amendment shall take in the Constitution of the State the place of Section 1, of Article XI of Amendments."

It is signed by the members of the Committee on Style and Drafting.

Mr. Taylor: You have before you a copy that has been transmitted from the earlier meeting of the committee. The committee met just now as you will recall, and by a vote of 4 to 2 they agreed to place in the salary of the Speaker of the House the sum of \$4,000. What we did with that is exactly what is done in the present Constitution. It is recognizing that the speaker has twice the work of everybody else in the assembly. There is no doubt about that. You can see as you walk around the place. You can see the speaker's room, and he has not only to preside, he has to take care of handling of the committees and various other things that are there, so the work of the speaker is really a tremendous job, and he has expenses connected with it that are very difficult to handle unless they are in the hands of one man. So we have done that.

At the conclusion of the last session we had an addition to this; an amendment placed on it which says that all public bills must be passed by roll call. Now I believe that the thinking on the part of the people doing that was that if they are going to raise salaries we ought to see they do some work. We are all quite aware — many of the people who voted for roll calls think there is going to be electronic voting. Electronic voting will cost perhaps in the neighborhood of half-a-million more dollars.

The Chairman: You have heard the recommendation of the Chairman of the Committee on Style and Drafting. The question comes on for consideration of Proposal 51 as amended of final adoption.

Mr. Godin: I wish at this time to present an amendment to Proposal 51 as amended and reported by the Committee on Style and Drafting.

Mr. Conley: Motion by Delegate Wilfrid L. Godin, District 32, amendment to Proposal 51 as amended and reported by the Committee on

Style and Drafting that this proposal be amended as follows: Page 1, Section 1, Line 4, delete the period after the word, "law," and replace it with a colon; delete the words, "No law increasing the salary of the General Assembly shall become effective during the assembly passing said law," and add the words, "Provided, however, that said law shall be submitted to the electors at a general election and having been approved by majority of the electors voting."

The Chairman: The chair understands that Delegate Dawson seconded the motion to amend, is that correct?

Mr. Dawson: Yes, Mr. Chairman.

Mr. Godin: Ladies and gentlemen of the convention, I have offered this amendment because after having received intensive feedback on this proposal I can only conclude that it is doomed to fail. I speak not only on behalf of my constituents in District 32, but I also express the opinion of the representatives of those constituents in the greater Woonsocket area, namely, Woonsocket, Cumberland, and North Smithfield. I have in my possession a list of three senators, five representatives, one of which is a high-ranking official of the House which meets in this chamber who has unequivocally expressed to me the opinion that Proposal 51 as it stands can only be defeated in November.

With the possible defeat of Proposal 51 in its present form, need I remind you, my fellow delegates, that our legislators will again be subjected to the provisions of Article 11 as adopted in 1900. From information I have received from fellow delegates in this convention and that of my constituents I conclude that the members of the General Assembly should be compensated far beyond that which is provided for in Article XI. This is my motive for the amendment. For the past seventy-three years legislative compensation has been subjected to constitutional amendment, and this is a most cumbersome process. There would appear to be two alternatives, fellow delegates, the first that the General Assembly be permitted to set legislative compensation by statute and without voter approval; the second alternative that the legislature be permitted to set

legislative compensation and provide for voter approval of that compensation.

Proposal 51 as it presently reads goes from one extreme of constitutional amendment to the other extreme of the statute without approval. It is my firm belief and that of a number of legislators who represent some 74,000 citizens of this great state that they, the electors, are not prepared at this time to give their approval to this proposal, namely, Proposal 51 as amended as reported by the Committee on Style and Drafting.

It is my further belief that members of the General Assembly are entitled to a proposal which will at least have a good chance of passage in November. I feel that the citizenry of this state is presently receptive to a proposal providing for the immediate and substantial increase in the compensation of the members of the General Assembly, but they do remain very adamant in retaining their right of approval on any further increase in compensation. Therefore, I urge the adoption of this amendment, and, Mr. Chairman, I would wish to retain my right to speak for a second time as the author of this amendment as provided for in the rules.

The Chairman: The chair recognizes Delegate Brosco.

Mr. Brosco: I move the amendment be tabled, and I move we have a roll call vote.

The Chairman: The chair will recognize Delegate Kaufmann. There is a motion to table. There is no second as yet.

Mr. Kaufmann: Mr. Chairman, it's very hard to follow the man who just spoke so eloquently on the subject. The legislators should be able to set their own pay, but it seems to me what we're doing with this proposal as it stands from Style and Drafting is we are taking the rights of a million people away to give rights to a hundred and fifty people in the General Assembly. I think with the political crisis across the nation and in this state as witnessed tonight in the newspaper on the Civic Center that it's about time that we gave another minority some

thought, and that's the citizens of this state, so I move that we adopt this amendment to Proposal 51.

Mr. Capaldi (North Providence): Delegate Capaldi seconds the motion of Delegate Brosco, Mr. Chairman, to lay the amendment on the table.

The Chairman: The question before the house is shall the proposed amendment be tabled? Not subject to debate — is there a sufficient number requesting a roll call?

Those in favor of the motion to table the amendment will answer "Aye" as their names are called. Those opposed will answer "Nay," and the secretary will call the roll.

(Roll call vote.)

Ann R. Baker	M. Louise King
Anthony J. Brosco	Domenico Manfredro
Arthur G. Capaldi	Robert A. Mauro
John F. Capaldi	Richard McAllister
Frank Caprio	William J. McAtee
Edward L. Casey, Jr.	Robert J. McKenna
John R. Cioci	Ann M. McQueeney
John A. Coleman	Helen Migliaccio
Patrick T. Conley	Michael W. Miller
Edward Denis Costello	Arthur F. Mitchell
Emmett J. Cotter	William F. Murphy
Alice E. D'Alessio	William T. Murphy, Jr.
Ethel DeAngelis	John M. O'Hare
Arthur D. Salvo	Adrian J. O'Rourke
Virgil H. Dutra	Robert J. Paci
Giovanni Folcarelli	James A. Petrosinelli
James J. Federico, Jr.	William E. Powers
Zygmunt J. Friedemann	Anthony F. Principe
Mary Kathleen Furtado	Rob Roy Rawlings
John Paul Garan	Laurent L. Rousseau
Raymond E. Grimes	Edward J. Slattery
Janet A. Hartman	Barbara Summer
John Hines	Erich A. O'D. Taylor
	Marilyn A. Thetonia

(The following delegates voted, "Nay.")

Martha R. Bailey	John D'Amico
Joseph Borges, Jr.	J. Colin Dawson
Manuel Botelho, Jr.	Ronald R. Gagnon
Robert H. Breslin, Jr.	Alan P. Gelfuso
M. Christine Byrnes	Charlotte M. Gleeson
Roderick A. J. Cavanagh	Wilfred L. Godin
N. Jameson Chace	Kathleen J. Hawkins
John R. Cioci	Mary R. H'ltz
Guistina Colafrancesco	Charles Hooper
Leo T. Connors	Stephen A. Jenkins

Robert K. Kaufmann	Arthur W. Murphy
Steven B. Kenny	Joseph H. O'Donnell, Jr.
Mary S. Kessler	John J. Partridge
Arthur A. Kidder, Jr.	William J. Peotrowski, Jr.
Walter M. Kimball	Herbert G. Rock
Donald Large	Robert V. Salvatore
Donald W. Lister	Albert D. Saunders, Jr.
Gerald R. Lynch	Arthur Spingarn
Edward R. MacLaughlin, Jr.	Edward H. Torgen
Martin S. Malinou	Robert B. Tucker
Jerry L. McIntyre	Paul O. Vadenais
Ilse I. Messina	Milton Wallace
	Barbara Williams

The Chairman: The chair is informed that there are 47 votes in the affirmative, 46 votes in the negative. The motion to table passed.

Mr. Dawson: I have a proposal. I have an amendment to Proposal 51.

Mr. Conley: Amendment to Proposal 51 as amended, to insert in Section 1, Line 7, after the words, "such law" on the newly adopted amendment, the following words, "and also any such law shall not take effect until approved by a majority of the electors voting thereon at a general election."

Proposed by J. Colin Dawson.

The Chairman: It is the same motion as the one just defeated. Therefore, it is out of order.

(Following discussion a vote was taken on a challenge to the Chair's ruling.)

The Chairman: The secretary will call the roll and vice-chairperson, Helen Migliaccio, will preside.

(Vice-Chairperson Helen Migliaccio now presiding.)

(Roll call vote:)

The following delegates voted, "Aye."

Ann R. Baker	John A. Coleman
Anthony J. Brosco	Patrick T. Conley
Arthur G. Capaldi	Edward De:is Costello
John F. Capaldi	Emmett J. Cotter
Frank Caprio	Alice E. D'Alessio
Edward L. Casey, Jr.	Ethel L. DeAngelis
Salvatore R. Cesaro	Virgil H. Dutra
John R. Cioci	Giovanni Folcarelli

James J. Federico, Jr.	Michael W. Miller
Zygmunt J. Friedemann	Arthur F. Mitchell
Mary Kathleen Furtado	William F. Murphy
John Paul Garan	William T. Murphy, Jr.
Raymond E. Grimes	John M. O'Hare
Janet A. Hartman	Adrian J. O'Rourke
John Hines	Robert J. Paci
Mary N. Kilmarx	James A. Petrosinelli
M. Louise King	William E. Powers
Donald W. Lister	Anthony F. Principe
Domenico Manfredo	Rob Roy Rawlings
Robert A. Mauro	Laurent L. Rousseau
Richard McAllister	Edward J. Slattery
William J. McAtee	Arthur Spingarn
Robert J. McKenna	Barbara Summer
Ann M. McQueeney	Erich A. O'D. Taylor
Helen Migliaccio	Marilyn A. Thetonia

The following delegates voted, "Nay."

Martha R. Bailey	Steven B. Kenny
Joseph Borges, Jr.	Mary S. Kessler
Manuel Botelho, Jr.	Arthur A. Kidder, Jr.
Robert H. Breslin, Jr.	Walter M. Kimball
M. Christine Byrnes	Donald Large
Roderick A. J. Cavanagh	Gerald R. Lynch
N. Jameson Chace	Edward R. MacLaughlin, Jr.
Guistina Colafrancesco	Martin S. Malinou
Leo T. Connors	Jerry L. McIntyre
John D'Amico	Ilse I. Messina
J. Colin Dawson	Arthur W. Murphy
Arthur DiSalvo	Joseph H. O'Donnell, Jr.
Ronald R. Gagnon	John J. Partridge
Alan P. Gelfuso	William J. Peotrowski, Jr.
Charlotte M. Gleeson	Herbert G. Rock
Wilfred L. Godin	Robert V. Salvatore
Kathleen J. Hawkins	Albert D. Saunders, Jr.
Mary R. Hiltz	Edward H. Torgen
Charles Hooper	Robert B. Tucker
Stephen A. Jenkins	Paul O. Vadenais
Robert K. Kaufmann	Barbara Williams

Ms. Migliaccio: The chair is informed the ruling of the chair is upheld 50 to 43.

Ms. Migliaccio: The question, shall Proposal 51 as amended be finally adopted?

Mr. Dawson: Mr. Chairman, I have an amendment to 51.

(Delegate Dawson's amendment was explained as having the same effect as his last one which was ruled out of order. There followed a period of confusion during which the Secretary tried to call the roll, for a final vote on Proposal 51 but was unable to proceed because of disruption in the chamber.)

Mr. Brosco: I wish to be recognized. There is a question before us. My understanding at the present time is Delegate Dawson made an amendment. This amendment, the chairman has ruled, is in substance the same we voted on the two previous occasions. Mr. Dawson has been asked to explain it, and I think if he has an explanation other than what was amended and voted upon and defeated, maybe we should hear it, but I think probably in respect to some who are requesting it, he should at least try to explain what his amendment is, then the chair could probably rule, and then we can take it from there.

May we have an explanation as to what the motion is because I don't know what it is myself.

The Chairman: The chair ruled that it was a repetition of the substantive proposition. It had been twice defeated and it would not again be entertained. The chair then ordered a calling of the roll. The call is underway, and we will proceed.

Mr. Kidder: I would like to appeal the ruling of the chair, if that is what it is, as far as calling the roll, and I might add, if I may, that I think up until this time this convention has been run in a very orderly manner. I think it has been run excellently and for the people, and by your move to call this roll and cutting off debate and not permitting other people to speak of this, you are going against the wishes of the majority of the people here.

I think you should permit people to discuss this fully before it comes to a final roll call.

(Applause.)

The Chairman: Very frankly, when the convention listened to repetitions of the same proposal, the chair concluded that there were no other propositions to be offered or discussed, but we will withdraw the calling of the roll, to the end that the delegates may be heard.

(Applause.)

Mr. Kidder: Thank you, Mr. Chairman.

The Chairman: But, the chair in all fairness must advise delegates that any further proposals for the same amendment that has been tabled will not be entertained.

If anyone wants to take appeal, then we will.

(Delegates MacLaughlin, Chace and D'Amico spoke against final passage of Proposal No. 51 unless the referendum were restored, and Delegate Hines spoke for it.)

Mr. Kidder: There are two reasons why I am a little concerned about the passage of this proposal, first, it has been thoroughly discussed, that has to do with the lack of referendum. The other has to do with the fact that the state is now embarking on a fulltime legislature, not 60 days the way we have in the past. This is going to be a fulltime legislature.

I think one of the things that the legislature has tried to do in the last several years, and to a great extent they have succeeded, and that is to improve the image of the legislature. I think they have done that. I think if we increase the pay of the legislators and still keep the same time limit of 60 days, you are going to be able to get a lot of young capable legislators who are going to be able to take time off and be repaid for the time they take from the office.

When you go into having a fulltime legislature, and that is just what we are having, you are not going to increase the caliber, or improve the image of the legislature as we hope we will do. I will say this one more thing, that is we are going to start off with a \$2,000 pay, and I am sure that being a fulltime legislature it will not be long before this state will be paying \$10,000 or \$15,000 to the legislators, and I am sure that will come, and I think it is a very bad provision.

Mr. Saunders: Mr. Chairman, at this time I move to reconsider the motion to table Delegate Godin's amendment.

Mr. D'Amico: I second.

The Chairman: The question comes on for reconsideration of the vote to table Delegate Godin's amendment. Do we understand one another? It has been moved and seconded that this convention reconsider the motion to table Delegate Godin's amendment

We have a sufficient number requesting a roll call, and the question comes on the call of the roll, shall the motion to table be reconsidered?

Mr. Folcarelli: Mr. Chairman, is there any discussion on this motion?

The Chairman: Yes, on the motion to reconsider.

Mr. Folcarelli: Much has been said about the will of the people tonight by all of the delegates in this convention. Might I remind all of the delegates here tonight that on August 7, 1973 the question was put before the people of this state, shall a Constitutional Convention be held for the sole and limited purpose of amending the constitution of this state to provide: "Number one . . ." "Number two . . ." and Number three is "For removing the constitutional provision relating to the compensation of members of the General Assembly, and permitting said compensation to be determined by a 7-member commission to be appointed by the Governor, provided no member of the General Assembly or anyone directly or indirectly. . . ."

My dear friends and fellow delegates, we have already gone beyond the will of the people. We have already disobeyed the will of the people, and if you have to discuss now what is not the will of the people, it seems hypocrisy to say one thing is their will and to absolutely reject what they ordered us to do on the question of legislative pay.

(Delegates Saunders, Kenny, Connors and Godin spoke for reconsideration and Delegate Friedemann spoke against.)

The Chairman: The vote comes on shall the vote tabling the amendment offered by Delegate Godin be reconsidered? The secretary will call the roll, and those in favor will vote "Aye" when their names are called. Those opposed will vote "No." The secretary will call the roll.

(Roll call vote.)

(The following delegates voted, "Aye.")

Martha R. Bailey	Roderick A. J. Cavanagh
Joseph Borges Jr.	N. Jameson Chace
Manuel Botelho, Jr.	Guistina Colafrancesco
Robert H. Breslin, Jr.	Leo T. Connors
M. Christie Byrnes	John D'Amico

J. Colin Dawson	Gerald R. Lynch
Arthur DiSalvo	Edward R. MacLaughlin, Jr.
Ronald R. Gagnon	Martin S. Malinou
Alan P. Gelfuso	Robert A. Mauro
Charlotte M. Gleeson	Jerry L. McIntyre
Wilfrid L. Godin	Ilse I. Messina
Kathleen J. Hawkins	Arthur W. Murphy
Mary R. Hiltz	William T. Murphy
Charles Hooper	Joseph H. O'Donnell, Jr.
Stephen A. Jenkins	John J. Partridge
Robert K. Kaufmann	William J. Peotrowski, Jr.
Steven B. Kenny	Herbert G. Rock
Mary S. Kessler	Robert V. Salvatore
Arthur A. Kidder, Jr.	Albert D. Saunders, Jr.
Mary N. Kilmarx	Barbara Summer
Walter M. Kimball	Edward H. Torgen
M. Louise King	Robert B. Tucker
Donald Large	Paul O. Vadenais
Donald W. Lister	Milton Wallace
	Barbara Williams

(The following delegates voted, "Nay.")

Ann R. Baker	John Hines
Anthony J. Brocco	Domenico Manfredi
Arthur G. Capaldi	Richard McAllister
John F. Capaldi	William J. McAttee
Frank Caprio	Robert J. McKenna
Edward L. Casey, Jr.	Ann M. McQueeney
Salvatore R. Cesaro	Helen Migliaccio
John R. Cioci	Michael W. Miller
John A. Coleman	Arthur F. Mitchell
Patrick T. Conley	William F. Murphy
Edward Denis Costello	John M. O'Hare
Emmett J. Cotter	Adrian J. O'Rourke
Alice E. D'Alessio	Robert J. Paci
Ethel L. DeAngelis	James A. Petrosinelli
Virgil H. Dutra	William E. Powers
Giovanni Folcarelli	Anthony F. Principe
James J. Federico, Jr.	Rob Roy Rawlings
Zygmunt J. Friedemann	Laurent L. Rousseau
Mary Kathleen Furtado	Edward J. Slattery
John Paul Garan	Arthur Spingarn
Raymond E. Grimes	Erich A. O'D. Taylor
Janet A. Hartman	Marilyn A. Thetonia

The Chairman: The chair is informed that there are 49 votes in the affirmative, 44 votes in the negative, and the motion to reconsider prevails.

The Chairman: The question before the convention now is on Delegate Godin's amendment. Is there any more debate on that?

Mr. Connors: If this amendment carries requiring only a simple majority of the people of this state to approve pay raises which is only fair and equitable, in my opinion, then I call

upon all the Republicans and all the Democrats who previously had made comments that they felt they couldn't honestly campaign for this and call upon all of you if this prevails for the people's wishes to go out in full support and united from this convention and end this convention on a note of unity and on a note of accomplishment.

(Applause.)

The Chairman: If you will indulge the chair, the chair has had a difference of opinion from the delegates on many votes, but the chair will support every proposal approved by a majority of the delegates elected, and now we come to the roll call. "Shall the amendment offered by Delegate Godin prevail?" As many as are in favor will say, "Aye." Those opposed will respond, "Nay." The secretary will call the roll.

(Roll call vote.)

(The following delegates voted "Aye.")

Martha R. Bailey	Arthur A. Kidder, Jr.
Ann R. Baker	Mary N. Kilmarx
Joseph Borges, Jr.	Walter M. Kimball
Manuel Botelho, Jr.	M. Louise King
Robert H. Breslin, Jr.	Donald Large
M. Christine Byrnes	Donald W. Lister
Arthur G. Capaldi	Gerald R. Lynch
Roderick A. J. Cavanagh	Edward R. MacLaughlin, Jr.
N. Jameson Chace	Martin S. Malinou
John R. Cioci	Robert A. Mauro
Guistina Colafrancesco	Jerry L. McIntyre
Leo T. Connors	Ilse I. Messina
Emmett J. Cotter	Arthur W. Murphy
John D'Amico	William T. Murphy, Jr.
J. Colin Dawson	Joseph H. O'Donnell, Jr.
Arthur DiSalvo	John M. O'Hare
Ronald R. Gagnon	John J. Partridge
Alan P. Gelfuso	William J. Peotrowski, Jr.
Charlotte M. Gleeson	Herbert G. Rock
Wilfrid L. Godin	Robert V. Salvatore
Kathleen J. Hawkins	Albert D. Saunders, Jr.
Mary R. Hiltz	Barbara Summer
Charles Hooper	Edward H. Torgen
Stephen A. Jenkins	Robert B. Tucker
Robert K. Kaufmann	Paul O. Vadena's
Steven B. Kenny	Milton Wallace
Mary S. Kessler	Barbara Williams

(The following delegates voted "Nay.")

Anthony J. Brosco	Edward L. Casey, Jr.
John F. Capaldi	Salvatore R. Cesaro
Frank Caprio	John A. Coleman

Patrick T. Conley	Robert J. McKenna
Edward Denis Costello	Ann M. McQueeney
Alice E. D'Alessio	Helen Migliaccio
Ethel L. DeAngelis	Michael W. Miller
Virgil H. Dutra	Arthur F. Mitchell
Giovanni Folcarelli	William F. Murphy
James J. Federico, Jr.	Adrian J. O'Rourke
Zygmunt J. Friedemann	Robert J. Paci
Mary Katherine Furtado	James A. Petrosinelli
John Paul Garan	William E. Powers
Raymond E. Grimes	Anthony F. Prince
Janet A. Hartman	Rob Roy Rawlings
John Hines	Laurent L. Rousseau
Domenico Manfredo	Edward J. Slattery
Richard McAllister	Arthur Spingarn
William J. McAtee	Erich A. O'D. Taylor
	Marilyn A. Thetonia

The Chairman: The chair is informed that there are 54 votes in the affirmative, 39 votes in the negative, and the amendment carries.

Mr. McKenna: Mr. Chairman, Delegate McKenna. Point of information. Is it the judgment of the chair that we must adjourn on October 4, and if so, must we adjourn by midnight?

The Chairman: The Journal will show that this convention adjourned before midnight.

Mr. Breslin: I move the question.

Mr. Cavanagh: I second that.

Mr. Spingarn: I have an amendment I would like to introduce.

The Chairman: The secretary will read the amendment.

Mr. Breslin: Mr. Chairman, point of order.

The Chairman: State your point of order.

Mr. Breslin: Delegate Breslin, Mr. Chairman. The question has been moved. It has been seconded, and you apparently have ruled that an amendment may be offered after the question has been moved, and I appeal your ruling on that matter.

The Chairman: Delegate Breslin, the convention will come to order. The chair recognized no second to any motion for the question. Now we have a delegate who has offered an amendment. The secretary will read it.

Mr. Conley: The amendment is as follows: After the sentence in Line 4 which concludes, "benefits as the General Assembly may prescribe by law," there would be inserted, "a pay increase in one session. Before it goes into effect a general election at the end of the General Assembly's term where the legislators stand before the people on their voting record, afterwards, the legislators in the next assembly will vote again on that issue."

Mr. Brosco: Mr. Chairman, Delegate Brosco requests a voice vote.

The Chairman: The chair will inquire are there sufficient number of delegates requesting a roll?

(There are at least ten delegates standing.)

The Chairman: Yes, there are.

Mr. Godin: I move to table.

Mr. Kaufmann. I second it.

The Chairman: So that the amendment offered by Delegate Spingarn is that the legislators would vote the compensation for the next session, and that would not go into effect unless the members of the General Assembly elected at the next general election, adopted it again. Now that's the amendment. Now the question comes on: shall the amendment offered by Delegate Spingarn be tabled, and the chair will ask those in favor to please rise and remain standing to be counted.

(Rising vote.)

The Chairman: There are 50 votes in favor, 29 opposed, and the motion to table carries.

Mr. Partridge: I move the question at this time.

Mr. Caprio: I certainly hope that the groans I hear are not to cut off any further debate or discussion or to cut off any further amendments since everyone does want an opportunity to speak. I refer to the amendment I wish to offer.

I think the feeling is obvious that we have reached an all-time low in trust and confidence of public elected officials. And we further, as a body, have expressed great displeasure in those members of the General Assembly. Although we allow them to handle the budget in excess of \$300,000,000 every year, and although the Congress of the United States sets their own salary and many municipalities set their own salary, we have seen fit to place safeguards and checks all along the way so that the legislators will not vote themselves a pay increase without public scrutiny.

The public should know and so I really think, Mr. Chairman, if that is the case, then we haven't gone far enough. And so, I offer an amendment, Mr. Chairman, that if the members of the General Assembly vote themselves a pay increase, that it be approved by the electorate not by a majority, but by a two-thirds vote of those voting at the general election. Two-thirds because if we are operating on the assumption that is present here tonight, that the members of the General Assembly are self-seekers and only God knows what they will vote themselves by way of a pay increase, then we should really make sure that the public is aware and the public wants it, and it should be a two-thirds vote of the public at the November election and I so move.

Mr. Friedemann: I second that.

The Chairman: You have the amendment, please read it.

Mr. Conley: It states as follows: "All pay increases shall be approved by the voters by a two-thirds vote of those voting on said proposal."

Mr. Connors: The issue is not trust in the General Assembly. We trust all our resources to them. The issue is trust in the public that they will recognize the performance of their General Assembly. That is the issue.

Mr. Hines: I think we had our attempt, and we struck out. I think we should put the proposal on the floor and vote as it is right now with the referendum provision. For that reason,

I would propose and urge that the amendment be defeated.

Mr. MacLaughlin: I, too, wish to speak against this motion. This evening we have enacted a proposal which we are going to present to the people, in order for them to change their constitution by a simple majority. I think if they have a right to change the constitution, they should also have the right to change the pay for the legislature by a simple majority.

Mr. Caprio: Under the rules, I believe I can speak twice. Unless my remarks be misconstrued, I wish to explain.

I do not subscribe to the theory that our legislators cannot be trusted. I do not subscribe to the theory we must watch over them to insure they don't increase their salaries so that they are exorbitant. I subscribe they should set their own and that the people at the polls in November, when they let them elect them in or out, should exercise their check against them.

But, I offer this amendment, Mr. Chairman, because I would like to know really what the sentiment of this convention is in this regard.

Mr. D'Amico: I move we table Delegate Caprio's amendment.

Mr. Godin: I second it.

Mr. Godin: I believe it is a point of personal record here, it is simply on this motion, sir.

It would seem there was a possible majority vote when the question was called and we are receiving stumbling blocks.

Now, it would appear that the will of the people assembled in this convention is that the proposal as amended pass.

Therefore, I would also second tabling of Mr. Caprio's motion, and get the question.

The Chairman: That concludes debate. The question is, shall the motion to table Delegate Caprio's offered amendment prevail? As many as are in favor please rise.

(Rising vote.)

The Chairman: The chair is informed there are sixty votes in the affirmative, twenty-nine in the negative and the amendment offered by Delegate Caprio is tabled.

(So tabled.)

Mr. D'Amico: I move the question.

The Chairman: The chair would like to inform the delegates to the convention that the Journal will show that this convention adjourned at 11:47. We have a standing rule that when this October 4th session adjourned, it adjourns sine die and will not take a fifty-one vote to adjourn it.

So now, the question has been moved on proposal 51 as amended.

Mr. Kimball: I reserve the right to explain my vote.

Mr. McKenna: I wish to abstain. I feel the convention is already adjourned and we are acting in a completely improper fashion at this point.

The Chairman: The delegate exercised his privilege of abstaining.

Sen. Taylor withdraws for the same reason. We are past the time and we know it.

The Chairman: Delegate Taylor will also abstain having reserved the right.

As many as are in favor call aye when the names are called. Those opposed nay, and the Secretary will call the roll.

Mr. Kimball: I vote yes only so that the people in my district will be able to vote it down.

(Roll call vote.)

The following delegates voted, "Aye."

Martha R. Bailey
Ann R. Baker
Joseph Borges, Jr.
Manuel Botelho, Jr.
Robert H. Breslin, Jr.

Anthony J. Brosco
M. Christine Byrnes
Arthur G. Capaldi
Edward L. Casey, Jr.
Roderick A. J. Cavanagh

Salvatore R. Cesaro	M. Louise King
N. Jameson Chace	Donald Large
John R. Cioci	Gerald Lynch
Guistina Colafrancesco	Edward R. MacLaughlin, Jr.
Patrick T. Conley	Martin S. Malinou
Leo T. Connors	Robert A. Mauro
Edward Denis Costello	Richard McAllister
Emmett J. Cotter	Jerry L. McIntyre
John D'Amico	Ilse I. Messina
J. Colin Dawson	Helen Migliaccio
Arthur DiSalvo	Michael W. Miller
Virgil H. Dutra	Arthur W. Murphy
Mary K. Furtado	William T. Murphy, Jr.
Ronald R. Gagnon	Joseph H. O'Donnell, Jr.
Alan P. Gelfuso	John M. O'Hare
Charlotte M. Gleeson	John J. Partridge
Wilfrid L. Godin	William J. Peotrowski, Jr.
Kathleen J. Hawkins	Rob Roy Rawlings
Mary R. Hiltz	Herbert G. Rock
John Hines	Laurent L. Rousseau
Charles Hooper	Robert V. Salvatore
Stephen A. Jenkins	Albert D. Saunders, Jr.
Robert K. Kaufmann	Barbara Summer
Steven B. Kenny	Edward H. Torgen
Mary S. Kessler	Robert B. Tucker
Arthur A. Kidder, Jr.	Paul O. Vadenais
Mary N. Kilmarx	Milton Wallace
	Barbara Williams

The following delegates voted, "Nay."

John F. Capaldi	Ann M. McQueeny
Frank Caprio	Arthur F. Mitchell
John A. Coleman	William F. Murphy
Alice E. D'Alessio	Adrian J. O'Rourke
Ethel L. DeAngelis	Robert J. Paci
Giovanni Folcarelli	James A. Petrosinelli
James J. Federico, Jr.	William E. Powers
Zygmunt J. Friedemann	Anthony F. Principe
John Paul Garan	Edward J. Slattery
Raymond E. Grimes	Arthur Spingarn
William J. McAtee	Marilyn A. Thetonia

The following delegates voted, "Abstain."

Robert J. McKenna	Erich A. O'D. Taylor
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The Chairman: The chair is informed there are sixty-six votes in the affirmative, twenty-four in the negative, two abstentions — and Proposal 51 as amended is finally adopted.

John Capaldi: Delegate Capaldi and Delegate O'Donnell would like to proceed to the podium for the purposes of a resolution and a presentation.

The Chairman: We have one order of business remaining under General Orders and that is resolution No. 25, offered by Delegate Malinou.

Mr. Conley: I can read it, Mr. Chairman.

The Chairman: The Secretary will read it.

Mr. Conley: "I move that the Convention adopt the following resolution: **RESOLVED**, That all the proposals adopted by this Convention be submitted to the electorate on a ballot arranged by the Secretary of State so as all the adopted proposals appear in one vertical column, in the order from top to bottom of the column as this Convention by further resolution shall direct.

This resolution is mandatory. **Martin S. Malinou, Delegate, District #1**".

The Chairman: It is obvious from the reading that this resolution, if adopted, remains incompletd.

Mr. Malinou: Mr. Chairman, I offer an amendment.

The Chairman: You mean you want to offer an amendment to this?

Mr. Malinou: In order to complete it.

The Chairman: Send it up here.

Mr. Conley: The resolution has been amended to include an order for a listing proposals on the ballot, and the order suggested by Delegate Malinou is as follows:

(Resolution as amended read.)

The Chairman: The chair is going to rule that Mr. Malinou has completed his original amendment rather than offering an amendment to an amendment. That would simplify matters.

Shall Mr. Malinou's amendment as completed and now fully understood by the delegates be adopted. Is there a second?

Mr. D'Amico: I second that.

Mr. Caprio: Mr. Chairman, I move that the amendment be laid on the table.

Mr. Brosco: I second Mr. Caprio's motion.

The Chairman: The question comes on the convention, shall the resolution offered by Delegate Malinou, seconded by Delegate D'Amico, be laid on the table. As many as are in favor please rise. Remain standing for the count.

(Rising vote.)

Mr. Folcarelli: May I explain my vote? I stood because I feel I owe Mr. Malinou one vote.

The Chairman: Sixty-six in the affirmative, twelve in the negative and the resolution by Delegate Malinou is tabled.

The chair was requested to grant access to the podium to Delegate John Capaldi and Joseph H. O'Donnell, Jr.

Mr. Capaldi (North Providence): Mr. Chairman, I rise for the purpose of a resolution, and Delegate O'Donnell is with me, and he is here for purposes of a presentation. The resolution is as follows:

"BE IT RESOLVED That the entire membership of the Constitutional Convention expresses its profound gratitude to Justice William E. Powers for his masterly discharge of the duties of chairman, for his limitless patience and tact, for his unflinching good humor, and for his wise conduct of our deliberations. Without his many indispensable contributions to our work we literally could not have functioned. We thus extend to him our own and the state's deep appreciation."

(Standing ovation.)

The Chairman: I'm profoundly grateful, profoundly grateful. It's been an exhilarating experience, and I know there have been times when my perhaps short fuse or impatience or thinking that I understood or sensed the feeling of the convention touched upon the rights of delegates, and at times may have hurt the feelings of delegates, and those detract forever from the pleasure afforded me to serve as your presiding

officer. I accept this gift presented by Joseph O'Donnell, rethinking as I do of what the late Harry Truman said when the Missouri Bar Association gave him a gold card indicating perpetual membership in the Missouri bar. He said, "Members of the bar, I'm extremely grateful, and I accept it with appreciation, but I should tell you that maybe not today and possibly not tomorrow or even next month, but the day will come when you will want to take it back." I'm grateful.

Mr. Principe: I move to adjourn, Mr. Chairman.

Mr. Connors: Mr. Chairman and fellow delegates, I feel that on many issues many of us have given up a point. I have sat sometimes virtually alone on the short side of many issues. I would hope at this juncture that we do take pride in our workmanship and that we do feel that our service here was worthwhile. This was not a fiasco. With deep dedication we hammered out points and are proud of our service. We must continue on with adoption of our work. Whether it's your personal proposal or one on which you were defeated. I would ask all of you to join with me in my intent to go out and work very hard for all. If you do, I think the people will accept our work.

(Applause.)

The Chairman: Moved by Delegate Principe that we adjourn, seconded by Delegate Malinou. As many as are in favor will say, "Aye." Opposed, "No." The ayes appear to have it. The ayes do have it. This convention stands adjourned sine die.

(Convention adjourned.)

PATRICK T. CONLEY, *Secretary*

ELLIOTT E. ANDREWS, *Recorder*