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## Journal of the Constitutional Convention, 1967 Oct 23

August P. LaFrance

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State of Rhode Island and Providence Plantations

**JOURNAL OF THE  
CONSTITUTIONAL CONVENTION**

Providence, Rhode Island

October 23, 1967

The Convention was called to order by Mr. Dennis J. Roberts, Chairman, at 2:11 P.M.

The roll of delegates was called; there were 74 present and 24 absent.

Absentees were Mr. Appolonia, Mrs. Barber, Messrs. Beauchemin, Bride, Mmes. Capuano, Castiglia, Messrs. Colbert, DeCiantis, Dyl, Dodge, Fanning of Providence, Gallagher, Gorham of Foster, Gorham of Scituate, Mmes. Hager, Lacroix, Lambros, Messrs. Moon, Mulligan, Murphy of Warren, Murphy of Coventry, Parrillo, Stapleton and Toolin.

The names of the absentees were called.

On motion of Mr. Wexler, seconded by Mr. Cochran, the reading of the Journal of the previous day was dispensed, on a voice vote.

COMMUNICATIONS

The Chairman announced receipt of the following communications:

From the Women's Christian Temperance Union of Rhode Island Incorporated relative to retention of the ban on lotteries.

From the Cranston Democratic City Committee relative to amendments by the Convention concerning wire tapping, lottery ban, legislative pay, home rule, terms of elected state officials and date of special election.

The communications were read.

UNFINISHED BUSINESS

At adjournment of the previous session there was pending on reconsideration the following:

CONSTITUTION OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
(Proposal No. 20, Substitute C; 25, Substitute B; 27, Substitute B; 28; 29, Substitute B; 30, Substitute B; 31, Substitute B; 32, Substitute B; 33, Substitute B; 34, Substitute B; 35, Substitute C; 36; 37; 39, Substitute A; 41, Substitute B; 155, Substitute D; 171, Substitute C; 190, Substitute B)

Mr. Doris, on behalf of himself and several other delegates, offered a series of written motions to amend.

The Chairman suggested that other delegates also offer their written motions to amend and that all of such motions would be arranged for consideration in such order as their subject matter might bear to the order of the document.

Written motions to amend were offered by Messrs. Pickard, Nathanson, LaSalle, O'Donnell, Wexler, Fanning of Cumberland and Roberts.

The following written motion to amend was read:

"I move to amend Section 6 of Article I by changing the period at the end of the section to a semi-colon and adding the following:

'and no orders and warrants for such interceptions shall issue except for evidence of such criminal offenses as the general assembly shall authorize and in compliance with the conditions and procedures prescribed by law and on complaint in writing, upon probable cause, supported by oath or affirmation and particularly identifying the means of communication and the person or persons whose communications are to be intercepted.'"

John F. Doris  
Eugene F. Cochran  
Hugo L. Ricci  
John P. Cooney  
Paul F. Murray  
Thomas R. DiLuglio  
Kevin K. Coleman  
Samuel C. Kagan  
Thomas D. Pucci  
Norman E. Bizier  
Osias Cote

Mr. Doris, seconded by Messrs. Cote, Bizier, Cochran, Wrenn, McGrath, SaoBento, Foster, Murray, McCabe, Lallo, DiLuglio, and Cooney, moved passage of the motion.

The motion was debated.

Mr. Fanning of Cumberland, seconded by Messrs. LaSalle and Cunningham, moved that the motion to amend be committed to the Committee on Personal Liberties.

Mr. Doris, seconded by Messrs. Cote and Bizier, moved that the motion to commit be laid on the table.

On a division vote the motion to lay on the table prevailed, 63 delegates voting in the affirmative and 4 delegates in the negative.

The debate on the motion continued.

The motion to amend prevailed on a roll call vote, 67 delegates voting in the affirmative, 5 delegates voting in the negative and 26 delegates absent or not voting as follows:

AYES -- 67

- |                           |                            |
|---------------------------|----------------------------|
| Baccari - Providence      | Kagan - Providence         |
| Belhumeur - Central Falls | Kanakry - Pawtucket        |
| Bevilacqua - Providence   | Kenyon - West Greenwich    |
| Bizier - Central Falls    | LaFrance - Pawtucket       |
| Bissonnette - Woonsocket  | Lallo - Westerly           |
| Canna - Bristol           | Laporte - Burrillville     |
| Cannon - Providence       | Lawrence - Providence      |
| Chaharyn - Woonsocket     | Maining - Cumberland       |
| Cochran - Providence      | McCabe - Pawtucket         |
| Colaneri - Providence     | McGrath - Providence       |
| Coleman - Woonsocket      | McKinnon - Pawtucket       |
| Cooney - Providence       | McKiernan - Providence     |
| Corcoran - Middletown     | Merolla - Providence       |
| Cote - Pawtucket          | Murphy - Tiverton          |
| Crandall - Hopkinton      | Murray - Newport           |
| Cunningham - Pawtucket    | Nathanson - Warwick        |
| Delehanty - Newport       | Ortoleva - Providence      |
| DiLuglio - Johnston       | Pell - Newport             |
| DiSandro - Narragansett   | Pickard - East Greenwich   |
| Dolbashian - Portsmouth   | Prince - Woonsocket        |
| Doris - Woonsocket        | Principe - Bristol         |
| Fanning - Cumberland      | Pucci - Providence         |
| Feeney - East Providence  | Ricci - Providence         |
| Fontaine - Woonsocket     | Roberts - Providence       |
| Foster - Pawtucket        | SaoBento - East Providence |
| Foster - North Kingstown  | Sherry - North Smithfield  |
| Gallogly - Providence     | Smart - Lincoln            |
| Gammino - Providence      | Steere - East Providence   |
| Gates - South Kingstown   | Vacca - Smithfield         |
| Gmelin - Charlestown      | Viall - East Providence    |
| Geoffroy - West Warwick   | Warren - North Providence  |
| Giangiacomo - Providence  | Wexler - Providence        |
| Giguere - Woonsocket      | Willey - Barrington        |
|                           | Wrenn - Providence         |

NOES -- 5

- |                        |                      |
|------------------------|----------------------|
| Greenhalgh - Glocester | Macari - Cranston    |
| LaSalle - Warwick      | Matzner - Providence |
|                        | Pulner - Cranston    |

ABSENT OR NOT VOTING -- 26

- |                          |                      |
|--------------------------|----------------------|
| Appolonia - West Warwick | Bride - Warwick      |
| Barber - Westerly        | Capuano - Woonsocket |
| Beauchemin - Pawtucket   | Castiglia - Cranston |

ABSENT OR NOT VOTING - 26 (Cont.)

Colbert - Cranston  
DeCiantis - West Warwick  
Dyl - Central Falls  
Dodge - New Shoreham  
Fanning - Providence  
Gallagher - Jamestown  
Gorham - Foster  
Gorham - Scituate  
Hager - Cranston  
Lacroix - Lincoln

Lambros - Providence  
Martin - Pawtucket  
Moon - Exeter  
Mulligan - Central Falls  
Murphy - Warren  
Murphy - Coventry  
O'Donnell - Providence  
Parrillo - Providence  
Stapleton - Little Compton  
Toolin - Richmond

The following written motion to amend was read:

"I move to amend Section 2 of Article II by deleting the words 'for absentee voting', and substituting therefor the words 'for absentee and shut-in voting'."

John F. Doris  
Eugene F. Cochran  
Hugo L. Ricci  
John P. Cooney  
Paul F. Murray  
Thomas R. DiLuglio  
Kevin K. Coleman  
Samuel C. Kagan  
Thomas D. Pucci  
Norman E. Bizier

Mr. Doris, seconded by Mr. Cochran, moved passage of the motion.

The motion was debated.

The motion to amend prevailed on a roll call vote, 70 delegates voting in the affirmative, 0 delegates voting in the negative and 28 delegates absent or not voting as follows:

AYES -- 70

Baccari - Providence  
Belhumeur - Central Falls  
Bevilacqua - Providence  
Bizier - Central Falls  
Bissonnette - Woonsocket  
Canna - Bristol  
Cannon - Providence  
Chaharyn - Woonsocket  
Cochran - Providence  
Colaneri - Providence  
Coleman - Woonsocket  
Cooney - Providence  
Corcoran - Middletown

Cote - Pawtucket  
Crandall - Hopkinton  
Cunningham - Pawtucket  
Delehanty - Newport  
DiLuglio - Johnston  
DiSandro - Narragansett  
Dolbashian - Portsmouth  
Doris - Woonsocket  
Fanning - Cumberland  
Fontaine - Woonsocket  
Foster - Pawtucket  
Foster - North Kingstown  
Gallogly - Providence

AYES - 70 (Cont.)

Cammino - Providence	Murphy - Tiverton
Gates - South Kingstown	Murray - Newport
Geoffroy - West Warwick	Nathanson - Warwick
Giangiacoimo - Providence	Ortoleva - Providence
Giguere - Woonsocket	Pell - Newport
Greenhalgh - Gloucester	Pickard - East Greenwich
Kagan - Providence	Prince - Woonsocket
Kanakry - Pawtucket	Principe - Bristol
Kenyon - West Greenwich	Pucci - Providence
LaFrance - Pawtucket	Pulner - Cranston
Lallo - Westerly	Ricci - Providence
Laporte - Burrillville	Roberts - Providence
LaSalle - Warwick	SaoBento - East Providence
Lawrence - Providence	Sherry - North Smithfield
Macari - Cranston	Smart - Lincoln
Manning - Cumberland	Steere - East Providence
Matzner - Providence	Vacca - Smithfield
McCabe - Pawtucket	Viall - East Providence
McGrath - Providence	Warren - North Providence
McKinnon - Pawtucket	Wexler - Providence
McKiernan - Providence	Willey - Barrington
Merolla - Providence	Wrenn - Providence

ABSENT OR NOT VOTING -- 28

Appolonia - West Warwick	Gorham - Foster
Barber - Westerly	Gorham - Scituate
Beauchemin - Pawtucket	Hager - Cranston
Bride - Warwick	Lacroix - Lincoln
Capuano - Woonsocket	Lambros - Providence
Castiglia - Cranston	Martin - Pawtucket
Colbert - Cranston	Moon - Exeter
DeCiantis - West Warwick	Mulligan - Central Falls
Dyl - Central Falls	Murphy - Warren
Dodge - New Shoreham	Murphy - Coventry
Fanning - Providence	O'Donnell - Providence
Feeney - East Providence	Parrillo - Providence
Gallagher - Jamestown	Stapleton - Little Compton
Gmelin - Charlestown	Toolin - Richmond

The following written motion to amend was read:

"I hereby move to amend Article IV by adding thereto the following section:

Sec. 23. The General Assembly shall have no power to authorize any lottery without the express consent of the people."

John F. Doris  
Eugene F. Cochran  
(continued)

Hugo L. Ricci  
John F. Cooney  
Paul F. Murray  
Thomas R. DiLuglio  
Kevin K. Coleman  
Samuel C. Kagan  
Thomas D. Pucci  
Norman E. Bizier  
Osias Cote

Mr. Doris, seconded by Messrs. Cochran, Ricci, Wrenn, Bizier, McGrath, Lawrence, Lallo, Wexler, and McKinnon, moved passage of the motion.

At 3:23 P.M. the Chairman yielded the rostrum to Mr. David D. Warren, First Vice Chairman.

The motion was debated.

Mr. Fanning of Cumberland, seconded by Mr. Roberts, offered the following written motion to amend:

"I move to amend the amendment by striking the following words 'without the express consent of the people'."

Stephen A. Fanning

Mr. Doris, recognized on a point of order, submitted that the motion to amend an amendment was out of order.

The Chairman ruled that the motion was in order.

Mr. Doris, seconded by Messrs. Cote and Ricci, moved that the motion to amend be laid on the table.

The motion to lay on the table prevailed on a voice vote.

The motion to amend, offered by Mr. Doris and several other delegates, prevailed on a roll call vote, 52 delegates voting in the affirmative, 13 delegates voting in the negative and 33 delegates absent or not voting as follows:

AYES -- 52

Baccari - Providence  
Belhumeur - Central Falls  
Bevilacqua - Providence  
Bizier - Central Falls  
Canna - Bristol  
Chaharyn - Woonsocket  
Cochran - Providence  
Colaneri - Providence  
Doris - Woonsocket

Coleman - Woonsocket  
Cooney - Providence  
Corcoran - Middletown  
Cote - Pawtucket  
Cunningham - Pawtucket  
Delehanty - Newport  
DiLuglio - Johnston  
DiSandro - Narragansett  
Dolbashian - Portsmouth

AYES -- 52 (Cont.)

Feeney - East Providence	Matzner - Providence
Fontaine - Woonsocket	McGrath - Providence
Foster - Pawtucket	McKinnon - Pawtucket
Gallogly - Providence	McKiernan - Providence
Gammino - Providence	Merolla - Providence
Gates - South Kingstown	Murphy - Tiverton
Geoffroy - West Warwick	Murray - Newport
Giangiacomo - Providence	Ortoleva - Providence
Giguere - Woonsocket	Prince - Woonsocket
Kagan - Providence	Principe - Bristol
Kanakry - Pawtucket	Pucci - Providence
LaFrance - Pawtucket	Ricci - Providence
Lallo - Westerly	SaoBento - East Providence
Laporte - Burrillville	Sherry - North Smithfield
Lawrence - Providence	Viall - East Providence
Macari - Cranston	Wexler - Providence
Manning - Cumberland	Wrenn - Providence

NOES -- 13

Crandall - Hopkinton	Pell - Newport
Foster - North Kingstown	Pickard - East Greenwich
Greenhalgh - Glocester	Roberts - Providence
Kenyon - West Greenwich	Smart - Lincoln
LaSalle - Warwick	Steere - East Providence
Nathanson - Warwick	Warren - North Providence
Willey - Barrington	

ABSENT OR NOT VOTING -- 33

Appolonia - West Warwick	Gorham - Foster
Barber - Westerly	Gorham - Scituate
Beauchemin - Pawtucket	Lacroix - Lincoln
Bissonnette - Woonsocket	Lambros - Providence
Bride - Warwick	Martin - Pawtucket
Cannon - Providence	McCabe - Pawtucket
Capuano - Woonsocket	Moon - Exeter
Castiglia - Cranston	Mulligan - Central Falls
Colbert - Cranston	Murphy - Warren
DeCiantis - West Warwick	Murphy - Coventry
Dyl - Central Falls	O'Donnell - Providence
Dodge - New Shoreham	Parrillo - Providence
Fanning - Cumberland	Pulner - Cranston
Fanning - Providence	Stapleton - Little Compton
Gallagher - Jamestown	Toolin - Richmond
Gmelin - Charlestown	Vacca - Smithfield

Hager - Cranston

(During the roll call Mr. Matzner explained his vote.)



The following written motion to amend was read:

"I move to amend Article IV by adding thereto the following new section:

Section 23. All lotteries shall be prohibited in this state."  
Francis P. O'Donnell

Mr. Roberts, seconded by Mr. Gates, moved passage of the motion.

Mr. Doris, seconded by Messrs. Cote, Foster, Bizier and Gallogly, moved that the motion to amend be laid on the table.

Mr. Gates requested a roll call vote on the motion to lay on the table.

The Chairman inquired whether there was sufficient number of delegates desiring a roll call vote thereon.

There was a sufficient number so desiring.

The motion to lay on the table prevailed on a roll call vote, 48 delegates voting in the affirmative, 17 delegates voting in the negative and 33 delegates absent or not voting as follows:

AYES -- 48

Baccari - Providence	Kagan - Providence
Belhumeur - Central Falls	Kanakry - Pawtucket
Bevilacqua - Providence	LaFrance - Pawtucket
Bizier - Central Falls	Lallo - Westerly
Bissonnette - Woonsocket	Laporte - Burrillville
Canna - Bristol	LaSalle - Warwick
Chaharyn - Woonsocket	Lawrence - Providence
Cochran - Providence	Macari - Cranston
Colaneri - Providence	Manning - Cumberland
Coleman - Woonsocket	McGrath - Providence
Cooney - Providence	McKiernan - Providence
Cote - Pawtucket	Merolla - Providence
Delehanty - Newport	Murphy - Tiverton
DiLuglio - Johnston	Murray - Newport
DiSandro - Narragansett	Ortoleva - Providence
Dolbashian - Portsmouth	Prince - Woonsocket
Doris - Woonsocket	Principe - Bristol
Feeny - East Providence	Pucci - Providence
Fontaine - Woonsocket	Ricci - Providence
Foster - Pawtucket	Sao Bento - East Providence
Gammino - Providence	Sherry - North Smithfield
Geoffroy - West Warwick	Viall - East Providence
Giangiacoimo - Providence	Wexler - Providence
Giguere - Woonsocket	Wrenn - Providence

Corcoran - Middletown  
 Crandall - Popkinton  
 Fanning - Cumberland  
 Foster - North Kingstown  
 Gallogly - Providence  
 Gates - South Kingstown  
 Greenhalgh - Gloucester  
 Kenyon - West Greenwich

Matzner - Providence  
 Nathanson - Warwick  
 Pell - Newport  
 Pickard - East Greenwich  
 Roberts - Providence  
 Smart - Lincoln  
 Steere - East Providence  
 Warren - North Providence

Willey - Barrington

ABSENT OR NOT VOTING -- 33

Appolonia - West Warwick  
 Barber - Westerly  
 Beauchemin - Pawtucket  
 Bride - Warwick  
 Cannon - Providence  
 Capuano - Woonsocket  
 Castiglia - Cranston  
 Colbert - Cranston  
 Cunningham - Pawtucket  
 DeCiantis - West Warwick  
 Dyl - Central Falls  
 Dodge - New Shoreham  
 Fanning - Providence  
 Gallagher - Jamestown  
 Gmelin - Charlestown  
 Gorham - Foster

Gorham - Scituate  
 Hager - Cranston  
 Lacroix - Lincoln  
 Lambros - Providence  
 Martin - Pawtucket  
 McCabe - Pawtucket  
 McKinnon - Pawtucket  
 Moon - Exeter  
 Mulligan - Central Falls  
 Murphy - Warren  
 Murphy - Coventry  
 O'Donnell - Providence  
 Parrillo - Providence  
 Fulner - Cranston  
 Stapleton - Little Compton  
 Toolin - Richmond

Vacca - Smithfield

The following written motion to amend was read:

"I propose the following amendment to the proposed new constitution:

ARTICLE IV  
 OF THE LEGISLATIVE POWER

Sec. 5. Add 'decennial' after the word 'new' in line 2."  
 Edmund Wexler

Mr. Wexler, seconded by Mr. Principe, moved passage of the motion.

At 4:00 P.M. the Chairman again took the rostrum.

The motion was debated.

Mr. Doris, seconded by Mr. Cochran, moved that the motion to amend be laid on the table.

The motion to lay on the table prevailed on a division vote, 53 delegates voting in the affirmative and 7 delegates voting in the negative.

ADJOURNMENT

At 4:06 P.M., on motion of Mr. Doris, seconded by Mr. Cochran, the Convention adjourned to meet on Monday, October 30, 1967, at 1:30 P.M. in the Chamber of the House of Representatives at the State House, on a voice vote.

August P. LaFrance, Secretary  
Constitutional Convention

SR