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November 1965

## Journal of the Constitutional Convention, 1965 Nov 22

August P. LaFrance

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State of Rhode Island and Providence Plantations

# JOURNAL OF THE CONSTITUTIONAL CONVENTION

Providence, Rhode Island

November 22, 1965

The Convention was called to order by Mr. Dennis J. Roberts, Chairman, at 1:30 P.M.

## INVOCATION

The Chairman presented Reverend Homer L. Trickett, Pastor of the First Baptist Church of America, Providence, for the purpose of giving the Invocation. The Invocation was given.

The roll of delegates was called; there were 76 present; 24 absent. A quorum was present.

Absentees were Messrs. Bissonnette, Bride, Champion, Dyl, Fanning of Cumberland, Gallagher, Gammino, Gmelin, Giguere, Jordan, Kiernan, LaFrance, Lallo, Laporte, Macari, Manning, McKiernan, Merolla, Moon, Mulligan, Murphy of Coventry, Mrs. Pell, Messrs. SaoBento and Viall.

On nomination of Mr. DiLuglio, seconded by Messrs. Warren and McCabe, Mr. Ernest A. Foster was elected Secretary Pro Tem in the absence of the Secretary of the Convention unanimously.

On motion of Mr. Willey, the delegates extended to Reverend Trickett a rising vote of appreciation for his kindness in giving the Invocation.

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

At 1:45 P.M. the Chairman yielded the rostrum to Mr. David D. Warren, First Vice-Chairman.

## REPORTS OF STANDING COMMITTEES

Mr. Murphy of Warren for the Committee on Personal Liberties submitted a report of committee action on all of the proposals referred to it.

The report was accepted.

Mr. Murphy of Warren, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 1 "Wiretapping"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Murphy of Warren, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 13 "Declaration of Certain Constitutional Rights and Principles"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Murphy of Warren, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 14 "Declaration of Certain Constitutional Rights and Principles"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Murphy of Warren, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 15 "Declaration of Certain Constitutional Rights and Principles"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Murphy of Warren, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 44 "Declaration of Certain Constitutional Rights and Principles"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Murphy of Warren, for the Committee on Personal Liberties reported back that, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 173 "Leasehold Rights"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Murphy of Warren, for the Committee on Personal Liberties, reported back that, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 185 "Remedies"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Murphy of Warren, for the Committee on Personal Liberties reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 10004 "Civil Rights"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Murphy of Warren, for the Committee on Personal Liberties reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 10005 "Firearms"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Murphy of Warren, for the Committee on Personal Liberties reported back that, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 10006 "Personal Freedoms"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Murphy of Warren, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0 the Committee did not recommend the following proposal:

Proposal No. 10008 "Personal Freedoms"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Murphy, for the Committee on Personal Liberties, reported back that by a vote of 9 to 0 the Committee did not recommend the following proposal:

Proposal No. 10014 "Citizens' Rights"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Murphy of Warren, for the Committee on Personal Liberties reported back that, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 10007 "Personal Freedoms"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Murphy, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 10018 "Personal Liberties"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Murphy, for the Committee on Personal Liberties, reported back that, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 10024 "Personal Liberties"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Gorham of Scituate, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0 the Committee did not recommend the following proposal:

Proposal No. 45 "Declaration of Certain Constitutional Rights  
and Principles"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Gorham of Scituate, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 72 "Declaration of Certain Constitutional Rights and Principles"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Gorham of Scituate, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 98 "Personal Liberty"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Gorham of Scituate, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 129 "Wiretapping"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Dolbashian, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 97 "Personal Liberty"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Dolbashian, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 105 "Property"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Dolbashian, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 107 "Criminal Procedure"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Dolbashian, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 108 "Criminal Procedure"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Dolbashian, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 109 "Criminal Procedure"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Dolbashian, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 110 "Criminal Procedure"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Dolbashian, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 116 "Personal Liberties"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Dolbashian, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 130 "Capital Punishment"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Dolbashian, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 143 "Declaration of Certain Constitutional Rights and Principles"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Dolbashian, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 170 "Religious Freedom"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Dolbashian, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0 the Committee did not recommend the following proposal:

Proposal No. 132 "Creating a Property Owners Bill of Rights"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Dolbashian, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 6 to 3, the Committee did not recommend the following proposal:

Proposal No. 135 "Capital Punishment"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.



Mr. Dolbashian, for the Committee on Personal Liberties, reported back that, after a duly advertised public hearing was held thereon, by a vote of 8 to 1, the Committee did not recommend the following proposal:

Proposal No. 154 "Freedom of Political Activity"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

COMMUNICATIONS

The Chairman announced receipt of a communication from the Town Clerk of the Town of Glocester transmitting a copy of a resolution of the town council relative to municipal elections.

The communication was referred to the Committee on Elections and Right to Vote.

GENERAL ORDERS

Mr. DiLuglio, seconded by Mr. Murphy of Tiverton, moved that the Convention resolve into a Committee of the Whole upon the General Orders of the Day.

The motion prevailed on a voice vote.

(For Journal of the Committee of the Whole, see appendix, this Journal.)

Upon the rising of the Committee of the Whole, the Chairman again called the Convention to order.

Mr. Wexler announced that the Committee on Style and Drafting would meet at the rise of the Convention.

ADJOURNMENT

At 3:45 P.M., on motion of Mr. Murphy of Tiverton, seconded by Messrs. Wexler and Principe, and as a further mark of respect to the memory of the late President John Fitzgerald Kennedy, the Convention adjourned to meet on Monday, November 29, 1965 at 1:00 P.M. in the Chamber of the House of Representatives at the State House, on a unanimous rising vote.

August P. LaFrance  
Secretary  
Constitutional Convention

A P P E N D I X

Journal of the Committee of the Whole

November 22, 1965

Upon the resolving of the Convention into a Committee of the Whole, the First Vice-Chairman called the Committee of the Whole to order.

GENERAL ORDERS

The Committee of the Whole proceeded to consider and act upon the General Orders of the Day.

Proposal No. 34-Substitute A "Of Qualifications for Office"  
(The Committee on Elections and Right to Vote recommends adoption of the Substitute Proposal.)

The proposal was read.

Section 1 of the proposal was read.

Mr. Kagan, seconded by Messrs. Cooney and Cote, moved that the Committee of the Whole recommend adoption of this section.

The motion was debated.

Mr. Corcoran, seconded by Messrs. Prince and Fontaine, offered the following written motion to amend:

"I hereby move to amend Section 1 to read as follows:

"Section 1. No person shall be eligible for any elective civil office unless he be a qualified elector for such office."

Edward B. Corcoran

On a division vote the motion to amend prevailed, 65 delegates voting in the affirmative and 0 delegates voting in the negative.

On motion of Mr. Kagan seconded by Messrs. Cochran, Pickard and Wexler, the Committee of the Whole recommended adoption of Section 1 as amended, on a division vote, 61 delegates voting in the affirmative and 1 delegate voting in the negative.

Section 2 of the proposal was read.

Mr. Kagan, seconded by Messrs. Cote, Cochran and Beauchemin, moved that the Committee of the Whole recommend adoption of the section.

On a division vote, the motion prevailed, 57 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 3 of the proposal was read.

Mr. Kagan, seconded by Mr. Cote, moved that the Committee of the Whole recommend adoption of the section.

On a division vote, the motion prevailed, 53 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 4 of the proposal was read.

Mr. Kagan, seconded by Messrs. Cote and Cochran, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

On a division vote, the motion prevailed, 56 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 5 of the proposal was read.

Mr. Kagan, seconded by Messrs. Cote and Cochran, moved that the Committee of the Whole recommend adoption of the Section.

On a division vote, the motion prevailed, 54 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 6 of the proposal was read.

Mr. Kagan, seconded by Mr. Cote, moved that the Committee of the Whole recommend adoption of the section.

On a division vote, the motion prevailed, 51 delegates voting in the affirmative and 0 delegates voting in the negative.

Mr. Corcoran, seconded by Messrs. Cote, Kagan, Sherry, Dolbashian and Murphy of Tiverton, moved that the Committee of the Whole recommend adoption of the proposal as amended.

On a division vote, the motion prevailed, 53 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 92    "Secretary of State"

(The Committee on Elections and Right to Vote does not recommend.)

The proposal was read.

Mr. Kagan, seconded by Messrs. Doris and Cochran, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote, the motion prevailed, 55 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 27-Substitute A    "Of Suffrage"

(The Committee on Elections and Right to Vote, recommends adoption of the Substitute Proposal.)

Mr. Kagan, seconded by Mr. Cote, moved that the proposal be placed last on the calendar of General Orders.

The motion prevailed on a voice vote.

Proposal No. 26-Substitute A "Declaration of Certain Constitutional Rights and Principles"

(The Committee on Personal Liberties recommends adoption of the substitute proposal.)

By unanimous consent, on suggestion of Mr. Matzner, reading of the proposal in its entirety was dispensed.

The preamble and Section 1 of the proposal were read.

Mr. Murphy of Warren, seconded by Messrs. Wexler, Beauchemin, Matzner and Murphy of Tiverton, moved that the Committee of the Whole recommend adoption of the preamble and Section 1.

On a division vote, the motion prevailed, 52 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 2 of the proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Beauchemin, Dolbashian, Prince and Toolin, moved that the Committee of the Whole recommend adoption of the section.

On a division vote, the motion prevailed, 52 delegates voting in the affirmative and 0 delegates voting in the negative.

At 2:30 P.M. the Chairman again took the rostrum.

Section 3 of the proposal was read

Mr. Murphy of Warren, seconded by Messrs. Dolbashian, Beauchemin, Prince and McCabe, moved that the Committee of the Whole recommend adoption of the section.

On a division vote, the motion prevailed, 53 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 4 of the proposal was read.

Mr. Murphy of Warren, seconded by Messrs. Cochran, Beauchemin, Dolbashian and Murphy of Tiverton, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

On a division vote, the motion prevailed, 49 delegates voting in the affirmative and 1 delegate voting in the negative.

Section 5 of the proposal was read.

Mr. Dolbashian, seconded by Mrs. Pulner and Messrs. Gorham of Foster and Beauchemin, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

Mr. Gorham of Foster, seconded by Messrs. Murphy of Warren and Toolin, offered the following written motion to amend:

"I move to amend Section 5 of Proposal 26-A by adding the following phrase after the word 'circumstances' in line 8:-

"subject to such limitations as the General Assembly may provide by statute of general application,"

and by substituting the word 'and' for the word 'but' in line 8."  
Bradford Gorham

The motion was debated.

On a division vote, the motion did not prevail, 11 delegates voting in the affirmative and 51 delegates voting in the negative.

Mr. Gorham of Scituate, seconded by Messrs. Doris, Dodge, Cooney, Murphy of Warren, LaSalle, Corcoran and Vacca, offered the following written motion to amend:

"I move to amend Section 5 of Proposal No. 26-Substitute A by striking the words 'and, furthermore, the state and its subdivisions shall be liable for all claims in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for punitive damages'."

John Gorham

On a division vote, the motion to amend prevailed, 57 delegates voting in the affirmative and 7 delegates voting in the negative.

Mr. Murphy of Warren, seconded by Mr. Doris, moved that the Committee of the Whole recommend adoption of the section as amended.

On a division vote, the motion prevailed, 57 delegates voting in the affirmative and 3 delegates voting in the negative.

Mr. Murphy of Warren, seconded by Messrs. Murphy of Tiverton, Gallogly, Principe and Warren, moved that the Committee of the Whole rise. The motion prevailed on a voice vote.

August P. LaFrance  
Secretary  
Constitutional Convention