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# Journal of the Constitutional Convention, 1965 Dec 13

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State of Rhode Island and Providence Plantations

**JOURNAL OF THE  
CONSTITUTIONAL CONVENTION**

Providence, Rhode Island

December 13, 1965

The Convention was called to order by Mr. Dennis J. Roberts, Chairman, at 1:50 P.M.

INVOCATION

The Chairman presented Reverend R. Vernon Lawson, Conference Minister of the Rhode Island Congregational Conference of the United Church of Christ, for the purpose of giving the Invocation. The Invocation was given.

The roll of delegates was called; there were 70 present, 29 absent. A quorum was present.

Absentees were Messrs. Appolonia, Beauchemin, Bevilacqua, Bizier, Bissonnette, Bride, Mrs. Castiglia, Messrs. Cunningham, Delehanty, Dodge, Fanning of Cumberland, Gallagher, Gates, Giguere, Mrs. Lacroix, Messrs. LaFrance, LaSalle, Macari, Manning, Martin, McCabe, Merolla, Moon, Murphy of Coventry, Prince, Ricci, SaoBento, Sherry and Stapleton.

The names of the absentees were called.

On nomination of Mr. DiLuglio, seconded by Mr. Doris, Mr. Ernest A. Foster was elected Secretary Pro Tem in the temporary absence of the Secretary of the Convention, unanimously.

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

On motion of Mr. Wexler, seconded by Messrs. Dolbashian and Murphy of Tiverton, the reading of the Journal of the previous day was dispensed, on a voice vote.

REPORTS OF STANDING COMMITTEES

Mrs. Foster, for the Committee on Resolutions, reported back that, by a vote of 9 to 0, the Committee recommended adoption of the following proposal:

Proposal No. 171-Substitute B "Of Amendments"

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

Mrs. Foster, for the Committee on Resolutions, reported back that, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 187 "Of Amendments"

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

Mrs. Foster, for the Committee on Resolutions, reported back that, after a duly advertised public hearing was held thereon, by a vote of 8 to 0, the Committee did not recommend the following proposal:

Proposal No. 86 "Of Amendments"

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

PERSONAL PRIVILEGE

Mr. Doris, recognized on a question of personal privilege, discussed a newspaper editorial.

Mr. LaFrance entered the chamber and assumed his duties as Secretary of the Convention.

Mr. Toolin discussed Mr. Doris' point of personal privilege.

INTRODUCTION AND FIRST READING OF PROPOSALS

The Chairman announced receipt of the following proposal:

Proposal No. 10025, offered by a qualified elector, Robert J. McKenna, of Newport. The proposal was referred to the Committee on Rules and Credentials.

MOTIONS AND RESOLUTIONS

Mr. Wrenn and many other delegates offered Resolutions No. 25 entitled "RESOLUTIONS OF SYMPATHY ON THE DEATH OF JAMES H. KIERNAN, DELEGATE TO THE RHODE ISLAND CONSTITUTIONAL CONVENTION AND LEGISLATIVE, CIVIC AND POLITICAL LEADER FOR MORE THAN HALF A CENTURY".

The Resolution was read.

Mr. Wrenn, seconded by Messrs. Cochran, Cannon, Cote, Doris, Belhumeur, Chaharyn, Foster, DiLuglio, DiSandro, Gallogly, Principe, LaFrance, McGrath, Kagan and Wexler, moved passage of the Resolution.

Mr. Wrenn paid tribute to Mr. Kiernan.

The motion prevailed on a unanimous rising vote.

REPORT OF THE COMMITTEE OF THE WHOLE

The Chairman announced that he would present the report of the Committee of the Whole for November 29, 1965, a copy of which was on the desk of each delegate.

On motion of Mr. Wexler, seconded by Mr. Murphy of Tiverton, reading of the report was dispensed and the Convention proceeded to act thereon, on a voice vote.

The Chairman, as Chairman of the Committee of the Whole on November 29, 1965, presented the report of the Committee of the Whole to the Convention and action was taken thereon as follows:

"The Committee of the Whole meeting on November 29, 1965, considered Proposal No. 26, Substitute A, 'Declaration of Certain Constitutional Rights and Principles'.

"The Committee on Personal Liberties recommended the adoption of the proposal. The Committee of the Whole recommends the adoption of Proposal No. 26, Substitute A as amended."

The proposal was referred to the Committee on Style and Drafting.

Also, "The Committee considered Proposal No. 1, "Wiretapping".

"The Committee on Personal Liberties did not recommend. On a division vote with a majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. Murphy of Warren, seconded by Mr. Cochran, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 13, "Declaration of Certain Constitutional Rights and Principles".

"The Committee on Personal Liberties did not recommend. On a division vote, with a majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. Murphy of Warren, seconded by Messrs. Dolbashian and Gallogly, moved that the proposal be rejected.

On a division vote, the motion prevailed, 47 delegates voting in the affirmative and 0 delegates voting in the negative with more than 4 delegates present and not voting.

Also "The Committee considered Proposal No. 14, "Declaration of Certain Constitutional Rights and Principles".

"The Committee on Personal Liberties did not recommend. On a division vote, with a majority of the delegates so voting, a motion to recommend the rejection of the proposal prevailed."

Mr. Dolbashian, seconded by Mr. Murphy of Tiverton, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 15, "Declaration of Certain Constitutional Rights and Principles".

"The Committee on Personal Liberties did not recommend. On a division vote, with a majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. Dolbashian, seconded by Messrs. Lawrence, Gallogly, and Murphy of Tiverton, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 44, "Declaration of Certain Constitutional Rights and Principles".

"The Committee on Personal Liberties did not recommend. On a division vote, with a majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. Dolbashian, seconded by Mr. Murphy of Tiverton, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 173, "Leasehold Rights".

"The Committee on Personal Liberties did not recommend. On a division vote, with a majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. Dolbashian, seconded by Mr. Cochran, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 185, 'Remedies'.

"The Committee on Personal Liberties did not recommend. On a division vote a motion to reject the proposal prevailed."

Mr. Dolbashian, seconded by Mr. Lawrence, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 10004, 'Civil Rights'.

"The Committee on Personal Liberties did not recommend. On a division vote a motion to reject the proposal prevailed."

Mr. Dolbashian, seconded by Messrs. Parrillo and Laporte, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 10005, 'Firearms'.

"The Committee on Personal Liberties did not recommend. On a division vote a motion to reject the proposal prevailed."

Mr. Dolbashian, seconded by Messrs. Cochran, Principe and Corcoran, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 10006, "Personal Freedoms".

"The Committee on Personal Liberties did not recommend. On a voice vote a motion to reject the proposal prevailed."

Mr. Dolbashian, seconded by Mr. Cochran, moved that the proposal be rejected.

On a division vote, the motion prevailed, 59 delegates voting in the affirmative and 0 delegates voting in the negative.

Also "The Committee considered Proposal No. 10008, 'Personal Freedom'.

"The Committee on Personal Liberties did not recommend. On a voice vote, a motion to reject the proposal prevailed."

Mr. Dolbashian, seconded by Messrs. Murphy of Warren and Cochran, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 10014, "Citizens' Rights".

"The Committee on Personal Liberties did not recommend. On a voice vote a motion to reject the proposal prevailed."

Mr. Dolbashian, seconded by Messrs. Murphy of Warren and Parrillo, moved that the proposal be rejected.

On a division vote, the motion prevailed, 58 delegates voting in the affirmative and 0 delegates voting in the negative.

Also "The Committee considered Proposal No. 10007, 'Personal Freedoms'".

"The Committee on Personal Liberties did not recommend. On a voice vote a motion to reject the proposal prevailed."

Mr. Murphy of Warren, seconded by Messrs. Dolbashian, Gallogly and Cochran, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 10018, "Personal Liberties".

"The Committee on Personal Liberties did not recommend. On a voice vote a motion to reject the proposal prevailed."

Mr. Murphy of Warren, seconded by Messrs. Dolbashian and Murphy of Tiverton, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 10024, 'Personal Liberties'".

"The Committee on Personal Liberties did not recommend. On a voice vote a motion to reject the proposal prevailed."

Mr. Murphy of Warren, seconded by Messrs. Principe and Dolbashian, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 45, 'Declaration of Certain Constitutional Rights and Principles'.

"The Committee on Personal Liberties did not recommend. On a division vote a motion to adopt the proposal did not prevail."

Mr. Murphy of Warren, seconded by Mr. Dolbashian, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 72, 'Declaration of Certain Constitutional Rights and Principles'.

"The Committee on Personal Liberties did not recommend. On a division vote a motion to reject the proposal prevailed."

Mr. Murphy of Warren, seconded by Mr. Dolbashian, moved that the proposal be rejected.

On a division vote, the motion prevailed, 59 delegates voting in the affirmative and 0 delegates voting in the negative.

#### GENERAL ORDERS

Mr. Warren, seconded by Messrs. Cochran and Principe, 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.

On suggestion of Mr. Greenhalgh, the delegates extended a rising vote of appreciation to the League of Women Voters of Smithfield, Gloucester and South Kingstown, for their kindness in providing the refreshments.

By unanimous consent on suggestion of Mr. Cochran, the Convention referred back to Motions and Resolutions.



MOTIONS AND RESOLUTIONS

Mr. Cochran offered Resolution No. 26 entitled "Resolution To Require An Election For the Vacancy In the Office Of Delegate To The Constitutional Convention."

The resolutions was read.

Mr. Cochran, seconded by Messrs. Cannon and Doris, moved passage of the resolution.

The motion prevailed on a voice vote.

ADJOURNMENT

At 4:22 P.M., on motion of Mr. Cochran, seconded by Messrs. Wrenn, Champion and Chaharyn, and as a further mark of respect to the memory of the late Mr. Kiernan, the Convention adjourned to meet on Monday, January 3, 1966 at 1:00 P.M. in the Chamber of the House of Representatives at the State House on a rising vote.

August P. LaFrance  
Secretary  
Constitutional Convention

A P P E N D I X

Journal of the Committee of the Whole

December 13, 1965

Upon the resolving of the Convention into a Committee of the Whole, the 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. 98 "Personal Liberty"  
(The Committee on Personal Liberties does not recommend.)

The proposal was read.

On motion of Mr. Murphy of Warren, seconded by Messrs. McKiernan and Dolbashian, the Committee of the Whole recommended rejection of the proposal, on a division vote, 51 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 97 "Personal Liberty"  
(The Committee on Personal Liberties does not recommend.)

The proposal was read.

On motion of Mr. Murphy of Warren, seconded by Messrs. Gallogly and Dolbashian, the Committee of the Whole recommended rejection of the proposal, on a division vote, 54 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 105 "Property"  
(The Committee on Personal Liberties does not recommend.)

The proposal was read.

On motion of Mr. Murphy of Warren, seconded by Messrs. Gallogly and Dolbashian, the Committee of the Whole recommended rejection of the proposal, on a division vote, 52 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 107 "Criminal Procedure"  
(The Committee on Personal Liberties does not recommend.)

The proposal was read.

On motion of Mr. Murphy of Warren, seconded by Messrs. Dolbashian and Matzner, the Committee of the Whole recommended rejection of the proposal on a division vote, 48 delegates voting in the affirmative, 0 delegates voting in the negative with more than 3 delegates present and not voting.

Proposal No. 108 "Criminal Procedure"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

On motion of Mr. Murphy of Warren, seconded by Messrs. Dolbashian and Gallogly, the Committee of the Whole recommended rejection of the proposal, on a division vote 49 delegates voting in the affirmative, 0 delegates voting in the negative with more than 2 delegates present and not voting.

Proposal No. 109 "Criminal Procedure"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

On motion of Mr. Murphy of Warren, seconded by Messrs. Dolbashian and Gallogly, the Committee of the Whole recommended rejection of the proposal, on a division vote 50 delegates voting in the affirmative, 0 delegates voting in the negative with more than 1 delegate present and not voting.

Proposal No. 110 "Criminal Procedure"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

On motion of Mr. Murphy of Warren, seconded by Mr. Dolbashian, the Committee of the Whole recommended rejection of the proposal, on a division vote 52 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 116 "Personal Liberties"

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

On motion of Mr. Murphy of Warren, seconded by Messrs. Dolbashian and Murphy of Tiverton, the Committee of the Whole recommended rejection of the proposal, on a division vote 51 delegates voting in the affirmative and 0 delegates voting in the negative.

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

(The Committee on Personal Liberties does not recommend.)

The proposal was read.

On motion of Mrs. Pulner, seconded by Mr. Murphy of Warren, the Committee of the Whole recommended rejection of the proposal, on a division vote, 54 delegates voting in the affirmative and 0 delegates voting in the negative.

At 3:13 P.M. the Chairman yielded the rostrum to Mr. David D. Warren, First Vice Chairman.

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

(The Committee on Personal Liberties does not recommend.)

Mrs. Foster, seconded by Messrs. Cannon, Kagan and Murray moved that Proposal No. 132 be placed last on the calendar of General Orders.

The motion prevailed on a voice vote.

Proposal No. 27-Substitute A    "Of Suffrage"

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

Mr. Kagan, seconded by Messrs. Viall and Cochran, moved that Proposal No. 27-Substitute A be placed last on the calendar of General Orders.

The motion prevailed on a voice vote.

Proposal No. 101    "Alcoholic Beverages"

(The Committee on Local Government does not recommend.)

The proposal was read.

On motion of Mr. Coleman, seconded by Messrs. Viall, Kagan, Cochran and McGrath, the Committee of the Whole recommended rejection of the proposal, on a division vote, 56 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 160    "Item Veto"

(The Committee on the Executive Department does not recommend.)

The proposal was read.

Mr. Roberts, seconded by Mmes. Webster and Pulner, Messrs. Pickard, Toolin, Matzner, Cannon, Willey, Feeney, Mulligan and Coleman, moved that the Committee of the Whole recommend adoption of the proposal.

The motion was debated.

Mr. Corcoran, seconded by Mr. Wexler, moved that the Committee of the Whole rise.

The motion prevailed on a voice vote.

August P. LaFrance  
Secretary  
Constitutional Convention