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MEETING OF
COMMITTEE ON APPORTIONMENT OF THE LEGISLATURE.

Proceedings

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JOSEPH M. KEEGAN (CO-CHAIRMAN): Gentlemen, for the purpose of the record, we will take the roll.

(The Chairman called the roll and the following Delegates answered as their names were called)

Keegan, Lance, Jacobson, Duff, Thatcher, Reilly, Hunt, Metzger, Horuvitz, Inglima, Schreiber, Lockard, Roth, Lupton, Ozzard, Glauberman, Marazitti, Cotton, Kimmelman, Hollander, Farley, Roach, Dumont, Shaffer, Woolfenden, Deighan, Novins, Goldberg, Evers, Orkin, Cawley.

MR. KEEGAN: The roll call would show one absentee, Mr. Woodcock. I understand that Mr. Woodcock had a local municipal meeting or something that he had to attend.

Mr. Maraziti, I understand you have a proxy for the purposes of the discussion that may take place this evening in the event there are any votes.

MR. MARAZITI: Yes, only in regard to one plan. Mr. Woodcock asked me if I would cast a vote on his behalf, if it's agreeable, on the Bergen County Unicameral Plan. That is all, not on any other subject.

WESLEY L. LANCE (CO-CHAIRMAN): But, Joe, you have no right to vote for Woodcock on every proposal, right?

MR. MARAZITI: I know.

MR. COTTON: I move that he be allowed to cast the proxy for Mr. Woodcock for the Unicameral Plan. I think it's number 33, isn't that it?

MR. MARAZITI: That's right, No. 33.

DELEGATE: Second the motion.

MR. KEEGAN: We will call for a vote on the motion made by Mr. Cotton. Raise your hands, all those in favor of the motion made. (A showing of hands)

The motion is carried.

Now, the method of procedure and the agenda - if we can have your attention, please?

The staff has placed in front of you what are some tally sheets. Co-Chairman Lance and myself have had a few minutes here to confer and set this up and we have agreed that the best way to do it will be for the Committee to act on each proposal. They will be called out by Proposal No. 1.

We understand that many of these proposals have the proposers here in the room as members of this Committee. If that is so, of course, the Chair would expect that the proposer might have some pride of authorship and might want to discuss his proposal at length but we must keep in mind that we have 52 plans to go.

Yes, Mr. Ozzard?

MR. OZZARD: May I be heard on that, Mr. Chairman?

MR. KEEGAN: Yes.

MR. OZZARD: In view of the fact that this is a Committee and a moment before the Committee in which persons who are sponsors of plans don't have the opportunity to come and speak, I think it puts those who don't happen to be Committee members in a totally unfair position, one that I don't feel and trust none of the members of this Committee would want to have as a situation, in other words if they were not on the Committee.

I just would like to move, in view of the fact that we have all, have or are supposed to have, read the

proposals, we've all had copies and if we haven't read them that's too bad for the individuals who don't understand them, - I would move that there be no discussion of any proposal, that we merely call for votes so that those who are not members of this Committee aren't put in a position of disadvantage.

MR. MARAZITI: I second the motion.

MR. COTTON: On the question, please? Do I understand you, Senator, that you are saying that there should be no discussion on these proposals, they should merely be read out and voted on?

MR. OZZARD: For example, Mr. Musto, who is sponsor of a unicameral plan, its strongest advocate and most outspoken, for example, why shouldn't he have the opportunity to speak on his plan if someone from Morris County has that opportunity?

MR. COTTON: I don't mean that, Senator. But suppose a plan comes up and the Committee wishes to discuss the pros and cons of a particular type of proposal, do you feel we should have no discussion on any proposals?

MR. OZZARD: That's my feeling.

MR. COTTON: I would think we wouldn't be doing our job if we do that.

MR. KEEGAN: On the question, Mr. Duff?

MR. DUFF: Does this mean also that we can't amend a proposal?

MR. DUMONT: You can go through them all and pick out parts of them and have Committee substitutes at the end.

MR. OZZARD: The Committee has the right, under the rules, to come up with any variety of proposals it wishes but I don't think you can change my proposal or Billy Musto's proposal or John Jones' proposal.

MR. DUFF: But there are some people here, I know for a fact, that have proposals who were going to attempt to amend them tonight, should they be allowed to do that.

MR. KEEGAN: On the motion, gentlemen.

MR. MARAZITI: On the motion, before you put the motion. I don't think it's the intent of the motion to foreclose all discussion tonight. I think the idea is to run through the 52 plans and then four, five, six, seven or eight will come to the surface and then there can be discussion, amendments and so on. I think this is the sense of the motion. Is that right, Senator Ozzard?

MR. OZZARD: Correct.

So far as amendments by any member here, this privilege is not given to anybody else who is not here and not a member, and I think that you have no right to foreclose them, if you're going to do it. Two, any amendment is in effect a new proposal because these proposals are nothing more than amendments of each other anyway. If you were to put them all together, you have 52 plans and you would come down to certain basics. So, as we were estopped several weeks ago from making any new proposals to this Convention as individuals, the only new proposal now is Committee proposals or proposals that have been made.

MR. FARLEY: Bill, Professor Duff suggested we might get four or five. We may be able to reduce it to two or three. They may be accepted and may come to the point. I think he should be open to that opportunity when we do reduce it to four or five but before that time I think it should be absolutely denied until such time as it has substance and has meat and is subject to discussion whereby we could get together. I think it should be open along those lines.

MR. DUFF: Well, I wasn't going to suggest an amendment. I talked to some people here who were.

MR. KEEGAN: Let's do this, if we can, gentlemen, on the motion - Mr. Kimmelman, did you have a question on the motion?

MR. KIMMELMAN: Yes. On the motion I think the motion really, if it carries, would be a waste of time of this Committee. So far as I am concerned, we had a meeting last week in which we had a chance to express ourselves and cut through a lot of the walls which we thought may have divided us, but here we are, 31 or 32 reasonable men, and we have to come up with something. This Committee must come forth with some proposal, maybe a majority proposal and a minority proposal. There is not one of the 52 proposals in here which could pass muster and get a majority of votes here tonight.

Last week we arrived at certain tentative conclusions. We made no firm decisions but we had a consensus of the mind. Therefore, I think it would be

much more fruitful, Mr. Chairman, if we did not lose what we built up last week but that we get together as reasonable men and try to come up with some Committee plan. And I think that then will save the time of going through each and every proposal. I think if it's our legal duty to pass upon a proposal we can save that until the end. But let's come up with the exact work of the Committee now.

MR. KEEGAN: I hesitated to interrupt, gentlemen, but we have a motion on the floor and the motion, without asking the reporter to read it back, was to the effect that whether or not, as we called out each successive plan, there would be discussion on the motion.

As I understand it, the agenda would be that the Chair would call out Proposal No. 1 and would ask for a vote on it. The motion goes as to whether or not there shall be discussion on the proposal.

Now, if there is anything else on the motion, the Chair will hear it.

MR. GOLDBERG: Question on the motion.

I would like to ask the proposer of the motion this question: Is the effect of your motion to preclude any member of the Committee from asking any question on any proposition on which we are going to vote?

MR. OZZARD: No. No discussion on it at all. If there is something that's not clear, you can ask a question. That was not intended.

You can't have a speech tonight on 52 proposals and settle more than a few of them this evening. You are

going to be here - for example, there is one member in this room who has already stated that when his proposal hits the floor he wants about 15 minutes to discuss it. Now if this is the kind of session you want, - we know damn well what it all contains anyway - you will be here for the next three nights and you still won't get this job done.

These proposals can't be changed. We are no longer in that position. I don't think it's fair to the members not here to not have their right to discuss, and I think it is up to us now to clarify the question. In other words, let's get on with the vote on it.

MR. KEEGAN: On the motion, Mr. Roach?

MR. ROACH: I am still not clear as to what the circumstances of the motion are. Under what conditions do we get to discuss a proposal?

MR. OZZARD: No discussion. If you have a point of clarification, I would suggest that it be directed to the Chair for point of clarification only if the wording here is not clear enough to understand it.

MR. ROACH: Do you contemplate that there will be no discussion here tonight on any proposal except on questions of clarification?

MR. OZZARD: On the 52, until we get down to what we are going to do ultimately.

MR. KEEGAN: Let me try to bring this to a head. As I understand it, what we will do will be to run through the 52 plans or as many of them as there are. Now, when

we have completed the 52, there will be those that have - I think as one gentleman pointed out from the floor, there will be some six or eight proposals which will require further discussion. They will be resubmitted on the basis of the vote that's given. So that what we are doing this first time is asking you for a vote. We are asking you not to comment at length on any of the proposals the first time that we go through the 52. At the end of the 52 Mr. Lance and myself will announce the votes, of course, and on those where there is some substantial - or if it's a close vote, if the proposal in the eyes of the Chair is worthy of further discussion or if indeed there is a motion from the floor to discuss a particular proposal, we will do so.

All we wanted to do was to first run through them and cut out what obviously does not have any substantial feeling before the Committee.

MR. ROACH: Could we make it more formal, then. Could we say we would be discussing later only those proposals that get at least 6 affirmative votes on the first run through?

(Chorus of "Noes.")

MR. KEEGAN: Suppose we do this. Somebody moved the question.

MR. NOVINS: I did.

MR. KEEGAN: The question is moved, so that you you have it then. The motion is that the Chair will now call out the 52 plans. As each plan is called out, there

will be no discussion on it until the completion of the roll on the 52.

Is that understood?

DELEGATE: Right.

MR. KEEGAN: On the question.

MR. INGLIMA: May I revert to the question?

Just for a point of clarification, is the assumption that Senator Ozzard has made, that there won't be any amendments to the particular plans, correct? Because as I understand the plans there are many which might be in need of modification. Are we just going to vote on the plans as submitted to date or is this Committee empowered with and have the authority to modify these plans in order to get what is acceptable?

MR. KEEGAN: What the Committee is empowered under the rules to do is to dispose of, by vote, each of the proposals here. Now, the Chair would submit that what the Chair wants to do is to run through the 52 proposals and find out which of those merit discussion by the Committee as a whole.

We will do that.

There are no minimums on it. At the end of the call on the 52 proposals, Mr. Lance and myself will pull out from those and we will ask if there is further discussion required on a particular proposal as shown by the vote either for it or against it. It will reflect a substantial interest.

Now, for the purpose of getting on, --

MR. FARLEY: Move the question.

MR. KEEGAN: All those in favor say "Aye."

(Chorus of "Ayes.")

Opposed, "No."

The "Ayes" have it.

Proposal No. 1, for the purpose of the record I will read it. The sponsor is Mr. Musto.

MR. SCHREIBER: It's not before this Committee.

MR. KEEGAN: All right. We've disposed of that one.

Proposal No. 2. Sponsor, Mr. Caulfield.

MR. THATCHER: That was previously rejected.

MR. KEEGAN: Proposal No. 2. I will call the roll --

MR. COTTON: It was previously voted on and rejected.

MR. KEEGAN: All right. Would the record indicate then that Proposal No. 2 has been previously rejected by the Committee as a whole.

MR. HUNT: A point of order, Mr. Chairman?

MR. KEEGAN: Yes.

MR. HUNT: What is the vote you are going to record when you report this?

MR. COTTON: It was unanimous.

MR. HUNT: All right. Let the Chair so state.

MR. KEEGAN: Is there anyone who is in favor of Proposal No. 2?

(Silence)

There being no show of hands, Proposal No. 2 is rejected unanimously.

MR. LOCKARD: Mr. Chairman, a point of order?

MR. KEEGAN: Yes, sir.

MR. LOCKARD: I seem to recall that in the rules there is some statement about giving the rationale of the Committee in some cases as to why a motion was rejected. And if there is some comment of this kind that can be gathered in at this time, we might simplify our procedure unless we feel that we don't have to go by that rule.

MR. NOVINS: The reason is that this is weighted voting.

MR. LOCKARD: That's the point I have in mind.

MR. KEEGAN: The Chair is making a note that this proposal is unanimously rejected because of the feature of weighted voting. That will be the end of the statement by the Chair.

MR. DUFF: I rise to a point of order. If we have to explain every vote, we are going to be here all night.

MR. KEEGAN: I don't think we will have to. On that it was unanimous. I think that the sponsor is entitled to an explanation.

No. 3 Proposal. Principal sponsor Mr. Skevin.

Now, on No. 3 Proposal are there any "Yeas?"

MR. CAWLEY: Yes.

MR. KEEGAN: Would you call out your name, sir?

MR. CAWLEY: James Cawley.

MR. KEEGAN: Yes, sir. Mr. Cawley will be recorded

in the affirmative.

MR. REILLY: Well, Mr. Chairman, I would too. My name is on it. It's just for the principle, that's all.

MR. KEEGAN: I'll entertain a motion, if you want a roll call on it, we'll take it.

"Yeas" on a matter of principle.

(Chorus of "Yeas")

The "Yeas" have it. Is that correct?

DELEGATE: Correct.

MR. KEEGAN: Co-Chairman Lance has asked that the record indicate what we were going to do with proposals such as these which have a statement of principle.

Now there has to be a formal proposal and it's before the Committee. If there is any discussion on it, subject to the limitations we've had, - the Chair has noted that the "Yeas" have it without a particular vote, it is a matter of principle, period. That's all that the Chair will note on that one.

As we come to other proposals which state matters of principle, if you have some question on them, interrupt the Chair.

Proposal No. 4.

DELEGATE: That's not before us.

MR. KEEGAN: Not before this Committee.

Proposal No. 5.

MR. SCHREIBER: That was rejected last week.

MR. KEEGAN: For the record, Proposal No. 5 was

previously rejected.

Is there any explanatory note that anyone from the Committee wants added to the record?

(Silence)

There being none, we will move on.

Proposal No. 6. Sponsor, Mr. Sarcone.

We will call the roll.

(Mr. Keegan calls the roll.)

AYES: Lance, Thatcher, Hunt, Horvitz, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers, Cawley.

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin.

ABSENT: Woodcock.

MR. KEEGAN: The vote will be announced as a total of 15 "Ayes," 1 absent, and a total of 16 "Nays."

You will note, gentlemen, that that would seem to merit further discussion.

Proposal No. 7.

MR. DUMONT: Is this on principle or plan?

MR. JACOBSON: Principle.

MR. LANCE: A question to Mr. Jacobson.

This says 112, right?

MR. JACOBSON: Right.

MR. DUFF: This is my plan.

MR. LANCE: Well, a question to Delegate Duff.

This calls for a specific number of 112. Is that right?

MR. DUFF: Well, I hope I'm not discussing it but I've been led to believe by the Wyoming and other decisions

that it can be accomplished with 94. So just like in principle, that one county is entitled to one member.

MR. DUMONT: Yes, with 25% deviation, the 94.

MR. DUFF: Yes. We can't amend it but that's what --

MR. HOLLANDER: It says "to 112" anyway.

MR. DUFF: Yes.

MR. HOLLANDER: It's not limited.

MR. KEEGAN: The Chair will entertain a motion on the disposition of Proposal No. 7. What is your pleasure, gentlemen?

MR. REILLY: Move it be approved.

DELEGATE: A roll call vote.

MR. KEEGAN: All right, we will have a vote on Proposal No. 7.

(Mr. Keegan calls the roll)

AYES: Keegan, Jacobson, Duff, Reilly, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Orkin, Lance, Thatcher, Hunt, Horuvitz, Schreiber, Roth, Kimmelman, Farley, Woolfenden, Novins, Evers, Cawley

NAYS: Metzger, Goldberg, Ozzard, Maraziti, Dumont

ABSENT: Woodcock.

MR. KEEGAN: The "Ayes" then would be 26, with 5 "Nays."

MR. LANCE: On that I take it that this was a statement of principle and it doesn't get in the \$64 question of single-member versus multi-member districts?

DELEGATE: Correct.

MR. KEEGAN: Proposal No. 8. Principal sponsor, Mr. Inglima.

(Mr. Keegan calls the roll)

AYES: Lance, Horuvitz, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin, Thatcher, Hunt

ABSENT: Woodcock.

MR. KEEGAN: The vote then, gentlemen, to let you know if any of you were keeping tally, is - on the "Ayes" there are 13, "Nays" 18.

Is there somebody from the staff here to --

MR. GOLDBERG: Sam Alito is here.

MR. KEEGAN: Sam, we can work together, you keep the tally and I'll call the roll. It seems to delay us a little.

Proposal No. 9.

Yes, sir, Mr. Jacobson.

MR. JACOBSON: This proposal says "this criterion shall be paramount over any other consideration." Am I correct in assuming he's talking about merely the population base?

MR. DUMONT: Number of inhabitants according to the last census.

MR. JACOBSON: This is to be paramount among that or registered voters or votes cast, this is a category that needs to be paramount.

MR. KEEGAN: I'll be perfectly frank with you, the Chair can't answer it. All I know of the proposal is the digest.

Mr. Alito, can you help us, please. There has been a question directed to the Chair - do you understand the question?

MR. ALITO: The intent of the Resolution is to decide that the population base shall be paramount over any other consideration such as retaining county lines or single districts, multi-member districts, or any other factor that goes into the problem of reapportionment.

MR. JACOBSON: Thank you very much.

MR. KEEGAN: Now, can we ask then, are there any negative votes on Proposal No. 9?

(Chorus of "Ayes")

All right. Are there any affirmative?

(Silence)

There are no --

MR. HUNT: A point of order, Mr. Chairman. Do we have 31 votes in the negative?

MR. KEEGAN: The Chair then would make the following notation: Proposal No. 9, the question was shall the population base be the paramount consideration. No affirmative votes.

Is that satisfactory to the Committee?

MR. LANCE: On that, the point being made is that particular population base would take precedent over breaking county lines, etc.

MR. KEEGAN: Proposal No. 10.

MR. ROACH: Mr. Chairman?

MR. KEEGAN: Yes, sir.

MR. ROACH: I came prepared, at Mr. Dugan's request, to offer an amendment to this proposal. In view of the vote we took earlier I take it I am not permitted to make such an amendment but I think I should like to state for the record that there was an amendment intended.

MR. KEEGAN: The Chair will note that Proposal No. 10 has a proposed amendment. We will await the pleasure of the Committee at the end of the roll call on proposals. At the end of the 52 proposals if there is a motion from the floor, we will entertain the proposed amendment. Keeping in mind that there is a proposed amendment to Proposal No. 10, the Chair will entertain a motion as to whether or not you want to vote on it now.

MR. MARAZITI: I suggest that it be deferred and I move that it be deferred and considered with the amendment.

MR. CAWLEY: Senator Keegan, may I state that I think the rules specify how the amendments are handled and we don't have any authority to accept them here. I think if Mr. Roach wants to offer, as a thought content, to make it part of our general proposal we can at the end of the meeting but he cannot amend anyone's plan, according to the rules.

MR. KEEGAN: All right, Mr. Cawley.

MR. DUFF: I suggest that this has to go for a vote here, the same as the others.

MR. DUMONT: As it is, right.

MR. KEEGAN: It has been moved and seconded by Mr. Dumont that Proposal No. 10 be moved to a vote.

(Mr. Keegan calls the roll.)

MR. ROACH: We're voting on the proposal now, right?

MR. KEEGAN: That's right, Proposal No. 10.

AYES: Inglema, Lockard, Hollander, Roach, Shaffer, Orkin, Schreiber, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Lupton, Glauberman, Cotton, Deighan, Goldberg, Lance, Thatcher, Hunt, Horuvitz, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers

ABSENT: Woodcock.

MR. ALITO: 8 yeas, 23 nays.

MR. KEEGAN: The final tally, total yeas, 8; total nays, 23.

Proposal No. 11, sponsored by Mr. Cawley.

The roll will be called.

(Mr. Keegan calls the roll)

AYES: Lance, Thatcher, Hunt, Horuvitz, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglema, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin

MR. ALITO: 15 yeas, 16 nays.

MR. KEEGAN: Would you make a note, Sam, on votes, on a separate piece of paper, on proposals that have some substantial votes on them?

Proposal No. 12 by Mr. Cucci. The Chair will call the roll.

(Mr. Keegan calls the roll)

AYES: Keegan, Jacobson, Reilly, Inglima, Cotton, Shaffer, Deighan, Goldberg

NAYS: Duff, Metzger, Lockard, Lupton, Glauberman, Hollander, Roach, Orkin, Lance, Thatcher, Hunt, Horuvitz, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers, Cawley

MR. ALITO: 8 ayes, 23 nays.

MR. KEEGAN: Proposal No. 13. The Sponsor is Mr. Bateman.

Is this a statement of principle again?

DELEGATE: Yes.

MR. KEEGAN: This is a statement of principle.

It calls for use of the 1965 population estimates rather than the 1960 census population as a basis of legislative planning.

Are there any affirmatives?

(Chorus of "ayes")

We better take a vote then.

MR. COTTON: A question on the proposal. Whose estimate would be --

MR. OZZARD: The estimates published by the Department of Conservation and Economic Development. It's already made.

MR. DUFF: Another question. Does this estimate come out every year?

MR. OZZARD: No. Every 5 years.

MR. FARLEY: This is the result of an investigation by the Department under the direction of Commissioner Roe.

(general discussion)

MR. ROACH: On the question. I don't believe the statement is accurate. I have copies of those same estimates for 1963 and 1964, as well as 1965.

MR. HORUVITZ: You're right.

MR. MARAZITI: You're right. They come out every year.

MR. KEEGAN: Subject to the questions and answers given by authoritative sources, the Chair will call the roll on Proposal No. 13.

AYES: Shaffer, Lance, Thatcher, Hunt, Horuvitz, Schreiber, Ozzard, Maraziti, Farley, Dumont, Woolfenden, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Deighan, Goldberg, Orkin, Roth, Kimmelman

MR. ALITO: 14 yes, 17 nays.

MR. KEEGAN: 14 Ayes, 17 Nays.

Proposal No. 14. The Sponsor, Mr. Cotton.

The Chair will call the roll.

MR. ROACH: Mr. Chairman, I have a question to ask Mr. Cotton on this. My question is whether this is a specific plan including a provision as to whether we have at-large or district election or whether it's --

MR. COTTON: Neither. It's a specific plan that left out the question of districting and left that up to the Committee if they feel that it's an important enough proposal to consider.

MR. KEEGAN: On the proposal as submitted.

MR. COTTON: Mr. Chairman, I know what he's referring

to. It says in the digest "at-large" and that is a misprint. The proposal makes no reference as to how they are going to run and the statement attached to it says that either one could be applicable.

MR. KEEGAN: On Proposal No. 14, gentlemen, subject to the discussion, is there anything further?

MR. LANCE: Mr. Alito?

MR. ALITO: The proposal itself, as written, says that the members shall be elected by the legally qualified voters of the county. Now, as that phraseology has been interpreted by the courts, that means at-large. I think, however, that the intent of the introducer may have been something else.

MR. COTTON: Well the intent is spelled out. It says so.

MR. OZZARD: What's the intent. It's got to be one or the other. You can't run hot and cold.

MR. COTTON: Sure I can.

MR. OZZARD: The hell you can.

MR. COTTON: The intent was to leave it open for discussion by the Committee if they thought the rest of it was worthy of consideration. There are many proposals, Senator that we voted on tonight that are not complete. As a matter of fact I would say that there is almost no proposal that's complete. This Committee would have to deal with certain parts and I intentionally left that out.

MR. OZZARD: Well, that's questionable. Does this plan have any districts in it other than the at-large counties?

MR. COTTON: It doesn't do either, Senator. This is a part that has to be added to the plan. I'm not trying to trick you. It says so in it under "other necessary amendments not formally set out herein." Of course, many of the formal amendments, as in any unicameral plan, have to be the amendments to the Constitution calling for joint action by the Assembly and Senate. And another thing, it doesn't take into consideration where they should run. I felt that it should be left open.

MR. KEEGAN: Question on the proposal. Mr. Reilly?

MR. REILLY: How does this differ from Cucci's Proposal No. 12?

MR. COTTON: It's more complete. It gives the method for future apportionment to be done by formula.

MR. KEEGAN: On the Proposal subject to the question - on the roll call.

(Mr. Keegan called the roll)

AYES: Inghlima, Lockard, Cotton, Hollander, Roach, Shaffer, Deighan

NAYS: Keegan, Duff, Reilly, Metzger, Lupton, Glauberman, Goldberg, Orkin, Lance, Thatcher, Hunt, Horuvitz, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins Evers, Cawley

PASS: Jacobson, Schreiber

ABSENT: Woodcock.

MR. ALITO: 7 yeas, 22 nays, 2 passes, 1 absent.

MR. KEEGAN: 7 yeas, 22 nays, 2 passes and 1

absent.

MR. KEEGAN: Proposal No. 15.

MR. CRABIEL: In introducing that, the Attorney General has ruled that he has some doubts on points of constitutionality. I suggest you pass it.

MR. HUNT: Point of order? Senator, which one are you discussing 14 or 15?

MR. CRABIEL: 15.

MR. HORUVITZ: What's wrong with it?

MR. COTTON: This was voted down with the reason that there was a question of constitutionality.

MR. KEEGAN: Is that withdrawn?

MR. CRABIEL: It's based on combined deviation. The Attorney General has given an opinion that he doesn't believe that it fits the constitutional requirements.

MR. COTTON: It has been rejected.

MR. DUMONT: If he has ruled on the constitutionality I might be inclined to vote for it. (laughter)

MR. KEEGAN: One more announcement and we'll have a majority. (laughter)

For the Record, the Chair will note that the sponsor informs the Committee that there is an opinion of the Attorney General setting out a constitutional question and notes further that it was previously rejected.

MR. LANCE: Might I ask on that, is that a recent opinion or some time ago.

MR. KEEGAN: The question by Mr. Lance was

whether or not this was a recent opinion.

MR. CRABIEL: Yes, within the past two weeks, since it was introduced. After it was introduced.

MR. LANCE: Was that given to an individual sponsor or to the Committee?

MR. CRABIEL: It was given to me as an individual, as the sponsor. I asked his opinion to the effect whether combined deviation would stand up. I don't say this, because I think it should.

MR. LANCE: The only reason I ask that was if it covered any other points in an indirect fashion the whole Committee would be interested in it.

MR. CRABIEL: Well I think I can give it to you.

MR. LANCE: I think it would be well to give it to the Committee, if you have no objections.

MR. HUNT: It has been previously rejected.

MR. LANCE: Yes. I'm not talking about that, I'm saying that this opinion may have other things in it, obliquely, besides combined deviation and if so we would be interested in it.

MR. KEEGAN: So far as Plan 15 is concerned, the opinion of the Attorney General - previously rejected.

Proposal No. 16. The Chair is making a note on Proposal No. 16, subject to a motion by the Committee, - No. 16 rejected the same as No. 15.

DELEGATE: So move.

DELEGATE: Seconded.

MR. KEEGAN: All in favor say "Aye."
(Chorus of "Ayes.")

Motion carried.

Proposal No. 17, principal sponsor, Mr. Andora.

Proposal No. 17 to a vote.

AYES: Jacobson, Inglema, Lockard, Cotton,
Hollander, Roach, Shaffer, Deighan, Orkin,
Schreiber, Cawley

NAYS: Keegan, Duff, Reilly, Metzger, Lupton,
Glauberman, Goldberg, Lance, Thatcher, Hunt,
Horuvitz, Roth, Ozzard, Maraziti, Kimmelman,
Farley, Dumont, Woolfenden, Novins, Evers.

MR. ALITO: 11 ayes, 20 nays.

MR. KEEGAN: Proposal No. 18, principal sponsor,

Mr. Gallagher.

(Mr. Keegan called the roll)

AYES: Lance, Thatcher, Hunt, Horuvitz, Schreiber,
Roth, Ozzard, Maraziti, Kimmelman, Farley,
Dumont, Woolfenden, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger,
Inglema, Lockard, Lupton, Glauberman, Cotton,
Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin.

MR. ALITO: 15 yes, 16 no.

MR. KEEGAN: 15 yes, 16 nays, 1 absent.

Proposal No. 19, principal sponsor, Mr. Schreiber.

(Mr. Keegan called the roll)

AYES: Lance, Thatcher, Horuvitz, Schreiber, Roth,
Ozzard, Maraziti, Kimmelman, Farley, Dumont,
Woolfenden, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger,
Inglema, Lockard, Lupton, Glauberman, Cotton,
Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin,
Hunt

MR. HUNT: Change Hunt to the affirmative.

MR. KEEGAN: On the recount Hunt is changed to
the affirmative.

MR. ALITO: 15 yes, 16 noes.

MR. KEEGAN: 15 yes, 16 no, 1 absent.

Proposal No. 20, principal sponsor, Judge Clapp.

MR. COTTON: Is this the same as the other one?

MR. DUMONT: The other one of what?

MR. KEEGAN: In any event we have to have an official count on it.

(Mr. Keegan called the roll)

AYES: Lance, Thatcher, Hunt, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin, Horuvitz, Woolfenden

MR. ALITO: 18 noes, 13 yes.

MR. KEEGAN: 13 yeas, 18 nays, on Proposal No. 20.

Proposal No. 21 by Mr. Jacobson.

(Mr. Keegan called the roll)

AYES: Jacobson, Inglima, Lockard, Cotton, Hollander, Roach, Shaffer, Deighan, Orkin, Schreiber, Cawley

NAYS: Keegan, Duff, Reilly, Metzger, Lupton, Glauberman, Goldberg, Lance, Thatcher, Hunt, Horuvitz, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers

MR. ALITO: 11 yes, 20 no.

MR. KEEGAN: Proposal No. 21, total yeas, 11;
total nays, 20.

Proposal No. 22.

(Mr. Keegan called the roll)

AYES: None

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin, Lance, Thatcher, Hunt, Horuvitz, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers, Cawley

MR. ALITO: Yes, 0; no, 31.

MR. KEEGAN: On Proposal No. 23 by Mr. Evanko.

MR. LOCKARD: Mr. Chairman, do you want to see if there are any positive votes, to save yourself the roll call?

MR. KEEGAN: Are there any affirmative votes on Proposal No. 23?

(Silence)

The Chair would entertain a motion then that it cast one ballot in the negative signifying --

MR. DUMONT: So move.

DELEGATE: Seconded.

MR. KEEGAN: 31 nays on Proposal No. 23.

Proposal No. 24, by Mr. Sandman.

(Mr. Keegan called the roll)

AYES: Deighan, Thatcher, Hunt, Horuvitz, Roth, Farley, Woolfenden, Novins, Evers

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Goldberg, Orkin, Lance, Schreiber, Ozzard, Maraziti, Kimmelman, Dumont, Cawley

MR. ALITO: 10 yes, 21 no.

MR. KEEGAN: Total 21 nays, 10 yeas.

(Correct vote: 9 yeas, 22 nays.)

MR. KEEGAN: Proposal No. 25 by Mr. Sandman.

AYES: Lance, Thatcher, Hunt, Ozzard, Farley, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin, Horuvitz, Schreiber, Roth, Maraziti, Kimmelman, Dumont, Woolfenden

MR. ALITO: 8 yes, 23 no.

MR. KEEGAN: All right. No. 26 by Mr. Rittenhouse.
Any questions? (Silence) No. We'll call the vote.
(Mr. Keegan called the roll)

AYES: Cotton

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger,
Inglima, Lockard, Lupton, Glauberman, Hollander,
Roach, Shaffer, Deighan, Goldberg, Orkin, Lance,
Thatcher, Hunt, Horuvitz, Schreiber, Roth,
Ozzard, Maraziti, Kimmelman, Farley, Dumont,
Woolfenden, Novins, Evers, Cawley

MR. ALITO: Yes, 1; No, 30.

MR. KEEGAN: Yes, 1; nay, 30.

Proposal No. 27 by Mr. Evanko.

Are there any affirmative votes on Proposal No. 27?

(Silence)

There being no affirmative votes, the Chair will
cast a single ballot - 31 nays.

No. 28.

MR. ROACH: Mr. Chairman?

MR. KEEGAN: Yes. A question on Proposal No. 28.

MR. ROACH: No, it's a statement that I want to
make.

Since we introduced this proposal, such gentlemen
as Mr. Cawley, Mr. Orkin, Mr. Glauberman did the proposal
the honor of very careful reading and have come up with
some very constructive suggestions. I took those sug-
gestions and tried to resolve them in the form of a
series of amendments. I am very sorry not to be able to
introduce these amendments at this time but I think I

should announce that there are such amendments.

MR. KEEGAN: The record will indicate that Proposal No. 28 has amendments which Mr. Roach is reserving the right, I guess - Is that right, Mr. Roach?

MR. ROACH: I should hope so but I am not sure I am going to be given that right.

MR. HORUVITZ: I move that special dispensation be given.

MR. MARAZITI: I second the motion.

MR. KEEGAN: The record would indicate that at the end of the roll call on Proposal No. 28 that Mr. Roach be given an opportunity to present the amendments to Proposal No. 28.

MR. ROACH: After we are finished?

MR. KEEGAN: After we have finished with the roll. Now, on the proposal as it is not amended, Proposal No. 28.

(Mr. Keegan called the roll)

AYES: Lockard, Hollander, Roach, Shaffer, Orkin, Thatcher, Horuvitz, Schreiber, Roth, Cawley

NAYS: Keegan, Jacobson, Reilly, Metzger, Inglima, Lupton, Cotton, Deighan, Goldberg, Lance, Hunt, Ozzard, Maraziti, Farley, Dumont, Woolfenden, Novins, Evers

MR. KEEGAN: The Chair would note that there are 3 pass votes, 1 absent.

MR. ALITO: Yes, 10; no, 18.

MR. KEEGAN: No. 29 Proposal, principal sponsor, Mr. Curry.

MR. LANCE: Is there anybody in the room who has

gotten an opinion from the Attorney General on this?

(Silence)

MR. KEEGAN: I'll put it this way, are there any affirmative votes for Proposal No. 29?

(Silence)

There being no show of affirmative votes, the Chair will entertain a motion.

MR. DUMONT: So move.

DELEGATE: Second.

MR. KEEGAN: The Chair on your instruction casts 31 votes in the negative.

No. 30 by Mr. Bozarth. Any discussion? Any questions?

DELEGATE: Any affirmative votes?

MR. KEEGAN: Are there any affirmative votes on Proposal No. 30?

(Silence)

DELEGATE: So move.

DELEGATE: Seconded.

MR. KEEGAN: On the motion moved and seconded, the Chair casts 31 negative votes.

No. 31 by Mr. Ozzard.

DELEGATE: Not here. That went to Structures.

MR. OZZARD: That's a cowardly thing to do, put it in the Structure Committee. (Laughter)

MR. KEEGAN: No. 32.

(Mr. Keegan called the roll)

AYES: Lance, Thatcher, Hunt, Horuvitz, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglema, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin Woolfenden

MR. ALITO: 14 yes, 17 no.

MR. KEEGAN: Total yeas, 14; nays, 17

Proposal No. 33. The principal sponsor is Mr. Jones.

(Mr. Keegan called the roll)

AYES: Inglema, Cotton, Shaffer, Woodcock, Ozzard, Maraziti, Dumont (Proxy vote for Mr. Woodcock)

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Lockard, Lupton, Glauberman, Hollander, Roach, Deighan, Goldberg, Orkin, Lance, Thatcher, Hunt, Horuvitz, Schreiber, Roth, Kimmelman, Farley, Novins, Evers, Cawley

MR. ALITO: 7 yes; 24 noes.

MR. KEEGAN: Proposal No. 34, principal sponsor

Mr. Bailey. Any comments or questions? (Silence)

(Mr. Keegan called the roll)

AYES: Lance, Thatcher, Hunt, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglema, Lockard, Lupton, Glauberman, Cotton, Hollander, Shaffer, Deighan, Goldberg, Orkin, Horuvitz

MR. ALITO: 15 yea, 15 no.

MR. KEEGAN: 1 abstention, 1 absent, 15 yes,
15 nays.

(Correct vote: 14 yes, 16 no.)

MR. KEEGAN: No. 35, Mr. Cawley, principal sponsor.

MR. DUFF: May I ask a question on that? Mr. Cawley,
as I understand, this is for a constitutional convention

that will prevent any members of the Legislature from attending such convention?

MR. CAWLEY: No. They cannot be delegates.

This is to put in the Constitution the express provision so that either the Governor, the Legislators or the people, by referendum, can call a particular constitutional convention rather than go to the Supreme Court to do it.

MR. OZZARD: But Legislators can't go as delegates?

MR. CAWLEY: No, they cannot be delegates.

MR. OZZARD: You've got a hell of a chance with this one. (Laughter)

MR. KEEGAN: Well, is there any sentiment for this proposal? (Laughter)

MR. CAWLEY: See if there is any against.

(Mr. Keegan called the roll)

AYES: Duff, Inglima, Hollander, Shaffer, Thatcher, Horuvitz, Schreiber, Roth, Cawley

NAYS: Keegan, Jacobson, Reilly, Metzger, Lockard, Lupton, Glauberman, Cotton, Deighan, Goldberg, Orkin, Lance, Hunt, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers

ABSTENTION: 1 (Mr. Roach stated that he was abstaining because of questions as to whether this is within the scope of the Convention.)

MR. ALITO: 9 yes, 21 no.

MR. KEEGAN: 9 yeas, 21 nays.

No. 36. Mr. Sarcone, principal sponsor.

Any questions?

(Mr. Keegan called the roll)

AYES: Lance, Thatcher, Hunt, Horuvitz, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin

PASS: 1

MR. KEEGAN: What is the vote?

MR. ALITO: 14 yes, 16 no, 1 pass.

MR. KEEGAN: No. 37. Any questions?

(Silence)

(Mr. Keegan called the roll)

AYES: Lance, Thatcher, Hunt, Horuvitz, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin

PASS: Woolfenden.

MR. KEEGAN: The Chair notes there is 1 abstention and 1 pass.

MR. ALITO: 14 yes, 16 no, 1 abstention.

MR. KEEGAN: No. 38.

MR. JACOBSON: May I ask a question?

MR. KEEGAN: On 38?

MR. JACOBSON: Yes, on 38. The next to the last sentence - at large and in single-member districts and counties of 3 or more members - is there any specific formula as to what county or --

MR. KEEGAN: Mr. Alito is busy looking at the record. May we have the question again, Joel, please?

MR. JACOBSON: I wondered what is the breakdown on members elected at large and members elected from

single-member districts?

MR. ALITO: In counties electing 1 or 2 senators, all the senators shall be elected at large. In counties electing 3 senators, one shall be elected at large. In counties electing 4, 5 or 6 senators, 2 shall be elected at large. In counties electing 7, 8 or 9 senators, 3 shall be elected at large.

MR. JACOBSON: I get it.

MR. KEEGAN: No. 38 proposal. If there are no further questions? (Silence)

(Mr. Keegan called the roll)

AYES: Inglima, Lockard, Hollander, Roach, Shaffer, Orkin, Schreiber, Maraziti, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Lupton, Glauberman, Cotton, Deighan, Goldberg, Lance, Thatcher, Hunt, Horuvitz, Roth, Ozzard, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers.

MR. ALITO: 9 yes, 22 no.

MR. KEEGAN: 9 yes, 22 no.

No. 39. Any questions? Principal sponsor, Mr. Bailey.

(Mr. Keegan called the roll)

AYES: Lance, Thatcher, Horuvitz, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin, Hunt

PASS: Mr. Woolfenden.

MR. KEEGAN: The Chair notes 1 absentee, 1 pass.

MR. ALITO: 14 yes, 16 no, 1 abstention.

(Correct vote: 13 yes, 17 no, 1 abstention)

MR. KEEGAN: No. 40. Any questions on No. 40?

MR. SCHREIBER: That's part of No. 5 which was rejected by everyone.

MR. KEEGAN: For the record, may we have a motion from the Committee?

MR. DUMONT: I move that you cast a unanimous vote on Proposal No. 40.

DELEGATE: Second.

MR. KEEGAN: It's moved and seconded that the Chair cast a unanimous vote in the negative on Proposal No. 40.

All those in favor of the motion?

(Chorus of "ayes.")

The "ayes" have it.

All right, the Chair will cast a unanimous negative vote on No. 40.

On Proposal 41 by Mr. Bartoletta.

(Mr. Keegan called the roll)

AYES: Thatcher, Horuvitz, Schreiber, Roth, Kimmelman, Farley, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin, Lance, Hunt, Ozzard, Maraziti, Dumont, Woolfenden, Novins, Evers

MR. ALITO: Yes, 7; no, 24

MR. LOCKARD: Mr. Chairman, on Proposal No. 42, if it should happen that anybody is still awake by the time we come around to further discussion on that, we do have some clarifying corrections and amendments that we would like to discuss.

MR. KEEGAN: The Chair would note that the record will show that Professor Lockard has put us on notice that there will be a discussion on No. 42 following this vote - this vote meaning the vote on all proposals.

AYES: Inglima, Lockard, Hollander, Roach, Shaffer, Orkin, Horuvitz, Schreiber, Ozzard, Maraziti, Woolfenden, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Lupton, Cotton, Deighan, Goldberg, Lance, Thatcher, Hunt, Roth, Kimmelman, Farley, Dumont, Novins, Evers

PASS: Metzger, Glauberman

MR. ALITO: Yes, 12; No, 17; 2 abstentions.

MR. KEEGAN: No. 43, proposer Mrs. Jamison.

Any discussion or any questions? (Silence)

(Mr. Keegan called the roll)

AYES: Lance, Horuvitz, Schreiber, Ozzard, Maraziti, Kimmelman, Dumont, Woolfenden, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin, Thatcher, Hunt, Roth, Farley

MR. ALITO: 11, yes; 20, no.

MR. KEEGAN: No. 44 by Mr. Cawley. Any questions?

(Silence)

(Mr. Keegan called the roll)

AYES: Horuvitz, Farley, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lupton, Glauberman, Cotton, Hollander, Shaffer, Deighan, Goldberg, Orkin, Lance, Thatcher, Hunt, Schreiber, Roth, Ozzard, Kimmelman, Dumont, Woolfenden, Novins, Evers

PASS: Lockard, Roach, Maraziti

MR. KEEGAN: The Chair notes that there are
3 passes and 1 absent.

MR. ALITO: Yes, 3; no, 25.

MR. KEEGAN: No. 45. Are there any negative
votes? (Laughter)

(Mr. Keegan called the roll)

AYES: Keegan, Duff, Reilly, Metzger, Inglima,
Lockard, Lupton, Glauberman, Cotton, Hollander,
Roach, Shaffer, Deighan, Goldberg, Orkin

NAYS: Lance, Thatcher, Hunt, Horuvitz,
Schreiber, Roth, Ozzard, Maraziti, Kimmelman,
Farley, Dumont, Woolfenden, Novins, Evers, Cawley

MR. ALITO: 15 yes, 15 noes.

MR. KEEGAN: Two absentees, Jacobson and Woodcock.
Fifteen to fifteen, right?

MR. ALITO: Right.

MR. KEEGAN: No. 46, gentlemen. The principal
sponsor is Mr. Goldberg.

(Mr. Keegan called the roll)

AYES: Jacobson, Reilly, Inglima, Cotton, Hollander,
Shaffer, Deighan, Goldberg

NAYS: Keegan, Duff, Metzger, Lockard, Lupton,
Glauberman, Roach, Orkin, Lance, Thatcher, Hunt,
Horuvitz, Schreiber, Roth, Ozzard, Maraziti,
Kimmelman, Farley, Dumont, Woolfenden, Novins,
Evers, Cawley

MR. ALITO: 8, yes; 23, no.

MR. KEEGAN: 8, yes; 23 no; on 46.

No. 47 by Mr. Evanko. Any comments?

MR. OZZARD: This is proportional representation.
Is anybody in favor of it?

MR. KEEGAN: Are there any affirmative votes on Proposal No. 47?

DELEGATE: I move the Chair cast the vote.

MR. KEEGAN: There is a motion that the Chair cast one ballot, unanimous, 31 negative, on 47.

No. 48, sponsor, Mr. Glauberman. Any questions?

MR. COTTON: Question. Mr. Glauberman, how many single-member districts does it create or what is the proportion in the Assembly?

MR. GLAUBERMAN: About one-third.

MR. COTTON: One-third single-member or one-third at-large?

MR. GLAUBERMAN: One-third at-large.

MR. KEEGAN: The response to the question was that there would be about one-third of the districts at large.

Any further questions?

MR. ROACH: I can give a more precise answer to that. It would be 46 at-large and 65 single-member.

MR. HUNT: Two year terms in the Senate.

MR. HORUVITZ: Does that include floterial districts?

MR. HUNT: Yes, it depends on the janitorial service, sir. (Laughter)

MR. KEEGAN: There was a question directed to Mr. Glauberman on the length of the term. The term for senatorial would be 2 year terms. Any further questions?

(Mr. Keegan called the roll)

AYES: Inglima, Lockard, Glauberman, Hollander, Roach, Shaffer

NAYS: Keegan, Jacobson, Reilly, Metzger, Lupton,
Cotton, Deighan, Goldberg, Lance, Thatcher,
Hunt, Horuvitz, Schreiber, Ozzard, Maraziti,
Kimmelman, Farley, Dumont, Woolfenden, Novins,
Evers, Cawley

PASS: Duff, Orkin, Roth

MR. KEEGAN: The Chair notes that there are 3
abstentions, 1 absentee.

MR. ALITO: Yes, 6; no, 22; 3 abstentions,
1 absentee.

MR. KEEGAN: Number 49. Any discussion or questions, gentlemen? The principal sponsor is Mr. Scholz.

(Mr. Keegan calls the roll):

AYES: Thatcher, Hunt, Horuvitz, Roth, Ozzard, Kimmelman, Farley, Woolfenden, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin, Lance, Maraziti, Dumont

PASS: Schreiber

ABSENT: Woodcock

MR. ALITO: How did Mr. Roth vote?

MR. KEEGAN: Mr. Roth voted in the affirmative. The chair notes one absentee, Mr. Woodcock; one pass, Mr. Schreiber.

MR. ALITO: 11 yeas, 19 nays, 1 abstention.

MR. KEEGAN: Proposal Number 50, principal sponsor, Mr. Scholz. Any question? Any comment?

(Mr. Keegan calls the roll):

AYES: Lance, Thatcher, Hunt, Horuvitz, Roth, Ozzard, Kimmelman, Farley, Woolfenden, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin, Maraziti, Dumont

PASS: Schreiber

ABSENT: Woodcock

The Chair notes one absentee, Woodcock; one abstention. Mr. Schreiber.

MR. ALITO: *13 yeas, 17 nays, 1 abstention, one absent.

MR. KEEGAN: Proposal Number 51, sponsor Mr. Skevin.

Any questions? Any comment? It has been suggested that I ask: Are there any affirmative votes for Proposal Number 51? We will

go through the roll then.

MR. DUFF: Districts in one House and at-large in the other, isn't it?

MR. LANCE: It cuts across county lines.

MR. KEEGAN: Well, to simplify it, we will take a vote.

MR. OZZARD: That's a misstatement by Mr. Duff. It's not districts; it's at large in both.

MR. DUMONT: It says here, elected at large.

MR. DUFF: There is some districting in the Assembly. They run at large in the district.

MR. DUMONT: Four at large in 15 districts.

MR. DUFF: There is districting to some extent in the Assembly.

MR. OZZARD: It's like that shotgun bill; it doesn't do what it is supposed to do.

(Mr. Keegan calls the roll):

AYE: Duff.

NAYS: Keegan, Jacobson, Reilly, Metzger, Ingle, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin, Lance, Thatcher, Hunt, Horovitz, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers, Cawley

ABSENT: Woodcock.

MR. ALITO: I have one in the affirmative, 30 in the negative.

MR. OZZARD: Well, what do you know, 30 no and Mr. Duff.

MR. KEEGAN: Number 52. Question on 52.

MR. JACOBSON: Is the description in the digest accurate?

MR. KEEGAN: Sam, there is an apparent discrepancy or a seeming one in the digest as we have from the proposal itself.

Would you clear it up before we call the roll on 52? This is Mr. Maraziti's proposal. Joe, would you take a look at the wording of the digest?

MR. GOLDBERG: Are these at large?

MR. MARAZITI: This is Plan No. 12 in Sam Alito's book at large.

MR. GOLDBERG: O.K.

MR. KEEGAN: Any further questions?

MR. MARAZITI: This is subject to amendment which I am proposing after we conclude.

MR. KEEGAN: I'll put it this way, Joe - you're still alive.

YEAS: Keegan, Jacobson, Duff, Reilly, Metzger, Inghima, Lockard, Lupton, Hollander, Roach, Deighan, Goldberg, Orkin, Dumont

NAYS: Cotton, Shaffer, Lance, Thatcher, Hunt, Horuvitz, Roth, Ozzard, Kimmelman, Farley, Woolfenden, Novins, Evers, Cawley

PASS: Glauberman, Schreiber, Maraziti

[Mr. Maraziti abstained subject to amendment.]

ABSENT: Woodcock

MR. ALITO: 14 yeas, 14 nays, 3 abstentions, 1 absent.

MR. KEEGAN: Wait a minute. I don't have the sheet right on that. I have a mistake. On the vote, the Chair notes Woodcock absent, Schreiber abstains, Glauberman abstains. Was there another?

MR. MARAZITI: Yes.

MR. KEEGAN: I put him in as yes.

MR. HORUVITZ: Mr. Chairman.

MR. KEEGAN: Yes, Judge.

MR. HORUVITZ: Mr. Chairman, I have a committee proposal, pursuant to Rule 67 of the official rules. The Republican members of the 32-member Reapportionment Committee have separate proposals to be included in a single resolution. Of the five proposals, three were passed on favorably at the meeting of May 19, 1966, in New Brunswick and I will relate the vote as to each and the serial number of each proposal as shown on the mimeographed sheets, of which all members have a copy. Of the remaining two proposals, one simply involves the number of senators in a bicameral house, which can be decided at a later date. The other embraces a matter which may provoke some discussion. So only one proposal can be characterized as being in the category of a controversial nature. The following resolution is proposed:

Proposal Number 1 of the Resolution: An Assembly in a bicameral house large enough to constitutionally guarantee each county one member. This was Proposal Number 12 at the meeting in New Brunswick on May 19th where the vote was 20 yes and no, 7. This proposal was voted on this evening as Number 7, 26 yes, 5 in the negative.

Proposal Number 2: Districting for 1967 election and until the 1970 census to be done by this Convention. This was Proposal Number 13 at the meeting in New Brunswick on May 19th. The vote was 18 yes and 9 in the negative.

MR. KEEGAN: Judge, could I ask you to backtrack. On the districting, you referred to a previous proposal number .

MR. HORUVITZ: Number 13.

MR. COTTON: Question 13 on the voting last week.

MR. HORUVITZ: We voted on Number 13 last week, whatever you call it. I guess it's Question Number 13.

Proposal Number 3 of the Resolution: Future reapportionment or redistricting to be done by a bi-partisan commission. The vote of this delegation on May 19th on Question Number 14 was 21 yes and 6 in the negative.

These three proposals were all agreed upon at the last meeting.

Proposal Number 4 of the Resolution: A Senate of 16, 28, 30, 32 or 40 members or any other multiple agreeable to the majority of delegates. In other words, you pick your number, anything 40 or less.

Fifth Proposal: A bicameral legislature with single districts in both houses.

I move the resolution, Mr. Chairman.

MR. KIMMELMAN: I second it.

MR. NOVINS: I'd like to rise to second that motion. I think one of the most important features of Mr. Horuvitz's motion is that each of the individual counties will be represented in at least one of the houses and I think it is of utmost importance that each of the smaller counties have an opportunity of having a whole vote in the Legislature and that would be taken care of by the first part of the motion.

I feel that the discussion that was had last Thursday encompasses the various proposals that have been made by Judge Horuvitz and I think that we determined three of them. The fourth, the number of senators, certainly can be arrived at by the people in this Convention, the delegates to this body.

The only controversial one, as we have indicated, as the Judge has indicated, is the single districting, and I second the motion.

MR. COTTON: Question on the motion.

MR. KEEGAN: Gentlemen, so that we know what we are discussing, and, Judge, if you'd go over this with me.

MR. HORUVITZ: Yes.

MR. KEEGAN: I made these notes here. It is a five-part resolution - bicameral - the Assembly, one member in each county.

MR. HORUVITZ: That's right.

MR. KEEGAN: The second part was with respect to the districting, the 1960--1970 figures to be used by the Convention.

MR. HORUVITZ: That's right.

MR. KEEGAN: Number 3 point. Future reapportionment to be done by a bi-partisan commission.

MR. HORUVITZ: That is future reapportionment and re-districting. I followed the language of Question 13 we decided on last week.

MR. KEEGAN: Just so we know what we are discussing here - future reapportionment and redistricting to be done by a bi-partisan commission.

MR. HORUVITZ: That's right.

MR. KEEGAN: Number 4. The senate would be composed of 40 or less. Right?

MR. HORUVITZ: Yes.

MR. KEEGAN: Number 5 was that the proposal would be bicameral, single districts in both houses. Right, sir?

MR. HORUVITZ: Right, Mr. Chairman.

MR. KEEGAN: All right, gentlemen, we know what we are discussing. There is a question on the motion. It has been moved and seconded for the record by Mr. Novins.

MR. COTTON: On the part of it that referred to the districting that was to be done now and the districting in the future, does that include both the grouping of counties as well as drawing the lines if there are subdistricts?

MR. KEEGAN: The question would have to be directed to Judge Horuvitz.

MR. HORUVITZ: The answer must necessarily be in the affirmative.

MR. COTTON: Not necessarily.

MR. JACOBSON: Mr. Chairman, on the question of procedure, I suggest that we vote for each of these five individually.

MR. ROACH: That is not the proposal.

MR. SCHREIBER: We have already done that.

MR. JACOBSON: I wasn't here last week. I didn't have a chance to vote.

MR. COTTON: It was, could you support; it wasn't, will you support.

MR. HORUVITZ: That's agreeable. We have already voted, but if you want to vote again --

MR. KEEGAN: So that we know, there is a question before the house. Mr. Goldberg.

MR. GOLDBERG: Mr. Chairman, we voted fifty some proposals this evening, every one of which has been before this Committee in writing for an extensive period of time, every one of which has been reviewed by the Committee members at some

length before they made any decision. While I can appreciate the fact that in the eyes of the sponsor this proposal has some familiarity to the members of this Committee, it hasn't been reduced to writing; it contains elements which I think are worthy of further consideration. We are going to have a later Committee meeting this week and I would move that this motion lie over until the next Committee meeting.

MR. HORUVITZ: May I answer that, Mr. Chairman?

MR. KEEGAN: Yes. Judge, there will be discussion on his motion.

MR. HORUVITZ: I would like to discuss it and say that according to the rules we have to come up with a proposition or a proposal by next Thursday. Now there is nothing strange or deceptive about these propositions. They are all in writing, Mr. Goldberg, except Proposal Number 4, which is not complex, and Proposal Number 5, which is very plain. Those three matters are Inquiries 12, 13 and 14 and everybody knows about them.

MR. GOLDBERG: All I would say, Mr. Chairman, is that I think the subject matter of this motion is entirely too important to be treated in a manner such as has been posed here. I think the members of the Committee are entitled to have this thing reduced to writing as has every other proposition before us this evening. There will be sufficient time for the Committee to consider this.

MR. NOVINS: When?

MR. GOLDBERG: Well, I presume the Committee will meet on Thursday.

MR. NOVINS: We have to hand it in on Thursday.

MR. KEEGAN: Please discuss your remarks through the Chair.

MR. NOVINS: Mr. Chairman, may I answer Mr. Goldberg?

MR. KEEGAN: Certainly.

MR. NOVINS: Each one of those proposals - Mr. Goldberg, you asked the question - each one of those proposals is contained in one way or another in the 52 that we went over. So each one has had an opportunity of being studied. And I think that we are honor bound to make some sort of a determination now so that it can be ready and presented on Thursday. If we are to meet on Thursday morning for further discussion, the likelihood of us finishing and getting it on the floor on that day is very unlikely. I, therefore, urge us to debate, deliberate and discuss this matter at this time.

MR. FARLEY: I would like to be heard a minute if I may.

MR. KEEGAN: One at a time, gentlemen. Mr. Farley.

MR. FARLEY: I'd like to say this: We are here tonight and we have come here purposely to try to reach some definite, concrete crystallization, and resolve a proposal, probably one or two or three. We are here tonight on our side to stay here until we come to that point. Now I am not trying to be difficult. I am not trying to be sardonic or sarcastic, but, Mr. Goldberg, we are here tonight for that purpose. And the longer you delay this, I can tell you very, very, very strongly, it is going to be a very complex and rather difficult situation. Now we are meeting Wednesday. This must be resolved within the limitation given by the delegation and by the rules and by

the legislation as to time. So we on our side are here to resolve something if we stay until two or three or four o'clock in the morning. We want to do it tonight, not tomorrow, not the next day. So let's get to something concrete, whether it be one, two, three or four programs. But we are ready.

MR. HORUVITZ: Mr. Chairman, may I ask: Was Mr. Goldberg's motion seconded?

MR. KEEGAN: As I understood, Mr. Goldberg's motion was seconded.

There was a motion on the floor by Judge Horuvitz, seconded by Mr. Novins that this five-point proposal be discussed.

MR. HORUVITZ: I agreed to it separately.

MR. KEEGAN: As we understood in the discussion, the Judge amended for the discussion, point by point.

MR. NOVINS: I accepted the amendment.

MR. KEEGAN: There was a motion to table it by Mr. Goldberg, seconded by Mr. Cotton. As I understand it, we are discussing the motion to table it.

MR. METZGER: May I suggest, Mr. Chairman, that a motion to table is not debatable.

MR. KEEGAN: It has been called to the Chair's attention that the discussion that we have had has been --

MR. METZGER: -- a little late.

MR. KEEGAN: -- a little late.

Now there was one question asked of the Chair, and I don't know when to propose it any other time but this, and that is: Is it in the thinking of the Committee to meet again before Thursday?

MR. NOVINS: It is impossible.

MR. KEEGAN: This is what I want to know.

MR. NOVINS: It has to be completed tonight.

MR. OZZARD: May I ask a question, Mr. Chairman?

MR. KEEGAN: A question by Mr. Ozzard.

MR. OZZARD: Do I understand from the statement made by Mr. Goldberg when he said that this is an important matter and like all other proposals it should be reduced to writing and the members have an opportunity to separately consider or deliberate that from now on anything that we consider important is going to have to be reduced to writing and held over for some other time when we are now at the most important part of our deliberations and that's to decide what the hell we came here for in the first place?

MR. GOLDBERG: Mr. Chairman, if I may reply to Senator Ozzard, I think that everyone in this Committee, and I am sure that all the Democratic members, are prepared to discuss any aspect of this problem as long as any members of the Committee want to sit here. As I understood the proposition - and maybe I understood it incorrectly - this was a specific Committee proposal that was being advanced for a vote. This was a detailed proposal. It had certain elements in it. It is in my opinion a highly controversial one. I will point out, for instance, that Item 6 which calls for a bicameral legislature with single member districts was unanimously opposed by the Democratic delegation when it was voted on last Thursday. So I don't think this is anything out of the realm of controversy. All I am suggesting is that if you want to advance this for

the purpose of a vote only, that this vote should be held until the Committee next meets so that the membership of the Democratic side has a chance to look it through. If the intention is merely to advance this for purposes of projecting these elements for general discussion, I don't have any objection to that. But I don't understand the motion to be of that variety.

MR. NOVINS: May I say to Mr. Goldberg that on the vote last week taken on Number 5, "Could you support a bicameral legislature with all members of both houses elected from single member districts," the vote was 14 yes, 13 no.

MR. GOLDBERG: Straight party lines.

MR. NOVINS: But it was 14 yes, 13 no, so it is worthy of consideration by this group at this time.

MR. GOLDBERG: I would move my motion to table.

MR. COTTON: Well, on the first question, there is one thing I would like to make clear. Assuming we were to adopt this proposal or part of it, is it the feeling that this Committee will only come out with one proposal? In other words, I will give you specifically what I mean. I personally might be willing to vote for a bicameral legislature with a 112-man Assembly, which is interesting to me. I would prefer a unicameral legislature. The fact that this Committee might by majority endorse either part or all of Judge Horuvitz's resolution - would this then foreclose the Committee from adopting other proposals? I mean, is it the feeling of this Committee that we can only come forth with one Committee proposal?

MR. OZZARD: They don't foreclose me from doing

anything. I don't know about you.

MR. COTTON: I don't want to get nailed in by the rules, Senator, when somebody says that's our proposal and we can't have anything else.

MR. KEEGAN: As I understand it, we have spent two hours here going over 52 plans. On some votes that we took, there are by reservations made in the record to be further discussion on some of those proposals themselves. Some of the sponsors are here on the Committee. I understand that there are proposals to be made to the Committee itself by members of the Committee, taking parts of some plans and making one plan of them. Now as I understand it, we have a motion and the Judge's motion was that these five elements of his plan be discussed and considered and I understand further that the Judge wanted a vote on them.

MR. NOVINS: That's correct.

MR. KEEGAN: That motion was seconded by Mr. Novins. There was then a motion to table, which was seconded, and as I understand the rules of parliamentary procedure, I would have to call a vote on the motion to table. Where is our parliamentarian?

MR. NOVINS: That's correct.

MR. KEEGAN: In order to bring it to a head then -- Do you want to make an observation?

MR. DUFF: I want to make one observation, that I believed the people who had amendments to various plans were going to be allowed to make these amendments now before we got into the concrete proposals. And I think these people

were sort of guaranteed that right to make amendments and changes in the plans and explanations. Now we seem to be skipping by that.

MR. HUNT: Mr. Chairman, in looking at the rules I do not find that you have the right to make amendments at this Committee meeting to any proposal. The rules preclude the making of amendments at this time.

MR. COTTON: The Committee can. They become Committee proposals.

MR. HUNT: If they become proposals and proposals only.

MR. COTTON: Well, I think that is what these other people want to do, is recommend Committee proposals.

MR. FARLEY: We are not trying to foreclose them, no. We are just trying to crystallize this and get ahead. That's all.

MR. KEEGAN: Well, I can point out, gentlemen, by calling for the vote on the motion to table that the Chair is then going to be faced with the proposition that you have a proposal advanced which may have some support. Your tabling of it, if that is the will of the Committee, assuming for the purposes of this discussion on this motion a strictly party-line vote on it, in effect what has happened is that we have closed discussion on that proposal, and I don't feel --

MR. OZZARD: What's this again, Joe?

JUDGE HORUVITZ: Let's have a vote on it.

MR. KEEGAN: All right. We will then have a vote. The roll will be called on the motion to table.

MR. FARLEY: May I make a suggestion. Rather than get

technical, why don't you change it to lay over because you are going to have great controversy involving foreclosing.

MR. KEEGAN: I have no intention of doing that.

MR. FARLEY: I am only suggesting to you that you do not attempt to foreclose Judge Horuvitz. Look, the only purpose, Senator, of being here tonight is to try to crystallize several proposals so we get to the meat of this and do something and accomplish something tonight if possible. Now if you have any idea to try to bargain for future consideration --

MR. GOLDBERG: That was not the intention.

MR. FARLEY: Change it to lay over.

MR. GOLDBERG: That was the way I originally made it.

MR. KEEGAN: The Chair will entertain then a motion - I would assume it would have to be by Mr. Goldberg who proposed it - that the motion then is amended so that the proposal made by Judge Horuvitz is subject then to the motion that it lay over. Is that correct?

MR. FARLEY: That's correct.

MR. KEEGAN: Voting on that then --

MR. NOVINS: Mr. Chairman, can Mr. Goldberg show me any good reason that this resolution composed of five parts, some of which I am sure is acceptable to the Democratic side of the house, should be tabled and not discussed tonight so that we can get somewhere? In the event that there were one or more of these proposals that were acceptable to the Democrats, it would certainly be advantageous for us to know it tonight so that we could discuss it and perhaps reach a conclusion that would be acceptable to all of us.

MR. KEEGAN: If the Chair can answer then, Mr. Novins, I would say this, that the forcing of a vote, if that would be the will of the Committee, on Judge Horuvitz's motion would have that effect. Now I don't think that that is the will of the Democratic side. We do not wish to foreclose or to cut off discussion on Judge Horuvitz's proposal. On the other hand, by voting on it now, we do not wish to foreclose or cut off any discussion on any of these proposals which may come out further from further discussion, which may in fact be proposed by Democratic members of this Committee --

MR. FARLEY: We agree with that.

MR. KEEGAN: --so that there is no intention of foreclosing any discussion on it. I point out though that the Chair has accepted an amendment to Mr. Goldberg's motion that it lay over.

MR. NOVINS: Till we get through discussing the possible amendments that people have in mind tonight?

MR. KEEGAN: Not possible amendments. We understand there are other proposals which are going to be advanced.

MR. NOVINS: We will discuss them all.

MR. KEEGAN: I have reason to believe that.

MR. NOVINS: There is nothing wrong with that.

MR. KEEGAN: So that subject then to the amendment, the motion that you would be voting on now would be that Mr. Goldberg's motion to table be amended to lay over. And if anybody knows what we are voting on, they are better than I am.

MR. DUMONT: Do you have a second on his motion to table?

DELEGATE: Come on.

MR. KEEGAN: The motion to table was seconded by Mr. Cotton.

MR. FARLEY: He accepted the amendment.

MR. KEEGAN: For the record, will Mr. Cotton accept the amendment that "tabled" be amended to "laid over"?

MR. COTTON: Yes.

MR. KEEGAN: We would vote then on the motion, the motion now being to lay over.

(Mr. Keegan calls the roll):

AYES: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lockard, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin.

NAYS: Lance, Thatcher, Hunt, Horuvitz, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers, Cawley

ABSENT: Woodcock

MR. ALITO: 16 yes, 15 no.

MR. OZZARD: No majority.

MR. KIMMELMAN: It was Mr. Goldberg's ruling of last week.

(General Discussion)

MR. KEEGAN: I will remind you gentlemen at this point that I am presiding. The vote is 16 yes, the nays are 15. The motion then to lay over carried.

MR. SCHREIBER: I object to that.

MR. OZZARD: Senator, we agreed last week --

MR. SCHREIBER: We agreed last week 17 to carry anything and that motion failed. You were missing a member last week.

MR. GOLDBERG: Mr. Chairman, if I may suggest, given the enthusiasm for the minority members on this proposition, may I suggest that the proposition be put as a single question and we vote on that question as an entirety.

MR. DUMONT: I thought you wanted to vote in parts.

MR. NOVINS: I think that it was made a motion at somebody's suggestion that it be in parts.

MR. HORUVITZ: And I acceded to that.

MR. KEEGAN: Just to clear up the record, the motion to lay over by the rules of the Committee has failed.

The next order of business, gentlemen, then is the motion which is resolved in five parts by Judge Horuvitz and he points out that three of them are familiar to the members of the Committee. Judge, subject to your correction here, you point out that three of them are familiar to the Committee, the first three, that the fourth part is a Senate of 40 or less, and the fifth part is the bicameral, single-district both houses .--

MR. HORUVITZ: Correct.

MR. KEEGAN: Is there discussion on the motion which is pending? The motion is on the five parts, assuming that we had previous discussion on the first three. Any discussion? As the Judge has laid it out, it is a simple question on Number 4, a Senate of 40 or less, in those multiples. Does everyone understand that?

MR. HORUVITZ: Well, aren't we going to vote on the first proposition first?

MR. KEEGAN: I have no idea.

MR. HORUVITZ: I have an idea. The first proposal is an assembly in a bicameral house large enough to constitutionally guarantee each county one member. Now let's vote on that.

MR. SCHREIBER: We have already voted on that.

MR. HORUVITZ: No. We voted last week that we were interested in the proposition.

MR. KEEGAN: You want to take them one at a time, Judge?

MR. HORUVITZ: Beg your pardon?

MR. KEEGAN: Judge, you are amending then your motion that we vote --

MR. HORUVITZ: No, I am not amending anything. Somebody suggested that we make it in five parts and I acquiesced. Now we vote on five and we vote individually on the five parts.

MR. GOLDBERG: This is one proposition though? It is not a severable proposition.

MR. HORUVITZ: It is. There are five different proposals in one resolution.

MR. KEEGAN: If I understand, Judge, what you would be doing - if I am wrong, correct me -- What the Chair would call first is the first part of the five-part proposal.

MR. HORUVITZ: That's right.

MR. NOVINS: May I explain something in regard to this first part. That is, that on a 20 per cent deviation, the Assembly would then be composed of 100 people instead of what we have normally taken as 112. It would be 100 Assemblymen. With a 25 per cent deviation, it would be as low as 94.

MR. KEEGAN: We will take it on your wording of the proposal, Judge, that the salient point of it is that in the

Assembly in this bicameral house, there would be one member in each county.

MR. HORUVITZ: That's right.

MR. KEEGAN: That is the salient part. The size and so forth to be determined.

MR. HORUVITZ: Mr. Chairman, I just would like to call to your attention that in all the votes we took tonight on 52 proposals only one proposal garnered more than a majority and that was Proposal Number 7, which had a 26 to 5 vote. I think we have already voted on the first part of this motion.

MR. GOLDBERG: Mr. Chairman, although the maker of this motion indicates that he is willing to have each of these separate parts voted on, I have difficulty seeing how you can separate out a proposal. As far as I can see, this is a package proposal and my votes, I want it understood, are in accordance with that notion. This is all a part of one single proposal even if it has five elements.

MR. HORUVITZ: No. Any part can be accepted; any part can be rejected. At least we will have a basis of knowing where we are going - separate parts of a proposal. I move the first.

MR. KEEGAN: Let's get the question. This is the first part of one proposal, the first part of the first proposal, correct?

MR. HORUVITZ: Right. (General discussion, inaudible.)

MR. HUNT: May we have a little order in this Committee so we can hear what you are talking about? There are about six people trying to talk at one time. Let's have some order

for a change.

MR. KEEGAN: There is silence now. On the first proposal as given, we will call the roll.

MR. HORUVITZ: Do we understand what it is? It is an Assembly in a bicameral house large enough to constitutionally guarantee each county one member.

MR. KEEGAN: We will call the roll on the first proposal as given.

(Mr. Keegan calls the roll):

KEEGAN: Nay.

LANCE: Yes.

JACOBSON: Nay.

WOODCOCK: [Absent]

DUFF: Yea.

THATCHER: Yes.

REILLY: Yes.

HUNT: Yes.

METZGER: No.

HORUVITZ: Yes.

INGLIMA: No.

SCHREIBER: Pass.

LOCKARD: On the understanding that this is part of the package and other parts I will object to, pass.

ROTH: Yes.

LUPTON: Yes.

OZZARD: Yes.

GLAUBERMAN: Pass.

MARAZITI: Yes.

COTTON: No.

KIMMELMAN: Yes.

HOLLANDER: I abstain.

FARLEY: Yes.

ROACH: As part of the package, no.

DUMONT: Yes.

SHAFFER: No.

WOOLFENDEN: Yes.

DEIGHAN: Yes.

NOVINS: Yes.

GOLDBERG: No.

EVERS: Yes.

ORKIN: No.

CAWLEY: Yes.

MR. KEEGAN: May we have the tally.

MR. SCHREIBER: Mr. Chairman, would you change my
vote to yes.

MR. KEEGAN: May we have your name for the record?

MR. SCHREIBER: Schreiber.

MR. KEEGAN: On the first call Mr. Schreiber passed.
His vote will be recorded in the negative.

MR. SCHREIBER: In the affirmative.

MR. KEEGAN: In the affirmative.

MR. DUFF: Mr. Chairman, on the understanding now that
it seems to have developed that this is part of a package.--

MR. NOVINS: No, it isn't.

MR. DUFF: It seems to have developed along these
lines.

MR. HUNT: Mr. Chairman, will you kindly record the vote. The discussion is over on the question.

MR. KEEGAN: May I point out that there is a discussion on the vote. The Chair is calling out: Woodcock, absent; Schreiber's pass is changed to an affirmative; Lackard passed; Glauberman passed; Hollander abstained.

MR. DUFF: Duff is changing from yes to pass.

MR. REILLY: Mr. Chairman, on the vote, this is a principle, as I see it, and I vote for it as a principle, period, and it is no more than a principle.

MR. ROACH: As a principle, we voted on it twice already.

MR. REILLY: My vote as a principle was yes.

MR. COTTON: It is now being voted upon as part of a Committee proposal.

MR. REILLY: Not in my opinion. It is just a principle.

MR. KEEGAN: All right. With those notations, what is our vote, Sam? One absentee. Four abstentions.

MR. ALITO: 18 yes, 9 no, 4 abstentions, 1 absent.

MR. KEEGAN: Now as I got it, total yeas 18, total nays 9, 4 abstentions, 1 absentee.

Now I have noted this as First Proposal of - Will we call it Judge Horuvitz's proposal for the purpose of the record?

MR. HORUVITZ: It's agreeable to me.

MR. FARLEY: It's no package.

MR. HORUVITZ: The next part, the next separate proposal --

MR. DUFF: Now as long as this is no compact proposal

and it is all separate, then I would like to move on at this point to an explanation of Professor Lockard's plan that he had before that I was interested in.

MR. KIMMELMAN: We are in the midst of a motion.

MR. DUFF: It's not supposed to be a motion; it is only one idea he said.

MR. HORUVITZ: It has five separate parts.

MR. DUFF: Then it is an omnibus bill.

MR. KEEGAN: Judge, the second part of your proposal was --

MR. HORUVITZ: This follows Question 13 on the mimeographed sheets. All refer to your form sheets.

MR. KEEGAN: Number 2 part, Judge, was that the 1960-1970 figures be used by the Convention. Is that right, sir?

MR. HORUVITZ: No. The districting for the 1967 election until the 1970 census is to be done by this Convention - the districting is to be done by this Convention until 1970.

MR. LOCKARD: You are not proposing to use the 1960 census as a basis?

MR. HORUVITZ: This doesn't relate to that.

MR. HUNT: That is different, Mr. Lockard.

MR. HORUVITZ: That's what the Chairman said.

I didn't say that. This simply says, Professor, the districting until the 1970 census is to be done by this Convention. That passed the last time 18 in the affirmative. It's number 13 on Jack's Green Sheet.

MR. KEEGAN: Is there any discussion on the second part of the proposal? Is there any discussion on it? What you

are voting on is the 1967 reapportionment will be done by the Convention -- districting.

MR. HORUVITZ: Until 1970.

MR. KEEGAN: So we understand, that is the second proposal. Is there any discussion?

(Mr. Keegan calls the roll):

AYES: Lance, Thatcher, Hunt, Horuvitz, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin

PASS: Lockard. (Mr. Lockard abstained on the same grounds as he did in the last vote.)

ABSENT: Woodcock.

MR. KEEGAN: The Chair notes an absentee, Woodcock; an abstention, Lockard. The total vote, Mr. Alito?

MR. ALITO: Yes 15, no 15, one abstention, one absent.

MR. KEEGAN: One abstention, one absentee. The total vote on that is yes 15, no 15, one abstention, one absentee.

The third part of your proposal, Judge.

MR. HORUVITZ: The third part of the proposal was Question 14 on the mimeographed sheets that future reapportionment or redistricting be done by a bi-partisan commission.

MR. KEEGAN: Can we have attention, gentlemen, for the stating of the question.

MR. HORUVITZ: Did you all hear it?

MR. KEEGAN: It was a little garbled down here.

MR. HORUVITZ: The third proposal is that future reapportionment or redistricting be done by a bi-partisan commission. That was Question No. 14 (b) last week and the vote was 21 yes and 6 no.

MR. KEEGAN: The question is stated. Any discussion?
(Silence)

(Mr. Keegan calls the roll):

AYES: Lance, Thatcher, Hunt, Horuvitz, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin

PASS: Lockard

ABSENT: Woodcock

MR. KEEGAN: The Chair notes one absentee, Mr. Woodcock; one abstention, Mr. Lockard. Total vote, please?

MR. ALITO: Yes 15, no 15, one abstention, one absent.

MR. FARLEY: Mr. Chairman, may I say something?

MR. KEEGAN: If we may, just a second while I write this down, Senator. The total yeas are 15, the total nays are 15. There is one abstention, one absentee. Senator Farley.

MR. FARLEY: We approach this as a bi-partisan matter. These last two votes are certainly indicative that we are reaching party lines. We will be from now to Doom's Day until this is intelligently resolved. I appreciate your problem. I appreciate you want to sustain your point. But we are not interested in points; we are interested in results. Now to me it doesn't make sense that a week ago you voted 21 to some

odd in favor of both of these respective motions and suddenly because of partisan politics - and I am sorry to say it - you take the opposite viewpoint. If this is going to continue, there is no sense of us meeting any further. It doesn't make sense, Joe. I say to you, regardless of politics, we are here to do a job. We are here to resolve a very serious problem, a mandate of the Legislature, a mandate of the court. Those last two votes certainly are not indicative of any sense of cooperation. I think it is beyond politics. I think we ought to cut it out and do something sensible. He is trying to crystallize the very principles, the guidelines. You voted on it. Today you get to party lines. If you are going to reach that point-- as I told you heretofore, we are here to stay as long as you want. But let's forget party politics and do something realistic.

MR. KEEGAN: I would like to point out, if I may, and this will be the end of comment by the Chair, it was pointed out, I think, there were some of us who were not ready without further discussion to vote on these. Nevertheless, we are having a vote on them. Certainly everybody knows what they are. They have been succinctly stated by the Judge. Any prior votes, as I understood it, were in answer to - Could you support this? - Could you support that? Be that as it may, the votes are being called. I would assume that everyone is voting on the proposals as they come. All I can do, Senator - and what the Chair will do will be to recognize that this is a motion before the floor which has called for a five-part vote and we would call the votes as we get them.

MR. FARLEY: Very well said, Senator, and I appreciate and respect it. But nobody is kidding anyone. If you vote no, they vote no. If Wes Lance votes yes, they vote yes. Now if this is going to be the pattern of every vote hereafter, it doesn't make sense.

Now you have various suggestions and you have some very substantial votes on these things. You have amendments to listen to. If you vote no, they vote no. If he votes yes, we'll vote yes. It doesn't make sense.

MR. KEEGAN: Now may I point this out just this way, that the proposal is made. There has been no prior discussion as far as any of the Democratic members of this Committee are concerned. If you want to vote, we will vote. Now until we have an opportunity to discuss it - no one is kidding anyone - no one makes any attempt to kid anyone - you have a clear-cut choice. If you want your vote tonight, we will give it a vote tonight because that is called for and this is what has to take place. There has been absolutely no discussion, no prior discussion on this proposal. It was ably pointed out by the proponent of the motion that three of these things have been discussed at great length and as a matter of fact have been the subject of votes before. However, I point out now that the votes are part of a distinct proposal. They are not separate and distinct principles. They are all part of the same proposal.

MR. NOVINS: Mr. Chairman, that is not so and I object to the Chair's so stating. A motion was made. An amendment was made making these five distinct, individual

proposals. Now you can't say they are a package. We are voting on them individually and they stand and fall individually and the Chair cannot rule otherwise.

MR. KEEGAN: Well, I am ruling that we have had three votes on three proposals. Everyone is entitled to their opinion as to what it is. The Chair was out of order by expressing an opinion, which the Chair feels is probably echoed here in the Committee.

MR. COTTON: Mr. Keegan.

MR. KEEGAN: Mr. Cotton.

MR. COTTON: I can't attribute what motives Senator Farley might have in voting for individual proposals or how he may vote nor would I try. I feel that it is improper of him to attribute, at least to me, because I don't know about the other members of my Committee or why they are voting this way -- but I would like to tell, Senator Farley and any other members of the Committee, although there are many things here that in certain context I approve of, I find it very difficult, if not impossible, to vote for what will ultimately be a total Committee proposal in parts and pieces because what I may be for in one context, I would not be for in another and that I had anticipated or envisioned, not having this experience before, that a proposal or two or three proposals would ultimately come out of this Committee by interchange of ideas. I think that it is virtually impossible to pick out individual items and vote for them and say, "Yes, I am in favor of this as part of a Committee proposal," not knowing what is going to come after or what may be adopted.

For this reason, I find it impossible to vote for these things one at a time. I don't say that I would be in favor of this as a package, but I would think that any proposal that I would vote for would have to be as a complete package and not as individual items. That's my reason.

MR. HORUVITZ: Can we move along, Mr. Chairman?

MR. KEEGAN: Yes, Item number 4 --

MR. HORUVITZ: Let me set the Chair straight, will you please? These are separate proposals. We are voting individually on these proposals.

The fourth proposal is for a Senate not to exceed 40 members. Now I was wrong when I said that that had not previously been discussed because on the white sheet, Query 16 proposed this: "Could you support a bi-cameral legislature with a Senate of a size not to exceed 40 members?" And the vote was yes, 25, and no, nothing. Now we are voting on the same proposal and I move the vote.

MR. JACOBSON: Does that include single-member districts or at-large districts, Mr. Horuvitz?

MR. HORUVITZ: Beg your pardon.

MR. JACOBSON: Does your proposal include single-member districts or election at large.

MR. HORUVITZ: Look, Mr. Jacobson, all you have to do is listen and read. This only talks about a Senate not to exceed 40 members. The question of districting is the fifth question. We are not up to that yet.

MR. JACOBSON: You are so knowledgeable that I thought you would give me some additional education on this.

MR. HORUVITZ: Well, I answered your question. I can't help it if you are unhappy.

MR. JACOBSON: I am delighted.

MR. KEEGAN: Gentlemen, will you address your remarks through the Chair here so we can move on. We have then the fourth part, Judge, if you will watch the Chair and make sure that the Chair states it correctly, that the Senate is not to exceed 40.

MR. HORUVITZ: That's right. And I might suggest for the edification of all that it was voted on 25 for and none against last time.

MR. KEEGAN: Right, sir. On the fourth part, a Senate not to exceed 40 members, we will call the roll.

(Mr. Keegan calls the roll):

AYES: Lance, Thatcher, Hunt, Horuvitz, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers, Cawley.

NAYS: Keegan, Jacobson, Reilly, Metzger, Inghima, Lupton, Glauberman, Cotton, Roach, Shaffer, Goldberg, Orkin

PASS: Duff, Lockard, Hollander, Deighan

ABSENT: Woodcock

MR. KEEGAN: The Chair notes an absentee; four passed. What is the total vote?

MR. ALITO: 15 yes, 12 no, 4 abstentions, 1 absent.

MR. KEEGAN: Judge, your vote - total yeas 15, total nays 12, 1 absentee, 4 passed.

MR. HORUVITZ: The next proposition is: A bicameral legislature with single districts in both houses.

MR. OZZARD: Show of hands - Is anyone opposed to that?
(Laughter)

MR. KEEGAN: The question has been stated. There is a point of order.

MR. ROTH: I respectfully ask the Chair whether Judge Horuvitz could take an amendment to his motion, number 5, since I felt that the meeting last week was done in the spirit of bi-partisanship and we were starting to get some place on what we agreed on. We are moving backwards into a factional fuss. May I ask in view of the fact that Number 7, which was voted on at the last meeting was, "Could you support a bicameral legislature with all members of one house elected from single-member districts and all members of the other house elected at large in the county or county grouping," had a vote of 17 yes and 10 no - may I respectfully ask the Chair whether Judge Horuvitz would take an amendment to his number 5 to coincide with number 7 of last week?

MR. HORUVITZ: No

MR. KEEGAN: The question has been answered. No comment.

Number 5 proposition, gentlemen --

(Mr. Keegan calls the roll):

AYES: Lance, Thatcher, Hunt, Horuvitz, Schreiber, Roth, Ozzard, Maraziti, Kimmelman, Farley, Dumont, Woolfenden, Novins, Evers, Cawley

NAYS: Keegan, Jacobson, Duff, Reilly, Metzger, Inglima, Lupton, Glauberman, Cotton, Hollander, Roach, Shaffer, Deighan, Goldberg, Orkin

PASS: Lockard

ABSENT: Woodcock

MR. KEEGAN: The Chair notes 1 absentee, Mr. Woodcock; one abstention, Mr. Lockard. Total vote, sir?

MR. ALITO: Yes 15, no 15, one abstention, one absent.

MR. OZZARD: Mr. Chairman, I think we have reached a point where we have become totally ineffective. I think in order to give Mr. Goldberg an opportunity to consider whatever he wants to consider since apparently we are not going to consider anything tonight except on a party basis, which is a hell of a way to run a railroad, I would like to move we adjourn and that isn't subject to any debate.

MR. SCHREIBER: I second the motion.

MR. OZZARD: Mr. Chairman, when you two decide we can do something without politics being the total motivation --

MR. LANCE: I am thinking very seriously, this Committee ought to discharge itself.

MR. ROACH: I object. We have some unfinished business.

MR. LANCE: I think this Committee should think very seriously of discharging itself, telling the members of the Convention they are incapable and incompetent of doing the job.

MR. KEEGAN: There is a motion on the floor that we adjourn to the call of the two chairmen. Is that correct, sir?

MR. LANCE: I can't see any point in this. Today is Monday. The Legislature meets on Wednesday, right? And we are supposed under these rules to report a Committee proposal or proposals. Now what can we do on Thursday? It's silly. It's an absolute waste of time for most of us who have taken this thing seriously.

DELEGATE: There's a motion on the floor to adjourn.

MR. OZZARD: That's one motion that you can't debate.

MR. KEEGAN: Is there a second?

MR. HUNT: Second the motion.

MR. KEEGAN: There is a second by Mr. Hunt for the record. The motion is that we adjourn until the call of the two chairmen. What is your pleasure?

MR. SCHREIBER: Let's have a roll call vote on it.

MR. OZZARD: Are you going to vote party lines on a motion to adjourn?

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