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STATE OF NEW JERSEY

n.f. CONSTITUTIONAL

CONVENTION, 1966

of

1966

I Proceedings

held at

RUTGERS UNIVERSITY
The State University of New Jersey
New Brunswick, New Jersey

March 21, 1966

Volume I

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STATE OF NEW JERSEY

CONSTITUTIONAL CONVENTION OF 1966

March 21, 1966

GOVERNOR RICHARD J. HUGHES: Ladies and gentlemen, the hour appointed by the Legislature of New Jersey for the convening of this Convention has not only arrived but has been passed and it may appear in the course of the day that this delay has been worthwhile. But in any case, as Governor of New Jersey, I do hereby, in response to the statute passed by the Legislature, call this Convention to order.

We know that all political power is inherent in the people, and we know that it comes to them as a gift of the Almighty, and it is thus particularly appropriate that those who are entrusted with the obligation to preserve and to state this power in the organic law shall call upon Almighty God for guidance at the beginning of their task.

May I, therefore, present Rabbi Morris Shmidman, President of the Rabbinical Council of New Jersey, for the invocation. And may I ask you, at the end of the invocation, to remain standing while the Colors are presented by the Rutgers Colonial Color Guard, and The Star Spangled Banner, our National Anthem, is rendered by the Rutgers Glee Club.

Will you please stand now, Delegates.

Rabbi Shmidman.

RABBI MORRIS SHMIDMAN: Almighty God, we invoke Thy gracious blessings upon this Constitutional Convention and

seek Thy guidance in the deliberations before us.

Grant unto these representatives of our State a spirit of wisdom and understanding. Prosper their deliberations so that these lead to lasting and beneficent results. Imbue them, we pray Thee, with a genuine spirit of harmony and inspire all to labor diligently and conscientiously toward the fulfilment of the task that has been set before them. Impart unto them clarity of mind and nobility of spirit, and remove from all hearts the animosities that destroy reason and the desires that blind the vision of Thy truth. Unite these Delegates in a singleness of purpose, assuring for all of our citizens every blessing of our democratic heritage and endow them with courage and determination to fulfil their responsibilities honorably to Thee, our State, and our fellow men. Strengthen their will to do justly, to love mercy, and to walk humbly before Thee.

May the light of universal justice flood the world and the knowledge of God cover the earth. Let all mankind see how good and how pleasant it is for brethren to dwell together in unity.

Our Father in heaven, Thou has created man in Thy divine image and has entrusted to him the government of his fellow man.

In all our pursuits may we be worthy of this trust and may all of our deeds exhibit this image.

May it be Thy will that Thy spirit rest with us in all of our activities and let us say, Amen.

GOVERNOR HUGHES: Thank you very much, Rabbi

Shmidman.

Now the presentation of the Colors by the Rutgers Colonial Color Guard, of whom we are all very proud.

(Presentation of Colors)

(National Anthem)

GOVERNOR HUGHES: Thank you very much, gentlemen.

Will the delegates be seated, please.

Acting pursuant to the Statute and as Temporary Presiding Officer, the Chair will appoint as Secretary Pro Tem of the Convention the Honorable Robert J. Burkhardt, Secretary of State of New Jersey, and ask the Secretary to read the Proclamation designating Rutgers, the State University, as the site of this Convention.

MR. BURKHARDT (reading):

"STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, Chapter 43, P. L. 1965, provides for a constitutional convention to consider proposals to revise and amend the provisions of the present State Constitution relating to the representation of the people in a Legislature to comply with the requirements of the United States Constitution; and

WHEREAS, under the provisions of Chapter 43, P. L. 1965, said convention is to convene on March 21, 1966, in New Brunswick at Rutgers, the State University, or such other place as the Governor may designate by proclamation;

NOW, THEREFORE, I RICHARD J. HUGHES, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, do hereby proclaim that:

The constitutional convention convened, pursuant to the provisions of Chapter 43, P. L. 1965, shall be held in New Brunswick, at Rutgers, the State University. The opening session thereof shall commence on March 21, 1966

at 11 o'clock, ante meridiem, or as soon thereafter as a quorum shall be present.

GIVEN, under my hand and the Great Seal of the State of New Jersey, this 7th day of March, in the year of our Lord one thousand nine hundred and sixty-six and in the Independence of the United States the one hundred and ninetieth.

RICHARD J. HUGHES
Governor

ATTEST:

ROBERT J. BURKHARDT
Secretary of State."

GOVERNOR HUGHES: Thank you, Mr. Secretary.

Now, ladies and gentlemen, as you know, New Jersey has great pride in Rutgers, the State University, for many, many things, not the least of which is the distinction which we associate with that great University because here was the site of the 1947 Convention.

I know that we will all be very happy now to hear a few words from Dr. Mason W. Gross, the distinguished President of Rutgers, the State University.

Dr. Gross.

(Applause)

DR. MASON W. GROSS: Governor Hughes, Gentlemen of the Clergy, Delegates to the Convention, distinguished guests, ladies and gentlemen: It is with a deep sense of both honor and privilege that I, as President of Rutgers, the State University of New Jersey, extend the University's welcome to you to the second Constitutional Convention to be held on this campus.

We are very proud that you have again selected the University as your meeting place, and we sincerely trust that this Convention will emulate the brilliantly successful

results of its predecessor.

Please be assured that all of us here are anxious to cooperate in any way that we can to assist you, and that the facilities of the University are at your disposal. A gymnasium may, at first, not appear the ideal place for such a convention, but it is commodious. And any faint aroma in the air which may suggest the primary purpose of this building can be taken as a good omen, since it will serve to recall the most successful basketball season in our history.

(Applause.)

One happy feature of this meeting place is that there is ample space for observers. I hope that many of our fellow citizens will avail themselves of this opportunity, since what will be decided upon here, for submission to the voters, will affect in some way every one in the State. I particularly hope that college students from Rutgers and Douglass, of course, but from the other colleges in the State as well, will find it possible to attend some of the sessions, to observe at first hand the processes by which fundamental changes in our constitutional structure are determined.

Rutgers and the State of New Jersey are almost of an age. Rutgers celebrates this year its two hundredth birthday, while New Jersey received its first State Constitution one hundred and ninety years ago. Each has had a distinguished history since those remote beginnings, but I think it is safe to say that the last quarter century, represented here by some of the Governors who have presided

over the State during that period, has meant for both the State and the University a time of prosperity and growth of great significance.

This growth has, of course, meant that many new problems have had to be faced, not the least of which is the problem before this Convention, which is a direct result of growth and prosperity.

In these years New Jersey has become the most urbanized state in the nation while still leading the country in the dollar value of agricultural products per acre. It is one of the most densely populated states, while at the same time justifying the title of the Garden State and remaining one of the most tempting resort areas. It includes one of the greatest concentrations of brainpower in the world, in its widely diversified industry as well as in its universities, both public and private.

If in the past much of New Jersey's thinking has been dominated by the immediate presence on her borders of the huge cities of New York and Philadelphia, in the last quarter century New Jersey has become much more conscious of her own strength. The great new highways, both those recently built and those now under construction, serve to pull the State together and to emphasize our interdependence on each other throughout the twenty-one counties. We are building our own cultural centers, our own medical centers and medical schools. We are becoming daily more concerned about the educational opportunities for our children. We are moving vigorously to solve the many problems of contemporary society.

But we will never achieve our full strength until we fully liberate the strength of all our citizens and until each citizen feels that his voice is heard. This is a tremendous task which no single constitutional revision can effect, but at least it is our responsibility here to ensure that no ancient barriers remain to restrict that freedom. This goal alone deserves our best efforts.

I am personally very proud to be a delegate to this Convention from my home county of Monmouth. I am not referring merely to the sense of exhilaration which results from winning an almost unanimous victory. That at least we all share. I have a very real sense of the great historic importance of these deliberations. May our labors be truly successful, and may we all remain proud of what we accomplish here.

Thank you, and, again, Welcome.

(Applause)

GOVERNOR HUGHES: Thank you very much, Dr. Gross. I assure you we are all grateful for this constitutional hospitality.

Now, in spite of the fact that we are running late, inasmuch as this is the first beautiful day of spring, I think that we will try to restore a song to our hearts by hearing from the very excellent Rutgers Glee Club.

Gentlemen.

(Songs by Rutgers Glee Club)

(Applause)

GOVERNOR HUGHES: Thanks very much, in the name of the Convention, to the fine members of this Glee Club and to its distinguished Director, Mr. F. Austin Walter. Thank you very much, Mr. Walter, that was beautiful.

(Applause)

GOVERNOR HUGHES: The Secretary Pro Tem and Secretary of State will now read the Certificate of Election of the delegates to this Convention.

MR. BURKHARDT (reading):

"STATE OF NEW JERSEY
DEPARTMENT OF STATE

A STATEMENT of the DETERMINATION of the BOARD of STATE CANVASSERS relative to an ELECTION held in the State of New Jersey on the First day of March, 1966 for the election of DELEGATES to the STATE CONSTITUTIONAL CONVENTION to commence the Twenty-first day of March, 1966 at RUTGERS UNIVERSITY in NEW BRUNSWICK, NEW JERSEY.

THE SAID BOARD did determine, that at the said ELECTION, the following DELEGATES were elected:

Irving A. Lilienfeld	Arthur W. Ponzio
Austin J. Bozarth, Jr.	Frank S. Farley
Anthony D. Andora	Samuel P. Bartoletta
Henry P. Becton	Charles L. Bertini
Donald G. Borg	Martin T. Durkin
Robert J. Inglima	Walter H. Jones
Jeremiah F. O'Connor	Richard S. Peer
Peter Sammartino	John Skevin
Walter W. Weber	Joseph C. Woodcock, Jr.
Herman Belopolsky	John E. Dimon
Edwin B. Forsythe	John Kelley
Neil F. Deighan, Jr.	John A. Healey
Angelo D. Malandra	Sidney P. McCord, Jr.
Frederick J. Scholz	Frank W. Thatcher
Elijah Perry	Barry M. Weinberg
Marvin D. Perskie	Charles W. Sandman, Jr.
Frank L. Bate	John J. Clancy
Alfred C. Clapp	John B. Duff
Nicholas T. Fernicola	Adrian M. Foley, Jr.
Charles Handler	Joel R. Jacobson
Irwin I. Kimmelman	Richard A. Lynch
Charles A. Matthews	C. Robert Sarcone
Beatrice M. Stiles	Herbert H. Tate
Walter D. Van Riper	Joseph P. Dunn
Edmund T. Hume	Thomas F. Connery, Jr.

John E. Hunt
Harris Y. Cotton
James P. Dugan
Isadore Glauberman
William F. Kelly, Jr.
Erich Korman
Norman H. Roth
David L. Horuvitz
Horace K. Roberson
Oscar W. Rittenhouse
David J. Goldberg
Samuel Weinroth
Joseph M. Pierson
J. Edward Crabiell
John P. Gallagher
Karl Metzger
Anthony M. Yelencsics
Mason W. Gross
John J. Reilly
Richard R. Stout
Thomas J. Hillery
Joseph J. Maraziti
Peter W. Thomas
Robert J. Novins
Arthur C. Dunn
Joseph M. Keegan
Charles H. Roemer
Arthur J. Sullivan, Jr.
S. Rusling Leap
Arthur S. Meredith
Irving E. Shaffer
Milton Woolfenden, Jr.
James M. Cawley
Joseph A. Gannon
Peter J. McDonough
Sidney M. Schreiber
Hugo M. Pfaltz, Jr.
Wayne Dumont, Jr.

Martin F. Caulfield
Gregory Castano
Geoffrey Gaulkin
John J. Grossi, Jr.
Calvin S. Koch, Sr.
William V. Musto
Phelps Phelps
Alfred H. Lupton, III
Wesley L. Lance
Joseph S. Bash
Anton J. Hollendonner, Jr.
Walter Duane Lockard
Donald L. Borst
John Evanko, Jr.
Robert E. Jacks
Mildred G. Willis
Alfred N. Beadleston
Patrick J. McGann, Jr.
E. Donald Sterner
John L. Georges
David V. Manahan
William L. Roach, Jr.
Albert J. Cucci
Samuel L. Biber
John F. Evers
Joseph A. La Cava
Edward Sisco
John W. Davis
Raymond H. Bateman
William E. Ozzard
Sanford L. Hollander
Charles P. Bailey
Christopher Dietz
Barbara B. Jamison
James M. McGowan
Saul Orkin
Harold J. Curry
William F. Tompkins

I Do Certify that the foregoing is a true, full and correct Statement and Determination of the State Board of Canvassers as taken from the Statements of the County Board of Canvassers on the Eighth Day of March, 1966 at a meeting in the Office of the Governor.

In Witness Whereof, I have hereunto set my hand this Eighteenth day of March, 1966.

RICHARD J. HUGHES
Chairman of the Board
of State Canvassers

ATTEST:

ROBERT J. BURKHARDT
Clerk."

MR. BURKHARDT: Governor, this is the list of the delegates that were elected.

I have in my possession two replacements, one of Joseph Eli Cohen of Essex County who has been designated by the appropriate authorities to replace Charles Matthews; and also a certificate designating John R. Bennie of Camden County replacing Mr. Healey.

Are there any other replacements that should be directed to the attention of the Chair?

MR. HORACE K. ROBERSON: Mr. Secretary, a replacement from Hudson County is expected momentarily. Erich Korman has been stricken ill and he has been replaced by William McPhail who is on his way here to take his place.

MR. BURKHARDT: When the appropriate certificate comes in, he will be certified.

MR. ROBERSON: Thank you.

GOVERNOR HUGHES: Now, before calling the roll of the delegates, I think probably the members of the Convention would want, without the time lag of adopting a formal resolution, me, as temporary Presiding Officer, to communicate to these three delegates who have become ill the sympathy and good wishes of the Convention and I shall do so.

The Secretary Pro Tem will now call the roll of delegates and I will ask the delegates to answer to their names.

(The Secretary Pro Tem then called the roll and the following delegates answered as their names were called:)

ATLANTIC COUNTY

Irving A. Lilienfeld
Arthur W. Ponzio
Austin J. Bozarth, Jr.
Frank S. Farley

BERGEN COUNTY

Anthony D. Andora
Samuel P. Bartoletta
Henry P. Becton
Charles L. Bertini
Donald G. Borg
Martin T. Durkin
Robert J. Inghima
Jeremiah F. O'Connor
Richard S. Peer
Peter Sammartino
John Skevin
Walter W. Weber
Joseph C. Woodcock, Jr.

BURLINGTON COUNTY

Herman Belopolsky
John E. Dimon
Edwin B. Forsythe
John Kelley

CAMDEN COUNTY

Neil F. Deighan, Jr.
John R. Bennie
Angelo D. Malandra
Sidney P. McCord, Jr.
Frederick J. Scholz
Frank W. Thatcher
Elijah Perry
Barry M. Weinberg

CAPE MAY COUNTY

Marvin D. Perskie
Charles W. Sandman, Jr.

CUMBERLAND COUNTY

David L. Horuvitz
Alfred H. Lupton, III

ESSEX COUNTY

Frank L. Bate
John J. Clancy
Alfred C. Clapp
Joseph E. Cohen
John B. Duff
Nicholas T. Fernicola
Adrian M. Foley, Jr.
Charles Handler
Joel R. Jacobson
Irwin I. Kimmelman
Richard A. Lynch
C. Robert Sarcone
Beatrice M. Stiles
Herbert H. Tate
William F. Tompkins
Walter D. Van Riper
Joseph P. Dunn
Edmund T. Hume

GLOUCESTER COUNTY

Thomas F. Connery, Jr.
John E. Hunt
Martin F. Caulfield
Harris Y. Cotton

HUDSON COUNTY

Gregory Castano
James P. Dugan
Geoffrey Gaulkin
Isadore Glauberman
John J. Grossi, Jr.
William F. Kelly, Jr.
Calvin S. Koch, Sr.

MR. BURKHARDT: Erich Korman - is this the

gentleman you were referring to?

MR. ROBERSON: That's right.

(The Secretary Pro Tem then continued with the roll call:)

William V. Musto
Norman H. Roth
Phelps Phelps
Horace K. Roberson

HUNTERDON COUNTY

Wesley L. Lance
Oscar W. Rittenhouse

MERCER COUNTY

Joseph S. Bash
David J. Goldberg
Anton J. Hollendonner
Samuel Weinroth
Walter D. Lockhard
Joseph M. Pierson

MIDDLESEX COUNTY

Donald L. Borst
J. Edward Crabiel
John Evanko, Jr.
John P. Gallagher
Robert E. Jacks
Karl Metzger
Mildred G. Willis
Anthony M. Yelencsics

MONMOUTH COUNTY

Alfred N. Beadleston
Mason W. Gross
Patrick J. McGann, Jr.
John J. Reilly
Donald E. Sterner
Richard R. Stout

MORRIS COUNTY

John L. Georges
Thomas J. Hillery
David V. Manahan
Joseph J. Maraziti
William L. Roach, Jr.
Peter W. Thomas

OCEAN COUNTY

Albert J. Cucci
Robert J. Novins

PASSAIC COUNTY

Samuel L. Biber
Arthur C. Dunn
John F. Evers
Joseph M. Keegan
Joseph A. LaCava
Charles H. Roemer
Edward Sisco
Arthur J. Sullivan, Jr.

SALEM COUNTY

John W. Davis
S. Rusling Leap

SOMERSET COUNTY

Raymond H. Bateman
Arthur S. Meredith
William E. Ozzard
Irving E. Shaffer

SUSSEX COUNTY

Sanford L. Hollander
Milton Woolfenden, Jr.

UNION COUNTY

Charles P. Bailey
James M. Cawley
Christopher Dietz
Joseph A. Gannon
Barbara B. Jamison
Peter J. McDonough
James M. McGowan
Sidney M. Schreiber
Saul Orkin
Hugo M. Pfaltz, Jr.

WARREN COUNTY

Harold J. Curry
Wayne Dumont, Jr.

MR. BURKHARDT: Governor, there appears to be a quorum.

I have just been handed McPhail's certificate.

GOVERNOR HUGHES: I was just about to suggest to Prosecutor Roberson that we would wait, but I see our missing delegate is here.

The roll call will be extended. I will ask the Secretary to call the name of the substitute member from Hudson County.

(The Secretary Pro Tem then continued the roll call and the following delegate from Hudson County answered as his name was called:)

William McPhail

GOVERNOR HUGHES: Now the delegates will be sworn into their office. The oath will be administered by the Chief Justice. I am glad to present him to you. I should

tell you that I have submitted appropriate apologies for this delay in keeping him from his judicial duties.

Will all who are here please rise and preserve silence as the the oath of office is administered.

CHIEF JUSTICE JOSEPH WEINTRAUB: Will you raise your right hands, please.

Do each of you solemnly swear or affirm that you will discharge the duties of delegate to the Constitutional Convention and that you will support the Constitution of the United States faithfully, impartially and justly to the best of your ability?

(Delegates answer, "I do.")

CHIEF JUSTICE WEINTRAUB: Please be seated.

GOVERNOR HUGHES: Thank you very much, Chief Justice.

Now the aides will move among the delegates to obtain their signatures on the written oath which will then, later on, be notarized by the Chief Justice.

This will be a delayed certification by the Chief Justice so that we will not detain him.

And then, in the same vein, ladies and gentlemen, without altering this program too much - I have already stated my regrets to the distinguished Clergymen, who have come here to be with us on this historic day, for the delay in the program and, so that he may be free to pursue other duties, I would like to ask all to stand and ask for a prayer from the Most Reverend George W. Ahr, Bishop of Trenton.

His Excellency Bishop Ahr.

BISHOP GEORGE W. AHR: Almighty and merciful God, we invoke Thy blessing upon this Constitutional Convention convoked to re-order the workings of representative government in this sovereign State.

For those charged with this solemn responsibility we humbly implore Your help. Enlighten their minds and strengthen their wills that they may have both wisdom to know and courage to follow, without personal or partisan prejudice, the course of action that will best promote the common good of all of our citizens. And help us all to become worthy of Your blessings by our love and observance of Your law through Christ our Lord.

GOVERNOR HUGHES: Thank you very much, Bishop Ahr.

Members of the Convention, Reverend Clergy, our guests: Today we are meeting under the eyes, actually, of the United States Constitution and the Supreme Courts of the United States and New Jersey. My duty as a sworn constitutional officer, and yours as elected delegates, is exceedingly clear. The legal injunctions of Reynolds v Sims and Jackman v Bodine are equally clear. The former stating that "As a basic constitutional standard the equal protection clause requires that the seats in both houses of a bi-cameral State Legislature must be apportioned on a population basis." And the latter case concludes that the:

"***legislative article of our State Constitution must * * * be adjudged to be invalid insofar as it deals with the apportionment of the members of the Legislature."

As a lawyer, and I know there are many lawyers here, and as a former judge it seems to me that we meet not only to fulfill judicial injunctions, but to act as agents of change in a world which itself has changed. We live in very difficult times when ancient inequities must, even considering the sanction of long usage, give way to dimensions of a new freedom.

The right to equal representation is one vital dimension of that new freedom. One man, one vote is so simple and so fair that we can only marvel at how long the principle was observed only in its breach in most states of the union until corrected by the courts. For what was accepted tradition yesterday has become inadequate today. As what was bold and daring and even revolutionary once, becomes comfortable, acceptable social tradition later.

The people who make up American democracy have become more sophisticated in their wants and hopes and needs and in their understanding of human rights. And that is the real reason why we are here today.

The United States Supreme Court, in interpreting the fundamental law of this nation, respecting both its inherent truths and its built-in flexibility, was not unmindful of the new free spirit abroad in the land when it made its now historic decisions. That new spirit is at least as old as the thinker Aristotle who said, more than 2,000 years ago, that if the law of physics does not fit the falling object, do not bend the object

but change the law. In other words, rather than bend the citizen to an inadequate law, courts amend the law to accommodate the inherent basic rights of the citizen. That is essential democracy.

So, we are here to change certain provisions of the legislative article of the New Jersey Constitution. We are here not so much to "improve" on the diligent, wonderful work of those dedicated men in 1947 who drafted our present organic law, we are here to follow the dictates of our highest courts as reflecting the dictates of public conscience in a state, a country, a world passing through the pains, the torments and the benefits of rapid change.

It is common knowledge that, as long as there was any reasonable chance that the New Jersey system of representation might prevail in harmony with the United States Constitution, my Administration made strenuous representation through our Attorney General to the courts to uphold that system. Even those who believe in the necessity and value of change also believe firmly that long-accepted, defined and workable traditions ought not lightly be disturbed or discarded - to paraphrase Jefferson. But we now know, all of us, that legislative apportionment based on grounds other than population is deemed no longer appropriate. It does not fit the shifting population of this State or country. Indeed, it had become antagonistic to the rights and privileges and equal protection under the laws of many, many citizens. Any any government which

permits unequal representation - a diminution of equal weight of the vote of one man as distinguished from another man - is no longer representative government. So holds the courts; so demands a public conscience living under the supreme law of the land; and so is our course directed today by the United States Constitution.

Thus, Reynolds v Sims and Jackman v Bodine really embodied judicially what had already occurred sociologically. The face of America has changed. Vast population shifts have transformed once rural areas into suburban areas, agricultural areas into industrial parks, and increased our numbers so that New Jersey is now the most densely populated state in the nation. So, the problems of the Garden State of 1900, in a sense, are superseded by the problems of Industrial New Jersey, 1966.

In the time ahead, therefore, you are going to be the agents of change. Let us not turn change into chaos but into an orderly transition of the old to the new.

This Convention was elected on a bi-partisan basis. My sincere compliments go out to each of you and to all those, legislators and others, who made this possible. But it would be unrealistic to believe that political interests, so lively and energetic in New Jersey on other occasions, would on this historic issue pale into entire insignificance. Let there be political interest. Let there be a debate of political views. Let Democrats and Republicans oppose and criticize and explore, for that is the glory of the American political system.

But, let us remember that much more than party interest is represented here today. There are voices of business and of labor and of agriculture. There are voices of geographic areas north and south, east and west, mountains and seashore, with deep roots, all of them, in New Jersey history. There are voices of big city and small city, suburb and rural area alike. There are voices of the majority and there are voices of the minority. And in the aggregate there are the voices of all the people. And let all those voices be heard on the floor of this Convention.

Though feelings may run high at times, and immediate advantage might occasionally tempt us, let us try to remember that you will be writing an apportionment formula for the Constitution of this State which will remain in effect for a long time to come, perhaps more than a century. And I know that you will weigh present decisions against their unanticipated consequences in the future.

There is very much tradition bound up in this meeting. Governor Alfred E. Driscoll expressed that same sentiment when he said to the delegates of the momentous 1947 Convention as follows:

"It is part of our tradition, and a valuable tradition it is, that when we revert to fundamentals in government, we look for the highest form of representative democracy as well as the ultimate consent of the governed expressed through the process of free elections."

Those elements are here present in this Convention. It is part of our tradition to meet in such conventions to

resolve fundamental questions of basic law. That is the American way, that's the New Jersey way, and carries forward the historical continuity of the very best in what we know as the American "Town Meeting."

Although each of us has certain personal expectations about the results of this Convention, I need not remind you that what we do will also be judged by how we do it. The public expects leadership from all of us, and rightly so. They expect that partisanship will be tempered by reason; that the urge for change will be measured by respect for the useful tradition of the past; that deliberation will be thorough but decisive; and that much work of this body will be done through able committees in the period of time allotted to it by law.

The New Jersey citizen and the American citizen have become more sophisticated. They will look very closely at the work and deliberations which go on here. And I think that although they know the American political system will be functioning in full view, still they expect final decisions to be decisions of government and not of party alone.

The State Constitution under which we now function as an effective government was the proud work of a similar convention. It is significant that the efforts of that convention were almost universally praised for their vision, for the efficiency of their end-product, and their achievements which are measurable in the 20 succeeding years of good responsive government. And I have high hopes

that the work of this Convention will produce an instrument of voting apportionment which will be as just and equitable as it is efficient.

More than one hundred and twenty-five years ago, one of the wisest and one of the most perceptive students of the American commonwealth, de Tocqueville, said: "...Among democratic nations each new generation is a new people." This new generation of ours expects new rights, or rather, I should say, old rights newly declared by the courts. And you are about to help them achieve these rights. And my sincere good wishes go out to all of you for the good accomplishment of this important task.

Thank you very much.

(Applause)

GOVERNOR HUGHES: As temporary presiding officer, pursuant to the statute, the Chair will appoint as a temporary Rules Committee, Mr. Christopher Dietz, Chairman, Dr. John Duff, Senator Thomas Connery, Judge Alfred Clapp, and Assemblyman Sidney McCord, and will ask the Rules Committee to withdraw from us for a while and as expeditiously as possible return with a recommendation as to the rules. The basic proposals have been distributed and I think are on every desk. There probably will be some changes and I will ask that Committee to report back as soon as possible.

I understand that Senator Crabel has a number of formal resolutions that we might consider while the Rules Committee is reporting on any necessary changes. Senator Crabel.

MR. CRABEL: Mr. Chairman, "RESOLVED, that when the Convention adjourns today that it shall reconvene on Thursday, March 31st, at 10:00 A.M. and shall meet on each Thursday thereafter until the work of the Convention shall be completed. However, as provided in Chapter 43 of the Laws of 1965, the work of the Convention shall be completed by June 15th, 1966, on which day the last session of the Convention shall be held.

"FURTHER RESOLVED, the committee meetings shall be held on Thursdays when the Convention is not in session and on Fridays."

GOVERNOR HUGHES: Is there a second?

MR. SARCONI: I second the motion, Mr. Chairman.

GOVERNOR HUGHES: Thank you, Senator Sarconi.

Now although the maker of this motion and the seconder are very well known, I will ask all delegates, if they will, when we get into discussion phases to be recognized and then proceed to the nearest of these microphones and state their names so that the reporters will be able to keep things clear.

You have heard the motion with regard to the continued pattern of scheduled meetings of the Convention and it has been seconded. Is there any discussion?

(Silence)

All those in favor indicate by saying "Aye."

(Chorus of "Ayes")

Those opposed "No."

(Silence)

It is so ordered.

I wonder, Senators, if you would pause just a minute while I do something I should have done before and that is to read to the Convention a very brief letter from one of my distinguished predecessors who was invited here today, Governor Alfred E. Driscoll. He writes:

(Reading)

"It was very thoughtful of the Governor to extend an invitation to me to address the Constitutional Convention at the opening on Monday, March 21.

"I have many pleasant memories of the Constitutional Convention of 1947, and I am sure that an appearance before the Constitutional Convention of 1966 would strengthen these memories. Unfortunately, I shall be out of the city on the 21st."

Also Governor Edison was invited and his secretary advised us:

(Reading)

"In the absence of Governor Edison I wish to acknowledge and thank you for your letter of March 8.

"Mr. Edison is presently in Florida and since the date of his return is uncertain, I am sorry to have to tell you that he will not be in attendance at the Constitutional Convention opening at Rutgers University on Monday, March 21, 1966.

"I know Mr. Edison would want me to convey to you and the Governor his very best wishes for a successful occasion."

Now in addition to that, Governor Robert Meyner was here today, but as the delegates know, he has many pressing affairs and asked me to communicate to you his regrets that he had to leave. He left behind him a few remarks with regard to the convention, its mission, and of encouragement to its delegates and if there is no objection, those remarks will be added to the record instead of being read formally at this time.

Senator Sarcone.

MR. SARCONE: So moved.

GOVERNOR HUGHES: Is there a second? In view of our bi-partisan spirit, will you second that, Senator Crabiel?

MR. CRABIEL: I sure will, Governor.

GOVERNOR HUGHES: Moved and seconded then that the remarks which Governor Meyner would have made had we begun on time be incorporated in the record of this Convention.

All those in favor indicate by saying "Aye."

(Chorus of "Ayes")

Those opposed "No."

(Silence)

So ordered.

(Following are the remarks submitted by Former Governor Robert B. Meyner)

REMARKS BY ROBERT B. MEYNER
AT OPENING SESSION
NEW JERSEY CONSTITUTIONAL CONVENTION,
NEW BRUNSWICK,
MARCH 21, 1966

Release PMS March 21

Mr. Chairman, etc.

The supposition is that I was invited to speak to you today in my capacity as an elder statesman. Well, better elder than elderly! That expression "elder statesman" is defined in varying ways, but there is no dispute about its spelling: H-A-S B-E-E-N. The truth is I have not utterly departed politics and government nor quit my interest in them; but when I find myself in smoke-filled rooms nowadays, it's in line of duty with the Cigarette Advertising Code.

I am "elder" indeed in one way with respect to the work you begin today: I have already taken the course. And a comparison with the classroom is not inappropriate. You'll find yourself taking a little history and a lot of geography and law. The course will be heavy in simple math and you will have some of the esoteric kind, too. Economics will be there and sociology. And above all, there will be civics and political science and political philosophy. You may find yourself pondering, for instance, the role of the political leader in the scheme of society and the value, or threat, to society, in the function of the political boss. This, in turn, may set you to wondering how much truth there is in the saying that a political leader is a political boss

with a tie on and his pants pressed.

I took the course as chairman of the Planning Commission on Legislative Reapportionment and Congressional Redistricting. The receipt of our report by the citizens and the political community of New Jersey had an effect, I must confess, that was somewhat short of electrifying. We comfort ourselves that we started the pot of public opinion a-boiling; the subject did get talked about, thought about and written about. Even the people who only polish the silver deserve a share of the credit for the success of the dinner.

If you will admit my credentials, there are a few thoughts I would like to share with you this morning.

Approach your job with open, searching minds, aware that what you construct out of this convention will influence generations that will learn of your proceedings from the history books. We are all marked to some degree with political and regional interest; this is only natural and probably a good thing. But don't let these interests foreclose the broad view. Partisanship has its uses. Don't let it be blind and narrow partisanship; there is a line between patriotism and chauvinism. Besides, schemes for partisan advantage have a way of biting back.

Do your work creatively and imaginatively. To have a respect for the past does not mean that you must bow and scrape to it. I suppose there is something in all of us --- a kind of inertia that resists change; but opposing it always is the

beckoning call of challenge. You delegates have been charged, in a sense, to rebuild two houses. When I urge a broad view, I don't exclude the possibility that it might be wise to make the replacement a single house. The idea of a unicameral legislature is worth thinking about.

However you redesign --- be it houses or house --- do not overpopulate them. There is safety in numbers, to be sure, but there is a point, too, where numbers become unwieldy and untidy.

I spoke of a proper respect for the past. In this connection, I would hope that you can avoid doing undue violence to existing county lines. They have a long and settled history here. Our people are used to them. County institutions, county officials, county budgets --- these are part of the way of life with us. They should not be casually disturbed.

Another point --- and this is extremely important --- you should evolve a mechanism to insure periodic and automatic redistricting. Most, if not all, of the delegates will recall the endless controversy and inaction that came on the heels of the 1950 census. A whole decade went by while the General Assembly, elected on the results of the 1940 census, cast about for an appropriate formula. It was not until 1962, with a very real likelihood of reapportionment by the courts, that action was finally taken. I have no specific proposals for a redistricting mechanism. It might be done by a commission, or the courts, or

a public official like the Secretary of State. But it must be done somehow if your efforts are to have real and lasting meaning and benefit.

It was nearly 19 years ago that the delegates to the Convention of 1947 gathered here at Rutgers to prepare a new Constitution for New Jersey. For some three months they labored, and they built a fundamental document that has proved, in use, to be the remarkable achievement that was intended.

The structure and arrangement of the judicial branch was entirely redesigned. The executive branch of government was considerably streamlined and reorganized. The vast collection of miscellaneous commissions and agencies which had been the despair of many Governors was drawn together into a limited number of executive departments. The hopeless division of responsibility, under which the Legislature often named individuals to hold public office in the executive branch was abolished. The weak executive system, under which the Governor virtually became a lame duck at the start of his three-year term, was strengthened by providing for a four-year term, with eligibility for a second term.

At the time of that Convention, my experience in State office had not yet begun. It was in November of that year, at the same time that the new Constitution was ratified, that I was first elected to the State Senate.

Accordingly, I had no part in the enactment of the

enabling legislation for the Convention, which was Chapter 8 of the Laws of 1947, or in the work of that Convention. For that reason, I can speak with complete detachment and impartiality about what I consider to be the one glaring defect of that effort.

That defect consisted of the provision in the enabling act which tied the delegates' hands on the question of legislative reapportionment. This restriction was repeated in the public question put to the electorate at the special election of June 3, 1947.

By that restriction, the 1947 Legislature deprived itself, the Convention, and the people, of the opportunity to provide for a strong legislature, as it had left room to provide for a strong judiciary and a strong executive.

From the public point of view, the real value of designing a sound arrangement for fair representation lies in the fact that such an arrangement is essential if we are to enjoy the benefits of a strong legislative branch of government.

A sound structure does not guarantee a strong legislature; it makes it feasible and likely. An unsound structure guarantees a weak legislature. The delegates to this Convention have the great and rare opportunity to design a sound legislative structure and to embody it in our Constitution. This should be the test, as each of the various arrangements are considered: Ask yourselves "Is this the best way we can find that will encourage and stimulate

the development of a strong legislature, fair and representative, and sensitive to the will of the people?"

No one ever expressed this thought more realistically and eloquently than did the late Clarence E. Case, when he said:

"Individuals come and go, but constitutions run on. The several branches of government, absolutely and relatively, vary from decade to decade and generation to generation in the degree of virility and wisdom with which they serve their periods. We have weak courts and strong courts, weak legislatures and strong legislatures, weak governors and strong governors; but it would be disastrous to build or develop a constitution upon the assumption that the characteristics manifested at a given time in one or another of these governmental parts will continue without variation."

You have the duty and the opportunity to complete that part of our Constitution which was denied to the delegates in 1947. Build ye well!

GOVERNOR HUGHES: Is there another motion?

Senator Sarcone.

MR. SARCONE: Mr. Chairman, I offer the following resolution and move its adoption: "RESOLVED, that the Convention create the office of Research Director and that Samuel A. Alito be appointed to that post, compensation to be fixed by the Committee on Rules and Business Affairs."

MR. CRABIEL: Mr. Chairman, I second the motion.

GOVERNOR HUGHES: The resolution is that Mr. Samuel Alito be appointed as Research Director and that compensation and terms of office be fixed later by the Committee on Rules and Business Affairs.

Any discussion?

(Silence)

All those in favor indicate by saying "Aye."

(Chorus of "Ayes")

Those opposed, "No."

(Silence)

It is so ordered.

Senator Crabiell.

MR. CRABIEL: Mr. Chairman, I offer the following resolution and move its adoption: "RESOLVED, that the Convention create the office of Business Manager and that Herman Crystal be appointed to that post, compensation to be fixed by the Committee on Rules and Business Affairs."

GOVERNOR HUGHES: Is there a second?

MR. SARCONE: I second the motion.

GOVERNOR HUGHES: Gentlemen, you have heard the motion and the second. Is there any discussion?

(Silence)

All those in favor indicate by saying "Aye."

(Chorus of "Ayes")

Those opposed, "No."

(Silence)

So ordered. The Business Manager is Mr. Herman Crystal.

MR. SARCONE: Mr. Chairman, I offer the following resolution and move its adoption: "RESOLVED, that the Convention create two posts of Public Information Officer and that Joseph W. Katz and William J. Kohm be appointed to these posts, compensation to be fixed by the Committee on Rules and Business Affairs."

GOVERNOR HUGHES: Is there a second?

MR. CRABIEL: I second the motion, Mr. Chairman.

GOVERNOR HUGHES: Any discussion?

(Silence)

All those in favor of the motion indicate by saying "Aye."

(Chorus of "Ayes")

Those opposed, "No."

(Silence)

So ordered.

I hear much enthusiasm about the expedition and the harmony of this procedure, gentlemen.

Any further motions?

I should say that as near to 1:45 as can be made possible by our other business, the delegates and their wives are invited to luncheon at the Commons directly across the street. It won't be exactly 1:45, as optimistic as I am, but it will be soon after that.

Senator Crabel.

MR. CRABEL: Mr. Chairman, I move this Convention appoint Harvey L. Stern as Parliamentarian.

MR. SARGONE: Second the motion.

GOVERNOR HUGHES: Is there any discussion on the motion?

(Silence)

Those in favor indicate by saying "Aye."

(Chorus of "Ayes")

Those opposed, "No."

(Silence)

So ordered.

All right, Mr. Christopher Dietz, Chairman of the Rules Committee.

MR. CHRISTOPHER DIETZ: Mr. Chairman, the Temporary Rules Committee, having deliberated the proposed rules for this Convention, report the following: that the rules, a copy of which is on the desk of each delegate, be adopted with the following amendments:

First amendment. Wherever appearing in these rules, delete the word "form" from the title "Committee on Arrangement and Form" and substitute the word "style," to read "Committee on Arrangement and Style."

Point two. Amend Rule 1, inserting after the word "members" in the second sentence the phrase "without vote."

Point three. In Rule 3 (K), delete the last sentence.

Point four. Amend Rule 50, first sentence, to read "No delegate shall speak more than three times on one question,

or longer than fifteen minutes the first, or longer than five minutes the second, or five minutes the third time, or more than once until other delegates who have not spoken shall speak if they so desire, without first obtaining leave of the Convention; and the mover of the proposition shall have the right to close the debate, provided that the person in charge of a proposal on third reading and final agreement shall have the right, if he desires, to close the debate and he may announce such desire at any time before the taking of the vote on the question."

Point five. Delete Rule 55.

Point six. Amend Rule 56 in the last sentence of the second paragraph, deleting all after the phrase "unless by" and inserting "consent of the delegates casting two-thirds of the votes."

Point seven. Amend Rule 66, deleting the word "unanimous" in the last sentence, and inserting after the word "delegates" the phrase "casting ninety-five or more votes."

Point eight. In rule 70 pluralize the words "report" and "proposal."

Point nine. Delete Rule 74.

Point ten. Delete Rule 76.

Point eleven. Delete Rule 77.

Point twelve. Delete Rule 80.

Mr. Chairman, the Committee voted unanimously for the adoption of these Proposed Rules and I so move them now.

GOVERNOR HUGHES: Is there a second?

MR. CLAPP: I second the motion.

GOVERNOR HUGHES: Senator Clapp was my former distinguished colleague. I wish we were back there together

again. He has seconded the motion.

The report of the Rules Committee is now before the Convention. All those in favor of the adoption of that report, which in effect, of course, will be the adoption of the Rules as they appear on your desk as so amended by the report of the Rules Committee, indicate by saying "Aye."

(Chorus of "Ayes")

Those opposed, "No."

(Silence)

So ordered. The rules are adopted.

(On the following pages can be found the Proposed Rules for the 1966 Constitutional Convention.)

RULE 1

The officers of this Convention shall be the President, the First Vice President, the Second Vice President, and the Secretary. They shall be ex officio members of all standing committees.

RULE 2

The President shall take the chair each day at the hour to which the Convention shall have adjourned. He shall call the Convention to order, and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these rules.

RULE 3

The President shall possess the powers and perform the duties herein prescribed, viz.:

- A. He shall preserve order and decorum, and, in debate, shall prevent personal reflections, and confine members to the question under discussion. When 2 or more members arise at the same time, he shall name the one entitled to the floor.
- B. He shall decide all questions of order, subject to appeal to the Convention. On every appeal he shall have the right, in his place, to assign his reason for his decision. In case of such appeal no member shall speak more than once.
- C. He shall appoint all committees, except where the convention shall otherwise order. These committees shall be as nearly bi-partisan as possible.
- D. He may substitute any member to perform the duties of the chair, but for no longer period than that day, except by special consent of the Convention.
- E. When the Convention shall be ready to go into Committee of the Whole, he shall name a Chairman to preside therein.
- F. When necessary or required, he shall, with the Secretary, certify all official acts and all vouchers for payment of expenditures of the Convention with the date thereof.
- G. He shall designate and assign to seats or authorize the designation, seating and movement of the persons who shall act as news media representatives within the convention hall. Such news media representatives, so appointed, shall be entitled to such seats and shall have the right at any time to move from place to place on the convention floor for the purpose of performing their duties provided such movements are made at a time and in a manner not inconsistent with the orderly conduct of convention business. No such representative shall appear before any committee in advocacy of, or in opposition to, anything under consideration before such committee. A violation of this rule will be sufficient cause for the removal of such representative. Power of removal for this cause shall be vested in the President.
- H. He shall be a consulting member without vote in the several committees to which he is not specifically appointed.
- I. He shall declare the vote and announce the result according to the fact on all questions and divisions.
- J. He shall not engage in any debate, or propose his opinion on any question, except the assigning of his reasons for his decision on appeal therefrom, without first calling some delegate to occupy the chair.

- K. As a delegate, he shall have the right to vote on any matter coming before the Convention. Pursuant to his responsibility under Rule 6 to facilitate the ready flow of Convention business, he shall vote in the Organization and Operation Committee to break a deadlock.

RULE 4

In the event of a vacancy in the office of President, by death, resignation or otherwise, the First Vice President shall succeed to the office of President. In the event of the continued absence or inability of the President to preside for more than 5 consecutive Convention days, the First Vice President shall serve as Acting President only during the absence or inability to preside on the part of the President. In the temporary absence of the President, or in the event of his temporary inability to preside, his duties shall devolve upon the First Vice President, or if he also be absent, upon the Second Vice President. For the purpose of this rule, the terms "temporary absence" and "temporary inability" shall mean an absence or inability not to exceed 5 consecutive Convention days.

RULE 5

In the event of a vacancy in the office of either Vice President by death, resignation or otherwise, the Convention shall by a vote of the delegates having not less than 57 votes, elect a new Vice President. In the temporary absence of both Vice-Presidents, or in the event of the temporary inability on the part of both Vice-Presidents to discharge the duties of their offices, the Convention shall have the power to designate and appoint some other delegate to discharge the duties of the office during such temporary absence, or temporary inability.

RULE 6

The Secretary shall keep a journal of the proceedings of the Convention and, under the direction of the President, shall prepare and place on the desk of the President each day a calendar of the business of the Convention as provided by these rules.

RULE 7

The Secretary shall prepare for printing all proposals and other documents which are required to be printed under these rules under the direction of the Committee on Printing and Authentication of Documents and shall see to it that they are properly and correctly printed.

RULE 8

The Secretary shall give to every proposal for revision, alteration or reformation of subject matter of the present Constitution, when introduced, a number and the numbers shall be in numerical order. When a Committee proposal is reported from a Committee, he shall give it a number, in separate series for each Committee, which shall be known as the Committee proposal number. He shall keep the several proposals on file in order by their numbers, unless otherwise ordered by the Convention.

RULE 9

He shall preserve all proposals, reports of Committees and all other records, books, documents and papers of the Convention and after the adjournment of the Convention shall deliver them to the Bureau of Archives and History in the State Department of Education or shall make such other disposal of them as the Convention shall direct.

RULE 10

When necessary or required, he shall, with the President, certify all official acts and all vouchers for payment of expenditures of the Convention with the date thereof, and he shall perform such other duties as are required of him by these rules and as from time to time shall be required of him by the Convention.

RULE 11

The presence of delegates having at least 57 votes shall be necessary to constitute a quorum of the Convention but a lesser number may meet and adjourn the Convention from day to day when necessary.

RULE 12

A quorum being present shall be sufficient for the adoption of any motion or resolution or the taking of any action except where the affirmative vote of a greater number shall be required by law or by these rules.

RULE 13

The standing committees of the Convention shall be 9 in number. They shall be appointed by the President unless the Convention shall otherwise order. The person first named shall be the Chairman, and the person next named shall be the Vice-Chairman of the committee. Each member including the Chairman shall be entitled to one vote when voting in committee.

RULE 14

The standing committees of the Convention shall be as follows:

Committee on Arrangement and Form consisting of 8 members.

Committee on Submission and Address to the People consisting of 8 members.

Committee on Credentials, Printing and Authentication of Documents consisting of 8 members.

Committee on Public Relations and Information consisting of 8 members.

Committee on Rules and Business Affairs consisting of 8 members.

Committee on Organization and Operation consisting of 18 members.

Committee on Scope of the Convention consisting of 16 members.

Committee on Structure of the Legislature consisting of 16 members.

Committee on Apportionment of the Legislature consisting of 32 members.

RULE 15

The Committee on Organization and Operations shall recommend to the Convention the order in which proposals coming from Committees will be considered by the Convention and may consider and report upon policy questions which may come before the Convention.

RULE 16

The Committee on Scope of the Convention shall consider and report upon proposals which are challenged by petition of any 7 delegates as not germane to the purpose of the Convention.

RULE 17

The Committee on Structure of the Legislature shall consider and report upon proposals dealing with the number of houses and length of terms of legislators.

RULE 18

The Committee on Apportionment of the Legislature shall consider and report upon proposals dealing with legislative districting, the question of single member versus multi member districting, population base and deviations, future reapportionment, size and membership of the legislature, and other related matters.

RULE 19

The Committee on Public Relations and Information shall furnish to the citizens of New Jersey information on the deliberations of the Convention and its committees through the medium of the press, radio, television, and such other facilities as may be available.

RULE 20

The Committee on Arrangement and Form shall examine and correct the proposals which are referred to it for the purpose of avoiding inaccuracies, repetitions and inconsistencies and shall arrange the same in the proper order in the proposed revisions and amendments to the Constitution to be submitted and shall report thereon to the Convention, but the Committee shall have no authority to change the sense or purpose of any proposal referred to it and if any 7 delegates shall object to any report of said committee on the ground that such report has changed the sense or purpose of any such proposal, the proposal shall be referred to a special committee on Arrangement and Form consisting of 12 delegates included in which shall be not less than 4 of the 7 delegates objecting to said report.

RULE 21

The Committee on Submission and Address to the People shall consider and make recommendations to the Convention as to the matters and things provided by these rules to be referred to it and as to such other matters and things as may be referred to it by order of the Convention.

RULE 22

The Committee on Rules and Business Affairs shall subject to the directions of the Convention:

- A. Consider and report upon such changes in the rules of the Convention as shall be referred to it by the Convention from time to time;
- B. Be in charge of the business affairs of the Convention, the checking and auditing of its expenditures, the supervision and control of the Convention Hall and other quarters available to the Convention, the supervision and control of the employees of the Convention, the contracting for and the purchase of such furniture, equipment, supplies and services as the Convention may require and the provision for the proper distribution of the same, and shall make rules and regulations in connection therewith;
- C. Examine and certify to the President and Secretary the correctness of all bills rendered to the Convention;
- D. Perform such other duties as the Convention may, from time to time, direct, and report to the Convention, from time to time, as it may deem desirable or as the Convention may require, as to the performance of its duties.

RULE 23

The Committee on Credentials, Printing and Authentication of Documents shall supervise the preparation for printing and the printing of all proposals, Committee proposals, reports and other documents, with their amendments, ordered to be printed by the Convention, and shall ascertain that they are accurately and correctly printed. The Committee shall, subject to the approval of the Committee on Rules and Business Affairs of the Convention, contract for all printing for the Convention and supervise the carrying out of any contract so made and certify to the Committee on Rules and Business Affairs the correctness of all bills rendered for printing.

RULE 24

All resolutions for the printing of an extra number of documents shall be referred, as of course, to the Committee on Credentials, Printing and Authentication of Documents, for its report thereon before final action by the Convention.

RULE 25

All resolutions authorizing or contemplating the expenditure of money shall be referred to the Committee on Rules, ~~Organization~~ and Business Affairs, for its report thereon before final action by the Convention.

RULE 26

No Committee shall sit during the sessions of the Convention without special leave.

RULE 27

The report of a minority of any committee shall be received and printed and on motion of any delegate, the Convention, by an affirmative vote of delegates having at least 57 votes, may substitute such minority report and any proposal submitted therewith for the majority report and for any proposal submitted therewith. In the event any committee is evenly divided on any matter pending before it, the Chairman shall refer such matter back to the Convention with both recommendations.

RULE 28

Public hearings before each of the standing committees addressed to the subject matter, lying within its consideration in accordance with these rules or referred to it, shall be held as and when ordered by the Convention, by general or special order, and according to uniform rules to be made by the Committee on Rules and Business Affairs governing the notice to be given to the public of such hearings, and the method of conducting the same.

RULE 29

The Convention may upon motion resolve itself into a Committee of the Whole for the consideration of proposals for the revision and amendment of the subject matter of the present Constitution. In forming the Committee of the Whole, the President of the Convention shall appoint a chairman to preside.

RULE 30

Before a proposal shall be considered by the Committee of the Whole, any delegate (the Chairman of the standing committee in charge of the proposal having prior right) shall be privileged to move a limitation upon the time of debate and consideration by the Committee, and the Convention may fix in advance of consideration, a time for the Committee to rise and report.

RULE 31

Upon a proposal being submitted to the Committee of the Whole, the same shall be read by the Secretary and then read and debated as may be determined by the Committee. All amendments made to reports, resolutions and other matters submitted to the Committee of the Whole shall be noted and reported. After the report by the Committee of the Whole the proposal shall be subject to be debated and amended on the floor of the Convention.

RULE 32

The rules of the Convention shall be observed in the Committee of the Whole so far as they are applicable. Where there are no provisions, the proceedings shall be controlled by Cushing's Manual of Parliamentary Practice.

RULE 33

Delegates having 57 votes shall be a quorum for the Committee of the Whole to do business; and if the committee finds itself without a quorum, the Chairman shall cause the roll of the Convention to be called and thereupon the committee shall rise, the President resume the chair and the Chairman report to the Convention the cause of the rising of the Committee.

RULE 34

A motion for the rising of the Committee of the Whole shall always be in order unless a member of the Committee is speaking or a vote is being taken, and shall be decided without debate.

RULE 35

At meetings of the Convention the order of business shall be as follows (except at times set apart for the consideration of special orders):

1. Calling Convention to order.
2. Prayer.
3. Reading of Journal.
4. Roll Call.
5. Presentation of petitions, memorials and remonstrances.
6. Reports of standing committees.
7. Reports of select committees.
8. Introduction and first reading of proposals.
9. Reference of proposals.
10. Motions and resolutions.
11. Unfinished business.
12. Special Orders of the day.
13. General Orders of the day.

RULE 36

Consideration of the general orders of the day shall be in the following order:

1. Consideration by Committee of the Whole.
2. Reports of the Committee of the Whole.
3. Committee Reports and Proposals reported from Committees.
4. Second reading and action on reports of the Committee on Arrangement and Form, as to arrangement and phraseology only.
5. Third reading and agreement.

If the matter is not considered in its order, it shall lose its precedence for the day, but shall appear on the calendar on the following day in its regular order. Any matter may be made a special order of business for any particular day or time by a majority vote of the delegates present.

RULE 37

Any subject matter having been made the special order for a particular day, and not having been reached on that day, shall be upon the order of "Unfinished Business" on the next succeeding Convention day.

RULE 38

Upon calls of the Convention, the names of the delegates shall be called alphabetically by county. In case of the absence of delegates, the delegates present shall take such measures as they shall deem necessary to secure the presence of absentees. Any delegate may explain his vote, for not exceeding 3 minutes; but nothing in this rule shall abridge the right of any delegate to record his vote on any question previous to the announcement of the result.

RULE 39

After a question has been stated by the President, and the calling of the roll has begun by the Secretary, the President shall not recognize a delegate for any purpose whatever until the call shall have been completed.

RULE 40

The vote upon any question shall be taken by the yeas and nays and entered upon the journal of the Convention, on motion made and seconded before the question is put and upon the request of at least 20 delegates.

RULE 41

The rules of Parliamentary Practice comprised in Cushing's Manual of Parliamentary Practice shall govern in all cases in which they are not inconsistent with the standing rules and orders of the Convention.

RULE 42

Any rule of the Convention may be suspended or repealed, altered or amended by a vote of delegates having at least 57 votes and any amendment offered shall lie on the table one day before being voted upon.

RULE 43

When a motion is made it shall be stated by the President, or being in writing, it shall be handed to the Secretary and read aloud by him before being debated.

RULE 44

Every motion shall be reduced to writing if the President or any delegate shall request it and shall be entered upon the Journal, together with the name of the delegate making it, unless withdrawn or ruled out of order by the President before discussion.

RULE 45

After a motion has been stated by the President, or read by the Secretary and seconded by a delegate, it shall be deemed to be in the possession of the Convention, but may be withdrawn at any time before decision or amendment.

RULE 46

When a question is under consideration by the Convention only the following motions shall be received; which motions shall have precedence in the order stated, viz.:

Motions to, or for:

- | | |
|--|-------------------------------|
| 1. Adjourn | Not amendable |
| 2. Recess | or debatable |
| 3. Call of the Convention | except as |
| 4. Lay on the table | hereinafter |
| 5. Previous question | provided |
| 6. Postpone indefinitely. | Not amendable, but debatable. |
| 7. Postpone to a certain time. | Debatable and amendable. |
| 8. Go into Committee of the Whole. | Debatable and amendable. |
| 9. Commit (or recommit) to Committee of the Whole. | Debatable and amendable. |
| 10. Commit (or recommit) to a standing committee. | Debatable and amendable. |
| 11. Commit (or recommit) to a select committee. | Debatable and amendable. |
| 12. Close debate at a specified time. | Not debatable, but amendable. |
| 13. Amend. | Debatable and amendable. |
- (Numbers 7 to 12, both inclusive, preclude debate on Main Question.)

The motion to adjourn, to take a recess, and to adjourn for a longer period than one day, shall always be in order, and the last motion shall be amendable and debatable.

Calls for information, for reading a paper, for division of a divisible question for division of the house, for the yeas and nays, and a motion for reconsideration shall always be in order, but shall not be amendable or debatable.

An appeal from the decision of the chair may be taken at any stage of the proceedings.

RULE 47

The previous question shall be put in this form, "Shall the main question be now put?" It shall be admitted when demanded by a majority of the delegates present, a quorum being present, and its effects shall be, if decided affirmatively, to put an end to all debate and bring the Convention to a direct vote upon pending amendments, if any, to the main question, and then upon the main question, but if decided in the negative, to leave the main question and amendments, if any, under debate for the remainder of the sitting, unless sooner disposed of by taking the question, or in some other manner. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

RULE 48

A motion to reconsider any vote must be made before the end of the 2nd convention day after the day on which the vote proposed to be reconsidered was taken, and by a delegate who voted in the majority and the same majority shall be required to adopt a motion to reconsider as was required to take the action to be reconsidered. When a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be twice reconsidered; nor shall any vote be reconsidered upon either of the following motions:

- To adjourn.
- To lay on the table.
- To take from the table; or
- For the Previous Question.

RULE 49

Any delegate may call for the division of a question which is in its nature divisible. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall neither preclude amendment nor a motion to strike out and insert.

RULE 50

No delegate shall speak more than twice on 1 question, or longer than 15 minutes the first, or longer than 5 minutes the second time, or more than once until other delegates who have not spoken shall speak if they so desire, without first obtaining leave of the Convention; and the mover of the proposition shall have the right to close the debate, provided that the person in charge of a proposal on third reading and final agreement shall have the right, if he desires, to close the debate and he may announce such desire at any time before the taking of the vote on the question.

RULE 51

No delegate rising to debate, to give a notice, make a motion, or present a paper of any kind, shall proceed until he shall have addressed the President and been recognized by him as entitled to the floor.

RULE 52

While the President is putting a question or a count is being had no delegate shall speak or leave his place; and while a member is speaking no delegate shall entertain any private discourse or pass between him and the chair.

RULE 53

When a motion to adjourn, or for recess, shall be carried, no delegate or officer shall leave his place until the adjournment or recess shall be declared by the President.

RULE 54

Any delegate may at any time rise and speak to a question of personal privilege. No delegate speaking to a question of personal privilege shall be subject to any rule of the Convention limiting the time a delegate may speak.

RULE 55

No proposal for revision and amendment of the present Constitution which does not comply with the Convention's instructions as stated in the enabling legislation shall be introduced in, reported by any committee to, or agreed upon by, the Convention.

RULE 56

Each proposal shall receive 3 separate readings in the Convention previous to being agreed upon, but no proposal shall be read twice on the same day or be considered on third reading until after at least 48 hours notice, of the day upon which it is to be so considered, has been given by mail to each delegate or by announcement made in open session of the Convention.

RULE 56 (continued)

All proposals may be read by their titles but no proposal shall be read the third time by its title unless copies thereof have been distributed and are on the delegates' desks before such reading. No amendment shall be received to any proposal on its third reading unless by unanimous consent of the delegates present.

All proposals shall, after the first reading, be printed for the use of the members. Printed copies of proposals shall be used on their second and third readings.

RULE 57

The regular order to be taken by proposals, introduced in the Convention and committee proposals reported to the Convention shall be as follows:

- A. Introduction, first reading, and printing of 500 copies of each proposal.
- B. Reference to a standing committee by the President and reported from that committee to the Organization and Operations Committee for the purpose of scheduling such report for presentation to the Convention.
- C. Report by Committee of a Report and Committee Proposal, and printing of 700 copies thereof.

Four Convention days after the filing of said Report, the Report shall be placed on the general orders.

- D. Second Reading: Consideration by the Convention and action on amendments offered by delegates to the Convention.

If consideration in the Committee of the Whole is moved and adopted, then such Committee, after consideration, shall make its Report to the Convention, which Report shall be disposed of before amendments are offered by delegates to the Convention.

- E. Reference to the Committee on Arrangement and Form for report within 3 Convention days.
- F. Report of the Committee on Arrangement and Form, and printing of 700 copies.
- G. Action on Report of Committee on Arrangement and Form; consideration and action on amendments as to arrangement and phraseology only, offered by delegates to the Convention; action on the Report as amended and printing of 700 copies.
- H. Third reading and agreement, without amendment.
- I. Reference to Committee on Submission and Address to the People as to manner of submission to the people.
- J. Report of Committee on Submission and Address to the People as to manner of submission.
- K. Action on Report of Committee on Submission and Address to the People as to manner of submission only.
- L. Reference to the Committee on Arrangement and Form for arrangement of Sections and Article or Articles and for form.
- M. Report of Committee on Arrangement and Form as to arrangement of Sections and Article or Articles and printing of 700 copies.
- N. Agreement upon manner of submission without amendment and printing of 700 copies.

RULE 58

A proposal revising, altering or reforming the present Constitution or any part thereof in any manner shall be introduced by one or more delegates or by a Committee of the Convention or reported to the Convention by a standing Committee as a Committee Proposal.

RULE 59

Each proposal shall be in quadruplicate, shall be typewritten with 1 original copy and 3 carbon copies thereof, or printed, shall be endorsed on the back with the caption and the signature of all delegates or of the Chairman of the standing committee introducing or reporting it.

RULE 60

The caption of each proposal shall be "Constitutional Convention of New Jersey of 1966"

Proposal
Introduced by
(Name of delegate or Chairman of
Committee)"

RULE 61

Each proposal shall contain a short title stating concisely the general nature of its subject matter and it shall be indicated there in the Article, Section and paragraph of the present Constitution intended to be revised, altered or reformed thereby. If any proposal is intended to revise, alter or reform the present Constitution by the addition of any Article, Section or paragraph, the title shall state the place in the present Constitution at which the new Article, Section or paragraph logically belongs.

RULE 62

Each proposal shall be in the form of a resolution as follows:

"RESOLVED, that the following be agreed upon as part of the proposed revised and amended State Constitution."

RULE 63

Each proposal introduced shall be presented in quadruplicate to the Secretary for introduction. The Secretary shall number all proposals as they are presented and make a list of them. At each Session of the Convention the Secretary shall read the number and title of each proposal so presented to him for introduction after the last session of the Convention, which shall be taken as the first reading of the proposal and as the ordering thereof to a second reading, and, the President shall thereupon refer it to a standing committee.

RULE 64

It shall be the duty of the President to consider each proposal for revision and amendment of the present New Jersey Constitution, introduced in the Convention or submitted to the Convention and refer it to the standing committee whose duty it is under these rules to consider proposals dealing with the subject matter therein dealt with, and where a proposal embraces subject matter which falls within the proper consideration of several committees, the President, where practicable, shall divide the proposals and refer them to the appropriate committees; but if they are not subject to such division, the President shall have authority to refer them to an appropriate committee with instruction to consult with other committees on related matter.

Any proposal which does not comply with the provisions of these rules relating to its form shall be referred to the appropriate Committee as a petition.

RULE 65

The original of each proposal introduced shall be delivered by the Secretary to the printer for printing, 1 copy shall be retained by the Secretary until the original is returned to him, 1 copy shall be made available to the Press and 1 copy shall be delivered to the Chairman of the Standing Committee to which the proposal has been referred. The original of each proposal introduced, after being printed, shall be returned to the Secretary and be retained in his files and the copy retained by him shall be delivered to the Bureau of Archives and History, in the State Department of Education.

RULE 66

After May 12, 1966, no proposal shall be introduced, except on the report or recommendation of a standing committee or such special committees as may be established, or by unanimous consent of the delegates.

RULE 67

At such date as may be convenient and not later than May 19, 1966, or at such earlier time as may be directed by a vote of the delegates having not less than 57 votes, each standing committee shall submit to the Convention a report or reports in writing of the result of its deliberations in connection with the subject matters within its consideration under these rules and proposals referred to it.

RULE 68

Each Committee Report shall be accompanied by a Committee proposal containing a complete Article or other appropriate subdivision or group of Articles or subdivisions of the proposed Constitution recommended for consideration and agreement upon by the Convention and the Report shall state as to each Proposal referred to the Committee and relating to the subject matter of the Report and Committee Proposal, whether it (1) has been adopted in whole in the Committee Proposal, or (2) has been adopted in part in the Committee Proposal, or (3) has been disapproved, or (4) has been disposed of in such manner as may be indicated.

RULE 69

Each Standing Committee may originate and report without specific reference, any Committee proposal the subject matter of which properly falls within the consideration of such Committee under these rules.

RULE 70

The report by any standing committee of a committee proposal shall be taken as the first reading of such committee proposal and it shall be ordered to a second reading without reference. No proposal other than a committee proposal shall have a second reading except by a vote of delegates having not less than 57 votes.

RULE 71

Each amendment offered to a proposal before being read, shall be presented to the Secretary, in quadruplicate, either typewritten, with 1 original and 3 carbon copies thereof, or printed, and shall be entered in the Journal. The Secretary shall forward the original to the printer for printing, shall retain 1 copy until the original is returned to him, 1 copy shall be made available to the Press and 1 copy shall be delivered to the Chairman of the Standing Committee in charge of the proposal intended to be amended. The original of each amendment, after being printed, shall be returned to the Secretary and shall be retained in his files and the copy, retained by him, shall be delivered to the Bureau of Archives and History in the State Department of Education.

RULE 72

Any proposal which has passed its second reading together with all amendments thereto, shall be referred to the Committee on Arrangement and Form for consideration as provided by these rules and when reported by said Committee shall be subject to consideration and amendment as to arrangement and phraseology only and if any such amendment be adopted, shall be again referred to the Committee on Arrangement and Form for similar consideration and report thereof, and if said Committee's report shall be adopted, it shall be ordered to be printed and to third reading.

RULE 73

Proposals which have passed two readings together with all amendments thereto shall be prepared by the Secretary in proper form for printing for third reading and when the Secretary receives from the printer any proposal ordered to a third reading and the same shall be found correct, he shall affix an official stamp to each page of the copy to be used as the official copy.

RULE 74

On the question of the agreement upon any proposal on third reading, the vote shall be taken by yeas and nays and entered on the Journal, and no proposal shall be declared adopted unless voted in the affirmative by delegates having at least 57 votes.

RULE 75

All proposals agreed upon by the Convention shall be referred to the Committee on Submission and Address to the People and such Committee shall consider and report to the Convention recommending the method and manner of submitting them to the people in accordance with law.

RULE 76

The manner of submission to the People of the Convention's proposals shall be agreed upon by resolution of the Convention by the affirmative vote of delegates having at least 57 votes but after the revisions and amendments to the State Constitution have been framed and before final agreement thereon, the Convention shall refer to the Committee on Arrangement and Form, the revisions and amendments so framed, for submission for arrangement in proper order and form and report thereon, and upon the coming in of said report, the Convention shall by the affirmative vote of delegates having at least 57 votes agree upon the final form of the proposals so to be submitted and the manner of submission thereof.

RULE 77

When the Convention by the affirmative vote of delegates having not less than 57 votes shall have agreed upon its proposals and shall have agreed upon and framed their final form and the manner of submission to the people according to law, an original and two true copies thereof shall be prepared and signed by the President and Secretary of the Convention and delivered to the Governor and a printed copy of such proposals shall be delivered by the Secretary to each member of the Legislature.

RULE 78

When the Convention shall have agreed upon its proposals and the manner of their submission it shall refer to the Committee on Submission and Address to the People, and such committee shall consider and report to the Convention, in what manner the question or questions, to be placed upon the ballot submitting to the people the proposed revised and amended Constitution thereof agreed upon, shall be framed and whether it is deemed appropriate that an interpretative statement shall be placed thereon or should be dispensed with and in what form such interpretative statement, if so recommended, should be framed.

RULE 79

There shall also be referred to the Committee on Submission and Address to the People the preparation of an Address to the People consisting of a summary and explanation of the proposed revisions and amendments to the Constitution agreed upon and the making of such directions, if any, to officials and others for submission to the people of such proposals agreed upon and for notice and publication of the same and of the Address and for the distribution of copies thereof to such persons, places and institutions through the office of the Secretary of State or other persons and at such times and in such manner as may seem desirable and proper and the said committee shall prepare such an Address and report the same and shall report also as to the other matters so referred to it to the Convention for its action thereon.

RULE 80

The Convention may act upon the matters so referred to said Committee by Resolution adopted by the affirmative vote of delegates having at least 57 votes, but it shall proceed to arrange for submission of the proposed revisions and amendments to the Constitution to the people or make any direction in connection therewith only after certification by the Secretary of State to it that the proposed document and part or parts thereof comply with the instructions as directed in the enabling legislation.

RULE 81

In framing, adopting and agreeing upon:

1. The revisions and amendments to the Constitution to be submitted to the people for adoption or rejection in accordance with law; and
2. the Question or Questions, to be placed upon the ballot, submitting to the people for adoption or rejection to the proposed revisions and amendments to the Constitution agreed upon; and
3. any Interpretative Statement to be placed upon said ballot; and
4. an Address to the People; and
5. any Determinations as to directions to officials and others for the submission to the people of the proposed revisions and amendments to the Constitution agreed upon and for notice and publication of the same and of the Address and as to the distribution of copies thereof to such persons, places and institutions through the office of the Secretary of State or other persons and at such times and in such manner as it shall determine and any direction that its provisions or any of them for notice and publication and distribution shall be in lieu of any other provisions of law relating to public questions and any requirement and determination of the method of submission of the question or questions, which it may frame, by the use of voting machines or with paper ballots or with the use of voting machines and paper ballots;

the vote shall be taken by the yeas and nays and entered upon the Journal.

GOVERNOR HUGHES: The next order of business is the nomination of officers. The nomination of President, of course, will be first. The Chair will recognize Senator Nicholas Fernicola of Essex County.

MR. NICHOLAS T. FERNICOLA: Your Excellency, Governor Richard J. Hughes, distinguished clergy, members of the Judiciary, fellow delegates: I appear before you as a representative of both the people of Essex County and the government of the State of New Jersey, and I arise with great pride in my task, confident in my recommendation, determined to nominate as the President of this Convention an outstanding citizen, a competent lawyer, a gentleman with foresight and integrity, and a reputation for fairness. These words I do not use idly.

I stand before you as a representative of the people, knowing that this nominee must carry integrity to this platform and the ability to share the cares, the trials and the tribulations of all of the delegates. He must have a judicial demeanor of fairness and ability to understand our problems and the determination to put into effect the will of this Convention. He must interpret its rules fairly. In short, he must preside as the chairman of a Convention which has the task of determining perhaps the future course of the rights of the people of this State.

If I did not know him, I would ask, "Where was he born? What does he do? How has he served?" I would first advise you that he was born in the hills of Dakota. He was educated at Seton Hall University and graduated Cum Laude

with the degree of Bachelor of Science. He has had an enviable record with the 15th Air Force Heavy Bombardment Group in World War II where he served as a navigator flying B-24's. And he served with such distinction and gallantry that he was awarded the Air Medal with Oak Leaf Clusters.

After his return from service, he attended and graduated from Columbia University with honors and with such recognition in the legal profession that he was elected President of the State Bar Association, whose members consist, as many of you well know, of the most talented and renowned members of the Bar of this State. He served as President of that Association with distinction and he was acknowledged as a parliamentarian without peer who served with impartiality and soon was referred to as "Judge Foley." The Supreme Court recognized his impartial thoroughness to such an extent that he was appointed to many of its most important committees. This recognition was not restricted alone to the Supreme Court. The New Jersey Legislature, then mostly Republican, called upon him to assist and to be a member of the State Commission that studied Capital Punishment.

In 1954, the people of my county, aware of his legal attainments, elected him as the Surrogate of that county. As Surrogate, he instituted invaluable changes in the procedure which brought much credit to him, approbation from the bench and appreciation by the Bar of our county and State.

His many attainments, his dedication to the task at hand, his reputation for fairness and integrity were not confined to the State of New Jersey. They reached the national

capital, so that our great President Lyndon B. Johnson appointed him to represent New Jersey on the National Lawyers Committee.

No one who knows him doubts his capacity for work, his efficiency and ability to serve as President of this Convention. Those of you who do not know him can only inquire about him and you will soon learn of his reputation, his character and his ability, for this truly is a job for a practical, fair-minded individual who without favor or fear will preside over this Convention.

Delegates, ladies and gentlemen of this Convention, I offer to you as your presiding officer that unimpeachable citizen, that lawyer of distinction, that outstanding parliamentarian, my co-delegate to this Convention, the Honorable Adrian M. Foley, Jr., of Essex Fells. Thank you.

(Applause)

GOVERNOR HUGHES: Thank you, Senator.

Is there a second for the nomination of Mr. Foley? Assemblyman Curry.

MR. HAROLD J. CURRY: Governor Hughes, reverend clergy, ladies and gentlemen: It is with a great deal of pleasure that I arise to second the nomination of this distinguished and capable gentleman for the office of President of this Convention. Thank you.

GOVERNOR HUGHES: Thank you, Assemblyman.

Are there other nominations? Assemblyman Woodcock.

MR. JOSEPH C. WOODCOCK, JR.: Mr. Chairman, ladies and gentlemen of the Convention: I arise to place in nomination

the name of a man of letters, a distinguished educator and an outstanding citizen of an outstanding county.

Dr. Peter Sammartino is President of the largest private university in the State of New Jersey and it is the tenth largest private university in the United States. Dr. Sammartino, as we all know, is President of Fairleigh Dickinson University that maintains five campuses here in the State of New Jersey - at Rutherford, Teaneck, Florham-Madison, Hackensack and Wayne, and as if that were not enough, Dr. Sammartino has established a campus in Wroxton College in England.

Dr. Sammartino is President of the International Association of University Presidents. Only two weeks ago he was given a citation by the National Conference of Christians and Jews. Just a week ago President Johnson appointed him as a member of the Peace Corps Advisory Board. Two nations of Africa, Liberia and the Ivory Coast, have given him their highest decoration. Italy, France and Korea have honored him. In England he was made a Benjamin Franklin Fellow of the Royal Society of Arts. A few years ago he was chosen as the outstanding citizen of New Jersey by the Advertising Club of New Jersey. He has received the Silver Medal from the Sons of the American Revolution.

If it be the intention of this Convention to preserve the bi-partisan spirit under which it was formed, we must have a President who can truly serve in a bi-partisan manner. That man, I submit, is Dr. Peter Sammartino.

It is with a great deal of pride that I place in

nomination the name of Dr. Peter Sammartino of Bergen County.
Thank you.

(Applause)

GOVERNOR HUGHES: Thank you, Assemblyman.

Is there a second? Mr. Bartoletta.

MR. SAMUEL P. BARTOLETTA: Governor Hughes, reverend clergy, it gives me a great deal of pleasure to second the nomination of a man I have had the privilege of knowing for some thirty-six years. He is an outstanding educator and has done a tremendous job for the people of North Jersey and all of Jersey by his work and interest in the State and his interest in education.

I second the nomination of Dr. Peter Sammartino.

GOVERNOR HUGHES: Thank you very much, Mr. Bartoletta.

Are there any further nominations?

(Silence)

MR. CRABIEL: I move the nominations be closed,
Governor.

MR. SARCONE: Second the motion.

GOVERNOR HUGHES: All those in favor of closing the nominations, indicate by saying "Aye."

(Chorus of "Ayes")

Those opposed, "No."

(Silence)

So ordered.

The Secretary will call the roll.

SECRETARY (calls the roll)

(For Adrian M. Foley, Jr.) - Messrs. Ponzio, Bozarth (1/2 vote), Andora, Bertini, Durkin, Inglema, O'Connor, Peer, Skevin, Belopolsky, Kelley, Deighan, Bennie, Malandra, Perry (1/2), Perskie (1/2), Lupton, Clancy, Cohen, Duff, Fernicola, Foley, Handler, Jacobson, Lynch, J. P. Dunn (1/2), Connery, Cotton (1/2), Castano, Dugan, Glauberman, Kelly, Musto, Phelps (1/2), Rittenhouse (1/2), Bash, Goldberg, Lackhard (1/2), Crabiel, Jacks, Metzger, Yelencsics, Gross, McGann, Reilly, Georges, Manahan, Roach (1/2), Cucci, Biber, A. C. Dunn, Keegan, Roemer, Davis (1/2), Meredith, Shaffer (1/2), Hollander (1/2), Dietz, Gannon, Jamison, McGowan, Orkin (1/2), Curry (1/2) - 56.

(For Peter Sammartino) - Messrs. Lilienfeld, Farley (1/2 vote), Bartoletta, Becton, Borg, Sammartino, Weber, Woodcock, Dimon, Forsythe, McCord, Scholz, Thatcher, Weinberg (1/2), Sandman (1/2), Horuvitz, Bate, Clapp, Kimmelman, Sarcone, Stiles, Tate, Tompkins, Van Riper, Hume (1/2), Hunt, Caulfield (1/2), Gaulkin, Grossi, Koch, McPhail, Roth, Roberson (1/2), Lance (1/2), Hollendonner, Weinroth, Pierson (1/2), Borst, Evanko, Gallagher, Willis, Beadleston, Sterner, Stout, Hillery, Maraziti, Thomas (1/2), Novins, Evers, LaCava, Sisco, Sullivan, Leap (1/2), Bateman, Ozzard (1/2), Woolfenden (1/2), Bailey, Cawley, McDonough, Schreiber, Pfaltz (1/2), Dumont (1/2) - 55.

MR. BURKHARDT: Mr. Chairman, the roll call would indicate with one absent, there are 56 votes for Mr. Foley and 55 votes for Dr. Sammartino.

GOVERNOR HUGHES: Neither of these fine candidates

having received 57 votes, the Chair will consider a recall of the roll, but I will hear a motion from Senator Sarcone in the meantime.

MR. SARCONE: Mr. Chairman, may we have a short recess? The delegates will not leave the floor.

GOVERNOR HUGHES: We will have a five-minute recess or less. The delegates will not leave the floor. Thank you.

(Short Recess)

GOVERNOR HUGHES: Ladies and gentlemen, the Convention will be in order. Please resume your seats.

The Chair will recognize, Senator Sarcone.

MR. SARCONE: Mr. Chairman, may we request the privilege of the floor for delegate Dr. Peter Sammartino.

GOVERNOR HUGHES: We are very happy to hear from this distinguished New Jerseyan. I would like to ask for a little silence, guests and delegates. Dr. Sammartino, please.

DR. PETER SAMMARTINO: Mr. Chairman, rather than prolong the discussion and in order to expedite the business of this Convention and in the spirit of harmony and in the spirit of the bi-partisan character of this Convention, I move that the election of Mr. Foley be made unanimous.

(Applause)

GOVERNOR HUGHES: Thank you, Doctor. Is there a second?

MR. SARCONE: I second that motion, Mr. Chairman.

GOVERNOR HUGHES: Seconded by Senator Sarcone.

You have heard that motion. All those in favor

indicate by saying "Aye."

(Chorus of "Ayes")

Those opposed, "No."

(Silence)

So ordered. Thank you very much, Doctor.

Now the words "expedite," "harmony," and so forth rang a bell in that very generous statement by Dr. Sammartino.

Subject to the pleasure of the Convention, the Chair will hear nominations for the office of First Vice-President, following that Second Vice-President, following that Secretary. Senator Crabiel.

MR. CRABIEL: Governor Hughes, distinguished delegates, in line with the past speech made by Dr. Sammartino and in order to provide the proper bi-partisan spirit of this Convention and to provide the harmony that is necessary to solve the very pressing problems we have before us, I would like to place in nomination for the post of First Vice-President of this Convention Dr. Peter Sammartino.

MR. SARCONE: Mr. Chairman, I am indeed honored to second the motion.

GOVERNOR HUGHES: Are there any further nominations for that office?

(Silence)

If not, I will proceed to nominations for the office of Second Vice-President.

MR. SARCONE: Mr. Chairman and ladies and gentlemen, I am indeed honored to place in nomination for the office of Second Vice-President of this Convention Patrick J. McGann, Jr.

of Monmouth County.

MR. CRABIEL: Governor, I am very pleased to rise and second the nomination of the delegate from Monmouth County, Mr. Patrick McGann.

GOVERNOR HUGHES: The office of Secretary remains. I will hear nominations for that office.

MR. CRABIEL: Governor, I am pleased to rise, again in line with the spirit of bi-partisanship and harmony, and recommend the nomination for this Convention to the post of Secretary John Dimon of Burlington County.

MR. SARCONE: Mr. Chairman, I am indeed honored to second the nomination of John Dimon of Burlington County to the post of Secretary of this Convention.

GOVERNOR HUGHES: Thank you.

Are there any further nominations for any of these three offices?

(Silence)

MR. SARCONE: Mr. Chairman, I move the nominations as to First Vice-President, Second Vice-President and Secretary of this Convention be closed.

GOVERNOR HUGHES: Is there a second?

MR. CRABIEL: I second the motion, Mr. Chairman.

GOVERNOR HUGHES: And will the sponsor add to that motion that the Secretary be authorized to cast a formal ballot, to dispense with the calling of this very long roll call?

MR. SARCONE: So moved, Mr. Chairman.

MR. CRABIEL: I would also be certain, Mr. Chairman,

that the Secretary be authorized to cast the ballot for the President of the Convention too.

GOVERNOR HUGHES: All right. It is moved and seconded that the Secretary be authorized now to cast a ballot for all of the officers elected and nominated by the Convention. Those in favor indicate by saying "Aye."

(Chorus of "Ayes")

Those opposed, "No."

(Silence)

So ordered. The Chair will declare that Mr. Adrian Foley has been elected as President of the Convention; and that Dr. Peter Sammartino, as First Vice-President; Former Assemblyman Patrick McGann, as Second Vice-President; and Mr. John Dimon, as Secretary.

The Chair will request delegates, Mr. Isadore Glauberman of Hudson County and Mr. Frank Bate of Essex County, to escort President Foley to the Chair to assume the task that I am presently fulfilling.

(President Foley is escorted to the platform)

(Applause)

GOVERNOR HUGHES: I will ask the Secretary of State to administer the oath of office to the new President. Mr. Burkhardt.

MR. ADRIAN M. FOLEY, JR. (repeating oath administered by Mr. Burkhardt):

I, Adrian M. Foley, Jr., do solemnly swear or affirm that I will abide by the instructions of the Legislature, as set forth in Chapter 43, Public Laws of 1965, that I will perform all the duties of the office of President of the

Constitutional Convention of the State of New Jersey held pursuant to that law, and that I will support the Constitution of the United States, faithfully, impartially and justly to the best of my ability.

MR. BURKHARDT: Congratulations!

PRESIDENT FOLEY: Thank you.

GOVERNOR HUGHES: Now may I ask if Dr. Sammartino, Patrick McGann and John Dimon will take their places by the microphones so that we can administer this oath at long range, please.

DR. PETER SAMMARTINO,
MR. PATRICK J. MC GANN, JR.,
MR. JOHN E. DIMON, (repeating oath administered

by Mr. Burkhardt):

I, (Peter Sammartino, Patrick J. McGann, Jr., and John E. Dimon), do solemnly swear or affirm that I will abide by the instructions of the Legislature, as set forth in Chapter 43, Public Laws of 1965, that I will perform all the duties of the office of (First Vice-President, Second Vice-President, and Secretary, respectively) of the Constitutional Convention of the State of New Jersey held pursuant to that law, and that I will support the Constitution of the United States, faithfully, impartially and justly to the best of my ability.

MR. BURKHARDT: Congratulations, gentlemen!

GOVERNOR HUGHES: Is there a motion for the appointment of two Assistant Secretaries?

MR. CRABIEL: Governor, I would move that Mr. Henry Patterson be appointed as an Assistant Secretary.

MR. SARCONE: I second the motion.

GOVERNOR HUGHES: All those in favor indicate by saying "Aye."

(Chorus of "Ayes")

Those opposed, "No."

(Silence)

So ordered.

MR. SARCONE: Mr. Chairman, I move that Vincent P. Rigolosi of Garfield, New Jersey, be appointed Assistant Secretary.

MR. CRABIEL: Mr. Chairman, I second that motion.

GOVERNOR HUGHES: You have heard the motion. All those in favor indicate by saying "Aye."

(Chorus of "Ayes")

Those opposed, "No."

(Silence)

So ordered.

Before introducing the President, I would like to express a word of thanks to Dr. Peter Sammartino and to all those others among these delegates who have gotten this Convention off, in my judgment, to such a very good start. I commend and thank all of you, and now I will withdraw from my part as presiding officer for the time being in order to present to you the President of the Convention, the Honorable Adrian M. Foley.

(Applause)

PRESIDENT ADRIAN M. FOLEY, JR.: Governor Hughes, Rabbi Shmidman, Bishop Ahr, Bishop Taylor, the Secretary of State, fellow delegates, ladies and gentlemen: It was I think Disraeli who said, "Nothing great was ever achieved without enthusiasm." I think the enthusiasm generated by your actions today augers well for the success and the future of our Convention.

Permit me first to acknowledge my indebtedness to you

all for the great honor you pay me in selecting me to serve as President of this Convention. In facing the problem of the Convention, we are deeply cognizant of the responsibilities which this Chair entails. But we are comforted by the fact that we have available to us a most outstanding record of performance, one that we can rely upon during the coming Convention sessions. I speak, of course, of the great record of Dr. Robert Clothier in his conduct of the Convention of 1947. It will serve as a landmark for us just as it has a landmark for so many throughout the country.

As your servant in this Chair, it will be our primary objective to provide only that degree of participation by the Chair as shall be necessary to insure the flow of Convention work.

Echoing the thoughts expressed earlier by Rabbi Schmidman and Bishop Ahr, I hope and know that you all join with me in my prayer for an enlightened discussion during this Convention. Let it be said hopefully at the end of our labors what George Washington said at the conclusion of the Convention of 1787, and I quote: "The Constitution which we now present is the result of a spirit of amity and that of mutual deference and concession which the peculiarity of our political situation rendered indispensable. That it will meet the full and entire approbation of every state is not perhaps to be expected. But each will doubtless consider that had her interest alone been consulted, the consequences might have been particularly disagreeable

or injurious to others. That it is liable to as few exceptions as could have been expected, we hope and believe. That it may promote the lasting welfare of our country so dear to us all and secure her freedom and happiness, is our most ardent wish." I thank you.

(Applause)

The Governor has already extended to you an invitation for lunch and I should just like to remind you that you will be the guests of the Governor and Mrs. Hughes at a luncheon directly after benediction by Bishop Taylor.

Referring to your program, you will note the appointment of Committees and the Chair wishes to advise that in the interim between now and March 31st, and indeed within the next three days, Committee assignments and appointments will be made.

At this time, it is my privilege to ask the benediction be pronounced by Bishop Prince A. Taylor, Jr., of the Methodist Church of New Jersey.

BISHOP PRINCE A. TAYLOR, JR.: Oh God, our Father, who has called us to ventures of which we cannot see the ending, by paths as yet untrodden and through perils unknown, give us faith to go out with good courage, knowing that Thy hand is leading us and Thy love supporting us, through Jesus Christ, our Lord, Amen.

PRESIDENT FOLEY: Senator Crabiel.

MR. CRABIEL: I move we adjourn, Mr. President.

MR. SARCONI: I second the motion.

PRESIDENT FOLEY: The motion has been made and

seconded to adjourn. All those in favor, signify by saying "Aye."

(Chorus of "Ayes")

Those opposed, "No."

(Silence)

The Convention stands adjourned until March 31st,
at 10:00 A.M.

(Session adjourned)