

STATE OF NEW JERSEY  
C O N S T I T U T I O N A L  
C O N V E N T I O N

of

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Held at

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

June 10, 1966

Volume XIII

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STATE OF NEW JERSEY  
CONSTITUTIONAL CONVENTION of 1966

JUNE 10, 1966

(The session was called to order at 1 P. M. and at the request of the Floor Leaders a recess was granted.)

(The session began at 5:15 P. M.)

PRESIDENT ADRIAN M. FOLEY, JR.: Will the Delegates please take their places.

The Thirteenth Session of the Constitutional Convention of 1966 will now come to order.

Our very faithful Chaplain from Rutgers University, in his most accommodating way, has consented to stay here. He has awaited the studies and the discussions that have occurred today. You have met him previously. We are already in his debt and again much more so. We call upon Mr. Abernethy to give our opening prayer.

REV. BRADFORD SHERMAN ABERNETHY: Let us pray. Eternal God, our Father, at the beginning of these deliberations we paused to offer our prayer for clarity of mind and charity of spirit. As those gathered here press on toward the completion of their task, we dare not ask for divine guidance unless we are ready to listen and wait for it and we find so little time for that. But beyond our deserving, do Thou discern our needs and set us on the way to a just and wise determination of the issues before us. Guard those assembled from the temptation to think of themselves more highly than they ought to think or to

value their task more highly than they ought.

From the danger of being deaf to the voice of his own conscience do Thou deliver each one. Keep them from discouragement if progress is slow and from satisfaction over cheap victories. Give them steadfast faith in the future of this our State and make them glad to have a share in shaping that future.

So, Oh Lord, direct the work now to be undertaken and bring it to such an end as will merit Thine own "Well done." Amen.

PRESIDENT: The Convention, I am sure, will, before it closes, see fit to express its gratitude to Mr. Abernethy for his many contributions. For now he must suffice with a simple but sincere thank you.

The minutes, of course, of yesterday's session are not such as can be prepared in their entirety. The continuation of yesterday's session has as its purpose the consideration of proposals previously considered and, if need be, additional proposals.

At this time I would ask the Secretary to please call the roll.

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

#### ATLANTIC COUNTY

Lilienfeld, Ponzio, Bozarth, Farley

#### BERGEN COUNTY

Andora, Bartoletta, Becton, Bertini, Borg,  
Durkin, Inglima, Jones, O'Connor, Peer,  
Sammartino, Skevin, Weber, Woodcock

BURLINGTON COUNTY

Belopolsky, Dimon, Forsythe, Kelley

CAMDEN COUNTY

Bennie, Malandra, McCord, Scholz, Thatcher,  
Perry, Weinberg

CAPE MAY COUNTY

Sandman

CUMBERLAND COUNTY

Horuvitz, Lupton

ESSEX COUNTY

Bate, Clancy, Clapp, Cohen, Duff, Fernicola,  
Foley, Handler, Jacobson, Kimmelman, Lynch,  
Sarcone, Stiles, Tate, Tompkins, Van Riper,  
Dunn, Hume

GLOUCESTER COUNTY

Connery, Hunt, Caulfield, Cotton

HUDSON COUNTY

Castano, Dugan, Gaulkin, Glauberman, Grossi,  
Kelly, Koch, MacPhail, Musto, Roth, Phelps,  
Roberson

HUNTERDON COUNTY

Lance, Rittenhouse

MERCER COUNTY

Bash, Goldberg, Hollendonner, Weinroth,  
Lockard, Pierson

MIDDLESEX COUNTY

Borst, Crabel, Evanko, Gallagher, Jacks,  
Metzger, Willis, Yelencsics

MONMOUTH COUNTY

Beadleston, Gross, McGann, Reilly, Sterner, Stout

MORRIS COUNTY

Hillery, Manahan, Maraziti, Roach, Thomas,  
Barklis

OCEAN COUNTY

Cucci, Novins

PASSAIC COUNTY

Biber, Dunn, Evers, Keegan, LaCava, Roemer,  
Sisco, Sullivan

SALEM COUNTY

Davis, Leap

SOMERSET COUNTY

Bateman, Meredith, Ozzard, Shaffer

SUSSEX COUNTY

Hollander, Woolfenden

UNION COUNTY

Bailey, Cawley, Dietz, Gannon, Jamison,  
McDonough, McGowan, Schreiber, Orkin, Pfaltz

WARREN COUNTY

Curry, Dumont

SECRETARY JOHN E. DIMON: Mr. President, you  
have a quorum and may proceed with the agenda.

PRESIDENT: The Chair will entertain any  
motion dealing with unfinished business or a motion  
of a preferential nature.

The Chair recognizes Delegate McCord.

MR. SIDNEY P. McCORD, JR.: Mr. President,  
ladies and gentlemen of the Convention, fellow Delegates:  
Yesterday we had some voting for the first time since  
this Convention convened on March 21. As I recall it,  
we voted on 3 proposals originating from one side of

the aisle and 3 originating on the other side of the aisle that, I think, could clearly be characterized as party proposals.

The voting on those proposals, I observed, was largely along party lines. The proposals contained, each, many controversial features, to the extent that it would be impossible for us to come to any conclusion as to the sense of this Convention on any one of the controversial arguments that have permeated the Convention but which have not had the opportunity for an individual consideration.

I think we have come to the time when something must be done in order to get a sense of this Convention. I am about to make a motion. I am told that certain leaders have met and are prepared to present another compromise proposal. I have been informed of the terms of that proposal and, without expressing myself as agreeing or disagreeing with those terms, if that proposal has the vote of 57 it would foreclose the opportunity of many of us who have other proposals further down the list of ever having our views aired or in fact of ever knowing what the majority of this Convention in truth favors.

Now I am not casting aspersions on that motion. It is a compromise and all government is a compromise and I favor compromise in government. Our very existence as a democracy was founded on the theory of compromise.

I have been warned by leadership in our party that if I make this motion it will destroy any compromise, complete proposal that may pass. I cannot accept this, I cannot believe this. If the compromise proposal is so weak that it is going to fall because of this motion, then I submit it should not have been put in the first place.

I do not believe that that is our last chance to come out of this Convention doing something constructive and something that we were elected to do.

As I said, there are many questions, such as unicameralism or bicameralism, the size of the house, guaranteeing one house with one delegate from each county, and things of that sort, that none of us know how the majority of us here feel.

In order to resolve this, I think it is necessary to make the motion that this Convention go into a committee of the whole where these questions can be put individually and, hopefully, that enough of them will receive substantial majorities that they can be put together as the compromise package upon which we will all vote when we come back into session.

I move, therefore, Mr. President, that this Convention go into a committee of the whole.

PRESIDENT: The Chair recognizes Delegate Hunt.

MR. JOHN E. HUNT: Second the motion.

PRESIDENT: There has been a motion made and seconded that the Convention go into a committee of the

whole. It is a debatable motion and subject now to discussion.

PRESIDENT: The Chair recognizes Delegate Crabiel.

MR. J. EDWARD CRABIEL: Mr. President, Delegates to the Convention: I rise to oppose this motion. The reason for opposing this is very simple.

The Apportionment Committee has spent many hours on the plans before us, the Operation Committee spent many hours considering the proposals before us, and the Convention itself spent yesterday in considering and debating the merits of various plans so that the problems and difficulties with the various plans are well known to the Delegates in this Convention.

Repeatedly, yesterday, on the floor of this Convention there was continued reference to the need to solve this problem and the need to effect a compromise solution. To that end there have been committees working, late into the evening last night and all day today, in an attempt to arrive at a compromise that might be satisfactory to the majority of this Convention.

For those reasons, I do not feel that the Delegates are not informed or that they are not aware of the issues in this Convention. And the issues of a particular plan that will be submitted, or any plan that will be submitted, will be open to

debate and consideration. For those reasons and due to the fact that the plan that is scheduled to be considered today has been discussed at great length in conferences with all Delegates in attendance, although not in attendance as a committee of the whole, I feel there could be no useful purpose served in the continuance of this problem by this motion.

And for those reasons, therefore, I would urge the defeat of this motion so that the Convention could continue with the business of attempting to provide a plan that will be acceptable to a majority of the Delegates.

PRESIDENT: Any further discussion?

The Chair recognizes Delegate Barklis.

MR. SAM S. BARKLIS: Mr. President and ladies and gentlemen of this Convention: I am your newest member and this is, in a sense, my maiden speech.

When I first joined you a week ago I was told that by virtue of the fact that I have a medical degree I would be sort of an attending physician to the Delegates of the Convention.

I accepted it in the hope that there were plenty of people around who had good courses in first aid, since I haven't practiced for many years, and that I could probably hold the fort until someone with a good first aid course came along.

The only outstanding problem that I've noted

here, however, might well be termed some cases of acute and chronic deafness. Because of this, because we seem not to have been listening to one another, because we seem not to have been talking to one another, I very much favor the motion of Delegate McCord. I would much urge all Delegates on both sides of the aisle to vote in favor of this motion. It, after all, does nothing more or less than convene us as a committee of the whole where we can begin honestly to talk to one another across the aisle and explore more fruitfully than has been done here for the last three months the viewpoints on either side of the aisle.

I would hope out of that would come some kind of a meaningful and honorable concensus.

Thank you. (Applause)

PRESIDENT: The Chair recognizes Delegate Tompkins.

MR. WILLIAM F. TOMPKINS: Mr. President and fellow Delegates, I certainly want to applaud the previous comments and I certainly want to warmly second Delegate McCord's resolution. But I want to say to the Delegates to this Convention, - and let's not talk form, let's talk substance, - this motion on the floor is the last opportunity, if I understand the facts correctly, for free expression in this Convention.

Now as I walked in here this afternoon from our meeting, I was told that the votes were there on

both sides of the aisle for this compromise, some of them very unwilling.

I was further told that "You fellows have done pretty well, it's a Republican proposal." Well, I want the gentlemen, my good friends on the other side of the aisle, to know that nothing could be further from the truth. This is not a Republican proposal. It's not a Democrat proposal. And it's not a bipartisan proposal, ladies and gentlemen, it's a bipartisan deal, and I don't like it.

I listened to the very distinguished Floor Leader, Mr. Crabiel, who informed us that the problems of six plans have been discussed - 6 out of 52.

I can't conceive that we will dishonor our prior Constitutional Conventions by shutting off debate and refusing to face and meet the problems that are ahead. You and I know in our hearts that we've had one day of work here. Sure we've had committee meetings. How many? How many floor sessions where you have an opportunity to stand up and be heard?

I know what we are going to be faced with, we are going to be faced with a compromise. And we've had one proposal here by a very warm friend, a very distinguished man, Dave Goldberg, and if this motion fails, ladies and gentlemen, we're going to get the Rube Goldberg plan that was hammered out behind closed doors, doors to which most of the Delegates were not admitted.

I can only say this to you, each and everyone of us are going to do things here between now and June 15th that mean an awful lot in the future. We have a lot of people, a lot of children to keep faith with, and when you vote on this motion I simply say, this is the end of the line for free expression if you defeat it, and from the bottom of my heart I ask, when you vote on this, that you search your mind and heart and soul and your very conscience.

Thank you. (Applause)

PRESIDENT: Any further discussion?

The Chair recognizes Delegate Inglima.

MR. ROBERT J. INGLIMA: Mr. President, I rise to support the motion which has been made by Delegate McCord.

I agree that we have spent some 3 months here in arduous work at personal sacrifice to each and every one of us. I recognize as well that we may be on the threshold of a compromise which would put these hours and days of work to an end. I also recognize the fact that there have been many voices of this Convention still unheard, there have been many sentiments, many ideas, yet unexpressed. I know of no body which should retreat from a free and unchanneled expression and interchange of ideas. As a matter of fact, our whole philosophy of democracy and Americanism is predicated upon this very thing.

I listened with great interest to the words of

the Chaplain in his invocation that we should not be disheartened by the fact that we've spent these many hours without reaching a conclusion, that we should take heart and go forward to that which we feel is just and honorable and effective.

I know that this will take many more sacrifices if we do proceed to an open discussion as a committee of the whole but, if I may say this, if this open and free discussion brings about the good, most effective and most responsible plan, that which benefits the State of New Jersey and its people to the greatest extent, then I feel that, to paraphrase the words of the late Adlai Stevenson, it's my responsibility and the responsibility of each of us as Delegates to this Convention to wait here and to discuss and to deliberate until hell freezes over, if that be necessary. And I urge each and every one of us to support this motion so that that may be possible.

(Applause)

PRESIDENT: Any further discussion?

Delegate Perry?

MR. ELIJAH PERRY: Mr. Chairman, gentlemen and ladies of this Convention, I've heard a great deal here this afternoon. This Convention has been in session for about 3 months. Every individual, I feel, working in committees, and even on the floor of this Convention, has had an opportunity to stand up here and express his feelings if he so desired. I am not against

oratory but I am against the ability to harangue for hours and prolong this Convention when I feel that it's time, after all of this work, when we should be able to make a decision relative to the concept of this Convention.

From the works of Kahlil Gibran, he speaks on talking and he says that you talk when you cease to be at peace with your thoughts and when you can no longer dwell within the solitude of your heart you live in your lips, and sound is a diversion and a pastime, and in much of your talking thinking is half murdered, and this can continue for a long time.

I say that the work that has been done at committee levels, the work that has been done on the floor of this Convention, and we have conversed with one another, should have given us the insight to develop at this moment the job we were sent here to do.

Therefore, Mr. President, and members of this Convention, I say that we vote and go on with the business.

PRESIDENT: Further discussion?

The Chair recognizes Delegate Lance.

MR. WESLEY L. LANCE: Mr. President, the Apportionment Committee consisted of 32 members - that's 25 percent of the entire membership of this body. They wrestled with questions of unicameralism

as well as bicameralism, and to a greater degree with the question of single-member districts and multi-member districts for many weeks and they came to no conclusion.

The Operation Committee, which is also a committee of substantial number, wrestled with this same problem for a period and they, again, were confronted with this problem of single-member districts and multi-member districts, and they got nowhere.

Now, if we had all summer and half of the fall to debate this thing, I think this motion would be a wonderful thing and I would vote for it. But we don't have all summer and half the fall. We are faced with a statutory deadline which expires at midnight next Wednesday. And now that we have a compromise, apparently, on this thing which has divided us so long, I don't see where we can do anything better. And this compromise doesn't please me - believe me, it doesn't. I'm a single-member district man in both houses, all the way, but where in politics and government, in a two-party system, did one party or one man in that party get what he wanted? Never. Government is compromise and if we have a compromise within our grasp, and it's fair, we better take it. And there are many elements of the proposed plan which I believe, if passed, will give a fair apportionment to New Jersey in the future. I'm talking about the apportionment commission which will draw the lines

and which will group the counties and also determine the number of seats in the future.

I would see no useful purpose in going into a committee of the whole at this time for us to ask each other questions. We've done that now for several weeks. The time for questions has passed. The time for voting and determination has arrived.

PRESIDENT: Any further discussion  
Delegate Hollander.

MR. SANFORD L. HOLLANDER: Mr. Chairman, I do not wish to prolong the discussion much longer. However, I feel I must rise to say just one thing.

Speakers on both sides of the aisle, opposing this motion, have stated that the committees of this Convention have met long and have worked hard to solve their purposes. I must say, as a member of the Apportionment Committee, that the Democrat members of that Committee met long together and the Republican members of that Committee met long together. The time that both the Democrats and the Republicans were together was very short.

However, in that short period of time when both the Democrats and Republicans were together there were votes and they did not reach agreement except on one basic concept, that at least each county be given a representative.

The proposed compromise that will be put before us this afternoon embodies many things but it does not

embody the one thing that 26 people voted in favor of and 6 people opposed, the only one concept that I feel the majority of the Delegates to this Convention would support if they were given an opportunity to do so.

Unless we here support this motion for a Committee on the whole, we will not have that opportunity.

I just wish to point one thing out, that this motion for a committee on the whole is the first discussion that we have had any bipartisan support for. I think that that is significant.

I realize that the leadership of both political parties oppose this motion. I recognize that there is a great deal of pressure being brought upon members of the Delegation from the large counties to vote against this motion. I realize it is much easier for me, representing a small county, to stand up here and speak this way. I call upon you people from the larger counties to search your souls and search your hearts and see whether you are really doing the right thing by cutting debate off at this time. And I strongly urge support of this motion.

(Applause)

PRESIDENT: Further discussion?

The Chair recognizes Delegate Leap.

MR. S. RUSLING LEAP: Gentlemen, I have, I think, the honor of being the youngest person in this group. I served in the Legislature in 1926. I have

had a very interesting experience in legislative affairs. But I have been visiting this Convention - I say visiting, I've simply been a visitor. Each morning I would come and report, then we would go home at night. I would come back again. Once in a while I have been invited to attend a meeting of one of the Committees. But we haven't had a convention. That is the trouble.

And, you know, we're overlooking the fact that we are elected by the people of the State of New Jersey to come here and do something for them. We are spending over a million dollars of the money of the people of this State, and I think it is our duty to sit down and frankly discuss this thing and reach some conclusion.

As my friend from the other side of the house has said, at one time I did attend one of the meetings, as a guest, when I heard practically all the members of that committee say they were in favor of the proposition that every county shall have at least one representative.

This plan that has been compromised - my poor little county is aligned with Cumberland so far as the senate is concerned, we're aligned with Gloucester County so far as the assembly is concerned, and God knows where we are going to be so far as the congressional districts are concerned.

I think, gentlemen, that it is time that we sit down as reasonable men, as a committee of the whole, and let us discuss this thing honestly. Let's forget

restraint and party ideas. I have seen a lot of political plans. I've participated in a lot of them. And every time that we thought we had some plan that would keep the Democrats out, they've always come along and profited by the very thing we thought was going to help us.

And I think now we should work for the people of the State of New Jersey. I favor the motion and I think it's time we did something.

PRESIDENT: Thank you, Judge Leap.

The Chair recognizes Delegate Ozzard.

MR. WILLIAM E. OZZARD: Mr. President and ladies and gentlemen of the Convention. You are here today by virtue of a law that I helped to draft and which I sponsored. And I know intimately that there is nothing in that statute that prevents any of you from speaking nor has there been anything that has prevented a free interchange of ideas in this Convention.

At the outset of this Convention we discussed and adopted rules, all of which were designed to allow for total expression. And as I served on a committee and viewed the activities of others, it has become quite evident to me that those members who wanted to had an ample opportunity to set forth their programs, proposals and ideas.

Now I listened to a motion being made here by Delegate McCord which deals with a question of open

expression. And I have listened to speakers who followed in support of that motion and I heard them discussing a proposal, and I'm left somewhat confused.

I realize that this motion is on this floor because 14 men in this Convention, 7 from each party, saw fit at the call of the leadership to sit down and try to arrive in these closing days at a compromise.

I presume that the sponsor and others feel that this was an abrogation of their rights to free speech because they were not part of this unnamed, impromptu committee.

I trust they realize and are politicians enough and have served in enough places to recognize the fact that this is the way most things are done in the legislature and out of the legislature, that problems are rarely settled by large groups in the first instance; that an individual or group of individuals must somewhere in the proceedings take upon themselves the responsibility of discussion, intimate discussion, and then from there expand and spread out so that everybody has an opportunity to participate.

That's all that has been done here in the last couple of days.

Now this motion at this time may have several purposes but those that I view are all out of order because you are not talking about free expression, you've had free expression. There isn't a man or a woman in here who hasn't had an opportunity to speak,

to argue and, if they wanted to, to form their own groups for inter-party discussion.

This comes at this hour because there are some people who feel that the compromise plan which has already been talked about by members at these microphones is not to their satisfaction. And I view this as nothing more than an attempt to delay, an attempt to put over, an attempt to stall, because if you want free expression you can continue what you've been doing for the last day or so and express yourselves on individual proposals. But I think some people fear that this next proposal may have enough votes so that they won't get to others that they may want to talk about. And if this is so, unfortunately for those who are opposed, if they happen to be in the minority - and I know what that is. This is part of the democratic process.

Now we are not in the beginning of a convention. We are not now stating new principles. We are in the closing hours and it's about time that we stopped playing games. You voted on proposals yesterday, there are proposals ready for today. You state untruths in saying there has been any stifling of free expression in this Convention, and I think it's about time we got on with the business of the Convention and defeated this kind of a motion so that we can get on to proposals, particularly the next one which I think is most important to the people of New Jersey.

PRESIDENT: Any further discussion?

The Chair recognizes Delegate Weinberg.

MR. SAMUEL WEINBERG: Thank you, Mr. President.

PRESIDENT: I might say, - pardon me, Mr. Weinberg, - Mr. McCord you will be afforded the opportunity of closing debate.

MR. WEINBERG: Mr. President, ladies and gentlemen of this Delegation. I feel that perhaps a great deal of thanks should be given to the Floor Leaders, Senator Ozzard and the other 11 members of this Committee that placed itself in a position where it could come forward and spread upon the table for our consideration a compromise.

But, ladies and gentlemen, I further feel that when I took the oath as a Delegate to this Convention I fully realized that I would give whatever time might be necessary for a full and free interchange of all ideas, from large counties, small counties, racial groups, should that be so, and all other ingredients that might be necessary to go into a proposal.

I know that many of us have taken hours from offices, from businesses and from our lives. I certainly feel that going into a committee of the whole to take a few more hours would be most worthwhile.

The compromise, as I understand it, seems quite good. Perhaps not satisfactory to any but workable to all.

I further feel that maybe there is that chance

that free and full discussion in the committee of the whole would be just enough to make that compromise more workable for all of us. I certainly feel that we should adopt the motion.

PRESIDENT: Any further discussion before the proponent is afforded the opportunity to close debate?

(Silence)

Seeing none, Delegate McCord.

MR. McCORD: Mr. President, ladies and gentlemen of the Convention. I don't like work any better than anybody else on this floor but, we must remember, we are formulating something here with the hope that it is going to last a century.

I submit that there has been a compromise and I congratulate those who initiated it, even though it is an unnamed convention and even though I'm not aware, totally, who they are. But I submit that we have not had that opportunity of getting the sense of the Delegates. Free expression, yes. Nobody has stifled me or anyone else. But collectively getting the thoughts has not been done.

I, therefore, Mr. President, move the question.

PRESIDENT: The question having been moved - the question before the House is whether we should go into a committee of the whole - and I will ask the Secretary to poll the delegation.

(The Secretary calls the roll.)

AYES: Ponzio, Bozarth (half vote), Inglima, McCord, Scholz, Thatcher, Weinberg (half vote) Horuvitz, Bate, Clapp, Kimmelman, Lynch, Stiles, Tate, Tompkins, Van Riper, Hume (half vote), Hunt, Caulfield (half vote), Cotton (half vote), Gaulkin, Grossi, Rittenhouse (half vote), Hollendonner, Weinroth, Lockard (half vote) Pierson (half vote), Borst, Evanko, Gallagher, Metzger, Willis, Gross, McGann, Hillery, Manahan, Roach, Thomas (half vote) Barklis (half vote) Cucci, Evers, LaCava, Sisco, Sullivan, Davis (half vote), Leap (half vote), Meredith, Shaffer (half vote), Hollander (half vote), Woolfenden (half vote), Bailey, Cawley, Dietz, Gannon, Jamieson, McDonough, McGowan, Schreiber, Orkin (half vote), Pfaltz (half vote), Curry (half vote).

NAYS: Lilienfeld, Andora, Bartoletta, Becton, Bertini, Durkin, O'Connor, Peer, Sammartino, Skevin, Weber, Woodcock, Belopolsky, Dimon, Forsythe, Kelley, Bennie, Malandra, Perry (half vote), Sandman (half vote), Lupton, Clancy, Cohen, Duff, Fernicola, Foley, Handler, Jacobson, Sarcone, Dunn (half vote), Connery, Castano, Dugan, Glauberman, Kelly, Koch, MacPhail, Musto, Roth, Phelps (half vote), Roberson (half vote), Lance (half vote), Bash, Goldberg, Crabiel, Jacks, Yelencsics, Beadleston, Reilly, Sterner, Stout, Maraziti, Novins, Biber, Dunn, Keegan, Roemer, Bateman, Ozzard (half vote), Dumont (half vote)

PRESIDENT: The vote on the motion to go into a committee of the whole is as follows: In the negative, 56; in the affirmative 52; 1/2 abstained; 3 1/2 absent.

The next matter to come before the Convention is that of any unfinished business.

The Chair recognizes Delegate Crabiel.

MR. CRABIEL: Mr. President, I move to lift from the table Proposal No. 45 for reconsideration.

MR. SARCONI: Second the motion.

PRESIDENT: The motion has been made and seconded to lift from the table.

On this vote, which will simply open discussion,

I will call for a voice vote.

All those in favor, signify by saying "Aye."

(Chorus of "Ayes.")

Those opposed, by saying "No."

(Chorus of "Noes.")

The motion is carried.

The Chair recognizes Delegate Ozzard.

MR. OZZARD: Mr. Chairman and gentlemen, I wish to offer the following amendments to Proposal No. 45 which has just been lifted from the table. They are in some length and I ask your attention and I will give a brief explanation at the close before I turn the amendments over to the Chair.

(Amendments to Proposal No. 45 read by  
Mr. Ozzard - see page 78)

Mr. President, that completes the reading of the proposed amendments and I would like to have the attention of the Convention. I realize it is boring listening to reading and I don't like to read myself, but I now want to speak on this matter very briefly in explanation of it and I would like the Delegates to at least give me the courtesy of sitting down and listening.

PRESIDENT: Will the Delegates please return to their places.

MR. OZZARD: Mr. President, ladies and gentlemen, I have just been advised that the Republican Floor Leader

has a brief statement and request to make but before he does so - I am going to yield to him but I would first request the Chair to accept the amendments and to advise this Convention that the amendments are sponsored by Delegate Sarcone of Essex, Delegate Crabiel of Middlesex, Delegate Keegan of Passaic, and myself, Delegate from Somerset County.

I now yield to the Floor Leader of the Republican Party and I would like to request that I resume the floor after his remarks.

PRESIDENT: So that the matter is properly before the floor, I recognize Delegate Keegan.

MR. KEEGAN: Mr. President, I second the motion made by Delegate Ozzard.

PRESIDENT: The Chair recognizes Delegate Sarcone.

MR. SARCONE: Mr. President, ladies and gentlemen of the Convention. A number of the delegates have approached me and I know they have approached the Democrat Floor Leader in connection with the proposed amendments and have requested that before discussing the amendments and before explaining them that they be afforded the opportunity to review them since they are lengthy. They hadn't seen the amendments before. They were just placed on the desks, and for this reason, Mr. President, I would move that we have a 15 minute recess.

PRESIDENT: The Chair will declare a recess at

this point. The Chair will also advise all the Delegates that the printed amendments are being distributed - I think they are distributed - to every place. If any further information is required, by way of explanation, the legal research staff's office immediately across the hall is open and available for either any printed or written material on the subject.

We stand in recess for 15 minutes.

(Recess)

PRESIDENT: Will the Delegates please be seated.

At the time of our recess, Proposal No. 45 had been amended by Delegate Ozzard and the distribution of the printed amendment was taking place. In order that there be a more complete explanation of the integrated proposal, I would ask Delegate Ozzard to complete his statement.

MR. OZZARD: Mr. Chairman and ladies and gentlemen of the Convention, at the time I read at length the amendments to Proposal 45 there were two that had not been properly submitted and I wish to re-read those two amendments so that they are properly on record.

The first is as to Section 1, line 7, which should read:

After the last sentence, insert "the number of inhabitants per senator in each Senate district shall not be less than 85 per cent nor more than 115 per cent of 1/40 of the total number of inhabitants in the state, and shall provide that in each senate district composed of 2 or more counties and apportioned more than 1 senator, 1 senator shall be elected by the legally qualified voters of each Assembly district within said Senate district."

Now, in addition, the second paragraph in New Section 5, and the last sentence to New Section 7 should be made to read as follows:

In the event that the Apportionment Commission is unable to complete its work and so certifies to the Chief Justice of the Supreme Court, he shall designate a suitable person as the 11th member of the Commission.

And with the reading of these two further amendments, Mr. President, I submit the amendments previously handed to the Chair.

Now, very briefly, this proposal is keyed around the combination of two basic figures - 40-80 and 1-2. Now the importance of the figures is that they serve as a key to not only this reapportionment proposal but future reapportionment proposals under the same plan.

What we have done here is to submit to you a bicameral house of 40 senators and 80 assemblymen. The 40 senators would run at large, in the number designated in the proposal, and the assemblymen would run in what we call double-member districts, that is, for each senator in each county there would be an assembly district and in each of those assembly districts there would be 2 assembly candidates who would run for election.

Now, there has been much discussion in this Convention about bicameral versus unicameral; there have been valid arguments made that the one-man, one-vote proposal makes obsolete the concept of a two-house legislative body. I say to you that if you have some substance and meaning in the form of representation in

the two houses then you have a reason to keep a bicameral legislature. And this is what we have tried to do in these amendments to this proposal because for the first time in the history of the State of New Jersey you would have local representation and you will have this through the assembly - you will have districts initially of about 150,000 to 170,000 people. And these representatives, these two assemblymen from each of these small localized districts will have the views and concepts, know the problems of and the attitudes of the persons they represent on a local or intimate basis. And you will have superimposed upon this senators at large from entire districts, in most cases the county, and they will have the broad view of the combination of districts from which they are elected and over which they serve.

This is not unlike the breakdown that we have in the United States representation. We have two senators who have the view of the entire State of New Jersey, and thus a representative base of the entire State of New Jersey. And then you have 15 districts within which you have the localized interests and the localized proposals and purposes, and so forth, that go with the individual representation of a congressman. This is that sort of a concept.

Now, by going to 40 and 80 you reach the 1-2 relationship that I spoke of, and this is significant also because we are here to establish a plan that I trust will be part of our Constitution and thus part of our

legislative stature for many, many decades. And each census period will call for a relocation, a reapportionment, if you will. And all you need do under this proposal is to establish your basic, which is the senate. You establish the senate area, the senate lines, and from there, within that, you multiply by two to get the number of assemblyman and you use the number of senate seats as the number of subdistricts.

Now further in the proposal we tried, so far as possible, to make the drawing of lines something that will be removed partly from the flavor of partisan politics away from the changes that go with a legislative setup, and thus we propose that there be a ten-man commission, 5 members of each which will be selected by the respective state chairmen and then we provided for the Chief Justice for a means of breaking a tie.

I think that we have offered here a plan that comes close to what both parties in this Convention have said they wanted, and I presume that the parties have been speaking for the people whom they represent.

We spoke of this earlier as a compromise, and it is a compromise, because, as most of us know, the Democrat Party had taken a position of at-large and the Republican Party had taken a position of subdistricting, and we had many discussions about the so-called floating approach, where you would have some at large and some in districts within a single house. And there have been many, many arguments about what's legal and what isn't,

and hurrah for the Hawaii Case and to hell with the Hawaii Case, and all sorts of things. But what you have here is basic simplicity and a compromise and that both parties, I feel, have reached a point of equality in their approaches in that you've got an enlarged senate and you've got a districting proposal which is pretty close to what many of us sought in the first place.

I think that it makes sense but I want to caution that this proposal is in itself a total proposal. Now, by that I mean that the way it works, the 1-2 arrangement, the 40-80, the balance of districts, doesn't allow for any changes in the program. This is a total plan and I respectfully ask you to vote upon it as a total plan because if you try to change the numbers, you immediately throw the thing out of balance. This plan won't work with uneven numbers, for example. You can't wind up with 3 or 5 assemblymen in a district because you then throw the population out of balance. You defeat the idea of districting if you go beyond 2, and you can't absorb 1.

My plea is simply this, that this is a proposal which has been worked out in a day and a half or two days of headknocking; it has been submitted to all of the delegates in separate caucuses. I believe it has merit. I believe we can leave this Convention with a respectable feeling, with a feeling that we go to the people of the State of New Jersey with a proposal that at least makes sense, that they will understand, that

doesn't have a lot of ifs, ands and buts, and a lot of split districts and split arrangements that nobody understands, not even the delegates.

But I also ask that it be voted on as a proposal. And, Mr. Chairman, I move the amendments, move the proposal come to the floor.

PRESIDENT: The Chair recognizes Delegate Curry. Delegate Curry has filed with the Chair a proposed amendment to an amendment, that is, to the amendments referred to by Senator Ozzard. The Chair will recognize Delegate Curry.

MR. HAROLD J. CURRY: Mr. President, fellow Delegates: The amendment which I shall read is as follows:

Proposal No. 45, with proposed amendments, is amended to provide for a general assembly large enough to guarantee that each county will receive an individual representative provided, however, that the size of the general assembly shall in no case exceed 120 members.

I realize, of course, that this - and I think you all realize that this amendment had to be drawn rather quickly. Quite obviously, it may be an effort in utility which we've sometimes heard on the legislative floor, but I have found, in talking to the delegates - I have noted the vote in the Apportionment Committee - and it seems to me, in these discussions and on the basis of that vote, many, many delegates favor a house which would give representation to each county.

On the basis of this, I am proposing this

amendment. I would certainly hope that this would have support. I realize that it may create problems with the plan worked out but I think that the two parties are both so close at this point and I believe that even with this amendment and only a few more steps any problems could be worked out.

I would so move at this time.

PRESIDENT: The Chair recognizes Senator Farley.

MR. FARLEY: Mr. President, would the Delegate submit to a question, Delegate Curry, please?

PRESIDENT: The Delegate will.

MR. FARLEY: Through you, Mr. President. Does this program, proposed amendment, provide for single-member districts or multi-member districts?

MR. CURRY: I must say that because of the time factor involved I haven't had time to actually work out the details. I would certainly think that this amendment would provide that no county would receive any less in districting than they have under the original amendment to Proposal 45.

MR. FARLEY: Mr. President, then there is no provision spelling out and truly enunciating whether or not this is single districts. Is that correct?

MR. CURRY: That's correct.

MR. FARLEY: Thank you.

PRESIDENT: The Chair recognizes Delegate Woolfenden.

MR. MILTON WOOLFENDEN, JR.: Mr. President, Members of the Constitutional Convention, in the true bipartisanship which we have shown here in the Convention, being from a small county, I am most happy to support and second the suggestion and the resolution proposed by Assemblyman Curry from Warren County.

Thank you.

PRESIDENT: Further discussion?

The Chair recognizes Delegate Schreiber.

MR. SIDNEY M. SCHREIBER: Mr. President, I should like to ask a question. Would the members of the assembly be apportioned among the counties on the basis of the Method of Equal Proportion under the proposed amendment of Mr. Curry?

MR. CURRY: I understand that there is an amendment coming to the floor which would somewhat answer this question, an amendment to my amendment. I would certainly think --

PRESIDENT: I beg your pardon, Delegate Curry. I apologize for interrupting you but we have sought a ruling as to whether a further amendment can be proper. The rules provide that there can be an amendment to an amendment but no further amendment. The rules so provide and our parliamentarian has so ruled.

Delegate Sandman.

MR. CHARLES W. SANDMAN, JR.: Mr. President and members of the Convention, I had proposed to make

an amendment to Delegate Curry's amendment but, of course, I acknowledge your ruling here that that is impossible.

I then have to take the only other recourse that I have and that is to rise in support of Delegate Curry's proposal. This comes the closest to giving us some kind of representation in the tiny areas of the State, and I think the original concept of our government - in fact it was so good that the Federal Government copied their Constitution from ours - that under this particular method we can protect the small against the whims of the mighty. And contrary to some people's thinking, we are parts of the State and we would like to be represented at least in one house, and for these reasons I support Delegate Curry's proposal.

Thank you.

PRESIDENT: Further discussion?

The Chair recognizes Delegate Davis.

MR. JOHN W. DAVIS: Mr. President and fellow Delegates, I rise in support of Delegate Curry's motion and yet I am not politically naive enough to think that it has too much of a chance of passing because I suspect that there have been enough people here who have been assured of their political spot in the sun that it will probably be defeated. And yet I think that it is extremely important that each county have a voice, at least in one house, in the legislature, and I don't subscribe to the suggestion that it's going to take 120 or some fantastic number - and there are many more people

here, who are far more learned in this respect than I, who share the opinion that with the addition of very few additional members in the lower house of the legislature each county could then be afforded a voice.

I think there is some concern on the part of some legislators here that their voice might either be diminished or diluted with the addition of some additional members in the general assembly. And I suggest that, while their particular voice might be somewhat diminished or diluted, by the same token, with the addition of other members to their delegation the voice of their county would certainly not be diminished or diluted, and yet, by the same token, if some measure such as proposed by Delegate Curry is not adopted the voices of the small counties will be silenced, probably, forever.

I have had people suggest to me, "Well with such a large house why would you be so concerned about one vote? What is one vote?" One vote of itself is not important but it does give to each county at least a platform from which to be heard.

I have been surprised at some of the reported reactions coming to my side of the aisle that there is no support for such a proposition even among the smaller counties on the opposite side of the aisle. And I find that a little hard to believe. And I don't see how any Delegate here, certainly from the smaller counties - and actually many of the larger counties have been very charitable with our suggestions - but I don't see how

any Delegates from the small or intermediary counties could hold their heads up when they go home if they do not support a proposition which gives their counties at least one voice in one house of the legislature.

PRESIDENT: Any further discussion?

Senator Crabel.

MR. CRABIEL: Mr. President, I rise, perhaps reluctantly, to speak against this proposal. We have before us a proposal, number 45, which has been indicated before as part of a compromise.

Now we have reluctantly supported this compromise and one of the things that the compromise did was change the concept of absolutely representing counties, particularly in the assembly, because outside of one county no county now is represented in the assembly because of the fact that we have districted counties.

Therefore, in the concept of the proposal that is before us, even though there might be some merit to the gentleman from Warren's motion, I can see no possible way of supporting this motion and I plan to abstain.

PRESIDENT: Further discussion?

The Chair recognizes Judge Horuvitz.

MR. DAVID L. HORUVITZ: Mr. President, when I addressed the assembly yesterday I said that traditionally and historically every county or every political entity has been entitled to one vote since the inception of representative government in the State of New Jersey.

We now come to the point where this Convention must decide whether it is going to take away this little voice from each small county.

I also said that the interests of no two counties are identical and coincide. And I rise to plead with the Delegates to give each county a voice, however small it may be.

Now some people in this assembly are troubled about the size, that it might become unwieldy and some people conceive that it might cause an assembly to be increased to a size of 112. Now, that's not so. I remember distinctly at a meeting of the Apportionment Committee when my distinguished friend, Senator Keegan, for whom I have great respect, said that the Democratic Apportionment Committee was willing to agree to an assembly of 94 people.

Now, Professor Reock has made a study of the situation and has determined that we can have an assembly of 94 people which would give us a deviation of 24 percent; with an assembly of 100 people I think the deviation would be 20 percent; and with an assembly of 112 the deviation would be minor and there couldn't be any objection to it.

Now I am not a constitutional lawyer but I've read the Wyoming case where there was a deviation of 35% permitted and the circumstances were stated by the United States District Court and the opinion was affirmed by the United States Supreme Court.

Now I plead with the gentlemen of this Convention not to deprive these little counties of a vote. So far as Cumberland County is concerned, we have 100,000 people and we are bound to get one vote. But I talk of little counties like Salem and Cape May and Warren and Sussex and Hunterdon. I mean, let there be a small voice but let there be a voice so that it can be articulated.

Thank you.

PRESIDENT: Further discussion?

Senator Scholz.

MR. FREDERICK J. SCHOLZ: Mr. President and Delegates, I believe Judge Horuvitz in stating his position included in there that Cumberland County would be guaranteed one vote.

As I interpret the amendments as proposed by Delegate Ozzard, there would be two assemblymen elected from a district that would comprise Cumberland and Salem, and it is entirely possible, as I interpret this motion and amendment, that both assemblymen could be elected from either Salem County or Cumberland County, so that in fact even under the plan as suggested by Delegate Ozzard there is no guarantee that either of those counties might be represented, nor is there a guarantee that necessarily there will be representation for Cape May or Atlantic Counties or Gloucester County under the plan as submitted, possibly Gloucester would be almost guaranteed an assemblyman.

The same probably could be true in the northwest section of the State, in Sussex, Warren and Hunterdon Counties, that with two assemblymen representing those districts the two assemblymen could come from one county and that the other two counties would not be represented.

And I think that this should be given consideration by the Delegates when they deliberate these matters and not just assume that automatically one county, because of a population factor, will automatically carry both delegates.

In addition, Mr. President, - and possibly I'm out of order and if so you can rule me out of order and I will wait for the appropriate time, but I would like to have the amendments to Proposal 45, as made by Delegate Ozzard, read slowly enough so that I might - and I am sure a good many other Delegates might make the proper notation on their records because I have been advised by the Delegates that copies of these amendments are not available to us.

Thank you.

PRESIDENT: The Chair has ascertained that the amendments have been printed and are available. I think the suggestion that a further clarification of the amendment is an excellent one. However, for the sake of continuity that should come at the time when the proposal of Senator Ozzard is debated. We are now debating Mr. Curry's amendment, and we will so clarify it.

Further discussion?

The Chair recognizes Senator Lance.

MR. LANCE: Mr. President. The 40-80 plan submitted is an integrated plan in that the number of assemblymen bears relationship to the number of senators, and the two assemblymen are in the senatorial district.

Now, you can't come from a smaller county in New Jersey than I come from. I come from Hunterdon. It has 50,000 people. But the passage of this amendment, as I see it, is going to upset the entire routine of the 40-80 plan, and I haven't yet had anybody tell me whether these 120 members are to be elected at large or by single-member districts, or whether you elect 80 of them by districts and you do something else with the 40.

I think we would be well advised to stick to the plan that we apparently have a pretty fair agreement on in both parties.

PRESIDENT: Further discussion?

Senator Dumont.

MR. WAYNE DUMONT, JR.: Mr. President and Delegates, I subscribe wholeheartedly to the theory that each county, no matter what its size, ought to have a voice in the legislature, and my distinguished colleague, Harold Curry, and I come from the largest of the five smallest counties, you might say.

However, there are certain things about this proposal that disturb me. If it does pass, I would hope that every effort would be made to try to hold the size

of the assembly down to 94 members and not get it up to 110 or 120. If it got to be that size, one of the best arguments that's ever been advanced for having a unicameral legislature is being made within a bicameral legislature because of the size of the assembly.

Secondly, I would hope that, if it does pass, we would also recognize that there has been no specification here - and I realize that Assemblyman Curry had very little time to get this ready - as to whether it would be single-member or multi-member districts, or just what it spells out. And I would submit that if the original plan does pass, as submitted, with 40 and 80, there is absolutely nothing to prevent the county political organizations of the three counties involved in the northwestern part of the State from getting together and saying that the county that gets the senator should not also have an assemblyman, but rather that each of those two assemblymen running at large in that district should be a resident of one of the other counties, so that there would be a resident representative of each of the three counties. And this same type of thing could be worked out in other combined county groupings under the 40-80 plan throughout the State.

So that while I subscribe to the proposal made here by Assemblyman Curry, it does leave us in doubt as to certain things that really trouble me, and particularly the size of the assembly which I sincerely hope, if this amendment does pass, will not be more than

94 members, otherwise we might just as well go to a unicameral legislature and stay there, - frankly, I don't favor one.

PRESIDENT: Further discussion?

Delegate Rittenhouse.

May I please ask that the Delegates direct their attention to the speakers.

MR. OSCAR W. RITTENHOUSE: Mr. President, fellow Delegates: I likewise am from Hunterdon County and represent 50,000 people and I note that this proposal to eliminate a representative from one of the five small counties comes from Senator Ozzard who represents us at the present time under the temporary reapportionment program. I am sure that in so doing it is prompted by an effort to reach some kind of a reasonable compromise but it is at the sacrifice of the voice spoken of from both sides of the aisle which should come from small counties in any governmental structure which we end up with here in New Jersey.

I find nothing magical about this two to one ratio which Senator Ozzard proposes in his amendment. I understand it's a neat package. But what bothers me is that it isn't anything similar to what has been traditionally true in New Jersey. We had a 21 member senate and a 60 member assembly for about 100 years, and that was about a three to one ratio and that supposedly worked very well. Now we are not proposing by this that if we go to a 40 member senate that we necessarily go to

a 120 member assembly. And I adhere completely to the comments made by Senator Dumont when he said that he would not like to see it go that large, but I think the comments here on the floor have made it clear that constitutionally we can hold this under 100 and give each and every county a voice. And if we are talking about the difference of going from 80 to 94 and, by increasing the assembly by 14 people, giving each and every county a voice in the state government of this State, then it seems to me that that is something which this Convention, with the ability of the people here, is able to do, to structure and to work out, regardless of the difficulty which this single-member - multi-member approach seems to present.

I think this could be done by maintaining the same ratio between single-member - multi-member districts that has been hammered out in this proposed compromise even in a house of this size. And I would think that that would be implicit in the plan which Assemblyman Curry has presented here.

I'm interested in having an assemblyman represent me in Hunterdon County who is responsive to Hunterdon County's interest. And if under the plan we have two assemblymen running at large in those three counties who have to run every two years, covering from the tip, northeast, to the west tip of New Jersey to Lambertville, and cover that area and represent three counties and their

respective interests, I question whether we will have that responsiveness.

I think good government requires this kind of responsiveness. I think we can get it with a relatively easy alteration of the proposal. I think Assemblyman Curry has presented to this group a method by which that can be done. It's flexible. I, of course, strongly support it, and it seems to me, from the comments, that it's the kind of bipartisan support with which this Convention began and a note on which I would hope it would end.

Thank you.

PRESIDENT: Further discussion?

The Chair recognizes the Delegate from Middlesex.

MR. JOHN EVANKO, JR.: Mr. Chairman, ladies and gentlemen, in addressing myself to the amendment, I find it astonishing, of course, that the Chair ruled that an amendment cannot be amended. The concept of having --

PRESIDENT: Delegate Evanko, the Chair's ruling was that an amendment to an amendment cannot be amended.

MR. EVANKO: And I pointed out that I was astonished by the ruling of the Chair in that particular matter.

Now, as concerns the recommendation that we have each county represented in the lower house, I find that the recommendation is one that has evolved from both sides of the aisle. And the wedding that I talked about

yesterday is pretty well on the way to being consummated.

Now, not only is there an advantage to the small counties in the extension of the lower house but, more important, there is also an advantage to the larger counties and, more important than that, there is a distinct advantage to the voters in the State of New Jersey by increasing the assembly as recommended by the Democratic Delegate.

What can adversely affect us in terms of the number of legislators that we have?

I am sure that there is some semblance of efficiency in having a small number. We have the illustration in the functions of the committees. The smaller numbers purportedly were to give to us plans that were effective and quickly consummated and consequently beneficial to all of us.

By history of the Convention we have found that the smaller numbers have not necessarily given us the best possible plans. And during this period of compromise we've come pretty well along. We have agreed that one house will be made up of members elected at large. And in order to effectively implement the amendment, as proposed, it seems to me that if each county is to have a representative it would be incumbent upon the establishment of some district, otherwise we would again have tokenism and we would have to advance a hopeful prayer that the political powers-to-be in a given area would allow a specific county to be represented.

It's not impossible to accomplish what the amendment recommends. We take the number of 96 - I understand, again, through Dr. Reock and the experts in the apportionment numbers game the effect of this - county representation would be accomplished, more direct contact with the legislators would be possible, and since there is no magic to the 40-80 concept advanced by Senator Ozzard, except possibly in his own home county where he could run from Somerset without any difficulty, it seems to me that we should in good conscience consider the request of those that are pleading for a county voice and then, while resolving the wishes of both political parties in that we're doing the right thing in the upper house and the proper thing in the lower house, we will go one step further in that we will recognize the request of the small counties and we will improve the voter contact with the legislators and, in effect, the compromise will have been complete and total and beneficial, especially to the voter who demands and deserves direct contact with his legislative representative.

There are no adverse effects in increasing the number of representatives. And I do believe that the delegates who have been so effective in working out the compromise can now extend themselves a little bit further and give consideration to those of us in the Convention who might possibly be deemed young bucks or fellows not yet necessarily yielding to what we call party discipline, but moreover have gone to the heart of the question - the

concern for the voter in the field - and then the Convention will have completed the full task in that we will have recognized the voter, we would have increased the number of legislators, we would have effected a compromise and we would have met all of the requirements of the Delegates on both sides of the Convention floor, including the requirements of the professional politicians, those of us that are amateurs and, more important, we would have met the exact requirements of the voters of the State of New Jersey.

PRESIDENT: Any further discussion?

Judge Leap.

MR. RUSLING S. LEAP: I wish to speak in favor.

Salem County was one of the original counties of this State. We participated in the Constitutional Convention on July 2, 1776. We would very, very much hate to see our county deprived of a vote. And do you realize that this is the first time that the two half votes for Salem County have been united in an appeal to this Convention? And I think that that should be an appeal to your patriotism.

We thank you.

PRESIDENT: Further discussion?

Senator Ozzard.

MR. OZZARD: Mr. Chairman and gentlemen, I have two things to say and I like to think they are both significant.

I would particularly like the Republican members

to listen to the second point because I hear speakers from the Republican side supporting this proposal and I am concerned with their knowledge of what this proposal is all about.

Now the first point. I said to you before, when I moved the amendments, that this proposal by Delegates Crabel, Sarcone, Keegan and myself was a total plan. Any amendments to numbers - and I think the Delegate from Hunterdon said he saw nothing significant in the 1-2 or the 40-80 - but I'm telling him that this plan doesn't work, it can't work, it isn't designed to work with any other numbers. If you want a house of 120, you've got to build a plan around 120, or up to it, as the proposer suggests.

So I am asking you to please let the proposal go to the floor on the basis of which it was submitted and thus I'm asking you to defeat this amendment so that the proposal can go that way because it becomes a nullity and that's all you accomplish by voting for this amendment.

Now the second point - to those Republicans who like to drink coffee and get out of their seats, and so forth, of which I'm often one, I'd like to tell them something that they don't understand.

I have understood from this side of the Convention, ever since the first day we convened, that you wanted districts. Am I wrong? The compromise proposal proposes double-member districts.

Now you have before you a proposal - and this is all that's before you - I don't care what the sponsor says about what he means - what you have before you at this moment is one paragraph and only one paragraph and I am going to read it:

Resolved that the foregoing proposal shall be amended to provide for a general assembly large enough to guarantee that each county will receive an individual representative provided, however, that the size of the general assembly shall in no case exceed 120 members.

Now I talked to some pretty responsible attorneys during the break and during the debate, and this is all that you have to vote on, not what Mr. Curry says he thinks and not what he says he could produce if he had more time, but not what he could do or would want to do, but what has been submitted to you. And you have here, whether you like it or not, an assembly of approximately 120 members at large. Now, if this is what you want, then vote for it. But if you want what you have been talking about for three months, then defeat it.

PRESIDENT: Further discussion before Mr. Curry is afforded the opportunity of closing debate?

Yes, Senator Hunt.

MR. HUNT: Mr. President, members of the delegation: I want to support an amendment that will give every small county a voice. Having listened to the debate which preceded my taking the floor, I likewise would like to know - and the question has not been answered nor does this amendment spell it out - as to how they shall be elected. Are we going to elect representation from every small county to which they are justly deserving, or are we going to elect a representative from each county on an at-large basis, or are we going to elect by the Curry amendment representation from single-member districts, or are we going to elect them, still bearing in mind that the proposal, the amendment, the so-called compromise, will permit two Assemblymen to run from each district?

In my estimation - and I am, of course, not a lawyer, but I have lived with law for a number of years - I find in this particular amendment a deficiency now existing and regardless of how much I want to vote for representation from each county, I would like to know and many of us would like to know from Mr. Curry how they shall be elected, in what manner and form, from districts that are single-member districts, from districts that are dual in makeup or will they be elected at large?

I respectfully ask the Chair to clarify this particular portion of the amendment.

PRESIDENT: Would Senator Hunt be satisfied if we wait until Delegate Curry closes debate and then ask him the question following further discussion. If he does not answer, the

Chair will answer it.

The Chair recognizes Delegate Roach.

MR. WILLIAM L. ROACH, JR.: Mr. President, Delegate Curry cannot answer Senator Hunt's question right now because he does not wish to shut off debate. He has asked me if I would try to give my understanding of what this proposal entails at this point.

Our conception is that we are working in so far as possible in the framework of the proposal which was submitted by Senator Ozzard, that is, that the basic idea is that members of the Senate are to be elected from double-member districts. If this proposal is adopted, of course, we will lose the congruity between the Senate and the Assembly; that is, the Assembly will not be just twice the size of the Senate. So let's for the moment forget about the Senate and suppose that that has already been taken care of at size 40.

Now suppose we have selected a specific size for the Assembly. The first step is to apportion by the method of equal proportions that number of seats among the 21 counties. By this apportionment some counties would receive an odd number of districts and some counties would receive an even number. The basic idea is that those counties which receive an even number of Assemblymen would be divided into double-member districts just as is proposed in Senator Ozzard's plan. With respect to those counties electing an odd number, there are two possible alternatives, either of which would be acceptable to Assemblyman Curry. One is

to elect all but one of the Assemblymen from double-member districts and to elect the odd man at large. The other proposal would be to put the odd man in a single district by himself and divide the rest of the county into double-member districts. However, we realize that there may be other ideas on this subject and we are perfectly willing, if the delegates wish, to go into a committee of the whole to discuss the proposal further if there is some indication that this would be desirable. Thank you.

PRESIDENT: Thank you. Is there any further discussion? Senator Hunt, I'm sorry, but would you hold for just a moment. Our Rules provide that no speaker may speak the second time if anyone else who has not been heard desires to be heard.

The Chair recognizes Delegate Weinberg.

MR. BARRY M. WEINBERG: Mr. President, through you to the parliamentarian, I should like to request two rulings, the first being, should the amendment of Assemblyman Curry be defeated, would a subsequent amendment be permitted; the second being, should Assemblyman Curry decide to withdraw his amendment, would he be permitted to submit a subsequent amendment?

PRESIDENT: The Chair has ruled that in accordance with our Rules as enunciated in Cushing, and I quote Paragraph 96 thereof, "Every amendment, which can be proposed, whether by striking out, or inserting, or striking out and inserting, is itself susceptible of amendment; but there can be no amendment of an amendment to an amendment." It then continues to point

out the vice that would occur, the piling up of questions and lack of clarity necessarily ensuing . Cushing's Rules are by specific reference incorporated in the Rules of this Convention.

MR. WEINBERG: Mr. President, again, through you to the parliamentarian on my first question, I should like to request the parliamentarian's further consideration of the additional wording of the paragraph which the President has read to the Convention. The portion to which I am referring I believe states as follows: "The object, which is proposed to be effected by such a proceeding, must be sought by rejecting the amendment to the amendment, in the form it is proposed, and then moving it again in the form in which it is wished to be amended, in which it is only an amendment to an amendment; and, in order to accomplish this, he who desires to amend an amendment should give notice, that, if rejected in the form in which it is presented, he shall move it again in the form in which he desires to have it adopted." I feel, Mr. President, perhaps the parliamentarian might desire to consider this additional wording.

PRESIDENT: The Chair understood your first question. I thought it to be a challenge to a prior ruling. I take it it is not. You now seek a clarification as to what would occur should Assemblyman Curry's amendment be rejected and then he seeks to amend.

MR. WEINBERG: That was my first question, Mr. President.

PRESIDENT: In the event the amendment should be rejected and the amendment sought by Delegate Curry be that

of an amendment seeking to amend the original amendment, it would be in order.

MR. WEINBERG: Mr. President, may I state that though my county is not directly affected by the proposed amendment, in my heart as a delegate to this Convention, I most sincerely feel that this Convention must if at all possible find a way to permit each small county to have a representative in the Assembly of the State of New Jersey. I would suggest, Mr. President, that you ask the parliamentarian for a further ruling as to the effect of a withdrawal of this amendment. Would Assemblyman Curry, should he so desire, be permitted to propose a subsequent amendment?

PRESIDENT: Not having heard from Assemblyman Curry, do I take it that it is the purpose of this withdrawal to make one final amendment which would incorporate all those matters which Assemblyman Curry wishes to bring before this Convention? The Chair has previously, as Assemblyman Curry is well aware, rejected the thought of refusing the amendment on the ground of the failure of specificity and other technical defects. This was done for the purpose of affording Assemblyman Curry a full opportunity to state his position and debate the question. So before ruling on your hypothetical question, I would ask whether the intent is to withdraw this amendment and incorporate in an amendment all the amendments that Assemblyman Curry intends to make.

MR. WEINBERG: Mr. President, never having had the opportunity of speaking to Assemblyman Curry, but merely completely adhering to the principal which I believe he is

attempting to prevail upon this Convention, I would request he be given the opportunity to answer that question, but not be put in the position of closing debate.

PRESIDENT: He will not be precluded from closing debate and he will answer the question.

MR. CURRY: Mr. President and fellow delegates: I realize that this has been running on a long time. However, because, as I said in my original statement, of the brevity of the time in preparing this amendment, it was of necessity incomplete. It had to be. I would appreciate it, of course, if I had the opportunity to spell out in detail those items which Mr. Roach, I think, so well presented to the Convention.

PRESIDENT: Do I take it that the response to the question posed was that the amendment previously sought through Delegate Sandman is not the only amendment that you would seek?

MR. CURRY: Quite possibly.

PRESIDENT: Are you in any position to advise the Convention how many amendments you would propose?

MR. CURRY: Well, at this time, as I say, I would intend to amend this to meet the setup that Mr. Roach spelled out.

PRESIDENT: I take it, not to engage in any dialogue with Assemblyman Curry, that the amendments are not now in written form and available to us.

MR. CURRY: They are not.

PRESIDENT: Does the delegate rise on a point of order?

MR. PFALTZ: I wish to speak to the Convention.

PRESIDENT: Delegate Pfaltz, if you would, an opportunity will be presented later. It is not a point of order. The question pending is a hypothetical question proposed by Delegate Weinberg. The question will be considered. The parliamentarian will consider it and a ruling will be rendered. In the meantime, the Chair's original ruling remains and the debate is limited at this time to the amendment proposed by Delegate Curry. I take it, Delegate Pfaltz, that is the purpose of your arising.

MR. PFALTZ: No, Mr. Chairman, I wish to move in view of the hour, especially the time we have all been down here, for a recess at this time.

PRESIDENT: A motion by Delegate Pfaltz for a recess is in order if it is seconded.

MR. HOLLANDER: I second the motion.

PRESIDENT: The motion to recess has been made and seconded. I would ask that all those who desire to vote in the affirmative, rather than a voice vote, raise their right hands.

All those who wish to vote for a recess, raise your right hands. Would the Secretary please take a count.

(Showing of hands.)

All right. Please put your hands down.

All those voting in the negative, please raise your hands.

(Showing of hands)

Thank you. The motion is lost.

Is there any further discussion on Assemblyman Curry's

amendment?

The Chair recognizes Delegate Hunt.

MR. HUNT: Mr. President and members of the delegation, I come back to my original purpose; notwithstanding the fact that I have heard some explanation by Delegate Roach, if I am going to vote on the amendment - and I have talked to many of my colleagues on this side of the aisle - we want to see the amendment spelled out in its entirety. We do not intend to vote on an amendment that is partial. We do not intend to vote on an amendment that will be amended and amended and amended later.

Many of us on this side are favorable and desire to see every small county have a representative vote. I have taken this position since my first day at this Convention and I will still stay with it. However, I would respectfully suggest that the amendment be withdrawn and placed in its proper form and then again submitted so we might know what we are voting for.

So far we have had four explanations as to what we are voting for and none of which are coincidental and none of which are in continuity. If we are going to vote for something, let's have it in writing so we know what it is and not have something which is haphazard. I realize that Delegate Curry was pressed for time, but I would respectfully urge, sir, that we have the amendment in written form so we know what we are voting for rather than having discussion for hours upon this floor.

PRESIDENT: The suggestion will be noted. The question

posed by Delegate Weinberg is being considered and a ruling will be forthcoming. Is there any further discussion before Assemblyman Curry is afforded the opportunity of closing debate? Delegate Gannon.

MR. JOSEPH A. GANNON: Mr. President, I just rise to ask you whether or not Senator Ozzard's amendments to Proposal 45 have been completely distributed to the delegation? Mr. President, do you want me to repeat my question?

PRESIDENT: Please do.

MR. GANNON: Upon reconvening, Senator Ozzard indicated, to me, at least, that the distributed amendments may have been incomplete and I rise now to ask you whether or not the completed amended form of Proposal 45, which has been amended or upon which an amendment has been submitted, is in the hands of all the delegates.

PRESIDENT: As far as we know the amendments are. However, we have before this house at the present time the amendment of Assemblyman Curry.

Now to return to the question posed by Delegate Weinberg, the ruling has been obtained that if Assemblyman Curry withdraws the amendment to the amendment that another amendment in place of that withdrawn would be in order.

MR. GANNON: Thank you, Mr. President.

PRESIDENT: Any further discussion? Delegate Hollander.

MR. SANFORD L. HOLLANDER: I think that we all must realize at this time that the purpose of Assemblyman Curry's amendment was not proposed to be in perfect form.

When the Operation Committee reported, all of us were sent a list of proposals as they were to come on the floor. We voted on six of them yesterday. We recessed. It was our understanding, or at least it was mine, that all the other proposals would have an opportunity to be debated and heard. Included in this would be Number 7, the proposal that dealt basically with the question that is before us and the proposal that was voted affirmatively upon in the Apportionment Committee by such an overwhelming majority.

Assemblyman Curry submitted his amendment for the sole purpose of delaying a vote on Senator Ozzard's compromise that is before us now. If Assemblyman Curry withdraws his amendment at this time, will he have an opportunity to present it to this Convention in such a form that it will be complete? We recognize that he will be unable to do that this evening. If he withdraws it now, the only way in which the members of the Republican Party who have some very severe questions in regard to the details of this program and the members of the Democratic Party who are also interested in it - the only manner in which they will be able to consider this will be by having a recess or by having ourselves move into committee of the whole.

So I would request a ruling from the Chair whether if Assemblyman Curry withdraws his motion he will have an opportunity to submit another amendment prior to the voting on Senator Ozzard's amendment this evening.

PRESIDENT: The opportunity of submitting an amendment to the amendment is available to Assemblyman Curry or will

be available to Assemblyman Curry should his amendment be withdrawn, just as it would be available to every other delegate in this Convention. That amendment can be made at any time during the debate upon the amendment promulgated by Senator Ozzard. The Chair is not able to say at this time how long that debate would occur and, therefore, the Chair is unable to ascertain with any degree of accuracy precisely what period of time that is. I think it is logical to assume that the debate on Senator Ozzard's amendment will occupy a substantial amount of time.

Any further discussion? Delegate Curry, the Chair would like to ask if you wish to avail yourself of the microphone before debate is closed?

May we have the attention of the Delegates. Delegate Curry has furnished the Chair with a single copy of a proposed amendment which he states - correct me, please, Delegate Curry, if I am wrong - embodies those provisions he wishes to incorporate in his amendment. With the permission of the Convention, the Chair would dispense with the requirement that written copies be furnished to each of the delegates, if after the Chair reads the amendment we hear no objection to a vote upon it in the manner presented.

The proposed amendment states: -- May we please have complete attention. Since there are no copies, perhaps the delegates would want to make notes. -- "The General Assembly shall be composed of not more than 120 members, apportioned among the counties by the method of equal proportions. Any county electing an even number of Assemblymen shall be

divided into a number of districts equal to half the number of Assemblymen and two Assemblymen shall be elected at large from each of these districts. Any county electing an odd number of Assemblymen shall be divided into the smallest integral number of districts greater than half the number of Assemblymen. A single Assemblyman will be elected from one of these districts and two members shall be elected at large from each of the remaining districts."

The Chair wishes to first ask Delegate Curry whether this incorporates the amendment he seeks.

MR. CURRY: It does.

PRESIDENT: The Chair would ask if there is any further discussion on the motion to incorporate this amendment in the hope that it carries with it all the amendments sought and even though it does not comport with the required rule of writing.

MR. JOHN R. BENNIE: Mr. President, I want to be very frank to say that I object to the amendment because without it being presented and without being given an opportunity to study it, I frankly can't understand it. I don't know what it would do to our county and what effect it would have on us. For this reason, I can't possibly vote in favor of it.

PRESIDENT: The amendment in the form suggested by Delegate Curry, just as every other amendment, must comport with the rules of our Convention unless by a vote of 57 those rules are suspended.

The Chair recognizes Delegate Clancy.

MR. JOHN J. CLANCY: Is this proposed amendment a

substitute for that previously submitted and is the one previously submitted withdrawn?

PRESIDENT: It is the understanding of the Chair that this amendment would serve not only as a substitute for that originally-promulgated amendment, but incorporates all the intended amendments of Delegate Curry.

MR. CLANCY: Is the proposal before us by way of an amendment to the amendment withdrawn and in that event is this a new amendment?

PRESIDENT: This would be a new amendment in substitution for that which Assemblyman Curry in effect intends to have withdrawn. It is the hope of the Chair that we can have by vote of this body the feeling of the body as to whether it will dispense with the formalities required in order to get this before the floor and in suggesting that the matter be dealt with in this fashion, the Chair points out that if Assemblyman Curry withdraws his pending amendment, he is free to substitute an amendment similar to this during the debate on Senator Ozzard's proposal.

MR. CLANCY: And your first ruling is - ascertain the sense of the meeting here as to the course of action.

PRESIDENT: That is the attempt of the Chair.

The Chair recognizes Assemblyman Beadleston.

MR. BEADLESTON: Question - at what point in this procedure will the Chair entertain a motion on the previous question?

PRESIDENT: The debate on Assemblyman Curry's first proposal has concluded and Assemblyman Curry was about

to close the debate. The ruling was requested as to the effect of a withdrawal. Since the proposed withdrawal will not be made, I assume, by Assemblyman Curry until he has an opportunity to present to this body a motion to suspend the rules, it was the hope of the Chair that a feeling could be obtained from this body whether they would agree to such an amendment. Failing that, the question would be in order for vote. Is that correct, Assemblyman Curry?

MR. CURRY: Yes.

PRESIDENT: Do you wish to formally make a motion for the suspension of the rules which require the printing and presentation of amendments in written form?

MR. CURRY: Yes. I so move.

PRESIDENT: Delegate Bartoletta.

MR. SAMUEL P. BARTOLETTA: Mr. President, I don't mind suspending the rules, but are we going to have another two and one-half hour debate on this proposal? Or are we going to vote on the proposal per se as it is presented? I would like to get this straightened out. We have been here for three hours or so listening to debate on this proposal originally. Now you come up with a proposal. Are we going to continue to hear more debate on this proposal?

PRESIDENT: The debate on this proposal, I take it, has already been the subject matter of all the discussion of the proponents and probably that of the opponents, and it is not anticipated, at least by the Chair, that discussion or debate should be extensive on the proposal which is now offered in substitute.

Do I correctly state Assemblyman Curry's position?

MR. CURRY: That is correct. I certainly don't want to draw this out any longer than we have to.

PRESIDENT: There is a motion before the Convention to suspend the rules requiring the written submission of an amendment. This submission proposed by Assemblyman Curry will be that of a substitute for the prior amendment.

Is the question clearly before the house? You are now voting upon the question of whether you will suspend your rules to permit Assemblyman Curry's amendment to be submitted to you by an oral reading from the Chair rather than written submission.

MR. CRABIEL: Mr. President, for the Democratic side, I would recommend a favorable vote to suspend these rules.

MR. SARCONI: On behalf of the Republicans, I would also make such a recommendation and second Mr. Crabiell's motion.

PRESIDENT: Is there any further question on the suspension of the rules? [No response]

All those in favor, signify by saying "Aye."

[Chorus of "Ayes"]

All those opposed, signify by saying "No."

[Chorus of "Nos"]

The motion is carried.

I take it, Assemblyman Curry, that you wish to move at this time an amendment in place of the amendment which you now wish to withdraw and you desire the Chair to once again read the amendment.

MR. CURRY: Yes. I so move.

PRESIDENT: The amendment proposed is as follows:  
"The General Assembly shall be composed of not more than 120 members, apportioned among the counties by the method of equal proportions. Any county electing an even number of Assemblymen shall be divided into a number of districts equal to half the number of Assemblymen and two Assemblymen shall be elected at large from each of these districts. Any county electing an odd number of Assemblymen shall be divided into the smallest integral number of districts greater than half the number of Assemblymen. A single Assemblyman will be elected from one of these districts and two members shall be elected at large from each of the remaining districts."

Is there any further debate concerning the amendment proposed by Delegate Curry in substitution for his prior amendment? Delegate Curry, do you move the question?

MR. CURRY: I move the question.

PRESIDENT: May we have the attention of all the delegates, please. The question has been moved and is properly before this house by reason of suspension of its rules.

The amendment to the amendment submitted by Senator Ozzard made by Assemblyman Curry is as follows: "The General Assembly shall be composed of not more than 120 members, apportioned among the counties by the method of equal proportions. Any county electing an even number of Assemblyman shall be divided into a number of districts equal to half the number of Assemblymen and two Assemblymen shall be elected at large from each of these districts. Any county

electing an odd number of Assemblymen shall be divided into the smallest integral number of districts greater than half the number of Assemblymen. A single Assemblyman will be elected from one of these districts and two members shall be elected at large from each of the remaining districts."

Mr. Secretary please poll the Convention. The Chair wishes to announce that this is a vote upon a proposal and as such requires 57 full votes in order to be maintained.

(The Secretary calls the roll):

AYES: Ponzio, Farley (half vote), Thatcher, Weinberg (half vote), Sandman (half vote), Horuvitz, Lupton, Bate, Clapp, Tompkins, Connery, Hunt, Caulfield (half vote), Cotton (half vote), Glauberman, Rittenhouse (half vote), Lockard (half vote), Borst, Evanko, Gallagher, Willis, Hillery, Manahan, Roach, Barklis (half vote), Cucci, LaCava, Sullivan, Davis (half vote), Leap (half vote), Meredith, Shaffer (half vote), Hollander (half vote), Woolfenden (half vote), Bailey, Cawley, Dietz, McDonough, McGowan, Schreiber, Orkin (half vote), Pfaltz (half vote), Curry (half vote), Dumont (half vote)

NAYS: Bartoletta, Becton, Peer, Sammartino, Weber, Woodcock, Cohen, Fernicola, Handler, Jacobson, Dunn (half vote), Koch, MacPhail, Roth, Roberson (half vote), Ozzard (half vote)

MR. MC CORD: Mr. Secretary, how am I recorded?

SECRETARY: You are recorded as abstained.

MR. MC CORD: Vote me in the affirmative.

SECRETARY: Mr. McCord changes his vote from abstain to yes.

MR. SCHOLZ: Mr. Secretary, how am I recorded?

SECRETARY: You are recorded as abstained.

MR. SCHOLZ: Record me as voting yes.

SECRETARY: Senator Scholz changes his vote from abstain to yes.

PRESIDENT: Are all the delegates properly recorded?

The amendment is lost - 37 1/2 affirmative votes.

Senator Ozzard's amendment which was introduced and seconded and the subject of debate is presently before the house. Any further discussion? Delegate O'Connor.

MR. JEREMIAH F. O'CONNOR: Mr. President and fellow members of the Convention: I arise to support the amendment that is now before us. Upon my arrival at New Brunswick, I happened to be one who favored a unicameral legislature and yet in the various debates that we have had and the various discussions of the many proposals that have been presented, I believe that this proposal encompasses all of our views and is the best compromise that is possible at this Convention and will be the best amendment that can be put forward for the people of the State of New Jersey.

First of all, it is a compromise based upon such a compromise as we have in the Constitution of the United States. We have worked out a compromise between the Democratic Party which has continually been pressing for at-large voting in both the Senate and the Assembly and the Republican position where they wanted single-member districts in the Senate and the Assembly.

It has eliminated the tremendously large tickets which the people of our State have had to face in the various counties and it gives them the opportunity to have one representative who will be their representative in Trenton and it also gives a county the opportunity to have a State Senator who will represent the whole constituency of that county.

I would just like to state that I would like to congratulate Senator Ozzard, Senator Crabiel and Senator Sarcone and the other Senators who worked very hard, and the other delegates, to see that this amendment was drafted and put before this delegation.

I would ask that everyone who has now had a complete opportunity on the various proposals to speak to support this compromise solution so that we will be able to give this to the people of this State and that it will receive their unanimous consent. Thank you.

PRESIDENT: Thank you. Delegate Scholz.

MR. SCHOLZ: Mr. President and delegates: I rise to support the corrected amendments to Proposal No. 45 as submitted by Delegate Ozzard. It does not completely satisfy my concept of the "one man, one vote" doctrine. However, I believe that this delegation has tried and the delegates here have tried to resolve this problem, each according to his own conscience, and that it represents a compromise that will be acceptable to me and in the final analysis to the best interest of the people of the State of New Jersey.

PRESIDENT: Thank you. Any further debate?  
Delegate McGowan.

MR. JAMES M. MC GOWAN: Mr. President, I rise to oppose this amendment and I do so very reluctantly. I am not in total agreement with the districting plan or many of the features of this plan. However, I would vote for it, except for one item. I am firmly convinced that the apportionment and the mathematical results and the deviations

produced are clearly unconstitutional beyond any question of a doubt.

I would like to elaborate on this. As this debate was going on, I pulled out a pencil and paper and did some figuring here. And I sincerely believe that if the delegates here do the same thing, they will come to the very same conclusion. First of all, if we allocate the seats on a county basis - and really that is what we are doing, regardless of the gimmick in there - we find that under the method of equal proportions, for example, Passaic County would get seven Assemblymen. Under this plan, they get eight. We find that Union County would get seven. Under this plan, they get six. We find that Morris County would get three under equal proportions. Under this plan, they get four. Camden County would get five under equal proportions and under this plan, they would get six. Gloucester, Atlantic and Cape May would get five and under this plan they only get four. There is no formula in existence which can justify the allocation of Assembly seats on this basis that I know of or anyone else knows of to my knowledge.

To be a little more specific, we find, to give a few examples, Camden County gets three Senators and six Assemblymen. Union County gets three Senators and six Assemblymen. They both get the same. What is the population of Camden County? It is 392,000 and Union County is over a half a million. Gentlemen, how can we expect this to hold up in court? We talk about 15 per cent deviation. Just because we have a gimmick in here, I don't think the court

will buy it. The total deviations when we add them up are as follows: We find in Camden County 83 per cent in the Assembly; Passaic County, 63 per cent total deviation; Morris County, 55; Union, 64.

Let me read in the Reynolds versus Sims decision what they had to say about a plan of this nature and I ask you to pay strict attention to this because I guarantee you will hear about it in the months to come and this will be quoted in those months: "In determining whether a good faith effort to establish districts substantially equal in population has been made, a court must necessarily consider a state's legislative apportionment scheme as a whole. Disparities from population-based representation --" Gentlemen, I ask you to pay attention to this.

PRESIDENT: Delegate McGowan, I beg your pardon. I interrupt only to ask the delegate's to devote their attention to your remarks.

MR. MC GOWAN: Again I say this is the sentence you are going to hear in the months to come, "Disparities from population-based representation, though minor, may be cumulative instead of offsetting where the same areas are disadvantaged in both houses of the state legislature and may therefore render the apportionment scheme at least constitutionally suspect." Now the question is: In how many counties are these disparities cumulative rather than offsetting and here is the list of counties. This is so in Passaic, Bergen, Essex, Hudson, Union, Morris, Somerset, Sussex, Warren, Hunterdon, Middlesex, Mercer, Monmouth,

Ocean, Burlington, Camden, Gloucester, Atlantic, Cape May, Salem and Cumberland. In every one of the twenty-one counties in the State the disparities are cumulative rather than offsetting and we talk about spending a couple of million dollars on a Convention - How can this go down the drain and be declared unconstitutional? That's all.

PRESIDENT: Any further discussion? Delegate Sandman.

MR. CHARLES W. SANDMAN, JR.: Mr. President and members of the Convention: This plan is not altogether the plan that I would like to have and I am in the same position I suppose as many other people. What I said yesterday, I meant. It was my true feeling. However, this is as close to that particular plan as compromise will allow us to get. Here we do have identified representation. It doesn't get back to what my constituent, the farmer, would like to have as to "Who is my guy?" But, at least in this case he has two identified guys he can call his spokesmen and this, I think, is as close as we can get to having identified representation and responsibility. I think it is as good a plan as we can compromise upon and with reluctance I would support it.

PRESIDENT: Any further debate before I call upon the sponsor? Delegate Gannon.

MR. JOSEPH A. GANNON: Mr. President, I arise to direct a question to the sponsors of the proposal. I am a member of the Arrangements and Form Committee and I find that I am somewhat at sea over the priority with respect to the county lines or with respect to the deviation between

85 and 115 per cent as required by Section 1 as amended under Proposal No. 45. Must we first recognize county lines or must we recognize the deviation not to exceed 85 or rather not to go below 85 or exceed 115 per cent? It occurs to me that there could be a conflict between the two thoughts and I would ask for clarification.

PRESIDENT: The Chair will receive the question and Senator Ozzard, the proponent of the amendment, I am sure will answer your question, which is: Shall priority be given to the maintaining of the integrity of county lines or should preference be given to a deviation which does not admit of more than a negative of 85 per cent and an excess of 115 per cent? The question directed is: Which of these has priority in consideration?

MR. OZZARD: Mr. President, on the question we have reviewed this 15 per cent factor which is actually a 30 per cent factor with the advisors that we have used throughout the Convention and we find that for the present and for the foreseeable future, there will be no reason on projections of the 1970 population and "guesstimates" thereafter to violate county lines.

PRESIDENT: Thank you. Any further discussion?  
Senator Hunt.

MR. HUNT: Mr. President and members of the delegation, the proposed plan in my humble estimation will not meet the "one man, one vote" test. I come from the County of Gloucester. We are a little bit short of 135,000 population in the 1960 census. I notice that my neighbor, the County of Camden, will

be having three Senators. I have nothing against Camden, but they will be electing a Senator on the basis of 130,675 people by the 1960 census. That is about 5,000 less than our ratio. Going up to Mercer, I find we are going to have two Senators there now based on a figure 133,196 by the '60 census, which is again less than Gloucester County. I find that Somerset only has 8,000 more than we have, yet they are going to have their own Senator. Going up into the County of Morris where we have the greatest discrepancy, they are going to elect a Senator for every 130,000 people.

I simply call this to your attention to point out the inequity of this plan. If they are going to give these counties a Senator for 130,000 people, then why can't they give my county with 135,000 one of their own also?

PRESIDENT: Thank you. Any further discussion? I see no one rising. I beg your pardon, Delegate Ponzio.

MR. ARTHUR W. PONZIO: In conjunction with the statements made by Senator Hunt, I think you will find the formula also would apply in the case of Atlantic County which has 160,000 population, Senator, as against the 134,000 of Gloucester, and we in turn have been wedded to Gloucester County not by choice. In a similar fashion, with respect to Somerset County with only 143,000, having one Senator, here we are with 161,000 with no Senator.

PRESIDENT: Thank you. Delegate McGowan.

MR. MCGOWAN: Mr. President, I just want to make one very brief point. In this plan there are six counties that have a deviation, a total deviation, mind you, in

excess of 50 per cent. Now we could take the same 40-80 plan and distribute the members of the General Assembly on the basis of equal proportions to each county in the State. Every county would get a seat under equal proportions and we would not have a single deviation over 50 per cent. Not only that, we would not have a single deviation over 40 per cent and here we have one, two, three, four, five, six over 50 per cent. If this is constitutional, why can't we allot a seat to each county and provide what most delegates here want?

PRESIDENT: Is there any further debate before we call upon Senator Ozzard to close debate? Senator Ozzard.

MR. OZZARD: Mr. Chairman and gentlemen, I move the question.

PRESIDENT: The question has been moved.

(Applause)

So that the Convention understands clearly the matter to be voted upon, there will be two successive votes. The first vote will be that of the amendment proposed by Senator Ozzard. If that amendment is carried, the entire proposal as amended will be the second matter to be before the Convention. Again to repeat, the matter to be voted upon at this time is the amendment of Senator Ozzard.

Delegate Dietz, do you have a point of order?

MR. CHRISTOPHER DIETZ: A point of information, Mr. President - Will the delegates be given an opportunity to speak on the merits of the whole package once the amendment is put in?

PRESIDENT: The delegates will have an opportunity to speak upon the entire package, as the delegate puts it. The Chair is mindful, however, of the fact that it has been the subject of complete debate through the device of debating the amendments, but the answer is yes.

We will now ask the Secretary to call the roll and the roll call is taken upon the amendment of Senator Ozzard.

(The Secretary calls the roll):

AYES: Lilienfeld, Ponzio, Bozarth (half vote), Farley (half vote), Andora, Bartoletta, Becton, Bertini, Durkin, O'Connor, Peer, Sammartino, Weber, Woodcock, Belopolsky, Dimon, Forsythe, Kelley, Bennie, Malandra, Scholz, Thatcher, Perry (half vote), Weinberg (half vote), Sandman (half vote); Lupton, Clancy, Cohen, Duff, Fernicola, Foley, Handler, Jacobson, Lynch, Sarcone, Van Riper, Dunn (half vote), Hume (half vote), Connery, Cotton (half vote), Castano, Dugan, Glauberman, Kelly, Koch, MacPhail, Musto, Roth, Phelps (half vote), Roberson (half vote), Lance (half vote), Bash, Goldberg, Weinroth, Pierson (half vote), Borst, Crabiel, Evanko, Gallagher, Jacks, Metzger, Willis, Yelencsics, Beadleston, Gross, McGann, Reilly, Sterner, Stout, Manahan, Maraziti, Thomas (half vote), Cucci, Novins, Biber, Dunn, Keegan, Roemer, Sullivan, Bateman, Ozzard (half vote), Cawley, Dietz, McDonough, Dumont (half vote)

PRESIDENT: Is everyone properly recorded with the tally clerks? The tally clerks note a tentative vote in the affirmative of 77 1/2 votes. Is everyone properly recorded?

The next matter to come properly before the house is the vote - the discussion and vote - on the entire proposal as now amended by the amendments just passed.

Is there any discussion before voting upon the entire proposition.

MR. BERTINI: I move the question.

PRESIDENT: The question having been moved, all those in favor of moving the question, signify by saying "Aye."

(Chorus of "Ayes")

Those in the negative by saying "No."

(Few "Noes")

The question has been moved and is properly before this Convention, I ask that the Secretary poll the entire delegation. We are now voting upon the entire proposal as amended and fully implemented. Mr. Secretary.

(The Secretary calls the roll):

AYES: Lilienfeld, Ponzio, Bozarth (half vote), Farley (half vote), Andora, Bartoletta, Becton, Bertini, Durkin, Inglima, O'Connor, Peer, Sammartino, Weber, Woodcock, Belopolsky, Dimon, Forsythe, Kelley, Bennie, Malandra, Scholz, Thatcher, Perry (half vote), Weinberg (half vote), Sandman (half vote), Lupton, Clancy, Cohen, Duff, Fernicola, Foley, Handler, Jacobson, Lynch, Sarcone, Van Riper, Dunn (half vote), Hume (half vote), Connery, Cotton (half vote), Castano, Dugan, Glauberman, Kelly, Koch, MacPhail, Musto, Roth, Phelps (half vote), Roberson (half vote), Lance (half vote), Bash, Goldberg, Hollendonner, Weinroth, Pierson (half vote), Borst, Crabiel, Evanko, Gallagher, Jacks, Metzger, Willis, Yelencsics, Beadleston, Gross, McGann, Reilly, Sterner, Stout, Manahan, Maraziti, Thomas (half vote), Cucci, Novins, Biber, Dunn, Keegan, LaCava, Roemer, Sisco, Sullivan, Bateman, Ozzard (half vote), Bailey, Dietz, McDonough, Dumont (half vote)

NAYS: Woolfenden (half vote), Cawley, McGowan, Orkin (half vote), Pfaltz (half vote), Curry (half vote)

PRESIDENT: The tentative vote is in the affirmative,  
8L 1/2. Is there anyone who wishes to change his vote?

(Applause)

The official tally referred to us is in the affirmative  
8L 1/2.

Pursuant to the Rules, the Chair wishes to refer the adopted proposal to the Committee on Arrangements and Form

for consideration as to phraseology. It urges that Committee to undertake the task of putting the proposal in final form. It would also informally ask the Committee on Submission and Address to the People to work with the Committee on Arrangements and Form, and we might state that we have the offer of the services of Judge Clapp who served in this capacity in 1947 to assist that Committee.

Under our Rules the Convention will reconvene for the purpose of ratifying the finally-adopted proposal in the form submitted in a report by the Committee on Arrangements. That meeting will be on next Tuesday, at 2:00 P.M.

Is there a motion to adjourn?

MR. CRABIEL: Move we adjourn, Mr. President.

MR. SARCONI: I second the motion.

PRESIDENT: It has been moved and seconded that we adjourn. All those in favor, signify by saying "Aye."

(Chorus of "Ayes")

Those opposed, "No."

(Silence.)

The motion is carried.

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June 10, 1966

AMENDMENTS TO PROPOSAL #45

1. The Title is amended as follows:
  - a. Line 1 - Delete "not more than"
  - b. Line 3 - Delete "not more than 70"
  - c. Line 3 - Before "members", insert "80"
  - d. Line 4 - Delete "composed of 1 or 2 counties"
2. Section 1 is amended as follows:
  - a. Line 1 - After "of", delete "no more than".
  - b. Line 7 - After the last sentence, insert "The number of inhabitants per senator in each Senate district shall not be less than 85 per cent nor more than 115 per cent of 1/40 of the total number of inhabitants in the state."
3. Delete Section 2 in its entirety.
4. Section 3 is amended as follows:
  - a. Line 1 - Delete "3" and insert therefor "2".
  - b. Lines 5 to 8, inclusive - Delete "(a) one-half of the senators to be elected in 1967, (b) all of the senators to be elected for terms beginning in January of a year in which a census is taken, and (c) one-half of"

5. Section 4 is amended as follows:

- a. Line 1 - Delete "4" and insert therefor "3"
- b. Lines 1 and 2 - Delete "not more than 70" and insert therefor "80"
- c. Line 2 - After "districts" insert "."
- d. Line 2 - Delete "according to the"
- e. Lines 3 to 6, inclusive - Delete in their entirety.
- f. After the last sentence, insert the following: "Each Senate district apportioned 1 senator shall constitute an Assembly district. Each of the remaining Senate districts shall be divided into a number of Assembly districts equal to the number of senators apportioned to the Senate district. Said Assembly districts shall be contiguous, as nearly as may be compact and equal in the number of their inhabitants and in no event shall the number of inhabitants of any Assembly district be less than 80 per cent nor more than 120 per cent of 1/40 of the total number of inhabitants in the State. Unless necessary to meet the foregoing requirements, no county or municipality shall be divided between Assembly districts unless it shall contain at least 1/40 of the total number of inhabitants in the State and no county or municipality shall be divided into a number of parts larger than the whole number obtained by dividing the number of inhabitants in the county or municipality by 1/40 of the total number of inhabitants in the State, plus one."

6. Section 5 is amended as follows:

- a. Line 1 - Delete "5" and insert therefor "4".
- b. Line 1 - Delete "The" and insert therefor "Two".
- c. Line 2 - Delete "the Assembly districts" and insert therefor "each Assembly district"

7. Section 6 is deleted in its entirety.

8. New sections 5, 6 and 7 are inserted as follows:

5. After the next and every subsequent census of the United States, the Senate districts and Assembly districts shall be established and the senators and members of the General Assembly shall be apportioned among them by an Apportionment Commission consisting of 10 members, 5 to be nominated by the state chairman of each of the two political parties whose candidates received the largest number of votes at the most recent election for Governor. Each state chairman, in making his nominations, shall give due consideration to the geographical distribution of the members. Members of the Apportionment Commission shall be nominated by November 15 of the year in which the census of the United States is taken, and their appointments shall be certified by the Secretary of State by December 15 of that year. The Commission shall complete its work and, by a majority of the whole number of members, shall certify the apportionment and districting plan to the Secretary of State within 1 month of the receipt of the official census of the United States, or February 1 of the year following the year in which the census is taken, whichever date is later. Such apportionment and districting plan shall be effective for the general election to be held in the year following the year in which the census of the United States is taken, and each such apportionment and districting plan when made shall remain unaltered until the following census of the United States shall have been taken.

In the event that the Apportionment Commission is unable to complete its work by the specified date, the Chief Justice of the Supreme Court shall designate a judge of the Superior Court to carry out the duties of the Commission.

6. For the purpose of electing senators in 1967 and until the 1970 census shall have been taken, the Senate districts and the apportionment of the senators among these districts shall be as follows:
  1. Passaic county, 3 senators
  2. Bergen county, 5 senators
  3. Essex county, 6 senators
  4. Hudson county, 4 senators
  5. Union county, 3 senators
  6. Morris county, 2 senators
  7. Somerset county, 1 senator
  8. Sussex, Warren and Hunterdon counties, 1 senator
  9. Middlesex county, 3 senators
  10. Mercer county, 2 senators
  11. Monmouth county, 2 senators
  12. Ocean and Burlington counties, 2 senators
  13. Camden county, 3 senators
  14. Gloucester, Atlantic and Cape May counties, 2 senators
  15. Salem and Cumberland counties, 1 senator
7. For the purpose of electing members of the General Assembly in 1967 and until the 1970 census shall have been taken, the Assembly districts shall be established by an Apportionment Commission consisting of 10 members, 5 to be nominated by the state chairman of each of the two political parties whose candidates received the largest number of votes at the most recent election for Governor.

Each state chairman, in making his nominations, shall give due consideration to the geographical distribution of the members. Members of the Apportionment Commission shall be nominated no earlier than November 10 nor later than November 15, 1966, and their appointments shall be certified by the Secretary of State by December 15, 1966. The Commission shall complete its work and, by a majority of the whole number of members, shall certify the Assembly districting plan to the Secretary of State on or before February 1, 1967. In the event that the Apportionment Commission is unable to complete its work by the specified date, the Chief Justice of the Supreme Court shall designate a judge of the Superior Court to carry out the duties of the Commission.