STATE OF NEW JERSEY

Constitutional Convention of 1966

Held at
RUTGERS UNIVERSITY
The State University of New Jersey
New Brunswick, New Jersey
June 14, 1966

Volume XIV
PRESIDENT ADRIAN M. FOLEY: Will the delegates please take their places.

The fourteenth session of the Constitutional Convention of 1966 will please come to order.

I think that it is entirely appropriate and fitting that that clergyman who has served us so well and so faithfully, who has stayed with us many hours, should have the privilege and should be permitted the honor of giving the invocation at our closing session.

It, therefore, gives me the greatest of pleasure to ask the Rutgers Chaplain, Mr. Abernethy, to please open our session.

REV. BRADFORD SHERMAN ABERNETHY: Let us pray.

Almighty God, creator and preserver of our life, and in whom is our trust, as the work of this assembly closes lift our eyes we beseech Thee beyond the concerns and compromises of the moment to the long future toward which we move.

We thank Thee for this good land, our home, and for the hopes we cherish that it may increasingly be a refuge and a beacon and a blessing. Make us as a people sturdy in adversity, as were our fathers. Make us steadfast in loyalty to principles of justice and freedom for all and
diligent in our pursuit of new ways to practice what we affirm.

Bless our land with honorable public servants who make the laws with foresight, judge them with wisdom and administer them with equity. Save us from violence and discord, from the tyranny of small minds and from all that would magnify petty divisions among us and from all that would make it difficult for any man to live as befits a child of Thine.

As these assembled lay down their work, do Thou, Oh Lord, prosper all in it that deserves to last and grant them the satisfaction of the gratitude of many.

As Thou hast been our guide in ages past, be Thou our hope and help for years to come. Amen.

PRESIDENT: In the name of the Convention, I know you all want the minutes to reflect the deep gratitude and appreciation that is ours to Mr. Abernethy for all his past services and for the wonderful inspiring message of today.

(Applause)

Will the Secretary 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, Durkin, Inglima, Jones, Sammartino, Skevin, Weber, Woodcock

BURLINGTON COUNTY
Belopolsky, Dimon, Forsythe, Kelley
CAMDEN COUNTY
Deighan, Bennie, Malandra, McCord, Scholz, Thatcher, Perry, Weinberg

CAPE MAY COUNTY
Perskie, Sandman

CUMBERLAND COUNTY
Lupton

ESSEX COUNTY
Clancy, Clapp, Cohen, Duff, Fernicola, Foley, Handler, Jacobson, Lynch, Sarcone, Stiles, Tate, Tompkins, Van Riper, Hume

GLOUCESTER COUNTY
Connery, Hunt, Caulfield

HUDSON COUNTY
Castano, Dugan, Gaulkin, Glauberman, Kelly, Koch, MacPhail, Musto, Phelps, Roberson

HUNTERDON COUNTY
Lance, Rittenhouse

MERCER COUNTY
Bash, Goldberg, Hollendonner, Weinroth, Lockard, Pierson

MIDDLESEX COUNTY
Borst, Crabiel, Evanko, Gallagher, Metzger, Willis, Yelenics

MONMOUTH COUNTY
Beadleston, Gross, McGann, Reilly, Sterner, Stout

MORRIS COUNTY
Barklis, Manahan, Maraziti, Roach, Thomas

OCEAN COUNTY
Cucci, Novins

PASSAIC COUNTY
Dunn, Evers, Keegan, LaCava, Roemer, Sisco, Sullivan

SALEM COUNTY
Davis, Leap

SOMERSET COUNTY
Bateman, Meredith, Ozzard, Shaffer

SUSSEX COUNTY
Hollander
SECRETARY JOHN E. DIMON: Mr. President, you have a quorum; you may proceed.

PRESIDENT: The floor is open to the acceptance of Committee reports. The Chair recognizes Delegate Dietz, Chairman of the Committee on Rules and Business Affairs.

MR. CHRISTOPHER DIETZ: Mr. President, the Committee on Rules and Business Affairs would advise the delegates, if they looked at their mail this morning, that they would have received a set of instructions and a voucher form which we request that they expedite and send back to us. The instructions spell out exactly what they can expect in the way of reimbursement for personal expenses as spelled out in Public Law. We urge you to do this as soon as possible so we can complete our task. The Committee has no further business to report.

PRESIDENT: The Chair recognizes Delegate Jacobson.

MR. JOEL R. JACOBSON: Mr. President, I would like to offer an amendment that would provide an option to the suggested method of securing reimbursements for expenses incurred in this Convention. I realize that most of the delegates here are lawyers and I know the great difficulty they have in making things add up properly. I would like to suggest that an additional option be provided each delegate where they may either fill out the form or secure
a flat rate of $25 for each official Convention session or Committee session attended.

PRESIDENT: I take it that you put this in the form of a motion seeking to amend the report of the Committee on Rules and Business Affairs.

MR. JACOBSON: Yes, sir, that is correct.

PRESIDENT: Has the Committee on Rules and Business Affairs considered such a recommendation?

MR. DIETZ: Mr. President, the Committee did consider this, but felt it was bound by the language in the enabling legislation. However, we stand to abide by whatever the will of the Convention is at this time.

PRESIDENT: The question before the Convention is whether an option should be made available to delegates seeking to be reimbursed for their expenses incurred in attendance at sessions and committee meetings. The option being suggested by the amendment is that of a flat per diem - correct me if I am wrong - rate of $25 per day or an itemized voucher if higher. Is that correct, Mr. Jacobson?

MR. JACOBSON: Yes.

PRESIDENT: Is there any discussion? (No response.) We are required to vote on the amendment first. You have the amendment and you are now voting only on the amendment.

All those in favor of the amendment, signify by saying "Aye."

(Chorus of "Ayes")

All those opposed, signify by saying "No."

(Chorus of "Noes")
The motion is carried.
The amendment will now be incorporated in the Committee report and a vote will be called for upon the entire report as amended, the report of the Rules and Business Affairs Committee. Any further discussion?
All those in favor of the motion, signify by saying "Aye."

(Chorus of "Ayes")
All those opposed, "No."
(Silence)
The motion is carried.
Any further committee reports? Delegate Meredith.

MR. ARTHUR S. MEREDITH: Mr. President and members of the Convention, the report of the Committee on Arrangements and Form on Proposal Number 45 as amended has been submitted by the Committee to the Secretary and is now placed on the desks of each one of the delegates.
The Committee would like to acknowledge gratefully the help of Judge Clapp and of Sam Alito in preparing this report. Thank you, Mr. President.

PRESIDENT: Thank you, The Chair recognizes Delegate Crabel.

MR. J. EDWARD CRABIEL: Mr. President, I offer the following resolution and move its adoption:

"BE IT RESOLVED that Proposal 45 as amended be referred back to second reading for further amendment."

PRESIDENT: Delegate Sarcone.

MR. ROBERT C. SARCONE: Mr. President, on this
motion, as I understand it, the report of the Committee has been received by the President and we now are proceeding in connection with action that would be taken for further amendment. This is my understanding.

PRESIDENT: That is correct.

MR. SARCONÉ: Mr. President, I in behalf of the Republican delegates recognize that this Convention was called for two o'clock this afternoon. Since two o'clock Republican delegates have been conferring in the main in connection with these suggested further amendments. On Friday action was taken on this floor and more than 80 votes were received on the floor. Many delegates were not aware of what was contained in these amendments, Mr. President, until they arrived here at two o'clock. The Republican delegates have been engaged in sincere and conscientious discussion in connection with these amendments.

If we proceed in connection with moving forward on these suggested amendments, possibly, Mr. President, there could be a sufficient amount of votes for passage. Possibly there may not be, not because anyone or most delegates are in opposition to these amendments, but unfortunately there has not been a sufficient amount of time to delve into the effect of these amendments at length.

The heart and spirit of this Convention was that we leave here with a plan that was pretty much supported by both parties and my party did not know I was going to arise to make this request of you, Mr. President, but I submit to you respectfully that for the good of the Convention rather than
proceeding forward and taking any votes, we be permitted to recess and continue a party conference.

I submit to you respectfully that this would be for the good of the Convention.

PRESIDENT: Delegate Sarcone, before ruling the Chair wishes to advise you that any recess granted at this time - and we are not in any way putting in issue or quarrelling with the statements made by you - we know that your deliberations have been sincere and we know that they have been strenuous - will be a recess on the floor of the Convention. Any discussions that you want to have can be had here. In accordance with that, we will grant and declare at this time a recess of fifteen minutes and in fifteen minutes this Convention will return promptly with instructions that the discussion to be conducted by the delegates be done with the delegates remaining on the floor. Recess of 15 minutes.

MR. SARCONE: Mr. President, I realize that you have been emphatic in your directions, but may I appeal to you. The matter we are about to discuss is of very grave importance. It deals with something that is going to affect the citizens of our State for many, many years to come. Not that I am reluctant to talk to and with 63 delegates on this floor, but in looking around I submit to you that it just isn't convenient - we may take a corner of the floor - but may we at least be permitted to retire to the President's room which is just a few more feet away.

PRESIDENT: Surely - no question about it. Fifteen minutes recess.
PRESIDENT: Please resume your places for the sake of an orderly count and for the sake of recognition by the Chair.

The fifteen-minute recess is now terminated and the Convention having been reconvened, the Chair recognizes Delegate Crabiel.

MR. CRABI: Mr. President, I wish to withdraw the motion I previously made before the recess.

PRESIDENT: The motion was offering a resolution that Proposal 45 be referred back to second reading for further amendment.

MR. CRABI: That is correct.

PRESIDENT: It will be withdrawn. The record will so note.

MR. CRABI: Mr. President, I move that Rules 55 and 72 be suspended.

MR. SARCON: Mr. President, I second the motion and request that the Chair explain the procedure to be followed in connection with this motion.

PRESIDENT: The delegates if they would can refer to Rule 55 which is the rule outlining three separate readings. I might say preliminarily that the present posture of Proposal 45 as amended is that it has passed second reading and is therefore now properly on third reading. The request, I take it, Senator Crabiel, is designed to meet the objections found on page 17 of the Rules which states: "No amendment shall be received to any proposal on its third reading unless by consent of the delegates casting two-thirds of the votes."
It is that provision of the rule which you desire to have suspended. Is that correct?

MR. CRABIEL: That is correct.

PRESIDENT: The further rule of which you seek suspension is that of Rule 72 which is found on page 22 and at the top of page 23. And I take it that the pertinent provisions for the purpose of your motion are those provisions dealing with the printing requirement. Is that correct?

MR. CRABIEL: That is correct, Mr. President.

PRESIDENT: The matter before the Convention precisely then is pursuant to the operation of Rule 42, which reads as follows: "Any rule of the Convention may be suspended or repealed, altered or amended by a vote of delegates having at least 57 votes and any amendment offered to such rule - and here I am interpolating - "shall lie on the table one day before being voted upon." The present motion is for a suspension of Rules 55 and 72. This will be a roll call vote and requires a majority of 57 for the rule to be operative.

Is there any debate before we have a vote?

The Chair recognizes Delegate Thomas.

MR. PETER W. THOMAS: Mr. President, the effect of this motion, if it passes by a simple majority of 57, will be to negate the true purpose of Rule 55 which says after second reading you may not amend a proposal unless it receives two-thirds of the votes of those delegates casting votes. This was put in for a very sound purpose because we also have as a part of Rule 55 the necessity of laying over after second reading at least
48 hours. We also, if you go through with this, will have to amend another rule because Rule 71 says you can’t amend a proposal after second reading except as to form.

Now what we are really having here is an attempt by a simple majority to eliminate a safeguard that was written into the Rules to prevent this very kind of eleventh-hour move. Now the press has had and the people of this State have had an opportunity to digest— and we have all had an opportunity to digest— what we did last Friday. Now at the eleventh hour, we are trying by a maneuver to eliminate the safeguard that was purposely written into these Rules to prevent this thing being done unless two-thirds of those here voting agree to do that and I would very vigorously oppose the motion.

PRESIDENT: While you have the floor, as Chairman of the Rules Committee, Delegate Thomas, however, I take it that you do not quarrel with the Chair’s ruling that Rule 42 is applicable and that suspension by 57 votes is possible under the Rules.

MR. THOMAS: You may suspend the Rules by a vote of 57 of those here. But I think that you by so doing are in effect getting around a safeguard that was written purposely into these Rules. Now in addition to that, I point out that if you do this, you also have to suspend the application of Rule 71 because that says clearly you may not amend after second reading, except as to style.

PRESIDENT: Your point is well taken and, Delegate Crabiel, inasmuch as the purport of your motion clearly was
to permit amendment, the Chair will entertain an expansion of your motion to include also the suspension of Rule 72.

MR. CRABIEL: I would so move that in addition to the two Rules mentioned, that Rule 71 also be suspended.

PRESIDENT: And I take it the pertinent portion of Rule 71 to which your motion is directed is that which would ordinarily prevent amendment. Is that correct?

MR. CRABIEL: That is correct.

MR. SARCON: I second the motion.

PRESIDENT: Any further discussion? As I stated, this will be a roll call vote. Will the Secretary poll the Convention.

I am sorry. I apologize. In the lights, I couldn't see you. Delegate Dietz.

MR. DIETZ: Mr. President, we also have another problem. I think Senator Crabiel would best phrase his motion to include those Rules which apply to amendments because I think Rule70 also comes under the same provision that Mr. Thomas brought to the attention of the floor just a moment ago. That reads that each amendment offered to a proposal before being read, shall be presented, printed, etc. So if we just make the general statement that any amendment provisions - and just suspend those ---

PRESIDENT: Delegate Crabiel.

MR. CRABIEL: Could I confer with the two Chairmen of the Rules Committee.

PRESIDENT: It is quite obvious that the motion seeks to permit an amendment which might not otherwise be permitted
and the Chairman seeks the expansion of the motion to provide for any Rule which might so affect it.

MR. CRABIEL: We will leave the motion as it is.

There is no need for Rule 70 to be suspended as those provisions have already been complied with.

PRESIDENT: To state the motion briefly, the motion is for suspension of Rules 55, 71 and 72. So that there be no mistake about it, they have as their import and their intention the suspension of the Rules so as to permit amendments to Proposal 45. Please poll the Convention.

(The Secretary calls the roll):

AYES: Lilienfeld, Ponzio, Bozarth (half vote), Parley (half vote), Andora, Bartoletta, Becton, Bertini, Durkin, Inglima, Sammartino, Skevin, Weber, Woodcock, Belopolsky, Dimon, Forsythe, Kelley, Deighan, Bennie, Malandra, McCord, Scholz, Perry (half vote), Weinberg (half vote), Perskie (half vote), Sandman (half vote), Lupton, Cohen, Duff, Pernicola, Foley, Handler, Jacobson, Lynch, Sarcone, Van Riper, Hume (half vote), Connery, Hunt, Castano, Dugan, Glauberman, Kelly, Musto, Phelps (half vote), Lance (half vote), Rittenhouse (half vote), Bash, Goldberg, Hollendonner, Weinroth, Lockard (half vote), Pierson (half vote), Borst, Crabiel, Evanko, Metzger, Willis, Yelencsics, Beadleston, Gross, McGann, Reilly, Sterner, Stout, Maraziti, Roach, Cucci, Novins, Dunn, Evers, Keegan, LaCava, Roemer, Sisco, Davis (half vote), Bateman, Meredith, Ozzard (half vote), Shaffer (half vote), Hollander (half vote), Bailey, Dietz, Gannon, McDonough, McGowan, Orkin (half vote), Pfaltz (half vote), Dumont (half vote)

NAYS: Thatcher, Clapp, Stiles, Tate, Tompkins, Gaulkin, Koch, MacPhail, Roberson (half vote), Gallagher, Thomas (half vote), Sullivan, Cawley

PRESIDENT: The tally as given to us by the Secretary—in the affirmative 81, in the negative 12. In passing, it should be noted that this does conform not only to the 57 majority rule, but to the two/thirds rule as well.
Delegate Crabel.

MR. CRABIEL: Mr. President, I move that Proposal 45 as amended be further amended as follows: --

PRESIDENT: Did you wish to yield to Senator Ozzard?

MR. CRABIEL: I would like to yield to Senator Ozzard on the amendment.

MR. WILLIAM E. OZZARD: Mr. President and ladies and gentlemen: I would like to submit the following amendments to Proposal 45 as amended and as revised and submitted to the Convention by the Committee on Arrangements and Form in its report to the Convention on June 14, 1966. The amendments are as follows: (reading)

1. On page 2 of the Report (Article IV, Section II, paragraph 1 of the State Constitution, lines 9 to 14, inclusive), delete the following sentence:

"Each Senate district shall be so constituted that the number of inhabitants in the district divided by the number of senators apportioned to the district shall not be less than eighty-five per cent nor more than one hundred fifteen per cent of one-fortieth of the total number of inhabitants of the state."

2. On page 2 of the above Report (Article IV, Section II, paragraph 2 of the State Constitution, line 4), delete "More than one senator is" and insert therefor "two senators are".

When we amended the proposal the other evening, it was our intention that there should be a provision for further subdividing for senators in two areas of the State and two areas only, and that was in the combination counties of Gloucester, Atlantic and Cape May, and in the combination counties of Burlington and Ocean. There was clear understanding by the leadership in this Convention and by those of us who were taking part at that time that it was
only to apply to those two sections of the State.

As most of you know, that portion of the amendment was rather hurriedly drawn and it was later determined over the weekend and part of yesterday that the wording that we used, though it was brief and though it was simple, tended to create a situation or a possible situation in other parts of the State which was not intended. So in view of that, we offered the amendment which changes the words "more than one senator" to read "two senators" and this we are advised by those advising us will do the job that we intended to do several nights ago.

Also we find that there was an undue restriction in the 15 per cent factor, a restriction that none of us truly intended, and it is my belief in offering these amendments, and I believe the belief of a majority of the delegates here tonight, that we would prefer the Commission as it works with future redistricting or reapportionment after each census, that it should be governed by the then rulings of the then law of the land as set down by the courts. We think that this is a better way to approach it and thus we move the second part of the amendments to the other amendments.

Mr. President, I offer the amendments as read.

PRESIDENT: Under the suspension of our rules we have before us a resolution to amend the Proposal 45 in the manner outlined by Delegate Ozzard in its two parts. You have the printed amendments before you. If there are any questions, the Chair would be glad to entertain them.
If not, we will proceed to any discussion on the question.

The Chair recognizes Delegate Weinberg.

MR. BARRY M. WEINBERG: Mr. President and fellow delegates: I move that the proposed amendments as submitted by Senator Ozzard be severed in order that we have an opportunity on voting on each amendment separately. I submit, sir, that each amendment is an amendment in its own and that it is not directly dependent upon the other amendment.

I further submit that there may be delegates to this Convention who are in a position to conscientiously support one of the two amendments or a part of the amendments as set forth on the proposed amendments given to us. Therefore, I move, sir, that these amendments be severed.

PRESIDENT: The amendments as offered by Delegate Crabiel and as seconded by Delegate Ozzard were offered as one amendment. They are as Delegate Weinberg properly points out subject to division. The motion now made is that the questions be divided. Is there a second to that motion? The Chair will rule that the motion is proper.

MR. HUNT: I second the motion.

PRESIDENT: Is there any discussion? (No response.)

To expedite the proceedings, the Chair seeing no desire for further discussion will call for a vote and we will attempt to achieve this vote by a standing vote. The motion is that of Mr. Weinberg for a division of the amendments. Will everyone please first take their seats so that we can then determine whether they are voting or just exercising.
The question then before the house is a motion to divide the amendments.

All those in favor of the motion to divide the amendments, signify their assent by standing in their places.

I ask the Secretary to please take a count.

(Count being taken.)

Thank you, please take your places.

Will all those who wish to vote in the negative, please signify by standing in your places.

I instruct the Secretary to count the vote.

(Count being taken.)

The motion is lost. The vote is 61 in the negative, 40 in the affirmative.

We return to the motion as made by Senator Crabiel and seconded by Senator Ozzard. Is there any further discussion? A roll call vote, we might state, will be in order.

Delegate Thomas.

MR. THOMAS: Mr. President, I cannot let this opportunity go by before we have a vote on the main motion without respectfully disagreeing with Senator Ozzard.

The question of the effect of the amendment that was voted on Friday night was very thoroughly discussed and it was my very definite understanding and the definite understanding of a number of other delegates with whom I discussed this amendment that it did not only apply to some South Jersey counties, but it would prevent at some future time the combination of counties in the north where a large county could be combined with a small county and thereby swallow up a
I can represent that a substantial number of votes for the proposal as it was finally passed on Friday night was rather because of the fact that we had that amendment and we had that understanding. So I very strongly oppose the present motion.

PRESIDENT: Any further discussion?

Delegate Novins of Ocean.

MR. ROBERT J. NOVINS: Mr. President, I feel that I should rise at this time because I was one of the ones since the beginning of this Convention that has talked for the smaller counties.

I was completely for and am for today the division of the southern counties so that they could have their own districts and keep their county lines as much as possible.

I was one of the parties that talked to Senator Crabiel as well as to you, sir, and with Senator Farley and Mr. Connery and some of the others. At that time we were talking about southern counties. We did not include in our conversation with you the question that it might affect the northern counties.

Subsequently I did learn and discuss with some of the members that it would affect the northern counties. But I do say that as far as the Democratic leadership was concerned, I do not feel that it was brought forcibly to their attention that this might in the future affect some of the northern counties.

Under those circumstances I urge the Republican members
of this Convention to vote in behalf of this amendment and state that I feel that it is a justifiable amendment and that it would take care of as close as we can in this compromise the taking of the smaller counties and giving them the opportunities that they deserve in this State. Thank you, sir.

PRESIDENT: Delegate Sarcone.

MR. SARCONE: Mr. President and ladies and gentlemen of the Convention: I rise at this point, since we are about to vote on the proposed amendments to offer to the Convention an explanation in connection with these amendments.

Mr. President, you are all aware of the fact that on Friday a roll call vote was taken on Proposal 45 in an amended form and that we adjourned subsequent to the voting and we adjourned to two o'clock today. Most of the delegates, Mr. President, as I indicated earlier when I appealed to you for a recess, knew nothing more of the suggested amendments, other than what they had read in the press. When we had the opportunity to confer in the recess which you granted us, our discussion was mainly in connection with the effect, Mr. President, and ladies and gentlemen of the Convention, of the proposed amendment.

Generally, Mr. President, the Republican delegates support and continue to support the suggestion as it was advanced on Friday that the less populous counties in the southern area by reason of the large area be permitted the opportunity to subdistrict. We recognize that the basic compromise between the Republicans and the Democrats was the
fact that senators would be elected at large within the counties and the assemblymen from districts and to go beyond that was in effect directed toward a particular area for a particular reason. However, one of the delegates appeared here today and discussed it at length and there was an exchange of views and consideration of the effect in the future. After all, we are not only dealing with a constitutional amendment to meet an election to be held in 1967 and 1970, but obviously an amendment that we are hoping and working toward which would not only be upheld if it were subject to challenge, but something that the people will accept and will meet the future needs of the people of our State.

As a result of the exchange of views, there has been brought out a possible effect of this amendment, and I think that in voting on it, Mr. President, we certainly should place before the Convention one of the effects of the amendment. As I understand it from the technical men who helped prepare the amendment and from those who render an opinion, while the amendment is in the main directed - and we certainly want this to be in the record and this is what we intend - to these less populous counties which are limited now to two senators only and permits districting, it is not the hope or the desire that when you combine counties - and within the constitutional language it could conceivably happen, although we trust that it shall not - two populous counties such as Bergen and Essex could be combined and the senators would have to run at large within those
counties. This gave to some of the delegates some grave misgivings. They know this is not the intent of any of the delegates here at this Convention. But by reason of the fact that in reading the constitutional language as it stands this could happen within the framework of the constitutional amendment, Mr. President and ladies and gentlemen of the Convention, and we were talking constitutional law and constitutional language and since it was only at two o'clock, as I indicated, that more than 90 per cent of the Republican delegates saw the amendment for the first time, there was a great delay. Of course, for the delay, we express our apology, but we feel that it was necessary and certainly pertinent to the workings of this Convention.

PRESIDENT: Any further discussion?

Delegate Dumont.

MR. WAYNE DUMONT, JR.: Mr. President, I am not sure whether one of these two amendments is really a sincere effort at clarification of something that was adopted on Friday night or whether underlying the whole thing is a movement to try once again to deadlock the Convention to defeat the proposal ultimately that was passed on Friday night by not supplying sufficient votes for the question that has been presented to us by the Committee on Submission and Address or just what is underlying all this. But I intend to support the amendments regardless because of the fact that first of all I would think that if we did get back into a deadlock again, each of us ought to go home and hang our heads in shame, that 126 adults from both sides of
the fence couldn't come together in a Convention assembled as proposed by the New Jersey Supreme Court and as ratified subsequently by the legislature, and come to an ultimate conclusion for the benefit of the people.

When I voted on this amendment for the Burlington-Ocean district and the Atlantic, Cape May and Gloucester district on Friday night, it was my feeling that it was intended to be limited to those two districts. Therefore, I hope that this is a sincere effort to get a clarification that would not make that same amendment as adopted Friday night apply to other groupings of counties at some indeterminate time in the future.

I happen to think this is a fairly good proposal that was adopted Friday night because there isn't one of the 52 proposals submitted to this Convention that did not have defects. So we have arrived at a conclusion. It would appear that the best way to get this ratified, to get the question proposed by the Committee on Submission and Address to the people on November 8th on their ballots, is to proceed with these amendments, to pass them, and I intend to vote for them and at the same time to provide an answer which is the reason why we came to this Convention in the first place.

PRESIDENT: Thank you, Delegate Jones.

MR. WALTER H. JONES: Mr. President, will Delegate Ozzard of Somerset submit to a question?

PRESIDENT: He will.

MR. JONES: Under the amendments as proposed, is it
the intention of you as the sponsor to have it clearly understood that all counties that have more than two senators are not affected in any way by these amendments?

MR. OZZARD: Delegate Jones, it is not only my intention, it is the point and the purpose of the amendment to do exactly that.

MR. JONES: On the question, Mr. President - in effect and as a part of these constitutional proceedings, we can say at this time that this language proposes only to deal where there are combinations of small counties, as the language reads, "where a senate district is composed of two or more counties and two senators are to be apportioned." That language simply means that those counties in combination can be affected by these amendments, but no other counties can be. Is that correct?

MR. OZZARD: Yes.

MR. JONES: I also call on you, Mr. President, to find out if Delegate Crabiel will submit to a question.

PRESIDENT: He will.

MR. JONES: Do you agree with the statements made by Delegate Ozzard in connection with these amendments?

MR. CRABIEL: I do.

PRESIDENT: Thank you and the record will so reflect the clarification just developed.

Delegate McCord.

MR. SIDNEY P. MC CORD, JR.: Mr. President and ladies and gentlemen of the Convention: I speak on the second portion of the proposed amendment which would require separate treatment for districts that have two senators as
distinguished from districts that have three, four or five senators.

Now the proposal as returned to us from the Committee has written out what I conceive to be something that has a good chance to pass muster when it comes before the courts; that is, it has said any district that has two or more senators running in it shall run by districts. There I can see some rationale for the constitutional provision. With this amendment, I can see little or no rationale, except an attempt to treat two separate districts as two separate spots, constitutional favorites, if you please, or dis-favorites, if you please, by permitting them to have something that none of the rest of the counties may have. I can see a large area for complaint in the future coming from those counties that are small, but are going to be gobbled up sometime in the future by being annexed to a county that will give them three instead of two senators.

I, therefore, urge caution on this Convention when they consider coming out with a product, so, as Senator Dumont says, we won't have to hang our heads in shame because shame will fall on this Convention just as well if we don't produce a product that passes muster under the "one man, one vote" rule as it will if you should deadlock.

I, therefore, urge that the delegates consider this of utmost importance when they are voting on the amendment. I submit specifically that which was proposed to us by the Committee this afternoon in writing will pass constitutional
muster; with the amendment or second portion, it will not. Thank you.

PRESIDENT: Any further discussion?

Delegate Perry.

MR. ELIJAH PERRY: Mr. President and ladies and gentlemen of the Constitutional Convention: I think that the proposal voted on Friday is a good one. I think that we should get about our business and get this job done. I do realize that a great many lights are on in this building. I don't want to be facetious, Mr. President, but I think if you could cut out the television and cut out the lights, we will be on and about our business.

PRESIDENT: Before we close discussion, the Chair recognizes Senator Stout.

MR. RICHARD R. STOUT: Mr. President, through you, may I ask a question of the sponsor of this amendment?

PRESIDENT: You may.

MR. STOUT: Do I understand that the purpose of this amendment as well as the proposal to which it is proposed to be attached is to preserve and protect county lines in this State?

MR. OZZARD: Mr. President and Delegate Stout, the amendment per se does not direct itself to that point. It does underscore that portion of the proposal which reads that each senate district shall be composed, wherever practicable, of one single county and, if not so practicable, of two or more contiguous whole counties.

When the original amendments to the plan were drawn a
week ago, the intent was, and the wording was so designed, and the purpose is still to maintain the integrity of county lines throughout the State of New Jersey wherever reapportionment may take place in the coming decades.

PRESIDENT: Thank you.

Delegate Lance.

MR. WESLEY L. LANCE: Mr. President, I propose to vote for this amendment. However, I trust that the Apportionment Commission of the future after 1970 will not combine unnecessarily a small county with a county many times its size and I also hope that the Apportionment Commission which will sit in 1970 and 1980 and so forth will not do a second thing, and that is to combine a county, a rather large one, entitled perhaps to three and one-half senators, with another county which would be a rather large one also entitled to three and one-half senators, which within its discretion it perhaps could do.

PRESIDENT: Thank you.

Delegate Pfaltz from Union County.

MR. HUGO M. PFALTZ, JR.: Mr. President, I was one of the delegates who was not particularly happy with some of the things that took place on Friday. However, one of the matters with which I was in full accord and for which I voted was the so-called Connery amendment which would separate the senatorial districts where there were two or more senators and counties were grouped together. I felt that this was not only a wise thing for the small counties, such as Burlington and Ocean, which will be affected now, but
it was a strong point for my own county, Union, which some day may of necessity, although hopefully not, be forced to be joined with a larger county such as Essex.

This was my understanding at the time on Friday when I voted for this amendment and this is my understanding of the import of this amendment, both as a protection for the small and for the big counties.

I feel that this principle is justified both constitutionally and on a basis of good government for two small counties. It is all the more justified for two large counties which unfortunately must be wedded together if the case should arise. Remember, if two large counties are joined, they will be joined for ten years. This may be an unfortunate joinder, but it may be necessitated by the "one man, one vote" principle. And I think if that unfortunate day should arrive, we should protect those large counties as well as the small counties by leaving the proposal exactly the way it has been now so that this protection is afforded.

For that reason, I want to voice my strong support that we vote negative on this amendment.

PRESIDENT: Any further discussion?

Delegate Cawley of Union.

MR. JAMES M. CAWLEY: Mr. President and ladies and gentlemen of the Convention: I think we should be very practical about what the results are of this particular amendment and take home to your particular counties what you are doing or not doing for your party.

I would call your attention to the fact that there
is no reason at all in the future -- and, mind you, gentlemen, we are putting forth a constitutional provision which will stand in time to eternity, we hope. For example, any of you gentlemen that are from Passaic County, you go home and tell your constituents that it is very possible at sometime in the future they will be joined to Essex County and if Passaic County is entitled to three senators and Essex is entitled to six, there will be nine senators running in both counties, and you may rest assured they will all come from Essex County.

I am going to duplicate this to Union County and I am going to duplicate this to Bergen County and even to Hudson County. And I can visualize a time in the future when Passaic County may be entitled to, say, three and one-half seats and rather than get three seats by themselves, they will be joined with Essex County who is entitled to six and one-half seats for ten seats, and they will all come, mind you, from Essex County. Let's not kid ourselves. Take a look at what is going to happen in the congressional districting that is coming up before this particular state at the present time and you will see what can happen to a county and you will see what happens to Union County.

I am going to refer you to Mercer County which is entitled to two seats. In '70, '80 or '90, it is possible for Hunterdon County to be joined to Mercer County and if anybody here is from Hunterdon County, I ask them to keep that in consideration when they vote.

I will go further to Somerset County which adjoins
Mercer County - Middlesex County, Monmouth County and Burlington County - reminding you again, gentlemen, that these people from these counties will have to bear up under this particular burden if it comes before the public, and it is coming.

I will go down to all the large counties, including Camden County and Hudson County, and state that if you are in a county adjoining these giants, you are going to become part of them at some future time and lose your identity and I warn every delegate of this situation.

PRESIDENT: We have a request from one speaker who has spoken before and then we will close debate. Is there anyone who has not yet spoken who wishes to do so? In the interest of the Convention, would you limit it, please, to something which has not been developed by prior speakers.

Senator Sandman.

MR. CHARLES W. SANDMAN, JR.: Mr. President and members of the Convention: I hadn't intended saying anything, but I can't see how any person who understands the English language can have the fears as represented by the two previous speakers. The language is very clear to me. In fact, the amendment gives the protection that the gentlemen from Union want. It can only happen in an area that has two or more counties in which area only two senators can be elected. If you are entitled to three, three and one-half, five, seven and one-half, this doesn't apply. In fact, this amendment cures the very thing that they are worried about. In fact, this amendment, I am satisfied, has no political
significance as many people suspect it has.

It was requested by a very able Democrat Senator
and a very outstanding Republican Judge. I was not in with
their conversations nor the things that brought about the
change of Senator Ozzard's proposal, but they are honorable
men - I have known them for years - and I can't see a
thing in here that gives me anything to worry about.

I think the Convention is well on its way to paving
some groundwork for good government for this state for many
years to come. And I urge a conclusion of this debate so
we can take a vote.

PRESIDENT: Delegate Maraziti has not yet spoken
and I know he doesn't wish to belabor the point, but he
does wish to speak.
MR. MARAZITI: Mr. President and Delegates of the Convention: I am not concerned about the possibility of being swallowed up by any large county. Let's go back a little bit. Before the adoption of the so-called Connery Amendment, we had no lines, so far as separate, individual senate districts within the combination of counties. And if we had that situation you could have a combination of counties that would involve a large county and a small county or counties and have the problem that has been suggested.

Now, I am going to vote for the amendment suggested today because I think it carries out the spirit and the intent of the Connery Amendment which I supported.

Speaking for myself, at the time that that amendment was submitted I understood it and it was explained to me that it would apply to Burlington, Ocean, Gloucester, Atlantic and Cape May only, and I intend to keep faith with that understanding. I interpret the present amendment as a clarification of the intent of many of the parties involved, and for that reason I will support the amendment.

PRESIDENT: Any further discussion before closing debate?

(Silence)

Senator Ozzard has the privilege of closing debate under our rules.
MR. OZZARD: Mr. President and ladies and gentlemen: In closing debate and before moving the question, I want to set the record straight.

The two speakers from Union County have made statements contrary to what was said in answering Delegate Jones a little while ago. I want it clear, as the principal architect of the basic amendments which we adopted last Friday evening, and a person who cooperated yesterday and today in getting these most recent amendments prepared, that the purpose and intent of this plan and the basic approach of this plan is to keep counties separate to the greatest degree possible.

In developing the plan, which was drawn with the aid of men such as Samuel Alito, one of our advisors, and others, we went into extensive computations to determine what the progress would be in the county alignment with anticipated population growth. And it was only after we were satisfied that counties such as Bergen and Essex, Hudson, Passaic, etc., could not possibly be combined with other counties that we offered this proposal to this Convention.

So I want the record clear here and now that the answer to Delegate Jones before is restated - the separateness of the large counties can be, will be and must be maintained under this proposal and mathematically it can't do anything else but.

I move the question.

PRESIDENT: The motion has been made, the
question is properly before the house, a roll call vote is to be taken. A vote of 57 is required.

It should be pointed out that at this time you are voting upon the amendment as introduced here by Mr. Crabel and seconded by Mr. Ozzard.

Immediately following this vote, if successful, there will be a vote upon the entire proposal as amended.

You are now voting on the amendment.

Will the Secretary please poll the Convention.

(The Secretary calls the roll)

AYES: Lilienfeld, Ponzio, Bozarth (half vote), Farley (half vote), Andora, Bartoletta, Becton, Bertini, Durkin, Inglina, Jones, Sammartino, Skevin, Weber, Woodcock, Belopolsky, Dimon, Forsythe, Kelley, Deighan, Bennie, Malandra, Scholz, Perry (half vote), Weinberg, (half vote) Perskie (half vote), Sandman (half vote), Lupton, Clancy, Cohen, Duff, Fernicola, Foley, Handler, Jacobson, Lynch, Sarcone, Van Riper, Hume (half vote) Connery, Hunt, Castano, Dugan, Glauberman, Kelly, MacPhail, Musto, Phelps (half vote), Roberson (half vote), Lance (half vote), Bash, Goldberg, Borst, Crabel, Evanko, Gallagher, Metzger, Willis, Yelencsics, Beadleston, Gross, McGann, Reilly, Sterner, Stout, Maraziti, Roach, Cucci, Novins, Dunn, Keegan, Roemer, Davis (half vote), Bateman, Meredith, Ozzard (half vote), Shaffer (half vote), Bailey, Dietz, Gannon, McDonough, McGowan, Orkin (half vote), Dupont (half vote).

NAYS: McCord, Thatcher, Clapp, Stiles, Tate, Tompkins, Caulfield (half vote), Gaulkin, Koch, Hollendonner, Pierson (half vote), Thomas (half vote), Evers, LaCava, Sisco, Sullivan, Cawley, Pfaltz (half vote).

PRESIDENT: May I have the attention of the Delegates. The tally has been completed. The amendment is carried by a vote of 76 1/2 to 16 1/2.

It is now in order to have the matter referred
immediately to the Committee on Arrangements and Form, and would those members please come forward to affix their signatures to the report the Chairman has prepared.

(Report signed by Committee members as requested.)

The Chair recognizes the Chairman of the Committee on Arrangements and Form.

MR. ARTHUR S. MEREDITH: Mr. President and members of the Convention, with great expedition the report of the amendment as now made to Proposal 45, as previously amended, - the report of the Committee on Arrangements and Form is now being submitted to the Secretary.

This report, Mr. President, is submitted in substitution of the report submitted earlier at this Convention today and contains the amendment just voted upon.

PRESIDENT: The report is received with the thanks of the Convention.

Delegate Sarcone.

MR. SARCOME: Mr. President, I move that Proposal 45, as now amended, be advanced to third reading.

MR. CRABIIL: Mr. President, second the motion.

PRESIDENT: The motion has been made and seconded that Proposal 45, as amended, with the amendments adopted by the last roll call, be advanced to third reading. Any discussion?
The Chair recognizes Delegate Dietz.

MR. McCORD: A point of order, Mr. President.

PRESIDENT: The Chair recognizes Delegate McCord on a point of order.

MR. McCORD: I understand that Proposal 45 was never moved back to second reading.


Delegate Dietz.

MR. DIETZ: Mr. President, I noted in the discussion on the previous amendment Delegate Ozzard's concern for keeping individual counties as separate as possible. I rise to appeal at this time to the conscience of the Convention.

Last Friday, the 13th session day of this Convention, and again today, in keeping with your warning, I voted for Proposal 45 as amended by Senator Ozzard. I did so solely with the view of preserving my right to reconsideration. Impressive forces have molded this Convention into a glorified legislature with the Delegates herded into capitulation.

This is a Constitutional Convention. We are not drafting legislation which another house can reject or a governor can veto or that we can later repeal. Power politics from both parties have infested our deliberation and stand ready to taint that fundamental law of our State, its Constitution.

The citizens of Union County and our State are sick and
tired of having their rights sold down the river, whether it be with regard to legislative or congressional apportionment.

This Convention has asked for a give and take on all sides. I've seen plenty of taking away from my county but I don't see any giving in return from some of my sister counties.

I notice that the strongest proponents of give and take are those that are taking instead of giving.

Proposal 45 as amended on second reading provides for an 80 member assembly. Under this plan Union, Camden, Passaic and Middlesex Counties all receive the same number of assemblymen to represent them. To perfectly meet the mandate of one-man, one-vote each assemblyman should represent 75,834 people. But Camden County has 112,220 people less than Union County. Middlesex County has 70,399 people less than Union County. Passaic County has 97,637 people less than Union County.

Ladies and gentlemen, the net effect of this plan is to disenfranchise one out of every five voters in Union County. This is not only unconscionable but is invidious discrimination. It's not one-man, one-vote but one and one-fifth men, one-vote.

Why is Union County being discriminated against? The answer is easy to determine. The Union County electorate does not follow strict party label and, therefore, is not counted by the hierarchy of either
party as an asset. They are independent voters and it's the independent voter who is not represented at this Convention. New Jersey can't be considered as Democrat or Republican. We're an independent state.

PRESIDENT: May I ask the delegates to please give their attention to the statement Delegate Dietz is reading.

MR. DIETZ: We're an independent state which in 1956 gave the Republican Candidate for President a plurality of more than 700,000 votes, and the very next year gave the Democrat Candidate for governor a plurality of more than 200,000 votes. This represents a switch-vote of almost 1 million people.

It appears that this Convention has come to the conclusion that one-man, one vote applies only to the members of the two major parties.

In addition to shortchanging Union County with regard to representation in the assembly, Proposal 45 as amended at second reading provides that in the future a ten-member apportionment commission evenly appointed by the two state chairmen of the major political parties will district the State. This forever denies the independent voter a voice in state legislative apportionment.

We're willing to bow to the will of the majority but we refuse to be controlled by a tyranny of the majority.
On numerous occasions the majority of the Delegates have indicated their desire to give each county at least one voice and one vote in the legislature. The plan before us for final reading totally disregards this principle. If adopted, it will destroy individual county identity in the legislature, making them second-rate counties because no legislator can serve two masters. Perhaps what this Convention is suggesting is the abolition of small county lines and the creation of new larger counties which will, by virtue of their new size have their own representation. If this is your intention then it should be spelled out in the record.

Our conduct thus far indicates that the name of our Convention should not be Reapportionment Convention but possibly Malapportionment.

No matter how Proposal 45 is viewed, it creates a new philosophy of representation, to wit: equality of representation so long as some counties are more equal than other counties. This plan is not a compromise but a surrender of principle.

Let us here now recall the advice of Thomas Jefferson who said, "For here we are not afraid to follow through wherever it may lead nor to tolerate error so long as reason is left free to combat it."

We cannot shirk our responsibility here without dire consequences. The people of New Jersey have instructed us to do that job which the legislature was unable to do. In the atmosphere of a political
circus we are toying with the rudimentary respects
for the democratic deliberative process and are fast
eroding any public confidence in the concept of
constitutional convention. The responsible voters of
our state will not tolerate our failure.

In the interest of representative government we
dare not tempt this stigmata. Let us reason to a fair
and equitable solution, and, if necessary, let us
extend the life of this Convention so that we can
accomplish this high call to duty.

I, therefore, formally move at this time for
reconsideration of Proposal 45 as amended on second
reading so that we might be able to correct some of
these more blatant evils.

Thank you, Mr. President.

DELEGATE: Second the motion.

PRESIDENT: The motion is deemed, by the Chair,
to be out of order.

Is there any further discussion to come before
this Convention?

The Chair recognizes Delegate Hollendonner from
Mercer.

MR. HOLLENDONNER: Mr. Chairman, I know we've
been here for a long time. I would like in the interest
of time, rather than reading, -- we've heard much
about how wonderful this proposal is and to obtain an
opposing viewpoint may I request that the editorial
from the Sunday Times Advertiser be spread across the
minutes rather than being read, entitled "Wasted Opportunity."

PRESIDENT: With the consent of the Convention, it will be entered in the record.

(For editorial, see page 67)

Delegate Dietz?

MR. DIETZ: Mr. President, I appeal the ruling of the Chair.

PRESIDENT: So that the Chair's ruling is understood, the Chair has ruled that Proposal No. 45 with amendments is already being considered by the Convention and need not be reconsidered, that is consideration and reconsideration of the same item at the same time.

Do you wish to appeal the ruling of the Chair?

MR. DIETZ: Yes, sir.

PRESIDENT: There has been an appeal as to the ruling of the Chair. The Chair has ruled that the proposal is under consideration and need not be reconsidered.

All those in support of the ruling of the Chair, please signify by standing in their places?

(Count being taken)

Please be seated.

Will all those wishing to disagree with the ruling of the Chair please stand in their places?

(Count being taken)

The motion is lost.

40
MR. McGOWAN: Mr. Chairman, I would like to comment on Proposal 45.

Mr. Chairman and ladies and gentlemen. A lot of people may feel that I should be happy with Proposal 45 because just about two months ago I introduced Proposal No. 16 which is very similar to Proposal No. 45.

Under Proposal 16, my proposal, we would have a Senate of 40 members, just as we have under Proposal 45. The lines that I drew in my proposal for the Senate were the same as in Proposal 45.

It calls for an assembly of 80 members, the same as my proposal, and it drew lines for assembly districts the same as my proposal.

There is only one thing that's different. In my proposal I call for the apportionment of the assembly among the various legislative districts on the basis of the number of inhabitants. Proposal 45 does not. It violates the one-man, one-vote edict of the Supreme Court in this regard.

Proposal 45, which is now under consideration, apportions the various members of the assembly according to the number of senators.

Under proposal 45 no assembly district, regardless of population may ever receive an odd number of assemblymen. Even though a county or a legislative district may be entitled to exactly 5 assemblymen, under no circumstances
may they receive 5 assemblymen under this proposal. It must always be an even number.

Because of this feature, we find, that is by allocating the number of assemblymen on the basis of the number of senators, we find that whatever disparity exists in the allocation of senators will also exist in that same legislative district as regards to the allocation of assemblymen except the disparity will be multiplied by two.

Under this proposal a majority of senators will come from areas representing less than a majority of the population. And those same areas which control the senate, but represent less than a majority of the population, will also and always control the other house, the house of assembly. And for this reason I think the plan is at least constitutionally suspect. As a matter of fact, I am almost certain of it.

I would like to read to this assembly here, to this Convention, a statement made by an expert in apportionment, an expert whom we all know, Mr. Sam Alito. And some 10 years ago he put out a book on apportionment and here is what he wrote: "Since an exact apportionment is not possible, that method which produces the smallest differences among the counties in population per assemblyman is the fairest method. If, in any reapportionment, these differences cannot be reduced by shifting one seat from any one county to any other county, the seats have been apportioned as nearly as
may be." according to population.

However, we find that there are 6 counties which cannot meet this test. We find that if we shift one seat from Camden and give it to Union we improve the relative deviation of both counties. There are four other counties in that same category and I will not take your time to mention them.

On the basis of the next census we find under this plan that Middlesex County will have a growth of over 50 percent, but their legislative representation will not increase because of the inequities in this plan.

Mr. Chairman and ladies and gentlemen, I will not belabor the point. I honestly feel that this plan is unconstitutional, is constitutionally unsound, and for this reason, as of this moment, it is my intention to bring this matter before the Supreme Court which has, as I understand it, the same jurisdiction, and if people who are better versed in the law than I, unless they have some cogent argument for not doing so, I shall make application to the Supreme Court to review this matter.

Thank you.

PRESIDENT: Delegate Roach.

MR. ROACH: I would like to state my concurrence in Delegate McGowan's remarks and in opposition to the proposal.

I came here with a statement questioning the constitutionality of Proposal 45, as amended. It is
quite obvious to me at this stage that this convention has ceased to be a deliberative body, if it ever was one, and, therefore, I will save the Delegates the time of listening to my statement and not deliver it at this point.

PRESIDENT: Any further discussion?

MR. CRABIEL: Mr. President, I move the question.

PRESIDENT: The question is properly before the Convention.

So that we understand, this is the third reading of Proposal 45, as amended and submitted in an incorporated report of the Committee on Arrangements and Form. This is the proposal, if it succeeds in obtaining 57 votes, which will be presented to the electorate in November.

The amended Proposal 45.

Mr. Secretary poll the Convention.

(The Secretary reads Proposal 45 as amended)

The question is before the house. Will the Secretary please poll the Convention.

(The Secretary calls the roll)

AYES: Lilienfeld, Ponzio, Bozarth (one half), Farley (one half), Andora, Bartoletta, Becton, Bertini, Durkin, Inglima, Jones, Sammartino, Skevin, Weber, Woodcock, Belopolsky, Dimon, Forsythe, Kelley, Deighton, Bennie, Malandra, Scholz, Thatcher, Perry (half vote), Weinberg (half vote), Perskie (half vote) Sandman (half vote), Lupton, Clancy, Clapp, Cohen, Duff, Fernicola, Foley, Handler, Jacobson, Lynch, Sarcone, Stiles, Tompkins, Van Riper, Hume (half vote), Connery, Hunt, Caulfield (half vote), Castano, Dugan, Glauberman, Kelly, Koch, MacPhail, Musto, Phelps (half vote), Roberson (half vote), Lance (half vote), Bash, Goldberg,
(Aye votes continued): Weinroth, Lockard (half vote), Pierson (half vote), Borst, Crabiel, Evanko, Gallagher, Metzger, Willis, Yelencsics, Beadleston, Gross, McGann, Reilly, Sterner, Stout, Maraziti, Cucci, Novins, Dunn, Keegan, Roemer, Sullivan, Bateman, Meredith, Ozzard (half vote), Bailey, McDonough, Dumont (half vote).

NAYS: Rittenhouse (half vote), Thomas (half vote), Evers, Lacava, Sisco, Davis (half vote), Hollander (half vote), Cawley, Dietz, McGowan, Orkin (half vote), Pfaltz (half vote), Curry (half vote).

PRESIDENT: While we are awaiting the tally, the manager of the Convention asked me to advise you that arrangements are still being made and have been made for a short reception in the faculty dining room where both food and beverages will be available.

Do we have the vote?

The Secretary has the tally and the tally shows that Proposal No. 45, as amended, is carried with an "Aye" vote of 80 and "Nay" 9. This proposition will be presented to the electorate.

(Applause)

The Chair recognizes Delegate Van Riper.

MR. VAN RIPER: Mr. President, evidently by pure inadvertance, the proposal which has just been adopted overlooked completely any provision for the filling of vacancies on the apportionment commission, should one occur.

Therefore, with the approval of the leadership on both sides of the aisle, I offer the following resolution.
Resolved, that it is the sense of this
Convention that in the event of a vacancy
occurring in the membership of the
Apportionment Commission, the said vacancy
shall be filled in the same manner and from
the same source as the original appointment.

I move the adoption of the Resolution.

PRESIDENT: You have heard the motion.

Delegate Crabel?

MR. CRABIEL: Mr. President, I rise to second the

motion of the Delegate from Essex and urge unanimous

adoption.

PRESIDENT: The Resolution is to state for the

record the sense of this meeting which is to comply with

exigency, should it occur, as to vacancy.

I will call for a voice vote.

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

(Chorus of "Ayes")

Those opposed?

(Silence)

The motion is carried.

Chairman Clapp, the proposal has been referred
to your Committee and we would like to hear from you, sir.

MR. CLAPP: Mr. President, the Delegates have
on their desks a report of the Committee on Submission
and Address to the People, of which Committee Mr. Skevin
and I are Co-Chairmen, containing 9 Resolutions and
providing in brief, first of all, a generalized statement
to be placed upon the ballot, without any specification;
and, second of all, providing for a preparation of a
submission and address to the people by the Committee on