

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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Volume V

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STATE OF NEW JERSEY
CONSTITUTIONAL CONVENTION OF 1966

APRIL 21, 1966

(The session began at 11:10 A. M.)

PRESIDENT ADRIAN M. FOLEY: Ladies and gentlemen, the fifth session on the Constitutional Convention of 1966 will please come to order.

Following the usual procedure, we will commence our deliberations this morning with the invocation.

We are privileged to have with us Rabbi Washer of Bergen County. Rabbi Judah Washer has his congregation in the center of Teaneck. He was ordained at Yeshiva University; received his Doctor of Philosophy at the University of Pittsburgh; and is a former President of the Tri-State Zionists. We are indeed privileged to have Rabbi Washer with us this morning and I would ask Rabbi Washer to please come forward.

RABBI WASHER: Our God and God of Our Fathers, have Thou respect unto the prayer of Thy humble servant. Thou hast created man by Thy will and endowed him with Thy divine attributes of compassion and love. Thou hast favored man with knowledge and understanding and given unto him a heart that is sensitive to the needs of his fellowman, a heart that seeks infinite ways to understand that he is his brother's keeper. And as we perform deeds of merit in behalf of our brethren we implement Thy will, Oh God, upon this our earth.

Thou, Oh Lord, has endowed men with the ability to explore the deep abyss and to soar into the far reaches of outerspace with the understanding and wisdom to search out the intricacies of the human body and the mysteries of the human mind. But man's greatest and most noble moment, the moment when he reaches the spiritual heights of being a little less than an angel comes to him in his expression of love, compassion and foresight, as he plans for the welfare of his fellowman.

Oh Lord, within the walls of this chamber are assembled the representatives of the people of our State in Constitutional Convention. They are of the people, able men such as fear God, men of truth and men of leadership, men who inspire confidence. We pray Thee, Oh God, that Thou mayest endow these men, who give of their time and energy, with the blessings of patience, wisdom and selflessness, for truly this is their prayer and the desire of their heart.

On this day, as on every other day when men need to be counted, cause Thy divine guidance to rest upon them that they may fulfil their desire to be of service to Thee and their people, for the needs of our people are many and great. There is the voice of the faint and the weak; there are the minds of young and old thirsting for knowledge and understanding; and there is the creative spirit that seeks fulfilment.

We pray Thee that Thou mayest bless, guide and protect the President of these United States, keep our country from

every hurt, make peace reign among her citizens, and may its democratic institutions and its blessings of brotherhood spread beyond its borders.

Protect and guide the Honorable Governor of our State and bless and guide each member of this Convention so that they may work in harmony with purpose, and may its proceedings be with calm deliberation and its decisions with justice that our people and our State may prosper.

As they are now about to fulfil their task, guide them, Oh God, in their immense work so that it may be of avail. May the words of my mouth and the meditations of our hearts be acceptable before Thee, Oh God. Amen.

PRESIDENT: Thank you, Rabbi, for journeying all the way down here. We are greatly in your debt as we are enriched by your words, and we trust that our deliberations will reflect that.

Mr. Secretary, would you 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

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

CAPE MAY COUNTY

Perskie, Sandman

CUMBERLAND COUNTY

Horuvitz, Lupton

ESSEX COUNTY

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

GLOUCESTER COUNTY

Connery Hunt, Caulfield, Cotton

HUDSON COUNTY

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, Crabiel, Evanko, Gallagher, Jacks,
Metzger, Willis, Yelencsics

MONMOUTH COUNTY

Beadleston, Gross, McGann, Sterner, Stout

MORRIS COUNTY

Georges, Hillery, Manahan, Maraziti, Roach

OCEAN COUNTY

Cucci, Novins

PASSAIC COUNTY

Biber, Dunn, Evers, LaCava, Roemer, Sullivan

SALEM COUNTY

Davis, Leap

SOMMERSET COUNTY

Bateman, Meredith, Shaffer

SUSSEX COUNTY

Hollander, Woolfenden

UNION COUNTY

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

WARREN COUNTY

Dumont

SECRETARY JOHN E. DIMON: You have a quorum, Mr.
President, you may proceed.

PRESIDENT: Thank you, Mr. Secretary.

Ladies and gentlemen, you have before you the
minutes of the last or fourth session of the Constitutional
Convention. Are there any corrections or amendments.

If anyone wishes to be recognized, would they please
hold up their hand, in addition to standing.

(Silence)

There being no corrections or amendments, what is
your pleasure?

MR. J. EDWARD CRABIEL: Mr. President, I move they
be accepted as printed.

MR. C. ROBERT SARCONI: Mr. President, I second the
motion.

PRESIDENT: Motion having been made and seconded
that the minutes be accepted as printed, all those in

favor will signify by saying "Aye."

(Chorus of "Ayes")

Those opposed, "No."

(Silence)

The motion is carried.

Mr. Secretary, do you have any proposals?

SECRETARY: Mr. President, we have three proposals.

Proposal No. 5 introduced by Delegate Christopher Dietz from Union County, April 14, 1966:

A PROPOSAL to amend paragraph 2 of Section I, Sections II and III of Article IV and paragraph 2, Section II of Article VI of the State Constitution, providing for a Senate composed of 29 Senators elected from single-member, equal population districts and a General Assembly composed of members elected from the 21 counties on a relative population base, and vesting original jurisdiction over legislative apportionment in the Supreme Court.

The proposal has been referred to the Committee on Apportionment of the Legislature.

Proposal No. 6 introduced by C. Robert Sarcone, Delegate from Essex County, April 14, 1966:

A PROPOSAL that the constitutional amendment or amendments to be submitted to the people shall include a precise definition of the composition and apportionment of the Legislature requiring no action by the Legislature (or any other apportionment body) until after the 1970 census.

Referred generally to the Committee on Scope of the Convention, except as to question of composition and apportionment as to which the reference is to Apportionment.

Proposal No. 7 introduced by John B. Duff, Delegate from Essex County, April 14, 1966:

A PROPOSAL that the General Assembly be enlarged to 112 members so that each county may be represented by at least one member.

Referred to the Committee on Apportionment of the Legislature.

These are the only proposals that we have today, Mr. President.

PRESIDENT: Thank you, Mr. Secretary.

The Chair recognizes Delegate Duff from Essex.

MR. JOHN B. DUFF: On my Proposal No. 7, several people signed my proposal with the understanding that they were not committing themselves to a bicameral legislature. So I changed it in the statement on page 2 to read after "General Assembly" "or a unicameral legislature."

I would like to show it that way because my intention was not to debate the question of unicameralism vs. bicameralism, but merely to get before the Convention the idea of increasing the size of the Legislature, whether it be bicameral or unicameral.

So I would like after "General Assembly" on page 1, in both places where it occurs, to insert the clause "or a unicameral legislature."

PRESIDENT: Delegate Duff, does the Chair take it that this matter has been discussed with the other sponsors of the Proposal?

MR. DUFF: Yes.

PRESIDENT: And the amendment then would be to the proposal itself as well as to the statement of purpose?

MR. DUFF: The statement of purpose already has in it "or a unicameral legislature." I just wanted to make

it conform on page 1, to that.

PRESIDENT: The Proposal itself.

MR. DUFF: That's correct, yes.

PRESIDENT: Thank you. The amendment will be noted.

As to Proposal No. 5, additional reference is made to the Committee on Structure insofar as it is pertinent. Are there any reports of Committees to be received?

(Silence)

Any motions or resolutions to come before the floor?

(Silence)

Ladies and gentlemen, as you know, the Committee on Structure has arranged for the presentation and public hearing to be held immediately upon the arrival at the Convention of certain distinguished visitors from Nebraska. We have been advised that there has been a slight delay in their arrival, occasioned by the weather.

We would like to show our appreciation to these gentlemen for coming to our Convention and, therefore, it would be the thought of the Chair that rather than adjourn at the finish of our business session, we recess so that we can acknowledge the presence of these distinguished members when they do arrive.

We have a further report that their arrival should occur within the next 15 minutes.

The Chair wishes also to announce that at 2 o'clock

the Committee on Apportionment will reconvene its public hearing in Rooms A, B and C, directly across from the gymnasium.

The Chair recognizes Senator Crabiel.

MR. CRABIEL: Mr. President, before making a motion for recess, I would like to inform the 21 leaders of the Democrat side of this house to please meet with me immediately upon recess in the President's office.

I will move for a recess, Mr. President, for 15 minutes.

MR. SARCONE: Second the motion, Mr. President.

PRESIDENT: The Chair declares a recess for 15 minutes. We would urge all the Delegates to remain in the gymnasium or very close to it.

Recess for 15 minutes.

(Short recess)

PRESIDENT: Ladies and gentlemen, if you will resume your places, we can get on with the brief matter concerning the Convention and then go to our hearing.

The fifth session of the Constitutional Convention will now reconvene.

As you know, we have been honored by one of the sister states. Very generously some of its distinguished citizens have journeyed through all this bad weather to be with us this morning for the purpose of edifying and educating our Committee on Structure.

The Chair would recognize Co-Chairman Stout of the Committee on Structure.

MR. RICHARD R. STOUT: Mr. President, first may I be marked present for this morning.

PRESIDENT: The record will so reflect.

MR. STOUT: We are very honored this morning in having with us two gentlemen who arose at the early hour this morning of 4:30 to join us and to make their views known on a matter which is of great concern to this Convention. I know every one of us appreciates it and it is my great honor and privilege to present the Lt. Governor of the Great State of Nebraska, Philip Sorensen.

(Applause)

LT. GOVERNOR PHILIP SORENSEN: Thank you. Mr. President, Senator Stout and members of the Convention, on behalf of myself and Mr. Hugo Srb, Clerk of the Nebraska Legislature, we are pleased to be guests here of the Great State of New Jersey. We left Nebraska in a snow storm in part of the State and we are glad we are visiting you instead of you visiting us. We certainly are looking forward to testifying before your Committee.

Thank you.

(Applause)

PRESIDENT: Thank you.

The Chair would like to say that we hope during your stay you will have a better example of our fine Jersey weather than that in which you arrived.

The Chair recognizes Co-Chairman Kelly.

MR. WILLIAM F. KELLY, JR.: Mr. President, may I state at the outset that I am on the Republican side only

as a matter of convenience.

(Applause)

In the light of the applause given to the Lt. Governor, it might be well for this Convention to consider such a position for this State.

It is my pleasure now to introduce the Chief Clerk of the Legislature of the State of Nebraska, Mr. Hugo Srb.

(Applause)

MR. HUGO SRB: Mr. President and members of the Convention, it's a real pleasure to come and talk to you about this Legislature.

In speaking of the one house, Senator Norse was the father, and a person introducing me said I had mothered it for about thirty years. That is correct. I have been with the one house legislature, having served as a Senator for two terms before and then as Secretary of the Senate, so I've had a chance to view it from both sides.

I deem it a real pleasure and a privilege to come and share with you some of the experiences or comparisons that I have observed in the years that I have been with the Legislature.

We were warned not to make a speech and that's my handicap. I'm like the fellow who said when he was asked if he had a good time that he had the best time he had ever had, he said, "I made three speeches."

Thank you, Mr. Chairman.

(Applause)

PRESIDENT: Once again the Chair wishes to express, on behalf of the Convention, our thanks to you gentlemen. We look forward with a great deal of interest to your testimony.

There being no further business to come before the floor, may I entertain a motion.

MR. SARCONE: Mr. President, I move that the Convention adjourn until next Thursday, April 28, at 11 A.M.

PRESIDENT: Is there a second to that motion?

MR. CHARLES L. BERTINI: I second the motion to adjourn.

PRESIDENT: A motion has been made and seconded that we adjourn until the following Thursday.

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

(Chorus of "Ayes")

Those opposed, "No."

(Silence)

The motion is carried.

(The session adjourned at 11:50 A. M.)

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