

Regular Session, 2014

SENATE CONCURRENT RESOLUTION NO. 179

BY SENATORS ALARIO, ADLEY, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GALLOT, GUILLORY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE

COMMENDATIONS. Recognizes the framers of the Louisiana Constitution of 1974 and the occasion of the fortieth anniversary of ratification and commends the delegates to the Constitutional Convention of 1973 for their service to the state.

A CONCURRENT RESOLUTION

To recognize the fortieth anniversary of the ratification of the Louisiana Constitution of 1974 and to commend those framers and delegates to the Constitutional Convention of 1973 for their extraordinary public service to the state of Louisiana.

WHEREAS, the Legislature of Louisiana duly recognizes April 20, 2014, as the fortieth anniversary of the ratification of the Constitution of 1974 by the electorate and commends the delegates to the Constitutional Convention of 1973 upon the successful confection of a new constitution, a collaborative effort of representative democracy considered to be the most significant achievement in Louisiana's history during the twentieth century; and

WHEREAS, the present constitution lies at the epicenter of the infrastructure of state government as a definitive legal instrument composed of fourteen articles that clearly delineate the rights of individuals, describes the distribution and powers to state officials and local governments, and establishes both state and local civil service systems; and

WHEREAS, as a historic document, the constitution reflects Louisiana's European origins with singular emphasis applied to individual civil liberties and property rights, with precedence found in Spanish law and the Napoleonic Code; "to protect individual rights to life, liberty, and property"; and

1           WHEREAS, the delegation drafted the tenth revision of the state's constitution since  
2           statehood in 1812, that had previously been reworked in 1845, 1852, 1864, 1868, 1879,  
3           1898, 1913, and 1921; and

4           WHEREAS, its predecessor, the Constitution of 1921, had become a conflicted legal  
5           quagmire, the most lengthy of all state constitutions with over 20,000 words containing five  
6           hundred amendments, one hundred seventy outside references, dedication of two-thirds of  
7           all state funding, and no internal provisions for constitutional reform; and

8           WHEREAS, lawmakers and government watch dog organizations such as the Public  
9           Affairs Research Council (PAR) raised objections to the antiquated 1921 Constitution as a  
10          hindrance to economic growth and flexibility within state and local governments; and

11          WHEREAS, in 1971, gubernatorial candidate, Congressman Edwin W. Edwards, ran  
12          on a campaign plank to implement a modern constitution and to streamline government;  
13          when elected, he was stymied in his efforts to reorganize the executive branch due to the  
14          inflexibility of the 1921 Constitution; and

15          WHEREAS, Act No. 2 of the 1972 Regular Session (House Bill No. 181 by  
16          Representative McLeod, and others) was the legislative instrument used to bring about  
17          change through the creation of the Constitutional Convention of 1973, known as CC 73, a  
18          collective of one hundred five delegates elected by popular vote from existing districts of  
19          the House of Representatives and twenty-seven delegates appointed by the governor; and

20          WHEREAS, convened on January 5, 1973, CC 73 delegates came from all corners  
21          of the state; they represented a cross-section of state demographics, as the greatest  
22          generation whose strength of character was forged by the global conflict of World War II,  
23          as activists of the "New South" who were the emerging national voice for minorities and  
24          women, and as a new generation of political novices taking their first steps in public service;  
25          Phillip Bergeron was the youngest elected delegate at eighteen years of age; and

26          WHEREAS, the roll call of elected delegates in order beginning with District One  
27          are Jasper K. Smith, Alphonse Jackson Jr., Wellborn Jack, V. C. Shannon, Tom Stagg,  
28          Frank Fulco, Dr. Emmett Asseff, Ford E. Stinson, Charles "Buddy" Roemer, R. Harmon  
29          Drew, Bill P. Grier, Kenneth Dale Kilpatrick, E. L. "Bubba" Henry, Paul David Ginn, Shady  
30          Wall, Judge James L. "Jim" Dennis, Thomas W. Leigh, R. M. Elkins, J. A. "Jim" McDaniel,

1 Lantz Womack, Jim Brown, Terry R. Reeves, Donald G. Kelly, H. M. "Mutt" Fowler,  
2 Richard S. Thompson, Chris J. Roy, Charles Slay, Miss Lynn Perkins, Cecil R. Blair, F. E.  
3 "Pete" Hernandez, Dr. J. E. Stephenson, Errol D. Deshotels, A. J. Planchard, Dr. Gerald N.  
4 Weiss, Mack Abraham, Conway LeBleu, Greg Arnette Jr., Clyde Fontenot, Walter J.  
5 Champagne Jr., Lawrence B. Sandoz Jr., I. Jackson Burson Jr., Ralph L. Cowen, Pat Juneau,  
6 Heloise C. Corne, E. J. Chatelain, J. Burton Willis, H. G. Hardee Jr., Minos H. Armentor,  
7 Perry Segura, F. D. "Dan" Winchester, Anthony J. Guarisco Jr., Stanwood R. Duval Jr.,  
8 Charles A. Badeaux, Donald T. Bollinger, Walter I. Lanier Jr., Eual J. Landry Sr., Gordon  
9 J. Martin, N. E. Carmouche, Louis J. Lambert Jr., Jessel M. Ourso Sr., Herman J. "Monday"  
10 Lowe, Richard H. Kilbourne, George Dewey Hayes, Gary O'Neill, Harvey W. Cannon Jr.,  
11 Louis "Woody" Jenkins, Miss Mary E. Wisham, J. D. De Blieux, Robert J. Aertker, R.  
12 Gordon Kean Jr., Calvin C. Fayard Jr., Joseph "Joe" E. Anzalone Jr., Autley B. Newton,  
13 James T. "Jim" Burns, B. B. "Sixty" Rayburn, Alvin D. Singletary, Edward J. "Eddie"  
14 D'Gerolamo, Wendell H. Gauthier, Rev. James L. Stovall, Joseph A. Conino, David Conroy,  
15 Harold J. Toca, John A. Alario Jr., Dr. Frank J. Ullo, Joseph F. Toomy, Matthew R.  
16 Sutherland, Earl J. Schmitt Jr., Mrs. Novyse E. Soniat, Moise W. Dennery, Thomas A.  
17 Casey, Louis Landrum Sr., Edward F. LeBreton Jr., Rev. Avery C. Alexander, Anthony J.  
18 Vesich Jr., Claude Mauberret Jr., James G. Derbes, Thomas A. Velazquez, Joseph I.  
19 Giarrusso Sr., Louis G. Riecke Sr., Phillip O. Bergeron, Johnny Jackson Jr., Mrs. George  
20 Ethel Warren, Elmer R. Tapper, Samuel B. Nunez Jr., and Chalin Perez; and

21 WHEREAS, delegates appointed by the governor to represent special interests  
22 included Edward N. Lennox, industry; Gordon Flory, labor; Horace C. Robinson, education;  
23 Anthony M. Rachal Jr., civil service; John L. "Jack" Avant, wildlife and conservation; Frank  
24 M. Edwards Jr., law enforcement; Albert Tate Jr., judiciary; Ruth Miller, professions;  
25 Hilda Brien, consumers; Robert J. Munson, agriculture; Max N. Tobias Jr., youth; and  
26 Dorothy Mae Taylor, racial minorities; and

27 WHEREAS, at-large delegates appointed by the governor for extraordinary expertise  
28 in law and local governmental affairs included Tom Colten, Ambroise H. Landry, Pegram  
29 J. Mire, Clyde F. Bel Sr., Mary Zervigon, Joe N. Silverberg, John R. Thistlethwaite,  
30 Lawrence A. Chehardy, Kendall Vick, Judy Dunlap, J. K. Haynes, Richard P. Guidry,

1 J. Kenneth Leithman, Risley C. Triche, and Camille F. Gravel Jr.; and

2 WHEREAS, emergency appointment of delegates to fulfill unexpired terms were  
3 filled by Dean Louis Berry, Emile Comar Jr., Paul H. Goldman, R. W. "Buzzy" Graham,  
4 Norman "Pete" Heine, Louis M. Jones, Corrine Maybruce, James W. Morris, Robert G.  
5 Pugh, and Charles Wattigny; and

6 WHEREAS, CC 73 was a unicameral body comprised of one hundred thirty-two  
7 delegates from all walks of life and some were the best legal minds of the time; it was a self-  
8 governing body that employed Mason's Manual of Legislative Procedure, a committee  
9 system, compromise and good humor, transparency of process with open debate, news media  
10 access, and community involvement with public meetings held across the state to gather  
11 public opinion and a sense of popular needs and wants, all of which advanced the acceptance  
12 of a new constitution; and

13 WHEREAS, CC 73 was reflective of the changing face of Louisiana's political scene;  
14 among its ranks were future leaders that included a governor, house clerk, senate secretary,  
15 judges, mayors, outstanding attorneys-at-law, and future legislators, such as the African  
16 American delegates who were the predecessors of an alliance that would become the  
17 Legislative Black Caucus; there were young movers and shakers who gave rise to the  
18 vanguard of the Young Turks of the 1970's in the House of Representatives, and future state  
19 officials who would contribute immeasurably to the executive, legislative, and judicial  
20 branches of state and local government; and

21 WHEREAS, CC 73 was a learning process that created a familiarity between  
22 delegates and constituents who were often separated by distance and biased by cultural  
23 stereotype; and

24 WHEREAS, at times, the atmosphere of CC 73 was highly contested, but mostly  
25 congenial, and strong friendships were forged that have lasted over four decades; and

26 WHEREAS, CC 73 was a great success; the delegation had drafted a constitutional  
27 blueprint for a basic form of state government laden with protections for the individual and  
28 it had championed the tenets of equal opportunity, fair labor relations, small business  
29 interests, and expanded voter participation; and

30 WHEREAS, on January 16, 1974, CC 73 had concluded its business, and on

1 January 19, 1974, the document was attested to with the signatures of its framers; that  
2 included chairman of the convention, E. L. "Bubba" Henry; vice chairmen, Ruth L. Miller,  
3 Thomas A. Casey, the Reverend Avery C. Alexander, and Chris J. Roy, treasurer, Herman  
4 J. "Monday" Lowe; and the remaining convention delegates that included among its number,  
5 Senate President John A. Alario Jr., then a member of the House of Representatives; and

6 WHEREAS, the new Louisiana Constitution of 1974 was ratified by an affirmative  
7 vote of the people on April 20, 1974, and took effect of January 1, 1975; and

8 WHEREAS, with the approach of change through positive deliberation, the delegates  
9 of CC 73 leave a remarkable legacy of genuine public service to the citizenry of Louisiana,  
10 who in turn, owe a great debt to these framers of the new constitution whose contributions  
11 have made Louisiana a better and more prosperous state in which to live.

12 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
13 recognize the fortieth anniversary of the ratification of the Louisiana Constitution of 1974  
14 and does hereby commend the delegates to the Constitutional Convention of 1973 for their  
15 extraordinary public service to the state of Louisiana.

16 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to E. L.  
17 "Bubba" Henry, chairman of CC 73 and delegate from District 13, Senate President John A.  
18 Alario Jr., delegate from District 83, Alvin D. Singletary, attorney and delegate from District  
19 76 and Judge Tom Stagg, delegate from District 5.

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The original instrument was prepared by Suzi Montague. The following  
digest, which does not constitute a part of the legislative instrument, was  
prepared by Thomas F. Wade.

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#### DIGEST

Alario

SCR No. 179

Recognizes the 40<sup>th</sup> anniversary of the La. Constitution of 1974 and commends the delegates  
of the Constitutional Convention of 1973.

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Adds Judge Tom Stagg to the list of former delegates to receive a copy of the Resolution.