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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE

IN JOINT SESSION.

Wednesday, October 19, 2005.

Joint Session of the Two Houses to Celebrate the 375th Anniversary of the General Court.

At thirteen minutes past eleven o'clock A.M., the two Houses met in

JOINT SESSION

and were called to order by the Honorable Robert E. Travaglini, President of the Senate.

The President then handed the gavel to Mr. Flynn of Bridgewater, Dean of the House, who led the members, guests and employees in the recitation of the pledge of allegiance to the flag.

National Anthem.

Mr. Rush of Boston in the Chair, the Framingham High School A Cappella Chorus, led by Mr. George Perrone performed the singing of the National Anthem.

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, our Creator, we pause for a moment to offer you a prayer of thanks for our material and spiritual blessings and for a moment of personal reflection as we observe and celebrate the 375th Anniversary of the General Court of the Commonwealth. Today's amazing celebration recalls the courage, fortitude, vision and the willingness to serve in the governing body of the Colony and the original members and concerned settlers. Today's event reminds us, too, of the political, philosophical and religious beliefs and patience of the original members as they worked together to form a new Commonwealth and new communities. Teach us, today, to be open to and ready to work with other as we address today's unique opportunities and challenges. May we be guided in our decision-making roles your commitment's principle and religious beliefs as were the original members of this General Court.

Grant your blessings to the current and former members and their families and employees of the General Court. Amen.

Mr. Moore in the Chair, addressed the joint session as follows:

We gather today in this historic chamber, not simply to observe another milestone in the 375 year history of self government in America. We begin this anniversary to remember the historic significance of that day in Boston in 1630 when the founders of Massachusetts gathered to exercise rights that were to become the foundation of the great American experiment in democracy.

We gather, most of all, to renew — as each succeeding General Court has done for three and three-quarters centuries — the prophetic promise of a “city upon a hill” — of a commonwealth where citizens would, in John Winthrop’s words, “delight in each other; make others’ conditions our own; rejoice together, mourn together, labor and suffer together, always having before our eyes our commission and community in the work, as members of the same body.”

We are reminded by today’s celebration that Massachusetts must not forget that we are the heirs to a legacy of caring for one another that is founding principle of our commonwealth. Sometimes we, and our predecessors, have despite good intentions, fallen short of the mark that history has set. Overall, however, Massachusetts legislators have been, throughout our long history, at the forefront of progress in education, health care, social justice and economic prosperity.

Our initial charter marked the birth of self-government in the New World. The initial sessions of the General Court planted the seeds of representative democracy in America. Our Massachusetts Constitution served as a model, not only for our national Constitution, but for the early democracy of Poland more than two hundred years before the emergence of “Solidarity.”

The remarkable “Body of Liberties” approved by the early General Court in 1641 preceding the “Bill of Rights” by several generations, clearly established the basic rights of all citizens. It was unique in its day, declaring among other matters that personal and property rights could not be infringed except by law; all persons should enjoy equal justice without delay; no one could be twice sentenced for the same crime; anyone convicted had the right to appeal; torture to obtain convictions, and barbarous and cruel punishment were forbidden, the right to counsel was affirmed, as well as the right to choose trial by judge or jury, and to challenge jurors; goods could not be taken for public use without reasonable compensation.

The General Court has many alumni who achieved prominence well beyond the boundaries of this Commonwealth. Five signers of the Declaration of Independence, three Presidents of the United States — John Adams, John Quincy Adams, and Calvin Coolidge — and eight Speakers of the national Congress began their careers in public service as members of the Massachusetts General Court as did many of our invited guests today.

As John F. Kennedy said from this very rostrum, “... no man about to enter high office in this country can ever be unmindful of the contribution this state has made to our national greatness. Its leaders have shaped our destiny long before the great republic was born. Its principles have guided our footsteps in times of crisis as well as in times of calm. Its democratic institutions — including this historic body — have served as beacon lights for other nations as well as our sister states. For what Pericles said to the Athenians has long been true of this commonwealth: ‘We do not imitate — for we are a model to others.’”

Let me welcome you, not only to what we believe is an excellent program today, but to invite your participation and support for a number of activities that will strengthen the civic understanding of today’s citizens, as we focus on themes from the history of Massachusetts, or as President Kennedy described them, “the historic qualities of the Bay Colony and the Bay State — “courage — judgment — integrity — dedication.”

Happy anniversary to all who serve or have served the people of Massachusetts as members of the General Court!

The President in the Chair, addressed the joint session as follows:

In 1628 a group of Puritan businessmen formed a venture originally called the New England Company which was initially perceived as a profit making endeavor in the New World, the careful Puritan businessmen sought additional protection for their scheme by requesting and receiving a royal charter from King Charles. That was called the Governor and company of Massachusetts Bay in New England. Today we call it the Mass Bay Charter and we are a reflection of this historical event. Since the Royal charter did not specify where the stockholders should meet, the members were encouraged to immigrate to the Massachusetts colony. Those who did not want to migrate sold their shares to those who did. The Massachusetts Bay Company became the only one of the English chartered colonization companies not subject to the control of board of governors and in England. Things haven’t changed much today around here either.

Thus the charter held the seeds for self governance in that it granted full authority over the company and the colony to the stockholders and would be regarded as the early founding document of Massachusetts government. 375 years later, the faces have changed, the names have changed, but the mission remains the same and the responsibility is as significant today as it was then. Making decisions for people in their absence that makes life better for them and gives hope and promise to those who follow them. It is a charge that none of us in this building take lightly.

I joked with the Speaker when we arrived and I wondered privately to myself and to the Speaker as well, I wonder what those Puritans are thinking now seeing the two of us sitting up here. Talk about grumbling. I suspect it is a little deeper than that.

My message is simply this, every time you walk into this chamber you should be moved by the history that is part of it. You should be moved by the surrounding names and beautiful artifacts and it should inspire you to engage in an exercise called democracy.

I am pleased to see so many former and current elected officials, so many distinguished former Speakers and Senate Presidents sitting to my left. It reminds me of the obligation that I have today, of the legacy that I am now serving presently and will be a part of at the end of my term. So the message from the Senate to our House colleagues and to all that are here in celebration of this 375th milestone, remember this mission is bigger than any one individual and we all just merely temporarily contribute to it. So realizing that, make every at bat count and every day you come in here, try to make it a good day. Good to see everybody and happy anniversary.

The President handed the gavel to Mr. Rush of Boston who addressed the joint session as follows:

As a History Teacher and a member of the Legislature, I am honored to serve as the House Chairman of this Joint Committee of the 375th Anniversary of the Legislature.

I would like to take this time to recognize my parents who are joining us here today, Jim and Ginny Rush of Boston.

Massachusetts's history is rich, unique and fascinating but it has not been an easy endeavor. The men and women who have made our state history great have struggled constantly from the day that the Arbella arrived at the Shawmut Peninsula carrying the Puritans until the present day.

Otto von Bismarck once said that God had a special place in his heart for fools, children, and the United States of America. He very well may have been thinking of John Winthrop and the Puritans ...

- Please keep in mind, it took Winthrop and the Puritans three different try's to find a settlement: first Salem, then Charlestown, and finally Boston.

- Since establishing the General Court in Boston, sessions have been held in Cambridge, Salem, Roxbury, Salisbury, Concord, and Watertown.

- Prior to this building, the legislature has met in churches, the Harvard Chapel, and believe it or not, in taverns. (Pause)

Professor Robert Deasy of Providence College taught me, "History begins with the written word". With this being said it is important to acknowledge the two documents, which are so important to this legislature, and the people of this state, the Massachusetts Charter and our state Constitution. Both documents have produced disagreements, unrest, and at times turbulence:

- After taking the Charter from England, John Winthrop actually kept the Puritans from viewing it so they were unaware of their role in the colony.

- In 1644, when a dispute over a lost sow erupted, this Legislature became a bicameral body.

- In 1684, England revoked the Massachusetts Charter for five years.

- And in 1780, John Adams writes the Massachusetts Constitution which is adopted ... It is interesting to note, that during the adoption of the State Constitution, Malden delegate Peter Thacher, argued for a supreme legislature, without a governor ... some may actually argue that is what we have today!!!

- But in the end, our legislature and system of government was so well designed and thought out, that it became the model for the United States government.

As a body, the legislature looks very different today:

- In 1630 at the first meeting, the members were all of English decent and men, today, a third of the members are women and we have members whose family's hail from Ireland, Haiti, Italy, Poland, Africa, Greece, and Russia, to name a few.

- In 1630, the members were clergy, lawyers, and farmers, today, we still have lawyers, but also policemen, nurses, teachers, business owners, we even have a master electrician, a tree surgeon, and a venture capitalist!!!

- In 1630, political parties did not exist, today, we have Democrats, oh and even a few Republicans!

The point is this, from the very first day, 375 years ago; members of this body have been forward thinkers, committed to improving the lives of the people they have represented despite difficulties and problems that may have arisen, the members of the Legislature overcame and adapted on behalf of their constituents.

In 1912, President Theodore Roosevelt said, "Massachusetts has taken the lead in every movement for the welfare of this nation ever since the days when men of the thirteen colonies sent their representatives to the first continental congress." This sentiment is true today.

Author Neil Savage has pointed out that this Legislative body has produced:

- 5 signers of the Declaration of Independence
- 3 U.S. Presidents
- 4 Vice Presidents
- 8 Speakers of the U.S. House of Representatives
- 13 Presidential Cabinet Secretaries
- 13 U.S. Ambassadors
- 2 Justices of the US Supreme Court

Much like all who serve and have served over the last 375 years, I am so proud to be able to come to the State House every day to represent the people of the 10th Suffolk District. I can think of no greater honor.

I would like to leave you with the words of the first Democrat to wield the gavel as Speaker of the Massachusetts House of Representatives, the gentleman from Cambridge, Tip O'Neill:

"The day I took the oath of office I said to myself that the only thing I wanted to do was walk out the door of the State House when I left this office knowing I had been true to my God, true to my family, true to my country and true to my state."

Thank you, God Bless you and God Save the Commonwealth of Massachusetts.

The Speaker in the Chair, addressed the joint session as follows:

Thank you to Mike, Senator Moore and the special committee for all your hard work to make this day such a success. It is now my privilege to welcome back to the chamber former House Speakers, former House Minority Leaders and former Clerks.

As you know, each one of these men has had the distinct privilege of standing at this rostrum. I do not have to tell them what it's like to look out over a historic body and see the ties that bind the legislators who serve today to our forefathers whose names and images are engraved in the ceiling above. They know, like I know, that the members of the Massachusetts General Court share a commitment to the common good that, on this day spans exactly 375 years.

Today's session and special events celebrate the Commonwealth — the birthplace of American democracy — and the leaders who helped write the first chapters in our proud history. They created a system of self-government that endures because it protects and extends liberty, equality and justice. It has been and will continue to be our responsibility to carry these founding principles forward so that we can give every citizen an opportunity to lead a better life.

John Winthrop, Daniel Webster, John Adams, and others explored new frontiers on land and on paper. Whether setting sail towards treacherous, unknown terrain in 1630 or declaring universal education a constitutional right in 1780, Massachusetts has embraced courage and innovation since its inception.

Weeks before taking the oath of office in 1961, John Kennedy stood right here and said this about his native Massachusetts: "Its leaders have shaped our destiny long before the great republic was born. Its principles have guided our footsteps in times of crisis as well as in times of calm. Its Democratic institutions — including this historic body — have served as beacon lights for other nations as well as our sister states."

I think it is telling that on the eve of assuming the awesome responsibilities of the presidency, Kennedy looked to the Commonwealth's past to guide the nation's future. Those of us who are entrusted to serve in today's public arena should pay heed to this lesson. We must draw strength from the examples set by those who came before us. And we must labor to ensure that the principles that informed their decisions and actions are the same ones that inform ours.

As we continue to confront the challenges of the current session — expanding access to health care, improving the quality of our schools, and building strong, vibrant businesses and communities — remember this: times change, the core mission of a democratic government does not. Vulnerable populations must be cared for. Opportunity and hope must be extended to as many people as possible. And, above, all else, the common good, the public interest must come first.

I know that all of you are committed to continuing in the fine traditions of our forefathers on this, the 375th Anniversary of the Massachusetts General Court, and everyday that follows. I commend you for entering this noble profession and look forward to the work that lies ahead.

Thank you and God Bless.

The Speaker handed the gavel to Ms. Rogeness of East Longmeadow, the Assistant Minority Leader of the House of Representatives, who addressed the joint session as follows:

Mr. Chairman, Mr. Chairman, Mr. Speaker, Mr. President, honored guests and colleagues.

Three hundred and seventy-five years!

A historian reminded me recently of a fact that is obvious when you think about it: The Englishmen who came to Massachusetts Bay Colony lived in our past. They lived in olden days.

But they lived in their present day. They did not know what tomorrow, next month or next year held in store when they arrived in Salem Harbor carrying their charter from King Charles.

Their wisdom and their political skill started Massachusetts on the road that brings us here today.

Before they left England, they secured the charter, a charter that differed from those of earlier colonies. Because of their careful negotiation, it granted the principals the right to make a seat of government in New England. That provision helped the colony develop with a unique sense of freedom from the mother country.

And when the charter fell short, they worked around it.

The charter stated that the General Court, the law-making body, was to be composed of freemen who were to transact all public business at general meetings, by the majority vote of those present. It was a pure democracy.

At the first such meeting, October 19th, 1630, 109 freemen showed up for the session. The leaders did not expect such a turnout. Yet they could not refuse to admit additional freemen. It would disfranchise the great body of the people. So, without accepting the 109 freemen, they placed this vote before the assembly.

“For the establishment of the government. It was propounded if it were not the best course that the freemen should have the power of choosing assistants when there are to be chosen, and the assistants from amongst themselves to choose a governor, who, with the assistants, should have the power of making laws and choosing officers to execute the same. This was fully assented unto by the general vote of the people, and erection of hands.”

And representative government came at that first assembly. Politics, the art of governing people.

On a personal note, I am a native of Kansas. The state of Kansas owes a particular debt to Massachusetts. In the 1850s, Massachusetts sent “emigrants” west to establish Kansas Territory as a free state. Massachusetts legislators and settlers share in the success of that effort, and the capital city of Lawrence was named for a Massachusetts Lawrence.

It is a privilege and an honor to serve as a 21st century “assistant” in the Great and General Court. Every day we add a page to the history that we celebrate today.

John Winthrop arrived from England in 1630 as governor, and he served the colony faithfully for many years. We will all have an introduction to the Governor as portrayed by our Assistant Director of the State House Tours Division, who spends his off hours as artistic director of the Mill 6 Collaborative Theater. John O’Brien is here today to re-enact a selection from Gov. Winthrop’s 4-hour sermon, *A Model of Christian Charity*.

Governor Winthrop — Re-enactment “A Model of Christianity — City on a Hill”

Mr. John O’Brien, an actor and assistant director of the State House Tours Division, performed the famous and oft-quoted passage “City on a Hill” from Governor John Winthrop’s sermon “*A Model of Christian Charity*”.

Mr. Moore in the Chair, handed the gavel to Mr. Lees, the Minority Leader of the Senate, who addressed the joint session as follows:

First, I would like to thank Senator Moore and all on the committee who helped in planning this event and bringing such fine historians, politicians and guests to the State House today to commemorate the 375th Anniversary of the General Court.

While reflecting on this historic occasion, I am reminded of the fact that when the General Court was first organized, districts were not established by population, but each city and town had a representative in this Chamber.

As a legislator representing the vast and beautiful parts of Western Massachusetts, which includes a number of small towns from Williamstown to Russell to Granby to Hampden to name a few, I am hopeful that we will once again tip the scales in favor of each community having a representative here so that we can truly appreciate all that Massachusetts has to offer.

I would also like to take this opportunity to briefly reflect on the history and the political landscape that was Massachusetts not too many years ago, relatively speaking.

Although the General Court is 375 years old today and the Democrat Party constitutes a majority of its members, it was a little over 50 years ago in the House and about 40 years ago in the Senate that the Republicans were in power and controlled the Legislature.

I am hopeful that my Democrat colleagues will use their time in power wisely, efficiently, and expeditiously since the many years of Republican dominance in Massachusetts politics is likely to return.

So, by the 400th anniversary of the General Court, which will be in the year 2030, you can be sure that the Republicans will again be in power, and will have enjoyed many years of helping to make Massachusetts a better place to live.

I therefore look forward to celebrating another milestone in this Chamber and I am confident that the Republican Party will again competently lead the Massachusetts Legislature for many years to come, just as it did for a good part of the first 375 years of the General Court.

With that said, it is my honor to introduce Dr. David Hall who will give the Principal Anniversary Address today. Dr. Hall has an impressive background in history and has written extensively on the topics of religion and culture in America. His books include *The Faithful Shepherd*, *Worlds of Wonder*, *Days of Judgment*, and *Puritans in the New World*. Dr. Hall is a Bartlett Professor of New England Church History at Harvard Divinity School and it is a privilege to introduce him at this time.

Dr. David Hall then briefly addressed the joint session.

Mr. Moore in the Chair, on motion of Mr. Rush of Boston, at twenty-one minutes past twelve o'clock noon, the Joint Session adjourned.