



City of Cambridge

Reconsideration # 1
~~39.~~

IN CITY COUNCIL
~~April 25, 1994~~
May 2, 1994

COUNCILLOR BORN
COUNCILLOR DUEHAY
COUNCILLOR TRIANTAFILLOU

WHEREAS: William H. Walsh has been found guilty of forty-one counts of bank fraud by a jury of his peers in a Federal Court of law; and

WHEREAS: The conviction of such a serious crime is inimical to the concept of good government and affects the integrity of the City Council as a whole; now therefore be it

RESOLVED: That William H. Walsh is hereby requested to resign from the Cambridge City Council at once; and further that the City Manager transmit a copy of this order to the Attorney General with a request that he take steps to enforce Massachusetts General Law Chapter 279, Section 30.

In City Council April 25, 1994.

Failed adoption by a ye and nay vote:-

Yeas 4; Nays 2; Absent 0; Present 2; Abstaining 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

D. Margaret Drury
City Clerk

RECONSIDERATION FILED BY COUNCILLORS BORN AND DUEHAY
5/2/94-RECONSIDERATION FAILED ON A ROLL CALL VOTE 4-4-0-0-1.
ACTION FAILED ON APRIL 25, 1994 FAILING TO ADOPT ORDER --
STANDS.

City of Cambridge

MASSACHUSETTS

In City Council

5-2

1994

Reconsideration

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
	✓			UM Mrs. Sheila T. Russell
	✓			Mr. Michael A. Sullivan
	✓			Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
		absent		Mr. William H. Walsh
	✓			Mayor Kenneth E. Reeves
4	4	0	absent	



City of Cambridge

39.

IN CITY COUNCIL
April 25, 1994

COUNCILLOR BORN
COUNCILLOR DUEHAY
COUNCILLOR TRIANTAFILLOU

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RESOLVED: That William H. Walsh is hereby requested to resign from the Cambridge City Council at once; and further that the City Manager transmit a copy of this order to the Attorney General with a request that he take steps to enforce Massachusetts General Law Chapter 279, Section 30.

In City Council April 25, 1994.

Failed adoption by a ye and nay vote:-

Yeas 4; Nays 2; Absent 0; Present 2; Abstaining 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- *D. Margaret Drury*

D. Margaret Drury
City Clerk

RECONSIDERATION FILED BY COUNCILLORS BORN AND DUEHAY



City of Cambridge

39.

IN CITY COUNCIL
April 25, 1994

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COUNCILLOR TRIANTAFILLOU

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In City Council April 25, 1994.

Failed adoption by a yeas and nays vote:-

Yeas 4; Nays 2; Absent 0; Present 2; Abstaining 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- *D. Margaret Drury*

D. Margaret Drury
City Clerk

RECONSIDERATION FILED BY COUNCILLORS BORN AND DUEHAY



City of Cambridge

IN CITY COUNCIL

Councillor Myers offered an amendment to Order #39 by striking out the last paragraph and replacing it to read as follows:

RESOLVED: That William H. Walsh is hereby requested to resign from the Cambridge City Council at once; and further that the City Manager be requested to transmit a copy of this order to the Attorney General with a request that he review and take steps as necessary to enforce Massachusetts General Law Chapter 279, Section 30.

AMENDMENT FAILED ON A ROLL CALL VOTE.

In City Council April 25, 1994.

Failed adoption by a ye and nay vote:-

Yeas 3; Nays 5; Absent 0; Present 0; Abstaining 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

D. Margaret Drury
City Clerk

City of Cambridge

MASSACHUSETTS

C. Trust on moving the
question

In City Council

4-25

1994

Order No. 39

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
✓				VM Mr. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
		absent		Mr. William H. Walsh
✓				Mayor Kenneth E. Reeves

City of Cambridge

MASSACHUSETTS

In City Council

4-25

1994

C. Myers amendment to Order 39

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
	✓			UM Mrs. Sheila T. Russell
	✓			Mr. Michael A. Sullivan
	✓			Mr. Timothy J. Toomey, Jr.
	✓			Ms. Katherine Triantafillou
		absent		Mr. William H. Walsh
	✓			Mayor Kenneth E. Reeves
3	5	1		

City of Cambridge

MASSACHUSETTS

In City Council

4-25

1994

Order 39

YEA	NAY	ABSENT	PRESENT	
✓				
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
				Mr. Jonathan S. Myers
	✓			VM Mrs. Sheila T. Russell
			✓	Mr. Michael A. Sullivan
	✓			Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
		absent		Mr. William H. Walsh
			✓	Mayor Kenneth E. Reeves

April 25, 1994

Councillor Born
Councillor Duehay
Councillor Triantafillou

39.

WHEREAS: William H. Walsh has been found guilty of forty-one counts of bank fraud by a jury of his peers in a Federal Court of law; and

WHEREAS: The conviction of such a serious crime is inimical to the concept of good government and affects the integrity of the City Council as a whole; Now therefore be it

RESOLVED: That William H. Walsh is hereby requested to resign from the Cambridge City Council at once; and further that the City Manager transmit a copy of this order to the Attorney General with a request that he take steps to enforce M.G.L. Chapter 279, §30.

§ 28. Inmates at Concord; Execution of Sentence.

If a convict serving a sentence of imprisonment in the Massachusetts Correctional Institution, Concord, is convicted of a crime punishable by imprisonment in the state prison or house of correction, the court may impose sentence of imprisonment therein and may order it to take effect forthwith, notwithstanding the former sentence. A convict sentenced to state prison under this section shall, thereupon, be removed to the reception center established under section twenty of chapter one hundred and twenty-seven, and shall be discharged at the expiration of his sentence thereto. No sentence of imprisonment shall be imposed under this section in the Massachusetts Correctional Institution, Concord, notwithstanding the provisions of section thirty-one.

History—
1891, 200; RL 220, § 24; 1946, 275; 1955, 770, § 98; 1987, 556.

Editorial Note—
The 1946 amendment added the last sentence.

The 1955 amendment struck out the former second sentence of this section and changed the reference to the reformatory at Farmingham.

The 1987 amendment inserted the second sentence, relating to removal of a convict sentenced under this section to the reception center established under § 20 of chapter 127.

Cross References—
Imposition of sentence, see ALM Mass Crim P R 28(b).

Code of Massachusetts Regulations—
Parole eligibility for house of correction sentences, 120 CMR 201.01 et seq.

Total Client-Service Library® References—
21 Am Jur 2d, Criminal Law §§ 606, 607.

Law Reviews—
Kamens, Sentencing and Other Dispositions in the District Courts. 69 Mass L Rev 126, September 1984.

CASE NOTES

“Forthwith” sentence to house of correction does not terminate previously imposed sentence to MCI-Concord. Dale v Commissioner of Correction (1983) 17 Mass App 247, 457 NE2d 652, review denied (1984) 391 Mass 1102, 459 NE2d 825.

§ 29: [Repealed, 1955, 770, § 122.]

§ 30. Offices Forfeited by Sentence to State Prison, etc.

If a convict sentenced by a court of the commonwealth or of the

United States to imprisonment in the state prison or by a court of the United States to a federal penitentiary for a felony holds an office under the constitution or laws of the commonwealth at the time of sentence, it shall be vacated from the time of sentence. If the judgment against him is reversed upon writ of error, he shall be restored to his office with all its rights and emoluments; but, if pardoned, he shall not by reason thereof be restored, unless it is so expressly ordered by the terms of the pardon.

History—
RS 144, § 31; GS 174, § 19; PS 215, § 24; RL 220, § 26; 1951, 642.

Editorial Note—
The 1951 amendment broadened the scope of this section by making it applicable to persons sentenced by a United States court to a federal penitentiary for a felony.

Cross References—
Judgment generally, see ALM Mass Crim P R 28.

Code of Massachusetts Regulations—
Parole eligibility for reformatory sentences, 120 CMR 202.01 et seq.

Total Client-Service Library® References—
21A Am Jur 2d, Criminal Law § 1022.

Annotations—
What is an infamous crime or one involving moral turpitude constituting disqualification to hold public office. 52 ALR2d 1314.
What constitutes conviction within statutory or constitutional provision making conviction of crime ground of disqualification for, removal from, or vacancy in, public office. 71 ALR2d 593.
Elections: effect of conviction under federal law, or law of another state or country, on right to vote or hold public office. 39 ALR3d 303.
Pardon as restoring public office or license or eligibility therefor. 58 ALR3d 1191.
Abatement of state criminal case by accused's death pending appeal of conviction—modern cases. 80 ALR4th 189.

CASE NOTES

Earlier law.—It is only full pardon of offense under great seal of state, fully exercised, which can wipe away infamy of conviction, and restore convict to his civil rights. Perkins v Stevens (1834) 41 Mass 277.
of executive to remove or not, at his discretion, even statute disqualification, and to restore to office convict who has by his conviction been removed from it. Perkins v Stevens (1834) 41 Mass 277.

This section recognizes existence of discretionary power of executive, by undertaking to regulate its exercise, for by its
If incumbent is convicted of felony, it is generally held that office is vacated upon verdict of guilty and that appeal does not



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April 25, 1994

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COUNCILLOR TRIANTAFILLOU

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WHEREAS: The conviction of such a serious crime is inimical to the concept of good government and affects the integrity of the City Council as a whole; now therefore be it

RESOLVED: That William H. Walsh is hereby requested to resign from the Cambridge City Council at once; and further that the City Manager transmit a copy of this order to the Attorney General with a request that he take steps to enforce Massachusetts General Law Chapter 279, Section 30.

Consent Order #39

Councillors Born, Duehay and
Triantafillou re: Attorney General
requested to enforce Chapter 279,
Section 30 of the M.G.L.

*Failed Adoption on
roll call vote.
Reconsideration filed by
Councillors Born + Duehay*

In City Council,

April 25, 1994

RECEIVED BY
OFFICE OF CITY CLERK
MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR

1994 APR 26 PM 5:08
CAMBRIDGE MA.

Kathleen Born

April 26 1994
Date

Order 39

Reconsideration failed by Councillor Born on an order submitted by Councillors Born, Duehay and Triantafillou regarding the enforcement of Chapter 279, Section 30 which failed of adoption on April 25, 1994.

Kathleen Born
Signature

Order # 39

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR

DUEHAY

APRIL 27, 1994

Date

RECEIVED BY
CITY CLERK
1994 APR 27 AM 10:14
CAMBRIDGE MA.

Reconsideration filed by Councillor Duehay on an order submitted by Councillors Born, Duehay and Triantafillou regarding the enforcement of Chapter 279, Section 30 which failed of adoption on April 25, 1994.

Triantafillou

Signature

Reconsideration # 15-190
Reconsideration filed by Councillors Born
and Duehay on an order that failed of
adoption on April 25, 1994 regarding the
enforcement of Chapter 279, Section 30.

In City Council,

~~April 25, 1994~~
MAY 2, 1994

*5/2/94 - Reconsideration
failed 4-4-0-0-1.*

*Action taken on
4/25/94 Failing to
adapt order -
stands.*