

This we hope will be a rather strict standard to be applied by the President. It would be very hard not to give him any discretion thereon. On the other hand, we are sympathetic with the President's view, and I think the view of most of us, that not a great deal of discretion be vested in him in this manner. I would say we all agree that the practice we hope will prevail under this rule should not be as liberal perhaps as the practice which has prevailed in the General Assembly.

Nevertheless, ultimately it is a standard administered judicially, in the words of a friend of mine who used to be in the labor movement, if it is a standard that is firm but flexible. To give you a few hypotheticals, we heard of a few announcements of absence of delegates because of the birth of a child. I suppose the language could be read not to encompass that but surely it could be read otherwise, that the arrival of the child was an event beyond his control, and unless the Convention runs longer than nine months, we really will not have to face up to a second category.

DELEGATE GALLAGHER: Mr. President, a point of inquiry.

THE PRESIDENT: Delegate Gallagher.

DELEGATE GALLAGHER: Suppose the delegate is the mother.

DELEGATE SCANLAN: A priori. She is excused. There are other hypotheticals that come to mind. Lawyers in this State who have trials pending hopefully have been excused; their cases have been postponed, pursuant to the request of the Chief Judge of the Court of Appeals, so therefore there should not be too many instances of that arising. However, it is possible a man would have a case before a federal agency and for one reason or another it was absolutely impossible to postpone it or the client would only go on with him as his attorney. Again it is a case with a little discretion perhaps the man could be excused.

Another example, for instance, these are all hypotheticals, but I give them only to give some idea of the Committee's feelings. A man cannot be running back to attend to his business but perhaps on an important day the bookkeeper had a heart attack. The payroll had to be gotten out that day. Obviously this would be somewhat beyond his control. I would think in a case like that the excuse would be granted. After all, every legislative body, and this a legislative body, has the power to determine whether or not a member is excused from

attendance at one of the sessions. We agree that a Convention is different from the General Assembly because this is once in a hundred years. We have very important business and very limited time to do it. Fortunately, there are no slackers here.

I for one am confident the job will be done, and that all will do their fair share, but we have elected fairly strict standards.

The question arose as to whether or not if a man, or several of the delegates, were sent by their chairman as a subcommittee to, say, New York, to get information relative to the work of their subcommittee, would they be entitled to the \$25.00 a day. Certainly they would, in your committee's views and if the expenditure was greater than \$25.00, I think they would be entitled to the difference to supplement the difference between the \$25.00 to which they are entitled, and the actual amount of expenses that they may have incurred on the business of the Convention. So in the end, we have a strict standard. We hope it will be applied in a manner that will be satisfactory, just as Justice Holmes put it in another context, there has to be room for play in the joints. One is always confronted with the inadequacy of language and the difficulty of anticipating all the hypotheticals that could occur. We are somewhat bolstered by the informal opinion of the attorney general that the rules are within the power of the Convention and satisfy sufficiently from a legal point of view. There might have been other ways to do it, other standards that would accomplish the same result, but we believe this one, administered with common sense, and we know the President possesses that, will suffice to get us through the three- or four-month period without any real squabbles, without any real abuses, and with all the delegates continuing to attend their work sessions as you have.

I have another point. There has been a misspelling throughout. Some one of the secretarial staff could not spell the word attendance. There is no need to have a formal amendment in that respect since you already have a resolution passed last week which gives the Secretary of the Convention power to correct errors like that. I would like now to move—

THE PRESIDENT: Just a second before you make your motion, Delegate Scanlan.

Are there any questions for clarification of the Chairman of the committee? Delegate H. E. Taylor.