

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 121 votes in the affirmative and 1 in the negative, the motion carries. The rules are suspended. The Chair recognizes Delegate Scanlan to move the adoption of the resolution.

DELEGATE SCANLAN: I believe the resolution is self-explanatory. The printed rules as they now stand are the official rules of the Convention.

I believe the adoption of this resolution is necessary and I move its adoption.

THE PRESIDENT: Is there a second?

*(The motion was duly seconded.)*

THE PRESIDENT: Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Resolution No. 25. Delegate Wheatley.

DELEGATE WHEATLEY: Mr. President, before voting, may I ask a question of the Chairman of the Rules Committee?

THE PRESIDENT: Delegate Scanlan, do you yield to a question?

DELEGATE SCANLAN: Yes.

THE PRESIDENT: Delegate Wheatley.

DELEGATE WHEATLEY: In so voting, are we incorporating by reference the comments made by the Rules Committee in their commentary of the various rules as they were presented?

DELEGATE SCANLAN: No. Those are just the comments of the Committee and no more binding than the comments of any other delegate.

We are just adopting the text of the rules. Their interpretation would rest with the Chair and Parliamentarian as the rule of the Convention.

THE PRESIDENT: Delegate Wheatley.

DELEGATE WHEATLEY: Are we incorporating by reference the explanations given by the committee as given in their written memorandum?

THE PRESIDENT: Delegate Scanlan.

DELEGATE SCANLAN: Again, I would give the same answer. To the extent that

a later interpretation of the Chair were different from the explanation given in the Committee Report, the Chair's ruling would govern, providing the Convention did not overrule it in an appeal.

THE PRESIDENT: Delegate Wheatley.

DELEGATE WHEATLEY: Mr. Chairman, I would like to speak against the motion.

THE PRESIDENT: You may proceed.

DELEGATE WHEATLEY: Mr. Chairman, many of the rules we have adopted are not the same rules which are prevailing in other legislative bodies, and therefore the adoption of such rules, it seems to me, is tantamount to accepting the explanation of the reason for these rules that have been advanced from time to time by the Rules Committee.

I take it from the comments of the Chairman of the Rules Committee that the reasons given for the adoption of these rules are no longer in existence. Unless I misstated my question or he has misstated his answer, I would be highly reluctant to vote for a set of rules on which there is no history of why the original votes were taken.

Perhaps he might like me to restate my question or he might wish me to restate my question.

DELEGATE SCANLAN: I thought his question was, were the comments, explanations and reasons of the committee binding and controlling on the Convention as an authoritative interpretation of the rules.

My answer was that those comments would not be. Hopefully the Chair in applying any of the rules would adhere to the legislative history of the particular rule in the case where there was any ambiguity; if the Chair did not, however, his ruling would be binding except that any delegate could appeal the ruling from the Chair and then could rely on the legislative history as argument.

I do not think the arguments of our Committee can be any more binding on the meaning of the rule than the comments of other committees in their committee reports would be binding on the court in interpreting the provisions in the constitution.

They are not a substitute for the rule itself.

THE PRESIDENT: Delegate Wheatley.

DELEGATE WHEATLEY: Mr. Chairman, I am not certain that I understand