

THE CHAIRMAN: No, the rules proposed by the Rules Committee are before the Convention. They are open for amendment before we take a vote.

DELEGATE MALKUS: Mr. President pro tem, I spent quite a bit of time reading these rules, and now I have before me a different set of rules, and I think before we vote on these rules we should have a chance to read them. Most of us I do not believe have done so. I think that the Chairman of the Temporary Rules Committee should bring to the attention of this Convention where the changes have been made. I think it only fair we know which rules have had changes made.

THE CHAIRMAN: If Delegate Weidemeyer will yield the floor, I will ask the Chairman of the Committee if he is prepared to make this clarification of the changes made by the Rules Committee. I think that has been done to a large extent. However, I think the point is well taken. Delegate Weidemeyer, will you yield the floor?

DELEGATE SCANLAN: I tried to accommodate Senator Malkus. We did touch on some of the changes. I apologize if I did not touch upon them all. I had some consideration of the heat prevailing in the chamber and the task ahead.

We will try to accommodate Delegate Malkus.

There was a change in Rule 3 that provided in essence that once a roll call was sounded, if people responded, they could not leave the Convention without permission from the president. The feeling was this was a little schoolboy issue, that they could not be trusted so that proposed rule was deleted.

In Rule 3, the only change there was the words, "Such other officers as may be necessary." I think the latest word was employees, and the feeling was, that while the sergeant-at-arms might in some quarters be regarded as an employee, in others he would not; and people like secretary, chief clerk, historian, parliamentarian, were entitled to the dignity of the title, "officer."

The change in Rule 5, I have already referred to, namely that the vice-chairmen of the various committees shall be elected by their colleagues. I am not sure there are editorial changes that I have omitted here. There was a change in Rule 22 [23] where originally it stated the Committee on Rules and Convention. There was a strong feeling that it should be the Committee on

Convention Budget or Administration. On the other hand, there was an equally strong feeling that the number of committees should be kept to a minimum if possible. Somebody in a stroke of genius suggested we give a little more work to the Committee on Rules and Credentials and add the Convention budget function to that committee.

The next change is the one I have already referred to, namely that each delegate shall be guaranteed the right if he wants to, to be a member of at least one subcommittee.

There was a further change in Rule 29 [31], an important change that I called your attention to, the deletion of the requirement that all meetings be public unless the majority of the delegates gave an approval to hold an executive session. Pardon me. Somewhere along in here, Delegate Malkus, I do not have the mark on top of the file, but there was a proposal that the Convention would have subpoena power and would have the power to take testimony under oath, and that was stricken, I believe, on a near unanimous vote. I see Delegate Boyer shaking his head, and I think my recollection is the same as his. The feeling was, first, that there was substantial legal doubt that this Convention would have subpoena power or the power required for sworn testimony. Second, that even if we had the power, how could we enforce it. Third, that even if we had the power and could enforce it, we probably would never use it anyway, and fourth, that if we ever really had to get a subpoena, we could pass a resolution authorizing it then. Therefore, for all these reasons, it was the unanimous recommendation of the Committee that the proposed rule regarding subpoena power and sworn testimony be deleted, and it has been deleted in our report.

Rule 37 [39] is the rule about limitation of debate, which was left open. We have left open about the limitation of debate. I think I may be describing some editorial changes, but I do not believe I am omitting any matter of substance. If any member of the Commission is here, please correct me.

There was some slight change about the motion for reconsideration, to make clear that a delegate would have one crack at it, that he could not come back with a series of motions for reconsideration, but the Committee on Style, as I indicated, would have the right to do so.

Rule 49 [53] is that rule about the motion to adjourn the Convention sine die.