

PRINCIPLES OF PARLIAMENTARY PROCEDURE

by Robert W. English

Parliamentary procedure should facilitate the transaction of business by parliamentary bodies in an orderly, deliberative, democratic manner. Organizations should strive to implement this basic principle. The following six fundamental principles are a bit more specific.

1. *Business meetings should be devoted to business.* A session of a parliamentary body should be devoted to decision making on issues relevant to the purposes of the organization. The agenda should consist of a list of items of business to be presented for action. Brief opening exercises may be justified, but non-business features should be reserved for program meetings. Without authorization, the president does not have the right to place speakers on the agenda of a business meeting.

2. *Meetings should be orderly.* Orderly meetings are vital, but at times are difficult to maintain. The following are a few factors helpful in maintaining order: suitable physical arrangements; prior distribution of copies of minutes, the proposed agenda, and reports to be presented; possession by members of well-codified, up-to-date rules; a capable chairman. The chairman often needs assistants, e.g., secretary; parliamentarian; legal counsel; sergeant-at-arms. In some cases it is advisable to use a professional parliamentarian to preside, especially while the parliamentary situation is complicated.

Effective floor work is important. No chairman can conduct a satisfactory meeting without the assistance of members on the floor who have prepared for the meeting and are attentive. Motions need to be made and discussed. Members need to be alert to present at strategic times, suitable secondary motions, e.g., motions to amend, refer, postpone, table, request for information, recess, adjourn.

Orderly meetings depend to a considerable extent on the attitudes and abilities of those present. We need many more people who have a clear *understanding* and an abiding *faith* in the philosophy of democracy. We need members who have a thorough *knowledge* of parliamentary procedure and of the rules which are supposed to govern such procedure. We need individuals who are *skilled* in ethical, effective techniques, and who are *dedicated* to work for the implementation of democratic principles.

The orderly progress of a meeting may be seriously interrupted by various types of indecorum. An excellent meeting requires a high

degree of self-discipline with many participating, but acting within the rules. Many disruptions are caused by improper conduct by those who knowingly violate rules. Many other disruptions are caused, at least in part, by faulty action or failure to act by the administration. Often the administration improperly discourages members from participating, and fails to try to learn and understand the views of interested groups. Often opposing groups are unfair, poorly informed, and intolerant.

Proper parliamentary procedure should be used to prevent and to stop disruptions. Good procedure usually will give excellent results. In some cases it may be advisable for the chairman to declare a recess or even to adjourn a meeting if a disruption is very serious.

In rare cases a group of non-members have entered a meeting place and forcibly taken over. Such groups should promptly be ordered to leave. If they fail to stop the disruption, they may be ejected by the sergeants-at-arms or by the police. If a person is forcibly ejected, great care should be taken to use only such force as is necessary and to carefully avoid personal injury.

If trouble is anticipated, it may be prudent to arrange in advance for police protection. The presence of police in uniform is likely to prevent disruptions. If police are available, they may be asked to remove disruptors, and in extreme cases disruptors may be arrested for trespassing and for disturbing the peace.

3. *Meetings should be deliberative.* Members should discuss an issue while it is pending. They should feel free to express their relevant views without fear of reprisal. Freedom of speech is a fundamental right in parliamentary bodies. However, this basic principle is not unlimited. It is important that only one person speak at a time. Hence, there are rules governing the order in which members are granted the floor given a temporary monopoly of the right to speak to the body. It is usually advisable to have rules limiting the number and length of speeches per member per motion. Remarks should be relevant to the pending issue, and should carefully avoid misrepresentation, exaggeration, and insulting comments.

The atmosphere of parliamentary bodies should encourage participation by all—even the timid and the inexperienced. Heckling and other disruptive tactics should not be tolerated by the chairman or by the body. Perennial efforts should be made to assist members to become adroit in the use of effective, ethical procedure.

Deliberation implies that while one person is expressing his ideas, the others present should listen—striving to understand the speaker's

views. Freedom of speech is of little value unless an effort is made by listeners to comprehend the views expressed—to become aware of the various solutions to the problem under consideration.

Discussion should be a cooperative effort to select the best available solution to the problem being considered. Debate should not be primarily a contest between the pro's and con's. It should include contributions by experts in the technical areas involved. It should also include consideration of various alternatives by presentation of amendments aimed at improving the pending proposal.

Deliberation should not be a "pooling of ignorance." It should consist of a pooling of knowledge, ideas, and facts. It should not be a pooling of blind, unreasoning, unreasonable prejudices. An important goal should be "full disclosure" with an abhorrence of secrecy and of dishonesty.

Discussion frequently indicates the need for more information and for more time to consider the evidence. Often it is prudent to allow more time for the development of a consensus. Hence, there may be need for a motion to defer consideration, e.g., a motion to refer or to postpone. On the other hand, there are cases where it is more important that a decision be made promptly than which of the feasible alternatives is chosen. In such cases a motion to close or limit debate may prove helpful.

It is the right of each member to use properly the various avenues of publicity. It is the duty of officers, boards, editors, etc., to see that neither they nor others use such means of publicity improperly. The official publications of an organization belong to the general membership and should not be used unfairly to promote the candidacy or views of those in office.

It is unfair for management to solicit proxies at the expense of the organization, unless similar opportunities are provided for dissident groups.

4. *The majority should rule.* This is a widely accepted principle, but there is no consensus as to precisely what "majority" means. Of course it means more than half, but half of what? Does it mean more than half of all members, of those present, of those voting, of a select class, of the shares voted, or a majority of the valid ballots cast?

Actually a majority of those who have the legal right to rule, often fail to accept their responsibility as rulers. To considerable extent, the success of democracy depends on the general participation of members in the ruling process: in the selection of members of the

administration and in decisions on major policies. "The majority should rule" does not mean that the majority is always right. Just as an individual makes mistakes, so the majority makes mistakes. The majority has the right to be wrong. However, if a large proportion of the membership participate in making a decision, it is likely to have wide support. If the majority makes a mistake, it can and should learn from that mistake, just as an individual should learn from his mistakes.

The common rules requiring a 2/3 vote to amend bylaws is a violation of the principle that the majority should rule, since it permits a minority of 1/3+ to block the wishes of the majority. However, there is need for rules to prevent rash, premature change, especially of constitutional law. Organic (fundamental) policies should not be changed by a very small fraction of the membership without giving all members a reasonable opportunity to consider the issue. It is often desirable to give previous notice before final action is taken. The American Institute of Parliamentarians avoids the common constitutional strait jacket by providing a method by which even its Constitution may be amended by a majority vote. This may be done by a referendum of its Certified Members, after notice to all members of at least 60 days. (However, usually amendments are adopted by vote of its convention by a 2/3 vote, or even a 4/5 vote, after previous notice.)

The principle of majority rule insists that the ultimate source of power is in the majority of the membership—not in the officers or the board, or even in the representative assembly. Leaders who fail to encourage and facilitate effective participation by all members, in the determination of policies, help to defeat democracy. Each member should strive to help advance the objectives of his organization and help keep those objectives relevant to the needs of the organization.

Many techniques are needed to obtain wide, effective membership participation. But back of organizational machinery there should be a feeling of high regard for the fundamental rights, responsibilities, and importance of each individual. The view of a minority of only one may prove valuable.

A well-informed electorate is essential if majority rule is to be feasible. Democracy demands a maximum of accurate, candid, relevant publicity, and a minimum of distortion, evasion, and secrecy. One who truly accepts the philosophy of democracy, wants to know the arguments on all sides of important, controversial issues—wants to understand the other fellow's viewpoint.

The majority should be careful to protect the rights of minorities. Often small minorities have helped the majority to avoid making

mistakes. The majority should take pains not to be ruthless or oppressive. It should be tolerant of minorities and try to understand their views. Caucusing should be encouraged, but the need of caucuses is lessened by representative committees, open committee hearings, prevention of various forms of railroading and filibustering, publication (at the organization's expense) of views of minorities, etc.

Majority rule is not likely to yield satisfactory results unless the majority protects itself from being misled by malicious or thoughtless rumor. We need to be on guard to avoid being influenced by idle or vicious gossip. We are indeed naive if we do not realize that there are powerful, clever groups trying to undermine our democratic institutions. Each of us can help bring the facts to light, and we should strive to avoid spreading half truths and other misleading statements. Constructive criticism is needed if based on facts.

5. *Decisions should be made by votes on clearly stated proposals.* Often a vote may properly be taken by voice or by raising of hands. If a vote is close, it may be advisable to vote again by standing. If there are more nominees than positions to be filled, it is usually advisable to vote by ballot. If it is desired to have a record of how each one votes, a roll call vote may be justified.

There are many techniques for expediting the counting of standing votes, of ballot voting, and of roll call voting. Such devices are likely to be needed where a large number of votes are cast.

In many cases it is feasible to make decisions by general consent, without a formal vote, e.g., CHAIR: "We seem to approve the resolution. If there is no objection, we will declare it adopted. — hearing no objection, the resolution is adopted."

Sometimes, especially in small bodies, it is helpful to discuss issues with no motion pending, e.g., CHAIR: "If there is no objection, we will discuss the following issue: '.....' with the understanding that a motion on the issue will be in order whenever a member is ready to make such a motion." In such a case it is important that the issue be clearly stated.

Usually main motions should be carefully drafted before being presented (made) during a meeting. Often it is prudent for the sponsor to have at least two other persons help edit the draft, so that when made from the floor, it will be lucid and free of superfluous verbiage. It is often advisable to have motions (especially recommendations of officers and committees) duplicated and distributed in advance. If a member expects to make a main motion, it may be helpful to type

several copies and present (before the meeting starts) a copy to the secretary and one to the chairman. Sometimes the parliamentarian should be asked to help polish a draft of a motion.

6. *Perennial efforts should be made to up-date procedure.* Continuous efforts are needed to modernize parliamentary procedure. The following are a few suggestions:

a. Terminology should be up-dated, e.g., (1) the lucid motion "Close Debate" or "Stop Debate" should be used in place of the misleading, ORTHODOX "Previous Question;" (2) motions should not be referred to as "questions;" (3) the ambiguous, superfluous motion "dispense with the reading of the minutes" should be abolished, and such intelligible motions as the following used instead: approve minutes as published; omit the oral reading; refer to the board for approval; (4) The misleading motion "Consider Informally" (which has nothing to do with informality) should be abolished, and replaced by such logical motions as "Suspend the rule limiting the number of speeches per member;" "Consider under committee rules."

b. Rules are needed to make it clear that no motion should be made unless the sponsor wants it adopted, e.g., if a committee had had a report published and later amends its recommendations, the main motion should be on the adoption of the committee's final proposal, not on its recommendations as originally published.

c. The precedence of motions should be simplified, clarified, and made logical. The following rule is suggested to remove most of the problems concerning precedence: "While another motion is pending, no secondary motion shall be in order unless it is relevant and is applied directly to the immediately pending motion." Under this rule (1) motions to recess and to adjourn would usually be in order since they would defer (postpone) consideration of any pending motion; (2) motions to refer, postpone, and table would apply directly to the immediately pending motion, e.g., with a subsidiary amendment as the immediately pending motion, a motion to defer would apply directly to "Amend" and indirectly to the main motion.

d. Rules should be adopted to permit and to govern consideration of issues without a formal motion pending.

e. Rules should be consistent, e.g., orthodox motions to "extend the limits of debate" require a 2/3 vote; however, the orthodox motion to "Consider Informally" (which extends the limits of date) requires only a majority vote.

f. Suitable rules should be adopted to encourage and govern the

use of various modern techniques and facilities, e.g., the two-lectern system; better selection and use of microphones; overhead projectors; prompt duplication and distribution of minutes, reports, etc.; parliamentarians. □

Mr. English is Executive Secretary Emeritus of AIP. He writes from a fund of information gleaned from long years of experience.

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COMING EVENTS

REGION III SPRING MEETING

The Region III AIP Spring Meeting will convene on Friday evening, May 18, at the University of Pittsburg and continue through Saturday.

All AIP members and interested friends are welcome.

Officers are Emil Pfister—Governor, William S. Tacey—Lieutenant Governor, and James L. Mead—Secretary. □

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Southeast Region 5 conference date is March 13 with a reception on the 12th to honor out-of-town guests.

Emil Pfister will speak and monitor a seminar, "Tactical and Strategic (Motions)."

Emma Muller is Secretary of Region 5; Pearl Adkins, Treasurer; and Elizabeth Oakes, CPP Vice-Governor. □