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1 for the adoption of Rule 16 as printed there before you and  
2 properly seconded.

3 In the absence of additional comments or amendments  
4 and seeing none I am going to call for the vote on the adoption  
5 of Rule 16.

6 All those in favor of the adoption of Rule 16 as  
7 printed will say aye.

8 Contrary, nay.

9 The ayes have it and Rule 16 is adopted.

10 ... Applause ...

11 MR. MCGOUGH: Come to order. This Committee will  
12 move to Rule 17.

13 Rule 17 is printed and has been distributed, the  
14 current Rule 17 with no changes.

15 It's adoption has been moved and seconded. The vote  
16 then will be on the adoption of Rule 17 as printed in the  
17 current rules.

18 All those in favor say aye.

19 Contrary, nay.

20 The ayes have it, and Rule 17 is adopted.

21 If you people in the rear wish to speak and visit,  
22 you will do it outside in the hall.

23 We will move now under the order of business on  
24 to Rule 18. It is before you.

25 The Chair recognizes Mr. Wiley Mayne from Iowa. The

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1 Gentleman from Iowa.

2 MR. MAYNE: Thank you, Mr. Chairman. I rise to place  
3 my full support in proposed Rule 18 (a) as it has been submitted  
4 including the Justice Amendment.

5 This amendment merely and justly clarifies and de-  
6 fines the duty of the delegations of 18 states to cast their  
7 ballots in accordance with the applicable law of their state.

8 MR. MCGOUGH: Could we have it quiet, please, so  
9 everyone can hear?

10 MR. MAYNE: It does no more than to state explicitly  
11 that such delegations will cast their votes in accordance  
12 with the will of the voters of their state as expressed in a  
13 Presidential Primary or direct election of delegates bound or  
14 pledged pursuant to state law.

15 The amendment was unanimously adopted during the  
16 National Committee meeting in June.

17 It was approved by the Rules Committee of the  
18 Republican National Committee in its present form and  
19 overwhelmingly adopted by the R. N. C. just a few short days  
20 ago.

21 I think that the few technical objections to its  
22 adoption were discussed by our Counsel, Mr. Cramer, with  
23 reference to the last amendment, but if there are any further  
24 objections -- technical objections -- I would hope he would  
25 address himself to them.

1 It does seem to me that the technical objections <sup>203</sup> are  
2 not open to any serious question or responses to debate at this  
3 time.

4 It is a very fair rule, one that is certainly as  
5 clear in its application as any of the other 35 rules being  
6 considered by this body.

7 And I urge its speedy adoption in the form submitted  
8 in writing to this Rules Committee of the National Convention.

9 MR. MCGOUGH: Thank you. The Chair recognizes the  
10 Gentleman from Idaho.

11 MR. OLSEN: Point of information. Did Mr. Mayne  
12 move the adoption? I think it should be formally before --

13 MR. MCGOUGH: The question has not been moved.  
14 Although the question is on Rule 18, as printed, did you want  
15 to formalize it, and formally move, Mr. Mayne?

16 MR. MAYNE: Mr. Chairman, it is in the recommendation  
17 which was submitted by the Rules Committee of the Republican  
18 National Committee, and would therefore seem to be properly  
19 before this Convention without motion.

20 MR. MCGOUGH: That is correct, sir, but if you would  
21 like to formally move that, it would be in order.

22 MR. MAYNE: I so move.

23 MR. MCGOUGH: We will proceed with recognition of the  
24 Gentleman from Idaho.

25 MR. OLSEN: If the Gentleman from Maine would yield?

1 MR. McGOUGH: I believe the gentleman is from Iowa.

2 MR. MAYNE: Yes.

3 MR. OLSEN: If the gentleman would yield.

4 I have given this proposal a good deal of thought.

5 It leaves me in some confusion; particularly, I am wondering  
6 who makes the determination as to whether or not a state  
7 has complied with its law.

8 It appears to me that this individual would be given  
9 a lot of authority and being an attorney, I recognize that often  
10 reasonable men will differ on complex determinations.

11 I wonder who will be given that authority under this  
12 rule.

13 MR. MAYNE: Mr. Chairman?

14 MR. McGOUGH: All right. The gentleman from Iowa.

15 MR. MAYNE: I am happy to attempt to answer the  
16 inquiry of the gentleman from Idaho.

17 Incidentally, the same -- if it is a mistake -- the  
18 same mistake was made by Speaker McCormack when I made my  
19 maiden speech in the House of Representatives.

20 The answer is that the Chairman of the Convention  
21 would announce this vote after consultation with the General  
22 Counsel.

23 MR. McGOUGH: There is a little further answer if I  
24 can have a few minutes. I am going to call on the General Coun-  
25 sel, Mr. Cramer, to try to amplify that.

1 Perhaps that will help you, sir.

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2 MR. CRAMER: Yes, I would say this procedure was  
3 followed. And it was after consultation with the designate--  
4 the permanent chairman designate, and the parliamentary  
5 designate, and the chairman of this committee--temporary  
6 chairman, and chairman of the National Committee. It was  
7 determined that the procedure to be followed that would  
8 be most logical and would effectively carry out this proposed  
9 amendment would be for the Rules Committee to adopt a resolu-  
10 tion after examining and having available to it the necessary  
11 files, having had it researched in detail, adopt a resolution  
12 naming the 19 states. And this would be directed to the  
13 Permanent Chairman, subject, of course, to such action as the  
14 Convention itself might take.

15 MR. OLSEN: I'm not sure. I believe I understand  
16 what you are saying is it is suggested that this Rules  
17 Committee adopt the resolution specifying those states that are  
18 supposedly bound in a given way.

19 MR. McGOUGH: No, the resolution adopted was that the  
20 Rules Committee of the Republican National Committee, transmit  
21 to the National Committee, which they did, the information on  
22 the 19 states, and that would be transmitted to the Chairman  
23 of the Convention.

24 MR. OLSEN: Is that the Rules Committee of the R. N. C.  
25 or this Rules Committee?

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1 MR. McGOUGH: The resolution dealt with the Rules  
2 Committee of the R. N. C.

3 This Committee could adopt their own resolution.

4 MR. OLSEN: Has that resolution been prepared or  
5 submitted?

6 MR. McGOUGH: I can read you now or at any other time  
7 the exact wording of the resolution that was adopted.

8 MR. OLSEN: I think it is highly important.

9 MR. McGOUGH: As a matter of fact, we have it here  
10 available for distribution.

11 MR. OLSEN: That would be very helpful and I think it  
12 would be worthwhile for us to have it at this time. Because,  
13 obviously, any time you commit that decision to the hands of  
14 other people political considerations rather than legal oftentimes  
15 enter in.

16 MR. McGOUGH: In view of the questions that have been  
17 asked, would the people on the staff distribute the sheet of  
18 paper relevant to the submission of Rule 18 as well as the  
19 supporting material?

20 That will be distributed. Would you distribute that?  
21 And, upon that distribution, I am going to ask Mr. Cramer  
22 to further amplify the matter.

23 We will let Mr. Cramer amplify the resolution and  
24 the supporting material that is being distributed. We will  
25 wait until the distribution has been made.

1 MR. OLSEN: Mr. Chairman?

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2 MR. MCGOUGH: All right. I think it has been distributed  
3 and I am going to call on our General Counsel, Mr. Cramer, for  
4 discussion, and then you can ask questions of him.

5 May I have your attention, please? I believe the  
6 distribution we talked about has been made.

7 Mr. Cramer.

8 MR. CRAMER: Mr. Chairman and Members of the  
9 Committee. I am attempting to present to you -- I don't know  
10 if anyone can hear or not. I am attempting to present to you a  
11 background and information relating to how this matter  
12 got before this Rules Committee, what research was done  
13 relating thereto that resulted in a finding --

14 MR. MCGOUGH: I must ask for quiet. This is an  
15 important matter. You have asked for the opinion of our General  
16 Counsel. He is here to give it to you. We are going to have  
17 quiet so the Members of the Committee can have this opportunity  
18 to hear this explanation.

19 MR. CRAMER: And how the material that you have before  
20 you was resolved and the background of how it came about and  
21 what it consisted of.

22 The first document you have is a resolution passed by the  
23 Rules Committee setting forth after due consideration the list  
24 of the 19 states that in the opinion of that committee and the  
25 National Committee would be bound.

1 This matter, of course, is subject to your further <sup>208</sup>  
2 determination and I would presume a similar resolution would be  
3 presented relating to it.

4 You have also a summary sheet for each state quoting  
5 the specific law.

6 Now, this was quite a task. On June 25th, the  
7 Republican National Committee passed a resolution unanimously  
8 in effect saying if you are going to have a binding President-  
9 ial Primary, that those delegates should under a number of  
10 ballots that the delegation is bound under state law, that those  
11 delegations should so vote.

12 It was my task designed by the Chairman of the National  
13 Committee -- of the Rules Committee -- designated by the  
14 General Chairman and Parliamentarian, what-have-you, to try to  
15 resolve the various questions that the gentleman just asked,  
16 the question of proper designation, the proper information  
17 relating to respective states.

18 I think it is important to understand why did it get  
19 here. Why is it an issue at this time? Why was it not an issue,  
20 for instance, at the time I was Chairman, and we had meetings  
21 in the Rules Committee in 1972?

22 Well, the reasons are these: Number one, because of  
23 the Democrat rules passed in 1972, and I'm sure you are familiar  
24 with those. Those rules mandated the leaders of their party  
25 to go back to their states and to attempt to get their state

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1 legislatures to pass legislation where you had a primary requir-  
2 ing the apportionment of delegates between candidates according  
3 to the percentage of the voting body.

4 Now, many statutes have been so passed. So, what  
5 happens when you come to the convention? What happens when you  
6 attempt to poll a delegation?

7 Well, when you attempt to poll a delegation, in most  
8 instances, the states that selected their delegates pursuant  
9 to their state primary, in choosing them did not choose them on  
10 the basis of -- For instance, if you look at the top page,  
11 for instance, in Arkansas.

12 Which are you? Which ten of those delegates, of the  
13 27? Are you a four-delegate? And you are so designated.  
14 And you, the 17th? Any one of you are therefore Reagan delegates?  
15 That is not the way it was done in most of the states.

16 Instead, they chose 27 delegates.

17 Now, if you are going to have a poll of the delegation,  
18 how are you going to poll a delegation with a delegate not  
19 knowing which candidate to whom he is supposedly bound, and  
20 there is no way of determining it.

21 So, when it comes to the polling of the delegation,  
22 in accordance with these apportionment laws and the selection  
23 of delegates by these proceedings there's a question of the  
24 determination of who each delegate is for unless this Rule is  
25 passed.

1 Secondly, it came because of the numerous binding  
2 primaries that have been passed in recent years.

3 Until the binding primary approach was taken by  
4 various legislatures this problem did not exist. So, it was  
5 not before us.

6 It is before us for a third reason. Because of the  
7 decision of Cousins v. Wigoda and the Ripon case, which clearly  
8 says that a party in its deliberations can do as it sees fit,  
9 and because of the case of Mayor Daley which case says that  
10 even if that delegate was selected pursuant to state law, that  
11 the convention delegation can say it did not meet their percen-  
12 tage situation and because of the percentage of color, race,  
13 and National origin, that therefore they could not be seated.  
14 And the court sustained that action.

15 Now, this raises the implication of any delegate who  
16 even though he is bound by state law under that decision could  
17 conceivably take the position that he did not have to be  
18 bound by state law under that court decision; that this was a  
19 political decision; he could make it as he sees fit. That is  
20 the third reason.

21 The fourth reason is that Congressman Rhodes, Minority  
22 Leader John Rhodes, presented a statement to this Convention,  
23 to the Rules Committee, in this deliberation, and in that  
24 statement, he made it very clear that he would like to have under  
25 the view of these circumstances, he would like to have this

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1 Convention through these proceedings to instruct him as the  
2 designated Permanent Chairman, and whoever the Permanent Chairman  
3 is, instruct him as to what he should do relating to binding  
4 primary status.

5           And in that testimony, he stated: In reviewing what  
6 I have reviewed, basically, he says, "In the event your Committee  
7 does not act, I may be forced to make a ruling from the Chair  
8 without any precedents or guidance from the Rules. I would  
9 prefer to have your Committee resolve this question beforehand  
10 so that all parties would be aware of the procedural ground  
11 rules, and to avoid any last-minute unorthodox course of  
12 action."

13           Now, that is how we got here. This Rule deals with  
14 statutes or direct pledged elections, and those instances where  
15 the delegations are bound under those statutes when the state  
16 party acts consistent with -- and thus makes the state law  
17 binding -- that results in 19 states.

18           A request was made of the Library of Congress through  
19 Congressional Research Service with regards to all state statutes  
20 -- some thirty of them -- that have to do with Presidential  
21 preferential primaries. It was submitted on the request of  
22 Congressman Rhodes, Permanent Speaker, Designate.

23           In this copy of that study, the response in analyzing  
24 each and every state was very clear.

25           A similar response to that instant request was made

1 under the verbiage or wordage of the additional resolu-  
sh14 2 tion passed by the Republican National Committee.

3 It resulted in the analyses of 21 states. The revised  
4 language -- In order to make it perfectly clear, that it  
5 affects those states whereby statute the party acting pursuant  
6 thereto the delegates are, in fact, unequivocally bound.

7 If you take the terminology of the statute and the  
8 effectuating resolution, now, that is all it covers, the  
9 language you have before you.

10 When I was asked, at the same time, to try to  
11 clarify the language and make certain that it was beyond ques-  
12 tion as to what states would be covered or not covered and  
13 the effect of the resolution, some minor revisions were made  
14 in language, which is the resultant language you have before  
15 you.

16 That was the study by the Library of Congress on re-  
17 quest and was in fact certified by the Congressional Reference  
18 Service, and resulted in the analysis that concurred in the  
19 analysis our office had made.

20 Yes, these are the 19 states that confirm to that  
21 amendment.

22 Therefore, you have before you the work product of a  
23 further analysis and a summary sheet on every state. And  
24 that that this -- the two documents that the Permanent Speaker  
25 will have before him -- is this resolution naming the states

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1 -- the control sheet, if you wish to call it that, or the  
2 summary sheet, indicating the method of selection of delegates,  
3 the apportionment of those delegates, the actual votes cast as  
4 certified by the Secretary of State and the delegates that  
5 resulted from that actual vote of the people, who are the  
6 delegates, the number of delegates for Reagan and also how  
7 they were certified, the ballots they are committed for.

8 For instance with the case of Arkansas, it is one  
9 ballot; in California, it is two ballots. If you look at the  
10 second page and so forth. And third, the quotation of the  
11 state law itself.

12 So that the permanent chairman will have before him  
13 the needed documentation, and the names of the states that  
14 are affected by this Rule.

15 There is a number of precedents that I might add  
16 for provisions of these rules where conformity with state  
17 law is required in many instances such as Rule 5, in Election  
18 Delegation.

19 Rule 21, the election to National Committee Members;  
20 Rule 31, relating to voters, who are qualified voters who can  
21 participate in the caucuses and conventions, who are not in  
22 the delegation selection process.

23 MR. McGOUGH: Let's have quiet. The Members of the  
24 Committee cannot hear, and if we can't have quiet in the rear  
25 and along the sides we will have to make some changes. The

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1 members of the Committee -- the delegates cannot hear.

2 MR. CRAMER: That is how we got here. This is the  
3 material that was provided. This is the material that was  
4 considered and debated by the Rules Committee of the National  
5 Committee, and it is the material that was submitted to you  
6 in connection with this proposed rule from the National  
7 Committee.

8 MR. MCGOUGH: The Gentleman from Washington.

9 MR. DERHAM: Dick Derham of Washington. Thank you,  
10 Mr. Chairman. First, let me say that I think all of this  
11 had great respect from our fellow delegates and their integrity  
12 and -- I personally have no expectation nor do I think anyone  
13 does that any delegation delegate now or in the future wouldn't  
14 appreciate either legal or moral commitment.

15 But, as a lawyer, and speaking to you now with the  
16 mind and words of a lawyer, set as lawyers seem to be about  
17 language, about procedures, and about apportionment, I read this  
18 language of this amendment -- although it appears rather simple  
19 on its face, I find it fraught with legal complexities.

20 The Republican National Counsel has gone into the  
21 difficult legal research involved.

22 It has been extensive and extensive research is indic-  
23 ative of a complex question.

24 No law -- no law is clear until it has been construed  
25 by the highest court of the state, or of the nation, or at the

1 very least by a definitive attorney general opinion from that  
2 state interpreting it.

3 No law is clear; that is what lawyers are for. The  
4 effort by this group to try to construe, interpret, determine  
5 the meaning of statutes, determine their enforceability, is  
6 a very difficult process.

7 I am not sure that we want to take on that task. I  
8 am not sure we want to delegate that task to the Library of  
9 Congress or even to the distinguished attorney from the  
10 Republican National Committee.

11 I have, as a practicing lawyer, many times had occas-  
12 sion to construe statutes and had my construction tested in  
13 court.

14 Sometimes I have been right; sometimes I have been  
15 wrong. Every lawyer has that experience.

16 Even though there has been extensive research that  
17 has gone into this, let me just point out a couple of questions  
18 about that research, about the results that are reached. The  
19 State of New York is not listed in this. There are three  
20 delegates who were elected to the State of New York. The  
21 statute of New York states, "All district delegates or alternate  
22 delegates who have been elected as provided in this subsection  
23 as supporting a specific presidential candidate shall on the  
24 first ballot of the National Convention vote for the first  
25 presidential candidate unless the candidate has withdrawn or

1 it has other exceptions.

2 Now, there is one state about which there apparently  
3 is some doubt as to whether it ought to be on this list. The  
4 State of Oregon is on the list. Yet, I have an opinion from the  
5 Attorney General of the State of Oregon, dated July 30, 1976.

6 This is one of those examples about law, you know.  
7 You do your research and then somebody comes along and changes  
8 the law or interprets it, or else a case comes down.

9 Here is the most recent declaration or interpretation  
10 of the law from an official in the State of Oregon. He was  
11 asked by the Assistant Secretary of State of the State of  
12 Oregon: What is the legal binding upon delegates at their  
13 National Party Convention of the statutory provisions?

14 He states, "However, it is clear that the National  
15 Convention is not under any legal obligation to either accept  
16 the delegates selected under the Oregon statute nor is it  
17 required to honor the pledge required by that statute."

18 In other words, the candidates of Oregon have made a  
19 pledge, but that pledge is not enforceable according to the  
20 Oregon statute.

21 We could go through other statements. I had a --  
22 I employed a similar declaration from Texas.

23 There has been a case in Massachusetts, decided Decem-  
24 ber 31, 1975, a very recent case, which clearly indicates that  
25 delegates are not bound.

this

1 Now, we could get into the legal discussion and we  
2 could have a legal debate and legal argument here.

3 What concerns me is I don't think this Rules  
4 Committee or any future Rules Committee is really prepared or  
5 properly versed to determine the laws and interpret the laws  
6 of fifty different states.

7 I am concerned with Rule 18 because this language  
8 does not provide a way out of the quagmire.

9 It does not provide an enforcement mechanism, a  
10 determination of what is the law of the state. And I don't think  
11 that we want to be in the future at this convention in the  
12 position at this convention or in a future convention of de-  
13 termining what we think the law of a given state is, and have  
14 that determination, the issue upon which delegates want to go  
15 one way or the other way, in their own convention, -- and then  
16 may be required to vote.

17 I think we want the laws of the states to be determ-  
18 ined by the states, and we need -- I don't think we can live  
19 with language that does not provide us with a mechanism, with a  
20 way to determine what that law is other than simply a debate by  
21 105 members of this Committee while we are under a political  
22 posture.

23 Thank you.

24 MR. McGOUGH: All right.

25 The Chair recognizes the Gentleman from Georgia.

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MR. MCGOUGH: The Chair recognizes the gentleman from Georgia. Do you wish to be recognized?

3 MR. BECKHAM: Mr. Chairman, I am Bob Beckham from  
4 Georgia. Again I would like to respond to the decision by  
5 the counsel for the National Committee that the Georgia law  
6 passed by a majority of Democrats in the Georgia House was  
7 stupid, and I agree with that, that they have established the  
8 18th as the deadline for certification of the nominees of the  
9 Republican Party.

10 I question whether or not the National Committee  
11 should have held this convention maybe earlier to comply with  
12 those laws. However, I won't address that.

13 What I would like to say is that you are now making  
14 the Georgia law in binding delegates to this convention a rule  
15 of this convention which does carry the very weight of the  
16 decision of the Chair.

17 But yet you said on the other hand that this  
18 convention and the Republican National Committee is not going  
19 to abide by the law that Georgia has in certifying its nominees  
20 on the 18th. This kind of inconsistency disturbs me just a  
21 little bit.

22 MR. MCGOUGH: The gentleman from Colorado, Mr. Wilson.

23 MR. WILSON: Mr. Chairman, I rise as one of the very  
24 few uncommitted delegates here. I see I am in good company,  
25 for the purpose of making an amendment which I would like to

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1 present at this time and then speak to the amendment.

2 For those of you who would like to join along in  
3 reading what I have prepared to propose, you have your long  
4 sheets in the RNC report. I will be adding one sentence  
5 prior to line 1, and I have some verbiage for lines 10 through  
6 15.

7 MR. McGOUGH: You are talking about Rule 18(a).

8 MR. WILSON: Yes; Rule 18(a).

9 MR. McGOUGH: Do you have it prepared?

10 MR. WILSON: I do. It will be distributed in just a  
11 moment. I don't know where it is, but it will be distributed  
12 in just a moment.

13 I will read the new sentence at the top I would  
14 propose. "In States where delegates are elected and bound  
15 under State law, delegates shall vote in accordance with State  
16 law."

17 The rule goes on, as is on your sheet, "In the  
18 balloting, the vote of each State shall be announced by the  
19 Chairman of the respective Delegations; and in the case the  
20 vote of any State shall be divided, the Chairman shall announce  
21 the number of votes for each candidate, or for or against any  
22 proposition, but if exception is taken by any delegate to the  
23 correctness of such announcement by the Chairman of that  
24 Delegation, the Chairman of the Convention shall direct the  
25 roll of members of such Delegation to be called and the result

kar 3 1 shall be recorded in accordance with the vote of the several  
2 Delegates in such Delegation" -- now, Mr. Chairman, my new  
3 language -- "so that the vote is subject to public scrutiny  
4 and available for future party or legal action. The  
5 determination of the obligation of a delegate to vote according  
6 to a moral or legal commitment shall be resolved only by the  
7 authority electing the delegates, and sanctions for any  
8 violations thereof shall be determined by said authority."

9 That is the extent of my motion, sir. I will  
10 speak to it when appropriate.

11 MR. McGOUGH: That is an amendment to the motion  
12 we have, sir?

13 MR. WILSON: That is.

14 MR. McGOUGH: Is that amendment seconded?

15 COMMITTEE MEMBER: Second.

16 MR. McGOUGH: The amendment has been made and  
17 seconded.

18 MR. WILSON: I would like to speak to that amendment,  
19 if I may, sir. As an uncommitted delegate, you may all guess  
20 that I have had a lot of new-found friends.

21 I have found that those new friends are in general  
22 agreement. I was a little surprised to make note of that  
23 because they have indicated to me they feel we have a rule that  
24 is not right. In fact, the word most frequently used is chaos.

25 It is conceivable that those who follow us on Rules

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1 Committee in the future, as a matter of fact at the convention  
2 as a whole, will be called upon to interpret the rules of all  
3 50 States and the various territories.

4 In other words, we are open to a myriad of legal  
5 problems here. We just encountered one with the gentleman  
6 from Georgia. I know that the legal counsel of this Rules  
7 Committee was put in a position where he had to face the  
8 people of the State of Georgia and say "stupid legislation."  
9 That is not very comfortable for Mr. Cramer or anybody else.  
10 But everyone on the Rules Committee and the convention as a  
11 whole may be forced to say to all 50 States, stupid legislation.

12 I am very much afraid we will find ourselves in a  
13 position of having to make political decisions about legal  
14 issues, that the legalities may be obscured by political power  
15 struggles which we will all face in the future.

16 I am very much in favor, and I hope you note my  
17 amendment so reads in favor of directing the delegates to  
18 abide by State laws and by moral obligations.

19 To see to it that that occurs, the mechanism is  
20 provided in this rule for polling so that the State people at  
21 home can see how you vote, that your State Chairman can see how  
22 you vote, the legislators.

23 In other words, how this now reads, this makes all  
24 the delegates vote in the sunshine.

25 Finally, I would like to suggest to all of the

222  
1 delegates here that the voters at home elect delegates to come  
2 to this convention the same way that they elect the  
3 Representatives and the Senators to go to Washington.

4 As a matter of practicality, we hope that all the  
5 voters elect delegates and their Representatives who will be  
6 honorable men and keep their promises.

7 I wonder if anyone can suggest to me a binding rule  
8 that will force the Senators and Representatives in Washington  
9 to keep the promises that they made back home.

10 This convention, or this Rules Committee, rather,  
11 has decided that we will abide by the rules of the House.  
12 We decided that because there is some precedent because of  
13 the experience of those honored gentlemen.

14 I further suggest to you that until Congress and the  
15 Senate pass a rule binding all of their members to abide by the  
16 promises they made prior to election, that we don't do any-  
17 thing until they show us the way.

18 Thank you, sir.

19 MR. MCGOUGH: The Chair recognizes Mrs. Coray.

20 COMMITTEE MEMBER: Will the gentleman yield to a  
21 question?

22 MR. MCGOUGH: What is your question?

23 COMMITTEE MEMBER: I wanted to know about the last  
24 sentence in Rule 18(a) as it is now. Are you leaving that  
25 sentence?

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1 MR. WILSON: No, I apologize. My intention was to  
2 save time in reading the portion I propose. It has been  
3 passed out.

4 MR. McGOUGH: It ends, according to the amendment  
5 made, I believe, with the words starting "No Delegate."

6 MR. WILSON: That carries on right as has been  
7 proposed.

8 MR. McGOUGH: I recognize Mrs. Coray of Hawaii.

9 MRS. CORAY: Mr. Chairman, Carla Coray, Hawaii.

10 Mr. Chairman, the members of the Rule 29 Committee,  
11 the members of the Republican National Committee Rules  
12 Committee, and the Republican National Committee have been very,  
13 very concerned about the question is there an obligation of our  
14 19 States which have been identified to vote according to the  
15 will of the people in the various States.

16 I would submit since our very articulate lawyer from  
17 Washington indicated that sometimes he was right and sometimes  
18 he was wrong, I submit to you that perhaps this time he is  
19 wrong.

20 As we have developed through the campaign a very,  
21 very tight campaign, we have found those who normally would be  
22 very thoughtful Republicans identifying themselves, working the  
23 campaigns, and listening to instructions from campaign managers  
24 that perhaps those States where delegates favor a particular  
25 candidate but are bound by State law, that perhaps there would

kar 7 1 be the possibility that they may not have to vote the way the  
2 constituents in their States had instructed them to vote.

3 I am not a lawyer. I am just a lay person. So  
4 perhaps I don't understand all of the legal terminology. But  
5 to me it is very clear when we say in this, if I might call it  
6 the Justice Resolution, and I think it is just, that the  
7 delegates from those 19 States shall vote the will of the  
8 people, that it is very clear that that is what they should do.  
9 And any of the legal, if you will pardon the expression,  
10 gobbledegook that will be thrown out to confuse us with  
11 technicalities.

12 We working on the rules over the last six years have  
13 increased the number of times we say we will do it according  
14 to State law. In fact, if you will count, if you are  
15 interested in the rules that you have before you, you will find  
16 the statement "in accordance with State law" 18 times.

17 So I would like to recommend to the delegates of the  
18 of the Rules Committee today that they reject the amendment  
19 which is before you and that we continue to support the  
20 Justice Resolution as it came through our Republican National  
21 Committee. Thank you.

22 MR. McGOUGH: Thank you.

23 The Chair recognizes the gentleman from Texas. I  
24 believe he is next.

25 MR. MONAGHAN: Thank you, Mr. Chairman. Being a

kar 8 1 county chairman from the little mining town called Midland,  
2 Texas, I would like to say that I am extremely hurt that this  
3 convention might question my integrity or that of the State of  
4 Texas.

5 We are one of the bound States, as you know.  
6 Believe me, our entire delegation is incensed that we are going  
7 to consider this to question their morality and their being  
8 law-abiding citizens.

9 I think this is a typical Washington bureaucratic  
10 type decision where they say, "You don't have the sense to  
11 vote. You don't have the sense to obey the law. You have  
12 no morality. So we will legislate and dictate them to you and  
13 try to help you out."

14 I think that is a sad statement. I don't think this  
15 is a Reagan or a Ford battle. I think it is a trust your  
16 delegate, honor your responsibilities, obey the law.

17 The Republican Party has long been known to be a  
18 party of law and order. Now it is saying, "We can no longer  
19 trust our delegates to vote the way they are supposed to."

20 I think this is a power that is not to be given to the  
21 Republican National Committee, nor a speaker or any one person  
22 who might be bound. I think it is a States' right issue.  
23 I think we should face it right now. Thank you.

24 MR. McGOUGH: The Chair recognizes the gentleman from  
25 New Hampshire, Mr. Smith.

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1 MR. SMITH: Mr. Chairman, my name is Stephen Smith.  
2 I am a delegate from New Hampshire.

3 I rise in support of the Rule 18(a) as proposed by  
4 the National Committee Rules Committee. I disagree with the  
5 amendment that has been proposed.

6 I do agree, however, with one comment that the  
7 gentleman from Colorado said in that he stated that he wished  
8 that representatives were elected to Congress who follow  
9 through with their commitment.

10 I think this is a very different question, however.  
11 There is a great difference between a representative and a  
12 delegate. When a person is delegated to vote on an issue, he  
13 is committed, he is instructed as a delegate to this  
14 convention or to a constitutional convention. He is not a  
15 representative.

16 Mr. Chairman, as a member of the delegation from the  
17 Nation's first Presidential Preference Primary, I rise in  
18 support of the proposed rule of the National Committee. Some  
19 have suggested that the rule is an insult to the ethics,  
20 morality and respect for law of the delegates to this  
21 convention.

22 Moreover, these same people for their own little  
23 motives have also suggested that the proponents of this rule  
24 believe that politics is higher than morality and that the  
25 Presidency is above the law, while at home we are being

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1 encouraged to ignore the law.

2 I object to the patronizing tone of these  
3 suggestions and reject their conclusions for several reasons.  
4 First of all, I am clearly bound by reason of my personal  
5 written pledge to support the President. I entered the  
6 primary election as a delegate candidate with the full  
7 knowledge that I would be fully bound.

8 As an elected delegate, my duty is to represent the  
9 people of the State of New Hampshire who have expressed their  
10 will in that election.

11 Secondly, the question is not one of simply trusting  
12 the delegates. It is a question of avoiding transparent  
13 political chicanery in the convention process for the  
14 nomination and election of the leader of our great country.

15 To allow such misconduct would be to permit by  
16 indirection what could not be done directly. For these reasons  
17 I believe deeply that this rule should be adopted and without  
18 amendment. To do otherwise would be to make a mockery of the  
19 primary system and the direct election of delegates in my  
20 State and others involved and completely frustrate the will of  
21 the electorate.

22 Mr. Chairman, I am from the granite State, and this  
23 is our hard rock position. We support the proposed rule of the  
24 National Committee.

25 MR. MCGOUGH: Let us keep the discussion and the

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debate to Mr. Wilson's amendment. I recognize the gentleman from Oregon.

MR. WOOD: I appreciate the confusion, Mr. Chairman. He is much handsomer than I. I thought a little would rub off. I am actually Fox Wood II from the State of Oklahoma.

I hope you will bear with me a moment. If I mention anything, of course, in my comments, they are intended only to reflect credit upon those mentioned.

I think it would be advisable maybe if we could move forward to 1980 or '84 to the Republican Convention that will be coming up in the near future, and if you just follow me briefly, I think we can see how absurd this road we are traveling may become.

Suppose it is time for our 1980 convention and Chairman Rhodes, with a small but appropriate staff, accompanied hopefully, in view of the recent events in Washington, by a lady readily identifiable by the media as his wife, let us suppose they propose to take a trip to Montana where the appropriate electronic equipment is in place. On the proper day, at the proper hour, the Chairman opens the briefcase and takes out the top secret punch cards from the various State delegations, shoves them in the machine, which in a fraction of a second will spell out, again hopefully to an eagerly awaiting nation, the name of the nominees.

Given the propensity for this type of equipment to

kar 12 1 fail and the opportunity for sabotage, some lonely delegate of  
2 Mobile, Alabama, sitting in their living room may be amazed to  
3 discover that she has just nominated a nephew of Hubert  
4 Humphrey to run on a ticket with one of Jane Fonda's daughters.

5 But even more important to this delegate may be the  
6 fact she will never know whether the machine actually started  
7 counting with Alabama.

8 I think I could say, too, that we should maybe  
9 cry rather than laugh because every one of those punch cards,  
10 with very few exceptions, the names and the data were  
11 dictated by laws passed by Democrat State Legislatures;  
12 subsequently, if there has been a ruling, ruled upon by a  
13 Democrat elected State Attorney General; and I think we are in  
14 the process of seeing our delegate selection process and our  
15 whole procedure eroded.

16 I think it is important that the Republican Party  
17 take this time and the earliest possible time to move into an  
18 area for which there is substantial legal precedent and assert  
19 its authority to operate the party and set its rules and  
20 government procedures.

21 I submit to you that on the basis of the current  
22 rule, we are asking one individual to rule on 19 State laws.  
23 In 1980, it may be 30.

24 My point very simply is this: I think there is no  
25 better group to make the determination as to how they are

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bound than the delegates from a given State or territory.

I think more than any other they know probably the current status of the laws within their boundaries. I think they also know the penalty that might evolve upon them if they fail to act accordingly.

This is in my view certainly not a partisan matter. I think it is simply an opportunity to allow the very best authority, the delegation from each State, to vote in accordance with their interpretation of their State law.

It seems absolutely incredible to me that a delegate to this convention would willfully and knowingly violate his version of his State law. So we are not suggesting that someone or anyone should fail to abide by a commitment. We are simply placing the burden of that commitment where it belongs, on the delegate and the delegation of the various States. Thank you.

MR. MCGOUGH: The gentleman from Iowa, Mr. Mayne.

MR. MAYNE: Mr. Chairman, I rise in opposition to the amendment of the gentleman from Colorado, but I do want to assure him that my so doing in no way makes me any less his friend. I am sure all of the delegates feel the same way. But we must, when we do have an honest difference of opinion, speak in opposition to such an amendment.

I think that the amendment would paralyze the convention from taking any action at the time and during the

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1 convention to give proper recognition to the primary choice  
2 as provided by State law. The language of the amendment  
3 provides that the obligation of the delegates shall be to  
4 vote according to a moral or legal commitment which can be  
5 resolved only upon the authority electing the delegates and  
6 sanctions for any violations thereof shall be determined by  
7 said authority.

8 In other words, there is nothing that can be done  
9 at the convention itself to make sure that such a subversion  
10 of the wish of the rank and file Republicans in the State as  
11 expressed in the primary should be carried out.

12 This would not have been necessary, it would not  
13 have come up at all if there had not been statements made in  
14 recent weeks that there was going to be an effort to ask  
15 delegates not to abide by the State law.

16 The analogy of Senators and Representatives is not  
17 very precise in this instance because Senators and  
18 Representatives will be answerable to their constituents; in  
19 the case of Senators, during their six year terms, and  
20 Representatives in their two year terms.

21 In their six year terms and two year terms they are  
22 going to hear very emphatically if they do not fulfill the  
23 commitments or the requirements of State law. But delegates  
24 to a convention are here only for a short time.

25 This issue is presented only on the day that the

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1 balloting for President takes place. Unless a vehicle is  
2 present for insuring that the wishes of the rank and file  
3 delegates, rank and file members of the party in each State  
4 are carried out, at that time it will be too late. So I do  
5 believe that we should defeat this amendment. Thank you.

6 MR. MCGOUGH: I recognize Mr. Forward from Maryland

7 MR. FORWARD: Thank you, Mr. Chairman. David  
8 Forward from Maryland.

9 Mr. Chairman, I was at the Republican National  
10 Committee when this Justice Resolution was first brought up  
11 It was read to us without a lot of preliminary discussion.  
12 After it was read, we had a quick voice vote and it passed  
13 unanimously.

14 I think many of the people there, myself included,  
15 were concerned as to just exactly what did it mean and how was  
16 it going to be enforced.

17 Since that time, it is my understanding it has been  
18 rewritten several times. We have discussed it at the  
19 Republican National Committee Rules Committee meeting at great  
20 length, and it has been modified and modified again.

21 You heard Mr. Craner state earlier that what the  
22 net result of this now is that the Chair, Congressman Rhodes,  
23 of the convention will have some guidelines as to how he is  
24 going to be able to rule when the votes are cast.

25 Congressman Rhodes asked for such guidelines. I

kar 16 1 think that is appropriate. Unfortunately, I do not think that  
2 the wording of Rule 18 as is currently written provides that  
3 kind of direction for Congressman Rhodes or, indeed, protects  
4 us in the future from any rulings by a Chair.

5 I think that one of the things that has concerned  
6 people on both sides of this question, whether for Ford or for  
7 Reagan, has been just exactly what is the enforcement mechanism.

8 I propose, Mr. Chairman, to make an amendment to  
9 this Rule 18 that would in fact make the enforcement mechanism  
10 so that we do have binding State laws, but that we leave the  
11 power to determine which States are bound within the Rules  
12 Committee and not either to the Secretary of the convention  
13 or the Chair of the convention.

14 As Mr. Cramer explained before, you have 19 States  
15 in front of you which should be considered as States where  
16 they are binding primaries.

17 But the rule as it stands right now does not have  
18 that wording that makes that in fact the duty of the Chair.  
19 The wording currently does not direct the Chair.

20 If you would follow just a minute, on line 15 of the  
21 current rule, where the Justice Resolution is underlined, I  
22 would propose an amendment which would give us the  
23 machinery --

24 MR. MCGOUGH: Can we have quiet please so we can get  
25 the wording?