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will be here tomorrow morning to speak to those subjects. I think it would be inappropriate for us to already have acted by the time they get here. So we will be, if you are agreeable, we will be moving toward two more rules and then adjourning for the day.

We are now on Rule 17. Is there any discussion on Rule 17?

Those in favor of adopting Rule 17 will indicate by saying aye.

... Ayes ...

MR. DERHAM: Opposed, nay.

... No response ...

MR. DERHAM: The rule is adopted.

Rule 18 has an amendment proposed by the Rules Committee of the Republican National Committee. I would ask if someone would move the proposal.

MR. YURCHUCK: I so move the amendment as proposed by the committee.

MR. ALSOP: Second.

MR. DERHAM: Roger Yurchuck of Ohio has moved and John Alsop has seconded. The adoption of the proposed amendment to Rule 18(a). Is there discussion?

MR. LeROSE: I would like to know why we are changing --

VOICE: Microphone.

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MR. Le ROSE: Why are we eliminating this reading?

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MR. DERHAM: Just a moment. Someone asked me to read the proposed amendment. If you look on page 8, you will see that the proposed amendment as set forth in the deleted language that has hyphens through it on page 8 is the proposed deletion from Rule 18.

The gentleman from West Virginia has requested that someone explain the purpose of the deletion.

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Would someone care to address that request?

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MR. YURCHUCK: This amendment merely gets this committee and the Convention back on the road it was on prior to 1978. This amendment was put in in 1976 as a result of some political shenanigans at that time. Now we are just going back to the old way.

MR. DERHAM: Is there further discussion?

Ms. Coray was a member of the RNC Standing Rules Committee that is making this recommendation to us.

MS. CORAY: Mr. Chairman, Rule 18 has always caused the Rules Review Committee, the Rule 29 Committee, the RNC Rules Committee, a great deal of difficulty. In fact, I picked up a few new thoughts this morning which even added additional difficulty.

But the reason for changing it in 1976, as so

1 often happens, we have two extremely popular candidates.
2 A state primary occurs in which proportional representation,
3 perhaps one candidate, Candidate A may receive 50 percent
4 of the votes, they receive 50 percent of the delegation,
5 perhaps selected by a state convention, there may be 8 of
6 the 12 delegates that may be loyal to Candidate B. So
7 the vote in that state primary would not have had any effect.
8 Although Candidate A received 50 percent of the votes, they
9 would not have 50 percent of the delegation that would be
10 casting their votes for Candidate A.

11 So for clarification, this amendment was made.

12 However, now the problem this year, in which we had
13 Candidates A, B, C, D, E, F, G, and some of them are bound
14 to non-candidates at this point, brings up the fact we have
15 not arrived at the total solution for Rule No. 18.

16 I would like to move to delay this for some better
17 heads to get together and come up with something that
18 will take care of not only what happened in '76, but '80 and
19 perhaps '84.

20 MR. DERHAM: re you moving to delay it to a point
21 later in our committee proceedings this week?

22 MS. CORAY: Yes.

23 MR. DERHAM: The motion is to defer for later
24 consideration.

25 VOICE: Second.

MR. DERHAM: It has been seconded.

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MR. SHABAZ: Mr. Chairman?

MR. DERHAM: Yes, sir?

MR. SHABAZ: I don't know if you are all familiar with the state law that we do have in Wisconsin, but we are committed by law, and I am not about to ask that action be taken on this right now. I support the motion to defer. I think that something could be said for perhaps addressing ourselves to this proposed change after we have had a chance to consider its ramifications.

But for those of us that are here from Wisconsin, we are pledged by law. I want that pledge to be followed on the Convention floor. I don't know whether or not this proposed language would allow those who have been committed by law to vote some other way than that manner in which they have been committed.

That is the problem that I have with the proposal that you have here.

Rather than argue in opposition to the proposed amendment at this time, I think the motion to defer is a good one. I hope the members will give us that consideration at this time.

MR. DERHAM: Discussion on the motion to defer?

MR. MONAGHAN: I was also on the Rules Committee in '76. I thought this amendment that was put on there that you are now asking us to take off, it was a punitive amendment

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2 against the Reagan delegates, Texas included. We had a
3 primary law that said we were bound. They did not care about
4 that. They didn't care about our morality or integrity.
5 Mr. Javits came up here and said neither he nor his
6 lawfirm knew whether New York was bound or not, so they
7 shouldn't be under this rule. It was just a strictly political
8 shenanigan. I think we ought to leave it.

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MR. DERHAM: Further discussion?

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10 MR. STANHAGEN: Mr. Chairman, we are all speaking to
11 the thing substantively, although there was a motion
12 to delay. I would like to talk to the proposed change
13 if it is in order to do so at this time. Since others
14 have, I will, if the chairman indulges.

14

15 I agree completely with what the gentleman
16 from Texas just said. This came in '76 for political
17 consideration. I rise to point out a factor that
18 concerned me which also concerns me now. I don't really
19 like to see our rules telegraphing to the various states,
20 legislative assemblies, what have you, that we will simply
21 defer any random act they might make. Some of us are from
22 states where the delegates do not control state legislatures.
23 I would much prefer our rules leave it to the delegates who
24 should know their state law. They should be willing and
25 ready to honor their state law. It is a law. If they disobey
their state law, then there probably is a sanction for that.

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But I don't think that procedure is rightfully done in the Convention. Our job simply is to run our Convention. If delegates come to something illegal under their state law, that is between them and their state law. What we should do is run our party, run our Convention, and not telegraph to the various states all they have to do is act and we are going to have to bow down to their wisdom.

I think we should take the reference out that the state law can tell us what to do. I think it is just bad policy that it be in there.

... Applause ...

MR. DERHAM: Is there a speaker in favor of the motion to delay?

VOICE: Point of parliamentary procedure. Is there a recorded second to the motion to delay, or has the chairman acknowledged one?

MR. DERHAM: I heard one and I am not sure I identified for the record who it was.

Mr. Jacob.

MR. JACOB: Mr. Jacob of Illinois.

MR. DERHAM: Mr. Jacob of Illinois has seconded it.

MR. CONWAY: Mr. Chairman, I am opposed to the motion to delay. I think Rule 18(c) and the recommended change is clear. We have heard from the last speaker. Every Delegate ought to know what their state law is. This provides freedom of the delegation to vote

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2 as they should vote. It doesn't put us under any
3 compulsion to be subject to some sort of jurisdiction
4 of a state law when we are not all familiar with what the
5 various state laws are.

6 I think the proposed amendment from the RNC
7 is a good one. I think we ought to vote on it today.

8 ... Applause ...

9 MR. DERHAM: Further discussion?

10 MS. HOLLIMAN: I am opposed to delaying this.

11 If the RNC has not been able to solve this
12 in all of these years, what are they going to do overnight?
13 Let's go ahead and vote on it today.

14 ... pplause ...

15 MR. DERHAM: Further discussion?

16 MR. BEARD: Mr. Chairman, I may be a bit ignorant,
17 but I remember listening to the debate last time
18 and I remember asking questions. I remember that nobody
19 could give a decent answer of what a binding Presidential
20 primary was. I am wondering one thing. If we leave
21 this in, has anybody got a list this year? Is Arkansas
22 binding or is Arkansas not, or did they have a primary
23 this time? What is Connecticut?

24 I ask the gentleman from Connecticut, who is about
25 to speak, where are the rules? Another question I must

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2 ask, because I have looked into it myself, according
3 to my interpretation of North Carolina's primary
4 law, if we do not delete 18(a) language, we must cast
5 30 votes for the former Governor of California and 10
6 votes for an elusive gentleman by the name of "No preference."
7 I believe that the people of Illinois, of Massachusetts,
8 of Connecticut, and of possibly New Hampshire, will find
9 themselves in the envious position at this Convention
10 of casting their vote for a left-wing lunatic by the
11 name of John Anderson. I would not impose that burden upon
12 the conscience of any Republican.

12 ... Applause ...

13 Mr. Chairman, if we do not get rid of this
14 language, is there someone who is going to make the
15 amendment to tell us what these questions are? Is there some
16 proponent who has the refinement in the language to refine it?
17 Is there some proponent who has the encyclopedic knowledge
18 of the laws of our State to tell me what North Carolina should
19 do when we can't find "No preference" or when the people of
20 Massachusetts want to avoid casting their vote for the
21 wrong man? I will yield to the gentleman from Connecticut
22 to find out these questions if that is what he wants to
23 answer.

24 MR. DERHAM: I anticipate he does not want to
25 answer those. I am advised of one answer to your
question, Joe. I am advised that the staff of the committee

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hasnot done the research that was done four years ago
and is not prepared as of today to provide a list of
states whose primaries are binding.

Mr. Alsop, you are next.

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MR. ALSOP: Mr. Chairman, I think, first of all, that the Republican Party, to the extent that it can be, ought to be a law unto itself. If it is, in fact, constitutionally possible for us to take the position that the convention of the Republican Party is a law unto itself, then in my opinion it should be. And I am advised that under various judicial decisions that that has been the case.

This matter was discussed by the committee of the National Committee a number of times. As a matter of fact, it is almost the only matter before us that is a special type, where we didn't change our minds several times. I think the reason has been very well expressed by the other speakers.

I don't think it is something that we should delay on. I believe we should go back to our previous wording. I think that the delegates who have been seated by this convention should vote their convictions in the full knowledge of the laws which apply to them and go back home if they vacate them and take their medicine.

... Applause ...

MR. ALSOP: As far as I am concerned, one of the big arguments for not delaying, sir, and adopting this change is that it is my understanding that the Democrats are planning to go to the other way.

Thank you, sir.

... Applause ...

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MR. DERHAM: Yes, sir?

MR. REICHARDT: I would merely point out the Kennedy campaign is attempting to get the same sort of change done at the Democratic Convention. The attempt to break the state laws of the state parties as they have existed is an attempt to win votes for Mr. Kennedy.

I found it rather interesting the Republican Party would be following the leadership of Senator Kennedy.

MS. HAWKINS: I would like to say to the gentleman who spoke, I agreed with a lot of things Senator Kennedy has said about President Carter in the last few months.

... Applause and laughter ...

MS. HAWKINS: The reason for those that want to see the facts and figures on what state would be binding and for all of these beauty contests we had during the year, we didn't collect that material because it is not in our rules to collect that material. This was stricken and if -- this is probably the simplest deletion we have made in the entire rules.

I would ask that we all adopt this and make it as it is before you with those words stricken.

The law of the land and the landmark Ripon case, and that was when the Supreme Court spoke to this, and also there is a later case, the Cousins case, states that the law, party rules, are supreme over state law.

Now if you tinker with this -- and we have an ongoing

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tinkering committee; this isn't the end of it -- if you tinker with this, you are going to have all kinds of problems. It is simple.

The Supreme Court has spoken to this. We don't like them to speak to a lot of things, especially the party issues. But whether they did speak to it, they stated that party rules are supreme over state law.

So I ask that we consider that for at least three seconds and adopt the rule as it has been rproposed.

... Applause ...

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MR. DERHAM: Yes, sir?

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MR. TEDFORD: Mr. Chairman, I don't think we should delay doing this. I think we should, since we have been debating, continue our debate and reach a decision. I don't think that we are asking anybody to go against their State law. We are just saying that you have to determine for yourself what your State law is and vote with the consequences of your vote. So I don't think we are saying don't follow your own State laws by passing this.

I think we certainly should do this deletion.

MR. DERHAM: Thank you. We have technically been debating a motion to delay. I allowed the debate to get into the merits to a substantial degree because I think that has perhaps been helpful in deciding whether you want to delay or not. But I would ask if you are now ready to decide --

VOICE: Mr. Chairman, I move the question.

VOICE: Second.

MR. DERHAM: It has been moved and seconded that we proceed to a vote on the motion to delay. Those in favor will vote by saying aye.

... Ayes ...

MR. DERHAM: Opposed, no.

... Nays ...

MR. DERHAM: The motion to the previous question fails

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2 We are still open for debate on the question of whether or not
3 to delay.

4 If there is no debate, then we will go directly to
5 the vote.

6 MR. SHABAZ: I am glad you understood the roll call
7 that was taken. We did not move the previous question. I
8 realize that when you have the votes you shut up. My side
9 doesn't have the votes, so I would make one plea, realizing
10 the arguments I have heard. I am asking for the courtesy of
11 deferment so I may examine this proposition as it affects the
12 State of Wisconsin. It seems to me I don't want to encourage
13 those delegates who have been chosen by law to support my
14 candidate to vote for someone else. I don't know if this is
15 an encouragement. I would hope it is not. But the fact
16 is I think that the courtesy that we have asked here, that the
17 matter be deferred until we can resolve it.

18 And I don't have the answers which Mr. Beard has
19 suggested. I don't have them now. But perhaps for the time
20 we defer it I could have those answers. If I don't, I am
21 going to shut up and vote on it, too. But I do think it
22 should be deferred at least until tomorrow. I am asking for
23 that courtesy.

24 MR. STANHAGEN: Mr. Chairman, is that the right way?

25 I again call the question.

MR. DERHAM: The motion for the previous question is

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before the body. The previous question would close debate on the question of whether we defer debate until a later time. Those in favor of closing debate on the motion to defer will say aye.

... Ayes ...

MR. DERHAM: Opposed, nay.

... No response ...

MR. DERHAM: The debate is closed on the motion to defer.

Those in favor of deferring this matter to a later point of our committee agenda will indicate by saying aye.

... Ayes ...

MR. DERHAM: Opposed, nay.

... Nays ...

MR. DERHAM: The nays appear to have it. The nays have it. The debate is open on the proposed amendment to Rule 18(a). Is there further discussion?

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VOICE: No discussion.

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MR. DERHAM: If there is no further discussion, I will go directly to the vote.

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Would those in favor of adoption of proposed amendment to Rule 18(a) indicate by saying "aye"?

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... Ayes ...

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MR. DERHAM: Opposed, "no."

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... No response ...

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MR. DERHAM: The ayes appear to have it. The ayes have it. The amendment is adopted.

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Is there further discussion on Rule 18? Mr. Beard.

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MR. BEARD: Mr. Chairman, I move to make the last sentence of 18(a), which begins "No delegate or alternate . . ." 18(b) and 18(b) as 18(c).

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MR. DERHAM: The motion is renumber the subparagraphs?

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MR. BEARD: Reletter them.

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MR. DERHAM: Is there a second?

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VOICE: Second.

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MR. DERHAM: The motion before the body: The last sentence of 18(a), which reads "No delegate or alternate shall be bound by any attempt of any state or congressional district to impose the unit rule" will become 18(b). The existing 18(b) will become 18(c). Is that correct?

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MR. BEARD: I do not believe that there are cross-references that this will mess up.

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MR. DERHAM: Is there further discussion on the proposed amendment?

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... No response ...

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MR. DERHAM: Those in favor of the proposed amendment will indicate by saying "aye."

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... Ayes ...

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MR. DERHAM: Opposed, "no."

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... No response ...

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MR. DERHAM: It is adopted.

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Is there further discussion on Rule 18?

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Seeing none, those in favor of adopting Rule 18,

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as amended, indicate by saying "aye."

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... Ayes ...

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MR. DERHAM: Opposed?

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... No response ...

MR. DERHAM: Rule 18 is adopted.

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A couple of administrative announcements: First, the staff will be preparing their page group for the printer unit of the amendments you have adopted today. I have requested that they have a few extra copies here tomorrow for those of you who wish to check or confirm the language of the amendments we have adopted today.

Secondly, I am advised that some people may not have received these booklets in their envelopes. If anyone has not, would you please check with the member of the staff