

Parliamentary Procedure: History and Practice



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The Question Slide

- Does your Legislature work with Mason's?
- Does your Legislature work with Jefferson's?
- Does your Legislature work with Robert's?



The Agenda

- History of Parliamentary Procedure
- Parliamentary Procedure in America
 - *Jefferson's Manual*
 - *Cushing's Manual*
 - *Robert's Rules of Order*



The Agenda (pt. 2)

- Parliamentary Procedure in the Government
- Mason's Manual
 - Who was Paul Mason?
 - What are the benefits of using *Mason's Manual*?

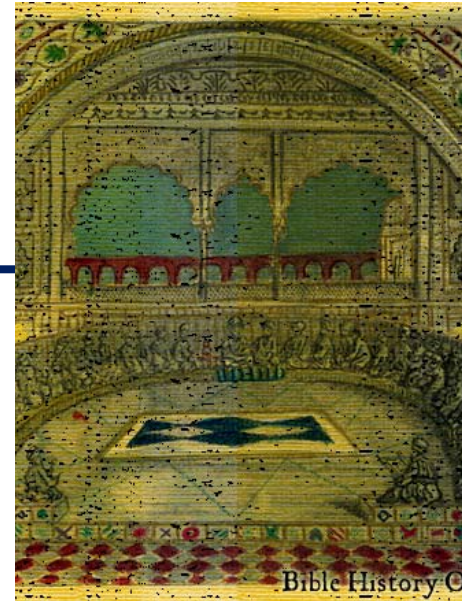




The History of Parliamentary Procedure

Group Decision Making Pre-Dates History

- Ancient Israelites:
Great Sanhedrin
- Ancient Rome:
Senate and Councils
- Ancient Athens:
Assembly
- Iroquois League:
Grand Council



England's “Great Council”

- Created following Norman Conquest (1066)
- Composed of barons, court officials, and church prelates
- Feudal assemblies to advise the king



**SIMON DE
MONTFORT
FORCES
KING HENRY TO
HAND OVER
MORE POWER**

1258

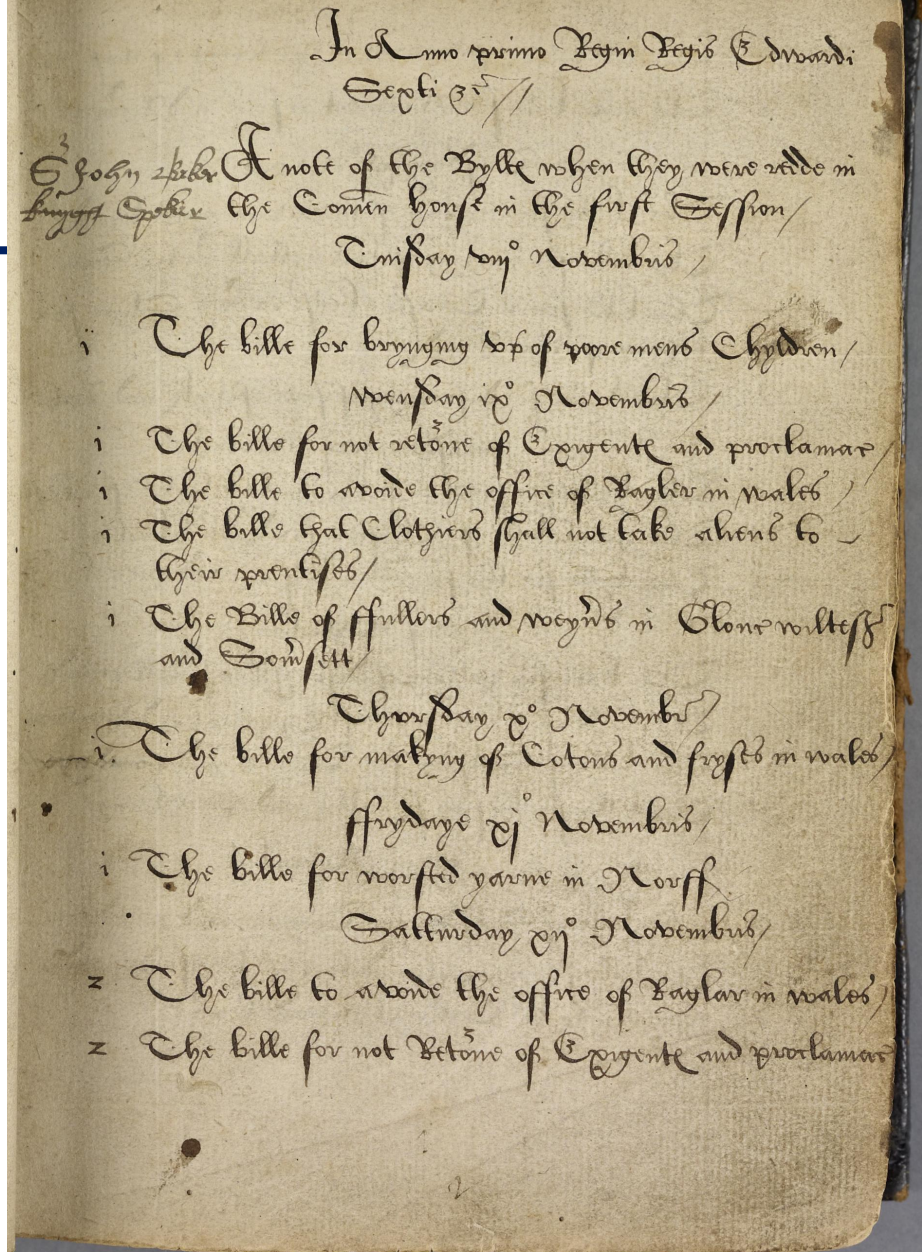


From Great Councils to Parliament

- By 1275 membership expands to occasionally include knights and burgesses
- 1311: Commons attend all meetings
- Separation into two houses – Lords and Commons – completed after 1340

Journal of the House of Commons

- Begun in 1547 by the Clerk
- Recorded precedents
- Beginning in 1580, used as evidence of precedent



Lex Parliamentaria :
OR, A
TREATISE
OF THE
LAW and CUSTOM
OF THE
PARLIAMENTS
OF
England.

By G. P. Elq; PETYT

With an
APPENDIX of a Case in Par-
liament between Sir *Francis Good-*
wyn and Sir *John Fortescue*, for the
Knights Place for the County of
Bucks, 1 Jac. 1.

From an Original French Manuscript,
Translated into *English*.

Licenced Decemb. 6. 1689.

London, Printed for Tm. Goodwin at the *Maiden-*
head over against St. Dunstons Church in
Fleet-street. 1690.

Lex Parliamentaria

- Written in 1689
- Listed 35 other parliamentary works as references
- “Pocket manual” for the members of Parliament



Early Rules

- One subject at a time (adopted 1581)
- Alternation between opposite points of view (1592)
- Personal attacks avoided in debate (1604)
- The chair always call for the negative vote (1604)
- Debate must be germane (1610)
- Division of the question (1640)



The Parliamentary Process Brought to America



Virginia: House of Burgesses, 1619

More Colonies...

- Differing sponsoring companies
- Differing charters
- Differing rules for decision making



Growth of governmental procedures

Colonial investors
(companies) set
initial rules



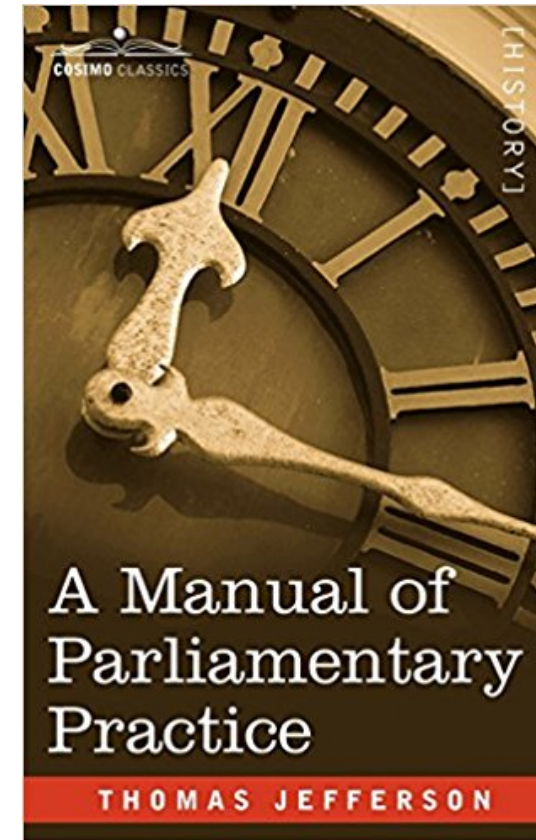
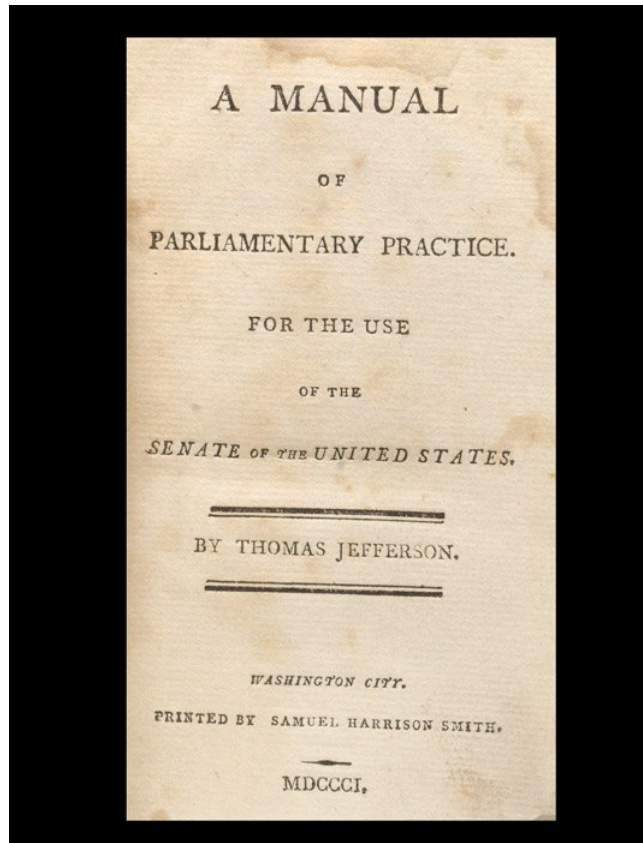
Intercolonial
gatherings
expanded the rules



US Constitution

Thomas Jefferson: America's First Parliamentarian





Jefferson's *Manual of Parliamentary Practice*

As America Grew.... So Did Organizations

- A need grew for parliamentary guidelines for voluntary organizations
- Aimed at non-legislative assemblies
- Same principles, but very different circumstances



Why Not Just Use Jefferson's?

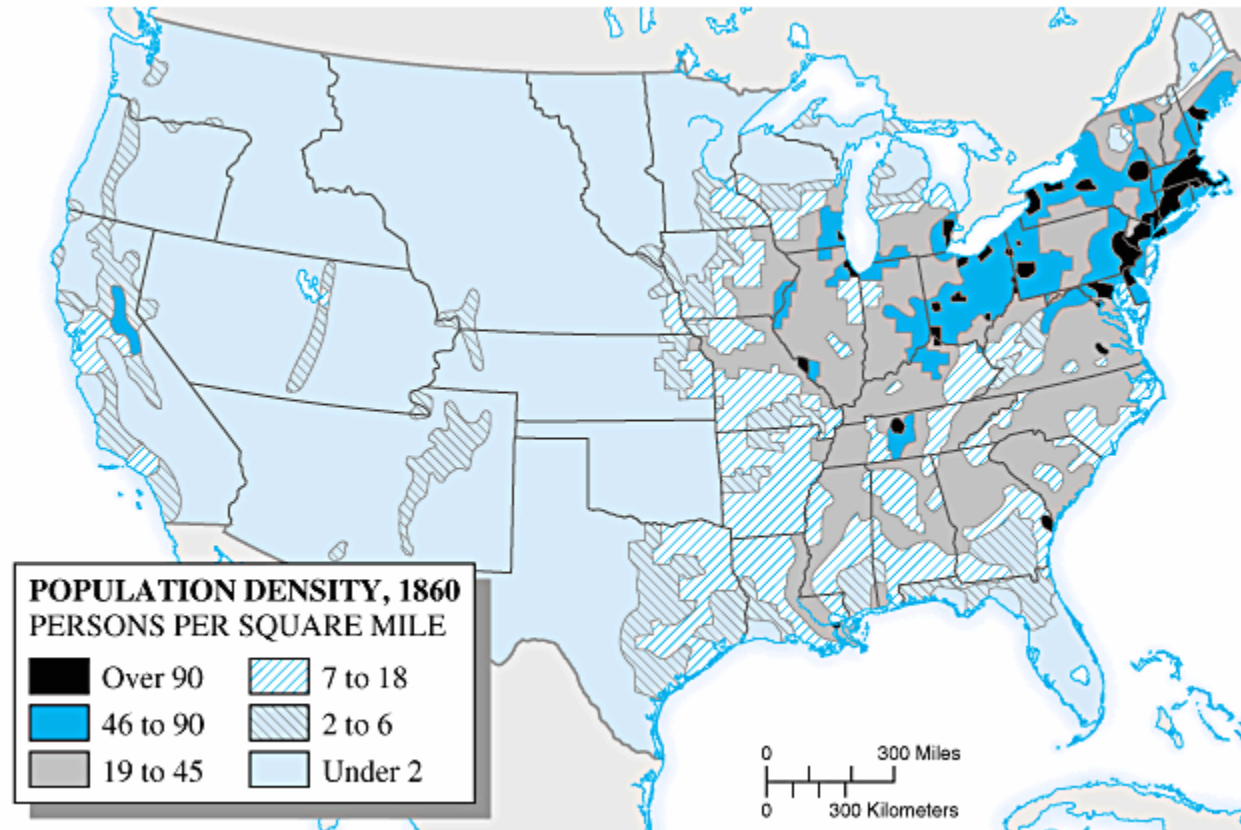
- Organizational Structure
- Attendance Requirements
- Business of the Body



Cushing's Manual

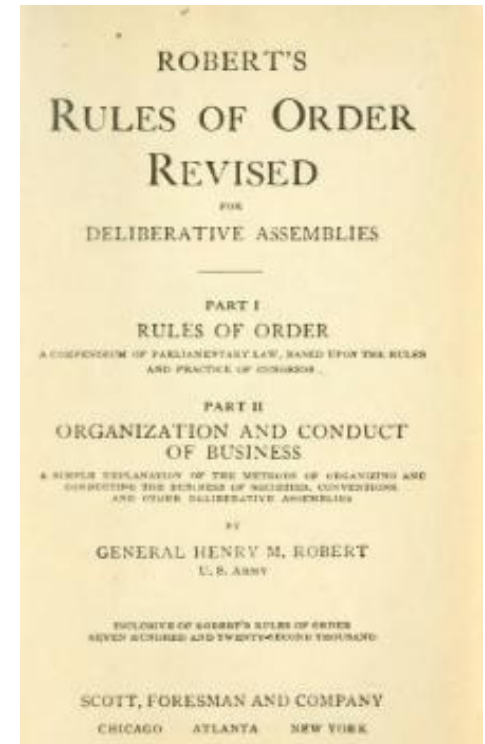
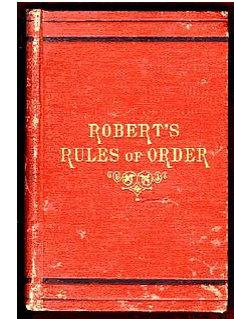
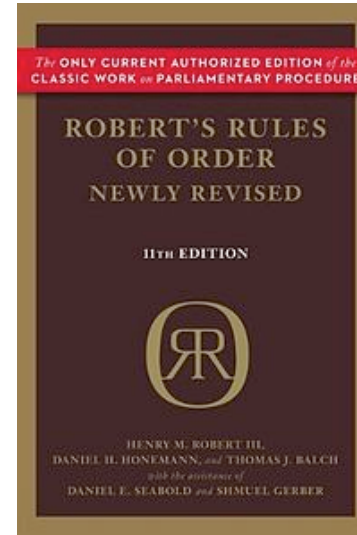
- *A Manual of Parliamentary Practice: Rules of Proceedings and Debate in Deliberative Assemblies*
- “Just the common parliamentary law”
- Each group was to develop their own rules for items not covered

Growth of the US



Robert's Rules of Order

- 1st edition title: *Pocket Manual of Rules of Order for Deliberative Assemblies* (1876)
- 11th edition published in 2011
- Most commonly used
- Very detailed



Henry Martyn Robert: Early Years

- Born May 2, 1937, the son of a Baptist minister
- Nominated to West Point from Ohio
- Graduated 4th in his class (Engineering)
- Corps of Engineers



Henry M. Robert and Parliamentary Procedure

- 1860: New Bedford church meeting
- Meeting goes VERY poorly
- Robert determines to learn more about parliamentary procedure





RONR

- More contentious meetings in San Francisco
- Compiled a 16-page guide for his own use at meetings
- First manuscript loosely based on the procedure of the House of Representatives

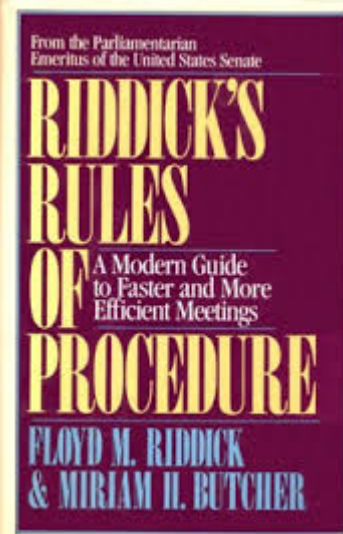
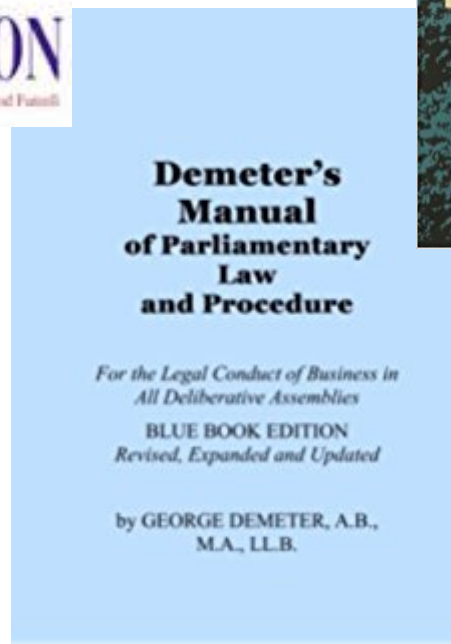
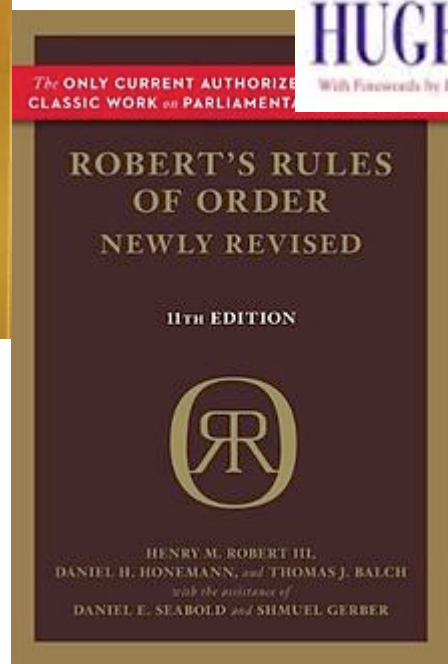
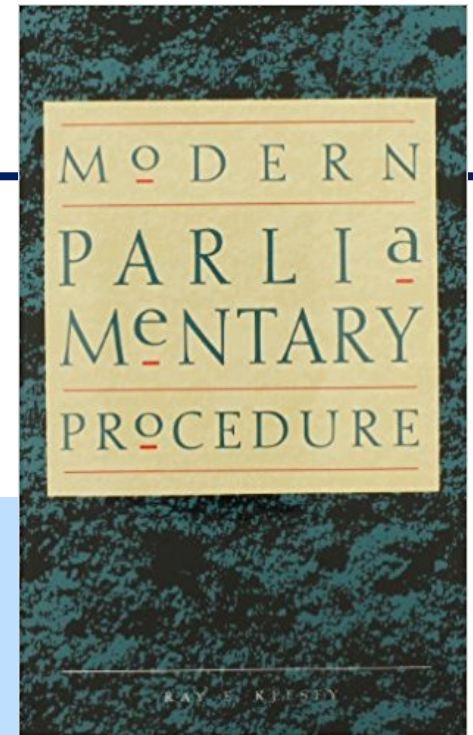
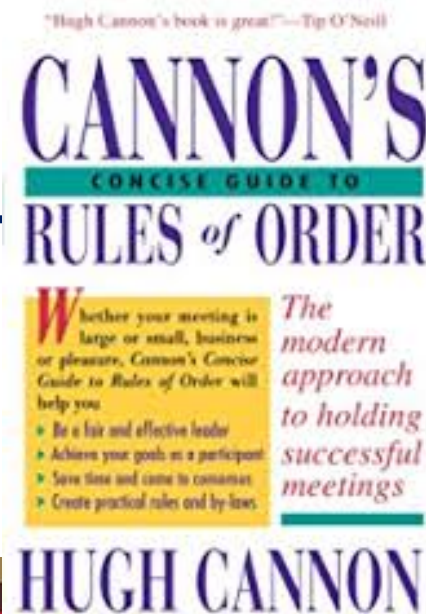
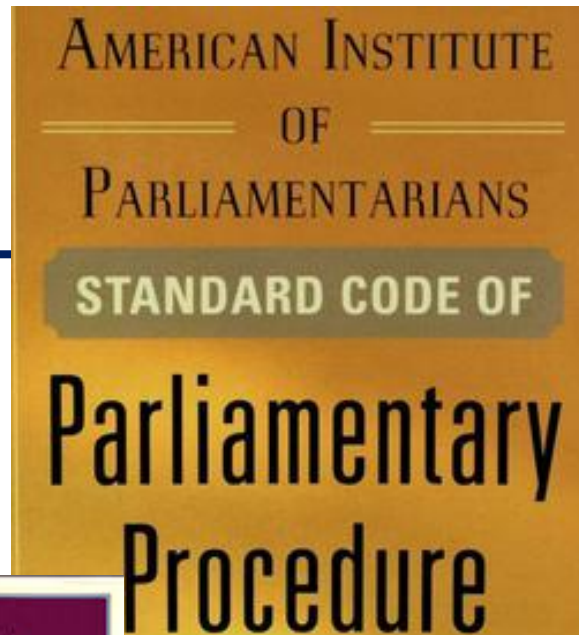


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Parliamentary Procedure in US Government Today



Most States Use Mason's

- Of 99 legislative chambers:
 - 70 use Mason's Manual
 - 13 use Jefferson's Manual
 - 4 use Robert's Rules

(Source NCSL)



Mason's Manual

- Specific rules for state legislatures
- Includes precedents and legal basis





Mason's Early Life

1898: Born in Parker, Idaho

1918: Enrolled at BYU

1921: Enrolled in graduate program
(Stanford)

1923: Graduated from Stanford

Began work at the California Senate

Admitted to the California bar

1929: Chief Assistant Secretary for the
California Senate

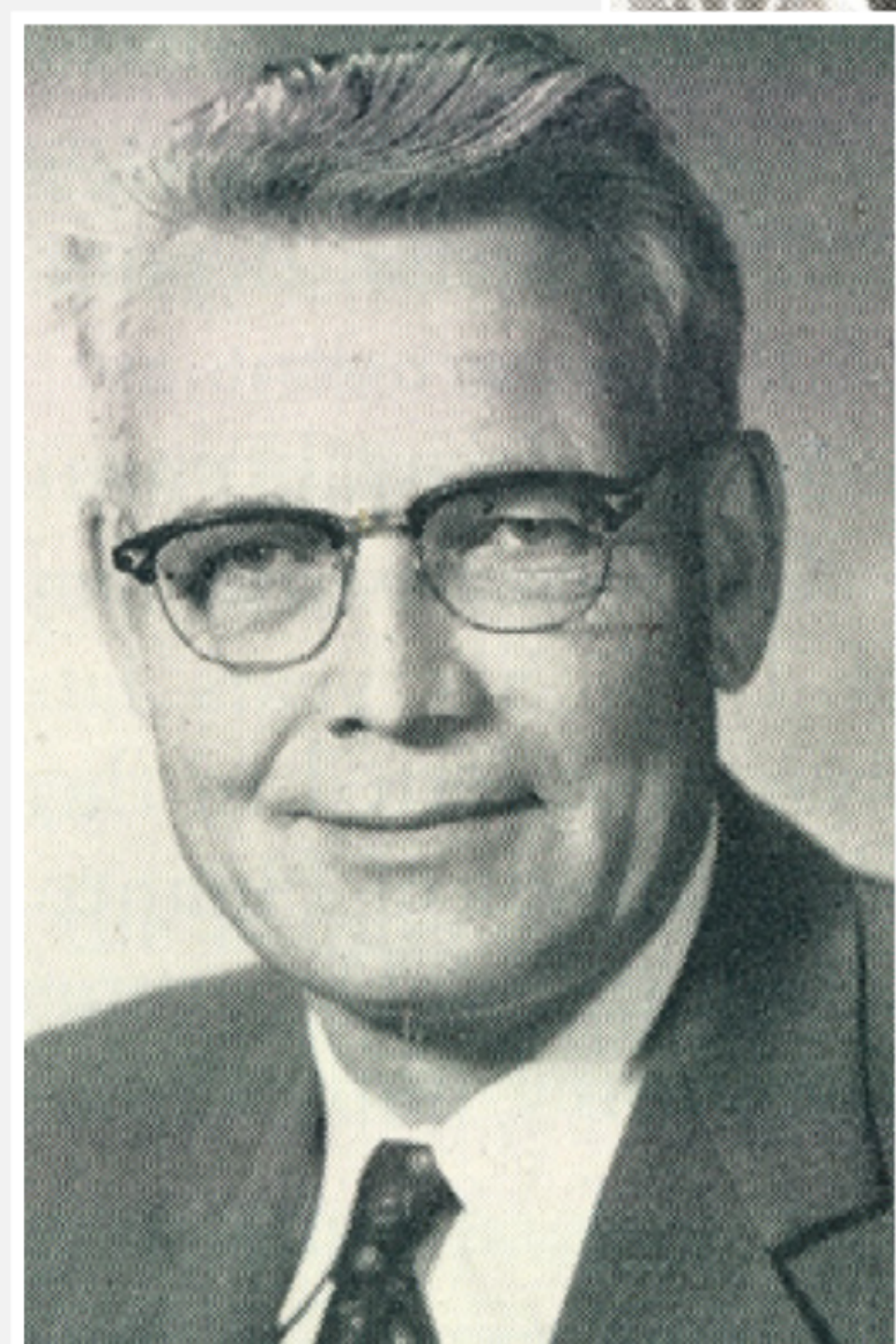
1932: California Senate Parliamentarian

Middle Years

- 1933: First parliamentary writing
- 1935: First edition of *Manual of Legislative Procedure*
- 1937: Second edition of *Manual*
- 1935-1953: Chief of the Division of Drivers Licenses AND “loaned” to the California Senate during each session
- 1958: Appointed as a judge
- 1962: Fifth edition of the *Manual*



Reading Boy Scout Traffic Safety Announcement, ca. 1953. Left to right: Senator Hugh M. Burns, Paul Mason, Senator George Miller, Jr.



Continued Parliamentary Work

- 1967: Parliamentarian for Lt. Gov. Robert Finch
- Produced 6th and 7th editions of the *Manual of Legislative Procedure*
- Turned over copyright to National Conference of State Legislatures
- 1985: Paul Mason died in Sacramento, California, at the age of 87

Mason's After Mason

- Book becomes known as *"Mason's Manual of Legislative Procedure"*
- Commission created for updates
- Most recent edition is the 2010 edition



Using *Mason's Manual of Legislative Procedure*

- Recognition
- State-Legislature specific
- Legal references included
- Designed to facilitate citation of authority
- Easier for legislators to understand and use
- Includes theory



What we Covered

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To Learn More

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