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

1258

Henry III (John's son)

Great Council

Provisions of Oxford

Commoners (Knights)
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

- 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
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
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


• 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 4\textsuperscript{th} 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
Henry Martyn Robert: Robert’s Rules of Order

• 11th edition published in 2011
• Most commonly used
• Very detailed
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*
Continued Parliamentary Work

- 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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  • Who was Paul Mason?
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To Learn More

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