

Memorandum

The U.A.W. Constitution requires all Local Union meetings to be conducted according to Roberts Rules of Order:

" All questions of parliamentary nature shall be decided by Roberts Rules of Order."

Article 42, Constitution

Roberts states in his introduction to the Rules of Order that

"The object of Rules of Order is to assist an assembly to accomplish in the best possible manner the work for which it was designed. To do this it is necessary to restrain the individual somewhat, as the right of an individual, in any community, to do what he pleases, is incompatible with the interests of the whole. Where there is no law, but every man does what is right in his own eyes, there is the least of real liberty."

Roberts Rules, page 14

(Note: unless otherwise indicated all quotations are from the Seventy Fifth Anniversary Edition of Roberts Rules of Order.) Clearly, the democratic rule of the majority in meetings and assemblies was Roberts purpose in writing the Rules of Order. The U.A.W. claims it is a democratic union and this is why Roberts Rules were adopted as the official rules of all Local Union meetings.

The December 19, 1971 Membership Meeting of Local 961 was filled with parliamentary mistakes by some officers and a deliberate and desperate attempt by the ~~Chair~~ ^{Chairman} Frank McKinnon, to deny the clearly and overwhelmingly expressed desire of the Membership that a meeting should be held. President Frank McKinnon has made statements and claims that the December meeting was illegal because no agenda was approved by the members. Undoubtedly McKinnon and others will continue to spread this rumor for the next few weeks. They will do this in an attempt to justify their efforts to ignore the Membership's wishes and impose a January 11-12, 1972 date for the new Run-Off election. They will claim that because the entire meeting was illegal, the motions to reject the January 11-12 date and to reject Brother Woodcock's directive of a new Run-Off (which were approved by a vast majority of members present) are therefore not legal and binding on the Local Union or the International.

The purpose of this paper is to eliminate these completely false claims by 1) proving that Roberts Rules Of Order were violated in several important ways in an attempt to subvert the members desires, and 2) by proving that regardless of these illegal and unprincipled attempts the meeting was, in fact, legal and that the motions passed and binding on Local Union 961 and the International Union.

The first issue at the December meeting was the ~~Propose~~ ^{Propose} position on the chair's proposed agenda of reconsideration of Brother Eddie Thomas' motion to reject Brother Woodcock's directive to hold a new Run-Off Election. This motion was improperly ruled out of order by President McKinnon at the November Membership Meeting, and after a challenge of this ruling by the members the Vice President took the chair and arbitrarily ^{illegally} adjourned the meeting with no reason given. The question, then, is the effect on unfinished business of adjournment of a meeting. The answer to this question depends on whether there was a "meeting" and whether or not adjournment closed the session. Roberts Rules give the following definition of a "meeting":

"In this Manual the term 'meeting' is used to denote an assembling of the members of a deliberative assembly for any length of time, during which there is no separation of the members."

Roberts, Section 63, page 254

Regarding adjournment of a meeting, Roberts states:

"In ordinary practice a meeting is closed by moving simply 'to adjourn'...If it does not meet till the time for the next regular meeting as provided in the By-Laws then the adjournment closes the session."

Roberts, Section 63, pages 254-255

According to this rule, the Vice Presidents arbitrary adjournment of the November Membership Meeting closed the session with Brother Thomas' motion still on the floor as unfinished business. In such

a case, the effect of adjournment on unfinished business is:

"When the adjournment closes a session in an assembly having regular sessions as often as quarterly, the unfinished business should be taken up just where it was interrupted, at the next succeeding session, previous to new business."

Roberts, Section 18, pages 63-64

Therefore, Brother Thomas' November motion should have been presented to the Membership at the December meeting just ~~prior to~~ ^{before} the "New Business" section of the agenda. ~~before~~

Under Roberts Rules the proper presentation of a proper agenda is the joint responsibility of the Recording Secretary and the Chairman.

"The secretary should, previous to each meeting, for the use of the chairman, make out an order of business, showing in their exact order what is necessarily to come before the meeting."

Roberts, Section 59, page 246

"The secretary should always have at every meeting a memorandum of the order of business for the use of the presiding officer, showing everything that is to come before the meeting."

Roberts, Section 65, page 262

One statement of the chairman's duty regarding the agenda is:

"...announce the business before the assembly in the order in which it is to be acted upon."

Roberts, Section 58, page 236

In a section of Roberts Rules called "Hints to Inexperienced Chairmen" the chair is advised:

"You should know all the business to come regularly before the meeting and call for it in its regular order."

Roberts, Section 58, page 243

This interesting and instructive section also states to the inexperienced chairman:

"While in the chair, have beside you your Constitution, By-Laws, and Rules of Order, which should be studied until you are perfectly familiar with them."

Roberts, Section 58, page 242

Under Roberts Rules the chairman has an overall duty to carry forward the business of the assembly and not obstruct or oppose it. He should:

"assist in the expediting of business in every way compatible with the rights of the members."

Roberts, Section 58, page 237

This same section also states:

"The great purpose of all rules and forms is to serve the will of the assembly rather than to restrain it; to facilitate and not to obstruct, the expression of their deliberative sense."

Roberts, Section 58, page 242

Clearly, the chairman's chief duty is to carry on a meeting, not adjourn it with no attempt to "serve the will of the assembly."

Roberts Rules do not give the chair authority to adjourn a meeting because of "no agenda" as was attempted by Frank McKinnon at the December meeting. Indeed, Roberts requires extremely unusual circumstances to justify the chair's adjournment of a meeting without a Motion to Adjourn from the floor:

Instead, Insert 1

Brother ^{Charles M.} Thornton, ^{Chairman of the Shop Committee,} was recommended as chairman to the Membership by the Executive Officers present, and this recommendation was moved and carried by the Membership.

"In case of fire, riot, or very serious disorder, or other great emergency, the chair has the right and the duty to declare the assembly adjourned to some other time (and place if necessary), if it is impracticable to take a vote, or in his opinion, dangerous to delay for a vote."

Roberts, Section 58, page 237

Not a word about "no agenda, no meeting" as was claimed by President McKinnon. There was, obviously, no fire, no riot and certainly no "serious disorder or other great emergency" at the December Membership Meeting. Therefore, it was completely improper for McKinnon to try to adjourn the meeting merely because the members did not approve his proposed agenda. He should have served "the will of the assembly" by amending the agenda to the members satisfaction, and then carried on the business of Local 961.

Of course, a meeting can always be adjourned upon a motion to adjourn from the floor which is supported and approved by the members. It should be noted however that Local 961 By-Laws state:

"After meeting is in progress for two hour or more a motion to adjourn will be in order."

By-Laws, Article 17, Section 1(a)

This seems clear evidence that Local 961 members, acting through the By-Laws Committee, intended that membership meetings should run at least two hours to insure ample opportunity to carry out the business of the Local. It goes without saying that the December meeting had not run anywhere near two hours when the chair made its attempt at adjournment.

Finally, Roberts Rules require that the other officers present take the chair, following the chain of command, if the chairman vacates the chair:

"...the first Vice-President if there is one, should take the chair, and in his absence the next one in order should take it."

Roberts, Section 58, page 241

Because the Vice President was not present at the December meeting it was therefore the duty of the Recording Secretary, "the next one in order", to chair the meeting. When Brother Burton refused the chair the chain of command as expressed in Article 40 of the Constitution should have been followed--Financial Secretary, Treasurer, Trussees, Sergeant-at-Arms and Guide. ~~Instead, the Chief Committeeman~~ ^{ice} Brother Thornton, took the chair with the unanimous approval of all present. No objection whatsoever was raised by anyone to his taking the chair. ~~all~~ ^{most} of the executive officers were present; none agreed to chair the meeting; none objected to the chairmanship of Brother Thornton; all therefore waived their responsibility as officers. None of these officers left the meeting and all of them participated in it, an unmistakable indication of their approval of the proceedings. Even Brother McKinnon was seen voting on several motions!

This failure of Local officers to fulfill their legal and constitutional duties cannot be laid at the members' doorsteps and cannot be used to invalidate the meeting. The members demanded and were entitled to a meeting; there was a meeting and it was, in fact, chaired by a responsible Local officer, and Local Union business was, in fact, carried on in an orderly and democratic manner. To rule this an illegal meeting would completely obstruct the members' collective expression of their collective desires, and make the membership the unwilling victims of their own officers' disoddedience of Roberts Rules and the U.A.W. Constitution.

This discussion of Roberts Rules and the December Membership Meeting of Local 961 leads to the following obvious and inescapable conclusions:

- 1) Brother Burton should have presented a correct agenda to the chairman, Brother McKinnon.
- 2) Brother McKinnon had a duty to ask the secretary for a proper agenda.
- 3) a proper agenda would have included a reconsideration of Brother Thomas' November 21, 1971 motion just before the "New Business" portion of the agenda for the December meeting.

- 4) it was improper for Brother McKinnon to try to adjourn the December Meeting without there being fire, riot, serious disorder, great emergency, or a Motion to Adjourn supported and approved by the Membership.
- 5) It was therefore proper for the members to insist that a meeting be held, and that an officer should chair it.
- 6) Even though the chain of command was not strictly followed in filling the vacant chair, this was the officers' responsibility and not the members'. This excuse, therefore, cannot be used to declare the meeting illegal.
- 7) Therefore, the December 19 Membership Meeting of Local 961 was legal and proper, and the motions supported and approved by the great majority of members present were legal and binding on Local 961 and the International Union.

Dec. 21, 1971
H. J. T.

[12-21-71]

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