Journal of the American Society of Legislative Clerks and Secretaries

Volume 16, Number 2 Fall 2010

Journal of the American Society of Legislative Clerks and Secretaries

2010 - 2011 Staff

Co-Chair:	Angi Murphy, VA Senate Assistant Coordinator, Committee Operations
Co-Chair:	Melanie Newby, VA Senate Assistant Purchasing Officer, Support Services
Vice Chair:	Hobie Lehman, VA Senate Deputy Coordinator, Committee Operations and Sergeant-at-Arms

Committee Members

Bonnie Alexander (ID)
Mardi Alexander (TX)
Brad Bolin (IL)
Ginny Edwards (VA)
Polly Emerson (TX)
Laurel Johnston (HI)
Amy Leach (CA)
Bernadette McNulty (CA)
Tara Perkinson (VA)
Susan Furlong Reil (NV)
Don Richardson (MS)
Peter Wattson (MN)

INFORMATION FOR AUTHORS

The editor of the *Journal of the American Society of Legislative Clerks and Secretaries* welcomes manuscripts which would be of interest to our members and legislative staff, including topics such as parliamentary procedures, management, and technology. Articles must be of a general interest to the overall membership.

Contributions will be accepted for consideration from members of the American Society of Legislative Clerks and Secretaries, members of other National Conference of State Legislatures staff sections, and professionals in related fields.

All articles submitted for consideration will undergo a review process. When the Editorial Board has commented, authors will be notified of acceptance, rejection or need for revision of manuscripts. The review procedure will require a minimum of four to six weeks. Two issues are printed annually – one in the spring and the other in the fall.

STYLE AND FORMAT

Specialized jargon should be avoided. Readers will skip an article they do not understand.

Follow a generally accepted style manual such as the University of Chicago Press *Manual of Style*. Articles should be word processed in Word 2000 or WordPerfect 8.0, and double-spaced with one-inch margins.

Number all references as endnotes in the order in which they are cited within the text. Accuracy and adequacy of the references are the responsibility of the author.

Authors are encouraged to submit a photograph with their article, along with any charts or graphics which may assist readers in better understanding the article's content.

SUBMISSION

Articles should be submitted electronically to:

Angi Murphy, Co-Chair
amurphy@senate.virginia.gov
or
Melanie Newby**,** Co-Chair
mnewby@senate.virginia.gov

Photographs should be emailed in .jpeg or .gif format or mailed flat with appropriate cardboard backing to either:

Angi Murphy, Co-Chair or
Melanie Newby, Co-Chair
Senate of Virginia
P.O. Box 396
Richmond, VA 23218

Inquiries from readers and potential authors are encouraged. You may contact the editors by telephone (804) 698-7450 or email at:
amurphy@senate.virginia.gov or
mnewby@senate.virginia.gov

Letters to the editor are welcomed and will be published to provide a forum for discussion.

Conducting Special Session Outside of the State Capital

By Tisha Gieser, Assistant Chief Clerk
Alaska House of Representatives

On June 26, 2007, for the first time in state history, the Alaska State Legislature convened a special session in Anchorage, Alaska rather than at the State Capitol Building in Juneau. This was particularly significant due to the history of capital relocation attempts in Alaska. The logistic repercussions were substantial due to the lack of precedence and the distance between the two sites. The article below details the process used to prepare for and execute remote special sessions in June, 2007 and August, 2009.

History of Capital Move Issue

Though Juneau is on the mainland, its location amid the waterways of the Inside Passage, the Coast Mountain Range and the Juneau Icefield have made road access impossible. Visitors to the capital city must arrive by boat or plane, which can prove especially tedious given winter weather conditions. These transportation challenges coupled with the fact that Juneau is located in the Southeastern part of the state, hundreds of miles away from the population centers of Fairbanks, Anchorage and the Matanuska-Susitna Valley, have motivated many attempts to relocate the capital beginning as early as 1960, just one year after statehood.

In 1974, after multiple failed attempts to relocate the state capital, a ballot measure titled, "Relocating and Constructing a New Capital" was passed by 46,659 Alaskan voters.[1] The measure provided for the formation of a site selection committee, appointed by the Governor, to present two or three options for the site of a new state capital to be voted upon in a future general election. The town of Willow, located 35 miles outside of Anchorage, was selected in the 1976 election. However, in 1978 voters supported a subsequent measure, sponsored by the Frustrated Responsible Alaskans Needing Knowledge (FRANK) Committee, requiring a determination of and voter approval for the total cost of capital relocation.[2] The cost proposals for relocation to Willow failed in 1978 and 1982. Though additional attempts have been made to move the state capital, Juneau currently remains the seat of government as it has since 1912.

State statute specifies that regular sessions of the state legislature are to be convened in the capital, which is designated as Juneau in Alaska's Constitution. However, in 1982, in the absence of specific provisions for the location of special sessions in state law, a bill was passed that added a paragraph in statute to read, "A special session may be held at any location in the state."[3] This section goes on to explain that if the Governor calls a special session, he or she designates the location of the session. Similarly, if the legislature calls a special session using the prescribed method of polling members, the presiding officers "shall agree to and designate the location in the poll conducted of the members of both houses." In June 2007, two-thirds of the membership of the House and Senate responded in the affirmative to a poll conducted by the presiding officers regarding holding a special session in Anchorage to consider a senior benefits program.

June 2007 Special Session

The special session on senior benefits would be held in the William A. Egan Civic and Convention Center in downtown Anchorage, approximately three blocks from the Anchorage Legislative Information Office, a building which houses interim legislative offices. The vehicle for the benefits program would be a Senate bill which had passed the Senate during regular session and was currently in the House Finance Committee. The total session was expected to last one day.

After notice of the remote special session, legislative support offices in Juneau were contacted to determine staff and equipment needs. Necessary supplies and electronic equipment from Juneau were shipped to the Anchorage Legislative Information Office in advance. Chief Clerk and Senate Secretary staff would fly to Anchorage two days prior to the special session to allow time to test equipment set up by Information Services, the legislative information technology office.

Meeting rooms in the convention center were transformed into a temporary Chamber which would serve both the House and Senate. The bodies would meet separately in the shared space. Long tables were used as desks for the legislators with temporary nametags designating their seats. Microphones were set up at three points along the front of the room. In the absence of an electronic voting board, oral roll call votes would be taken. Legislative staff, acting as pages, sat at tables on the side of the room. A public gallery was cordoned off along the back. A Capitol Building security officer flown in from Juneau manned the entrance to the Chamber. A copy machine and fax machine, monitored by legislative staff, were available in the lobby outside of the Chamber.

Computers and printers were set up for the House and Senate Engrossing Clerks in the Chamber so that they could quickly process any bills, committee reports, committee substitutes or amendments. Laptops were available at the podium for the House and Senate Journal Clerks. Staff were given remote access to their Juneau computers to avoid major customizations to the computers being used during the remote session.

Temporary offices were created for the Chief Clerk and Senate Secretary and their staff in the Anchorage Legislative Information Office (LIO). Legislators without an Anchorage office were also given a temporary workspace in two of the LIO conference rooms which had been set up with computers and printers for the occasion.

Support was offered from Juneau where possible. Division of Legal and Research Services staff communicated with legislators regarding work requests by phone from Juneau using secure fax and email to "deliver" draft bills, resolutions and amendments. The House Finance Committee Secretary in Juneau recorded the House Finance Committee meeting in Anchorage remotely via teleconference. Real time floor action was entered into the legislature's online bill tracking system by Chief Clerk and Senate Secretary staff in Juneau also using the teleconference system.

At 5:04 p.m. on June 26, 2007, the Alaska State Legislature again made history by holding the shortest special session on record at six hours and fifty-eight minutes. In this time the legislature achieved their goal of passing a senior benefits bill. Session was adjourned, the equipment was packed up and the temporary legislative chamber became a convention center meeting room once again.

Three subsequent special sessions, all lasting the maximum thirty days, were held in Juneau in 2007 and 2008.

August 2009 Special Session

In August 2009 the legislature again chose to convene a special session in Anchorage. The legislature called themselves into special session in order to override Governor Palin's veto of federal energy stimulus funds and to confirm a Lieutenant Governor Successor following the Governor's resignation. The total session was again anticipated to last one day and would again be held in the William A. Egan Civic and Convention Center.

Packing lists and supplies from the previous special session in Anchorage were revived. Planning ensued.

Though the amount of equipment transported to Anchorage for the 2009 special session was minimized, the packing list was lengthy. Information Services (IS) staff shipped approximately ten laptops to Anchorage in addition to items such as a network switch and firewall, network cables, power cords, surge suppressors, optical mice and gaffer tape. Six IS staff were available for equipment set up and support in Anchorage.

For this special session the Chief Clerk and Senate Secretary decided that offsite office space was not necessary, particularly because the bulk of the special session would be spent in joint session. Workstations were set up in the Chamber, both at the podium and along the side of the room. Chief Clerk and Senate Secretary staff were again given remote access to their Juneau computers.

In 2008 a subcommittee of the Legislative Council conducted a series of traveling committee meetings on the terms of a proposed gas line contract. Sound equipment was purchased to cleanly amplify and record the content of these meetings. This equipment was subsequently transported to Anchorage for the August 2009 special session, allowing for microphones per every two legislators, a significant improvement from the 2007 special session.

The 2009 special session lasted just under seven hours and resulted in the confirmation of a Lieutenant Governor Designee and the override of the Governor's veto of $28.6 million dollars of federal economic stimulus funds.

Overview

The special sessions in Anchorage were viewed as successes: the legislature's objectives were reached, a greater segment of the population had immediate local access to the political process and costs were only marginally higher than to have held the special sessions in Juneau. The brevity and close focus of both sessions significantly minimized logistical challenges. However, both sessions required much flexibility, resourcefulness and collaboration.

One of the unique aspects of the remote sessions was the shared Chamber space between the House and Senate. Because both House and Senate staff had workspace and shared equipment in the Chamber, they were present for each other's floor sessions. Particularly in 2007, staff used this opportunity to assist each other by acting as messengers and providing support. This would have been an impossible situation had not the House and Senate possessed a shared vision for the session and the Chief Clerk and Senate Secretary staff had a history of working closely and cooperatively.

In the absence of certain technological conveniences and formalized procedures that are often taken for granted in Juneau, interdepartmental cooperation among legislative staff was crucial during the remote sessions. Due to minimal staff traveling to Anchorage, the Division of Legal and Research Services established a process for an Assistant Chief Clerk and Senate Secretary to print bill finals on site. Legislator's chiefs of staff volunteered to act as pages and copy operators. Computer programmers in Information Services designed a program to manually enter roll call votes and modify them for ease of entry into the journal. Interruptions in audio availability required staff in Anchorage to communicate minute-by-minute floor action to Juneau using instant messaging software. Staff came together as a team to absorb the additional challenges of the remote sessions.

Legislative access for a broader segment of the population was an argument made to support holding a special session in Anchorage, and public participation was strong during the remote sessions. At times legislators were required to walk through groups of protestors to reach the convention center, and the area designated as the public gallery was full to overflowing during both special sessions. However, there was not statewide television coverage of the special session as the station that records and broadcasts floor sessions and committee meetings in Juneau was unable to provide coverage in Anchorage. Live audio streams were provided on the legislature's website for both sessions.

Holding the special sessions in a location with existing legislative infrastructure had many advantages. Twenty-five legislators, nearly half of the state legislature, have interim offices in the Anchorage Legislative Information Office which also houses conference rooms, a supply office, mailroom and computer help desk. Utilization of employees based at the Legislative Information Office as well as office space, equipment and supplies made the transition from Juneau to Anchorage much less burdensome and costly than starting from scratch.

Cost estimates to hold a special session in Anchorage were made by the Legislative Affairs Agency in 2000 in response to a request from a sitting Senator. After legislative support offices were asked to provide a list of anticipated needs, it was determined that equipment purchases for a remote special session would include a portable voting board, security equipment and numerous computers, printers and copiers, the compilation of which resulted in a high price tag. However, actual expenditures for the Anchorage special sessions were significantly less due to their short duration, the use of existing resources and the convention center's waiver of the daily rental fee. Overall costs for the remote sessions were higher than had they been held in Juneau due to heightened travel and per diem expenses.

The Anchorage special sessions gave another part of the state the opportunity to observe the legislative process firsthand and reduced the number of legislators having to fly or drive long distances to attend. Both sessions resulted in the achievement of the legislature's stated goals without any major logistical hitches. The temporary relocation of the legislature was a massive effort, but with careful planning and strong support, the Alaska State Legislature proved it could be done.

---

[1] "Moving the Capital: A History of Ballot Measures." State of Alaska Division of Elections. Accessed September 29, 2010. http://www.elections.alaska.gov/doc/info/capmove.htm

[2] Frustrated Responsible Alaskans Needing Knowledge Committee. "The Right to Know and the Right to Vote: That's What Initiative '78 is All About." September 1977.

[3] Alaska Statutes 24.05.100(b) (2008).

How Do They Do It? Comparative International Legislative Practices

By Russell D. Grove, Clerk
New South Wales Legislative Assembly

Introduction

At first glance, the Australian and US legislative systems appear similar. They are both federations, which were created by a number of sovereign states handing over some of their power to a central government. They both have a written constitution and employ a bicameral system at the federal level and in most of the State legislatures.

However, there are some important differences. Australia is a constitutional monarchy and the USA is a republic. In Australia the Executive comes from within the Parliament and Ministers are responsible to Parliament.

This paper looks at some of the key differences Australian Legislatures have compared with US Legislatures with particular reference to the relationship the Executive has with the Parliament and the way the leader of the Government is determined. It also considers differences in the position of the Speaker, aspects of the legislative process, other parliamentary procedures, the electoral system and lobbying.

The Executive

Both the Australian and US Constitutions vest executive power with the Head of State, which for Australia is the Queen, who is represented by the Governor-General at the federal level, and by the Governors of each State. However, that is where the similarity between the two systems in relation to executive power stops.

In Australia the convention is that the Governor-General, or Governor in relation to State Parliament, commissions the party or parties that control the lower House of Parliament, to form a government. Ministers are then chosen by their party leaders or elected by the parliamentary party. The Prime Minister or Premier then allocates the Portfolios to the Ministers.

The leader of the Government in Australia, the Prime Minister or the Premier in the States, is chosen by the elected members of the party with the majority of seats in the lower house. This contrasts with the Presidential system in the USA where the leader of the Government is elected directly by the people. However, it should be noted that it has been argued by academics that the Prime Ministership in Australia has in many ways been 'presidentialised'.[1] This is reflected by the fact that election campaigns are often run with the leaders of the two major political parties being the focus such as through the live broadcast of campaign debates between the party leaders. Dr John Hart of the Australian National University has argued that the Prime Minister is in some ways more powerful than the President of the USA in the sense that the Prime Minister will always have a majority in at least one House of Parliament. Whereas Government in the USA can at times be divided with the majority party in congress being on the opposing side of politics to the President.[2]

The fact that the Executive comes from the senior members of the governing majority in Parliament means that Australia has a limited separation of powers compared with the United States even though the Constitution describes the separate legislative, executive and judicial arms of Australian governance. At the federal level, the Constitution states that Ministers must be members of

Parliament. In New South Wales Ministers are defined as part of the Executive in the *Constitution Act 1902* (NSW). However, unlike the federal Constitution, there is no express requirement for Ministers in New South Wales to be members of Parliament. However, the conventions of responsible government, whereby the Executive is responsible to the Parliament generally require that Ministers be members of Parliament.

This difference between the Australian and US systems manifests in different ways of holding the Executive to account. In the US the legislative arm is responsible for ensuring executive compliance with the law. This oversight function is achieved through a variety of mechanisms including committee inquiries and hearings, formal consultations with and reports from the President, Senate advice and consent for presidential nominations and for treaties, and House impeachment proceedings and subsequent Senate trials.

In Australia, the key mechanism for holding the Executive to account is Question Time. The ability to ask questions provides members, particularly Opposition members, with the opportunity to elicit information and clarify the policies of the Government. In 1908 Redlich observed that this was the principal role of questions:

The chief object which [questions] serve is the explanation to the public of the meaning of political events, and it is permissible to frame questions so as to draw from the Government statements of their intentions or plans as to particular matters of public concern.[3]

In the modern political context questions are used as a tool to highlight the inefficiencies or problems with the Government of the day or to showcase the achievements of the Government. Over recent years the majority of questions in the New South Wales Legislative Assembly, both from the Opposition and members supporting the Government, have been addressed to the Premier and cover a whole range of issues. This reflects the political reality that the Premier, as the spokesperson for the Government, is seen to be the person who is responsible for making or breaking the Government.[4]

In reality however, the ability of the Opposition to effectively use Question Time to hold the Executive Government to account is diminishing. In the modern political environment Question Time has become a vehicle for gaining media attention rather than seeking information and pressing for action. This is not to say that the importance of Question Time is waning. Question Time continues to be the most well attended period in the House not only by members but also by the news media and visitors to the public galleries.

The position of Speaker

The lower Houses of Parliament in both Australia and the US have a Speaker serving as its presiding officer. However, unlike the US system where the Speaker is a leadership position in the majority party and second in the Presidential line of succession after the Vice-President, in Australia the Speaker may not always come from the majority party and has no role in setting the Government's legislative agenda. In fact, the Speakership is often seen to be a 'second prize' for a member who did not make the Ministry.

In Australian Parliaments the Speaker presides over many proceedings in the House and will also be in the Chair for Question Time, or for significant debates. Unlike the US system the Speaker in Australian Parliaments, in accordance with Westminster tradition, is supposed to be non-partisan and in most Australian Parliaments the Speaker only has a casting vote if the votes are equal and cannot participate in debate on the floor of the House. However, in New South Wales this was recently changed when an Independent Member was elected by the House as its Speaker and an amendment

was made to the *Constitution Act 1902* (NSW) to enable the Speaker to participate in debate and vote in any division in the House when not presiding in the Chair.

Another difference between in the power of the Speaker in the two countries can be seen in the appointment of members to committees. Unlike the US where the Speaker appoints all members of select and conference committees, the Speaker in Australian legislatures has no say in the membership of committees, which is determined by the parties and ultimately agreed to by the House.

The Legislative Process

There are a number of differences in the way legislation is passed by Australian and US legislatures.

Ministers are responsible for introducing the great majority of Bills in Australian Parliaments. While all members of Parliament are able to initiate legislation few actually become law. Accordingly, most legislation is considered Government Bills. Whereas in the USA, no bills are officially designated as government bills.

This separation of government bills and private members' bills in Australian Parliaments has required set times to be provided for the different types of legislation to be considered. In New South Wales the Standing Orders provide that Government Business has precedence on Tuesday, Wednesday, Thursday morning and most of Friday. Private members are able to initiate motions from 11.45 am to 1.30 pm on Thursday, introduce legislation between 10 am and 10.30 am on Fridays, and debate private members' bills on Thursday between 4.30 pm and 5.30 pm.

Unlike US legislatures, it is unusual for bills to be referred to a committee for further scrutiny. While the Standing Orders of the New South Wales Legislative Assembly provide for bills to be referred to a committee following their introduction to the House, the procedure is rarely used. Since 1995, only one bill has been referred to a committee for further scrutiny. This bill was a private member's bill and by referring it to a committee the Government effectively delayed its consideration by the House.

There are also some significant differences in the procedures for a bill to become law once it has been passed by Australian and US legislatures. In Australia, when a bill has passed through both Houses of Parliament it is presented to the Governor-General, or Governor in the case of a State, for signing into law. In New South Wales, no formal governmental advice is normally given in relation to assent.

Unlike the President of the USA, the Governor of New South Wales may not exercise discretion to refuse assent to a bill in the usual course of events. The only requirement is that a law needs to be validly made under the powers of the Legislature in the Constitution Act. Professor Anne Twomey notes "It is generally accepted that the Governor may not exercise a discretion to refuse assent to a Bill which the Governor finds objectionable upon policy grounds." She does however note that a Justice of the High Court of Australia raised the possibility of a Governor exercising a discretion to refuse assent to extreme laws enacted by a State Parliament i.e. laws that clearly offend basic constitutional norms.[5]

Other parliamentary procedures

There are a number of differences in parliamentary procedure in Australian and US legislatures. Of particular note is the uniquely Australian procedure of a citizen's right of reply. The impact that party discipline has on procedures in Australian Parliaments is another significant issue. These two issues will be considered in more detail.

Citizens' Right of Reply

Most liberal democracies have incorporated the principles set out in Article 9 of the *Bill of Rights 1688* into statutes and as a matter of common law, to provide members of Parliament with freedom of speech without being held liable for anything said during parliamentary proceedings. However, few Parliaments formally recognise that this freedom of speech has the potential to be abused and that people can be defamed unjustly and left without any recourse. Since 1988 most Australian Parliaments have adopted a procedure for a citizen's right of reply to provide a formal mechanism for citizens to respond to serious allegations made during parliamentary proceedings.

The New South Wales Legislative Assembly adopted a citizen's right of reply procedure in November 1996 as a sessional order. The procedure was an initiative of the Executive with limited consideration being given to it by the House. It is largely based on the procedure which applies in the Australian Senate. The current sessional order is set out in Appendix A.

Under the procedure a request for a right of reply can be submitted by individuals or by corporations or other associations/organisations. A request for a right of reply must be made in writing to the Speaker. The Speaker then determines if the Standing Orders and Procedure Committee should consider the request. No particular form is prescribed by the resolution. However, the resolution indicates that the response should be succinct and should not contain any offensive material or matters the publication of which could adversely affect another individual or organisation or invade a person's privacy.

The resolution makes it clear that a request for a right of reply will not be considered unless the applicant can show how the statements made in the House have:

- Adversely affected them in reputation or in respect of dealings or associations with others;
- Injured them in occupation, trade, office or financial credit; or
- Unreasonably invaded their privacy.

In addition, the request will only be referred to the Standing Orders and Procedure Committee if the Speaker is satisfied that the request is not trivial, frivolous, vexatious or offensive in character and the submission has been received within 6 months after the relevant comments were made in the House, unless the applicant can show exceptional circumstances to explain the delay. It is considered impractical for the Committee to consider any request that does not meet this criterion.

If a request for a right of reply is referred to the Committee, it may decide not to consider it if the subject of the request is deemed to be "not sufficiently serious" or the request is frivolous, vexatious or offensive in character. A decision not to consider a request that has been referred by the Speaker must be reported to the Legislative Assembly.

If the Committee decides to consider the request it can confer with the person who made the request and any member who made statements about that person or organisation in the Legislative Assembly. The Committee must not consider or judge the truth of the statements, which are the subject of the

request or the statements in the response. The Committee's function is limited to considering whether the statements made in the Legislative Assembly were of a kind that adversely affect or injure the applicant or have invaded the applicant's privacy and whether a response is warranted. The response, if any, must be agreed to by both the Committee and the applicant. The Committee can only recommend that a response be incorporated in Hansard. It is up to the House to determine whether this recommendation should be adopted. However, it can be assumed that if the Standing Orders and Procedure Committee, which has a Government majority, has recommended that a person or organisation be given a right of reply it would be agreed to by the House.

A right of reply can be requested under this procedure in relation to statements made during debate in the House or references made in the House Papers such as the Questions and Answers Paper. Adverse statements about individuals or organisations made during committee proceedings are a matter for the respective committee.

Since November 1996 the Legislative Assembly has received 24 requests for citizens' right of reply. In fact only two have been received since the beginning of 2008. All but one of these requests failed to meet the criteria and have not been referred to the Standing Orders and Procedure Committee. A number of requests were received that pre-dated the resolution and as the procedure is not retrospective they were not considered. However, the vast majority of requests are not made in terms of the resolution in that the applicant has not shown how they have been adversely affected, the request is offensive in character or has been received outside the 6-month period.

The one request, which was considered by the Standing Orders and Procedure Committee, was from an applicant who had already received a right of reply in the Legislative Council in relation to similar comments made in that House. Accordingly, the Committee concluded that no further action should be taken and the applicant was not permitted a right of reply in the Legislative Assembly.

There are a number of difficulties with the procedure in that many aspects of it rely on the discretion of the Speaker or are highly subjective. For example, those jurisdictions that have time limits as to when a right of reply must be received tend to have provisions to provide for late submissions if there are "exceptional circumstances" to explain the delay. This raises the issue of what is considered an "exceptional circumstance"?

In New South Wales the view has been taken that ignorance of the procedure does not fall into the category of "exceptional circumstances" as a person who feels that unfair allegations have been made about them can write to the Presiding Officer seeking advice on possible avenues of recourse if they are unaware of the right of reply procedure.

Impact of Party discipline on procedures

The differences in party discipline in Australia and the US also affects the way procedures are dealt with in the House. While the two party system is strong in both Australian and US legislatures, members in US legislatures are able to decide on an individual basis how they will vote. In contrast, in Australia party discipline is very strong and party members are expected to vote with their party. In fact, members have been expelled from their party for acting against the decisions of the party caucus.

This strict party discipline means that in a House with a governing majority, such as the New South Wales Legislative Assembly, all motions moved by the Government are passed along party lines. The Government is able to use its numbers to control the proceedings of the House and often suspends standing orders to force legislation through in one sitting or to change the routine of business to provide more time for Government Business.

On occasions members are able to have a free or conscience vote, particularly when matters of moral or religious character arise which may be contrary to, or not relevant to, party platform. Determination of which matters are considered as a conscience vote is a matter for the various political parties and is not covered by any procedure or standing order of the House.

Another difference is the way that Independent Members elected to Parliament relate to the major parties. On the rare occasion that an Independent is elected to a US Legislature they usually become associated with one of the two parties. Whereas in Australia, Independent Members act independent of the parties. This is not to say that Independent Members do not support the major parties in an effort to bring stable government in situations where there is a hung parliament and no party has a majority. At the moment four Independent Members are deciding the fate of the Australian Federal Government.

This was also the case in New South Wales from 1991-1995 when three non-aligned Independent Members held the balance of power. These three Independent Members signed a written agreement with the Liberal/National Coalition to form a stable government. This agreement or Memorandum of Understanding set out a "Charter of Reform" which set out an ambitious reform agenda under the headings: Open and accountable government; Law and justice; Parliamentary reform; and Electoral reform.[6]

The terms of the agreement were that the three non-aligned Independents in an effort to maintain stability would vote with the Government on:

> (a) Motions regarding Bills for Appropriation and Supply; and
> (b) All motions of no confidence except where matters of corruption or gross maladministration are involved which reflect upon the conduct of the Government as a whole.

On all other matters, the Independents could vote as they saw fit.[7]

The electoral system

Apart from the fact that voting is compulsory in Australia there are some other significant differences between the US and Australian electoral systems. One of the most fundamental differences is that in Australia most legislatures have a maximum term by which an election must be called but the leader is able to dissolve Parliament and call an election at any time before this maximum term is reached.

This contrasts with the system in the US where federally the terms are fixed and there are no circumstances where the President can dissolve congress and call an early election.

It should be noted that the New South Wales Parliament has fixed four-year terms. However, unlike the US system it is a qualified fixed term and the Legislative Assembly can be dissolved earlier if a motion of no confidence is passed in the Government, or if the Legislative Assembly fails to pass supply, or if the Governor dissolves the House in accordance with constitutional conventions such as if the Government was acting illegally.

A significant feature of the federal political system in Australia is the ability of the Government to force an election if it is unable to pass its legislation through the Senate. Section 57 of the Australian Constitution provides for both Houses to be dissolved simultaneously and an election held if a bill that has been passed by the House of Representatives is blocked by the opposition or minor parties in the Senate. This is referred to as a double dissolution and all members from both Houses must stand for election. The mechanism arguably makes Parliament more responsible to the electorate.[8]

Another point of difference is that many state legislatures in the USA have a mechanism to enable voters to recall elected officials prior to the expiration of their term of office. The issue of a recall has been the subject of debate in New South Wales over the past couple of years. However, this discussion has centred on the recall of the Government in the context of the fixed four-year term as opposed to the recall of individual members of parliament.

Lobbying

Lobbying is another feature of the political systems in Australia and the US. However, there are some key differences. It has been argued that lobbying is a constitutionally protected activity in the USA and has become a pervasive part of the decision process.[9] As of 2007 there are over 17,000 federal lobbyists based in Washington, DC. In contrast, currently there are only 109 individuals and organizations listed on the NSW Government Lobbyist Register. Unlike lobbyists in the USA, organisations in Australia that attempt to influence government policies and legislation do not draft legislation for introduction to Parliament.

That is not to say that lobbying is not an integral part of the Australian political system. Lobbying has become a more accepted feature of Australian politics over recent years. Accordingly, there have been moves to ensure that lobbying is done in a transparent and ethical way, which arguably can be seen as moving towards a regulated system similar to that which exists in the USA.

The NSW Government introduced a Lobbyist Code of Conduct and Register of Lobbyists on 1 February 2009. The Code of Conduct provides that Government representatives (Ministers, Parliamentary Secretaries, Ministerial Staff, staff working for a Parliamentary Secretary, and persons working in public sector agencies) must only be lobbied by a professional lobbyist who is registered and has their details on the Register.

The Register is a public document, which contains the following information about professional lobbyists who represent a client's views to Government representatives:

- The business registration details, including the names of owners, partners or major shareholders, as applicable;
- The names and positions of persons employed, contracted or otherwise engaged by the lobbyist to carry out lobbying activities; and
- The names of clients who currently retain the lobbyist or have been provided lobbying services by the lobbyist during the past three months.

Conclusion

Many aspects of the Australian and US political systems are similar. In fact, at the Federal level if one was to look at the two Constitutions it would appear that Australia has largely adopted the US system.[10] However, cabinet government has come to dominate the other elements in the Australian Constitution that are derived from the US such as, the division of powers between the central and state governments, and most of the parliamentary traditions in Australia legislatures have been inherited from the United Kingdom.

Accordingly, there are some significant differences between the two systems particularly in terms of the relationship the Executive has with the Parliament and its responsibility to the Parliament. Another significant difference is the way that party politics and strict party discipline influence the way Australian legislatures operate.

This paper has attempted to outline some of the significant differences between Australian and US legislatures and has considered the way these differences manifest themselves in the procedures of the various legislatures. There is no suggestion that either system is better than the other. However, the differences do lend themselves to consideration and discussion of how things could be done differently or perhaps even better and thereby learn from each other.

Finally, I wish to acknowledge the contribution of Ms Stephanie Hesford of the Office of the Clerk, for her contribution to the preparation of this paper.

Appendix A – Citizens' Right of Reply, New South Wales Legislative Assembly

That, during the current Parliament, unless otherwise ordered, the following Citizens' Right of Reply be adopted:

(1) That where a submission is made in writing by a person who has been referred to in the Legislative Assembly by name, or in such a way as to be readily identified:

(a) claiming that the person or corporation has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person or corporation; and

(b) requesting that the person be able to incorporate an appropriate response in Hansard, and the Speaker is satisfied:

(c) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the Standing Orders and Procedure Committee;

(d) the submission was received within 6 months after the relevant comments were made in the House unless the applicant can show exceptional circumstances to explain the delay; and

(e) that it is practicable for the Committee to consider the submission under this resolution, the Speaker shall refer the submission to that Committee.

(2) That the Committee may decide not to consider a submission referred to it under this resolution if the Committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the Legislative Assembly.

(3) That if the Committee decides to consider a submission under this resolution, the Committee may confer with the person who made the submission and any member who referred in the Legislative Assembly to that person or corporation.

(4) That in considering a submission under this resolution, the Committee shall meet in private session.

(5) That the Committee shall not publish a submission referred to it under this resolution of its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the Legislative Assembly.

(6) In considering a submission under this resolution and reporting to the Legislative Assembly the Committee shall not consider or judge the truth of any statements made in the Legislative Assembly or the submission.

(7) That in its report to the Legislative Assembly on a submission under this resolution, the Committee may make either of the following recommendations:

(a) that no further action be taken by the Committee or the Legislative Assembly in relation to the submission; or

(b) that a response by the person who made the submission, in terms specified in the report and agreed to by the person or corporation and the Committee, be published by the Legislative Assembly or incorporated in Hansard, and shall not make any other recommendations.

(8) That a document presented to the Legislative Assembly under paragraph (5) or (7):

(a) in the case of a response by a person or corporation who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and

(b) shall not contain any matter the publication of which would have the effect of:

(i) unreasonably adversely affecting or injuring a person or corporation, or unreasonably invading a person's privacy, in the manner referred to in paragraph (1); or

(ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.

(9) That a corporation making a submission under this resolution is required to make it under their common seal.

[1] See comments of Dr John Hart http://www.anu.edu.au/mac/podcasts/Audio/20080805_-_Dr_John_Hart.mp3

[2] Ibid.

[3] Redlich, Josef, *The Procedure of the House of Commons: A Study of its History and Present Form*, 1908, Volume 2, pp. 214-2.

[4] Speakers' rulings have been conscious of the position of the Premier in the Government and have permitted the Premier to answer questions that have been addressed to other Ministers. PD 15/9/1999, p. 527.

[5] A Twomey, *The Constitution of New South Wales*, p. 222.

[6] For further information see R Smith, *Against the Machines*.

[7] See G Griffith, *Minority Governments in Australia 1989-2009: Accords, Charters and Agreements*, NSW Parliamentary Library Background Paper, 1/2010, available at http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/V3ListRPSubject

[8] See comments by John Kilcullen, Macquarie University, at http://www.humanities.mq.edu.au/Ockham/y67xan1.html

[9] See J Young, *'Lobbying' becomes pervasive part of US Government Policymaking,* at http://www.voanews.com/english/news/usa/-Lobbying-Integral-Part-of-American-Policymaking-101323404.html

[10] See comments by Harry Evans, *The Other Metropolis: The Australian Founders' Knowledge of America*, Papers on Parliament No. 52, December 2009 available at: http://www.aph.gov.au/Senate/pubs/pops/pop52/11_the_other_metropolis.htm

Tragedy in Richmond

B. Scott Maddrea, Deputy Clerk, House of Delegates
Virginia General Assembly

Few people outside the legislative environs appreciate the work performed by staff during a legislative session. Legislators themselves often take for granted the work staff must do before and after each day's floor session. It is, therefore, not uncommon to hear staff complain about the long hours demanded by the daily grind of the legislative session. Who among us cannot relate to the statement: "I have been constantly at work in your office, from seven o'clock in the morning until ten o'clock at night"? Could not any one of us fairly complain about "the heavy duties of the actual session of the House, from 11 o'clock A. M. until 10 at night" and "the accumulating work occasioned by the rapid reports of committees"?

While many of us who work with the legislature can relate to the demands of the daily floor sessions, few of us can fathom how this drama would play out in the streets of Richmond in the spring of 1863.

The story actually begins a year earlier on Tuesday, February 18, 1862 - opening day of the First Session of the First Confederate Congress. As with the convening of any legislative body, much of the first day's work concentrated on organizing the body. The Hon. Thomas S. Bocock of Virginia was unanimously elected Speaker of the House. That settled the House proceeded to the election of Clerk. Four names were placed in nomination: M. W. Clusky of Tennessee, Robert E. Dixon of Georgia, James McDonald of Virginia, and Thomas C. Johnson of Missouri.

With 87 members in attendance, a simple majority of 44 was necessary for election. Dixon led the initial balloting with 36 votes, followed by Cluskey and Johnson with 22 each. With only seven votes, McDonald's name was withdrawn and a second ballot ordered.

Yet again, no nominee received the requisite votes. Dixon again led the balloting, this time with 41 votes, three shy of a majority, while Clusky (27 votes) and Johnson (19) trailed.

A third vote took place with all three men remaining on the ballot. This time, Dixon received exactly the 44 votes necessary for election and was declared duly elected Clerk of the House of Representatives of the Congress of the Confederate States for the first session.

As with most elections, a vigorous campaign for votes had been conducted. Horse-trading was part of the process. In his bid for election, Dixon promised Robert S. Forde of Kentucky a position in the Clerk's office if he would help secure the votes of the Kentucky delegation for Dixon's candidacy. In the end, six of the eight members of the Kentucky delegation backed Dixon. In return, as promised, Dixon named Forde to be the House Journal Clerk.

While the position of Assistant Clerk could fairly be deemed a patronage appointment, little doubt existed that Mr. Forde was well qualified for the appointment. Prior to coming to Richmond, he had been a newspaper editor and served as a Lieutenant in the 2nd Kentucky Regiment, where he was respected as a brave man and strict disciplinarian. He built a small, but successful law practice, and was regarded as an attorney of much promise. He was also politically active in his home state. Known as an ardent secessionist, Forde participated in the canvass of 1860, sat as a member of the Kentucky Secession Convention, and served as an Assistant Clerk for the Kentucky legislature. At his trial, a former member of that body would testify that Forde was a faithful and efficient officer who enjoyed

the confidence of all the members.[1] By all accounts he was a quiet, gentle, peaceful man of outstanding character and greater than average intelligence.

By April 1863 the Third Session of the First Congress was then in session. Dixon was still the Clerk of the House, and Forde continued in service as the Journal Clerk. The Civil War was fully two years old, with the toils of war evident throughout the Confederacy. Richmond was not immune; goods were scarce and rampant inflation created problems for both the national and state governments. Bacon and coffee, which sold at 12 ½ cents per pound in 1860 were now $1 per pound and $5 per pound respectively. Sugar had risen from five cents per pound to $1.15. On April 2, a mob of 1,000 people, mostly women and children, looted stores on Main Street in downtown Richmond. Only the intervention of Richmond's mayor, Governor John Letcher, President Jefferson Davis and the Public Guard quelled the so-called "Bread Riot."

Adding to the strains of war were the demands of the legislative session. Forde described the hardships of the legislative session in a letter to Dixon:

> Since my appointment I have performed the heaviest part of the work in your office. I will assert that I have done twice the amount of labor of any of the clerks in your employ. Since the House commenced its night sessions, you have required my constant attendance, both day and night in the House, thereby allowing me only the few hours before the meeting of the House in the morning to get up the Journals, (unless I should sit up nearly the whole night, which, of course, after the heavy duties of the actual session of the House, from 11 o'clock A. M. until 10 at night, I was unable to do.)
>
> I will state to you, that since these night session have been held I have been constantly at work in your office, from seven o'clock in the morning until ten o'clock at night. During the last ten days I have more than once appealed to you for assistance, stating to you that the work of writing up the Journal was becoming too great for one man to do, unless you would relieve me from attendance in the House at night, and give me an opportunity to write up the Journal for the next day. These requests you half-way promised to comply with; but you failed to render me the assistance desired, although a resolution had passed the House authorizing you to employ temporary assistance. Your engrossing clerk, although not working except during the sessions of the House, you allowed two assistants; and you yourself divide the labors of reading clerk with Mr Lamer. Of me you exacted the full performance of the duties of Journal Clerk unaided, and regardless of the accumulating work occasioned by the rapid reports of committees.

Despite being "a rapid penman," the workload finally became overwhelming. On Wednesday, April 22, the volume of work from the previous day's session of the House made it impossible for Forde to get the Journal completed. For this failure, Dixon fired him. Albert R. Lamar, an Assistant Clerk of the House, would later testify that he had been present when Dixon dismissed Forde, and that the firing was necessary because Forde had fallen behind in preparation of the Journal. He recalled Dixon remarking, "If you cannot do my work, I shall have to get someone else to do it."[2]

On the very day of Forde's dismissal, Dixon discussed the situation with Congressman George G. Vest of Missouri. Vest recalled that Dixon was frustrated by Forde's performance and angered because Forde's negligence had forced him to remain in Richmond for two weeks after adjournment of the previous session of Congress to correct errors in the journal. Vest also noted that relations between Forde and Dixon were strained. On one occasion Dixon had remarked, "Forde, it is very strange that as handsome a woman as your wife should ever have married you."

Times were tough and Forde did not take his dismissal lightly. The following day, April 23, he brought to the House chamber a letter, which he handed to one of the House's doorkeepers, addressed to Dixon. Forde wrote:

> Under ordinary circumstances, I should not protest, perhaps, against such action, but I am cut off from home, friends, and resources; I have a young wife, in delicate health, dependent entirely upon me for

> support; and in view of the fact that I assert, and can maintain by proof, the fact that I have performed the most arduous duties in your office faithfully and well; and in view also of the circumstances under which I was appointed, I should be false to myself and recusant to my duties to those who are dearer to me than life, if I quietly submitted to such palpable injustice. I therefore address you this communication with the hope that it is not yet too late for you to reconsider your action of yesterday, and redress an unprovoked wrong.

Had Forde concluded the letter at that point perhaps this story would have had a different ending. Instead, Forde closed his letter with a threat. "Should such fail to be the case, I can only notify you to be prepared for a settlement of the matter as soon as we shall meet."

Forde's threat startled Dixon. Albert Lamar, who was also employed by the legislature and had been present when Forde was fired, advised Dixon to be prepared. Although he felt Forde was a coward, he thought Dixon needed to be ready to defend himself if attacked. Dixon immediately took steps to arm himself. C.E. Cardoza would later testify that the evening after Dixon had received Forde's letter, he found Dixon armed with two small pistols and a bowie knife, and that on Friday morning Dixon had come into his store armed with a double-barreled shotgun and purchased from him a pair of Derringer pistols. If true, Dixon would eventually find himself armed with two revolvers, two Derringer pistols, a bowie knife and a shotgun.

Nevertheless, on the advice of friends and colleagues, Dixon generally remained secluded indoors. Congressman Vest recalled that he had had a meeting with a clearly excited Dixon, who showed him both Forde's letter and also a knife and pistol. When the meeting ended, Vest heard Dixon say, with a tear in his eye, "God knows I want no difficulty with Forde, but shall not seek or avoid him."[3] Washington Goodrich remembered a similar conversation with Dixon, who, he said, expressed the desire to avoid bloodshed, but also did not want to be killed himself.

Possibly the whole situation could have been avoided had Forde apologized for the letter or omitted the threatening language at the end. Although there were clearly issues between the two men, Dixon told several people he would have reinstated Forde but for the letter and the threat contained at the end.

Perhaps bolstered by the opinions of those who believed Dixon had little to fear from Forde, and his nerves steadied, on Thursday evening, accompanied by Congressman Henry E. Read of Kentucky, Dixon went "hunting" for Forde but did not find him.

At 11a.m., Friday morning, April 24, the House convened in session. Shortly thereafter, Forde came to the doors of the House Chamber on the second floor at the south end of the Capitol and asked one of the doorkeepers, J.G. Moss, if he could speak to Congressman Read. Forde was hoping that Read could facilitate a duel between himself and Dixon so that their differences could be settled in a civilized fashion. If a duel could not be arranged, Forde desired that a confrontation be avoided and the matter might yet be resolved "amicably through a correspondence".

A short time later, one of the House pages approached Dixon in the Chamber and informed him that Forde had recently been seen on Bank Street talking with Jack O'Donnel, proprietor of a local saloon, Washington Goodrich and a Major Harris. Dixon left the chamber and proceeded to exit Capitol Square by the gate at the corner of 10th and Bank Streets, he did not find him. Dixon eventually made his way down Bank Street to its intersection with 12th Street. There he did encounter Goodrich and asked if he had seen Forde. Goodrich initially denied knowing Forde but after further conversation recalled having met Forde thirty minutes earlier at the entrance to Capitol Square. When asked if Forde had mentioned him, Goodrich recollected that Forde had not. Goodrich would later testify that he advised Dixon that if he were that worried about Forde he should go to the authorities and have Forde arrested.

With Forde nowhere to be seen, Dixon invited Goodrich for a drink. The two men entered a nearby saloon and shared a drink. Upon exiting they encountered James E. Goodwin. All three men then returned to the saloon for another round. Then the trio proceeded back up Bank Street toward the entrance to Capitol Square. At the corner of 10th and Bank Streets, the men, joined by John T. Clarke, a recently discharged Army veteran, again paused for liquid refreshment, this time at Jack O'Donnel's saloon.

Goodrich, Dixon, and Goodwin eventually departed O'Donnel's around 1 p.m. and made their farewells on the corner. Clarke and O'Donnel remained inside. As Goodrich, Dixon and Goodwin were departing O'Donnel's, Forde and John T. Quarles were leaving Capitol Square through a gate on the opposite side of Bank Street. Quarles exited first, through the left side of the gate, while Forde followed on the right. Forde emerged from Capitol Square and saw Dixon and Goodwin eyeing him intently.

Goodrich recalled that he was standing facing south on 10th, towards Main Street, with his back to the Capitol, when he heard someone shout, "Look out, Wash; you'll get shot." When he spun around, he saw Forde standing on the opposite side of Bank Street at the gate to Capitol Square. Armed with a navy Colt revolver, he promptly began firing, ultimately killing Dixon.

Other witnesses indicate Forde reminded Dixon of his previous warning to "be prepared for a settlement of the matter as soon as we shall meet," pointedly asking "Dixon, are you ready?" Having acknowledged such, the two men promptly drew firearms and began shooting at one another.

The question of who fired first is a matter of some dispute. Forde maintained that Dixon fired the first shot. Eyewitness accounts of the exact sequence of events are inconsistent, even to the number of shots fired. Some witnesses recollected four shots being fired, others as many as eight. Some witnesses testified Forde shot first, still others that it was Dixon. At least one witness described the initial shots as simultaneous. Some witnesses simply could not recall or were not in a position to see both shooter. Some recollected Dixon's warning; others said no conversation between the two men took place prior to the shooting.

Certain facts are not in dispute. There was an exchange of gunfire with both men firing at the other. At some point Dixon's revolver failed and he was forced to switch from a revolver to one of his Derringers. Before he could get off a shot, Forde fired one final, well-aimed shot that entered the right side of Dixon's chest and penetrated his heart. Dixon fell into Bank Street and died.[4]

Several witnesses approached Forde and urged him to flee the scene. Forde would have no part of it, telling at least one witness, "I am not going anywhere." Others recalled Forde stating, "I am sorry for it; I had a difficulty with that gentleman, and it is now settled." He added "I am ready to surrender." With that he was taken into custody by Constable Freeman and conveyed to the old market jail for confinement.

Ultimately Dixon's body was removed from the street and taken into the Madison House, occupied by the Young Men's Christian Association.

The Journal of the House contains no record of the actions of the body on Friday, April 24th. There is simply a footnote, "The Journal of the session of April 24, 1863, has not been found." In the absence of Forde, perhaps there was simply no one charged with the responsibility to produce one. More likely, the events of that afternoon impacted its production.

The *Richmond Whig* recorded that the House was in session at the time of the shooting. When word of the tragedy reached the chamber, the House took an immediate recess and many of the members went to the Madison House to view Dixon's body.

Later that evening the House reconvened and "resolutions of respect and condolences were adopted and eloquent tributes paid" by Congressmen Julian Hartridge of Georgia, Jabez Lamar Monroe Curry of Alabama, John Perkins, Jr., of Louisiana, and Augustus Romaldus Wright of Georgia.[5] Mr. Dixon was recalled as "widely known and warmly esteemed" in his home state of Georgia, and for his service to the Congress, having served a Clerk of the House from the outset of the Permanent Government and Assistant Clerk under the Provisional Government. The Whig further described him as "a prompt, efficient and accomplished officer, and a gentleman of generous, manly and ardent nature."

Robert E. Dixon was thirty-five years old and left behind a wife and three children.

The House did reconvene on Saturday, April 25th. Following the prayer, the Speaker announced the first order of business to be the election of the new Clerk. Following the unanimous election of Albert R. Lamar of Georgia, a resolution was introduced:

> Whereas the House of Representatives has been deprived of a most faithful public officer in the death of its late clerk, Robert E. Dixon, and it is meet [sic] on so solemn an occasion that it should honor the dead who served it while living: Therefore,
>
> *Resolved,* That his funeral expenses and cost of transportation be paid out of the contingent fund of the House, and that his body be transmitted under the care and superintendence of the Doorkeeper to his family at their residence in Columbus, Georgia.

While the House was busy remembering Dixon, the wheels of justice were being set in motion. Acting Coroner Richard D. Sanxay convened a coroner's inquest at the scene of the shooting. It was determined that Dixon's body should be removed to Belvin's Block for further examination. The inquest adjourned for the evening. Although the cause of death appeared clear enough, an autopsy was performed by Dr. St. George Peachey with Doctors G.L. Wager and Beal present as attending surgeons. Their finding: a conical ball from the pistol of Mr. Forde had entered Dixon's breast and pierced the heart, making its way nearly to the skin of the left side. The following day, the inquest received the testimony of Dr. Peachey and issued its finding. The judgment was signed by Richard D. Sanxay as acting coroner for the city of Richmond.

On April 28th a hearing was scheduled before the Mayor of Richmond at City Hall. Because of the absence of witnesses, the hearing was postponed and rescheduled for Saturday May 2nd. At this time, Forde appeared alongside his counsels, George W. Randolph Jr. and W.W. Crump. The state's attorneys were prepared to proceed and read the names of more than two dozen witnesses they intended to call. The defense stated that their witnesses were not present and were not prepared to offer any testimony on Forde's behalf, yet given that the hearing had already been delayed once, they were prepared to waive preliminary examination rather than continue the matter to another date. With that, the Mayor agreed to send the case directly to the Hustings Court. In spite of an already crowded court docket, the trial was set for Monday, May 11th.

On May 10, General Thomas "Stonewall" Jackson died of complications from pneumonia. As a result of his death, many government offices were closed on May 11 and the case had to be further postponed – first until May 22 - until June.

The five-member Hustings Court of the city of Richmond began hearing the case on June 9th. Among the five justices was none other than Richard D. Sanxay, who, as acting coroner, had signed the findings of the coroner's inquest.

George W. Randolph and William W. Crump remained as counsel for Forde, while R.T. Daniel prosecuted on behalf of the Commonwealth.

The proceedings of the examining court lasted two full days. The state's case was simple and straightforward. Robert Dixon died of a gunshot wound to the chest. The fatal shot was fired from the gun of Robert S. Forde, the defendant, on a crowded street in downtown Richmond in broad daylight before more than a dozen witnesses. The state's two star witnesses were Washington Goodrich and James E. Goodwin, both of whom offered detailed accounts of the events the day of the shooting. Both were emphatic in their belief that Forde fired the first shots. Goodwin testified that Forde fired two shots before Dixon even drew his gun. The only substantial difference between the two accounts was that Goodrich heard no exchange between the two men, while Goodwin testified that he heard Forde say, "Dixon, are you ready?"

Following a presentation of the medical evidence by Dr. Beale, a litany of witnesses was called to the stand to corroborate the accounts of Goodrich and Goodwin. John T. Quarles recollected exiting Capitol Square with Forde, but was unaware that any violence was going to occur until he had crossed Bank Street and was walking along 10th Street. He stated he then heard a gunshot, turned and saw Forde fire twice, then heard a fourth shot fired. He was reasonably certain the fourth shot came from Dixon but had no idea who fired the first shot because his back was turned.

John A. Bowen testified that he was standing near the Treasury Building and likewise did not see who fired the first shot, his attention also being called by the sound of that shot. He was certain, however, that Dixon fired twice and Forde three times. John T. Clarke testified that he observed the shooting from inside O'Donnel's saloon. From his vantage point, it appeared both men got off three shots, and that while the initial shots were nearly simultaneous, it was his belief Dixon fired first.

For two full days the parade of witnesses continued. John W. Robinson was working inside the Treasury Building and saw only the tail end of events. He did not know who shot first nor could he recall how many shots were fired, but he testified to a clear view from his window of Forde firing the final fatal shot. George W. Thomas, coming out of the Treasury Building, did not see the shooting, but heard a total of seven or eight shots. He was uncertain to the number because the first two were so close in time that it could have been one loud shot or two nearly simultaneous ones.

Perhaps the most dramatic testimony came from a gentleman with the last name Fiquet who worked in a third floor office in the Post Office. Fiquet testified that on hearing the shooting, he raced from his office to the street, and arrived to find Dixon dead. Although he did not see either man fire at the other, Fiquet recognized Goodrich and asked what had transpired. Goodrich replied at the time that it was impossible to tell who fired first but, " I saw Dixon's pistol first, and I judge he fired first."

Fiquet spoke to others in the crowd, including a Mr. Richardson, who confirmed that Goodrich had said it was Dixon who fired the first shot. Following this testimony, Richardson was called to the stand and confirmed that although his hearing was poor and he did not witness the shooting, he was likewise told by Goodrich that "I saw Dixon's pistol first, and as a matter of course I think he fired the first shot, but cannot say positively." I. K. Chase and B. F. Ficklin testified to similar statements Goodrich made to them. Although Ficklin's account varied slightly, Ficklin testified that Goodrich recounted that Dixon aimed first, but his pistol misfired and that he thought Forde's pistol was the first to go off.

The Court also heard from several witnesses who were not present at the time of the shooting. C. E. Cardoza indicated that while he had not seen Forde's letter to Dixon, Dixon had discussed the letter with him on at least two occasions and feared Forde was "hunting" him. Albert R. Lamar and Congressmen Vest of Missouri likewise took to the stand to offer testimony concerning the circumstances of Forde's dismissal, the letter to Dixon and Dixon's fear.

Before the case concluded, the court also heard from a parade of character witnesses on Forde's behalf, testifying to his high character and gentle demeanor.

Before hearing final arguments, the court entertained several motions from the defense. Because Congressman Read had not been available to testify, a motion was made to introduce his sworn testimony taken at the coroner's inquest. Yet that request was denied, as was a motion to invalidate the proceedings because Judge Sanxay had acted as coroner at the inquest and should thus have been precluded from sitting as a trial judge in the same case.

With one of the judges ill, final arguments were postponed two days, but at the conclusion, on June 14, the examining court moved the case forward to trial. The trial was scheduled before Judge Lyons and set for January, 1864.

On January 18, appearing before Judge Lyons, Forde's attorneys again moved to quash the indictment on the grounds that the examining court erred in permitting Sanxay to sit as a member of the court while also having acted as coroner. The state argued that Sanxay's role as coroner was not in conflict with his service on the court since his role at the inquest was judicial in nature, and that the inquest's findings came from a jury, not from Sanxay himself. Judge Lyons rejected the defense's motion and moved the case one step closer to trail.

The jury selection process was long and complicated. Of the original 24 members called to serve, only five were deemed eligible. Judge Lyon then ordered another 100 prospective jurors summoned. Only 64 answered the called, and of this number only 14 were deemed qualified. As a result, yet another call went out and another 40 prospective jurors summoned. Finally, after two days of searching, a pool of 24 prospective jurors was seated and on January 25, the trial of Robert S. Forde began in earnest.

For two days, the prosecution presented its case. The evidence was essentially the same as that presented to the examining court. On January 27, the defense opened. By this time, Forde's legal team had expanded; Crump and Randolph were joined by Allen B. Magruder, the Honorable Humphrey Marshall, Senators William E. Simms and Henry C. Burnett, both of Kentucky. For another day and a half, the defense presented its case, arguing largely that Dixon had fired first and that Forde had acted in self-defense. When the defense rested, prosecutors closed the fourth day of the trial with a two and a half hour summary of the evidence against Forde. On the fifth day, the defense team began their closing remarks. Crump went first, delivering his own accounting of the testimony for some two-and-a-half hours. He was followed by Sen. Simms, who spoke for three and a half hours. The following day the defense team continued with three hours of remarks by Magruder and another two and a half hours of remarks by Sen. Burnett, and then again three more hours from Marshall. The case was finally sent to the jury on February 1, but not until George Randolph made one final three hour appeal for Forde and Littleton Tazewell a nearly four-hour address to close the state's case. Observers were particularly moved by Tazewell's closing, with the Daily Dispatch calling it "one of the most powerful arguments ever made for the prosecution before any tribunal in this city."[6]

Through it all, Mrs. Forde remained close by her husband's side, never missing an hour of court.

The jury deliberated for less than an hour before rendering its decision. The verdict: guilty of murder in the second degree, with a recommended sentence of eighteen years in the state penitentiary. Judge Lyons accepted the verdict as final the following morning.

On February 8, Forde's attorneys were back before Lyons arguing a bill of exceptions and seeking to overturn the jury's verdict. Lyons ruled against them. Forde then turned to Governor William "Extra Billy" Smith in hopes of securing a pardon. The governor refused to act until Forde had exhausted all his appeals. Forde next appealed the case to the Virginia Supreme Court of Appeals citing five errors in the handling of the case. Forde argued:

(1.) That Forde had not, and could not have received a fair trial because Richard D. Sanxay, one of the five justices who sat the Hustings Court had formed and expressed a fixed opinion of

his guilt before the case was heard.

(2.) That Sanxay had acted as coroner by virtue of his authority as a justice of the peace in and for the city of Richmond, and so had disqualified himself from sitting as one of the justices upon said supposed examining court.

(3.) That the court erred, to the prejudice of the accused, in excluding the testimony he proposed to introduce for the purpose of contradicting and so discrediting the witness, Goodwin,

(4.) The court erred in not granting a motion for continuance on account of the absence of John T. Clark; and

(5.) A new trial was warranted on the grounds of testimony not available at the time of the trial.

The Court granted a writ of error and heard the case in April 1864 with Chief Justice John J. Allen writing the court opinion.

Insofar as the first two allegations were closely related, the high court looked at them together. The court noted first that it was up to the individual judge being challenged to determine his own competency in the case. The court then stated that while the duties of the coroner at the inquest are judicial in nature, the finding is "the act of the jury." It is the jury which inquires "into the material circumstances of the death of the deceased and if they find he came to his death by unlawful violence, who were guilty thereof. … The coroner does not pass judicially upon the question whether the evidence sufficiently charges the accused with the offence. He is committed judicially to no such opinion, and may in fact have made up no definite opinion or have come to a different conclusion from that which the jury have arrived." As a result, the court found that, " the court below did right in overruling the motion to quash the indictment, and in rejecting the two pleas of abatement tendered by the accused."

Forde's third allegation was that he had been unfairly denied the right to cross-examine the witnesses against him. Specifically he argued that when it came time to cross-examine James E. Goodwin, a witness of the Commonwealth, he was denied the opportunity to question him with regard to some inconsistencies in his descriptions of the events as they transpired the day of the shooting as related to the movements of John T. Quarles. The state objected to the line of questioning; the Court sustained the motion.

In considering Forde's complaint, the Court noted that the Hustings Court's rationale for sustaining the objection was unclear. "It is somewhat uncertain what was the precise proposition the court intended to decide. Whether it rejected the testimony because it was not competent, (or) …. upon the ground that such additional testimony was secondary or not the best attainable evidence to prove the disputed fact."

Forde maintained he had the right to attempt to discredit Goodwin's account of the shooting by eliciting testimony which highlighted that Goodwin's account stood contrary to the recollections of other witnesses. The question of whether the inconsistencies were a result of "want of veracity or a defective memory" should have been for the court to decide after hearing the testimony. The court had erred in ruling that the testimony could not be introduced.

Regardless of the rationale for the Hustings Court's ruling, the Court noted that in arguments presented before the Supreme Court of Appeals, the commonwealth argued that the evidence was incompetent because, even if true, it was "collateral to the real issue in the cause". In other words, "That the movements of the witness Quarles had no connection with the issue the jury were sworn to try, and that whether he passed down on one side or the other of 10th Street after leaving the Capitol gate, could not according to the testimony set forth, have had any imaginable influence upon the transaction between the parties engaged in the contest." In short, even if it could be proven that Goodwin was lying or confused about Quarles's movements immediately preceding the shooting, such testimony had no impact on the central question of Forde's guilt or innocence.

The court noted, "It is a well settled rule, found in all the text writers upon evidence, that a witness cannot be cross-examined as to any fact which is collateral and irrelevant to the issue, merely for the purpose of contradicting him by other evidence." The Court cited the case of Charlton v. Unis, 4 Grattan 58; "where it is said this would be unjust to the witness and the party introducing him; for though every witness may be supposed to come prepared to sustain the truth of his testimony given on the trial, he cannot be expected to come prepared to prove the truth of every collateral statement he may have made on another occasion."

The court also noted that the same case held that "it is competent to impeach the credit of a witness by proof that he made statements inconsistent with the testimony given on the trial … And accordingly we find it laid down in Greenleaf, ubi supra, that it is not irrelevant to inquire of the witness whether he has not on some former occasion given a different account of a matter of fact to which he had already testified, in order to lay a foundation for impeaching his testimony by contradicting it."

In applying the established case law to this case, the Court found that Goodwin's statements with regard to Quarles's movements "tended to give weight to his details of the main transaction; to show that his attention was so closely fixed upon them, his mind so preoccupied by the scenes of the tragedy enacting before him, that incidental or collateral material passed unheeded by him. In this point of view the statement becomes incorporated with the main narrative of events, and is an essential part of his testimony." The Court went on to say, "As he has embodied it himself in his own narrative of the transaction he must be prepared to sustain it. He cannot complain of any surprise at the effort to discredit him with reference to such a statement, by showing that he has made contradictory statements on other occasions."

> It is not for the court to say what weight such testimony should have upon the jury, whether it tended to weaken his testimony by showing a defect of memory, or to discredit it by showing that he had made a false statement with a view that his testimony upon other matters should make a deeper impression. I think therefore that it was competent for the accused after asking the witness, Goodwin, upon his cross-examination, and with a view of contradicting him, whether he had not said in his testimony before the examining court, that Mr Quarles after coming out of the gate with the accused went down 10th street on the opposite side from that on which he, Goodwin, was standing; and if he denied having made such a statement, or said that he did not remember making it, to introduce evidence to prove that he did make such a statement, to discredit the witness by impeaching his veracity or showing a defective memory.

As a result, in this case the Court concluded that "the court erred, to the prejudice of the accused, in excluding the testimony he proposed to introduce for the purpose of contradicting and so discrediting the witness, Goodwin, as set forth in the fourth bill of exceptions; and that for such error the judgment must be reversed, and the verdict of the jury set aside; and the cause remanded for a new trial of the accused upon the indictment."

As a result, the court noted that it need not consider Forde's remaining two allegations as a new trial was already merited. The case was then remanded back to Judge Lyons to be retried, and Forde was ordered to remain in jail until that time.

It is here the story gets murky. The case was redocketed before Judge Lyons for June 27, 1864 – a mere two months after it was returned from the Supreme Court of Appeals. Yet the case was postponed; first until July, then October, then November, then December, then January, and then finally until March. On March 10, 1865, the case was continued yet again; but before the case could be rescheduled, in early April the city of Richmond was evacuated and the occupation of the city by Union troops began. At this point it is unclear whether Forde's case was ultimately resolved by a military tribunal or a civil court once civilian authority was restored. One thing is for certain: the pressures of the legislative session took a tremendous and tragic toll on the lives of two of the legislature's most faithful servant.

Bibliography

Grattan, Peachy R., Reports of Cases Decided in the Supreme Court of Appeals of Virginia, Volume XVI (July 1, 1860 to April 1, 1865)

Jones, John Beauchamp. A Rebel War Clerk's Diary at the Confederate States Capitol. Philadelphia, PA: J.B. Lippincott & Co, 1866. (Michigan Historical Reprint Series, University of Michigan University Library

Journal of the Congress of the Confederate States of America, 1861-1865, Volumes Five and Six. Accessed on-line http://memory.loc.gov/ammem/amlaw/lwcc.html

Richmond Daily Dispatch,

April 25, 1863
April 29, 1863
May 4, 1863
May 14, 1863
May 15, 1863
May 16, 1863
June 10, 1863
June 11, 1863
June 15, 1863
January 18, 1864
January 19, 1864
January 23, 1864
January 25, 1864
January 26, 1864
January 27, 1864
January 28, 1864
January 29, 1864
January 30, 1864
February 1, 1864
February 2, 1864
February 3, 1864
February 5, 1864
February 8, 1864
March 10, 1864
April 16, 1864
April 22, 1864
April 27, 1864
June 28, 1864
July 7, 1864
October 6, 1864
October 20, 1864
November 30, 1864
December 27, 1864
January 20, 1865
March 10, 1865

The Richmond Whig,

April 25, 1863
May 4, 1863

[1] *The Daily Dispatch*, June 11, 1863

[2] *Richmond Daily Dispatch*, June 10, 1863

[3] *Richmond Daily Dispatch*, June 11, 1863

[4] Although not present at the time, John Beauchamp Jones, a clerk in the War Department recorded the events in his diary. His diary entry indicates that one of the stray shots, presumably from Forde's revolver, struck and wounded an innocent bystander on Main Street. Neither the newspaper accounts of the time nor the evidence presented later at trial indicate anyone other than Dixon was struck. Forde was only charged with Dixon's murder.

[5] There were two Wrights serving in the House at the time. The Whig account does not specify whether the final tribute was paid by the congressman from Texas or the gentleman from Georgia, but given that Mr. Dixon was a native of Georgia, whose family resided in Columbus, it is reasonable to assume the tribute was made by the congressman from his native state.

[6] *Richmond Daily Dispatch*, February 2, 1864.

PROFESSIONAL JOURNAL INDEX
1995 – 2010

Administration

Fall	1997	Boulter, David E.	*Strategic Planning and Performance Budgeting: A New Approach to Managing Maine State Government*
Spring	2001	Carey, Patti B.	*Understanding the Four Generations in Today's Workplace*
Spring	2006	Hedrick, JoAnn	*Passage of Bills and Budgets in the United States System – A Small State's Perspective*
Spring	2001	Henderson, Dave	*Personnel Policies in the Legislative Environment*
Summer	2000	Jones, Janet E.	*RFP: A Mission Not Impossible*
Spring	1998	Larson, David	*Legislative Oversight of Information Systems*
Fall	2008	Leete and Maser	*Helping Legislators Legislate: An Executive Education Program for State Senators*
Fall	1995	Rudnicki, Barbara	*Criticism*

ASLCS

Summer	2000	Burdick, Edward A.	*A History of ASLCS*

Case Studies

Fall	2009	Arp, Don, Jr.	*"An institutional ability to evaluate our own programs": The Concept of Legislative Oversight and the History of Performance Auditing in Nebraska, 1974-2009*
Fall	2003	Bailey, Mathew S.	*The Will of the People: Arizona's Legislative Process*
Summer	2000	Clemens and Schuler	*The Ohio Joint Select Committee Process*
Fall	2006	Clemens, Laura	*Ohio Case Regarding Open Meetings and Legislative Committees*
Spring	2010	Colvin, Ashley	*Public-Private Partnerships: Legislative Oversight of Information and Technology*
Fall	2003	Cosgrove, Thomas J.	*First-Term Speakers in a Divided Government*
Fall	2005	Garrett, John	*The Balance Between Video Conferencing by The Virginia General Assembly and Requirements of Virginia's Freedom of Information Act*
Spring	1996	Dwyer, John F.	*Iowa Senate's Management of Its Telephone Records Is Upheld by State Supreme Court*
Fall	2003	Gray, LaToya	*Virginia's Judicial Selection Process*
Spring	2003	Howe, Jerry	*Judicial Selection: An Important Process*

Fall	2002	Jamerson, Bruce F.	*Interpreting the Rules: Speaker's Resignation Challenges*
Fall	2007	James, Steven T.	*Government by Consensus- Restrictions on Formal Business in the Massachusetts Legislature Inspire Innovative Ways to Govern*
Fall	2003	Morales, Michelle	*I Will Survive: One Bill's Journey Through the Arizona Legislature*
Fall	1995	Phelps, John B.	*Publishing Procedural Rulings in the Florida House of Representatives*
Fall	2006	Phelps, John B.	*Florida Association of Professional Lobbyists, Inc. et. al. v. Division of Legislative Information Services of the Florida Office of Legislative Services et. al*
Spring	2008	Regan, Patrick	*The True Force of Guidance Documents in Virginia's Administrative Agencies*
Spring	2009	Rosenberg, David A.	*Irony, Insanity, and Chaos*
Fall	2006	Speer, Alfred W.	*The Establishment Clause & Legislative Session Prayer*
Fall	2001	Tedcastle, Tom	*High Noon at the Tallahassee Corral*
Spring	1998	Todd, Tom	*Nebraska's Unicameral Legislature: A Description and Some Comparisons with Minnesota's Bicameral Legislature*
Fall	2006	Wattson, Peter S.	*Judging Qualifications of a Legislator*

Historic Preservation

Fall	1995	Mauzy, David B.	*Restoration of the Texas Capitol*
Fall	2001	Wootton, James E.	*Preservation and Progress at the Virginia State Capitol*
Spring	2008	Wootton, James E.	*Restoring Jefferson's Temple to Democracy*

International

Fall	2000	Grove, Russell D.	*The Role of the Clerk in an Australian State Legislature*
Fall	2010	Grove, Russell D.	*How Do They Do It?* *Comparative International Legislative Practices*
Fall	2000	Law, K.S.	*The Role of the Clerk to the Legislative Council of the Hong Kong Special Administrative Region of the People's Republic of China*
Spring	2004	MacMinn, E. George	*The Westminster System – Does It Work in Canada?*
Spring	2006	Phelps, John B.	*A Consultancy in Iraq*
Fall	2000	Pretorius, Pieter	*The Role of the Secretary of a South African Provincial Legislature*
Spring	2002	Schneider, Donald J.	*Emerging Democracies*

Miscellaneous

Summer	1999	Arinder, Max K.	*Planning and Designing Legislatures of the Future*
Fall	2000	Arinder, Max K.	*Back to the Future: Final Report on Planning and Designing Legislatures of the Future*
Winter	2000	Drage, Jennifer	*Initiative, Referendum, and Recall: The Process*
Fall	2005	Hodson, Tim	*Judging Legislatures*
Fall	2010	Maddrea, Scott	*Tragedy in Richmond*
Spring	1998	Pound, William T.	*The Evolution of Legislative Institutions: An Examination of Recent Developments in State Legislatures and NCSL*
Fall	2009	Robert, Charles	*Book Review of Democracy's Privileged Few: Legislative Privilege and Democratic Norms in the British and American Constitutions*
Fall	2000	Rosenthal, Alan	*A New Perspective on Representative Democracy: What Legislatures Have to Do*
Fall	1995	Snow, Willis P.	*Democracy as a Decision-Making Process: A Historical Perspective*

Process

Spring	2010	Austin, Robert J.	*Too Much Work, Not Enough Time: A Virginia Case Study in Improving the Legislative Process*
Fall	1996	Burdick, Edward A.	*Committee of the Whole: What Role Does It Play in Today's State Legislatures?*
Spring	2003	Clapper, Thomas	*How State Legislatures Communicate with the Federal Government*
Spring	2008	Clemens, Laura	*Ohio's Constitutional Showdown*
Fall	2006	Clift, Claire J.	*Reflections on the Impeachment of a State Officer*
Fall	2008	Clift, Claire J.	*Three Minutes*
Spring	2004	Dunlap, Matthew	*My Roommate Has a Mohawk and a Spike Collar: Legislative Procedure in the Age of Term Limits*
Winter	2000	Edwards, Virginia A.	*A History of Prefiling in Virginia*
Spring	2002	Erickson and Barilla	*Legislative Powers to Amend a State Constitution*
Spring	2001	Erickson and Brown	*Sources of Parliamentary Procedure: A New Precedence for Legislatures*
Summer	1999	Erickson, Brenda	*Remote Voting in Legislatures*
Fall	2010	Gieser, Tisha	*Conducting Special Session Outside of the State Capital*
Spring	2004	James, Steven T.	*The Power of the Executive vs. Legislature – Court Cases and Parliamentary Procedure*
Spring	1997	Jones, Jerry G.	*Legislative Powers and Rules of Procedure: Brinkhaus v. Senate of the State of Louisiana*

Spring	1998	King, Betty	*Making Tradition Relevant: A History of the Mason's Manual of Legislative Procedure Revision Commission*
Spring	2010	Kintsel, Joel G.	*Adoption of Procedural Rules by the Oklahoma House of Representatives: An Examination of the Historical Origins and Practical Methodology Associated with the Constitutional Right of American Legislative Bodies to Adopt Rules of Legislative Procedure*
Fall	2002	Maddrea, B. Scott	*Committee Restructuring Brings Positive Changes to the Virginia House*
Spring	2009	Marchant, Robert J.	*Legislative Rules and Operations: In Support of a Principled Legislative Process*
Fall	1997	Mayo, Joseph W.	*Rules Reform*
Spring	2002	Mina, Eli	*Rules of Order versus Principles*
Fall	2008	Pidgeon, Norman	*Removal by Address in Massachusetts and the Action of the Legislature on the Petition for the Removal of Mr. Justice Pierce*
Fall	2007	Robert and Armitage	*Perjury, Contempt and Privilege –Oh My! Coercive Powers of Parliamentary Committees*
Spring	2003	Tucker, Harvey J.	*Legislative Logjams Reconsidered*
Fall	2005	Tucker, Harvey J.	*The Use of Consent Calendars In American State Legislatures*
Summer	2000	Vaive, Robert	*Comparing the Parliamentary System and the Congressional System*
Fall	2001	Whelan, John T.	*A New Majority Takes Its Turn At Improving the Process*

Staff

Spring	2001	Barish, Larry	*LSMI: A Unique Resource for State Legislatures*
Fall	2001	Best, Judi	*Legislative Internships: A Partnership with Higher Education*
Spring	1996	Brown, Douglas G.	*The Attorney-Client Relationship and Legislative Lawyers: The State Legislature as Organizational Client*
Fall	2002	Gallagher and Aro	*Avoiding Employment-Related Liabilities: Ten Tips from the Front Lines*
Spring	2003	Geiger, Andrew	*Performance Evaluations for Legislative Staff*
Spring	1997	Gumm, Jay Paul	*Tap Dancing in a Minefield: Legislative Staff and the Press*
Fall	1997	Miller, Stephen R.	*Lexicon of Reporting Objectives for Legislative Oversight*
Winter	2000	Phelps, John B.	*Legislative Staff: Toward a New Professional Role*
Spring	2004	Phelps, John B.	*Notes on the Early History of the Office of Legislative Clerk*
Winter	2000	Swords, Susan	*NCSL's Newest Staff Section: "LINCS" Communications Professionals*
Fall	1996	Turcotte, John	*Effective Legislative Presentations*
Fall	2005	VanLandingham, Gary R.	*When The Equilibrium Breaks, The Staffing Will Fall – Effects of Changes In Party Control of State Legislatures and Imposition of Term Limits on Legislative Staffing*

Technology

Spring	1996	Behnk, William E.	*California Assembly Installs Laptops for Floor Sessions*
Spring	1997	Brown and Ziems	*Chamber Automation in the Nebraska Legislature*
Fall	2008	Coggins, Timothy L.	*Virginia Law: It's Online, But Should You Use It?*
Spring	2002	Crouch, Sharon	*NCSL Technology Projects Working to Help States Share Resources*
Spring	1997	Finch, Jeff	*Planning for Chamber Automation*
Summer	1999	Galligan, Mary	*Computer Technology in the Redistricting Process*
Summer	1999	Hanson, Linda	*Automating the Wisconsin State Assembly*
Fall	1995	Larson, David	*Emerging Technology*
Fall	1996	Pearson, Herman (et al)	*Reengineering for Legislative Document Management*
Fall	1995	Schneider, Donald J.	*Full Automation of the Legislative Process: The Printing Issue*
Spring	2006	Steidel, Sharon Crouch	*E-Democracy – How Are Legislatures Doing?*
Fall	2007	Sullenger, D. Wes	*Silencing the Blogosphere: A First Amendment Caution to Legislators Considering Using Blogs to Communicate Directly with Constituents*
Spring	2009	Taylor, Paul W.	*Real Life. Live. When Government Acts More Like the People it Serves.*
Fall	2009	Taylor and Miri	*The Sweet Path - Your Journey, Your Way: Choices, connections and a guide to the sweet path in governmentportal modernization.*
Fall	1997	Tinkle, Carolyn J.	*Chamber Automation Update in the Indiana Senate*
Fall	2009	Weeks, Eddie	*Data Rot and Rotten Data: The Twin Demons of Electronic Information Storage*