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Dear Jefferson Family Members:

Welcome to the second edition of *The Jefferson Journal*. Apologies for not spending the additional time to put these materials into *Microsoft Publisher* format, but due to the presage of time before our important Annual Meeting, it was impossible to do so. Nevertheless, we trust that the information contained in this *Journal* will help each of us make informed decisions at this year's meeting.

The *Journal* contains the following topics:

- General Procedural Problems
- Primer on Robert's Rules of Order
- Letter from Past MA Presidents
- Thomas Jefferson's Reputation and Fame
- Corrected Absentee Ballot
- MA Specific Proxy

It is imperative that if you have *not yet* sent in your *absentee ballot*, attached is the ballot, filled out with the slate proposed by this *Journal* (both first and second editions). Please mail as soon as possible to the Secretary. If you *already have* sent in your absentee ballot, but made mistakes in filling it out, please send in this ballot, filled out with the slate proposed by this *Journal*, and also check the box at the bottom, date the ballot, print your name, and sign it. Please mail as soon as possible to the Secretary.

Further, a *specific proxy* is attached. Please check the boxes for the resolutions for which you agree, and mail as soon as possible to the Secretary.

Please note that all ballots and proxies must be in the hands of the Secretary before the Annual Meeting (May 5).

With our Association mid-way through its 9th decade as the formal organization of Mr. Jefferson's descendants, the light bulb theory seems very applicable to our endeavors. (How many cousins does it take to change a light bulb? Five - one to change the bulb and 4 to talk about how good the old one was). On the one hand, the mental and physical agility of a succession of younger descendants is and will be needed to continue our 3 purposes. But on the other hand a chorus of "how good the old one was" will also be needed if we hope to maintain the qualities of the past that each of us desires. Much from the past will require study for its application to the future. The Association bridges the age groups and geographical diversity we represent. Other efforts may be necessary in years to come if our reasons for being are to be carried from one decade into the next, and with each generation rests the responsibility of laying groundwork for its successor to build upon.

I think we have almost won the Sally Hemings fight. Perhaps I'm naive, but I sense a lot of Americans now realize they were "set up" by Ellis & Co. We still need to do a few more things, but we've done good work. While I was never much of a Joe McCarthy fan, he once observed that if you are in the business of removing skunks under houses you were likely to smell (or words to that effect). Our efforts to get out the truth about Thomas Jefferson do offend the "politically correct"

crowd, and we will pay at least some price for our efforts (others have paid a higher price – see attachment, *The Price They Paid*). I think we must remain true to our quest - which is nothing other than a search for the *truth* - and we need to anticipate and absorb a few unfair blows.

Simply put, Thomas Jefferson is a hero of anyone who hates racism. I think the motivating factor behind Annette Gordon-Reed and at least some of the other African-American anti-Jefferson writers is they are hurt and offended by his comments on racial inferiority and want to hurt or "pay him back" for what he wrote. We need to make the point that in the Hemings dispute, his key critics (esp. Callender and Gibbons) were vile racists who fomented the legend because they thought that any decent white person would be shocked by such behavior.

In contrast, Thomas Jefferson was far ahead of his time in opposing slavery on the merits and a champion of the anti-slavery movement. His words formed the basis for the 15th Amendment. Sure, he was imperfect – as were Lincoln and Martin Luther King, Jr. But on this issue, what distinguishes him from his contemporaries was his recognition of the evil character of slavery and his desire to improve the lives of African-Americans. In other words, someone ought to be telling American blacks to bring their families to Monticello and pay respects to this visionary who struggled so long in vain for their freedom. But maybe I'm just a "Good Ol' Boy" who longs for the "Good Ol' Days".

Please come to our Annual Meeting. If you are unable to attend, then by all means, send in your absentee ballot and specific proxy to the Secretary. May God bless us all.

John H. Works, Jr.

General Procedural Problems

by John H. Works, Jr.

Problems with the Proposed Saturday Afternoon Open Forum.

The MA intends to have an open forum during Saturday afternoon, where "interested members of the public" are invited, also presumably includes people outside the MA and also the press, before the formal MA meeting on Sunday. Unfortunately does appear to violate not only the meaning but also the spirit of what was decided at last year's Annual Meeting (as embodied in our recent 2001 meeting minutes) - e.g. on page 10 of the 2001 report, it clearly states:

"A motion was made by Mr. Pace to prohibit the Membership Advisory Committee and the Executive Committee from releasing its report prior to release to and approval by The Monticello Association. The motion was seconded. Call to question and majority vote to close debate. The motion as presented by Mr. Pace passed. The Membership Advisory Committee Report cannot be released to the press prior to release to and approval by The Monticello Association."

Elections Procedures Committee Report.

While the Elections Procedures Report is probably well intended, it unfortunately contains some very fundamental and important errors. A few of the most serious errors are described below.

Lack of Understanding between General and Specific Proxies. Our Constitution currently does allow for "specific" proxies - "specific questions upon which they may desire to record a vote in case such questions may be brought before the meeting." And it also allows for the election of officers by proxies (again, because specific names are spelled out - it would be out of order for someone to give a proxy to another with the power to vote for whomever that person wanted). Therefore there is no need to eliminate our proxy provisions because of their specificity. Last year, the proxies that were offered went only to the election of officers, not to endless debate on resolutions that is prohibited by our existing Constitution. Therefore this provision is inherently reasonable and in fact protects everyone's rights.

In its discussion of proxies, Robert's Rules only addresses "general" proxies, not "specific" proxies like our Constitution permits. Therefore, not surprisingly, Robert's Rules indicates that most organizations should not use proxy voting. However, most parliamentary authorities recognize that proxy voting is an advisable method to use in organizations in which members have a *financial interest*, such as business corporations, homeowner's associations, and neighborhood associations. Since MA members have a *real property ownership interest* in the MA graveyard, this is the functional equivalent of having a financial interest, so proxies should be allowed.

Robert's Rules also recognize the possibility of proxies for organizations whose members are geographically dispersed, like the MA. Note that generally for quorum purposes (e.g. the minimum number of members that an organization needs to conduct business), a majority of members in good standing (e.g. who have paid dues) is required. A lower number of members actually attending a meeting is generally acceptable for organizations whose members are geographically dispersed (e.g. such as the MA). A quorum should approximate the largest number that can be depended on to attend any meeting except in very bad weather or other extremely unfavorable conditions (e.g. time of war, flight disruptions due to terrorist activities, etc.). Note that while the MA might well have over 700 dues paying members, our Bylaws state that only 10 members attending a meeting is required for a quorum. (Note that the EPC wishes to increase this number to 40, but note further that last year, a total of 41 members attended. After the Sally Hemings issue is resolved (hopefully this year), it is likely that less than 40

members will attend our annual meetings, so this EPC proposal is not well thought out. A better number would be around 25).

Local Virginia law also deals with proxies. Most organizations, whether incorporated or not, use the not-for-profit corporation law in their particular state as strong precedence for procedural and other rules. In fact, the Virginia not for profit corporation law would take precedence over anything Robert's Rules has to say on the same subject. So if the MA was a Virginia "Nonstock" Corporation (e.g. a non-profit corporation), proxies would in fact be expressly allowed unless otherwise prohibited by our Constitution or Bylaws. (See Article 13.1-847 of the Virginia Code). This means that even if our Constitution or Bylaws were *silent* on the issue of proxies, they would be permitted unless our Constitution or Bylaws specifically *prohibited* them. The EPC wants to go even further, and eliminate proxies altogether. According to the Virginia Code, proxies must be in writing by any reasonable means, including, but not limited to, by facsimile signature, telegram, cablegram or other means of electronic transmission (e.g. email) to the person who will be the holder of the proxy. Therefore there was nothing wrong with the procedure used in last year's Annual Meeting.

The proposal to eliminate specific proxies seems both anti-democratic and intended to increase the power of family members who live near Charlottesville who are healthy and otherwise readily able to attend every Annual Meeting. While the case against "general" proxies is a reasonable one, when an MA member is not able to attend, yet cares enough about the MA and a specific issue to send a "specific" proxy, surely the presumption ought to be that they not be disenfranchised.

Confusion between Proxies and Absentee Ballots. The EPC wants to eliminate specific proxies, which by its nature if approved, would eliminate absentee ballots. If proxies are eliminated, so are absentee ballots, because absentee ballots *are* proxies. Further, it appears (although it is not very clear) that the EPC wants to permit absentee ballots *this* year, but proposes that both absentee ballots and proxies be eliminated *next* year and in the *future*. In the place of absentee ballots the EPC seems to propose that all nominations for office must first be sent to a new "nominating committee" appointed by the Executive Committee, with no ability of individual members to solicit or propose their own nominees outside this process.

Nominations from the Floor to be Restricted. It is completely against established norms of parliamentary procedure, and even Robert's Rules, not to allow nominations for elections from the floor, much less new resolutions that might be proposed at the last minute, on the floor. Robert's Rules clearly provides that "after the nominating committee has presented its report and before voting for the different offices takes place, the Chair *must* call for further nominations from the floor." And members also have the right to make whatever motion they want at the meeting without any prior notice.

No Consideration of Resolutions by Members. The EPC report makes absolutely no provision for consideration of resolutions at the Annual Meeting by anyone other than the Executive Committee. A member desiring to give notice of a proposed resolution in advance of the meeting generally is entitled to write the Secretary alone, requesting that the notice be sent with the notice of the next meeting, and the Secretary should do this at the expense of the organization, not of the individual member. If "prior notice" is desired (not a bad idea), then a better approach would be to require that significant resolutions (e.g. something more than merely thanking the Custodian for her fine work last year) be submitted to the Secretary several days in advance of the intended cut-off date for compiling the notice of the next Annual Meeting, which notice and proposed resolution would then be mailed to the entire MA membership for due consideration before the meeting.

The EPC Itself is Out of Order. How did the EPC come to pass? This new committee (as compared to the MAC) was not even discussed during or also mentioned in the minutes of last year's Annual Meeting. Robert's Rules provides that "whenever it is stated in the Bylaws that the

President shall appoint all [temporary, in the case of the MA] committees, this means that the President shall select the *persons* to serve on such committees as the Bylaws prescribe to be established or the assembly may direct to be appointed; it does not mean that the President can *himself* decide to appoint and assign a task to a

proposed change made to our family graveyard would not be in accordance with Jefferson's own wishes.

In Summary, Those who Want the "Families of Jefferson's Monticello" Would Have Us:

- Create the umbrella organization
- Get the Memorial Foundation to give land to the Hemings next to our own graveyard
- Incorporate the MA
- Appoint Trustees who usurp the property rights of the lineal descendants to make burial decisions, and
- Merge the two graveyards with control over the MA's own graveyard by the umbrella organization.

Plus they want at the same time make absolutely sure everyone who opposes this grand plan has to come to Charlottesville to stop it, since these same people want to take away our Constitutional right to submit specific proxies. So, if the Hemings admirers can't get them in by the front door, they do what they previously accused others in the MA of doing, to use legal and parliamentary maneuvers, which over time, blur the lines between the two graveyards to further an agenda which most want nothing of. The MA is thus "taken over" in a corporate sense, voluntarily or by erosion over time. This reeks of desperation, leadership retrenchment, and furthering an agenda at all costs. Surely Thomas Jefferson himself would not be happy to know that some in his own family are attempting this appalling abridgment of individuals' and his own family's fundamental rights.

Primer on Roberts Rules of Order

by John H. Works, Jr.

Introduction.

For six years (1990-96) Mr. Works served as the Chancellor of the Episcopal Diocese of Long Island. In that role Mr. Works served as the chief legal advisor to the Diocese, which contained over 155 parishes, 5 corporations (theological seminaries, prep schools, nursing homes, etc.). Mr. Works also served as parliamentarian to diocesan conventions attended annually by over 600 priests, many of whom were quite conversant in parliamentary procedure. In addition, Mr. Works has served on the governing boards of several for profit and not-for-profit organizations.

The following article is based on the followings books in the personal library of Mr. Works:

- *Manual of Parliamentary Practice*, by Thomas Jefferson
- *Roberts Rules in Plain English*, by Doris P. Zimmerman
- *The Modern Rules of Order*, by Donald A. Tortorice, Pennsylvania Bar Institute
- *Robert's Rules of Order, The Classic Manual of Parliamentary Procedure*
- *Webster's New World Robert's Rules of Order, Simplified and Applied (2nd Ed.)*
- *The Standard Code of Parliamentary Procedure*, by Alice Sturgis (4th Ed.)
- *Guide for the Presiding Officer*, by Joyce L. Stephens (3rd Ed)
- *Robert's Rules of Order Newly Revised*, 10th Edition

The author is happy to provide anyone with references to specific topics set forth in this article.

These books generally represent the distilled knowledge of each author's experience of more than twenty years as professional registered parliamentarians. The books are written for the busy layman who does not have the time to wade through the more than 700 pages of the *Tenth Edition of Roberts Rules of Order Newly Revised*. Only the *essential* rules and motions needed to prevent meetings from going astray are presented, as these are the ones most used by most organizations. Those essential rules and common motions are set forth below.

Background of Parliamentary Procedure.

Parliamentary procedure came to America with our colonial English ancestors. The term refers to the rules that have evolved over time to facilitate the democratic transaction of decision making in an organized group.

American parliamentary procedure is based on the procedural rules used in the English Parliament. Early American parliamentary procedure consisted of what the early settlers remembered of those rules. The complex system of English parliamentary law had developed over time in an awkward and unsystematized manner by a process of decisions and precedents. It is no wonder the colonists had difficulty remembering the specific and intricate details. At the time of the founding of our country, each colony had its own ideas of procedure. During the Continental Congress, each colony had different rules regarding how delegates were to be elected, the number of people they should represent, etc.

This confusing state of affairs continued until 1801. Thomas Jefferson, while serving as Vice President, saw the need for a written and uniform system of rules. He compiled the *Manual of Parliamentary Practice* which was immediately adopted by both the House and the Senate to prevent needless haggling over procedure.

At the same time, Americans began forming many different kinds of organizations – political, cultural, scientific, etc. – of their own. However, Jefferson's manual was too complex and beyond the ability of the average citizen.

Purpose of Parliamentary Rules.

The rules of parliamentary procedure are based on common sense and logic. They have evolved throughout centuries of usage and custom. Parliamentary rules protect:

- The right of the majority to decide
- The right of the minority to be heard
- The rights of individual members, and
- The rights of absentees.

All of parliamentary procedure is built on the principle that there must be a careful balance of the rights of the organization as a whole, the rights of subgroups, the rights of individual members, and the rights of those who cannot attend meetings.

Parliamentary procedure should be used to help and not hinder decision making. Robert said, "The assembly needs to transact business, not to have members exploit their knowledge of parliamentary law."

The Tenth Edition of Roberts Rules Should Not be Adopted by the MA.

All too frequently, the standard reaction to adopt the full-blown text of Robert's Rules can lead to confusion, disagreement, and disruption when, in debate on a particularly troublesome issue, it is discovered that the Chair of the meeting and many (if not most or even all) of its members are not completely familiar with what can be complex and convoluted procedures required by traditional rules. This is not surprising since traditional rules were tailored to formally structure parliamentary debate.

It is significant to note that Clarence Cannon, former Parliamentarian of the U.S. House of Representatives, stated that complex rules of order are not appropriate for small assemblies or business meetings: "These rules of Parliament and Congress are designed for bicameral bodies, generally with paid memberships, meeting in continuous session, requiring a majority for a quorum, and delegating their duties largely to committees. Their special requirements . . . have produced highly complex and remarkably efficient systems of rules peculiar to their bodies, but which are, as a whole, *unsuited to the needs of the ordinary assembly.*" Thus, rules of parliamentary procedure stemming from Robert's Rules are neither appropriate nor applicable to the corporate or nonprofit business meeting.

The purpose of any rules of procedure is to promote timely consideration of the substance of the meeting rather than ritualistic procedure. Frequently the best interests of the organization will become easily distilled such that a general consensus can be determined. If the issue cannot be resolved by consensus, the Chair should call for a formal motion. Prudent leadership requires that the meeting hear all points of view, and molding different approaches or opinions into a general consensus is the hallmark of capable leadership. General consent is permitted by the parliamentary principle that rules are designed to protect the right of the majority to decide and the right of the minority to be heard. Therefore, when there is consensus among the group and no minority to protect, the rules do not need to be as strictly enforced.

Therefore, rather than the MA adopted formalistic and cumbersome rules of procedure such as all 700+ pages of *Roberts Rules of Order Newly Revised*, it would be far better to adopt "*generally accepted rules of parliamentary procedure applicable to organizations such as the MA.*"

Governing Law, Documents, and Bodies of Organizations.

Law.

Prevailing federal or state law is the highest regulatory authority under which all organizations must operate, whether they are incorporated or not. Under the law, the charter or constitution of the organization are the most fundamental internal governing mandate, complemented by the Bylaws, a more expansive and detailed set of voluntary regulations. Meetings governed by these rules cannot violate substantive state or federal law, must be compatible with the charter or constitution which, in turn, will always be subject to Bylaws of the organization. In fact, any action

adopted by an assembly would be null and void if it is in violation of law, *even if passed unanimously*.

Charter or Constitution.

The charter or constitution is a legal instrument which sets for the name and object of the organization and any other information that may be required by state or federal law. The charter or constitution supersedes all other rules of an organization. Nothing in the charter or constitution can be suspended by the organization itself.

Bylaws.

Bylaws contain the basic rules for governing the organization. Bylaws define the primary objectives of an organization and describe how that organization will function. Bylaws must be consistent with the current practices and legal requires of the state in which the organization operates.

Board.

The board is a permanent part of the organization provided for in the Bylaws. Members of the board are temporary agents elected to act in an administrative capacity. The board has only the power delegated to it in the Bylaws or by vote of the general membership. The board operates under the Bylaws, the parliamentary authority, and any state or federal laws applying to it. The board cannot delegate its power or responsibilities to others. Members also cannot delegate their power to other board members, and unlike meetings of the organization, proxies (whether general or specific) are not allowed. *The board or any officer (including the President) cannot rescind or be in conflict with any action taken by the general membership.*

Motion Practice During Meetings.

Following are examples of the most common motions that often are made at meetings such as MA annual meetings. Most others described in the 700+ page *Robert's Rules of Order Newly Revised* are seldom, if ever used.

How a Motion is Made and Acted Upon.

- A member requests the floor
- The floor is assigned to that member
- The motion is made
- The motion is seconded
- The chair states the motion
- Debate is held
- The Chair puts the question to a vote, and
- The Chair announces the vote (generally requires a majority vote).

Amending a Motion.

A motion to amend proposes a change in the wording of a motion currently under consideration. When a motion to amend is pending and an amendment to the amendment is proposed, the Chair should focus discussion on the latest amendment, resolve that question, then proceed to the first amendment before continuing discussion on the main motion. Votes on amendments are thus in reverse order of the sequence in which they are proposed (e.g. first vote on the amendment to the amendment, then the original amendment, and finally on the main motion). A motion to amend may not interrupt a speaker; requires a second; is debatable and amendable; and a majority vote is required for approval of the amendment.

Example 1: A motion is on the floor to amend the Bylaws of the organization to require it to follow all 700+ pages of *Roberts Rules of Order Newly Revised*. An amendment to that motion is made to substitute the phrase "Roberts Rules of Order Newly Revised" with "generally accepted rules of parliamentary procedure applicable to organizations such as the MA."

Example 2: A motion is on the floor to amend the Bylaws of the organization to require it to follow “generally accepted rules of parliamentary procedure applicable to organizations such as the MA to the extent they are not inconsistent with the organization’s Bylaws.” An amendment to that motion is made to add to the motion the phrase “or Constitution” after the word “Bylaws”. A second amendment to the motion is made to add to the motion the phrase “or federal or state law”. A vote would first be taken on the second amendment (e.g. “or federal or state law”), then the first amendment (e.g. “or Constitution”), and then the main motion (e.g. “generally accepted rules of parliamentary procedure applicable to organizations such as the MA to the extent they are not inconsistent with the organization’s Bylaws”).

Objection to the Consideration of a Question.

“Objection to the consideration of a question” is used when a member feels that it would be harmful for a particular motion to come before the group for discussion and vote. It does not require a second. It cannot be debated or amended. It requires a two thirds vote. It must be made before debate has begun.

Example: “I am troubled by the fact that the appointment of the EPC was not approved by last year’s Annual Meeting, and as a result, was not in accordance with our Bylaws or customary rules of procedure. Therefore I move that despite the President’s good intentions, it is best not to accept the EPC report at this meeting.”

Refer to Committee.

A motion to refer to a committee is for study leading to a subsequent recommendation to the group as a whole. Because it ordinarily disposes the motion for purposes of the current meeting, a motion to refer to committee is subject to the same rules that apply to main motions. It may not interrupt a speaker; a second is required; it is debatable and amendable; and a majority vote is required.

Example: “Given the flaws in the EPC report (despite its well-intended nature), it is best not to accept its report at this meeting, but rather to have the concept of the EPC committee endorsed by the membership at this Annual Meeting, and then to report back to us with its findings and recommendations next year.”

Division of a Question.

“Division of a question” may be used when a motion or resolution contains several parts, and the group wishes to vote on each part separately. The parts of the motion must be able to stand alone for division of a question to be in order. It requires a second. It requires a majority vote.

Example: The MAC report essentially makes two recommendations (i) to reject the Hemings for admission into the MA and into the Graveyard, and (ii) to form an umbrella organization. The second recommendation is beyond the scope of the MAC as a matter of parliamentary procedure, and therefore should not be considered *at all* by the MA. In this instance, “objection to the consideration of a question” would be in order. However, rather than haggling over parliamentary procedure, a member could instead move to “divide the question”, whereby separate votes would be taken on each recommendation, individually. Thus the motion would be: “I move to divide the question and vote separately concerning MAC recommendation No. 1 (admission of the Hemings into the MA and graveyard), and MAC recommendation No. 2 (whether or not the MA should sponsor the umbrella organization).” The question of whether to divide the question is voted on first, then each of the questions in the order requested by the proposer.

Point of Information.

A “point of information” is the motion used to obtain additional information on the subject being considered.

Example: “Mr. Chairman, if the umbrella organization is adopted, what assurances do we have that the MA’s tax exempt status is not violated by pursuing activities that are not only outside our

mandated purpose in our Constitution and Bylaws, but also may well violate our tax exempt provision that U.S. federal law provides? If the “real” purpose of the umbrella organization is to get the Memorial Foundation to give land to the Hemings next to our own graveyard, incorporate the MA, appoint Trustees who usurp the property rights of the lineal descendants to make burial decisions, and then merge the two graveyards with control over the MA's own graveyard by the umbrella organization, isn't that outside the MA's purposes to “maintain and care for the graveyard”, and to “perpetuate Thomas Jefferson's reputation and fame”?”

“But it seems to me that merely providing financial support and even participating in the umbrella organization might violate our purposes. I seem to recall back in 1948, a committee was formed to study the possible purchase of the chapel at Shadwell in order to erect a monument. The committee reported, however, that any such act “did not properly belong within the scope of the established purposes of the Association,” and that “any action should be by members of the Family acting outside of the Association.” Isn't this the same thing here with the umbrella organization?”

“Further, my understanding of Robert's Rules is that no motion can be introduced that is outside the object of the society or assembly as defined in its Constitution or Bylaws, unless by a two-thirds vote the body at an annual meeting agrees to its consideration.”

“Finally, imagine if a group of MA financial contributors suddenly learn that their contributions are being diverted for purposes wholly outside the mandated purpose of the MA? What if a handful or two were to threaten to file a class-action lawsuit against the MA for soliciting their money over many years for the declared purpose of “maintaining and caring for the graveyard”, and “perpetuating Thomas Jefferson's reputation and fame”, and now learn that for at least the past 3 years that they have abandoned this strict mandate for which the money was raised, and instead used their resources to depreciate Jefferson and his graveyard? The suit could cite the fact that the MA leadership have an anti-Jefferson political agenda and have “captured” and misused the MA, and are further trying to railroad a set of highly complex parliamentary procedural rules the MA leadership (and most, if not all of its members) simply do not understand in order to bulldoze their way with the rest of us. Just imagine what the damages could be! Could we loose our own family graveyard?”

Point of Procedure.

A point of procedure, often called point of order, is a question addressed to the Chair, either inquiring into the manner of conducting business or raising a question about the propriety of a particular procedure. It is simply an inquiry and is resolved by correction or clarification by the Chair. A point of procedure may interrupt a speaker. Because it is addressed to action by the Chair, a second is not required. It should not be debated or amended.

Example: The Chair has ruled that specific proxies are out of order. The motion would be: “Point of order Mr. Chairman. According to Article V of our Constitution, specific proxies are allowed.”

Appealing a Ruling of the Chair.

Parliamentary rules provide that decisions or rulings of the Chair are final on questions of procedure, except that the Chair's ruling may be appealed to a vote of the meeting. Whenever a member questions the appropriateness or essential fairness of the Chair's ruling, that member may appeal the ruling to a vote of the meeting. A motion to appeal may not interrupt a speaker. In order to prevent frivolous appeals, a second is required. The motion is subject to debate, which should be brief, and by its nature, is not amendable. In order to overrule a procedural decision of the Chair, a majority vote is required.

Example 1: The Chair has ruled that specific proxies are out of order, despite a member's previous point of order calling that ruling improper. The motion would be: “I move to appeal the ruling by the Chair, because according to Article V of our Constitution, specific proxies are

allowed. With all due respect to the Chair, his ruling is improper, and I appeal to the membership to appeal his ruling.”

Example 2: The Chair has ruled that specific proxies are in order (or has been previously overruled by the assembly), but rules that some specific proxies have arrived in the Secretary's hands after a self-imposed prior deadline set by the Chair. The motion would be: “I move to appeal the ruling by the Chair, because there is nothing in Article V of our Constitution, or elsewhere in our Constitution or Bylaws, or in Virginia or federal law, or in customary rules of parliamentary procedure that I am aware, which places time limits on the receipt of specific proxies by the Secretary. With all due respect to the Chair, his ruling is improper, and I appeal to the membership to appeal his ruling.”

Questions of Privilege.

“Questions of Privilege” relate to the rights of the organization or any of its members. The motion enables a member to interrupt business on the floor to state an urgent request. It is in order only when the comfort, dignity, safety, or reputation of the organization or any individual member is at stake. The Chair usually rules as to whether privilege is important enough to interrupt business, if any is pending. If motions of privilege are made when no business is pending, they may be debated and amended.

Example 1: A member notices that other members or guests have brought video cameras, sound recording equipment, and even laptops connected to mobile phones enabling simultaneous email communication with those outside the meeting. The member rises and states, “Mr. Chairman, point of privilege relating to the meeting. It is inappropriate for the good order of the MA to permit the use of electronic recording or transmission equipment during our meeting, as they are not public meetings. The only exception that I know of relates to the use by the Secretary of a tape recorder to assist her prepare the minutes, but even then a transcription of our meeting should never be used as the minutes themselves.”

Example 2: At the very beginning of the meeting where guests are present at the business meeting, a member rises and states: “Mr. Chairman, point of privilege relating to the meeting. With apologies to our guests, I respectfully request that all guests be asked to leave our meeting. One of the main topics of our business meeting is a discussion about the suitability for membership of the Hemings family into the MA. It is not the custom for any organization like ours to permit guests who are applying for membership to participate in membership discussions, unless you can point to specific examples where I am in error.” Since this motion of privilege is made when no business is pending, it may be debated and amended (even during desert ☺). The Chair rules that the question is one of privilege to be entertained immediately. It is moved and seconded, and debate or amendment follows, if needed. The question is put to a vote, and after announcing the result, the Chair expresses appreciation to guests, and asks them to leave, whereupon the MA goes into “executive session”.

The Previous Question.

“Previous Question” is the motion used to cut off debate and to bring the group to an immediate vote on the pending motion (e.g. the motion on the floor that was stated last). Previous question can be applied to any pending question. It is out of order when a member has the floor. It cannot be debated. It requires a two-thirds vote because the right of members to debate is being curtailed. Because it requires a two-thirds vote, the vote must be taken by a show of hands in a small group or a rising vote in a large group. *Note that generally no member may speak more than twice to the same motion.*

Example: “I move the previous question.” The Chair should explain the effect of the motion to the members and clarify whether the motion is to apply to all motions on the floor.

Letter from Past MA Presidents

by John Hubbard, Tom Ruffin, & Carey Bankhead

Dear Fellow MA Members:

These past few years have been difficult for our family association, pitting us against each other in front of television cameras as we have all strived in good faith to resolve the Hemings matter. We all wanted to be fair to both the Hemings family and to the reputation of our famous ancestor while, above all, being honorable in our search for the truth.

It is now clear, at least to us, that current evidence does not exist to establish that Thomas Jefferson fathered any children by Sally Hemings or any other slave. The conclusion of our MAC is consistent with the findings of the overwhelming majority of serious Jefferson scholars over the past two centuries, and with the overwhelming majority of the Scholars Commission which released the report of its year-long study last April. Since then, serious ethical questions have been raised about the leading scholars who embraced the story of a Jefferson-Hemings sexual relationship - to the extent that one of them is now under suspension by his college for dishonorable conduct involving relating repeated falsehoods to his students. Before these disclosures, however, these were individuals of great professional stature, and it was not unreasonable that many of our family members were influenced by their writings.

We believe it is time for our family to resolve this issue, put it behind us, and move on to more pleasant things. We believe it is time for family members on both sides of the debate to recognize that those with whom they disagreed were motivated by a good-faith search for the truth and a desire to do the honorable thing. We have as a group been true to Thomas Jefferson's admonition to pursue the truth wherever it may lead. This has not been a fun experience, but in retrospect we believe we did the right thing and we are proud of all of you who took an active part in these deliberations.

While to outsiders it may have seemed that our family was coming apart, we prefer to view it differently. For we believe that both sides were really on the same side in that they were trying to find the truth. That issue will be decided to the best of our ability at this year's meeting, after which we think it important for the family to come together again with the shared satisfaction that we all did our best to find the truth and behaved in an honorable manner. Let us make our decision as provided for in our Constitution and Bylaws and then come together as a united family ready to move on to other matters.

Sincerely,

John Hubbard, MA President, 1991-92
Tom Ruffin, MA President, 1985-86
Carey Bankhead, MA President, 1983-84

Thomas Jefferson's Reputation and Fame

by Pat Crouch

As I have read through the materials I have received from The Monticello Association, I have noticed that there is a consistent theme of emphasis on the MA's close relationship with several other organizations. We have enjoyed a close and mutually beneficial relationship with these other groups based on our shared stewardship of Thomas Jefferson's legacy. Respect for Jefferson and his accomplishments was a mutual bond, as well as the complex web of interrelationships between people affiliated with one or more of these groups.

Now it seems that times have changed, and many have come to look at Thomas Jefferson in a different way. This reappraisal has been most striking in the very institutions that formerly were shrines to his legacy. The reappraisal of historical figures is undoubtedly a necessary and desirable function of scholarship, adding to our knowledge and understanding of a person and their times. However, the current ongoing reappraisal of Thomas Jefferson seems to be driven by an agenda that has the denigration of the Founding Fathers in general, and Jefferson in particular, as a central tenet. As well, this agenda seems to be grounded in a need for retribution and emotional catharsis, rather than a scholarly desire for sobriety and objectivity in the search for truth. This, to me, undermines the integrity of both the researcher and the resulting research. I don't believe that one can start with a conclusion and then make the facts fit.

The Monticello Association is in the unfortunate position of being an invaluable propaganda asset in the effort to re-write history. It is a true plum to those who wish to use our family organization to further their own ends. Thus, agencies and persons who in former times were our close allies and friends have rethought their agendas and positions and have adopted new ones that are no longer in harmony with our stated purpose and goals. We are awash in a sea of seminars, books and personal appearances by those who seek to alter the face of American history and also line their pockets at Jefferson's expense. Do we want our family association to be a pawn in an ideological war?

How do we negotiate this slippery slope, in this *Through the Looking-Glass* landscape where friends are no longer what they have always seemed, and we struggle to come to terms with the expectations and pressures coming from all sides? I think that we must remain faithful to our charter, which gives this as one of our primary purposes: "to endeavor in every practicable way to protect and perpetuate the reputation and fame of Thomas Jefferson." Frankly, we should be ashamed of ourselves for failing to uphold Jefferson's reputation and fame, a void which thankfully has been filled by The Thomas Jefferson Heritage Society. This one simple sentence in our charter should be our gold standard as a guideline and reference point: Does this or that outside agenda meet this standard? Does it protect and perpetuate the reputation of our forefather? Are the actions and words of this person/group in harmony with our stated purpose? If they do not, we can certainly respect others' rights to speak their truth as they see it, while recognizing that it is not ours. This approach to outside organizations and people will give us a reliable inner compass by which to gauge the degree of affinity we may comfortably engage in without compromising our own integrity, and upholding the charge left us by the founders of The Monticello Association.

The Price They Paid

Have you ever wondered what happened to those men who signed the Declaration of Independence?

Submitted by Pete Selvaggi

Five signers were captured by the British as traitors, and tortured before they died. Twelve had their homes ransacked and burned. Two lost their sons in the Revolutionary Army, another had two sons captured. Nine of the 56 fought and died from wounds or the hardships of the Revolutionary War.

What kind of men were they? Twenty-four were lawyers and jurists. Eleven were merchants, nine were farmers and large plantation owners, men of means, well educated. But they signed the Declaration of Independence knowing full well that the penalty would be death if they were captured.

They signed and they pledged their lives, their fortunes, and their sacred honor. Carter Braxton of Virginia, a wealthy planter and trader, saw his ships swept from the sea by the British Navy. He sold his home and properties to pay his debts, and died in rags.

Thomas McKean was so hounded by the British that he was forced to move his family almost constantly. He served in the Congress without pay, and his family was kept in hiding. His possessions were taken from him and poverty was his reward.

Vandals or soldiers, or both, looted the properties of Ellery, Clymer, Hall, Walton, Gwinnett, Heyward, Rutledge, and Middleton.

At the Battle of Yorktown, Thomas

Nelson Jr. noted that the British General Cornwallis, had taken over the Nelson home for his headquarters. The owner quietly urged General George Washington to open fire, which was done. The home was destroyed, and Nelson died bankrupt.

Francis Lewis had his home and properties destroyed. The enemy jailed his wife, and she died within a few months.

John Hart was driven from his wife's bedside as she was dying. Their thirteen children fled for their lives. His fields and his grist mill were laid waste. For more than a year he lived in forests and caves, returning home after the war to find his wife dead, his children vanished. A few weeks later he died from exhaustion and a broken heart. Norris and Livingston suffered similar fates.

Such were the stories and sacrifices of the American Revolution. These were not wild-eyed, rabble-rousing ruffians. They were soft-spoken men of means and education. They had security, but they valued liberty more. Standing tall, straight, and unwavering, they pledged: "For the support of this declaration, with a firm reliance on the protection of the Divine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honor."

They gave us an independent America. Can we keep it?



**THE MONTICELLO ASSOCIATION
NOMINEES FOR ELECTION OF OFFICERS
MAY, 2002**

**ABSENTEE BALLOT
(Vote for one person for each office)**

**Slate of nominees proposed by
the Nominating Committee:**

**Additional nominee(s) proposed
by Monticello Association Member**

For President:

Nathaniel Abeles



David Works



For Vice-President:

John Esser



Pat Crouch



For Secretary:

Betsy Mackey



For Treasurer:

Cynthia Spangler



Jacques Walker



For Historian:

Robert Coolidge



Absentee ballots may be used only by members of The Monticello Association NOT attending the Annual Meeting on May 4-5, 2002. All absentee ballots must be received by the Secretary no later than April 22, 2002.

Printed Name of Member

Signature

Return ballots to: Betsy Mackey, 9530 Park Lane, St. Louis, MO 63124

Check box if applicable:

To the Secretary: By mistake I incorrectly filled out a prior absentee ballot, which was previously sent to you. Kindly disregard my previous ballot, and substitute this one in its stead. Many thanks. Date: _____

Printed Name of Member

Signature

MONTICELLO ASSOCIATION SPECIFIC PROXY

for May 5, 2002 Annual Meeting

KNOW ALL PERSONS BY THESE PRESENTS, that I, _____, a competent major domiciled at _____, does hereby appoint and constitute the Secretary of The Monticello Association, its true and lawful attorney, to attend the Annual Meeting of the members of The Monticello Association, to be held at the Omni Hotel, City of Charlottesville, Virginia, on May 5, 2002, and any or all adjournments thereof, and then and there to vote in behalf of this person, and in its name, place, and stead, as its proxy and representative, the vote that this person would be entitled to cast as a "specific" proxy, as compared to a "general" proxy, all in accordance with our Constiution, namely Article V thereof, as if actually present at such Annual Meeting, with respect to the following matters (**check appropriate boxes for resolutions for which you agree**):

1. Resolution to Deny Admission of the Hemings or Woodson Families into The Monticello Association or the Graveyard, or to Create any Special Category of Membership for Them.

"I believe based on the evidence available to me, that it is unlikely or unproven that Thomas Jefferson fathered any of Sally Hemings' children. I therefore vote not to admit any Hemings' or Woodson descendants into the MA, create a special category of membership for them, nor permit their burial in our Jefferson family graveyard at this time. If new evidence is put forward later (e.g. acknowledgement of paternity by Thomas Jefferson, DNA, or other legally admissible evidence) I would of course consider this issue again in the future."

2. Resolution Rejecting the Umbrella Organization.

"I do not support the MA officially sponsoring, forming, or participating in the "umbrella organization" or the "organizing committee", as recommended by the MAC. Of course I have no objection if individual members of the MA participate in any such activities, provided that they do not imply that they represent the MA."

3. Resolution Supporting the Use of Specific Proxies.

"I do not support the EPC's recommendation that "specific" proxies be eliminated from our MA Constitution. As our Constitution provides, I wish to retain my right to grant another MA member a "specific" proxy to vote upon specific questions or the election of officers, and therefore vote against any proposal to eliminate specific proxies."

4. Resolution Thanking Monticello's Slaves and Hired Workers for their Contributions to Monticello and Jefferson's Accomplishments.

"I wish to join other Jefferson family members in honoring the memory of the slaves of Monticello, such as members of the Betty Hemings family, and also the many hired workers, who played an important role over many decades in helping to create this magnificent and celebrated home and plantation and allowing, through their loyal and able service and sacrifices, Thomas Jefferson to devote his energies to politics, science, and his many other contributions to our great Nation, The United States of America."

IN WITNESS WHEREOF, this person has hereunto caused its name and signature to be affixed hereto, with its name, address, and phone number affixed hereto, this ____ day of _____, 2002.

Printed Name of Member

Signature

Return Specific Proxies to: Betsy Mackey, 9530 Park Lane, St. Louis, Mo. 63124