

## ***FREE SPEECH AT PUBLIC MEETINGS- THE NEW HAMPSHIRE RIGHT-TO-KNOW LAW***

PREFACE: Once a person is elected or appointed to any municipal board, his/her right to “free speech” is curtailed, at least to the extent that discussion of public business can only take place in compliance with the Right-to-Know Law. The following outline is adapted from NHMA’s Town Official’s Handbook

**A. *Purpose of the Right-To-Know Law:*** Section 1 of RSA Ch. 91-A says:

“Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.”

[**COMMENT:** The legislature has made its decision that you, as public officials, must operate “in a fishbowl.” There may be times when this law seems inefficient, or even contrary to what’s good for the town. But the legislature has decided that the benefits of open government outweigh these inconveniences.<sup>1</sup>

**B. *Consequences of violating the law:*** The court has the authority to **INVALIDATE** action taken in a meeting held in violation of the Right-to-Know law. Also, if a citizen files a lawsuit to enforce the Right-to-Know law, the Town **OR THE OFFICIAL** who has violated the law can become liable for that citizen’s damages, attorney’s fees and costs (RSA 91-A:8).

### ***I. PUBLIC MEETINGS PROVISIONS.***

**General Rule.** A **MEETING** of a **PUBLIC BODY** must have proper **NOTICE** and be **OPEN TO THE PUBLIC**.

**1. “Meetings”.** What is a “meeting”? It is the convening of a **QUORUM** to discuss or act upon any public business. (RSA 91-A: 2, I). Chance meetings on the Street are OK, as long as no official business is discussed.

**QUESTION:** What is a quorum? **ANSWER:** A majority of any board or committee constitutes a quorum, unless there is a statute, applicable to some specific board, which says otherwise (See: *First Federal Savings & Loan v. State Board of Trust Co.*, 109 N.H. 467 (1969).)

**2. “Public Bodies”.** All “public bodies” are required to have open meetings under the law. “Public bodies” include all committees, boards, subcommittees, agencies, etc., which perform a governmental function in the community **INCLUDING ALL INFORMAL ADVISORY COMMITTEES**. (RSA91-A:1-a.) (*Bradbury v. Shaw*, 116 N.H. 388 (1976).)

3. **Notice.** All meetings must have at least 24-hour notice (not counting Sundays and holidays) prior to the meeting. Notice must be **EITHER** published in a newspaper or posted in 2 prominent public places. (RSA 91-A:2, II.) Local ordinances can be even more strict about notice.

NOTE: This 24-hour notice is only a **MINIMUM** under the Right-to-Know law. Other statutes can be more strict. For example: (1) Planning board hearings require 10-day notice under RSA 676:4,1(d); (2) Zoning Board of Adjustment hearings require 5 days' notice under RSA 676:7; and (3) Selectmen's hearings on highway petitions require 14-day notice (RSA 43:2 and 43:3).

***Exceptions to Notice Requirements:***

- (a) **EMERGENCIES.** If you have a meeting, which is too urgent to give proper notice, the nature of the emergency must be stated in the minutes of the meeting. Notice should still be given to the extent possible (e.g. post a notice even if less than 24 hours). (RSA 91-A:2)
- (b) **ADJOURNED OR 'RECESSED' SESSIONS** do not require notice, if the time, date and place of the session was announced at a previous, properly noticed, session of the same meeting.
4. ***Open to the Public.*** Anyone (not just town residents) can attend any public meeting. They can take notes, tape record, take pictures, and videotape. Open to the public does NOT mean the right to speak at the meeting. **NOBODY** has a right to disrupt a meeting or to speak without being invited. Chapter 91-A only gives a right to attend, not a right to participate.
5. ***Minutes of Public meetings.*** Minutes must be kept of **ALL** public meetings, and must be available to the public 144 hours after the close of the meeting.

Minimum contents of minutes: (a) members present, (b) other people **PARTICIPATING** (not necessary to list everyone present), (c) brief summary of subject matter discussed, and (d) any final decisions reached or action taken.

6. ***Nonpublic Sessions: Exceptions to The Public Meeting Requirement.*** Nonpublic sessions are meetings which the public does **NOT** have the right to attend. As of January 1, 1992, nonpublic sessions are allowed **ONLY** for the exemptions specified in the statute. (RSA 91-A:3, II.) A public body can no longer exclude the public for **DELIBERATIONS**; all deliberations must be done in a public session unless one of the exemptions applies. You can hold a nonpublic session, and can receive evidence and information, deliberate, and decide in private, **ONLY** on the following matters:
- (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against the employee, unless the employee affected (1) **has a right to a meeting** and (2) requests that the meeting be open, **in which case the request shall be granted.**

[NOTE: This highlighted language was new in 1992. It does not create a right to a meeting for an employee. The right to a meeting must come from some other source, such as a collective bargaining agreement, a personnel policy, or a state statute.]

- (b) The hiring of a public employee.
- (c) Matters which would affect someone's reputation if made public (if that person requests, the meeting must be public).
- (d) Buying, selling or leasing of real or personal property, where public discussion would give someone in the community an unfair advantage adverse to the general public. [For example, you wouldn't want a landowner to hear the Selectmen say: "Let's offer him \$50,000, but we might go up as high as \$75,000."]
- (e) Consideration of lawsuits threatened in writing or filed against the body or one of its members.

#### 7. *How To Go Into Nonpublic Session:*

- (a) The body must have a properly noticed public meeting first.
- (b) A motion to go into a nonpublic session must be made and seconded, stating which specific exemption is relied upon.
- (c) A roll call vote must be taken, with a majority of those present voting yes.

While the statute does not require you to keep minutes of the motion and vote, it is a good idea to do so. [See below for more on minutes of nonpublic sessions.]

- (d) Nothing beyond the matters specified in the motion can be discussed in the nonpublic session.

8. *Minutes of Nonpublic Sessions.* The statute requires that minutes be kept of the proceedings and actions of nonpublic sessions. These minutes must be released to the public within 72 hours (not 144 as with regular meetings), unless 2/3 of the members present in a **RECORDED VOTE** to decide not to release the minutes because of (a) somebody's reputation (other than a board member), or (b) releasing them would make the action taken ineffectual.

[CAUTION: Unless you take the 2/3 vote to not release the minutes of a nonpublic session, those minutes are public records and must be released (*Orford Teachers Assn. v. Watson*, 121 N.H. 118 (1981)). In other words **THE FACT THAT THE SESSION ITSELF WAS NONPUBLIC DOES NOT AUTOMATICALLY MAKE THE MINUTES NONPUBLIC.**]

## **II. DOES THE PUBLIC HAVE A ‘RIGHT TO SPEAK’ AT PUBLIC MEETINGS?**

- A. **“Right-to-Know” Does Not Include Right to Speak.** There is not one word in RSA Ch. 91-A giving any person the right to speak at a public meeting. On the contrary it is essential to keep order in order to be able to conduct public business. **ANY** interruptions should be quickly dealt with. The Chair presiding over the meeting should be politely firm, keep a strong gavel, and should not hesitate to rule someone out of order. As a last resort, if someone is disrupting the meeting or interfering with the board’s business, the chairman can order the person out of the room, with the help of a police officer.

In the case of *State v. Dominic*, 117 N.H. 573 (1977), one of the three Selectmen in Belmont continued to interrupt even after the Chair had told the other Selectman that he had the floor. The Chair finally left the room, came back with a police officer, who asked Dominic to step out of the room. He refused, and was arrested for “disorderly conduct” (RSA 644:2, I -- later declared unconstitutionally vague as applied to an unrelated context, *State v. Nickerson*, 120 N.H. 821 (1980)). The N.H. Supreme Court held that Dominic’s subsequent conviction was valid:

**“(T)he issue before us is whether Chairman Clairmont could lawfully order defendant’s removal from the selectman’s meeting. As presiding order of the board of selectmen, (he) had the responsibility of conducting the meeting in an orderly manner . . . When defendant continued to interrupt Mr. Wuelper, who had the floor according to the chairman’s ruling, and when defendant continued to argue with the chairman and refused to come to order, the chairman had the authority to order him from the room . . .**

**“The actions of the chairman and of Officer Bennett in ordering defendant’s removal from the meeting did not violate his right to freedom of speech under the United States and New Hampshire Constitutions. The district court found that defendant, by his conduct, had prevented the selectmen from continuing their meeting. The chairman was acting to maintain order, as was his duty, and to protect the rights of others to speak in an orderly manner as well as those of the defendant. Such reasonable regulation of the manner in which one may speak does not violate any right to freedom of expression . . .” (117 N.H. at 575-6, citations omitted).**

If even a selectman can be punished for speaking at a meeting, there can be no doubt that members of the public can also be restricted. The degree to which any municipal board or body wishes to allow public participation in its meetings is within its discretion.

**ADVICE:** Because of the constitutional vagueness problems, as set forth in the *Nickerson* case (cited above), with that portion of RSA 644:2 dealing with disobeying lawful orders, the better statute to rely on to remedy disorderly conduct at public meetings is another RSA 644:2, III (b) and (c), which prohibit “Disrupting the orderly conduct of business in any public or governmental

facility” or “Disrupting any lawful assembly or meeting of persons without lawful authority.” In my opinion the principles set forth in the *Dominic* case would still apply.

**B. Due Process Rights to Public Hearings.** The only time there is a **CONSTITUTIONAL** right to be heard at a public meeting is during a public hearing concerning a matter which affects a person’s property rights. And here, it is not the First Amendment right to free speech which is involved, but rather the right not to be deprived of property without **DUE PROCESS OF LAW**.

In *Calawa v. Litchfield*, 112 N.H. 262 (1972), the Legislature attempted to legalize a number of town meetings in Litchfield, including one which enacted a zoning ordinance restriction against multi-family dwellings. The Supreme Court held that where the notice and hearing requirements had not been met, these meetings **COULD NOT BE LEGALIZED** by the Legislature, because the notice and hearing requirements are constitutionally mandated whenever citizens’ property rights may be affected:

**“In delegating to towns and cities the authority to enact zoning ordinances the legislature provided for notice and hearing as a prerequisite to the valid enactment of the ordinance ... The provisions spell out a fundamental requirement of due process that before substantial restrictions are placed upon an individual’s use of his property, there must be notice and an opportunity to be hearing afforded the property owners concerned . . . The notice provisions were not a requirement that might have been omitted from the original legislation without invading a constitutionally-protected interest.”** (112 N.H. at 265-6, citations omitted.)

#### **INSTRUCTIONAL POINTS:**

- (a) Obviously, all notice and hearing requirements for the enactment of ordinances should be followed.
- (b) Even when the statutes do not contain any hearing requirements (for example in connection with the enactment of highway regulations), it is still a good idea to put the proposed regulation on an agenda for a regular meeting and to announce a public hearing, so that those affected can have an opportunity to present their views.

**What is the “Opportunity to be Heard”?** The hearing rights set forth in the *Calawa* case have not been filled in great detail by the Court. The benchmark is that the right to be heard must be granted at a meaningful time and in a meaningful manner. See *City of Claremont v. Truell*, 126 N.H. 30 (1985); *Petition of Bagley*, 128 N.H. 275 (1986).

It is notable, however, that the type of hearing **MOST** likely to satisfy constitutional due process is a full-blown court hearing. And, heck, even in court a party isn’t allowed to drone on and on about irrelevant issues. My point is that **A PUBLIC HEARING IS NOT A PUBLIC FORUM!** It cannot be used as a political platform to vent one’s feelings about government in general. If

testimony begins to get repetitive, or to verge on issues which are not relevant to the issues to be decided by the board or body, the chair can and should cut the speaker off. Again, the constitutional right being vindicated by such a hearing is **NOT** the right to free speech, but the right to be heard on the issues affecting one's property or liberty rights.

**SEE THE APPENDIX** for "Riggins Rules" -- a helpful set of practical suggestions for how public meetings and public hearing should be run.

Adapted from *Free Speech at Public Meetings - The New Hampshire Right to Know Law* by H. Bernard Waugh, Jr., Esq., SNHPC Planning Board Training Workshop, May 1994.

RSA 91-A has been amended several times since this presentation so please check the [current statute](#) for accuracy.

### ***The Riggins Rules***

*Suggested Do's and Don'ts for the Conduct of Public Hearings and the Department of Members of Boards, Commissions & Other Bodies.*

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1. **Don't accept an appointment** or nomination to a Board, Commission, or Council unless you expect to attend 99.9999 percent of the regular and special meetings, including inspection trips, briefings and public functions where your presence is expected.

If your participation falls below 85 percent during any 6 month period, you should tender your resignation. You aren't doing your job. You aren't keeping well enough informed to make intelligent decisions, and you are making other people do your work for you and assume your not inconsiderable responsibility. Your effectiveness and the regard given to your opinions by other members will be in direct ratio to your attendance.

2. **Do create a good impression of city government.** Remember that this is the first important contact that many of the people in the audience have had with the administration of their city and for some this is the most important manes in which they have ever been involved. Many will never be back again and many will never have another such contact and experience. Your performance will create in their minds the picture which they will always catty with them of "the way the city is run." Make it as pleasant and comforting a picture as possible.
3. **Do be on time.** If the hearing is scheduled at 7:30, the gavel should descend at the exact hour, and the hearing begin, if there is a quorum. If you have to wait ten minutes for a quorum and there are 100 people in the room, the straggler has wasted two full working days of someone's time besides creating a very bad beginning for what is a very important occasion for most of those present
4. **Don't dress like a bum.** Shave, wear a tie, and remember that a coat is never out of place. The people in the audience think you are a very important person. Don't disappoint them by your appearance, conduct, and attitude.
5. **Don't mingle with friends, acquaintances, unknown applicants** or objectors in the audience before the meeting or during a recess period, if it can be politely avoided. You will invariably create the impression with the uninformed that there is something crooked going on, especially when you vote favorably on the case of the applicant you were seen conversing with. When the other fellow's case comes up and you deny it, he says, "Well, it's easy enough to see that you've gotta know the right people if you ever expect to get anywhere around here." Save your socializing for some other time and place.
6. **Don't discuss a case privately** and as a single member of a body with an applicant or objector prior to the filing and prior to the hearing if it can be politely avoided. In the event that it is not avoidable, and many times it is not, be very non-committal, don't be too free

with advice and by all means explain that you are only one member of the body. That you have not had an opportunity to study the matter thoroughly, that you have not seen the staff recommendation, and that you have no way of knowing what opposition there may develop or what will occur at the public hearing.

Be certain that the person concerned understands that you cannot commit yourself in any manner, except to assure him that he may expect a fair and impartial hearing. Even if the case looks pretty good to you, it is wise to be pessimistic about the chances of securing approval. If you give him encouragement and any advice and he is then denied, he will hate you until your dying day and tell everyone in town that he did just exactly what you told him to do and then, like a dirty dog, you voted against him.

7. **Do your homework.** Spend any amount of time necessary to become thoroughly familiar with each matter which is to come before you. It is grossly unfair to the applicant and to the City for you to act on a matter with which you have no previous knowledge or with which you are only vaguely familiar. And you will make some horrible and disturbing decisions.
8. **Don't indicate by word or action how you intend to vote** during the portion of the hearing devoted to presentations by the applicant, presentations by any persons appearing in objection, and comments by members of the staff.

During this period your body is the judge and the jury and it is no more appropriate for you to express an opinion as to the proper decision, prior to hearing *all* of the testimony, than it would be for a judge or jury member to announce his firm conviction in the middle of a court trial regarding the guilt or innocence of the defendant. This is not clearly understood by a majority of persons sitting on hearing bodies.

It is not too difficult to phrase one's questions or comments in a manner that implies that you are seeking information rather than stating an irrefutable fact and that your mind is closed to further argument.

One does not say, "I happen to know that the applicant has no intention of placing an apartment building on this site. In fact, it has been sold subject to zoning and the purchaser intends to put a mobile home park here if he can get a special permit." Rather than this, one could say, "We have been furnished with some information which indicates that perhaps your plans are not too firm regarding the development you propose. In fact, there are some who are concerned about a rumor that the property is being sold and that the new owner planned to put a mobile home park at this location, if he can secure the necessary permit. Would you care to comment on this concern of the neighborhood and tell us if there is any truth in this rumor?" The same result is accomplished, the information is brought out and made part of the public record and you don't look as if you are leading the attack to secure the defeat of the applicant's request

9. **Don't fail to disqualify yourself** if either directly or indirectly you have any financial interest in the outcome of the hearing, *and* let your conscience be your guide where it could

be said that moral, ethical, political, or other considerations, such as personal animosity, would not permit you to make a fair and impartial decision.

In disqualifying yourself, *do not* state your reasons inasmuch as the mere statement of your reasons can be construed as exerting influence on your fellow members. To avoid all accusations of undue influence, it is generally wise to leave the room and ask that the record show that you did so and that you did not indicate by word or action whether you were in favor of, or opposed to, the matter under discussion.

10. **Do rotate the seating** in some regular manner each successive meeting to prevent a “strong” member from gradually dominating a “weak” and indecisive member always seated next to him. This will also prevent the forming of little cliques or a not infrequent grouping of members to the left of the Chair who always oppose those to the right of the Chair, regardless of the merits of the case, to the great detriment of the applicant, the City and other interested parties.
11. **Do be polite and impartial;** as helpful as possible to the nervous, the frightened and the uneducated, and patient with the confused.
12. **Do be attentive.** Those appearing before you have probably spent hours and hours rehearsing their arguments. The least you can do is *listen* and make them think that you are as interested as you should be. Refrain from talking to other members, passing notes and studying unrelated papers.
13. **Don’t interrupt a presentation** until the question period, except for very short and *necessary* clarifying remarks or queries. Most applicants have arranged their remarks in a logical sequence and the thing about which you are so concerned will probably be covered if you can force yourself to be quiet for a few minutes. You can wreck his whole case by a long series of unnecessary questions at the wrong time. He will be your enemy forever.
14. **Don’t permit more than one person** at the podium or microphone at any one time.
15. **Don’t permit a person to directly question or interrogate other persons** in the audience. All questions should be addressed to the Chair and to the hearing body. When this person has finished his discussion and stated the questions to which he would like to have answers, then the Chair will permit those who care to make an answer to come forward and do so, but only voluntarily. Do not permit anyone to *demand* answers to all and sundry questions, especially if it is obviously done for the purpose of harassment.
16. **Don’t use first names** in addressing anyone as all during the course of the hearing. This includes audience, applicants, members of your particular body, even if the person concerned is your brother or your best friend.

*Nothing*, repeat *nothing* creates a more unfavorable impression on the public than this practice. it is poor “hearing manners,” destroys the formality of the occasion, and makes the uninformed certain that some sort of “buddy-buddy deal” is about to be consummated. If you

just can't bring yourself to call someone Mr. or Mrs., use the third person form and call him "the applicant," or "the person who is objecting," or "the gentleman (or Lady)," who is appearing here in connection with this case.

17. **Do show great respect for the Chair**, always addressing the Chairman as "Mr. Chairman," "The Chairman," or "Chairman Jones," and always wait to be recognized before continuing. This will set an example for applicants and others wishing to be heard and will contribute a great deal toward the orderliness of the proceedings.
18. **Don't be critical of attorneys** who sometimes feel impelled to give unnecessarily lengthy presentations on behalf of their clients. Avoid the strong temptation to make matters as difficult as possible for them. They are just trying to make a living and must convince their clients that they are really earning the rather substantial fee which they feel their service merits.
19. **Don't indulge in personalities** and don't permit anyone else to do so.
20. **Don't try to make the applicant or any other person appearing before you look like a fool** by the nature of your questions or remarks. This is often a temptation, especially when it is apparent that someone is being slightly devious and less than forthright in his testimony. But don't do it. If you must "expose" someone, do it as gently and kindly as possible.
21. **Don't become involved in altercations.** Some persons seem to come to hearings with the express purpose of "telling them guys down there how the cow ate the cabbage." If you answer their irrelevant rantings, you are immediately involved in *fight*.  
  
Don't answer or try to defend yourself. You are there to hear testimony and make decisions based thereon, not to head up a debating society. Remember, you are the judge and jury. In most cases, it is sufficient to say, "thank you for coming here and giving us the benefit of your thinking. I am sure that the members of this body will give your remarks serious consideration when they are making their individual determinations on the merits of this case. Is there anyone else who wishes to be heard?"
22. **Do invite interested parties to come forward** where they can see when an applicant is discussing or talking from a diagram, site plan, or exhibit which is not visible to the audience.
23. **Do not permit people to speak from the audience.** If it is important enough for them to speak at all, it is important for them to be recognized, come forward, give their name and address, and say what they care to, if their remarks are pertinent.
24. **Do not permit people to leave the podium or the microphone** and approach closer to the hearing body except in unusual circumstances, usually to show a small exhibit or to explain some detail. This ordinarily breaks down into a small mumbling session at one end of the dais with one or two members of the hearing body, the others are uncertain about what is

going on. The conversation usually does not get recorded, cannot be heard by the audience, and is almost impossible to control from the Chair.

25. **Don't become involved in neighborhood quarrels** or wind up as the referee even if you are a veritable Solomon. No matter how fair or impartial you should be, both sides will be mad at you. Stick to the merits of the case and rule out-of-order testimony which is irrelevant, personal hearsay, and not pertinent to the matter being heard.
26. **Don't be vindictive** and 'punish' the applicant for some real or imagined affront to you or your Body on some previous occasion, perhaps bearing no relation to the present hearing. It must be assumed that he is there legally, he has a right to be heard, and he has a right to a fair and impartial hearing on the merits of his present case without reference to something which he might or might not have done in the past or will perhaps do in the future.
27. **Don't try to be a hero** to beautiful women, little old ladies, widowed mothers with tiny infants in their arms, and the financially and socially distressed. Be sympathetic, but objective, and don't get carried away with such a strong desire to help that you throw the rule book out the window. Ninety-nine times out of a hundred you will do them some kind of questionable service at the expense of their neighbors or the City and your kind-hearted action will come back to haunt you much sooner than anyone could have imagined. Stick to the rules.
28. **Don't assume the role of fairy godfather** to those who have become involved in bad business deals or other self-imposed difficulties.
29. **Do not fail to give a reason** when making a motion for approval or denial of an applicant's request. If you fail to do this, the applicant, any objectors, a reviewing body of higher authority, or the courts may well assume that your decision was an arbitrary one not supported by the facts and should be reversed. Always mention the staff recommendation.
30. **Do not take staff recommendations lightly.** These recommendations are made after much study by professional people with years of experience in their field and are based on pertinent laws, ordinances, regulations, policies, and practices developed by you and your predecessors. The recommendations of a good staff in possession of all the facts will almost always produce a *technically correct* recommendation.

Your job is to temper this recommendation with information developed during the hearings which was not available to the staff. It is not unusual for the staff to voluntarily reverse or change the details of its recommendation during the course of a hearing. Always announce the staff recommendations prior to hearing any testimony and always make appropriate mention of it in the final decision.

31. **Don't forget that the staff is there to help you** in any way possible. It is composed of very capable professional people with vast experience. Lean on them heavily. They can pull you out of many a bad spot if you give them a chance. Or they may just sit and let you stew, if you do not give them the respect which is their due.

Remember that their usual practice is to remain silent unless they are specifically asked to comment. Most of them consider it presumptuous and unprofessional to inject any unsolicited comments into the hearings. Always ask them to comment prior to the final vote.

32. **Don't try to answer technical questions** even if you are sure that you know the answer. You probably *don't* and will wind up looking like a fool. Refer these matters to the staff. That is one of the things they are there for. They have intimate day-by-day working experience with all the pertinent ordinances and can nearly always give a timely, up-to-the-minute, professional dissertation on any subject in their field. And besides, it makes them feel more important and helps create an image of competency which is most helpful in assuring the public that their case has received more than a cursory glance and an arbitrary decision.

Lay members of a hearing body who "explain" ordinances to the audience usually wind up their less than accurate remarks with the pretty lame comment, "That's the way I understand it and if I am wrong, I would appreciate it if the staff would correct me." The staff usually does correct them, and ordinarily at some length. *Don't try* to show how smart you are because you're not.

33. **Don't try to ease your conscience and toss the applicant a bone** by granting him something less than he asked for, something he doesn't want, and something he can't use. In all cases where it is appropriate, *give him what he asked for or deny it*. To do otherwise will only encourage applicants to ask for the "moon and the stars" in the hope that they will, at the worst, get the minimum requirements. A reputation for approving or denying applications as filed will result in much more realistic requests and make your job much easier.
34. **Do vote by roll call**, except for routine administrative matters. This is wonderful character training for each member of the body and emphasizes the "moment of truth" when he must look the applicant in the eye, make his own individual decision, and say "*aye*" or "*nay*" in a loud clear voice, all alone, with no one to hide behind. The alternate voting method is difficult for the Secretary to record, doesn't mean anything on a tape recording, is many times quite confusing, and gives cowards an opportunity to change their minds and vote twice when they are caught in the minority.
35. **Don't show any displeasure or elation**, by word or action, over the outcome of a vote. This is very bad hearing manners and won't lead to the maintenance of a friendly cooperative spirit among members of the Body. It will lead to the creation of little cliques whose members vote in a block and become more interested in clobbering each other than in making fair and equitable decisions.
36. **Do discourage any post-mortem remarks** by applicant, objectors, or members after the final vote and decision is announced, especially those afterthoughts designed to reopen the case. It will invariably result in an unpleasant wrangle. Just say "I'm sorry, but the final decision has been made. If you wish to submit additional testimony, it will be necessary for you to state your reasons by letter and the Body will decide at a subsequent meeting whether or not they wish to reopen the case. The next case on the agenda will be \_\_\_\_\_."

37. **Do not hesitate to continue a case or take it under advisement** if more information or greater deliberation is truly necessary, but do not use these administrative actions merely to avoid or delay making a decision before a hostile applicant or audience.
38. **Do sit down and have a long soul searching session with yourself** if you find you are consistently “our in left field,” that no one seems inclined to second your profound motions, and that you are quite often a minority of one. You might be theoretically right., and probably are, but give some thought to what is practical, and just. Don’t be “stiff-necked” in your opinions. Give a little.
39. **Don’t select chairmen on a seniority basis alone** and *don’t* pass the office along from member to member as a reward and honor. The nicest guy in the world, the hardest working, the most interesting and your most valuable member can be indescribably horrible in the Chair. This is just one of those facts of life which is hard to explain, but unfortunately, all too true.

As occasion presents itself, give prospective chairmen a chance to preside, head up a sub-committee, report on special projects, and otherwise prepare themselves and demonstrate their abilities and leadership under pressure.