



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Hon. Joe Kunschik, Commissioner
Bureau of Labor Statistics
Austin, Texas

Dear Sir:

Opinion No. O-1700

Re: Whether or not the meeting described
in your letter to this department
under date of September 6, 1939, was
a "convention".

We have carefully considered your letter of
November 15, 1939, which reads as follows:

"Reference is made to your Opinion No.
X-148, dated September 7, 1939, Re: Out of
State Travel, in connection with our letter
of September 6, 1939, which set out the
nature and purpose of the trip which was to
be made.

"Please furnish this office with your
opinion as to whether the meeting described
in our letter of September 6, 1939, is a
'convention'."

Our opinion No. X-148, dated September 7, 1939,
referred to in your communication, above quoted, merely
held, in response to your letter of September 6, 1939,
that the purposes described therein, pertaining to the
proposed trip of Alton Swain, were State business purposes,
and was written in accordance with the provision of Senate
Bill No. 135, Regular Session, 45th Legislature. The ques-
tion of whether or not the meeting to be attended by such
employee would be a "convention" was not submitted by you
at that time, hence your inquiry of November 15, 1939,
quoted above.

Presumably, your request is prompted by the provi-
sions of the rider to the departmental appropriation bill,
of the 46th Legislature, which reads:

"No monies herein appropriated shall ever

Hon. Joe Kunschik, Commissioner, Page 2

be spent to pay the traveling expense of any State employee to any type of convention within the State or without the State."

Accordingly, our answer to the question propounded by you is in the light of such enactment.

The meeting attended by Mr. Swain, the subject matter of your inquiry, had the following characteristics:

(1) It was the annual meeting of the National Boxing Association and the National Wrestling Association, and convened in Washington, D. C., September 11, 12 and 13, 1939; (2) it was attended by the members and representatives of these associations; (3) the associations were existing organizations prior to the meeting; (4) such a meeting was annually held by the association; (5) the purposes of the meeting were common to the members of the associations; (6) sessions and seminars were held, at which matters common to the associations and to the members thereof, were discussed; (7) proposals brought before the meeting were subject to being voted upon by the representatives in attendance.

The popular meaning of the word "convention" is that, generally, of a meeting of members or representatives or delegates of private organizations, parties, clubs, societies, associations, and the like, for the accomplishment of objectives common to all. Indeed, Webster's New International Dictionary defines a "convention" to be:

"A body or assembly of persons meeting for some common purpose."

Likewise, "a 'convention' is an organized body of delegates or representatives assembled for some specified purpose.... The word 'convention' as employed in this country in common usage in statutes, political history, and civil government, means and implies a representative gathering or assemblage...." State vs. Gifford, 126 Pac. 1060, 1064.

Hon. Joe Kunschik, Commissioner, Page 3

Without doubt, in our opinion, the annual meeting of the National Boxing Association and the National Wrestling Association, which convened in Washington, D. C., September 11, 12 and 13, 1939 was a "convention", within the purview of the legislative enactment set out above. It matters not if such annual gathering was called a meeting, or a conference, or an assembly, or words of like usage, the distinguishing characteristics of a "convention" were present and conclusively resolve the question.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Wm. J. Fanning*
Wm. J. Fanning
Assistant

By *Zollie C. Steakley*
Zollie C. Steakley

ZCS:AW

APPROVED DEC. 13, 1939

Gerald B. Mann
ATTORNEY GENERAL OF TEXAS

