

As pointed out in the report, the motion contained a typographical error. The sponsors intended to have a cutoff day of November 17, rather than November 27, 1967. However, our report is somewhat erroneous when it suggests that the sponsors wanted to use the phrase, "whichever is sooner," rather than the phrase they did use. I gather that that suggestion came from a member of our committee. In any event, in their appearances before the Rules Committee, the two sponsors admitted that they were not wedded to the particular form of their motion; that their main concern was some amendment to the rules, perhaps Rule 31 [33], which is set forth on pages 1 and 2 of our report, regarding the time in which the Committee of the Whole could take up a report of a committee. Their concern is that they are afraid the rules as they now stand do not afford adequate protection to a minority in guaranteeing that their report will come to the floor of the Convention and be considered at the same time as the Majority Report is concerned.

I think their present position is that they would like to see Rule 31 [33] amended to provide a five session-day layover between the time the report reaches the Committee of the Whole and the time in which the Committee of the Whole can take up that report; and that this suggested prohibition be applicable both to majority and minority reports.

In the opinion of your committee, the proposal, even as modified, should not be adopted by the Convention.

It is our view that the rules as they now stand, certainly with any reasonable interpretation, provide the majority full protection, and we say this for a number of reasons. In the first place, by the time the substantive committee reaches the point when they are voting on a report, certainly the significant issues will have been threshed out and debated and probably tentative votes of the committee will already have been taken; so the minority, at that point, will know in advance even of the final report of the committee that they probably will have to file a minority report if they want a minority report to come to the Convention.

Secondly, Rule 27 [28] of the rules as they now stand guarantees any delegate an opportunity for a hearing by a committee, if the committee reports to take action with respect to a substantive matter covered by his proposal. Certainly, a minority feeling will already have been represented by

a proposal introduced in the Convention; so there is at least one day there. Then Rule 31 [33] provides that there has to be a three day delay, and I would imagine that when this Convention reaches the full press of business that it will be more than a three day delay before a report reaches and is taken up by the Committee of the Whole.

Next, Rule 28 [29] guarantees that a report of at least 20 per cent of a committee, "Shall be received, printed in the same manner as the majority report, and treated as an amendment or substitute offered to or for the report of the committee, if offered as such on the floor."

We have examined the rules of the State Senate. We have examined the rules of the House of Delegates, and they provide no guarantee at all that a minority report will be printed, and certainly not the guarantee that Rule 28 provides, namely, that the minority report will receive equal treatment with the majority report. Even in the United States Congress, while the minority has the guarantee that their report will be printed, there is no guarantee of any particular layover, except in the case of appropriation bills, before the Committee of the Whole can take it up; so the Rules of the Convention as they are now drafted, in our opinion, are very liberal and reasonably flexible in their protection of the minority rights. Indeed, if we imposed a five day requirement that was applicable to both majority and minority, it could be argued that if the minority did not get its report up in five days, they were out of court, so to speak.

Finally, in the event that for reasons which we cannot anticipate now, a minority report were not printed in time to be considered when the Committee of the Whole was about to take up the majority report, certainly upon appropriate motion, made by the spokesman for the minority, the matter could be postponed and could be set as a special order of business on another day namely, one or two days after the minority report is distributed to the desks. If the request were reasonable, certainly a majority of the delegates would approve it. If it were used, for instance, in a situation where the majority report had laid in the Committee of the Whole for ten days and on the tenth day the minority comes forth and said, they had not had an opportunity to draft a minority report, the majority of the delegates might well question the bona fides of such a belated request. In any event, it would be something that would