

repose in the collective judgment of the majority of the delegates to this Convention. So in short, we believe that the rules as they now stand provide adequate protection, and furnish a guarantee that the minority report will be printed and treated equally with the majority report in the opportunity to reach the floor of this Convention, and for that reason, the Rules Committee has reported Motion No. 2 unfavorably, both in the original form as distributed to you on September 27 and as modified in the discussions before our committee with the sponsors of the motion.

THE PRESIDENT: Are there any questions of the committee chairmen for purposes of clarification? Delegate Johnson?

DELEGATE JOHNSON: Mr. President, Mr. Chairman, is it not a fact that Rule 28 [29] deals with majority and minority reports, and the amendment thereto, namely Rule 28A deals only with majority reports?

DELEGATE SCANLAN: That is correct. Rule 28A, as it now stands, only imposes a limitation on the majority report. That is, the November 17 cutoff applies in terms only to committee majority reports. I agree. So if a committee majority report came in on November 17, then the minority under the present rules would have at least three days in which to prepare their reports, since under Rule 31 there has to be a three session day layover before the Committee of the Whole could take it up.

DELEGATE JOHNSON: So that, Mr. Chairman, if the minority were not ready to report within three days, the Convention could not receive the minority report unless the majority of the Convention agreed to hear it? Should I repeat it?

THE PRESIDENT: Please.

DELEGATE JOHNSON: The question to the Chairman, Mr. President was, is it not a fact that under the general order for the day that a minority report may not be received if it is not received within the three days, unless by action of a majority of the Convention? Isn't it, then possible under the existing rules that the Convention would have only the majority report to consider?

DELEGATE SCANLAN: It is possible under any set of rules that if a minority did not act when the time permitted, the Convention would not be in a position to consider its report at the same time. The present rules, specifically Rule 31 [33] giving a three day delay, and the point I made earlier, concerning at least one more

day between the time the majority report reaches the Committee of the Whole and the time when the Committee might take it up, affords the minimum of four days.

Now, I agree it is certainly possible under these rules, or under any type of a cutoff rule that you enunciate, that a minority might not be ready to present its report, in which case the proper procedure would be to move that the Committee of the Whole set the matter as a special order of business one day or two days following the printing and distribution of the minority report, provided in any event it shall be no later than such a date. No matter what rule we draft, we are certainly always going to be exposed to the possibility that a minority for one reason or another will not get their views to the Convention within the time permitted by the rule. But as long as the rule, Rule 27 [28], guarantees the minority the same and equal treatment with respect to printing of its report certainly a minority being discriminated against in the sense that they were not being printed, could appeal to that rule, and appeal to the good conscience of the Convention in support of a motion to set the matter for special order of business. I think we have to assume, no matter what the rules you make or no matter what cutoff day you supply, that if the rules are not fairly administered first by the presiding officer, and then secondly by a majority of the Convention, the minority rights will be ignored; but on the other hand, if the rules are flexible as we believe they are now, and we have some trust that a majority will be fair when the occasion dictates, I think the present rules stand up.

DELEGATE JOHNSON: Mr. Chairman, is it not also possible that under the existing rule, the Convention could be required to consider a majority report and inasmuch as the minority is entitled to have its report received, that this Convention would subsequently be required then to consider the minority report only after considering the majority report?

DELEGATE SCANLAN: No. As I said before, if we reach that point where a majority report were on the general orders of the day, and the minority, for one good reason or another had not been able to finish the preparation and printing of its report, certainly a motion would be made either to lay the matter over or to set it as a special order of the day on a subsequent day after the minority report had been distributed to the Convention.