

committee. This is an attempt to eliminate that inconsistency.

That brings us to our proposed amendment to Rule 37 [39]. This is a rule, I might as well read it — this is again a fairly important substantive proposal: "Before a proposal is taken up by the Committee of the Whole, any delegate, with the Chairman of the Committee on Calendar and Agenda having the prior right shall be privileged to move that a limitation be placed upon the time of the debate and consideration of such proposal by the Committee of the Whole; provided that equal time is to be afforded to the proponents and opponents of such proposal, and the Committee may fix in advance consideration of a proposal a time for the Committee of the Whole to rise and report.

You will recall that in our rules we have adopted the Committee of the Whole procedure. That is the place where we let down our hair, where debate is free and where there are no restrictions on the number of times a delegate can speak, and where the previous question cannot be moved. Therefore, unless there was some procedure by which time limitations could be set on debate in the Committee of the Whole, it is possible that the Committee of the Whole could be used as a filibuster device.

The rule that we have proposed is modeled upon, not taken from, a rule adopted with success by the New Jersey Constitutional Convention of 1947. There are two substantial changes made in it. As originally proposed in our committee, Senator Malkus proposed and the committee unanimously approved the proviso that makes it clear that if a time limitation is set on a proposal that the proponents and opponents shall have equal time. The practice, I think, as Congressman Sickles has pointed out, is substantially identical with, but modeled upon the practice that prevailed in the House of Representatives of the United States wherein the leader, the chairman of the substantive committee, and the leader of the minority would go to the Rules Committee, and they would get a rule as to the amount of time permitted for debate. Our procedure here would be that generally the Chairman of the Committee on Calendar, I assume after listening to both the chairman of the substantive committee, and those that are going to take a different point of view, would move, for instance, on an obvious example, the question of whether or not it should be a unicameral or bicameral Legislature, that three hours, whatever it may be, three or four hours be allotted in

the substantive proposal and the opponents and proponents would have equal time. However, the committee at any time could amend it to extend the time. That happens frequently in the Congress, I am told. It is one device at least to preclude the possibility that the Committee of the Whole could be utilized in a way that would prevent filibuster.

Our proposed amendment to Rule 48 [52], I believe, was suggested by Delegate Chabot in July. The way the rule is now drafted, when the previous question is moved, it takes down not only the pending question with respect to which the previous question has been moved, but it would take down all amendments on the Clerk's desk at that time. I think the purpose of the language, and I think here we drew from the Michigan Constitutional Convention, which in turn, I believe, drew from a peculiar provision of the Michigan Legislature, was to eliminate the possibility of using a series of frivolous amendments to hold up debate. On the other hand, as Delegate Chabot pointed out, and the Committee unanimously agrees, if the previous question takes down everything, it means you would not even have an opportunity to debate a very good amendment that you wanted to debate. There are other ways to avoid frivolous amendments. They can always be moved to be tabled. If that motion is not debatable on ballot, the Committee was of the view that the change suggested is one that should be adopted by the Convention.

That ends the specific recommendations that we offer today as far as the report, but I would just like in terms of amendments to the rules to say we also recommend as part of our report, it need not be done by rule, that the Secretary of the Convention have the power, provided he furnishes the Convention with a copy of what he has done, to eliminate numerical, you know, cross reference, numerical errors, grammatical errors, that sort of thing; and I think rather than come back to this Convention every time we found out that we did not dot an "i" or made an erroneous cross reference, that this would be a sensible way to do it.

There was also a proposal originally suggested by Delegate Case, who unfortunately is ill today, that would have limited debate on third reading to new matters, and Delegate Case's proposal had some merit. The Committee considered it carefully, but we felt in view of the liberality with which the previous question could be moved in the Convention, not in the Committee of the