

1 will read five justices shall constitute a quorum.

2 MR. MILLER: In that case, you could have one
3 dissent and it would still hold water; is that right?

4 THE CHAIRMAN: Yes. Is there a second?

5 DR. BURDETTE: Seconded.

6 THE CHAIRMAN: And now, Mr. Miller --

7 MR. MILLER: That takes care of one dissent,
8 as I understand it.

9 THE CHAIRMAN: That's correct. Any discussion?
10 Is there anything you want to say, Robert?

11 MR. MARTINEAU: I would say we would be opposed
12 to that. As long as four justices are necessary for the
13 decision of a case, I see no reason in having the require-
14 ment of an extra man to be there. Other than that --

15 JUDGE ADKINS: You don't have an extra man there.
16 You have five judges. I think in a matter of significant
17 magnitude to reach the Supreme Court of a State, you should
18 have five men to hear it, instead of four.

19 MR. MARTINEAU: There may be circumstances, for
20 one reason or another, where you are not going to have that
21 many. There is no more reason to say you should only have