

1 reargument in its 3 to 2 decision.

2 JUDGE BRUNE: That would be much better. I
3 think it is much better for all of the members of the
4 court to sit in every case it is to decide. The neces-
5 sities of the situation rather force that 7-5 setup on
6 us. At the time, I was extremely doubtful as to how long
7 it would work and so advised the legislative committees
8 which heard the matter. I could not predict how long
9 it would work actually. Actually, I think it worked for
10 much less time than most people anticipated.

11 THE CHAIRMAN: Do you think it would be any
12 better the way we have it here, providing that there be
13 a seven-man court and the four of them will be a quorum
14 and if it takes four for a decision, without any provisions
15 for an automatic reargument?

16 JUDGE BRUNE: If you have got four required for
17 decision, reargument should be rather futile.

18 MR. MARTINEAU: That is why we put it in, Judge.
19 We felt that if we are going to have a seven-man court, it
20 ought to sit as such. There are occasions where you
21 have less for one reason or another. We all felt that