

1.1 Committee of the Whole

1.1.1 What's a Committee of the Whole?

Committees discuss; senates act. Thus during debate each Senator may speak no more than twice per motion. In committees there are few limits on discussion and debate.

Sometimes a senate may benefit from a more open and unstructured discussion. That's the purpose of the motion to convene as a committee of the whole.

1.1.2 How do you get into a COW?

There are 2 ways to get into a COW.

First, the COW can be specified as an agenda item. The listing should include at least the topic for the COW's discussion and, usually, a time limit. For example,

2.2 Committee of the Whole to discuss the merits of carne asada vs el pastor tacos (45 minutes)

Second, a member can make the motion to convene as a committee of the whole. This is technically a version of the motion to commit (Commit or refer); it requires a majority. Such a motion should specify

- What topic(s) to discuss
- Time limits or other limits to the discussion
- Who will chair the COW¹
- Any other details to guide the COW's operation.

1.1.3 Putting non-members into COWs

Strictly speaking, only members of the body may be members of the COW. However, given Goldthwait's principle this is sometimes worth setting aside.

In some situations, allowing non-senators to participate in discussion may be valuable. It may better inform members' decisions. It may serve democratic / organizational ends, especially when a decision will heavily impact some group. Public comment periods can accomplish some of this. But deeper interaction can be desirable.

Allowing non-members to participate during debate on a motion would be problematic. In an infrequently meeting body, tracking who is eligible to make motions imposes additional load on the chair. If the body's rules limit the number of contributions per motion, non-members could crowd out members. Non-members may unfamiliar with procedure and inadvertently confuse matters, for example by speaking to the main motion during debate on an amendment. It is hard enough for members to remain clear on what is being debated at a given moment; debaters can't be allowed to muddy things.

Thus the COW seems a ready-made vehicle for handling such situations. Certain attendees can be included as members of the COW in the motion convening the COW. I've found this procedural work-around extremely helpful on a couple of occasions.

¹ Roberts requires the COW to be led by someone other than the body's chair. That's usually an unnecessary complication.

1.1.4 Inside a COW

Unless the motion convening the COW has specified different procedures, the chair keeps a speakers list and recognizes members in the usual fashion. Members may speak as many times as time permits (with the usual requirement that a member who has not yet spoken gets priority).

The COW and the body which convened it are separate entities. None of the body's business can be conducted inside the COW. If the COW amended a resolution, it would be merely a recommendation to the body; the process would have to be recapitulated through amendments.² It's usually best to avoid this by not doing formal things like amendments in a COW, though circumstances may dictate otherwise.

Importantly, no procedural motions which limit debate are in order inside the COW. No calling the question. No postponing. No tabling.

1.1.5 How do you get out of a COW?

Very carefully.³

There are only two main motions that are in order inside a COW.

If the COW is going to provide a formal response to the body, it is in order to move to adopt some specified text. This text can be amended in the usual ways with the exception that members may speak as many times as desired; nor is it in order to call the question.

COWs are usually best used to get everyone up to speed, attempt to forge rough consensus, or discuss a complex controversial issue without the pressure to make a decision. Thus the benefits of the COW can be easily squandered through trying to decide on adopting text. Since the adopted text will not be binding once the COW is dissolved, it is usually best to avoid adoption.

Inside the COW, it is always⁴ in order to move to rise (or rise and report, if the COW is going to return an adopted recommendation to the body).⁵ This motion is undebatable. Upon majority approval, the COW dissolves and the body resumes its business.

² If there was unanimous agreement on the resolution in the COW, the hateful motion to substitute could be used.

³ Look. I've been good this whole time. Give me just this one. C'mon. Please? I could've gone with far worse.

⁴ Ok. Not 'always'. It is in order when no other member has the floor —you can't interrupt.

⁵ There are fun variations. The COW can move to rise for instructions. This body returns and gives additional instructions through motions under regular order, then the COW returns. The metaphysics of this are delightful.