

1 Mr. Sayre?

2 MR. SAYRE: Mr. Eney, the way I thought we
3 had interpreted this was to leave up to the Court, number
4 one, as to whether or not it is constitutional and that
5 if it were not, it could take whatever action it deemed
6 appropriate, meaning that if there is time, it can toss
7 it back to the Legislature. If there is not time, it can
8 draw its own line.

9 THE CHAIRMAN: I have no difficulty with that,
10 but suppose the Court decides that the plan is consti-
11 tutional?

12 MR. SAYRE: Then I don't think we intended
13 that it have that power.

14 THE CHAIRMAN: This is the question I raised.

15 Mr. Miller?

16 MR. MILLER: As one Member of the Committee,
17 it never occurred to me that the Court would have any
18 jurisdiction except in the event that it had no plan it
19 considered constitutional before it.

20 DR. BARD: Right.

21 MR. MILLER: In which case, it could draw a