

1 THE CHAIRMAN: Mr. Sykes?

2 MR. SYKES: I would like to suggest one
3 practical problem that might arise under the 10-day
4 limitation, that is anybody who would like the Federal
5 Court to review the constitutionality of a State plan
6 could defer the filing until 11 days, and then go into
7 the Federal Court on the grounds of constitutional rights
8 have been violated, and the State provides no appropriate
9 form or procedure for vindicating the constitutional
10 rights. That would also prevent the Federal Court from
11 staying its hand and referring the thing to the Maryland
12 Court because Maryland provides no machinery whatever for
13 accepting the reference on any such absenteeism. I ques-
14 tion under those circumstances whether a fixed time limit
15 should be written into the Constitution or whether the
16 question of timeliness should be determined on general
17 equitable principles.

18 THE CHAIRMAN: Dr. Bard or Dr. Michener?

19 DR. MICHENER: The Committee felt it was impor-
20 tant to have a fixed and early date to get this settled
21 and to speak to your question in particular, such a person