

1 Court has had a chance to pass upon it.

2 If the State Court has such a chance, but if
3 the State Court's jurisdiction is limited so that there
4 is nothing the State Court can do to pass on the problem
5 because as here the 10 days expire, then the Federal
6 Government will have to go ahead and take complete juris-
7 diction and apply its own procedure and decide the case
8 on its own. Does that answer the question?

9 THE CHAIRMAN: Yes; any further comment?

10 MR. HAILE: I don't recall any situation where
11 there was a time limit on a person's right to resort to the
12 courts the question of constitutionality of a law passed
13 by the Legislature. The only purpose of this sentence
14 was to go give the Supreme Court original jurisdiction. I
15 think by eliminating the words, no later than 10 days,
16 we still are accomplishing our purpose.

17 THE CHAIRMAN: Any further comment?

18 DR. BARD: I thought Mr. Sykes had a substitute
19 phrase there.

20 THE CHAIRMAN: Yes, his motion was to substi-
21 tute after the word, upon, and before the word, petition,