

1 could lead to an unseemly conflict between the Judicial  
2 Branch and the Executive Branch. Either the court would  
3 have to back down and if the governor disobeyed the  
4 order or it would have to send him to jail. I don't know how  
5 it would enforce it. I don't know what officer would physic-  
6 ally carry him to jail, but that is the kind of conflict  
7 it seems to me that we must avoid. I wonder if the  
8 Committee gave consideration to providing as an alternate  
9 that the Court of Appeals appoint a commission to do the  
10 thing rather than to order the governor to do it; if he  
11 has already failed to do so, I don't see that you can have  
12 anything except conflict by ordering him to do.

13 MR. SCANLAN: I would be content just to give  
14 the Court of Appeals in that situation the power they  
15 already have and many courts have exercised, namely to  
16 publish their own plan, to remain effective until such  
17 time as the General Assembly shall redistrict the State  
18 pursuant to Section 3 of this Constitution, period.

19 THE CHAIRMAN: What my question was, whether  
20 the Committee had considered as an alternate, and it  
21 may have difficulties, and that is why I ask; instead of