

1 stands as it is, that is, that the Court of Appeals
2 failing action by the governor orders him to act; two,
3 that we say nothing, which leaves the matter to deter-
4 mination by the courts in the usual course of litigation,
5 or, three, a provision requiring the Court of Appeals to
6 appoint a committee to draw up the plan.

7 DR. BARD: Mr. Chairman, would you be willing
8 to eliminate that first choice? In light of our discus-
9 sion --

10 THE CHAIRMAN: The Committee eliminates it?

11 DR. BARD: The Committee itself would probably
12 eliminate the concept of ordering the governor.

13 THE CHAIRMAN: Is there any objection to
14 eliminating from consideration the consideration that the
15 Court of Appeals orders the governor. All right. We
16 have left two propositions.

17 MR. SCANLAN: The second proposition, say
18 nothing.

19 THE CHAIRMAN: Say nothing, leaving it to the
20 normal course of litigation.

21 MR. SCANLAN: No. I suggest, as a third, that