

1 MR. CLAGETT: Do you want that in the form of  
2 a motion?

3 THE CHAIRMAN: Yes, sir.

4 MR. CLAGETT: I move that Section 5 shall pro-  
5 vide that if the governor has not published a plan of re-  
6 districting within the 60 days after the expiration of  
7 such period, blank period, then the matter shall be  
8 determined by the Court of Appeals in the exercise of  
9 original jurisdiction. The Court of Appeals, and I mean  
10 Supreme Court of Appeals, in my thinking, would so want  
11 it understood.

12 THE CHAIRMAN: It is not clear to me whether  
13 you are talking about a proceeding initiated by a litigant.

14 MR. CLAGETT: No. I didn't say that.

15 THE CHAIRMAN: I know you didn't, but you  
16 used the expression, original jurisdiction, and this is  
17 what made me uncertain.

18 MR. SCANLAN: I am sorry to disagree with Hal.  
19 I am in sympathy with the general idea and what he has  
20 in mind, but I don't think we should take this out of  
21 the adversarial context. It should come as a lawsuit,