

1 the risk of losing the right to create one?

2 MR. CLAGETT: According to Section 3. You say
3 as nearly as practicable. How do we understand that?

4 MR. MARTINEAU: You open the door to flexi-
5 bility in Section 3 and close it with Section 5.

6 THE CHAIRMAN: It means the Legislature makes
7 a determination at its peril. That is what you come up
8 with.

9 MR. CLAGETT: I think that is the answer.

10 THE CHAIRMAN: Is there any further discussion?

11 MR. MILLER: Only this comment, Mr. Chairman.
12 It seems to me that the Supreme Court of Appeals is the
13 final dictator in this matter; that if we follow Mr. Case's
14 suggestion and say it has to be done by a certain time,
15 the responsibility will rest on them to either find the
16 plan, if made by the Legislature, valid or invalid, and
17 if it is invalid, make one that is valid, because they
18 are the only ones that can say whether it is valid or not.

19 MR. HAILE: That would stay in effect until the
20 next census then.

21 THE CHAIRMAN: Any further discussion? Mr. Sayre?