

379 U. S.

February 1, 1965.

FORTY-FOURTH GENERAL ASSEMBLY OF
COLORADO ET AL. v. LUCAS ET AL.APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLORADO.

No. 661. Decided February 1, 1965.

Judgment with respect to federal questions affirmed; judgment with
respect to other questions vacated and cause remanded.

Reported below: 232 F. Supp. 797.

Duke W. Dunbar, Attorney General of Colorado,
Charles S. Vigil, *Richard S. Kitchen, Sr.*, *Stephen H. Hart*
and *James Lawrence White* for appellants.

Charles Ginsberg and *George Louis Creamer* for ap-
pellees.

PER CURIAM.

Insofar as the judgment of the District Court decides federal questions, it is affirmed. Insofar as the judgment decides other questions, it is vacated and the cause is remanded for further consideration in light of the supervening decision of the Colorado Supreme Court in *White v. Anderson*, — Colo. —, 394 P. 2d 333 (1964).

MR. JUSTICE CLARK, MR. JUSTICE HARLAN, MR. JUSTICE STEWART, and MR. JUSTICE GOLDBERG, concurring.

It is our understanding that the Court's disposition of this case leaves it open to the District Court to abstain on the question as to the severability of the various provisions of Amendment No. 7, pending resolution of that issue with reasonable promptitude in further state court proceedings. We deem it appropriate explicitly to state our view that this is the course which the District Court should follow. On this basis, we join the Court's opinion.