within some reasonable time after the proposal."[59] Three reasons underlay the Court's finding of this implication and they are suggestive on the question of rescission.[60]

Although addressing a different issue, the Court's discussion of the length of time an amendment may reasonably pend before losing its viability is suggestive with respect to rescission. That is, first, with proposal and ratification as successive steps in a single endeavor, second, with the necessity of amendment forming the basis for adoption of the proposal, and, third, especially with the implication that an amendment's adoption should be "sufficiently contemporaneous" in the requisite number of states "to reflect the will of the people in all sections at relatively the same period," it would raise a large question were the ratification process to count one or more states that were acting to withdraw their expression of judgment that amendment was necessary at the same time other states were acting affirmatively. The "decisive expression of the people's will" that is to bind all might well be found lacking in those or similar circumstances. But employment of this analysis would not necessarily lead in specific circumstances to failures of ratification; the particular facts surrounding the passage of rescission resolutions, for example, might lead Congress to conclude that the requisite "contemporaneous" "expression of the people's will" was not undermined by the action.

And employment of this analysis would still seem, under these precedents, to leave to Congress the crucial determination of the success or failure of ratification. At the same time it was positing this analysis in the context of passing on the question of Congress's power to fix a time limit, the Court in *Dillon v. Gloss* observed that Article V left to Congress the authority "to deal with subsidiary matters of detail as the public interest and changing conditions may require."[61] And, in *Coleman v. Miller*, Chief Justice Hughes went further in respect to these "matters of detail" being "within the congressional province" in the resolution of which the decision by Congress "would not be subject to review by the courts."[62]

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[59] 256 U.S. at 375.

[60] 256 U.S. at 374–75, quoted supra.

[61] 256 U.S. at 375–76. It should be noted that the Court seemed to retain the power for itself to pass on the congressional decision, saying "[o]f the power of Congress, keeping within reasonable limits, to fix a definite period for the ratification we entertain no doubt" and noting later than no question existed that the seven-year period was reasonable. Id.

[62] 307 U.S. 433, 452–54 (1939) (plurality opinion). It is, as noted above, not entirely clear to what extent the Hughes plurality exempted from judicial review congressional determinations made in the amending process. Justice Black's concur-