

formation of multimember and flitorial districts or even the violation of county lines in order to prevent undue population variations. Also, even if county lines were to be inviolate, other apportionment plans were possible which would have substantially smaller deviations. The Court then remanded the case for consideration of these other possibilities.

In the *Kilgarlin* case, the maximum deviation was 15 per cent. The maximum deviation in Maryland, under Senate Bill 5, is 18 per cent, while the largest and smallest Senate districts have a combined variation of 34 per cent from the population mean per senator. The parallel figure for the House is 64 per cent. Thus *Kilgarlin* strongly suggests that the Supreme Court might refuse to uphold Maryland's present apportionment scheme, particularly if there is an alternative apportionment which also respects county lines but which has smaller deviations from the mathematical average for population per representative.

Data from the 1970 census will be available by 1972, and a new appor-

tionment will be necessary for the 1972 elections, if not before. The omens are clear. The new apportionment, whether in 1972 or sooner, will have to substantially reduce this deviation from the average population per representative that now exists.

Although not yet accomplished, achievement of the destined goal is now clearly in sight—one man, one vote. This, as noted above, represents a complete break with Maryland practice under which neither the House nor the Senate was apportioned strictly according to population. Had the legislatures of Maryland and other states been willing to apportion one house on the basis of population, and to reapportion that house as population patterns changed, it is probable that the reapportionment cases would never have arisen and that the states could have continued with one house based on counties, areas, or other nonpopulation factors. The recalcitrance of the legislatures foreclosed this possibility and unwittingly led to the revolutionary change in apportionment practices that is now being consummated.