

ment. The inescapable truth is that we either comply with that mandate or face the far more distasteful alternative of having the courts apportion our legislature for us. And let us make no mistake about this — *the courts will perform this task unless you do so yourselves.* The Supreme Court has clearly indicated this in the case of *Maryland Fair Representation Committee versus Governor J. Millard Tawes.* And so, time and energy need not be wasted in debating the *desirability of reapportionment.* Some may regret the court's decision, but we nevertheless must accede to the mandate, which has become the law of the land.

The situation was summed up precisely by Attorney General Thomas B. Finan in an opinion he gave the Legislative Council last May. "We do not have to decide whether or not to reapportion the General Assembly of Maryland," he said. "That decision has already been made for us by the Supreme Court of the United States. The Legislature of Maryland is faced with but one basic question — whether reapportionment will be effected by the Legislature, or whether reapportionment will be effected by the courts." No one who has followed the reapportionment struggle in our sister states can doubt the accuracy of the Attorney General's comments. Some thirty-nine of the states of our union were affected by the Supreme Court's reapportionment decisions of 1964. In many states, including our neighboring States Delaware, Virginia and West Virginia, reapportionment already has been accomplished. In others, the struggle continues, as it does today in Maryland.

In the State of Oklahoma, the Legislature was unable to agree on a plan of reapportionment, and so the court stepped in and reapportioned by judicial decree, with a scheme that cut across city and county lines, dividing the state into areas of equal population but also separating areas and interests which more properly should have been bound together. Within the past thirty days, the Supreme Court of California has announced its intentions of reapportioning the General Assembly of that State. The court has published a reapportionment plan, giving notice to the Legislature that the plan will be put into effect by judicial decree unless constitutional reapportionment is accomplished by December 19 of this year. I am sure that none of us wants this to happen in Maryland. Obviously it is far better that you devise some reasonable and acceptable plan of reapportionment rather than allow the courts to thrust upon us a scheme with no merit other than mathematical precision. And yet, unless you perform the task you leave the courts no alternative but to devise a plan to comply with the Supreme Court's Mandate.