

ments of the Supreme Court which indicate that numerical representation is more important in congressional redistricting than as applicable to state reapportionment?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I am familiar with the constant changes that are taking place insofar as the tests required for setting up congressional districts, and the power of the Congress to preempt the field. And because of that, I cannot say that the Constitution of Maryland, nor the General Assembly, can fly in the face of whatever determination may be made at a given time, either by statute or court interpretation.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: What I am getting at, Mr. Chairman, and the question is, that the percentage leeway apparently is greater in reapportionment than it is in congressional redistricting.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: That is correct. It appears the percentage leeway for congressional districts is in the fifteen percent area or less, whereas as far as the states are concerned, in the districting within the state, the deviations are much greater.

Some of the present Maryland General Assembly has a 65 percent deviation between the high and low, from the mean.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: So, Mr. Chairman, the record of this Convention should show that the standards with regard to congressional redistricting and pronouncements of the Supreme Court with regard to congressional redistricting, and acts of Congress with regard to congressional redistricting are not necessarily applicable to the standards which will exist with regard to reapportionment.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: That certainly is my understanding.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: The second point I wanted to raise for clarification purposes is this: I recall language in one of the Supreme Court cases with regard to projections to the effect that projections cannot be used as a basis for reapportionment.

Am I correct in that recollection, or did you consider any such cases?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I have read a fair number of redistricting and reapportionment cases, but I really do not think that that is a problem here at the moment, because we are told by the State Planning Commission that we will have not projections but actual figures in 1970.

Of course, there is another possibility that I mentioned before, which is that the State can engage the federal government to actually make a head count, if it desires to do it that way, but that is at the rate of 25 cents a head, and a million dollars.

THE CHAIRMAN: Are there any further questions?

Delegate Scanlan.

DELEGATE SCANLAN: May I refresh your recollection, Delegate Gallagher, in response to Delegate Hardwicke's last question and ask you the question again: Do you not recall in the Maryland reapportionment case the appellants citing projections of population and those projections being referred to in the opinion of the court itself, whereas in the Maryland Congressional districting case, the district court, prior to carving up Anne Arundel County announced that it would not take into account projections of population. Is it possible, therefore, that Delegate Hardwicke was thinking of the district court opinion and not referring to any statement of the Supreme Court on the subject, where its only action in that regard seems to indicate that projections are relevant?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Yes.

THE CHAIRMAN: Are there any further questions?

Delegate Willoner.

DELEGATE WILLONER: Delegate Gallagher, I was wondering under section 3.17 (b) whether you considered the fact that the General Assembly's term has been extended, or could be extended rather easily until about the end of June, and that even today we do not get the laws published. I also wonder whether you considered extending the date to later on in the year?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: We did, but there were a number of reasons why