

A vote Aye is a vote in favor of Amendment No. 1. A vote No is a vote against. Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

Does any other delegate desire to change his vote?

Delegate Gallagher.

DELEGATE GALLAGHER: May I point out Mr. President, that you of all people have just left the establishment.

THE CHAIRMAN: Thank you, Chairman Gallagher.

Has every delegate voted?

*(There was no response.)*

The Clerk will record the vote.

There having been 5 votes in the affirmative and 113 in the negative, the motion is lost. The amendment is rejected.

The Chair must be getting tired.

The pages will distribute amendment G. This will be Amendment No. 2. The Clerk will read the amendment.

READING CLERK: Amendment No. 2 to Committee Recommendation LB-2, by Delegates Wagandt and Winslow:

On page 1 section 3.02, Legislative Districts, in lines 21 through 24, inclusive, strike out the sentence beginning with the word "the" in line 21 and ending with the word "equal" in line 24 and insert in lieu thereof the following sentence: "Each house district shall not exceed in population any other house district by more than fifteen per cent."

THE CHAIRMAN: The amendment having been moved by Delegate Wagandt and seconded by Delegate Winslow, the Chair recognizes Delegate Wagandt.

DELEGATE WAGANDT: I should say, we are substituting a percentage here for the term "substantially equal." We feel that by so doing, we are resolving some of the problems that have been raised here during the questioning period.

To leave the words as they currently are, in other words, "substantially equal", and also the term, "natural boundaries", and the term "the boundaries of political subdivisions shall be followed insofar as practicable", we feel will enable the General Assembly to distort the concept of one

man-one vote to the maximum degree permitted by the Supreme Court.

At this time I would note that the Court is allowing a number of states, such as New Hampshire, West Virginia and Wyoming, to have districts with over twice as many persons per delegate, or per representative, perhaps I should say, than other districts in those states, and even here in Maryland I would call to your attention that there are nearly twice as many persons in Dorchester County per delegate as there are in Kent County.

I would also note that the history of our State has been replete with the struggle to bring about more equitable apportionment, and I will just touch on a couple of cases.

For example, one of the major issues before the Constitutional Conventions of 1851 and 1864 was the matter of more equitable representation. In the Constitution of 1851 we made some progress. In the Constitution of 1864 we made a lot of progress, but the present Constitution, that of 1867, unfortunately took a step backward and furthered the malapportionment of the state.

As to more recent decades, I am sure most of you here are familiar with the struggle of Baltimore City and the suburban counties around Baltimore and Washington to gain more equitable representation, better redistricting, in other words. But despite voter agitation the General Assembly has refused to respond to the need for more equitable representation until forced by the courts to act, so I would suggest that the General Assembly is an unreliable instrument for achieving the goal of one man-one vote.

Therefore, let us be sure we have laid down specific lines within which the General Assembly may act; let us settle here for all time the redistricting issue.

Now as to the setting of guidelines, I say it is wrong to wait on the federal courts to act. We are here to create a viable instrument of government for this State, not one, I would suggest, that waits on Uncle Sam to tell us what to do.

As to the recommended guideline, 15 percent, it is doubtful that the Supreme Court will move a tighter margin but if it should, we can very readily comply.

The important point is this: that regardless of the vagaries of the Supreme Court decisions we shall have a limit beyond which the General Assembly cannot go.