

largest and smallest districts in the State shall not exceed 15 percent of the mean population of all districts.

Ladies and gentlemen, if that is what we mean then why don't we mean what we say, and in section 3.02 why not put it in there and be done with it?

I submit that it is desirable that this State should settle its own problems and not wait around for the Supreme Court or for anyone else in Washington to tell us what the proper way to do these things is.

THE CHAIRMAN: Does any other delegate desire to speak in opposition to the amendment?

Delegate Fox.

DELEGATE FOX: Mr. Chairman, and ladies and gentlemen of the Convention, I am probably one of the very few people from a small county and particularly from the Eastern Shore that has always recognized and acknowledged the fairness of the one man-one vote decision, and I hate to disagree with such an eminent authority as Dr. Winslow, but I submit that when you adopt a numerical, arbitrary figure, like this, you are carrying one man-one vote even further than the Supreme Court has said that it should be carried.

Suppose you have situations where a county may still have a representative, if you allow a 16 and a half percent, or a 15 and a half percent deviation? Isn't it better to stretch that half a percent, or fractional percent and let that county keep its representative for a little while longer? Sooner or later it is going to lose it, then it is going to arbitrarily say no; if it exceeds 15 percent it has to lose its representative.

I have supported the one man-one vote Supreme Court decision in my vote here in this Convention, but I think when you set this numerical determination on it you are going too far, and you really are grinding the small county under your heel.

I suggest you support the majority opinion.

THE CHAIRMAN: Is there any further discussion?

Delegate Wheatley.

DELEGATE WHEATLEY: Mr. Chairman, I have a question for the Chairman of the Committee.

THE CHAIRMAN: You should have asked it when he had the floor and could yield it.

Does anyone desire to speak in opposition to the amendment? I am sorry, speak in favor of the amendment?

Delegate Grumbacher. I will recognize you in a few moments, Delegate Wheatley.

DELEGATE GRUMBACHER: Mr. Chairman, I fell quite strongly that if there is a 15 percent variation and it is in favor of my county, I would probably be happier than if it were against it, so each county would feel the same way, I think, as we move along.

My feeling on this is that we cannot, for the long term future of this State, beat that. The Supreme Court of the United States is going to keep on keeping us in line.

We have gone through this over the past years, and it has been a grueling game and it has been darned tough on the State. I think we should tie it down now to a firm percentage, so that we cannot make the errors in the future that we have made in the past.

THE CHAIRMAN: The Chair recognizes Delegate Gallagher. Will you yield to a question from Delegate Wheatley?

DELEGATE GALLAGHER: Yes, sir.

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: Mr. Chairman, on section 3.02, the question that perplexes me at this point is that in building in times, 1970, 1982, is it the understanding of the Committee that this in itself would insure against suits by those who would still allege malapportionment?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: No. There is no guarantee under this provision that a suit will not be brought. That is impossible. All we want to attempt to do here in requiring redistricting as early as 1970 is to guarantee to the extent possible that whatever a redistricting plan is put in we will have a better chance to survive than to allow the General Assembly to go undistricted.

1970, in other words, is put in there as a protection and a defense against losing a lawsuit but not against someone bringing it.

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: One further brief question: it was the feeling then of