

When we do have such a census, then it may be that we will want to reapportion the General Assembly after every such census, but until we do have a census every five years, I would prefer for the reapportionment to be on the basis of actual census figures.

THE CHAIRMAN: Are there any questions of the sponsor of the amendment?

Delegate Singer.

DELEGATE SINGER: Delegate Smith, you refer to the 1970 election as being open, but to be covered by temporary provision. What did you have in mind in regard to that?

THE CHAIRMAN: Delegate Smith.

DELEGATE M. SMITH: Well, on that, naturally, if I had my druthers, I would pick 1960, but I can recognize that there is an actual problem, and I would not jump up too far if you went on the basis of some state planning commission guesstimate at that time, although I do not like it.

You can say I am leaping my argument when I say that I would accept it in 1970, but what you folks are proposing is that the State Planning Commission guesstimates be what is to be followed every twenty years from here on out, and it is that to which I am opposed.

THE CHAIRMAN: Are there any further questions to the sponsor of the amendment?

Delegate Henderson.

DELEGATE HENDERSON: Delegate Smith, is it not true, it seems to me I have read, that the Federal census itself has been questioned, that its accuracy has been impuned, and is it not better to have an estimate, even from the State Planning Commission, than to go along as we are, because we know that right now we are not properly counted.

THE CHAIRMAN: Delegate Smith.

DELEGATE M. SMITH: Judge Henderson, I recognize that there have been some shots taken at the Bureau of the Census. I think, however, that you did not understand something I said a moment earlier.

I am not saying to you, sir, that there should be nothing done in 1970. What I am saying, however, is that we should not write into this Constitution a provision by which every twenty years, instead of following the actual head count, we are going to go by some figures that are guessed up here in Baltimore.

THE CHAIRMAN: Any further questions of the sponsor of the amendment?

If not, the Chair recognizes Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman and ladies and gentlemen, nowhere in this constitution is it stated that the districting commission for the legislature is required to follow any set of statistics prepared by anybody. The commission and the legislature have the discretion to determine what set of statistics they want to use, or what records they want to employ in determining how many people are living in the State at any given time.

The reason that we have suggested that at this particular time the State Planning Department has figures is because it appears to us that these are the best figures and will be the best figures for the purpose of the 1970 election.

But this is not to preclude, as I said before, the possibility of a special federal census. It is not to preclude the possibility of any other avenue of determining the number of people existing in the State at any given time, and it is within the discretion of the commission and the legislature to determine what are the best records or what are the best estimates.

I submit to you that passing a constitution in 1968 which does not provide a very major avenue of relief until six years later, 1974, is postponing justice far too long for the people of the State of Maryland.

This Constitutional Convention, it seems to me, has as one of its major duties the proper allocation of districts on a population basis and if we should put a time factor in here, a time capsule, which delays the application of the sorely needed remedy for so long a period as six years, I would say we have cast a very serious shadow over this constitution generally. It might well jeopardize it.

I submit to you that it is a far better thing to do, to enter 1970 with as good a set of figures as we can obtain. I also suggest to you that if we do not do so, and the federal census figures come out in late 1970 and show a gross job of redistricting and a badly malapportioned State, that we are going to have a lawsuit and we may very well have a special election as a result of a mandate from a federal or state court in 1971 or 1972, so that in reality we only think we can buy time until 1974.

It is a far better thing, it seems to me, to make an honest, genuine, bona fide attempt