

nority. In fact, I do not think we should have minority groups. We were satisfied. The only thing we said was wait until you are finished school, and I am glad we said that. She may still marry him, I am not sure, but I would say that love, if it comes, I believe—

THE CHAIRMAN: Delegate Storm, your time has expired.

*(Applause.)*

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman, that is a very difficult party to follow.

I would like to say a few words on behalf of the Whigs, Roundheads and the Royalists.

Amendment No. 5 has a lot of the Jacksonian philosophy in it, which principally is to the victor belongs the spoils, and if we really seek to give to the victor in redistricting time the opportunity to freeze into a commission status the power that the majority party has in the House of Delegates, I really believe this is more political than we like to see in commissions which are supposed to have some element of objectivity.

I remember well when the distinguished delegate from Frederick County was a member of the Public Service Commission and I was people's counsel and I had the privilege to appear before him. I always found that his objectivity and judicial decorum was such as to make him indistinguishable from a member of the minority party, and I would assume that that same objectivity which characterized his quasi-judicial functions would carry over into this commission.

In a word, ladies and gentlemen, shall we lay this to rest?

THE CHAIRMAN: Is there any further discussion?

Delegate E. J. Clarke.

DELEGATE E. CLARKE: Mr. Chairman, ladies and gentlemen, Delegate Storm admitted that he was a Democrat, and I will have to admit to being a Republican. I think I express the views of all Republicans in this body and in the House of Delegates, of which I happen to be the minority whip, that we are still second but we do try harder, and I would rather fight than switch.

THE CHAIRMAN: Are you ready for the question?

The question arises on the adoption of Amendment No. 5 to Committee Recommendation LB-2.

A vote Aye is a vote in favor of Amendment No. 5. A vote No is a vote against.

Cast your votes. Have all delegates voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 14 votes in the affirmative, 86 in the negative, the motion is lost. The amendment is rejected.

Delegate Case, do you desire to offer your Amendment O?

DELEGATE CASE: Yes, sir.

THE CHAIRMAN: The pages will distribute Amendment O. This will be Amendment No. 6. The Clerk will read the amendment.

READING CLERK: Amendment No. 6 to Committee Recommendation LB-2 by Delegates Case, Hanson and James: On page 2 section 3.03a, Redistricting Procedure, in line 36 after the word "law" insert the following words: "and the plan of the commission if it has not become law".

THE CHAIRMAN: The amendment having been seconded the Chair recognizes Delegate Case to speak to the amendment.

DELEGATE CASE: Mr. Chairman, ladies and gentlemen of the Committee of the Whole: This is a technical amendment which perhaps I can best explain to you by citing an example. Assume with me that the redistricting commission has developed a plan which is illegal. Further, assume with me that the General Assembly, realizing this fact, adopts its own plan, which becomes law, but that that plan, too, is illegal. Under section 3.03a as it is now written, the only plan that can come before the Court of Appeals is the plan which was adopted by the General Assembly, since it is the only plan which has become law.

If the Court of Appeals strikes the plan down, as it would under the assumption, then the commission plan would under the terms of section 3.03a become law, but as I have already postulated, that plan, too, is illegal.

This problem can be remedied by permitting both the commission plan and the plan adopted by the General Assembly to go to the Court of Appeals at the same