

with what is going on in the halls of Congress in this field, but certainly I think the fifteen percent is as much as we in Maryland would want.

This amendment would also give the General Assembly the authority if it found the process too painful for itself to set up a commission to draw up a congressional districting plan. However, this plan would have to have affirmative action by the General Assembly and could not become law without action by the General Assembly.

This also protects, it seems to me, the interests of our citizens by again stating that the Court of Appeals could have original jurisdiction in reviewing such plans upon the petition of a single registered voter.

I sincerely hope that in strengthening the legislature that you also strengthen the rights of the citizens to a fair representation not only in the legislature, but also in the Congress.

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

Delegate Boileau.

DELEGATE BOILEAU: In line 9 you have "decennial federal census". I understand there is a rule to change the census to a five-year census. Might it not be better to leave the word "decennial" out?

DELEGATE KOSS: The difficulty with leaving out "decennial" is that it would depend not only upon the census, but also upon when the U.S. Congress decided to reapportion its seats to the various states, so that we might be reapportioning every five years, and redistricting every five years.

I would have no objection to it.

THE CHAIRMAN: Delegate Boileau.

DELEGATE BOILEAU: Do you think any problem will result in using it possibly more often?

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: No.

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

DELEGATE KOSS: No.

THE CHAIRMAN: The Chair hears none.

Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman and ladies and gentlemen: Once Con-

gress decides to preempt this field any and all constitutional provisions and conflicts would fall.

Let me give you an idea of what Congress has done over the years: In 1842 it provided that the states with more than one representative should establish districts with contiguous territories.

In 1862 it required that the districts be as equal in population as practical. Then it added a requirement for compactness. There was a reapportionment Act in 1911 which provided all those provisions and provided further that representatives be elected by representatives of compact and contiguous territories containing an equal number of inhabitants.

These were all excluded from the reapportionment act of 1929 and from subsequent legislation.

In 1962, Congressman Emanuel Celler of New York introduced a proposal to the effect that there should be legislation forbidding the election of representatives at large in states with more than one seat, that it be composed of contiguous territory in as compact a form as possible and to prevent any distribution in population from varying by fifteen percent from the state average district population.

In 1965 the House passed this proposal, but added a fourth which forbade more than one redistricting of the state between decennial censuses.

All I am trying to show here is that Congress has been moving up and down the scale. It has been in and out of the business of setting up standards for congressional redistricting and reapportionment.

At the present time the posture as I understand it, is that the House has forbidden running at large in any of the states in the union and that the Senate has forbidden it in all but Hawaii and New Mexico.

Now, if ever the twain is going to meet, I do not know, but I am certainly strongly suggesting to you that by taking proposals which I might say have been before the Congress itself, the identical proposals which are obtained in this Amendment No. 9, and writing them in the Maryland Constitution when you can see that Congress itself has moved very slowly in this area, you can expect that there is some opposition that the legislation in its final form will undoubtedly vary from what you have before you and what Congressman Celler has suggested.