

Really all we are trying to do is add to the constitution something which at best ought only be statutory, something decided on by the General Assembly in Maryland. In reality we are setting up a situation where we are writing a basic document with every likelihood that some of the provisions are going to be knocked off by the Congress itself.

I submit to you a far better place to accomplish what you want to do is in the General Assembly; as you know when the General Assembly has fallen down on the job the federal district courts in Maryland and in three other states have not been remiss in moving in and doing the job for the legislature, so much so that if the legislature learned anything from the last time that the courts did the job it learned that they ought to do it themselves.

THE CHAIRMAN: Your time has expired, Delegate Gallagher.

Delegate Koss.

DELEGATE KOSS: Mr. Chairman, and fellow delegates, I know full well that Congress has been working on this since 1961. My only hope is that they would have gotten something done a lot sooner.

I am also aware since 1959 there have been no standards in the federal laws regarding congressional districts. I would be very flattered to participate in a constitution that lasted 100 years without amendment.

I think this is a little silly to expect. In the absence of any action on the part of Congress, I think it is our duty and responsibility to the people of Maryland to protect their representation.

It is for this reason that I think that it is absolutely essential that our Constitution contain some safeguards. I would hope that the strengthened legislative branch that we are working so hard on would have taken cognizance that the courts have had to go into that and do the redistricting before.

I would hope that that would never have to happen again. It is for that reason that I think that this kind of language should be in our Constitution.

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

Delegate Burdette?

DELEGATE BURDETTE: Mr. Chairman, I should like to say that as a member of the Committee on the Legislative Branch,

I became convinced but not being a lawyer I want to invite others to correct me, that in all probability this subject had been pre-empted in the federal Constitution.

The language in section 4 of the first article of the Constitution of the United States says "The times, places and manner of holding elections for senators and representatives shall be prescribed by each state in the legislature thereof, but the Congress may at any time by law make or alter such regulations except as to the places of choosing a senator."

It is possible that that is not a complete pre-emption. Yet, we have seen that the time at which we elect officers, even our state officers have been fixed by Congress, by law, because it is the time for electing representatives.

I should like to say secondly, Mr. Chairman, that because this is a very long amendment, I should for one like to see it somewhat divided so that it is brought up in detail.

THE CHAIRMAN: I do not know whether that is a request for division. The Chair does not see any division that could be made, unless you had one to suggest. The mere fact that it is long would not, I think, be sufficient reason for it.

DELEGATE BURDETTE: It seems to me, Mr. Chairman, that it does have a number of elements in it, some of which perhaps one would vote for and perhaps not others. But in the interest of the hour, I will waive that point now.

THE CHAIRMAN: Very well.

Delegate Winslow.

DELEGATE WINSLOW: Mr. Chairman, may I just say a word in favor of this amendment?

In answer to a question which was raised with respect to the decennial census, as I recall the provision in the federal Constitution, the reapportionment and therefore the redistricting of the congressional districts comes about by the Constitution after each decennial census, so that it does not matter how often the U. S. Bureau of the Census should act.

The Constitution still provides that the reapportionment and redistricting shall occur after each decennial census, and that is what this provides.

In the second place, may I suggest, sir, that the habits of depending upon the United States District Court to correct the