

We already have found that a fixed percentage is at variance with the holdings of the Supreme Court of the United States which has determined simply that Congressional districts need to be substantially equal in population. Substantially equal is a far more flexible term than a fixed ten percent, because if under the proposed section we varied as much as a fraction of one percent over, our districting would be out, and in these days of mobility of population, rapidly growing areas in some sections, static ones in others, I find it very difficult to believe that it is desirable to freeze a fixed percentage.

I see no reason why the standards of the Supreme Court of the United States in a field which has been preempted by the federal government should not be entirely acceptable to the people of Maryland.

There is neither a need for nor a desirability for the inclusion of this in the constitution of Maryland, and I strongly recommend that you adopt the amendment, strike the provision.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman and ladies and gentlemen: I oppose the amendment. I think it is idle to believe that the Congress of the United States is going to provide sufficient guidelines for proper redistricting. It has now been 36 years since we had a congressional act which would provide for compactness and for adjoining territory. The "substantially equal" came into mode after the Supreme Court held in the Georgia case that they had to be substantially equal.

It is quite true after the Congress acts in the area that it will have preempted the field, and any constitutional provision will fall.

On the basis of history and on the basis of honest estimates made by those who are close to Congress, it is only fair to say that there is not going to be the kind of redistricting legislation out of Congress which is going to guarantee the kind of representation that we want.

Therefore I would say when we have an opportunity to provide fair representation in the seats of Congress we ought to take advantage of it, and the gossamer fear of the day when Congress will allow these provisions to fall, we ought not to worry about.

For whatever time we will have congressional redistricting, we should seize on it. If it is only 10, 20, or 30 years, it

will be two or three decades of much more satisfactory government.

Certainly the legislature of the State of Maryland has demonstrated that it has been incapable of coming up with a federal constitution plan on a one-man, one-vote basis. I think that we owe it to the legislators who are going to grapple with this problem again to give them the outline of what the people of Maryland expect of them, not only on the basis of what the Supreme Court might require, but what we are entitled to require over and above the bare minimum.

I urge you to defeat this amendment.

THE CHAIRMAN: Is there any further discussion?

Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

The question is on the adoption of Amendment No. 1 to delete section 3.03(b) comprising all of lines 8 to 25, inclusive, on page 1 of Committee Recommendation LB-3. A vote Aye is a vote in favor of the amendment, and will delete the section. A vote No is a vote against the amendment.

Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 37 votes in the affirmative and 82 in the negative, the motion is lost, and the amendment is rejected.

Delegate Weidemeyer, do you desire to offer your amendment now?

DELEGATE WEIDEMEYER: I do, Mr. Chairman.

THE CHAIRMAN: Is there any objection to considering an amendment to delete all except the first sentence of section 3.03(b), notwithstanding the fact that it is not printed with the understanding that the printed amendment will be on your desk shortly?

The Chairs hears none. Amendment No. 2 will be to delete all except the first sentence of section 3.03(b) which will be to delete line 13 after the portion of the word "sentatives", and "The difference between the populations of the largest and smallest congressional districts in the State