

of the principle, the so-called catch phrase of one man, one vote, but it was taken with the recognition that this principle cannot be achieved with any degree of accuracy in the absence of up-to-date, state-wide population figures." "Accuracy", the court said, "would call for a decree which would be based upon the 1970 census." The confusion over determining which population figures would be used in any reapportionment prior to 1970 was noted by the court. The appeal attempted to bring to the court's attention the disorder and the disruption of representation processes which will necessarily arise from three changes in congressional constituency including the present districts during the six-year period. Now, you will be told, I am positive, that this 1970 figure will be based upon some statistical information given by one of the state agencies and you will be told that this will modernize it.

Well, I personally do not want to be panicked or stampeded into any inappropriate action. It is hard to stand in the way of progress and perhaps some day we will come to computerize society. I hope I do not see the big brother day.

THE CHAIRMAN: Delegate Boyer, you have one minute.

DELEGATE BOYER: I do not think we should be confused by these red herrings of deviations and figures. I think the figure before us is shall we accept 1970 census figures as the official figures, or something else which could be determined just as easily by Ginger Dorsey\* barking up some problem like this, or having some state agency swear and verify that these are accurate. I think they are just as accurate, and I would strongly urge you ladies and gentlemen seriously to consider the problem.

We just reapportioned the General Assembly in 1966. We would do it again in 1970, and when the population figures come out in 1971, we will do it again. This will be three times in a six-year period.

THE CHAIRMAN: You have one quarter minute.

DELEGATE BOYER: I can only close with this, I think that no matter what happens here, it would be to the best interests of all the people of the State of Maryland to act on some official population figures determined by some official agency and nothing else.

I urge you to vote for the amendment.

\*Delegate Dorsey's dog.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman, and ladies and gentlemen of the Committee, for over twenty-five years the people of Maryland have been trying to get fair apportionment. We are asked by the sponsors of the amendment which you have before you, Amendment No. 6, to ask them please to wait another seven years or six years until 1974.

Delegate Boyer would have you believe that the General Assembly of Maryland has addressed itself in a proper and adequate fashion to this problem, but that is hardly the true legislative history of this matter, as those who have followed the attempts of those who wished to get general reapportionment can well testify to.

The whole thrust of the argument which the sponsors of the amendment would make to you is this, that there is only one official figure for population and that is the federal census figures.

I submit to you that that is not the case. I submit to you that in providing that interpretation that you have been misled, that letters to the editor of *The New York Times* notwithstanding, and interpretations of the *Washington Post* notwithstanding, the Supreme Court of the United States has indicated that there are other avenues to obtain official figures of population other than the federal census. I will discuss the case of *Rhodes v. Ohio* and the language actually used rather than a newspaper interpretation, but I want to make it perfectly clear that when the legislature reapportioned in 1966, it presented the most miserable yet legal collection of approaches to this problem that you can have.

In reality, the legislature passed two bills, Senate Bill 5 and Senate Bill 8. One of them was so obviously so unconstitutional that the Court of Appeals had no problem, and it looked at the other and it said it is barely constitutional in 1966, but under the circumstances it follows a pattern of trying to provide one delegate to each county. We will let it go by.

Now, I submit to you that the deviations which were considerable, in 1966 and as you may see from the memorandum which you have before you, they amounted to sixty-five per cent from the norm, that those deviations existing in 1966 will be worse by 1969, and even more horrendous by 1974. Therefore, we have an intolerable situation, a marginal situation, from a legal point of view and we are asked to swallow one gain and to go along with this