

The Chairman stated yesterday that the proposition that was before the group in the matter of a majority report was a compromise. I think that compromise should be clearly understood. It was not only a playing of the numbers game. It was a playing of the game with the firm realization that unless we had some kind of a majority report, some kind of a ratio in numbers, no proposition would ever come before this chamber, and that is the compromise that is before you today.

The Chairman stated that there was no presumption in favor of a chairman coming before you here, favoring a majority report.

I think that answers itself, because obviously no presumption could attach when the majority does not really have a majority to support it.

With respect to sizes of the legislature, he mentioned quite frequently of course the size of the lower house of New Hampshire, which has 400 members in it. I have already mentioned the fact that in New Hampshire they meet on an every other year basis. I might say there are no states in the union that have 300 members in their lower house, and there are only three states which are in the 200 class; so all of the other 45 states are under 200.

I think it is a fair question to ask, whether all of those states are badly represented, whether all of those legislatures cannot do a job.

The Committee Chairman mentioned the fact that there was a feeling among some members that when we had a senate of 29 members it was too clubby. I wonder if we increase it to 35, whether it will get us just a little bit more clubby, or will the clubbiness disappear by increasing it six members.

He mentioned the fact that we do not want to get ourselves in the situation that they have in the House of Representatives, where they have 535 members, and I think the import of his remark was to the effect that it was a very ineffective body. I am sure that conclusion would come as a surprise to each and every member of the House of Representatives, none of whom, I might say, have ever been going out lobbying to have the size of that chamber decreased. I think he needs a little experience of what goes on in the House of Representatives. He has been spending too much time in Baltimore.

Reference has already been made by other members on the floor to the favor-

able comment that has been given in the nation's press about the legislative session that has just been completed this past year. The Washington Post—I am sure that appeals to some of our people here in the group—the Washington Post characterized it as the most productive legislature we have ever had in the State of Maryland, and there are 143 members in the lower house.

In conclusion, Mr. Chairman and members of the Committee of the Whole, what is the case for allowing the size of the legislature to be provided by law, rather than freezing that size in the Constitution from now into the eternal future?

The first proposition and the first foundation of that case is this: this body does not and cannot have the foresight to determine precisely what the exact number should be. We have to ask ourselves the honest question, whether a 35-105 ratio that may be good enough for the year 1968 is going to be good enough for the year 1970, and I am talking here about adequate representation of people—that is the issue—and will it be good enough in 1980, when the population has increased over 1970 by 30 percent?

The second proposition that the Minority Report stands on is this: since the Supreme Court decisions, the case is no longer arguable as to whether a State shall equitably apportion itself. It must do so. The only question left is how that apportionment shall be applied in each state, and I have already demonstrated that this apportionment is applied in about 48 different manners in 49 different states.

The third proposition is this, and a point that deserves some consideration: since the existing predominance of the legislature, some 70 percent, now rests in three counties and the City of Baltimore—Baltimore County, Montgomery County, Prince George's, and Baltimore City,—it is senseless, it seems to me, to assume that these individuals, if they are given the responsibility of apportioning the State legislature, will dilute their power by greatly expanding the size of the legislature. We already have a safety valve provided.

I might say that that safety valve was not provided by the constitution. It was provided by the legislature of Maryland and approved by the federal courts, and the state courts.

The fourth proposition is this: inasmuch as the Supreme Court has left some mar-