

search, Delegate Gleason, you must have stumbled upon the figure of the states that had no limitations at all.

DELEGATE GLEASON: I presume you are using that word "stumbled" rather loosely. I might say to the delegate that he had the same basic research material before him that I did. Essentially, there are two books. One put out by the Council of State Governments, and the other put out by Citizens' Conference on State Legislatures. Both are recent books, both up-to-date. I am saying to him, what I said to Delegate Chabot, though he may not want to accept the answer, but it is the answer, that that information was not available in those books, and I was not able to procure it anywhere else. Maybe the Chairman, who has done a great deal of research, and of course, who has research assistants, may have come up with the answers. I would be very happy to have the answer myself.

THE CHAIRMAN: Delegate Gallagher?

DELEGATE GALLAGHER: May I say, by way of question, that would it be proper to suggest to Delegate Gleason that page 24 of the research document to which he just referred, contains the information that Montana and Virginia set the size of the legislature by law.

DELEGATE GLEASON: Yes, but the full answer to that question, if I may respond to the Chairman, is that other sizes of legislatures have been established and have been revised over the past four or five-year period. We cannot tell precisely how that was done, whether by constitution, having been declared unconstitutional, or by the legislature, or in response to federal courts.

THE CHAIRMAN: Do you have any further questions? Delegate Scanlan?

DELEGATE SCANLAN: That still is not my question. My question is, how many states have no limitations at all, in short, how many states do what you asked this delegation to do in your motion?

DELEGATE GLEASON: Well, I think one of the answers to that is as the delegate knows that there have been very few states in the process of revising their constitutions in the past four-years and so that I cannot tell just how many states allow this to be done. My case is resting on the proposition that since the Supreme Court decision, which you fostered, has brought such great impact into this state,

you ought not now extract all the blood from the rock but should leave the legislature a little bit of a chance to ease the pain of the burden.

THE CHAIRMAN: We will suspend for just a moment to change the tape.

*(At this time a brief recess was taken.)*

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: Mr. Chairman, I should like to ask Delegate Gleason if the size of the House were permitted to rise in such a manner that each county's population would be assured of not having to share a delegate with another county, what the size of the House of Delegates might be in 1970.

DELEGATE GLEASON: Well, let me say in answer to that question, I do not think either the delegate or I know, because we do not know where these population increases are going to occur. There has been some evidence submitted by our research assistants to the Committee that this House would go up to perhaps 192 by the 1970 census, by what I am saying, and of course, it is the burden of our report, is that we ought to set the size at the time that all of the facts are available and the facts are not available to this Convention.

THE CHAIRMAN: Are there any further questions? Delegate Mason?

DELEGATE MASON: Delegate Gleason, I believe you indicated that several states have reapportioned their legislatures. I wonder if you have any record as to what states were forced to reapportion because of court order and what states voluntarily reapportioned.

DELEGATE GLEASON: I would defer you to the great experts on this, Mr. Scanlan, and Mr. Hanson. I do not have that information.

THE CHAIRMAN: Delegate Scanlan?

DELEGATE SCANLAN: Very few have reapportioned without either a direct court order or the threat of an order in the wind. Several, New Jersey being one, and I think one other state, did reapportion before the flood of reapportionment decisions. By the way, I did not foster the decision, Mr. Gleason; I merely argued it.

THE CHAIRMAN: Are there any other questions? Delegate Taylor?

DELEGATE L. TAYLOR: In the case of *Baker v. Carr*, in the State of Tennessee,