

I am impressed with the compassion, the consideration the delegates here are showing for the small counties, and yet I am also impressed with the fact that the small counties held sway in the State for many years, and I have yet to find that such compassion, such consideration had been shown for all minorities across the board, and I certainly hate to bring this area in. I am not speaking of the Negro minority; I am speaking of the variety of minorities in the State of Maryland.

I think if we are going to give such consideration here, then we have to give it across the board. I agree with Delegate Hanson that if we go with the fractional voting formula that we might as well go back and reconsider our action of yesterday and let the General Assembly set its own size.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Hostetter.

DELEGATE HOSTETTER: Mr. Chairman, I rise in support of the amendment now before the Committee of the Whole.

I believe this amendment offers a plan based on compromise and reason. I do not believe that it is an amendment based on deception. If this were so, our forefathers would have been guilty of gross deception, for in the federal Constitution it is provided that each State have a representative.

We all know that Congressional districts are formed on the basis of a one-man/one-vote concept. However, the State of Alaska has a population of 226,000. A Congressional district which would have the proper number, according to the one-man/one-vote concept, would have 410,000. I do not believe anyone has ever suggested that Alaska be represented with the State of Washington.

While Alaska has 226,000, Delaware is represented by one representative with 440,000.

I say again, this is a compromise, but a compromise with reason, and there are many practical reasons for each county having a voice in Annapolis. First of all, that delegate would be the voice of the county within the legislature, and in many cases with the rest of the State. He assists the legislature by providing information of the effect of statewide legislation on his county. He is a ready source of information

for the county government and his constituents in the county as to what is going on in the legislature.

If the recommendation of the Local Government Committee goes through, the county government will be, as it has been, our basic unit of government, and I believe that all of these basic units of government should have a voice in the legislature, even if it is a fractional voice.

Therefore, I support the amendment. Thank you, sir.

THE CHAIRMAN: Before recognizing anyone else to speak, I would like to take a moment to acknowledge the presence in the gallery of Senator Mary L. Nock, President Pro Tem of the Senate, Senator Verda Welcome, Baltimore City, Delegate Tyras Athey and Delegate Al Lipin of Anne Arundel County. We are delighted to have them with us.

*(Applause.)*

Does any delegate desire to speak in favor of the amendment?

*(There was no response.)*

THE CHAIRMAN: If not, the Chair recognizes Delegate Henderson to speak in opposition of the amendment.

DELEGATE HENDERSON: Mr. Chairman, fellow delegates: I rise with some reluctance to express an opinion which, while it is based on a very limited amount of research over the lunch hour, and which, therefore, may be termed a curbstome opinion. Nevertheless it is my opinion that this proposal is a violation of the federal Constitution, and I say that, based upon the authorities which I was able to examine over the lunch hour. The leading authority on the subject appears to be that of a three-judge federal court in New York.

It is the case of *WMCA v. Lomemzo*, and it involved the reapportionment of the New York Legislature. The Legislature there, when it was compelled to reapportion by a court order, set up four alternate plans. Plans D and C involved various similar proposals to the one which is before this body now, and the three-judge federal court, Circuit Judge Waterman writing the opinion in which he was joined by District Judges Ryan and Leppitt, declared that those plans violated the federal Constitution.

It was pointed out that if voting were the only function of a legislature, the