

1 Federal court decision cut it down to two or three per
2 cent variance and if these rules -- they are tight. I
3 don't see how you can follow county lines and draw
4 legislative district lines.

5 THE CHAIRMAN: If you had your own way on (d),
6 what variation from the average, Senator, would you allow
7 on the size -- I realize Congress is fooling with this --
8 on the size of representative constituencies?

9 SENATOR JAMES: If I had my way, I wouldn't
10 be too tight with it, but frankly, it's getting so, I
11 don't think there is as much as five per cent is going
12 to be valid, the way the decisions are going.

13 THE CHAIRMAN: Would you write it into the
14 Constitution?

15 SENATOR JAMES: I'd be a little doubtful about
16 that, but maybe it would serve a purpose. If you put in
17 five per cent, the Supreme Court might say it's un-
18 constitutional under the Federal Constitution, because
19 you are mathematically providing for an inequality of
20 vote. So, it might be a little bit dangerous.

21 THE CHAIRMAN: Mr. Mandel?