

The so-called liberals in this Country and most commentators in the press (including the editorial writers who disguise their offerings by presenting them on the news page) omit all mention of the fact that the Fourteenth Amendment to the Constitution of the United States was never, in the wildest stretch of anyone's imagination, meant to cover apportionment in state legislatures in general and in the Senate of Maryland in particular.

During the debates and discussions in the months prior to the enactment of the Fourteenth Amendment by the Congress, the question was specifically raised and specifically and emphatically rejected, whether this Amendment would have any bearing or impact upon voting in the several states. All available evidence points to the fact it was never contemplated or remotely suggested that the Fourteenth Amendment would be construed to apply to the apportionment of state legislatures.

The Senate of Maryland states these two propositions which cannot be denied:

First, that those who framed our Federal and state constitutions, including the subsequent amendments thereto, did not intend that State Senates should be apportioned completely on a population basis; and

Secondly, in so deciding, the Supreme Court of the United States has amended not only the Constitution of the United States but the constitutions of virtually every state in the Union.

The simple issue becomes, therefore, whether it is an exercise and a true application of the principles of democratic government to have the judiciary amending the basic law of the land as found in our constitutional documents.

Thus, the basic issues do not concern the details of reapportionment and whether any particular reapportionment scheme is good, bad, or indifferent.

The basic question concerns the exercise of fundamental governmental power in this Country in our vaunted system of free government, and of the right of a free people to govern themselves. These basic matters of policy were meant to be settled by the people together with their elected representatives.

In our government it is always important "what" is accomplished. But, there frequently is the far greater question "how" the results are obtained. In the present instance, the requirement that the State Senate be reapportioned is tainted with the fatal defect that it stems from an amendment to our Constitution promulgated and enforced by a judiciary that has lost its discretion and its discernment for the basic values and principles of American government.

Thus stated, and whatever may be the results of reapportionment with respect to membership and representation in the Senate of Maryland, the process is the most unwarranted and most undemocratic seizure and arrogation of power in the history of the American republic. It strikes at the very roots of democratic and republican government and brings this Country sharply to the ultimate realities in its quest for continued powers of self-government.

By some strange twist of logic and semantics, it is now the "liberals" who espouse and encourage the courts in their assumption of power. Historically and traditionally over the centuries, the liberal movement has been the one which has fostered and supported all the legitimate efforts of people to be self-governing and to have the right of self-determination