

miserable situation which grows more intolerable every year in the name of making things nice and easy for those who want to get ready to adjust themselves.

I submit to you that the adjustment period has long since passed and that it is time to give the people of Maryland adequate apportionment, fair apportionment, and we have already provided the method of deviation, and the mean deviation we have suggested is fifteen per cent.

Now, ladies and gentlemen, our Committee has made adequate inquiry into the fact that the state planning department is able to provide very accurate figures and collect them by the year 1969. They are not projections. They do not look forward. They are actual counts carried on in a scientific manner and have been demonstrated to be accurate in many areas of the country and in the State of Maryland as well.

Now, I have before me the case of *Rhodes v. Ohio*, and I should like to tell you what figures were used which were struck down by the majority of the Supreme Court. They were figures provided by the Ohio Department of Development.

I am reading from the two-judge majority opinion of the two-judge court, the Citizens League for Cuyahoga County, and the Columbia research staff.

The evidence does not disclose that any information was supplied by any official state agency which might have conducted a statewide physical population census. When the Supreme Court struck down the acceptance of these consumer figures, it did so without an opinion. Consequently, you must look to the dissenting opinion which indicates that the reason why the majority found it unacceptable was because they used unofficial figures, and I submit to you that within the realm of both the two-judge majority opinion, below, and the minority opinion as well, that it is perfectly obvious that had Ohio used state official figures it would have been acceptable despite the fact that there was a thirty-one per cent deviation in the aggregate.

I submit to you ladies and gentlemen that we have before us an opportunity to do substantial justice. We can obtain figures in 1969 which will provide the counties of this State, and the areas of this State, and most particularly, the people of this State, with the representation to which they are entitled.

If we are to wait, if we are to let six years go by, I submit to you that there is

a possibility that the gains which we have gotten here in this particular Constitutional Convention may be whittled away and that there will be many opportunities to set aside the hard-fought victories that we have won.

Ladies and gentlemen, this is a delaying device. It is the death knell of the great progress which we have afforded to the people of the State of Maryland and I urge you to defeat this stultifying and deceit-laden amendment.

THE CHAIRMAN: Delegate Raley.

DELEGATE RALEY: Mr. Chairman and members of this Convention, after Mr. Gallagher's eloquence I hated to get up here, but I think we might say here, it is not asking for much for the small counties.

I think you can remember that already the urban areas have three quarters of the control of the legislature. Just to wait a few more years does not really make that much difference to gain almost total and complete control. It does mean something to those small counties. It means an awful lot. I just hope that you will think about that. You have already got the power. You have already got control. You can do anything you want to do. This does mean something to the small counties.

THE CHAIRMAN: Does any other delegate desire to speak in opposition?

Delegate Henderson.

DELEGATE HENDERSON: I do not want to make any oratorical speech on this subject, but I do feel in my opinion it would be very dangerous to delay for six years in restricting the construction of a new legislature.

I want to say this, as I read the decisions of the courts, as I do from time to time in this field, the lines are getting drawn tighter and tighter and there is no question in my mind that the present legislation if attacked in the courts would be held to violate the principle of one man and one vote, and for that reason, among others.

I also have read recently a good deal of literature on the subject of the computerized arrangements and the census tracts and the modern methods that are being used which according to some writers are far superior to the federal business which in one article I read said that a great many people had been missed in the federal census which probably might have shown up in the census tract system of computations.