

State Senate Decision Of Court Called 'Bomb'

By VINCENT THOMAS, Assemblyman, 68th District

The U.S. Supreme Court certainly dropped a 1,000 megaton H-bomb on the Legislatures of 49 states, including our own.

The series of court decisions which rule that membership of both houses of State Legislatures must be apportioned on a population basis has given all of us concerned with legislative processes a major headache. Only Nebraska, which has a unicameral Legislature, is unaffected by the implications of these decisions.

The six decisions directly involve the states of Alabama, Colorado, Delaware, Maryland, New York and Virginia. However, the broad, sweeping language of the majority opinion leaves no doubt that all other states having bicam-

eral Legislatures are within the purview of the decisions.

THE RULING is based on the "equal protection clause" of the 14th Amendment to the U.S. Constitution, adopted in 1868, which reads in part, "No State shall . . . deny any person within its jurisdiction the equal protection of the laws."

Here in California, legislative, administrative, and civic leaders reacted immediately and strongly. The President Pro-Tem of the Senate said he is opposed to the reapportionment of that house, and hopes such action will not be forced by the court ruling. The Speaker of the Assembly said that the decision has no immediate effect on California, and that any action here would have to await a specific

court ruling involving this state.

SENATORS FROM rural districts united in defending the California system of "federal senatorial apportionment" as having given us the best state government in America. The chairman of the Senate Judiciary Committee said, "I think the decision is absolutely incorrect. The court is legislating rather than just reviewing the issue." Even the Senator from Los Angeles is quoted as saying, "In a way the decision kind of destroys the purpose of having two houses . . . I'm wondering if they might have gone too far." The Governor said it is clear that California must reapportion its Senate, and that he will meet with the Attorney-General to discuss when

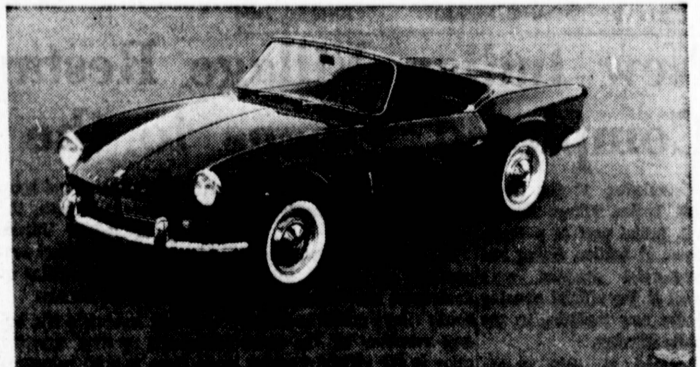
and how action will be required.

geographical apportionment based on that which the U.S. Constitution provides for the federal Senate. Dissenting justices referred to the majority decision as "profoundly ill advised and constitutionally impermissible," and a "Draconian pronouncement which . . . finds no support in the Constitution, any prior decision of this court, or in the 175 year political history of our federal union."

Obviously, the major issue of our 1965 session has been picked for us by the U. S. Supreme Court.

The federal plan won handily, but its effect was held up by an unsuccessful referendum until the 1930 election. Three subsequent attempts to change it, the last at the 1962 election, have been defeated by good margins.

THE MAJORITY court opinion rejected as rationalizations, any argument for



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