

# Urbanites Seek Representation On Equal Basis

By CHARLOTTE G. MOULTON  
United Press International  
Washington - (UPI) - City voters are banging on the doors of the supreme court again for equal representation.

Cases attacking the city vs. rural lineup in state legislatures have been docketed from New York, Michigan, Alabama, Maryland and Oklahoma. One from Virginia is on the way. In addition, an appeal from Georgia challenges the districting for election to the U. S. House of Representatives.

The high court has not acted on these appeals as yet, probably because it wants to get another case out of the way first-one testing the constitutionality of Georgia's county unit election system. Arguments have been scheduled for next week.

**Urged to Hear Case**  
Georgia urged the court to hear the case last June, after argument sessions had ended for the term. But the court refused to take this unusual step.

As a result, the county unit plan was junked in last September's primary, in accordance with a previous order by a special three-judge federal panel in Atlanta. The election was by popular vote.

Conduct of future elections in Georgia will be determined by the supreme court's ruling on the state's appeal. The decision is expected some time before the end of the present term in June.

**Lawsuits Start**  
The sunburst of reapportionment lawsuits all over the country started after the high court's landmark ruling in "Baker vs. Carr," not yet a year old. There, in response to an appeal by a group of Tennesseans, the court broke precedent and opened the doors of federal tribunals to complaints of this kind.

The Tennessee voters said the population had for years been shifting from the country to the city. But the legislature has done nothing to correct the imbalance by providing for more lawmakers from city districts and fewer from rural areas.

They said 40 per cent of the voting population controlled the state senate and 37 per cent the house.

**Majority Opinion**  
The majority opinion by Justice William J. Brennan Jr., suggested that the constitutional right of an individual citizen to "the equal protection of the laws" could be violated in this situation. The 14th amendment contains the "equal protection" guarantee.

Soon after the decision, lower federal and state courts held unconstitutional a large number of state legislative appointments.

Some legislatures have now reapportioned themselves; others have been rearranged by a court; and still others have been given more time to solve their problem.

But Brennan did not give lower courts any guidance on the main question: What is a proper apportionment that will be fair to all the voters?

**Based on Geography**  
Must both houses necessarily be set up on the basis of population? Or may the state senate be a kind of counterpart of the U.S. senate and based on geography.

ment cases now in the high court are looking for the answers.

Earlier this year a conference of research scholars sponsored by the Twentieth Century fund came to some conclusions in this area. The consensus was that "the only legitimate basis of representation in a state legislature is people."

"One man's vote must be worth the same as another's," a summary of the conference stated.

**Applies in Both Houses**  
The scholars said this principle applies in both houses. There is no justification, they said, for a kind of "federal plan" under which districts would be represented in the state senate the same way states are in the U. S. Congress.

"The Constitution embodies a theory of federalism which divides sovereign power between the nation and the states," the summary said. "A key device for protecting their residual sovereignty was the equal state vote in the senate. . . counties, by contrast, were never independent or sovereign. . . they are wholly creatures of the states and may at any time be merged, divided or abolished by state governments."

It has been suggested that two houses-a bicameral legislature-would not be needed if both were elected on a population basis.

**Checks, Balances**  
But the conferees agreed that a second house is not a mirror of the first but provides checks and balances in the legislative process. More deliberation is insured before a law is enacted.

The conference cited Massachusetts, where both Houses are apportioned population. The House has 240 members, the Senate 40, a legislature as representative of the people as any in the country. Yet the two bodies frequently disagree.

Two which arrived at opposite conclusions were the Maryland Court of appeals, which upheld the apportionment of the state senate; and three-judge federal court in Alexandria, Va., which ordered the re-vamping of both houses of the Virginia General Assembly.

**Reject Federal Analogy**  
U. S. District Judge Albert V. Bryan, speaking for a 2 to 1 majority in the Virginia case, rejected the so-called "Federal Analogy." He said state Senate Districts, unlike the states themselves, have no "Autonomy."

The Maryland Court, on the other hand, said if the congress of the United States can run with one house selected by geography, so can a state legislature.

The court said it is true that the states which adopted the Federal Constitution were sovereign bodies. But it said 37 more have been admitted to the union since 1789, none of which had never been sovereign "with the possible exception of Texas."

Further, the opinion by Judge William L. Henderson said, "It was never suggested that senators vote by states. They were clearly members of national congress. . . He concluded with an indisputable statement:

"There is no unanimity of opinion to be drawn from the (recent) cases, and the final determination must await further light from supreme court of the United States."



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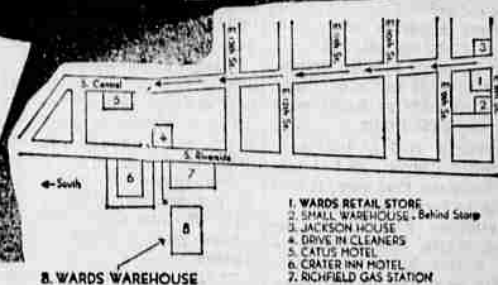
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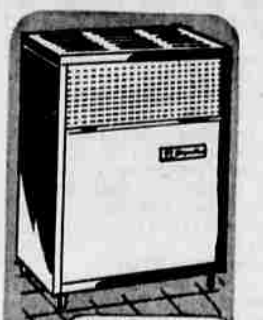
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## Barbara Phillips To Open Office

Barbara Ashley Phillips will open law offices in the Goldy building in Medford Monday, Jan. 14.

Mrs. Phillips, who received her L.B. from the Yale University school of law in 1961 after graduating from the University of California in 1957, engaged in general law practice in Oregon City for one year before moving to Medford six months ago.

Admitted to the practice of law in 1961, Mrs. Phillips is a member of the American Bar association section of taxation. In the Oregon State Bar, she is on the continuing education committee and liaison representative to the legislative interim committee on the small business for taxation committee. She is secretary for the Jackson County Bar association.

In Medford, Mrs. Phillips is a member of the League of Women Voters and of St. Mark's Episcopal church.

Her husband, Theodore W. Phillips, lawyer, is associated here with Robert R. Dickey.

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