

days ago with the Warner amendment, and I voted for the Warner amendment because I felt that it was important that we not cross county lines. To me that was a very important principle. But after I voted for the Warner amendment, Senator Hefner said to me, he said, I think, Vard, that you have made a big mistake because what you really have done in voting for the amendment is you have set up too great a percentage deviation in congressional districts, and it probably will not stand court muster. Well, being born in Missouri, you know, I have that kind of Missouri doubt that comes along and so I said I had better get a look at the court opinions to see precisely what they do say. So I went to the Law Library and I picked up the Supreme Court decisions in the area, and I guess the case that was most important to me was White versus Wiser which was a 1973 decision out of Texas where the United States Supreme Court held quite specifically that it wasn't good enough...it wasn't good enough for Texas to reapportion congressional districts and allow a one and a half percent deviation by reason of county lines. The county line criteria was not apt. In fact, if I can quick like find what the court said, it said, "We do not find legally acceptable the argument that variances are justified if they necessarily result from a state's attempt to avoid fragmenting political subdivisions by drawing congressional district lines along existing county, municipal or other political boundaries". The Supreme Court has said that we as a body must maintain fidelity to the one-person one-vote principle, and we genuinely cannot allow population variances unless there are some compelling reasons to allow the variances. Now this case again is quite interesting because after the District Court held that the initial cut by the Legislature was unconstitutional, the Legislature met in special session and two plans were proposed, and under the court one was plan B and one was plan C. Plan B had a slightly greater population variance than did plan C but plan B was the one openly approved by the Legislature because it tended to preserve some existing political boundaries. And the District Court rejected plan B finding for plan C because plan C had the very smallest population variance possible. The United States Supreme Court said, look, we think, District Court, you have got to give some leeway to legislatures and inasmuch as the legislature had some good motivation in adopting plan B even though it had a somewhat greater population variance than did plan C because it did take into consideration some political realities, that is all right. And so the court said plan B is fine. Now the population variance allowed by plan B was greater than the population variance being allowed by the initial committee amendment or the Hefner amendment in effect to LB 523. So it seems