

State of Vermont

House of Representatives



Montpelier, Vermont

Concurrent House Resolution

H.C.R. 210

House concurrent resolution commemorating the 50th anniversary of the historic 1965 reapportionment of the Vermont General Assembly

Offered by: Representatives Devereux of Mount Holly, Branagan of Georgia, and Jerman of Essex

Whereas, historically, every organized Vermont municipality elected one State representative and each county elected at least one State senator, and

Whereas, on March 26, 1962, pursuant to the equal protection clause of the U.S. Constitution's 14th Amendment, the U.S. Supreme Court, in *Baker v. Carr*, 369 U.S. 169 (1962), ruled state legislative districts must be apportioned with a minimal deviation, and

Whereas, later that year, based on the 1960 U.S. Census, the Vermont Supreme Court in *Mikell v. Rousseau*, 123 Vt. 139 (Vt. 1962), decided the Vermont Senate was not apportioned constitutionally, but the Court deferred to the Legislative Branch to devise a solution, and

Whereas, on August 3, 1964, a three-judge federal judicial panel in *Buckley v. Hoff*, 234 F. Supp. 191 (D. Vt. 1964), held neither the Vermont House nor Senate's apportionment satisfied constitutional equal protection requirements, and new legislative elections should be delayed until constitutionally compliant reapportionment had been adopted or an at-large election conducted, and

Whereas, however, the court, recognizing the need for more time, allowed the 1964 legislative elections to proceed, subject to the 1965 General Assembly's session expiring on March 31, 1965, and limiting legislative authority to devising a new constitutionally compliant apportionment scheme, and

Whereas, on January 12, 1965, the U.S. Supreme Court, in *Parsons v. Buckley*, 379 U.S. 359 (1965), approved an alternative order, permitting the General Assembly to conduct all regular legislative business until July 1, 1965, requiring new reapportionment laws or a constitutional amendment, warning alternatively of a court-imposed reapportionment and requiring the election of a newly reapportioned General Assembly ready to sit in January 1966, and

Whereas, following heart-wrenching deliberations, the 1965 General Assembly adopted Act 96, reapportioning the Senate, ending each county's guarantee of at least one senator, and Act 98, reapportioning the House of Representatives, reducing the larger chamber from 246 to 150 members and ending each organized municipality's guarantee of a representative in the House, and

Whereas, these acts changed, fundamentally, the composition of the General Assembly, inaugurating a new era in its history, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly commemorates the 50th anniversary of its historic 1965 reapportionment, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Historical Society.