*Baker v. Carr*

Argued: April 19-21, 1961

Reargued: October 9, 1961
Decided: March 26, 1962

Background

In the United States, each state is responsible for determining its legislative districts. For many decades, states drew districts however they wanted. By the 1950s and 1960s, questions arose about whether the states’ division of voting districts was fair. Many states had not changed their district lines in decades. During that time many people moved from rural areas to cities. As a result, a significant number of legislative districts became uneven—a rural district might have 500 people while an urban district had 5,000 people, but each only had one representative in the state legislature. Some voters filed lawsuits to address the inequities, but federal courts deferred to state laws and would not hear these cases.

At that time, federal courts did not generally involve themselves in issues determined to be “political” matters. Courts were reluctant to interfere when another branch of government (the executive or legislative) made a decision on an issue that was assigned to it by the Constitution. For example, if the president negotiated a treaty with another country (a power granted to the president by the Constitution), the courts would generally not decide a case questioning the legality of the treaty. The power of state legislatures to create voting districts was one of those “political questions” that the courts had avoided.

This is a caseabout whether federal courts could rule on the way states drew their state legislative boundaries.

Facts

In the late 1950s, Tennessee was still using boundaries between electoral districts that had been determined according to the 1900 census. Each of Tennessee’s 95 counties elected one member of the state’s General Assembly. The problem with this plan was that the population of the state changed substantially between 1901 and 1950. The distribution of the population had changed, too. Many more people lived in Memphis (and its district—Shelby County) in 1960 than had in 1900. But the entire county was still only represented by one person in the state legislature, while rural counties with far fewer people also each had one representative.

In fact, the state constitution required revising the legislative district lines every 10 years to account for changes in population. But state lawmakers ignored that requirement and refused to redraw the districts.

An eligible voter who lived in an urban area of Shelby County, Charles Baker, felt that he was denied equal protection of the laws under the Fourteenth Amendment because his vote was “devalued.” He said his vote, and those of voters in similar situations, would not count the same as those of voters residing in less populated, rural areas. He sued the state in a federal district court in Tennessee.

 The state of Tennessee argued that courts could not provide a solution for this issue because this was a “political question” that federal courts could not decide. The state said that its political process should be allowed to function independently. The federal district court dismissed Baker’s complaint on the grounds that it lacked authority to decide the case. Baker appealed that decision up to the U.S. Supreme Court, which agreed to hear his case.

Issue

Should the Supreme Court and other federal courts decide cases about state legislative districts?

Constitutional Amendments and Precedents

U.S. Constitution, 14th Amendment

“No State shall…deny to any person within its jurisdiction the equal protection of the laws.”

**Article III, section 2, of the Federal Constitution**

“The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority. . . .”

***Colegrove v. Green* (1946)**An Illinois resident sued Illinois officials to prevent them from holding an upcoming election. He argued that the state’s congressional districts were irregularly shaped and did not include the same number of people in each. The Supreme Court was asked to decide whether Illinois’ congressional districts violated constitutional requirements for fair districting.

The Court dismissed the case, concluding that federal courts lack the competence to decide whether a state’s districting decisions are consistent with the Constitution. The Court decided that because the legislative districting process is inherently political in nature, the courts cannot second-guess the political judgment of a state as to how best to draw districts, or order a state to draw its districts any particular way.

Arguments for Baker (petitioner)

* The courts should be able to decide this issue. The text of Article III, section 2 of the Constitution is clear: “judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution.” This is an issue that arises under the Constitution because people’s rights are being violated.
* Political questions are not neatly defined and are determined by a number of factors. Just because an issue involves politics, doesn’t mean it is a political question. By refusing to decide political questions, courts are trying to avoid a situation where a coequal branch of government is telling another what to do. But the courts would not be drawing new districts (that is the legislature’s responsibility). The courts would simply be instructing the legislature to fix the problems.
* Courts cannot rely on a long-held practice just because it is a tradition. There needs to be an important and constitutional reason why they do not decide a case.
* Baker’s complaint—that his vote does not count equally—is a very serious violation of his rights. Many states have been unwilling to address this violation. In a case like this, the courts must get involved to protect people’s rights and prevent the “evil” that would happen if the situation is not addressed immediately.
* The states suggest that voters’ concerns can be remedied by elected officials – that voters can lobby for state laws and practices. That solution is flawed, however. Voters’ power to influenced officials is greatly diminished when too many voters are grouped together in small districts.

Arguments for Carr (respondent)

* The federal courts do not have the constitutional authority to review legislative districts. One branch of the government should not tell another what to do on a question that is committed to the discretion of that branch alone. All three branches—legislative, judicial, and executive—are equal in the Constitution, and co-equal bodies cannot interfere with each other’s basic functions.
* If the courts decide this case, they will overstep their authority and abuse their power. The State of Tennessee can enforce its own laws and decide what legislative districts it thinks achieve the fairest representational system. The federal government should respect the state’s sovereignty and not force uniformity in an area where the Constitution left it to the states to decide how best to draw districts.
* Federal courts have never recognized the authority to review voting districts drawn by state legislatures because they have always viewed districting as a uniquely political function that states do not have to carry out in any particular way.
* Even if the courts had authority to hear the case, there is nothing in the Constitution that says that state legislative districts must each have the same number of people. Nor is there any objective way to decide whether a state’s districting decisions are sufficiently “fair.”
* The courts do not need to interfere with the democratic process. If the residents of Tennessee want a change how their legislature draws the state’s districts, they can encourage their elected officials to make that change.

Decision

In a 6–2 decision, the U.S. Supreme Court decided in favor of Baker. Justice Brennan wrote the opinion of the Court and was joined by Justices Black and Chief Justice Warren. Justices Douglas, Clark, and Stewart wrote concurring opinions, meaning they agreed with the Court’s decision but not totally with its reasoning. Justice Frankfurter and Justice Harlan wrote dissenting opinions.

*Majority*

The Supreme Court decided that the lower court’s decision that courts could not hear this case was incorrect. The Court did not decide whether Tennessee’s districts were unconstitutional, however. Instead, the justices instructed the district court to allow a hearing on the merits of Baker’s claim that the state’s legislative districts violated his Fourteenth Amendment rights. The Supreme Court decided that drawing lines around state electoral districts can be reviewed by courts, because it is not a political question.

The justices in the majority described several instances where courts took cases on federal congressional districts. They said that, based on those earlier decisions, federal courts could also hear and decide cases about state legislative districts. Tradition alone is not a reason for federal courts not to decide these types of cases.

*Concurrence*

Justice Douglas agreed that the Supreme Court did not need to decide whether Tennessee’s districts were fair, and agreed that a federal court should hear that case. However, he disagreed with some of the precedents on which Justice Brennan relied. Douglas said that the right to vote in any kind of election—state or federal—is something courts have been concerned about, and protected, for a long time.

Justice Clark wanted the Supreme Court to decide the problem that Baker complained about—the legislative districts in Tennessee. He thought that Tennessee’s districting law violated the Equal Protection clause of the 14th Amendment. He thought that Tennessee’s legislature intentionally discriminated against voters. He felt most of the people of Tennessee had “no practical opportunities for exerting their political weight at the polls” to correct the existing unfair discrimination.

***Dissent***

Justices Frankfurter and Harlan disagreed with the majority. They thought that the precedents that came before this decision were clear and consistent in refusing to review a state’s districting decisions, and they saw no reason for federal courts to decide these types of cases. This type of case was an entirely “different matter from denial of the franchise [right to vote] to individuals because of race, color, religion or sex.” Because they found nothing in the Constitution that would requires states to draw districts in a particular manner, there was no basis for federal courts to interfere with a political task that the Constitution left to the state legislatures.

Impact of this Case

What was happening to Charles Baker and other voters in Tennessee was happening to many voters across the nation, particularly in the southern states. States with significant numbers of African Americans and other people of color intentionally tried to limit their voting power. They feared that traditionally disenfranchised people, or those who historically had not been allowed to vote, would exercise the right to vote and ultimately overturn decades of discriminatory laws and the social privileges connected with them. One way to accomplish this was to dilute the votes of those residing in urban districts while overvaluing votes of those in rural areas. Dozens of voters filed lawsuits, arguing that their 14th Amendment Equal Protection rights were violated because they could not participate equally in voting. After Baker v. Carr, federal courts around the country began hearing and deciding these lawsuits, often in favor of the voters. While the Baker v. Carr decision never reached the actual problem of the Tennessee case, it led later “one person, one vote” cases to become the law of the land.