

Baker v. Carr, 369 U.S. 186 (1962)

Condensed Case



Original Cartoon of "The Gerry-Mander." *Boston Centinel*. 1812. WikiCommons.

The Big Picture

The way states divide and sort citizens into voting districts is subject to judicial review.

Ruling

Although assigning voters to districts affects political rights, legal challenges to voter redistricting do not necessarily raise a political question.

Plaintiffs' allegation that redistricting has denied them equal protection is an issue that falls squarely within the authority of the federal courts to decide.

Constitutional Text

The Equal Protection Clause reads: *No state shall . . . deny to any person within its jurisdiction the equal protection of the laws.*

The Guarantee Clause reads: *The United States shall guarantee to*

OPINION OF THE COURT:

[Note: Merriam-Webster defines "reapportionment" as the process or result of making a new proportionate division or distribution of something; within U.S. Law, the reassignment of representatives proportionally among the states in accordance with changes in population distribution.]

Between 1901 and 1961, Tennessee has experienced substantial growth and redistribution of her population. In 1901 the population was 2,020,616, of whom 487,380 were eligible to vote. [By 1960, the population increased to 3,567,089 and the number of eligible voters to 2,092,891.] The relative standings of the counties in terms of qualified voters have changed significantly. [T]he continued application of the 1901 Apportionment Act to this shifted and enlarged voting population gives rise to the present controversy.

[The complaint] alleges that the 1901 statute 'made no apportionment of Representatives and Senators in accordance with the constitutional formula * * *, but instead arbitrarily and capriciously apportioned representatives in the Senate and House without reference * * * to any logical or reasonable formula whatever.' It is further alleged that 'because of the population changes since 1900, and the failure of the Legislature to reapportion itself since 1901,' the 1901 statute became 'unconstitutional and obsolete.' Appellants also argue that, because of the composition of the legislature, redress in the form of a state constitutional amendment to change the entire mechanism for reapportioning, or any other change short of that, is difficult or impossible. The complaint concludes that 'these plaintiffs and others similarly situated, are denied the equal protection of the laws accorded them by the Fourteenth Amendment to the Constitution of the United States by virtue of the debasement of their votes.' They seek a declaration that the 1901 statute is unconstitutional.



every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

Dissenting Opinion

For this Court to direct the District Court to enforce a claim to which the Court has consistently found itself required to deny legal enforcement manifests an odd conception of judicial propriety. To charge courts with the task of accommodating the incommensurable factors of policy that underlie these mathematical puzzles is to attribute omniscience to judges. The Framers of the Constitution persistently rejected a proposal that embodied this assumption.

[T]oday's decision empowers the courts to devise what should constitute the proper composition of the legislatures of the fifty States.

The Court's authority ultimately rests on sustained public confidence in its moral sanction. Such feeling must be nourished by the Court's complete detachment, in fact and in appearance, from political entanglements and by abstention from injecting itself into the clash of political forces in political settlements.

Appellants' claim that they are being denied equal protection is justiciable, and if "discrimination is sufficiently shown, the right to relief under the equal protection clause is not diminished by the fact that the discrimination relates to political rights."

The nonjusticiability of a political question is primarily a function of the separation of powers. Deciding whether a matter has in any measure been committed by the Constitution to another branch of government, or whether the action of that branch exceeds whatever authority has been committed, is itself a delicate exercise in constitutional interpretation, and is a responsibility of this Court as ultimate interpreter of the Constitution.

We come, finally, to the ultimate inquiry whether our precedents as to what constitutes a nonjusticiable 'political question' bring the case before us under the umbrella of that doctrine. A natural beginning is to note whether any of the common characteristics which we have been able to identify and label descriptively are present. We find none: The question here is the consistency of state action with the Federal Constitution. We have no question decided, or to be decided, by a political branch of government coequal with this Court.

We conclude then that the nonjusticiability of claims resting on the Guaranty Clause which arises from their embodiment of questions that were thought 'political,' can have no bearing upon the justiciability of the equal protection claim presented in this case. Finally, we emphasize that it is the involvement in Guaranty Clause claims of the elements thought to define 'political questions,' and no other feature, which could render them nonjusticiable. Specifically, we have said that such claims are not held nonjusticiable because they touch matters of state governmental organization.

When a State exercises power wholly within the domain of state interest, it is insulated from federal judicial review. But such insulation is not carried over when state power is used as an instrument for circumventing a federally protected right.

Since, as has been established, the equal protection claim tendered in this case does not require decision of any political question, and since the presence of a matter affecting state government does not render the case nonjusticiable, it seems appropriate to examine again the reasoning by which the District Court reached its conclusion that the case was nonjusticiable.



We conclude that the complaint's allegations of a denial of equal protection present a justiciable constitutional cause of action upon which appellants are entitled to a trial and a decision. The right asserted is within the reach of judicial protection under the Fourteenth Amendment.

