

# Supreme Court Case Study 42



## The Court's Role in State Apportionment

### *Baker v. Carr, 1962*

#### \*\*\*\*\* Background of the Case \*\*\*\*\*

One issue throughout the history of the Supreme Court is that of how far the federal government may infringe on state matters. Early on, the Court was reluctant to allow federal authorities to "intrude" in state matters. However, for a considerable period of time in the 1900s, the issue was decided in favor of the federal government.

The constitution of the state of Tennessee provided for reapportionment of state legislative districts every ten years based on the United States census. Many people of Tennessee had moved from rural to urban and suburban districts since 1901, but no redistricting had been done. Voters in city districts felt they were second-class citizens whose needs were being neglected by the state legislature.

In 1959 Baker brought suit on his own behalf and that of other Tennessee voters to force reapportionment. He sued various Tennessee state officials in federal court for relief from denial of equal protection of the law under the Fourteenth Amendment. The court dismissed the case because it presented a political question beyond the competence of the judiciary.

#### *Constitutional Issue* \*\*\*\*\*

The central issue in the *Baker* case concerned the applicability of Article III, Section 2, of the Constitution, which deals with the power of the federal courts. The question the Supreme Court had to resolve was whether federal courts had jurisdiction to consider cases of state reapportionment.

#### \*\*\*\*\* The Supreme Court's Decision \*\*\*\*\*

The Court voted 6 to 2 (one justice did not participate in the decision) in favor of the federal district's jurisdiction. Justice William Brennan wrote the decision of the Court. He dealt simply with the question of jurisdiction. The federal district court had claimed it had no jurisdiction because the case would involve impermissible political questions. Since no political questions were present, the matter therefore had to be subject to judicial inquiry—it qualified as a case or controversy arising under the Constitution in accord with Article III, Section 2.

In addition, Brennan explained, the matter under consideration was justiciable—that is, the subject of the case was something that could be decided by a court. "The mere fact that the suit seeks protection of a political right," Brennan noted, "does not mean it presents a political question."

Brennan gave as examples of nonjusticiable political questions matters concerning Native American nations, foreign relations, and, in general, matters that are properly the concern of the executive or legislative branches under the separation of powers.

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"The question here," Brennan went on to state, "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 co-equal with this Court. . . . Nor need the appellants, in order to succeed in this action, ask the Court to enter upon policy determinations for which the judicially manageable standards are lacking. Judicial standards under the equal protection clause are well-developed and familiar. . . ."

### \*\*\*\*\* Dissenting Opinion \*\*\*\*\*

Justice Felix Frankfurter wrote a vigorous dissenting opinion. He wrote, "In effect, today's decision empowers the courts of the country to devise what should constitute the proper composition of the legislatures of the fifty states." He said that if the state courts could not solve this question, the ruling in this case now made the Supreme Court ultimately the decision-maker in such cases.

He went on, "The Framers carefully and with deliberate forethought refused to so enthrone the judiciary. In this situation . . . appeal for relief does not belong here. Appeal must be to an informed, civically militant electorate." In summary, Frankfurter felt that the Supreme Court should not be the source of decisions about state legislative reapportionment. He felt that there was no constitutional justification for the Court's decision in this case and that the ruling would send the lower courts into a "mathematical quagmire."

Chief Justice Warren called the *Baker* case the most important of the Warren court. The decision was the first to hold that federal courts could hear suits challenging voting district apportionment, and in a short time thirty-nine states started legal action to challenge local apportionment practices.



### Questions \*\*\*\*\*

**DIRECTIONS:** Answer the following questions on a separate sheet of paper.

1. On what grounds did the Supreme Court claim it had a right to rule in the *Baker* case?
2. What practice did the *Baker* decision address?
3. If you felt that the legislature in your state did not reflect the population distribution of the state, what did the *Baker* decision say you could successfully do?
4. Do you agree with Justice Brennan's majority opinion or Justice Frankfurter's dissent? Give reasons for your answer.
5. Why do you think Chief Justice Warren called the *Baker* decision the most important of his court?