Baker v. Carr (1962)

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By: Arisheniah Sothilingam, Craig Alviar, Jesse Khurana, Khadija Kazi
You Decide

If a conflict arises within state legislatures regarding apportionment of districts, do federal courts have jurisdiction to hear a constitutional challenge to the legislative apportionment?

In other words, does the judicial branch have the power to decide on a case that can normally be settled by the legislative branch, especially in regards to voting?
Case Background

- Plaintiff Charles Baker was a Republican who lived in Tennessee. According to the state law Constitution of Tennessee legislative districts had to be redrawn every ten years to provide for districts of substantially equal population.

- Baker's complaint was that Tennessee had not redistricted since 1901. This caused the votes of rural citizens to be worth more than those of urban citizens. Hence Baker’s argument was that the incorrect representation caused him to fail to receive “equal protection of law” (Fourteenth Amendment)

- Defendant Joe Carr was sued in his position as Secretary of State for Tennessee. Carr was not the only person responsible who set the district lines – the state legislature had done that – but was sued *ex officio* as the person who was ultimately responsible for the conduction of elections in the state and the publication of district maps.

- The state of Tennessee argued that legislative districts were essentially political questions, not judicial ones, as had been held by a plurality opinion of the Court in which Justice Felix Frankfurter declared that, "Courts ought not to enter this political thicket." Frankfurter believed that relief for legislative malapportionment had to be won through the political process.
Constitutional Issues in Question

❖ Separation of Powers between the Branches as stated in the Constitution
❖ The Equal Protection Clause in the Fourteenth Amendment which states: States are prohibited from denying any person within its jurisdiction equal protection under the law
Court Decision: “One Man, One Vote”

1) Federal Courts have the jurisdiction to hear a constitutional challenge to a legislative apportionment.
2) The case is justiciable and does not present a political question. In other words, the case can be decided by the judicial branch due to the Equal Protection Clause in the Fourteenth Amendment.
Our Interpretation

As a group, we decided that Baker v. Carr is an example of judicial activism and loose constructionism. When Chief Justice Warren decided on the case, he made the decision keeping civil rights and equality in mind. In addition, loose constructionism was evident when the Supreme Court interpreted the equal protection clause beyond the text to declare that citizen’s rights can only be protected if the judicial branch has the jurisdiction to rule on this case.
Majority Opinion

Justice William J. Brennan, Jr., wrote the majority opinion, stating that the plaintiffs' constitutional right to have their votes count fairly gave them the necessary legal interest to bring the lawsuit. He argued that the case did not involve a “political question” that prevented judicial review. A court could determine the constitutionality of a State's apportionment decisions, he wrote, without interfering with the legislature's political judgments. The case was returned to the federal court.

Concurring Opinion

Justice William O. Douglas wrote a concurring opinion. He declared that if a voter no longer has “the full constitutional value of his franchise [right to vote], and the legislative branch fails to take appropriate restorative action, the doors of the courts must be open to him.”
Dissenting Opinion

In a dissenting opinion, Justice John Harlan II argued that the federal equal protection clause does not prevent a State “from choosing any electoral legislative structure it thinks best suited to the interests, temper, and customs of its people.” If a State chose to “distribute electoral strength among geographical units, rather than according to a census of population,” he wrote, that choice “is...a rational decision of policy...entitled to equal respect from this Court.”
Influences on the Court’s Decision

- Urban vs. Rural Conflict: The rural districts had proportionally more legislators than urban districts, but these residents continued to pay more taxes for a smaller number of legislators.
- Court Precedent: *Gamillion vs. Lightfoot* found that Alabama’s district boundaries infringed on the voting rights of its African-American citizens.
- Civil Rights Movement: idea of civil liberties and equality was prominent at this time.
Course Concepts/Vocabulary

doctrine of political question: federal courts should not hear cases which deal directly with issues that Constitution makes the sole responsibility of the other branches of government.

→ before this case, the supreme court generally avoided cases of reapportionment districts, as they believed the conflicts to be settled by the legislative branch

separation of powers:

→ Apportionment was considered a constitutional issue that fell under the jurisdiction of the courts