**Baker versus Carr (1962)**

**Background & Majority Opinion:**

The complaint, Baker alleged that by means of a 1901 statute of Tennessee apportioning the members of the General Assembly among the state's 95 counties, "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. Carr, the Tennessee secretary of State was the named defendant.

The suit was dismissed by a three-judge court in the Middle District of Tennessee. The court held that it lacked jurisdiction of the subject matter and also that no claim was stated upon which relief could be granted.

The U. S. Supreme Court took jurisdiction of the case and in a -2 decision overruled the Tennessee federal judges. The Court noted provisions in the Tennessee Constitution that require the legislature to carry out decennial redistricting based on the number of qualified voters in each county. The Court noted that since 1901 the Tennessee legislature had failed to carry out the required redistricting.

Justice, William Brennan, speaking for the Court's majority, declared, "In light of the District Court's treatment of the case, we hold today only (a) that the court possessed jurisdiction of the subject matter; (b) that a justifiable cause of action is stated upon which appellants would be entitled to appropriate relief; and (c) because appellees raise the issue before this Court, that the appellants have standing to challenge the Tennessee apportionment statutes.

"A citizen's right to a vote free of arbitrary impairment by state action has been judicially recognized as a right secured by the Constitution, when such impairment resulted from dilution by a false tally, cf. United States v. Classic, 313 U.S. 299, or by a refusal to count votes from arbitrarily selected precincts, cf. United States v. Mosley, 238 U.S. 383, or by a stuffing of the ballot box cf. Ex parte Siebold, 100 U.S. 371.

"We conclude that the complaint's allegations of a denial of equal protection present a justifiable 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."

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**DISSENTING OPINION**

BY: Justices John Harlan, joined by Justice Felix Frankfurter

I can find nothing in the Equal Protection Clause or elsewhere in the Federal Constitution which expressly or impliedly supports the view that state legislatures must be so structured as to reflect with approximate equality the voice of every voter. Not only is that proposition refuted by history, as shown by my Brother Frankfurter, but it strikes deep into the heart of our federal system.

Its acceptance would require us to turn our backs on the regard which this Court has always shown for the judgment of state legislatures, and courts on matters of basically local concern.

In the last analysis, what lies at the core of this controversy is a difference of opinion as to the function of representative government. It is surely beyond argument that those who have the responsibility for devising a system of representation may permissibly consider that factors other than bare numbers should be taken into ' account. The existence of the United States Senate is proof enough of that. To consider that we may ignore the Tennessee Legislature's judgment in this instance because that body was the product of an asymmetrical electoral apportionment would in effect be to assume the very conclusion here disputed. Hence we must accept the present form of the Tennessee Legislature as the embodiment of the State's choice," or, more realistically, its compromise, between competing political philosophies. The federal courts have not been empowered by the Equal Protection Clause to judge whether this resolution of the State's internal political conflict is desirable or undesirable, wise or unwise.