

## Focus on Freedom

### WESBERRY v. SANDERS (1964)

*Until the 1960s the Supreme Court and Congress had refused to interfere with each state's method of apportioning representation. Then in Baker v. Carr (1962), the Supreme Court ruled that citizens had the right to challenge apportionment of their state legislature. Two years later in Reynolds v. Sims, the Court ruled that the equal protection clause of the Fourteenth Amendment required that the seats in both houses of state legislatures be apportioned on a population basis. In Wesberry v. Sanders in 1964, the Court applied apportionment rulings to congressional districts. Justice Hugo H. Black wrote the majority opinion.*

The 1931 Georgia apportionment grossly discriminates against voters in the Fifth Congressional District. A single Congressman represents from two to three times as many Fifth District voters as are represented by each of the congressmen from the other Georgia congressional districts. The apportionment statute thus contracts the value of some votes and expands that of others. If the Federal Constitution intends that when qualified voters elect members of Congress each vote be given as much weight as any other vote, then this statute cannot stand.

We hold that, construed in its historical context, the command of Article I, Section 2, that Representatives be chosen "by the People of the several States" means that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's.

To say that a vote is worth more in one district than in another would not only run counter to our fundamental ideas of democratic government, it would cast aside the principle of a House of Representatives elected "by the People," a principle tenaciously fought for and established at the Constitutional Convention.

It would defeat the principle solemnly embodied in the Great Compromise—equal

representation in the House of equal numbers of people—for us to hold that, within the States, legislatures may draw the lines of congressional districts in such a way as to give some voters a greater voice in choosing a Congressman than others. . . .

While it may not be possible to draw congressional districts with mathematical precision, there is no excuse for ignoring our Constitution's plain objective of making equal representation for equal numbers of people the fundamental goal for the House of Representatives. That is the high standard of justice and common sense which the Founders set for us.

—JUSTICE HUGO H. BLACK, 1964

#### Examining the Document

##### Reviewing Facts

1. Describe the unequal representation that existed under the 1931 Georgia apportionment statute.
2. Demonstrate that Justice Black appealed to constitutional principles in writing the majority opinion in this case.

##### Critical Thinking Skills

3. Expressing Problems Clearly What considerations might have made state legislators reluctant to enact broad changes in apportionment?