



Viewing Guide for *Baker v. Carr* 1962



The Background of the Case: (0:00 to 4:44)

1. What does the Tennessee Constitution require to take place after the census is taken every ten years?
After the census is taken, the districts for both the state House and Senate are to be redrawn if needed by the state legislature to account for any shifts in population in the state over the past ten years.
2. In 1960, how long had it been since redrawing of the districts of the state had been completed in the state of Tennessee? What had happened to the population of the state in those years?
The legislative districts hadn't been redrawn since 1901. The population had significantly changed with more people moving from rural areas to the urban centers in the years following World War II.
3. What was the result of the fact that the districts had not be redrawn in so many years?
The population of districts for the state legislature varied from a few thousand in some districts to hundreds of thousands in others.
4. What was the major reason given for the fact that it had been so long since redistricting had occurred?
Members of the state legislature who were responsible for drawing the districts wanted stability. They knew the voters they currently represented and didn't want to redraw districts and possibly be placed in new districts with new voters.
5. Why did Charles Baker, the mayor of Nashville, and others file a lawsuit in a U.S. District Court against Tennessee Secretary of State, Joe Carr?
The district Baker lived in had ten times as many residents as neighboring rural districts. He and others felt that their votes were thus worth less than those of citizens in the rural districts.
6. What was the result of the lawsuit and what was the major reason given for the District Court's decision?
The U.S. District Court dismissed the case because of the precedent the U.S. Supreme Court set in the case *Colegrove v. Green*. In the *Colegrove* decision, the Court decided that cases such as this should not be handled by the courts because redistricting was a political question to be dealt with by the elected political branches of government.

Stop and Think: What dangers could there be for the courts to get involved in political questions such as redistricting?

The Supreme Court Case: (4:45 to 10:00)

- 7. What was the question the Supreme Court had to answer in the case of *Baker v. Carr* when the case was appealed?**
Does the Fourteenth Amendment's equal protection of the laws clause give federal courts jurisdiction to hear cases involving the drawing of legislative districts?
- 8. What was the basis of the argument presented by the state of Tennessee?**
The argument for the state was based on the Supreme Court's *Colegrove* decision, which asserted that courts should use restraint and not get involved in deciding political questions.
- 9. What were the arguments presented on behalf of Baker and the other plaintiffs?**
The attorney argued that the plaintiffs' vote would continue to be worth less than those of others because members of the legislature who had the job of redistricting would never do it. Redistricting would go against their own special interests, which kept them in office. The plaintiffs also argued that the citizens of Tennessee couldn't get redistricting even if they passed a referendum asking for it, because the same legislators would have to clear the referendum. They concluded that there was no way to fix the problem but to ask the courts to do it.
- 10. What was the Supreme Court's decision? What was the principle established by the decision?**
The Court ruled 6-2 in favor of Baker and the other plaintiffs. (Justice Charles Whitaker had retired and his seat on the Court hadn't been filled). The Supreme Court's decision established the principle that federal courts do have jurisdiction to hear cases involving the drawing of legislative districts.
- 11. Who wrote the opinion of the Supreme Court and what was the basis of the opinion?**
Justice William Brennan wrote the opinion. Brennan said the District Court had it wrong when it agreed that courts should not get involved because this was a political question. If discrimination is shown, Brennan wrote, the right to relief under the equal protection of the laws clause of the Fourteenth Amendment applies even to this type of question.
- 12. What was the basis of Justice Tom Clark's concurring opinion?**
Justice Clark compared the Tennessee apportionment to a crazy quilt with no rational basis. Baker and the other plaintiffs had no way of challenging the discrimination except through the courts.
- 13. What was the basis of the dissent written by Justice Felix Frankfurter?**
Justice Frankfurter had written for the Supreme Court in its decision in *Colegrove*, and he felt very strongly that it was dangerous for the Supreme Court to get involved in deciding political questions. He believed this could eventually damage the Court. He believed in judicial restraint rather than judicial activism.

Stop and Think: Do you agree or disagree with Justice John Marshall Harlan II when he wrote in his dissent, “I can find nothing in the equal protection clause or elsewhere in the Federal Constitution which expressly or implied 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, but it strikes deep into the heart of our federal system.” Explain your opinion.

Impact of the Baker Decision: (10:00 to the end)

14. Why do some say there has been a negative effect as a result of the Supreme Court’s decision?
They say the decision has played a part in the reason why we have divided government because every ten years whoever is in power draws districts to protect their party. This serves to keep incumbents in office year after year.
15. Why did Chief Justice Earl Warren say that *Baker v Carr* was the most important case decided in his 16 years as Chief Justice?
In the ten years after the decision, the political map of the entire nation was changed.
16. What were the results of two more Supreme Court cases in 1964 dealing with this issue?
***Wesberry v. Sanders*- The Court ruled that districts for the U.S. House of Representatives must be approximately equal in population.**
***Reynolds v. Sims*-The Court ruled that districts for both houses of state legislatures must be approximately equal in population.**

Conclusion—Answer the following the question using information from the analysis of *Baker v. Carr* before turning in the viewing guide.

1. Two different philosophies about the role of the Supreme Court were raised in *Baker v. Carr*, judicial activism and judicial restraint, which continue to be a controversy today. Explain which side in *Baker v. Carr* supported judicial activism, and which side supported judicial restraint. With which philosophy do you now agree, and why do you feel this way?