
Wesberry v. Sanders (1964)

Vocabulary

injunction A court order to cease or refrain from a particular action.

apportionment The distribution of representatives among states or legislative districts.

jurisdiction Legal right of a court to act in a particular case.

at large Election system by which voters of a state or other region elect officials who represent the area as a whole, not separate districts.

Reviewing the Case

The question of fair representation in Congress and in state legislatures has arisen in many states. In most cases, voters have believed that political maneuvering in drawing district lines has deprived them—as a group or as individuals—of an equal voice. In this case, James Wesberry and other voters of Fulton County, Georgia, charged that the apportionment of seats in the Georgia delegation to the United States House of Representatives violated their right to equal representation.

All the plaintiffs lived in Georgia's Fifth Congressional District, where Atlanta is located. According to the 1960 census, the district had 823,680 residents. The plaintiffs showed that this number was more than double the average number of people in the state's other congressional districts. The average population in the state's ten districts was 394,152. In fact, one district, the Ninth, had only 272,154 people. Since each district sent only one person to Congress, the representative for the Fifth District had to speak for two to three times more people than the representatives from other districts.

Wesberry and the others asked the U.S. District Court for the Northern District of Georgia to declare unconstitutional a 1931 act of the Georgia legislature, which had established the state's ten congressional districts. They said that the act violated Article

I of the Constitution as well as the Fourteenth Amendment. They asked for an **injunction** restraining the Georgia governor and secretary of state from holding congressional elections in the state until the inequalities in **apportionment** between voting districts could be corrected.

State officials claimed that under the Constitution, apportionment was left up to the states. The district court agreed to dismiss the case, although it recognized that the Atlanta district was "grossly out of balance" with the others. Nevertheless, the court believed that federal courts had no **jurisdiction** because apportionment was a political question rather than a legal issue. It rejected *Baker v. Carr* as a precedent because the question there was state legislative districts, not congressional districts.

With the dismissal of the case in the district court, the plaintiffs appealed to the U.S. Supreme Court. The issue before the Court: Does the Georgia statute deny equal representation in the U.S. House of Representatives to the residents of the Fifth Congressional District?

The Supreme Court ruled 6-3 that Georgia's method of apportionment violated the Constitution and the intent of its framers under Article I, Section 2. According to the Court, the framers of the Constitution had provided that representatives to the lower house (the House of Representatives) be selected **at large** or by the creation of districts based on population. The choice of method was left up to each state's legislative body.

The Court ruled that if a state selected the district method, it assumed responsibility for ensuring that each vote counted equally in the selection of members of the House of Representatives. According to the Court the Constitution should be understood to mean that "as nearly as is practicable, one man's vote in a congressional election is to be worth as much as another's. . . ."

Writing the majority opinion for the Court, Justice Hugo Black continued:

No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right. . . . While it may not be possible to draw congressional districts with mathematical precision, that 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.

The dissenting justices thought that there was no constitutional basis for the "one person, one vote" idea. They also believed that the Constitution gave control of election matters to the states, with supervision by Congress, not the courts. Justice John Marshall Harlan also pointed out that under this rule, only 37 members of the House of Representatives were, at the time, legally elected.

Wesberry v. Sanders set forth the principle of "one person, one vote" in drawing congressional districts. It led to a number of other complaints about apportionment in other states and to widespread redistricting.