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Wesberry v. Sanders

Wesberry v. Sanders

The case of *Wesberry v. Sanders* was decided by the United States Supreme Court in 1964. The case originated in the state of Georgia and involved United States Congressional districts. *Wesberry* is one of the seminal redistricting cases of the 1960s. *Wesberry v. Sanders* was a part of a series of “one man, one vote” cases that had a significant impact on the composition of the United States House of Representatives. It was decided on the heels of *Baker v. Carr*, a 1962 redistricting case that held that redistricting questions were not political questions outside of the court’s purview and that a plaintiff who is a voter in a malapportioned district does have standing to bring a lawsuit.

Facts

A voter in the fifth district of the state of Georgia, *Wesberry*, filed suit based on the claim that the size of his Congressional district, as compared to other congressional districts in the state of Georgia, caused his vote to count less than voters in other districts. The district in which *Wesberry* voted was two or three times larger than other districts in the state. *Wesberry* sought injunctive relief from the courts to prevent elections from occurring until the district lines were redrawn so that the districts would be in line with the distribution of the population within the state. At the district level, the case was dismissed by the court.

Issue

The issue in *Wesberry v. Sanders* was whether the plaintiff, Wesberry, had standing to bring a law suits based on the apportionment of the districts within his state. Additionally at issue was whether or not Congressional district lines must be drawn to ensure that the districts are in line with in population.

Holding

The United States Supreme Court held that “ the Georgia statute setting up the ten Georgia Congressional districts violated the Constitution and was hence null and void. The ground for the decision was the malapportionment of population which the statute effected among the ten districts” (Carpenter, 1964).

The court held that Wesberry did have standing to bring the case before the court based on the malapportionment of the districts in the state in which he voted. The court also held that, whenever possible, a person’s vote should be equal to that of another’s when electing members of Congress.

The Supreme Court of the United States had previously ruled in *Baker v. Carr*, 369 U. S. 186 (1962) that redistricting issues contain justiciable questions that allow the federal courts the jurisdiction to decides the case. Therefore, the Court determined that Congressional districts and redistricting was not a political question outside of the Court’s jurisdiction. Furthermore, the court held in that case of Baker that the plaintiff, a voter in a district that was not proportioned equal to the population, did have standing to bring a lawsuits against the Secretary of State of the State of Tennessee.

The Supreme Court also interpreted Article 1 Section 2 of the United States

Constitution that states representatives shall be chosen “ by the People of several States” and “ apportioned among the several States according to their respective numbers” (Wesberry v. Sanders, 376 U. S. 1 (1964)). The court interpreted this phrase in the Constitution to mean that whenever possible each person’s vote should count equally to that of another person.

Discussion

Wesberry v. Sanders and other redistricting cases of the 1960s had a significant impact on the makeup of the House of Representatives. The case determined that the districts could no longer be drawn in a way that one area contained two to three times the voters of another district, thus diluting the voting strength of each of the voters in the larger district. Therefore, the Supreme Court in Wesberry v. Sanders tried to give the voters across a state equal voting power in electing the members of the United States House of Representatives. At the time of the Supreme Court’s decision, the redistricting cases were thought to be a positive solution to the problem of unequal proportionment of voting districts. However, today there is a question of whether case such as Wesberry and other 1960s redistricting cases give equal voting power to the voters or the population, or simple serve to protect incumbents amounting to gerrymandering.

According to the article “ What is Fair Partisan Representation, and How Can it be Constitutionalized? The Case for a Return to Fixed Election Districts” that appearing in the Marquette Law Journal proposes that the positive effects of Wesberry v. Sanders on Congressional districts has eroded over the years. “ When the U. S. Supreme Court ruled in 1964 that states are constitutionally required to redraw congressional and legislative districts

every ten years to equalize district populations, the Court's decision, which at a stroke banished malapportionment from the electoral system, was widely hailed as a long-overdue "revolution in American politics" (Gardner, 2007). However, years later, the redrawing of districts "has become an exercise in unfair partisanship in which district lines are deliberately manipulated by legislatures to protect incumbents and to maintain or extend advantages enjoyed by the dominant party" (Gardner, 2007). The author feels that the redistricting process is little more than gerrymandering today, and this alienates a great number of voters to the same extent that the unequal districts did when the case of Wesberry was originally brought before the Supreme Court. The author of "the Redistricting Cases: Original Mistakes and Current Consequences" appearing in the Harvard Law Journal in 2001, also agrees that the thinking of the Supreme Court in the redistricting cases of the 1960s has had a negative effect on the electoral system in America. He too argues that incumbency is protected by redistricting and that this phenomenon disheartens a great number of voters (See McConnell, 2001).

Furthermore, the article "Multi-Member Electoral districts – Do They Violate the 'One man, One Vote' Principle" appearing in the Yale law Journal argues that multi-member Congressional districts that are used in the majority of the fifty states today may not be in line with the proportionment principles set for in Wesberry in actuality. The author also presents the question of whether the Court in the 1960s redistricting cases such as Wesberry was trying to protect equal voting power or equal representation as the author distinguishes between the two in the article (See Banzhaf).

Works Cited

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