

■ *Reynolds v. Sims*

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Author: U.S. Supreme Court; Chief Justice Earl Warren

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Summary Overview

Reynolds v. Sims is a landmark Supreme Court case that addressed the issue of legislative district apportionment and voting equality. The Court ruled that state legislative districts must be roughly equal in population, establishing the principle of “one person, one vote.” The decision aligned with liberal ideals of political equality and fairness, ensuring that each individual’s vote carries equal weight in the democratic process.

Specifically, the case of *Reynolds v. Sims* addressed disenfranchisement of Black people in the South, which was ongoing despite the protections offered by the Fourteenth Amendment. A group of voters challenged legislative reapportionment in Alabama, which left urban counties drastically underrepresented. In its decision the Court ruled that state legislative districts had to be roughly equal in population, based on the principle of “one person, one vote.”

Earl Warren led the U.S. Supreme Court during the turbulent years of the 1950s and 1960s. Driven by his own moral compass rather than politics, Warren shocked those on the left and right as he made the transition from crime-fighting district attorney to liberal chief justice. He became known as a protector of the rights of minorities and the oppressed, a stance reflected in many of his rulings.

Defining Moment

Starting as early as the 1950’s, there was a movement within the United States encouraging political leaders to do something to ensure the fair apportionment of state legislative districts. Because cities and suburbs were experiencing periods of extreme growth in terms of population counts, many did not believe it was fair to continue allowing the government to be controlled primarily by those coming from rural districts. More specifically, there was growing concern that the system of apportionment being used was a major cause for the disenfranchisement of Black voters. In particular, within the state of Alabama there were huge discrepancies between the number of voters in various districts, which lead to the underrepresentation of large portions of the Alabama population. In one shocking example, the number of eligible voters casting their votes for one senator was 41 times the number of voters in another district. Upon examination, it was evident the districts in Alabama still reflected the population counts from the 1900 census report. To challenge the existing apportionment practices of

their state legislatures, many reapportionment cases came before the Supreme Court of the United States, with the case of *Reynolds v. Sims* stemming from the Alabama legislature, taking the spotlight as the lead case.

In an 8-1 decision, the Supreme Court decided state legislatures must undergo a system of reapportionment that would align with the population of the state. Noting the right to vote as being a fundamental right, the inequalities promoted in the faulty apportionment of legislative districts was struck down by the Court, causing a nationwide change in the political scene. Redrawing district maps was mandated, a call for districts to be drawn as equally as possible according to population, and the reign of rural lawmakers in states with increasingly urban populations was effectively ended.

Author Biography

As governor of California and chief justice of the United States, Earl Warren defied political categorization, confounding his supporters and critics alike.

Although he proved to be a notoriously “liberal” judge, he had been head of the Republican Party in California and had won the vice presidential nomination on the Republican ticket in 1948. Prominent in California politics during the reformist Progressive Era, Warren pursued an agenda as district attorney and later as governor that included elimination of corruption within law enforcement, cracking down on gambling rings, and prison reform. Under his leadership as chief justice, the Supreme Court issued several landmark rulings, among them, decisions on religious freedom, criminal law procedure, civil rights and equal protection under the law, and freedom of speech and obscenity. With a long career spanning the years of the Progressive Era, the Great Depression, World War II, the cold war, and the civil rights movement, Warren epitomizes the American struggle to answer many of the moral questions of the twentieth century.

Warren was born on March 19, 1891, and grew up in the booming oil town of Bakersfield, California, where his father worked as a handyman. He graduated from Kern County High School in 1908 and enrolled at the University of California, Berkeley, where he earned both a bachelor's and a law degree. Following President Woodrow Wilson's call for a congressional declaration of war against Germany on April 2, 1917, Warren joined the army and completed officer training. In 1919 a college friend helped him secure a position as clerk of the California State Assembly Judiciary Committee. Warren soon became deputy city attorney of Oakland, working his way up to the position of district attorney of Alameda County in 1925.

His professional reputation growing, Warren was elected state chairman of the Republican Party in 1934, despite his belief in nonpartisanship; he repeatedly campaigned as a political independent. In 1938 he was elected attorney general and, in 1942, governor of California. As governor, Warren irked the Republican right when he called for compulsory medical insurance, but his record of fiscal responsibility pleased most conservatives. Under Warren's watch, the University of California system expanded, the

teachers' retirement fund regained solvency, and the state began developing its massive highway system. Perhaps the most notorious act of Warren's gubernatorial stint was his support for the evacuation and internment of Japanese residents, including U.S. citizens, following the attack on Pearl Harbor, Hawaii.

After his decisive reelection victory in 1946, Warren was considered a candidate for president. He was nominated for vice president on the Republican ticket in the 1948 election, in which the Republican Thomas Dewey lost to the Democrat Harry Truman. He then lost the presidential nomination to Dwight Eisenhower in 1952. When Chief Justice Fred Vinson died of a heart attack in 1953, Eisenhower named Warren as Vinson's replacement. Under Warren's leadership, the Supreme Court handed down several historic decisions. One of the first and most important of these cases was *Brown v. Board of Education of Topeka* (1954), which paved the way for school desegregation. The chief justice wrote dissenting opinions in four separate obscenity cases, arguing that pornographers did not deserve First Amendment protection. Nevertheless, decisions such as *Engel v. Vitale* (1962), which ruled school prayer unconstitutional, fueled public outcry against the liberal nature of the Warren Court. The Court addressed the issue of voting rights in *Baker v. Carr* (1962) and the subsequent case, *Reynolds v. Sims* (1964), handing down the famous “one man, one vote” edict, which essentially extended the Court's power to the legislative branch of government. The obligation of law enforcement officials to advise criminal suspects of their rights was confirmed by the Court's 1966 ruling in *Miranda v. Arizona*. Perhaps Warren's most well-known activity, however, was his investigation into the 1963 assassination of President John F. Kennedy. The President's Commission on the Assassination of President Kennedy, popularly known as the Warren Commission, produced a report that received enormous public scrutiny and has been the subject of ongoing debate into the twenty-first century. Warren retired from the Court in 1969. He died on July 9, 1974, in Washington, D.C.



Historical Document

Reynolds v. Sims

Undeniably, the Constitution of the United States protects the right of all qualified citizens to vote, in state as well as in federal, elections. A consistent line of decisions by this Court in cases involving attempts to deny or restrict the right of suffrage has made this indelibly clear. It has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote, *Ex parte Yarbrough*, and to have their votes counted, *United States v. Mosley*. In *Mosley*, the Court stated that it is “as equally unquestionable that the right to have one’s vote counted is as open to protection... as the right to put a ballot in a box.” The right to vote can neither be denied outright, *Guinn v. United States*, *Lane v. Wilson*, nor destroyed by alteration of ballots, see *United States v. Classic*, nor diluted by ballot box stuffing, *Ex parte Siebold*, *United States v. Saylor*. As the Court stated in *Classic*, “Obviously included within the right to choose, secured by the Constitution, is the right of qualified voters within a state to cast their ballots and have them counted.”

Racially based gerrymandering... and the conducting of white primaries,... both of which result in denying to some citizens their right to vote, have been held to be constitutionally impermissible. And history has seen a continuing expansion of the scope of the right of suffrage in this country. The right to vote freely for the candidate of one’s choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.

In *Baker v. Carr*, we held that a claim asserted under the Equal Protection Clause challenging the constitutionality of a State’s apportionment of seats in its legislature, on the ground that the right to vote of certain citizens was effectively impaired, since debased and diluted, in effect presented a justiciable controversy subject to adjudication by federal courts. The spate of similar cases filed and decided by lower courts since our decision in *Baker* amply shows that the problem of state legislative malapportionment is one that is perceived to exist in a large number of the States. In *Baker*, a suit involving an attack on the apportionment of seats in the Tennessee Legislature, we remanded to the District Court, which had dismissed the action, for consideration on the merits. We intimated no view as to the proper constitutional standards for evaluating the validity of a state legislative apportionment scheme. Nor did we give any consideration to the question of appropriate remedies. Rather, we simply stated: “Beyond noting that we have no cause at

this stage to doubt the District Court will be able to fashion relief if violations of constitutional rights are found, it is improper now to consider what remedy would be most appropriate if appellants prevail at the trial.”

We indicated in *Baker*, however, that the Equal Protection Clause provides discoverable and manageable standards for use by lower courts in determining the constitutionality of a state legislative apportionment scheme, and we stated:

“Nor need the appellants, in order to succeed in this action, ask the Court to enter upon policy determinations for which judicially manageable standards are lacking. Judicial standards under the Equal Protection Clause are well developed and familiar, and it has been open to courts since the enactment of the Fourteenth Amendment to determine if, on the particular facts they must, that a discrimination reflects no policy, but simply arbitrary and capricious action.”

Subsequent to *Baker*, we remanded several cases to the courts below for reconsideration in light of that decision....

Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system. It could hardly be gainsaid that a constitutional claim had been asserted by an allegation that certain otherwise qualified voters had been entirely prohibited from voting for members of their state legislature. And, if a State should provide that the votes of citizens in one part of the State should be given two times, or five times, or 10 times the weight of votes of citizens in another part of the State, it could hardly be contended that the right to vote of those residing in the disfavored areas had not been effectively diluted. It would appear extraordinary to suggest that a State could be constitutionally permitted to enact a law providing that certain of the State's voters could vote two, five, or 10 times for their legislative representatives, while voters living elsewhere could vote only once. And it is inconceivable that a state law to the effect that, in counting votes for legislators, the votes of citizens in one part of the State would be multiplied by two, five, or 10, while the votes of persons in another area would be counted only at face value, could be constitutionally sustainable. Of course, the effect of state legislative districting schemes which give the same number of representatives to unequal numbers of constituents is identical. Overweighting and overvaluation of the votes of those living here has the certain effect of dilution and undervaluation of the votes of those living there. The resulting discrimination against those individual voters living in disfavored areas is easily demonstrable mathematically. Their right to vote is simply not the same right to vote as that of those living in a favored part

of the State. Two, five, or 10 of them must vote before the effect of their voting is equivalent to that of their favored neighbor. Weighting the votes of citizens differently, by any method or means, merely because of where they happen to reside, hardly seems justifiable. One must be ever aware that the Constitution forbids “sophisticated, as well as simpleminded, modes of discrimination.”...

State legislatures are, historically, the fountainhead of representative government in this country. A number of them have their roots in colonial times, and substantially antedate the creation of our Nation and our Federal Government. In fact, the first formal stirrings of American political independence are to be found, in large part, in the views and actions of several of the colonial legislative bodies. With the birth of our National Government, and the adoption and ratification of the Federal Constitution, state legislatures retained a most important place in our Nation’s governmental structure. But representative government is, in essence, self-government through the medium of elected representatives of the people, and each and every citizen has an inalienable right to full and effective participation in the political processes of his State’s legislative bodies. Most citizens can achieve this participation only as qualified voters through the election of legislators to represent them. Full and effective participation by all citizens in state government requires, therefore, that each citizen have an equally effective voice in the election of members of his state legislature. Modern and viable state government needs, and the Constitution demands, no less.

Logically, in a society ostensibly grounded on representative government, it would seem reasonable that a majority of the people of a State could elect a majority of that State’s legislators. To conclude differently, and to sanction minority control of state legislative bodies, would appear to deny majority rights in a way that far surpasses any possible denial of minority rights that might otherwise be thought to result. Since legislatures are responsible for enacting laws by which all citizens are to be governed, they should be bodies which are collectively responsive to the popular will. And the concept of equal protection has been traditionally viewed as requiring the uniform treatment of persons standing in the same relation to the governmental action questioned or challenged. With respect to the allocation of legislative representation, all voters, as citizens of a State, stand in the same relation regardless of where they live. Any suggested criteria for the differentiation of citizens are insufficient to justify any discrimination, as to the weight of their votes, unless relevant to the permissible purposes of legislative apportionment. Since the achieving of fair and effective representation for all citizens is concededly the basic aim of legislative apportionment, we conclude that the Equal Protection Clause guarantees the opportunity for equal participation by all voters in the election of state legislators. Diluting the weight of votes because of place of residence impairs basic constitutional rights under the Fourteenth Amendment just as much as invidious discriminations based upon factors such as race, *Brown v.*

Board of Education, or economic status, *Griffin v. Illinois*, *Douglas v. California*. Our constitutional system amply provides for the protection of minorities by means other than giving them majority control of state legislatures. And the democratic ideals of equality and majority rule, which have served this Nation so well in the past, are hardly of any less significance for the present and the future.

We are told that the matter of apportioning representation in a state legislature is a complex and many-faceted one. We are advised that States can rationally consider factors other than population in apportioning legislative representation. We are admonished not to restrict the power of the States to impose differing views as to political philosophy on their citizens. We are cautioned about the dangers of entering into political thickets and mathematical quagmires. Our answer is this: a denial of constitutionally protected rights demands judicial protection; our oath and our office require no less of us....

We hold that, as a basic constitutional standard, the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for state legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State....

By holding that, as a federal constitutional requisite, both houses of a state legislature must be apportioned on a population basis, we mean that the Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable....

History indicates, however, that many States have deviated, to a greater or lesser degree, from the equal population principle in the apportionment of seats in at least one house of their legislatures. So long as the divergences from a strict population standard are based on legitimate considerations incident to the effectuation of a rational state policy, some deviations from the equal population principle are constitutionally permissible with respect to the apportionment of seats in either or both of the two houses of a bicameral state legislature. But neither history alone, nor economic or other sorts of group interests, are permissible factors in attempting to justify disparities from population-based representation. Citizens, not history or economic interests, cast votes.



Glossary

bicameral: consisting of two legislative bodies, generally one made up of state-wide representatives and the other of local representatives

concededly: admittedly

gainsaid: denied

gerrymandering: the act of drawing congressional boundary lines for the purpose of giving an advantage to a party, group of constituents, or candidate in an election

justiciable: able to be evaluated and ruled on in the courts

remanded: returned to a lower court for further consideration

Document Analysis

Despite the protections of the Fourteenth Amendment, Black voters continued to be disenfranchised in the South through the 1950s. Disenfranchisement took many forms, including literacy tests and poll taxes. The process of apportionment, which determined the boundaries of congressional districts, also effectively disenfranchised voters, particularly those who lived in urban areas. Even though many states' populations were shifting from the country to the city, most states continued to allocate representatives by county, which effectively robbed urban voters of proportional representation in their legislatures. Rural interests thus governed increasingly urban populations.

In 1959 Charles Baker and nine other urban residents sued the Tennessee secretary of state, Joe C. Carr, noting that the state had not reapportioned its districts since 1901 and had thus effectively denied its urban voters their Fourteenth Amendment rights. *Baker v. Carr* represented a challenge to the Warren Court. First of all, the courts had traditionally shied away from matters involving political districting, concerned that judicial rulings in this area could be construed as a violation of separation of powers; legislative questions were considered political matters not appropriate for Court involvement. Furthermore, the right to vote is not clearly established by the Constitution. The Founders had a restrictive view of who should be able to vote: Slaves, women, and unpropertied males were not considered eligible. In considering *Baker v. Carr*, the Court was entering new territory. Written by William J. Brennan, the 1962 *Baker* decision was carefully worded, stating only that reapportionment could be taken up in the courts. The ruling thus let individual federal district courts decide how they would solve problems of malapportionment. Soon after the decision was announced, attorneys filed cases challenging apportionments in several states. By the end of 1962, the Supreme Court had twelve cases pending that related to redistricting. These state cases were decided collectively under *Reynolds v. Sims* on June 15, 1964.

In *Reynolds v. Sims*, several voters in Alabama sued state election officials, charging that their Fourteenth Amendment rights, as well as their rights under the

Alabama Constitution, had been violated by the state's existing legislative apportionment. The case also involved a dispute over proposed reapportionment plans, which the plaintiffs argued were unconstitutional. Having established in *Baker v. Carr* that the courts did, in fact, have jurisdiction over such matters, the Warren Court now needed to address specific cases handed up by the federal district courts.

In the first paragraph of the excerpt of Warren's decision, he makes clear his opinion that the Court has jurisdiction over questions of redistricting. One of the roles of the Supreme Court is to evaluate the constitutionality of state and federal laws; by stating that the Constitution protects the right of qualified voters, Warren establishes the Court's role in striking down laws that violate those rights.

As was the case in *Brown v. Board*, Warren's decision in this case was strongly influenced by his attitude toward racial discrimination. He mentions the practice of "gerrymandering," which is the manipulation of election district boundaries in order to influence election results. The term derives from Elbridge Gerry, governor of Massachusetts from 1810 to 1812, who redistricted the state to benefit his political party. Warren refers to racial gerrymandering, which was practiced in both southern and northern states; by redrawing legislative district lines, politicians could create segregated, all-Black districts or, in some cases, eliminate Black voters from an area when it was expedient. Warren points out that malapportionment disenfranchises voters just as effectively as prohibiting them from voting at all.

Warren's decisions are noteworthy for their clear, straightforward language. This particular document contains an especially unusual and oft-quoted passage: "Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests." This verbiage was actually crafted by the law clerk Francis X. Beytagh, who worked on the case with Warren. Warren read this in the draft statement and thought that the language captured the essence of his "one man, one vote" argument. The passage stands out for the very reason that its tone differs from that of the rest of the document.

A key component of Warren's decision is his statement that "seats in both houses of a bicameral state

legislature must be apportioned on a population basis.” Important here is the assertion that both houses had to use population as a means of determining representation. Following *Baker v. Carr*, many states refused to reapportion their districts, instead using what was known as the “federal plan,” in which one house of the legislature was apportioned geographically and the other by population. *Reynolds v. Sims* made clear that the federal plan was no longer an option. Warren allowed for some flexibility in redistricting in order to prevent gerrymandering or to provide for fair representation in more rural states with many counties. However, he reiterates in his decision that population is the overriding factor that should determine the number of representatives.

Reynolds v. Sims was a much broader decision than *Baker v. Carr* in the sense that it had a dramatic and lasting impact on the political landscape. By specifically defining constitutional districting plans in terms of population rather than geography, Warren summarily eliminated the jobs of many powerful rural senators and assemblymen; rural districts disappeared as states redrew boundaries to conform to the new requirements. Today, Congress and state legislatures are overwhelmingly filled with lawmakers from cities and suburbs. In addition to reshaping the makeup of legislatures and the state level, *Reynolds v. Sims* is cited as helping end one method of Black voter disenfranchisement in America.

Essential Themes

According to the majority opinion of the Court on the *Reynolds* case, the principle of democracy was clearly based on the Equal Protection Clause of the Fourteenth Amendment. The concept of democracy in America, in large part, hinges on the right to vote in democratic elections. By ruling to create more equal legislative districts throughout the nation, the Court established the standard of “one person, one vote”. In other words, each person voting in an election should have equal weight in determining the result of the election they voted in.

The Court’s decision to end the unfair apportionment of legislative districts was a move to uphold the new “one person, one vote” standard, and simultaneously caused a major shakeup in the political landscape of America. Because the Court insisted upon reapportionment on the basis of population by calling for districts to be made as equal as possible, state legislative districts were overhauled across the country. The redrawing of state legislative districts meant there would be an end to the legislative stronghold held by rural lawmakers, and instead legislatures would be dominated by elected officials from cities and suburbs. The roughly 2 percent of Americans still living on farms would experience a loss of power in terms of their legislative representation. This was a seriously controversial ruling at the time, with many claiming the Supreme Court had no right to interfere in state politics. A constitutional amendment was proposed to combat the Court’s ruling, but this attempt to reverse the decision was unsuccessful. Regardless of the pushback, the Court, and Justice Warren in particular, were confident this was the only fair ruling according to the Constitution. While the Court certainly has respect for states’ rights, they must also fiercely defend individuals’ rights and they ruling of *Reynolds* emphasizes that stance.

—Karen Linkletter, PhD; Amber R. Dickinson, PhD

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