

Baker

Here a minority by representatives ignores the needs and desires of the majority - and for their own selfish purpose hampers & oppresses them - debar them from equal privilege & equal rights - that marks the failure of our constitutional system.

Organized minorities - great majority does not organize

Buts
different }

It does not
speak with
particularity

Set trace side Art IV § 4 guaranteeing to states a
Repub form of govt.

also Colegrove & Green cases - congressional

? is whether const in this case is fit instrument of
where composition of legislature is? See 77-20 decision

Judicial competence

Federal const not forum for political debate

permitted to vote + have their vote counted

not disfranchised - but disfranchised

residents in urban communities are

given a third or sixth of a vote

To talk about Republican form is to talk
about no question

equal protection means an equality of persons
standing in the same relation to whatever
governmental action is challenged ~~presupposes~~

the ? of equality of treatment presupposes a
determination of the nature of the relationships

This with respect to apportionment means

inquiring into the base of representation in
an acceptably republican state - Hence

must decide Republican form issue -

For what is reasonable for equal protection
depends on what frame of govt is allowable.

domestic constitutional changes - 18th century document written for a decentralized agrarian society, must be adapted to the needs of urban industrial nation

Since 1925 courts have become more strict in constraining states responsibility under 14th to protect civil & political rights.

Freedom of speech press religion - most of procedural safeguards in Bill of rights have been read into due process clause of 14th
purpose of federal system is strengthen & preserve our basic personal freedoms - 1st facts of the Union.

Natl govt should act only where the states would be incompetent to act or action might be injurious to the harmony of the U.S. -

States have primary responsibility for all govt below nat'l level

2/3 of domestic fiscal burdens borne by states

State legislatures most powerful & influential instruments of govt in nation
Looked to for initiative & wisdom in formulation of public policy on domestic issues
no longer so - because have not found solutions to problems

43 states call for apportionment each 10 years (constitution)

half do not -

difficult task whose members have a vested interest in status quo
not a conflict of interests between urban & rural -

Distrust should be gone in an equitable system that will strengthen state govt is far more important -

Federal automatic & cities more representative than in legislature
states should be reasonably representative of all the people.

on a fair & equitable basis.

Non use of state initiatives as well as over use of state authority
Proper division of labor & authority between Nation & State is the
Key to maintaining new system

"League of friendship" Articles of Confederation

Product of necessity not doctrine - no model from which to copy
Classical examples too remote in time

We have imagined a new fed govt deriving its powers from people
Capable of dealing with the people directly rather than thru the state
~~power to legislate in all cases~~

resolve claims of large states & small compromised
electoral college extended that compromise

"supreme law of the land clause" introduced a judicial
control over unconstitutional state action

left states ^{to define} voting franchise - conduct of elections - choose Senators -
pass on constitutional amendments the states have made
indispensable to fed govt - vital role in domestic affairs
great innovations in the art of representative govt

present govt product of 100's of decisions - better day framework of constitution
oldest representative republic in world

Population - 40 times 1787 - immigration boom, low death rate
greater density in population has increased problems of govt -

increase in families -

mostly city dwellers & suburbanites now -

In 1790 19 people on farms for every one in city

Today farms less than 1/6 total - 2 out of 3 urban

54
20
61

135

District Court

I, too, conclude that *Colegrove v. Green*, 328 U.S. 549 () and its spanners, * ^{suggest the conclusion} ~~that~~ that the Court had jurisdiction of the subject matter of this writ and that the petitioners had standing to invoke that jurisdiction. Likewise, I believe that the subject matter is justiciable. I put to one side all of our cases that involve questions relating to congressional apportionment, ~~because they involve relationships with a coordinate branch of the Constitution~~ specifically grants power to Congress to apportion congressional districts and the result, as well as ^{as well as} ~~as well as~~ that we owe to a coordinate branch of the federal government need lead me to withhold my hand ^{in these cases}. ~~This disposition of all of the cases since *Wesberry v. Sanders*, 385 U.S. 31 (1966) and *South v. Baker*. This ^{only} leaves ^{*} cases where~~

Colegrove v. Green 328 U.S. 549

Wesberry v. Sanders 385 U.S. 31

South v. Baker 385 U.S. 31

Radford v. Gary 352 U.S. 991

McGowan v. Green 335 U.S. 281

328/549

342/991

352/991

361/991

① state procedures had not been exhausted and *Colegrove v. Green* which are readily distinguishable; and, ② the Georgia unit rule ~~series~~ litigation and the Tennessee series of cases. I cannot agree with the conclusion of the Court that there are distinguishable rulings at go on the theory of lack of right, *Radford v. Gary* 352/991 (1957)

McGowan v. Green 335/281 (1948)

To assume that political power is a function exclusively of numbers is to disregard the practicalities of government... It would be strange, indeed, and doctrinaire for this Court to deny a State the power to assume a proper diffusion of political initiative as between its thinly populated counties and those having concentrated masses... in view of the fact that the latter have practical opportunities for exerting their political weight at the polls not available to the former"

put by Lawrent

Gonillion implicitly approved Colegrave

The Commission on Intergovernmental Relations (1953)

That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council; Declaration + Resolves of the First Continental Congress 10/14/74

NW Ordinance

9/3/81

"That for (p129)

See 345 Lincoln Divided Speech

Constitution of Confederate States

"The number of Representatives shall not exceed one for every 30,000 but each State shall have at least one Representative

If the statute so arbitrary or capricious that legislators acting reasonably could not have believed it necessary or appropriate for the public welfare.

a rational basis for legislative action

A rational legislator

Is it a reasonable method of reaching the desired result

Hold the balance between state + nation

As long as I count the votes what are you going to do about it? Boss Tweed -

The man who can right himself by a vote will seldom resort to a musket - J. D. Winmore Connor

Growth of + shifting of population is problem

Appointments "contrary to the philosophy of govt in the US and

all Anglo Saxon jurisdictions" from complaint

Does arise under Constitution of 1343 - hence no want of jurisdiction

Can cases not based on locus of jurisdiction - but on political question

No nonjusticiable political question =

Suorden

✓
Hughes

321/1, 11

Had claim pleaded does not rest or implicate Government Clause

+ justiciability not foreclosed by previous decisions

of discrimination shown the fact that it relates to political rights

does not preclude relief

This case unlike ^{your} appointments cases - they involved relationships with other branches of fed. govt not relationship to states

"appropriateness of attributing jurisdiction to the action of political depts

& also lack of satisfactory criteria for judicial determination control respect due to coequal & independent depts

goes into foreign relations - duration of hostilities - Indian Tribes

"The political question doctrine, a tool for the maintenance of governmental order will not be applied as to promote only disorder" p 28

14th Amendment claim must not be so connected with political question elements which render Government Clause claims nonjusticiable as actually to present a political question itself p. 39

Equal protection clause was invoked in Pacific States Tel "merely in verbal aid of the resolution of issues which entailed political questions p 41

Ample - tremendous - overwhelming -

Great ignorance

Big as life and twice as natural

The fragments are large enough for their structure to be determined
as distorted as a Matisse

Opinion seeks a Chaldean answer

Big audacious - despatching about trifles

a low Bauckee wail - foreboding of death - the wail is "Kearney"
Swollen - Two sized - a cloud of words - choked with

No question of right to vote

Unim. Magaw v Donoran See WOD 9

Not that voice of every voter

State's choice

to "assume that political power is a function exclusively of
numbers is to disregard the practicalities of govt - MacDonogh v Gw -

All that is prohibited is "invidious discrimination" bearing no
rational relation to permissible policy -

1901 Apportionment cases -

Capriciousness must therefore rest on "consistent refusal"

of legislature to alter apportionment

Expressed reason for imbalance might be agriculture v City

Could have rested on same rational basis

Asakau