

Clark, J

For example, ~~comparable counties have~~ entirely different political power ~~altho their populations are substantially the same.~~ ~~many counties with substantially the same population~~ ~~have entirely different political weight.~~ Grundy county with a representation of .95 and Chester county with a representation of 2 have populations of 6540 and 6391 respectively; Cumberland with a representation of .63 and Crockett with a representation of 2 have populations of 9593 and 9676 respectively; Coffee with a representation of 2 and Fayette with a representation of 3 have populations of 13,406 and 13,577 respectively; Blount with a representation of 1.60 and Gibson with a representation of 5 have populations of 30,353 and 29,832 respectively; Washington with a representation of 1.99 and Madison with a representation of 3.50 have populations of 36,967 and 37,245 respectively.

Bro Harlan contends that not only is my ~~XXXXXXXX~~ formula of representation, devised to test the rationale of Tenn's apportionment, itself illogical but that I have overlooked a possible rationalization of the existing apportionment. It is bewildering to me that Bro Harlan ^{insist on} ~~suggest~~ a formula of representation based upon "voting strength" for he strongly opposes, as do I, any suggestion that equal representation is const'ly required. However even taking J. Harlan's formula and his definition of rural and urban areas, the present apportionment is still irrational. For example a comparison of urban areas of substantially the same population reveals the following illustrations. Washington (population of 36,967) has a representation of 2.64 while Madison (37,245) has a representation of 4.86; Carter (23,303), Greene (23,649), and Maury (24,556) have representations of 1.52, 2.09, and 3.82 respectively. Coffee (13,406) and Humbleton (14,090) have representations of 2.14 and 1.18 respectively;

A comparison of "rural" areas of substantially the same population reveals a similar pattern. For example: Trousdale (population 3351) has a representation of 1.10 while Lewis (3413) has a representation of .40; Stewart (5238) has a representation of 1.57 while Cheatham (5263) has a representation of .72; Chester (6391) has a representation of 1.36 while Grundy (6540) has a representation of .68; Smith (1731) has a representation of 2.05 while Union (8767) has a representation of 1.40.

This discrimination on its face does not give a desirable balance between heavily and thinly populated counties. It creates an invidious discrimination among the rural populations themselves.

4) No one contends that mathematical equality among voters is required by the Equal Protection Clause. ~~Clearly this Court cannot deny "a proper diffusion of political initiative."~~ *MacDougall v. Green, supra.* But certainly there must be some rational pattern to a State's districting, not just a crazy quilt. I cannot discover any plausible justification for this discrimination. ~~Indeed, it clearly does not fit any yardstick.~~ Like the District Court, I conclude that "Tennessee is guilty of a clear violation of the state constitution and of the [federal] rights of the plaintiffs."

and the ingenious attempt by the dissent to injure one whom patently failed.