

One Person, One Vote

Essential Questions:

Does the Constitution require that every person's vote count the same as another person's vote? Why would that be important?

Standards (Center for Civic Education)

- I. What are civic life, politics, and government?
 - d. Alternative ways of organizing constitutional governments
- II. What are the Foundations of the American Political System?
 - a. American idea of constitutional government
- III. Purposes, Values, and Principles of American Democracy
 - a. Distribution, sharing, and limits of power and responsibility
 - c. Organization and function of state and local governments

Outcomes

As a result of the lesson, students will be able to:

- Understand historic population changes and resulting implications for voting representation
- Comprehend the Supreme Court's role in correcting voter representation and the controversy surrounding their decisions at the time.
- Appreciate the differences in representation between the U.S. Senate and state legislatures.
- Understand the "one person, one vote" standard and the use of census, reapportionment, and redistricting as means to achieve it.

Materials

- DVD (One Person, One Vote) and DVD player
- Copies of Handout 1 for each student
- Copies of Handout 2 for each student, if using extension activity

Preparing to Teach

- Read the Teacher Briefing provided
- Duplicate the Worksheets (and Extension Activity, if desired), one per student

LESSON

Activating Prior Knowledge (5-10 minutes):

1. Divide the class into thirds. Tell one-third that they are farmers and two-thirds that they are city-dwellers. They should imagine that the year is 1920. Have the farmers sit on one side of the room; city-dwellers on the other.

2. Tell each bloc that they will receive one vote per group. Ask them to vote by a show of hands on the following issues:

- Funding for an urban bus system
- Funding for new urban schools
- Funding for new urban roads
- Funding for rural roads

The majority view in each bloc will dictate the vote of that bloc.

3. What's the result? Students should observe that while farmers constitute only 1/3 of the population, they can stop funding for things that benefit the other 2/3, because they have an equal voice. Ask students to name other issues that would have been affected by this disparity.

4. Ask students to return to their seats.

Processing (26 minutes):

1. Pass out the Handout 1.

2. Ask students to fill in the boxes pertaining to the individual cases or concepts with notes as the film progresses.

3. Begin the film.

Synthesizing (10-20 minutes):

1. Ask students to pick a partner and compare responses.

2. Each pair should then pick another set of partners; those four students should compare responses.

3. Call on the groups to provide answers. Guide them toward an understanding of the historical context, cases, and terminology.

4. Ask students to work in their current groups to name a contemporary issue where persons are under-represented. They should record their responses in the Synthesis section of Handout 1. Is there a Constitutional issue or not? Should the courts resolve the problem? Who should resolve the problem? Will they? Call on groups to provide their responses.

Extension Activity (optional)

Pass out Handout 2. Students will design a political cartoon advocating fair representation. After all student cartoons are completed, hang them around the room with comment sheets posted below. Have students walk around the room, write comments about the cartoons, and initial their comments.

Assessment

Assess student progress toward outcomes by evaluating:

- Students' participation in opening role play and discussion afterward
- Students' comments on Colegrove, Baker, Gray, and Reynolds cases
- Students' participation in the Synthesis portion of the assignment

Additional Resources

• Find case summaries and links to opinions at www.oyez.org or opinions at Cornell University Law School Legal Information Institute at www.law.cornell.edu/supct/search/search.html.

Credits: *One Person, One Vote*, The Annenberg Foundation Trust at Sunnylands.

Created for the Annenberg Foundation Trust at Sunnylands Constitution Project by Street Law.

HANDOUT 1

Answer these questions during the film.

Historical Context:

1. What was happening to the population of the United States in 1920?
2. Who was elected president in 1960?
3. Which justice was especially concerned about the Supreme Court making a decision that was unpopular?
4. Why was he concerned?

Colegrove v. Green (1946)

1. Did the Supreme Court require states to change their voting boundaries at this time?
2. Why or why not?
3. What is the principle called when a court chooses not to get involved in a particular issue?

Baker v. Carr (1962)

1. What was the issue in this case?
2. Who argued the case for the United States?
3. Why was that interesting?
4. What did the United States ask for? Why?

Gray v. Sanders (1963)

1. How was this case different from Baker?
2. What was the famous phrase from this case?
3. How did people feel about that phrase?

HANDOUT 1

Reynolds v. Sims (1964)

1. How was this case different from Baker?
2. What was the decision of the Court? What did they require the states to do?
3. Was the decision of the Court obeyed?

Define the following terms as best you can from the context:

Political thicket

Judicial restraint

Nonjusticiability

Legitimacy

Reapportionment

Redistricting

Synthesis: Wait until after the film to answer this question.

Name a contemporary issue where persons are under-represented. Is there a Constitutional issue here or not? Should the courts resolve the problem? Who should resolve the problem? Will they?

HANDOUT 2

Extension Activity

Create a political cartoon illustrating the unfairness of under-representation in decision-making. The cartoon can be based on historical, current, or hypothetical example. Your work will be posted around the room. Your fellow students will walk around the gallery writing comments about other students work on the paper below and initialing their comments. Try to communicate your position clearly. Be creative!

Summary of the Subject Matter

Colegrove v. Green, *Baker v. Carr*, *Gray v. Sanders*, and *Reynolds v. Sims* are Supreme Court cases in which the Court was asked to decide whether or not under-representation of urban and suburban persons was a violation of a federal Constitutional right, and if so, how that could be remedied. Initially, in *Colegrove*, the Court declined to resolve the problem. They felt that entering into such a political controversy could cost the Court legitimacy. In *Baker*, the Court recognized that there were federal rights at issue and that they did have jurisdiction. In *Gray*, the Court took the position of “one person, one vote.” In *Reynolds*, the Court mandated equal representation on the basis of the 14th Amendment and required it be done by the 1966 elections.

Lesson Overview and Teacher Guide

To understand the depth of the political controversy, students begin a role play of farmers and urban/suburbanites. While watching the film, they complete a worksheet outlining the historical concepts and cases involved. In addition, they define terms on the basis of context clues from the film.

After the film, the teacher should facilitate discussion on the responses until it is clear that students understand the principles involved. Definitions should be clarified. See Handout 1 Answers for guidance.

Ultimately, the principles of *Baker v. Carr* and the “one person, one vote” cases have been extended to other contexts. Students try to identify these in the Synthesis part of the worksheet.

WORKSHEET – ANSWERS

Historical Context:

1. What was happening to the population of the United States in 1920?

It was shifting from farms to cities and suburbs. By 1920, over half the population lived in non-rural areas.

2. Who was elected president in 1960? **John F. Kennedy**

3. Which justice was especially concerned about the Supreme Court's making a decision that was unpopular?

Justice Felix Frankfurter

4. Why was he concerned?

He was afraid that if the Court made an unpopular decision, Congress and state legislatures would ignore that decision and future decisions. The Court would lose its legitimacy.

Colegrove v. Green (1946)

1. Did the Supreme Court require states to change their voting boundaries at this time? **No, the Court did not.**

2. Why or why not? **The justices didn't want to enter the "political thicket."**

3. What is the principle called when a court chooses not to get involved in a particular issue?

Judicial restraint is when a court chooses not to get involved in a particular issue, usually because it is politically charged. This is related to the concept of nonjusticiability, which is the idea that a problem does not really have a legal solution, but needs to be addressed socially or politically.

Baker v. Carr (1962)

1. What was the issue in this case? **Whether or not under-representation in voting was a federal Constitutional issue over which the Court could exercise jurisdiction.**

2. Who argued the case for the United States? **Archibald Cox, the Solicitor General of the United States.**

3. Why was that interesting? **He was a former student of Justice Frankfurter's at Harvard.**

4. What did the United States ask for? Why? **The U.S. made a strategic decision to ask the Court only to recognize that it had jurisdiction. It did not ask the Court to provide the solution.**

Gray v. Sanders (1963)

1. How was this case different from Baker? **Baker was in Tennessee; this was in another state. Many lawsuits were filed as a result of Baker, seeking fair representation. This was one of those.**

2. What was the famous phrase from this case? **"One person, one vote," which means that the population of voting districts should be as close as possible in size to each other, so that everyone has the same ability to impact law-making.**

3. How did people feel about that phrase? **People recognized that it was fundamentally fair. Besides, it favored the majority of persons who had been under-represented up to this point.**

Reynolds v. Sims (1964)

1. How was this case different from Baker? **The Court actually ordered the correction of the underrepresentation and provided the criteria for it.**

2. What was the decision of the Court? What did they require the states to do? **Students should take these notes from the film: Warren wrote the majority opinion in the 8-1 decision. Representation "must be apportioned on a population basis." Legislators represent persons and not land. The 14th Amendment Equal Protection clause requires substantially equal representation no matter where a person resides. States had to reapportion by the 1966 election. Warren considered this the most significant decision of his time on the bench, and that includes cases like Brown v. Board of Education!**

3. Was the decision of the Court obeyed? **Yes, legislatures complained and threatened amendments, but they ultimately complied.**

WORKSHEET – ANSWERS

Define the following terms as best you can from the context:

Political thicket – unsettled political questions in which judges do not want to get bogged down

Judicial restraint – refraining from making a judicial decision, often because the issue is political

Nonjusticiability – notion that a problem does not really have a legal solution, only social/political ones

Legitimacy – respect given to the opinions of the Court which allows them to fully check and balance

Reapportionment – determining the population of a state or country and dividing up the representatives on the basis of population

Redistricting – redrawing district lines to reflect the reapportionment

Provide students with this illustration: Every ten years, the U.S. conducts a census. On the basis of those findings, the 435 House seats are divided up among the states. If a state grows, it may gain a seat, which means that another state loses one. Once the seats are reassigned to the states, state governments have to redraw the district lines. The same is true for state populations and district lines for representation in the state legislatures.

Synthesis:

Name a contemporary issue where persons are under-represented. Is there a Constitutional issue here or not? Should the courts resolve the problem? Who should resolve the problem? Will they?

Examples could include changing requirements for drivers' licenses (minors can't vote), taxing minors who work, changing drinking ages, reducing the voting age, changing requirements for schools or laws pertaining to children, changes in immigration law, changing school policies.

Two important historical examples can be raised at this point. The 26th Amendment providing the right to vote to 18, 19, and 20 year olds was enacted in response to the awareness that 18 year olds could be drafted into the armed forces, but had no voice in forming foreign policy. A second historical example is that cities have sometimes drawn maps so as to under-represent groups of persons. How is gerrymandering like under-representation?