

SUPREME COURT OF THE UNITED STATES

White v. Regester

412 U.S. 755 (1973) · No. No. 72-147 · Decided June 18, 1973

SUMMARY

The Supreme Court considered challenges to Texas's 1970 reapportionment plan for the House of Representatives. The Court held that the plan's 9.9% population deviation did not, by itself, establish an Equal Protection violation, but affirmed the invalidation of multimember districts in Dallas and Bexar Counties because they impermissibly diluted the voting strength of racial and ethnic minority groups.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Justice White; Chief Justice Burger; Justice Douglas; Justice Brennan; Justice Stewart; Justice Marshall; Justice Blackmun; Justice Powell; Justice Rehnquist
JURISDICTION	Federal
DECIDED	June 18, 1973
DOCKET	No. 72-147
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal from a three-judge United States District Court under 28 U.S.C. § 1253 challenging the district court's injunction and declaration invalidating portions of the Texas House reapportionment plan.
STANDARD OF REVIEW	De novo review of constitutional reapportionment issues and the district court's legal conclusions, with substantial respect for factual findings concerning the local design and operation of the challenged multimember districts.
PRECEDENTIAL VALUE	United States Supreme Court precedent
PARTIES	White, Secretary of State of Texas, et al. v. Regester et al., Bernal et al., Willeford et al., Van Henry Archer, Jr., et al., Washington et al.

TOPICS

redistricting

equal protection

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PRACTICE AREAS

constitutional law

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QUESTIONS PRESENTED

1. Whether the 9.9 percent population deviation in the Texas House reapportionment plan violated the Equal Protection Clause.
2. Whether the multimember districts in Dallas and Bexar Counties were used invidiously to dilute the voting strength of cognizable racial or ethnic groups.
3. Whether the Supreme Court had jurisdiction over the entire appeal from the three-judge district court's injunction and accompanying declaratory judgment.

HOLDINGS

1. Relatively minor population deviations among state legislative districts do not, standing alone, establish a prima facie Equal Protection violation. The 9.9 percent deviation shown here was insufficient, without more, to prove invidious discrimination or unconstitutional vote dilution.
2. The multimember districts in Dallas and Bexar Counties were constitutionally invalid because, under the totality of the circumstances, they invidiously excluded Black and Mexican-American voters from effective participation in the political process and minimized their voting strength.
3. Because the appeal was properly taken from an injunction issued by a three-judge district court, the Supreme Court had jurisdiction to review the accompanying statewide declaration invalidating the reapportionment plan.

KEY QUOTATIONS

“To sustain such claims, it is not enough that the racial group allegedly discriminated against has not had legislative seats in proportion to its voting potential. The plaintiffs' burden is to produce evidence to support findings that the political processes leading to nomination and election were not equally open to participation by the group in question—that its members had less opportunity than did other residents in the district to participate in the political processes and to elect legislators of their choice.” (412 U.S. at 766)

“Plainly, under our cases, multimember districts are not per se unconstitutional, nor are they necessarily unconstitutional when used in combination with single-member districts in other parts of the State.” (412 U.S. at 765)

FACTUAL BACKGROUND

The Texas House reapportionment plan divided 150 representatives among 79 single-member and 11 multimember districts, with a total population deviation of 9.9 percent between the largest and smallest districts. The plan used multimember districts in Dallas and Bexar Counties. The district court found that Black voters in Dallas County had been effectively excluded from meaningful participation in the Democratic primary process

and that Mexican-American voters in Bexar County had suffered longstanding discrimination, low registration and participation, cultural and language barriers, and inadequate political responsiveness.

PROCEDURAL HISTORY

The Texas Legislature failed to agree on a legislative reapportionment plan, after which the Texas Legislative Redistricting Board promulgated a House plan. Four lawsuits challenging the Senate and House plans were consolidated in the Western District of Texas. The three-judge district court upheld the Senate plan but invalidated the House plan for population deviations and invalidated the multimember districts in Dallas and Bexar Counties as discriminatory, ordering those districts redrawn as single-member districts. The State appealed directly to the Supreme Court.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment was reversed insofar as it invalidated the Texas House plan based solely on population deviations and affirmed insofar as it invalidated the Dallas and Bexar County multimember districts. The case was remanded for proceedings consistent with that disposition.

CASES CITED

- Smith v. Craddick, 471 S.W.2d 375 (Tex. 1971)
- Mauzy v. Legislative Redistricting Board, 471 S.W.2d 570 (Tex. 1971)
- Graves v. Barnes, 343 F. Supp. 704 (W.D. Tex. 1972)
- Gunn v. University Committee, 399 U.S. 383 (1970)
- Mitchell v. Donovan, 398 U.S. 427 (1970)
- Roe v. Wade, 410 U.S. 113 (1973)
- Florida Lime & Avocado Growers v. Jacobsen, 362 U.S. 73 (1960)
- Carter v. Jury Commission, 396 U.S. 320 (1970)
- Mahan v. Howell, 410 U.S. 315 (1973)
- Gaffney v. Cummings, 412 U.S. 735 (1973)
- Kirkpatrick v. Preisler, 394 U.S. 526 (1969)
- Reynolds v. Sims, 377 U.S. 533 (1964)
- Swann v. Adams, 385 U.S. 440 (1967)
- Kilgarlin v. Hill, 386 U.S. 120 (1967)
- Abate v. Mundt, 403 U.S. 182 (1971)
- Whitcomb v. Chavis, 403 U.S. 124 (1971)
- Burns v. Richardson, 384 U.S. 73 (1966)
- Fortson v. Dorsey, 379 U.S. 433 (1965)

- Lucas v. Colorado General Assembly, 377 U.S. 713 (1964)
- Hernandez v. Texas, 347 U.S. 475 (1954)
- Archer v. Smith, 409 U.S. 808 (1972)

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