



Teacher Notes: *White v. Regester* (1973)

The Background of Reapportionment and Redistricting (00:00-2:05)

1. How often is the census taken in the United States?
The census is taken every ten years.
2. For what three major things are the results of the census used?
 - a. Budget funds for various government programs.
 - b. Determine the number of seats each state will have in the U.S. House of Representatives.
 - c. Redraw the districts for the U.S. House, state legislatures, and local government bodies.
3. What are three types of maps dealing with elections which are drawn using census results?
 - a. A map showing the different districts for the members of the U.S. House of Representatives.
 - b. A map showing the districts for members of the Texas House of Representatives.
 - c. A map showing the districts for members of the Texas Senate.
4. Define the following two terms:
 - a. Reapportionment: The process used to determine the number of U.S. Representatives each state is allowed after the census is taken.
 - b. Redistricting: Drawing the lines of districts for the U.S. House and state legislatures to account for the changes necessary after the census.

Stop and Think: What problems do you see arising in this process of redistricting?

Students should see that it is difficult to keep politics out of the process. Since the Texas Legislature is the body responsible for drawing the district lines, the party in control of the legislature at the time wants to try and draw the district lines to protect and favor their candidates. Also, there is difficulty of counting all people accurately and getting approximately equal numbers in each district.

Two Precedent Supreme Court Cases (2:06-3:14)

5. What was the U.S. Supreme Court's decision in *Westbury v. Sanders* with regards to Georgia's U.S. House districts?
Mr. Westberry's U.S. House district had a population twice the size of other districts. He claimed the right to vote in his district was diluted. The Supreme Court ruled in his favor and set the precedent that U.S. House districts must be approximately equal in population.
6. What was the decision in *Reynolds v. Sims* with regards to districts for state legislatures?
In this case, the Supreme Court ruled that members of both houses of a state legislature must be chosen from districts approximately equal in population.
7. Explain what is meant by "one man (one person), one vote."
This term means that one person's vote in one district has the same weight as a vote of one person in another district.

Facts in *White v. Regester* (3:15-6:54)

8. What was the problem with the plans drawn by the Texas Legislature after the 1970 census?
The state legislature had agreed on a redistricting plan for the Texas House but couldn't agree on one for the Texas Senate. Additionally, a lawsuit was filed against the plan established for the Texas House.

9. What did the Texas Supreme Court decide concerning the legislature's redistricting plan for the Texas House?

The Texas Supreme Court agreed that the legislature's plan for the Texas House violated the Texas Constitution so now two new plans had to be developed. New plans were developed in the fall of 1971.

10. What were the two complaints about the Texas Legislature's new plan for the Texas House?

- a. There was too much population variance between districts.
- b. In Dallas and Bexar (San Antonio) counties, the voting power of racial or ethnic minorities had been diluted due to the drawing of multi-member districts.

11. Define the following:

- a. Multi-Member District: This is a district where the voters elect more than one representative to represent that district.
- b. Single Member District: This is a district where the voters elect only one representative to represent that district.

12. Who was the petitioner, White, in the case filed in U.S. District Court? Who was the respondent, Regester?

Mark White was Texas Secretary of State at this time. The Texas Secretary of State is responsible for administering all of the state's rules concerning elections. Regester was an African American voter from one of the multi-members districts who claimed his vote was diluted.

Stop and Think: What is your opinion of multi-member districts vs. single member districts?

Decision in the U.S. District Court (6:55-8:04)

13. What was the decision of the three-judge U.S. District Court?

The U.S. District Court upheld the plan for the Texas Senate. It rejected the plan for the Texas House and the multi-member districts created for Dallas and Bexar counties because the Court said the districts discriminated against racial or ethnic minorities in those counties. The case was then appealed to the U.S. Supreme Court.

Question brought to the U.S. Supreme Court (8:05-8:44)

14. What two questions did the Supreme Court have to answer?

- a. Were the legislative districts for the Texas House unconstitutional because they varied too much in population size and therefore violated the equal protection clause of the 14th Amendment?
- b. Did multi-member districts created for Dallas and Bexar counties discriminate against ethnic or racial minorities in those counties and were therefore unconstitutional?

The Ruling (8:45-9:30)

15. How did the Supreme Court answer the first question?

By a 6 to 3 vote, the Supreme Court ruled that the single-member districts, even though they varied in population, were acceptable since the variance between districts was less than 10 percent.

16. How did the Supreme Court answer the second question?

By a 9 to 0 vote, the multi-member districts created for Dallas and Bexar counties were unconstitutional because they diluted the vote of ethnic or racial minorities.

Stop and Think: Do you agree or disagree with the Court's answer to both questions? Explain your opinion.

Conclusion: Explain what the law professor means when she said that this case provides “a fresh opportunity for all of us to understand why we need to vote and why voting is important.” Do you agree or disagree with her statement? Explain your reasoning.