



Town of Greece v. Galloway deep dive

On November 6, the Court heard arguments in a major Establishment Clause case. Check out our deep dive on the topic to find out more about the case.

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LUCAS V. FORTY-FOURTH GENERAL ASSEMBLY OF COLORADO

Term: 1960-1969 **1963**

Facts of the Case

Acting on behalf of several voters in the Denver area, Andres Lucas sued various officials connected with Colorado's elections challenging the apportionment of seats in both houses of the Colorado General Assembly. Under Colorado's apportionment plan, the House of Representatives was apportioned on the basis of population but the apportionment of the Senate was based on a combination of population and other factors (geography, compactness and contiguity, accessibility, natural boundaries, and conformity to historical divisions). Consequently, counties with only about one-third of the State's total population would elect a majority of the Senate; the maximum population- variance ratio would be about 3.6-to-1; and the chief metropolitan areas, with over two-thirds of the State's population, could elect only a bare majority of the Senate. When a three-judge District Court upheld the plan, stressing its recent approval by the electorate, the Supreme Court granted Lucas certiorari.

Question

Is a majority-approved state apportionment plan that permits one house of its congress to be largely apportioned on the basis of factors other than population distribution in violation of the Fourteenth Amendment's Equal Protection Clause?

Conclusion

Decision: 6 votes for Lucas, 3 vote(s) against

Legal provision: Equal Protection

Yes. In a 6-to-3 opinion, the Court held that the Equal Protection Clause requires all districts to be substantially apportioned on a population bases. While noting that some deviation from strict population considerations may be permitted to offset minor underrepresentations of one group or another, the wholesale neglect of population considerations is unconstitutional. The Court added that although a majority of the Colorado electorate approved its apportionment scheme, this cannot override even a single individual's constitutionally protected right to cast an equally weighted vote. The apportionment of Colorado's Senate rendered population considerations virtually insignificant, and was therefore unconstitutional.

Case Basics

Docket No.

508

Appellee

Forty-Fourth General Assembly of Colorado

Appellant

Lucas

Decided By

Warren Court (1962-1965)

Opinion

377 U.S. 713 (1964)

Argued

March 31-April 1, 1964

Decided

Monday, June 15, 1964

Advocates

George Louis Creamer

(Argued the cause for the appellants)

Archibald Cox

(By special leave of Court, argued the cause for the United States, as amicus curiae, urging reversal)

Anthony F. Zarlengo

(Argued the cause for the Forty-Fourth General Assembly of Colorado)

Stephen H. Hart

(Argued the cause for Johnson et al., appellees)

Charles Ginsberg

(Argued the cause for the appellants)

Tags

Civil Rights
Reapportionment



Warren Black Douglas Brennan White Goldberg

Cite this Page

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