Baker v. Carr Papers, ca. 1959-ca. 2003 (bulk ca. 1960-ca. 1965)

Collection Summary

Creator: Gilbert, Harris A., collector
Title: Baker v. Carr Papers
Inclusive Dates: ca. 1959-ca. 2003 (bulk ca. 1960-ca. 1965)
Summary/Abstract: A collection of documentary sources related to the Baker v. Carr "one man, one vote" reapportionment case, spanning ca. 1959-ca. 2003 (bulk ca. 1960-ca. 1965).
Physical Description/Extent: 2.25 cu. ft. (5 boxes)
Series: I. Baker v. Carr Case; II. Maps, Statistics, and Diagrams; III. Correspondence; IV. Legal, Miscellaneous.
Accession Number: 2004.003
Language: English
Stack Location: Closed stacks workroom range 3 section 1
Repository: Special Collections Division, Nashville Public Library, 615 Church Street, Nashville, TN 37219

Chronology

1901	Tennessee statute apportioned the seats in the General Assembly among the State's 95 counties, based on the Federal census reports of 1900 and the population of eligible voters.
1941	Joe C. Carr was elected secretary of state of Tennessee in 1941 and became president of Young Democrats of America. The Putnam County native would serve for 26 of the next 36 years.
ca. 1955-1956	Nashville attorney Z. T. Osborn represented a group seeking reapportionment for the legislature. The Tennessee Supreme Court threw out an apportionment act on grounds it violated the due process clause of the Constitution.
1957	Joe C. Carr was reelected Tennessee Secretary of State by the Eightieth General Assembly of Tennessee.
May 18, 1959	The reapportionment suit Baker v. Carr was filed in the Federal District Court at Nashville
Dec. 1959	The U.S. District Court held for the defendants in Baker v. Carr. An appeal to the U.S. Supreme Court was slated ahead.
Feb. 4, 1960	An order was entered by a three-judge court dismissing the complaint of the reapportionment suit on the grounds the Federal

	court lacked jurisdiction. Subsequently, the plaintiffs appealed from the decision to the U.S. Supreme Court.
Feb. 26, 1960	The Baker v. Carr case arrived to be heard at the direction of Hon. William E. Miller, District Judge for the Middle District of Tennessee.
April 19, 1961	Appeal No. 6 argued, Supreme Court of the United States, 369 U.S. 186, Baker v. Carr, Appeal from the United States District Court for the Middle District of Tennessee. Advocates Charles S. Rhyne argued the cause for the appellants. Jack Wilson, Assistant Attorney General of Tennessee, argued the cause for the appellees.
Oct. 9, 1961	Baker v. Carr was reargued before the Supreme Court. Z. T. Osborn, Jr. reargued the cause for the appellees. Jack Wilson, Assistant Attorney General of Tennessee, reargued the cause for the appellees. Charles S. Rhyne reargued the cause for the appellants. Archibald Cox, Solicitor General, by special leave of Court, reargued the cause for the United States, as amicus curiae, urging reversal.
March 26, 1962	Appeal No. 6 decided, Supreme Court of the United States, 369 U.S.186, Baker v. Carr, Appeal from the United States District Court for the Middle District of Tennessee. “One man, one vote” became the law of the land.
ca. April 1962	The Supreme Court reversed the district court decision in April, 1962, holding that the Federal court had jurisdiction. It remanded the case to the district court for action in conformity with its opinion.
Sept. 26, 1962	Attorney Harris Gilbert, attorney and member of the Democratic Primary board, lectured on election laws at the first fall meeting of the Nashville League of Women Voters at the Andrew Jackson Hotel.
Nov. 26, 1962	The Davidson County legislative delegation convened at their regular meeting. Members of the delegation agreed to invite members of the planning commission and attorney Harris Gilbert to appear before them to discuss apportionment. Harris Gilbert worked on the original apportionment. With Gilbert were Robert Puryear and Joe Haas of the city-county planning commission, who had prepared several reapportionment plan proposals.
Nov. 29, 1962	Members of the Davidson County legislative delegation began preparing for the reapportionment battle with an intensive

	briefing session. The delegation began plans for a united urban front to push for equitable reapportionment in the general assembly.
March 1963	The Tennessee General Assembly approved a new plan for apportionment of the Senate and made six changes recommended by the court in the lineup of House seats.
ca. Mar. 22, 1963	Four attorneys for the original group of plaintiffs in the reapportionment fight decide to go back to the courts when the Senate passed the reapportionment bill. The attorneys include the former Mayor of Memphis, Walter Chandler, Z. T. Osborn, Jr. of Nashville, Senator Hobart Atkins of Knoxville, and Harris A. Gilbert of Nashville.
June 15, 1964	The Supreme Court ruled that all state legislatures must be apportioned according to population. It was decreed the ruling would take effect in 1967, not 1965, as some reapportionment backers had preferred.
June 27, 1964	Federal court panel ruled in Nashville that, beginning with the 1967 Tennessee General Assembly, representation in both houses will be based strictly on population.
Dec. 9, 1965	Adopted in Convention that apportionment of senators and representatives in Tennessee would be determined substantially according to population, based on the U. S. Bureau of Census. Subsequently approved at election November 8, 1966, and proclaimed by Governor Frank G. Clement, December 2, 1966.

Biographical/Historical Sketch

In 1959, the Baker v. Carr case, ultimately decided by the United States Supreme Court, was initiated in Tennessee by urban voters who brought an action before the Federal District Court in Nashville against Joseph Cordell Carr, the Tennessee Secretary of State, and George McCanless, the Attorney General. The plaintiffs objected to problems of apportionment and legislative districting of rural and urban districts. The case applied the Equal Protection Clause of the 14th amendment of the U.S. Constitution prohibiting states from denying any person within its jurisdiction the equal protection of the laws. After the District Court dismissed their case, the Supreme Court decided in favor of the plaintiffs (argued April 19-20, 1961; reargued October 9, 1961, and decided March 26, 1962) for a "one-man, one-vote" ruling in reapportionment of state legislative districts. The Supreme Court ruling forced the Tennessee legislature to reapportion itself on the basis of population. Within two years of the decision in Baker v. Carr, citizens in forty-one states had filed suit in apportionment cases.

Plaintiff Charles Baker was a Republican who lived in Shelby County, Tennessee, where the large urban city of Memphis is located. He made complaint that the Tennessee State Constitution required that legislative districts be redrawn every ten years according to the Federal census to provide for districts of substantially equal population. In fact though, Tennessee had not redistricted since 1901. At the time of Baker's lawsuit, the population had shifted such that the district of Shelby County had about ten times as many residents as some of the rural districts. Baker argued that a discrepancy existed in favor of rural citizens receiving more voting representation than the urban citizens. Baker objected that problems of apportionment therefore caused him to fail to receive the "equal protection of the laws" required by the Fourteenth Amendment.

Joseph ("Joe") Cordell Carr, Sr., (1907-1981), a former Tennessee Secretary of State and long-time treasurer of the Tennessee Democratic Party, was the defendant in the lawsuit. Though not the person who set the district lines, he was responsible for the conduct of elections in Tennessee as Secretary of State. Originally the State of Tennessee argued that legislative districts were essentially political, rather than judicial questions, citing the plurality opinion of the court in *Colegrove v. Green* (1946), wherein Justice Felix Frankfurter declared that, "Courts ought not to enter this political thicket."

Historically, Tennessee's long-fought remap battle for reapportionment of the legislature had prior beginnings circa 1955 when proponents were represented by Nashville attorney Z. T. "Tommy" Osborn. He was instrumental in getting Nashville Mayor Ben West and the City of Nashville aboard as a plaintiff. In the Baker v. Carr case, Nashville attorney Harris A. Gilbert was the co-counsel representing the urban communities in the reapportionment case. Other prominent figures involved in the case were John Jay Hooker, Jr., who became Special Assistant to Robert F. Kennedy in 1961, Archibald Cox, U.S. Department of Justice, and attorneys Walter Chandler of Memphis and Hobart F. Atkins of Knoxville.

Baker v. Carr had a profound effect on the role of state governments and their relationships with the Federal government and the Federal courts. The lawsuit resulted in the U.S. Supreme Court ordering state legislatures to reapportion themselves and declaring that Federal courts have jurisdiction in such cases by reason of the Fourteenth Amendment to the Federal Constitution.

Scope and Contents of the Collection

A collection of documentary sources related to the Baker v. Carr "one man, one vote" case about Tennessee reapportionment, spanning ca. 1959 to ca. 2003 (bulk ca. 1960-ca. 1965). The papers relate to the lawsuit filed by urban voters against Tennessee's Secretary of State and Attorney in the U.S. District Court of Middle, Tennessee (Civil Action No. 2724). Includes documentation of the record on appeal amended and supplemental complaint of plaintiffs, pleadings and the City of Nashville's involvement in the legislative reapportionment case. The materials include exhibits introduced in the case, maps, statistics, and diagrams alongside legislative bills, pleadings, etc. Includes documentary sources related to the lawsuit of Nashville's Mayor Ben West v. Carr, with the published jurisdictional statement in the U.S. Supreme Court, October Term (1963). Includes sources about the Tennessee General Assembly and reapportionment matters, as well as documentation about several of the attorneys for the plaintiffs. Includes copies of

additional cases, briefs, pleadings from other jurisdictions, such as "Gomillion et al v. Lightfoot" (1960) and "Toombs v. Fortson" (1962).

Organization/Arrangement of Materials
The collection is comprised of four series.

Series I. Baker v. Carr Case
Series II. Maps, Statistics, and Diagrams
Series III. Correspondence
Series IV. Legal, Miscellaneous

Arrangement:
The original order scheme of each series has been retained, with a primarily subject-chronological arrangement.

Restrictions

Restrictions on Access: In library use only. Available by appointment.

Restrictions on Use and Reproduction: This material may be protected by copyright (Title 17 U.S. Code).

Index Terms

Personal Names:
Atkins, Hobart F.
Baker, Charles W.
Carr, Joseph Cordell, 1907-1981
Chandler, Walter, 1887-1967
Cox, Archibald, 1912-2004
Gilbert, Harris A.
Miller, William E. (William Ernest), 1908-1976
Osborn, Z. Thomas
West, Ben, 1911-1974

Corporate Names/Organizations:
United States. Congress--Election districts
United States. Supreme Court

Subjects:
Apportionment (Election law)--United States--Cases
Apportionment (Election law)--United States--History--20th century
Constitutional law--United States--Cases
Election districts--United States
Election districts--United States--Cases
Election law--United States

Equality before the law--United States
Law--Political aspects
Political culture--Tennessee--History--20th century
Political questions and judicial power--United States

Places:
Nashville (Tenn.)--History--Sources
Nashville (Tenn.)--Politics and government
Nashville (Tenn.)--Social conditions
Nashville and Davidson County (Tenn.)--History
Tennessee--Politics and government

Genre/Document Types:
Briefs (legal documents)
Correspondence
Legal correspondence
Legal documents
Legal files
Publications

Occupations:
Lawyers--Tennessee--Nashville

Associated and Related Material

Associated materials are housed at the University of Illinois at Urbana-Champaign Archives: Gene S. Graham Papers, 1959-1971, Record Series No. 13/3/20.

The Joseph Cordell Carr, Sr. Papers, 1900-1980 are housed at the Tennessee State Library and Archives (THS ac. no. 730, Microfilm no. 1657).

Administrative Information

Copyright: This material may be protected by copyright law (Title 17 U.S. Code).
Preferred Citation: Baker v. Carr Papers, Special Collections Division, Nashville Public Library.
Immediate Source of Acquisition: Donated to the Special Collections Division, Nashville Public Library on Jan. 20, 2004 by Harris A. Gilbert.
Ownership and Custodial History: Harris A. Gilbert, affiliated as an attorney in the Baker v. Carr case, held custodial stewardship of the materials prior to donation to the library.
Processing Information: Processed by Leanne Garland in March, 2007.
Accruals: No further accruals are expected.

References to Works by or about Collection Creator/Topic

Ansolabehere, Stephen and Samuel Issacharoff. *Baker v. Carr, 1962.* Retrieved June 27, 2007 from URL http://web.mit.edu/polisci/research/representation/Baker-edit.pdf

Graham, Gene S. *One man, one vote: Baker v. Carr and the American Levellers.* Boston: Little, Brown, [1972]. Available in the Nashville Room, Tennesseana collection: Call nr. 342.G73o

Nashville Banner Archives, Clippings Files, Special Collections Division, Nashville Public Library. Clippings: Baker, Charles W. (cabinet #4114); and Osborn, Z. Thomas, Jr. (big files, cabinet #4083).

Squires, James D. *The Secrets of the Hopewell Box: Stolen Elections, Southern Politics, and a City's Coming of Age.* New York: Times Books, 1996. Available in the Nashville Room, Tennesseana collection: Call nr. 320.9768 S77h, pp. 177-78, 206-9, 275, 277, 292.

U.S. Supreme Court Media (Oyez). "Baker v. Carr." Retrieved June 27, 2007 from URL http://www.oyez.org/cases/1960-1969/1960/1960_6/

Vile, John R. "Baker v. Carr, 1962." In *The Tennessee Encyclopedia of History & Culture,* edited by Carroll Van West. Nashville: Rutledge Hill Press, 1998.

Detailed Description of the Collection

Series I. Baker v. Carr Case, ca. 1959-ca. 2000 (bulk 1960-1964), 1 cu. ft. (2 boxes)

Series Abstract/Description

This series consists of legal documentation related to the Baker v. Carr case in the U.S. District Court for the Middle Tennessee District, Nashville. Includes documentation of the record on appeal amended and supplemental complaint of plaintiffs, pleadings, etc. The series contains information about the motion of Mayor Ben West to intervene as a plaintiff as well as motions of other cities to intervene (Chattanooga and Knoxville). Includes several publications of the Supreme Court and sources related to the Federal court panel ruling in favor of the plaintiffs for reapportionment based on population.

Arrangement

Arranged according to designated volumes and kept in the original order, which is primarily chronological.

Container List

Box 1

f.1 Baker v. Carr, Vol. 1, ca. 1960-ca. 1964
f.2 Baker v. Carr, Vol. 1, ca. 1959-ca. 1965

f.3 Baker v. Carr, Vol. 1, ca. 1962
f.4 Baker v. Carr, Vol. 1, ca. 1962
f.5 Baker v. Carr, Vol. 1, ca. 1962-ca. 1965
f.6 Baker v. Carr, Vol. 2 (Pleadings, etc.), ca. 1962-ca. 1965
f.7 Baker v. Carr, Vol. 2 (Pleadings, etc.), ca. 1963-ca. 1965

Box 2
f.8 Baker v. Carr, Vol. 2 (Pleadings, etc.), ca. 1963-ca. 1965
f.9 Baker v. Carr, Vol. 2 (Pleadings, etc.), ca. 1962-ca. 1965
f.10 Baker v. Carr, Vol. 3, (Publications), ca. 1960
f.11 Baker v. Carr, Vol. 3 (Publications), ca. 1960-1961 (9 booklets)
f.12 Baker v. Carr, Vol. 3 (Publications), 2000 (1 article)
f.13 Baker v. Carr, Vol. 3 (Publications), ca. 1960, ca. 2000 (3 publications)
f.14 Baker v. Carr, Legislative Bills, Proceedings, etc., ca. 1960-ca. 1965
f.15 Baker v. Carr, Exhibits, ca. 1963
f.16 Ben West et al. v. Joe C. Carr et al., ca. 1962-ca. 1963

Series II. Maps, Statistics, and Diagrams, ca. 1960-ca. 1963, .5 cu. ft. (1 box)

Series Abstract/Description
This series consists of maps, statistics and diagrams related to the Baker v. Carr reapportionment case. Includes statistical data related to the case, such as the 1960 voting population of Tennessee counties, apportionment of seats in the House of Representative in 1901, maps, and plans for apportionment of the Tennessee General Assembly. Includes the 1961 report prepared by City of Nashville, Ben West, Mayor titled "Legislative Apportionment: The Denial of the Equality of Voting Rights in Tennessee."

Arrangement
Arranged according to designated folder titles and kept in the original order, which is primarily chronological.

Container List
Box 3
f.17 Maps, Statistics, and Diagrams, ca. 1960
f.18 Maps, Statistics, and Diagrams, ca. 1960-ca. 1962
f.19 Maps, Statistics, and Diagrams, ca. 1960-ca. 1963
f.20 Maps, Statistics, and Diagrams, ca. 1960-ca. 1963
f.21 Maps, Statistics, and Diagrams, ca. 1962-ca. 1963
f.22 Maps, Statistics, and Diagrams, ca. 1962-ca. 1963
f.23 Legislative Apportionment, report of City of Nashville, Aug. 1961

Series III. Correspondence, ca. 1960-ca. 1966, .25 cu. ft. (1 box)

Series Abstract/Description

This series of letters of correspondence regarding the case of Baker v. Carr contains primarily incoming and outgoing correspondence (onion skin copies) of Harris A. Gilbert, the special counsel for the City of Nashville in the Baker v. Carr case. The correspondents include, but are not limited to Harris A. Gilbert, Walter Chandler, Z. T. Osborn, Jr., William E. Miller (United States District Court, Middle District of Tennessee), Archibald Cox, Hobart F. Atkins, and Mayor Ben West.

Arrangement
Arranged chronologically.

Container List
Box 4
f.24 Correspondence, 1960-1961
f.25 Correspondence, 1962
f.26 Correspondence, 1963
f.27 Correspondence, 1964
f.28 Correspondence, 1965
f.29 Correspondence, 1966

Series IV. Legal, Miscellaneous, ca. 1960-ca. 2003 (bulk ca. 1960-1966), .5 cu. ft. (1 box)

Series Abstract/Description
This series of miscellaneous legal papers, including cases, briefs, and pleadings from other jurisdictions in the United States, spanning ca. 1960-1966. Includes a subseries of publications, articles, and miscellany, with topical coverage on Baker v. Carr, the Fourteenth Amendment and the U.S. Supreme Court, the Equal Protection Clause and legislative apportionment. Present in the collection is a typescript of an oral history interview with Harris A. Gilbert (Feb. 27, 1970).

Arrangement
Arranged chronologically.

Container List
Box 5
Cases, Briefs, Pleadings from other Jurisdictions
f.30 Gomillion et al. v. Lightfoot, 1960 November 14
f.31 No. 29 In the Supreme Court of the United States, 1963, October Term
f.32 Moss v. Burkhart (copy), 1963 July 17
f.33 Nolan v. Rhodes (copy), 1963 June 12
f.34 Sims v. Frink (copy), 1962 April 14
f.35 Toombs v. Fortson (copy), 1962 May 25
f.36 Wilson v. Zimmerman (3 copies), 1962 June 14
f.37 James E. Williams et al v. Joe C. Carr et al; Rule no. 88425

(copy) 1966 January 8
f.38 James E. Williams et al v. Joe C. Carr et al; Rule no 88425
(copy) 1966 January 11

Publications, Articles, and Miscellany

f.39 The United States Law Week, 1964 June 16
f.40 Harvard Law Review, Vol. 78, no. 1, 1964 November
f.41 Articles, ca. 1964-1965
f.42 Transcript of recording with Harris Gilbert, 1970 February 27
f.43 Affadavits, memos, correspondence, and notes, ca. 1963-ca.2003