GAFFNEY *v.* CUMMINGS ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF CONNECTICUT

No. 71–1476. Argued February 26–27, 1973—Decided June 18, 1973

Connecticut's legislative apportionment plan was held by the District
Court to be unconstitutional because partisan political structuring
had resulted in excessive population deviations in the House dis-
tricting. *Held:*

   1. Minor deviations from mathematical equality among state
legislative districts do not make out a prima facie case of invidious
discrimination under the Equal Protection Clause of the Four-
teenth Amendment, and in this case, where the House districts
deviated on the average by 1.9% and the maximum deviation was
7.83%, a prima facie case was not made out. Pp. 740–751.

   2. A "political fairness principle" that achieves a rough ap-
proximation of the statewide political strengths of the two major
parties does not violate the Equal Protection Clause. Pp. 751–754.

341 F. Supp. 139, reversed.

WHITE, J., delivered the opinion of the Court, in which BURGER,
C. J., and STEWART, BLACKMUN, POWELL, and REHNQUIST, JJ.,
joined. BRENNAN, J., filed a dissenting opinion, in which DOUGLAS
and MARSHALL, JJ., joined, *post*, p. 772.

Robert G. Dixon, Jr., argued the cause for appellant.
With him on the briefs were *Harry W. Hultgren, Jr.,
Francis J. McCarthy,* and *Gordon W. Hatheway, Jr.*

Robert A. Satter argued the cause for appellees. With
him on the brief was *James A. Wade.*

MR. JUSTICE WHITE delivered the opinion of the
Court.

   The questions in this case are whether the population
variations among the election districts provided by a
reapportionment plan for the Connecticut General As-
sembly, proposed in 1971, made out a prima facie

case of invidious discrimination under the Equal Protection Clause and whether an otherwise acceptable reapportionment plan is constitutionally vulnerable where its purpose is to provide districts that would achieve "political fairness" between the political parties.

I

The reapportionment plan for the Connecticut General Assembly became law when published by Connecticut's Secretary of State in December 1971. Under the State's Constitution, the legislature is given the initial opportunity to reapportion itself in the months immediately following the completion of a decennial census of the United States. Conn. Const., Art. III, § 6 (b). In the present case, the legislature was unable to agree on a plan by the state constitutional deadline of April 1, 1971. The task was therefore transferred, as required by the constitution, to an eight-member bipartisan commission. *Ibid.* The Democratic and Republican Party leaders in the legislature each appointed four commissioners. The commission was given until July 1, 1971, to devise a reapportionment plan, *id.,* § 6 (c); but, although the commission approached agreement, it too was unable to adopt a plan within the deadline. Accordingly, as a final step in the constitutional process, a three-man bipartisan Board was constituted. *Id.,* § 6 (d). The Speaker of the House of Representatives, a Democrat, and the Republican Minority Leader of the House each chose a judge of the State Superior Court to be a Board member, and the two judges in turn designated a third Board member, who was a justice of the State Supreme Court. *Ibid.*

This Apportionment Board, using the census data available during the summer of 1971, and relying heavily on the legislative commission's tentative plans, filed a

reapportionment plan on September 30, 1971, with one member dissenting.

According to the 1970 census data before the Board, the population of Connecticut is 3,032,217. The Board's reapportionment plan provides for a Senate consisting of 36 senators elected from single-member districts. The ideal senatorial district, in terms of population, would thus contain 84,228 people. The districts actually created deviate, on the average, by 0.45% from this ideal, the median deviation being 0.47%. The largest and smallest senatorial districts deviate by +0.88% and —0.93%, respectively, making the total maximum deviation 1.81%.[1]

The reapportionment plan proposed a House of 151 single-member districts. The population of the ideal assembly district would be 20,081. The average deviation from perfect equality for all the plan's assembly districts is 1.9%, the median deviation, 1.8%. The maximum deviation from the ideal is +3.93% and —3.9%. The maximum deviation between any two districts thus totals 7.83%.[2]

In Connecticut, towns rather than counties are the basic unit of local government. See *Butterworth* v. *Dempsey,* 229 F. Supp. 754, 761 (Conn.), aff'd, 378 U. S. 564 (1964). The State Constitution provides that "no town shall be divided" for the purpose of creating House districts, except where districts are formed "wholly within the town." Art. III, § 4. No comparable directive exists for the creation of Senate districts. The Constitution further provides, however, that the "establishment of districts . . . shall be consistent with federal

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[1] The ratio of the largest Senate district to the smallest is 1.018 to 1.

[2] The ratio of the largest assembly district to the smallest is 1.082 to 1.

constitutional standards." *Id.,* § 5. To meet those
standards and to reach what it thought to be substantial
population equality, the Board cut the boundary lines
of 47 of the State's 169 towns.[3] The Board also con-
sciously and overtly adopted and followed a policy of
"political fairness," which aimed at a rough scheme of
proportional representation of the two major political
·parties. Senate and House districts were structured so
that the composition of both Houses would reflect "as
closely as possible . . . the actual [statewide] plurality
of vote on the House.or Senate lines in a given election."[4]
Rather than focusing on party membership in the respec-
tive districts, the Board took into account the party
voting results in the preceding three statewide -elections,
and, on that basis, created what was thought to be a
proportionate number of Republican and Democratic
legislative seats.

In November 1971, not long after the Board filed the
reapportionment plan with the Secretary of the State, an
action was brought in federal district court seeking de-
claratory and injunctive relief against implementation
of the plan. The complaint alleged that the Board
"erroneously applied the one man-one vote doctrine of
the Fourteenth Amendment . . . to achieve smaller de-
viations from population equality for the assembly dis-

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[3] Some town boundaries were cut more than once, resulting in
what the parties have termed "town segments," or portions of a
town that were used to form an assembly district not wholly within
that town. The Board's plan creates 78 such segments in the for-
mation of the 151 assembly districts.

[4] Testimony of Judge George A. Saden, the Republican Board
member. App. 264. According to Mr. James F. Collins, a staff
member of the Board, the plan for the House resulted in approxi-
mately 70 safe Democratic seats, 55 to 60 safe Republican seats,
with the balance characterized as probable or swing Democratic or
Republican or "just plain swing," 341 F. Supp. 139, 147. See App.
126–127.

tricts than was required by the Fourteenth Amend-
ment . . . and thereby was compelled to segment an
excessive number of towns in forming assembly districts."
The complaint further alleged the plan amounted to a
political gerrymander and contained "a built-in bias in
favor of the Republican Party." Appellant Gaffney, the
Chairman of the State Republican Party, was permitted
to intervene in support of the Board's plan and, after
a three-judge court was empaneled, the court heard testi-
mony in March 1972. At the hearing, plaintiff-appellees
introduced three alternative House apportionment plans
that required fewer town-line cuts, although all three
plans involved total deviations from population equality
in excess of those contained in the Board plan.[5] A fourth
plan for the House was submitted with a total maximum
deviation from population equality among districts of
2.61%, as compared with the Board plan, which con-
tained a 7.83% total maximum deviation. This alterna-
.tive plan, however, was prepared without regard for
town lines, which were cut substantially more times than
in the Board plan.[6] Considerable evidence was intro-
duced demonstrating the obvious political considerations
in the Board's district making.[7] In late March, the Dis-
trict Court filed its decision invalidating the Board plan
and permanently enjoining its use in future elections.
341 F. Supp. 139. The court held that "the deviations

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[5] The Board's Senate plan was not challenged in the District Court
and no alternative Senate plan was introduced. Appellees do not
challenge the Senate districts on the ground of their population
deviations. Brief for Appellees 14 n. 4; Tr. of Oral Arg. 20.

[6] Plaintiff-appellees' plan resulted in 58 town-line cuts and 88 town
segments, as opposed to the corresponding figures of 47 and 78 in the
Board's plan.

[7] Plaintiff-appellees further offered testimony illustrating the unde-
sirability—in the context of the State's administrative apparatus—of
excessive cutting of town lines.

from equality of populations of the Senate and House
districts are not justified by any sufficient state interest
and that the Plan denies equal protection of the law to
voters in the districts of greater population . . . ." *Id.*,
at 148. ·The court relied in part on *Kirkpatrick* v.
Preisler, 394 U. S. 526 (1969). More particularly, the
court found that the policy of "partisan political struc- ·
turing," 341 F. Supp., at 150, "cannot be approved as
a legitimate reason for violating the requirement of
numerical equality of population in districting." *Id.*,
at 149. The court therefore required that a plan
reflecting "closer adherence to the constitutional guide-
lines" be adopted. Jurisdiction over the case was re-
tained for all purposes, and the court announced that
it "will appoint a master . . . to devise a plan con-
forming to federal and state constitutional require-
ments . . . ." *Id.*, at 150.

On June 12, 1972, after `a motion to expedite con-
sideration of the appeal had been denied (406 U. S. 942),
this Court granted appellant's motion for a stay of the
District Court's judgment. ·407 U. S. 902. On the basis
of that stay, and a subsequent supportive state order,[8]
the 1972 fall elections for the State Assembly were held
under the Board's reapportionment plan. When this
Court convened in October 1972, we noted probable juris-
diction over the appeal. 409 U. S. 839. By this time, a
Special Master had been appointed by the District Court
and had prepared a reapportionment plan.

II

We think that appellees' showing of numerical devia-
tions from population equality among the Senate and

[8] The order was entered in a parallel state proceeding, *Miller* v.
Schaffer, No. 173606, Super. Ct., Hartford County, filed Novem-
ber 12, 1971, which was directed at correcting certain clerical errors
or omissions in the Board's plan.

House districts in this case failed to make out a prima facie violation of the Equal Protection Clause of the Fourteenth Amendment, whether those deviations are considered alone or in combination with the additional fact that another plan could be conceived with lower deviations among the State's legislative districts. Put another way, the allegations and proof of population deviations among the districts fail in size and quality to amount to an invidious discrimination under the Fourteenth Amendment which would entitle appellees to relief, absent some countervailing showing by the State.

The requirement of Art. I, § 2, of the Constitution, that representatives be chosen "by the People of the several States," mandates that "one man's vote in a congressional election is to be worth as much as another's." *Wesberry* v. *Sanders,* 376 U. S. 1, 8 (1964) (footnote omitted). This standard "permits only the limited population variances which are unavoidable despite a good-faith effort to achieve absolute equality, or for which justification is shown." *Kirkpatrick* v. *Preisler,* 394 U. S., at 531. In *Kirkpatrick* and in *Wells* v. *Rockefeller,* 394 U. S. 542 (1969), the Court found inconsistent with this standard state statutes creating congressional districts having total maximum deviations of 5.97% and 13.1%, respectively. It is the standard of these cases which is the prevailing rule under Art. I and which we confirm in *White* v. *Weiser, post,* p. 783, today, for the purposes of congressional reapportionment.

Earlier this Term, the question arose whether the same standard is applicable when reviewing state legislative reapportionments under the Equal Protection Clause of the Fourteenth Amendment. *Mahan* v. *Howell,* 410 U. S. 315 (1973). We concluded that there are fundamental differences between congressional districting under Art. I and the *Wesberry* line of cases on the one-hand, and, on the other, state legislative reappor-

tionments governed by the Fourteenth Amendment and
Reynolds v. *Sims,* 377 U. S. 533 (1964), and its progeny.
Noting that the "dichotomy between the two lines of
cases has consistently been maintained," 410 U. S., at
322, we concluded that "the constitutionality of Vir-
ginia's legislative redistricting plan was not to be judged
by the more stringent standards that *Kirkpatrick* and
Wells make applicable to congressional reapportionment,
but instead by the equal protection test enunciated in
Reynolds v. *Sims," id.,* at 324, that test being that
districts in state reapportionments be "as nearly of
equal population as is practicable," *Reynolds, supra,* at
577, and that "[s]o long as the divergences from a strict
population standard are based on legitimate considera-
tions incident to the effectuation of a rational state policy,
some deviations from the equal-population principle are
constitutionally permissible with respect to the appor-
tionment of seats in either or both of the two houses of a
bicameral state legislature." *Id.,* at 579. In *Mahan,* the
ideal district was 46,485 persons per delegate. The max-
imum variation from the ideal was 16.4%—"the 12th
district being overrepresented by 6.8% and the 16th
district being underrepresented by 9.6%." 410 U. S., at
319 (footnote omitted). The average percentage varia-
tion under the plan was ±3.89%. Of the 52 house dis-
tricts, 35 were within 4% of the ideal district, and nine
exceeded a 6% variation from the ideal.

The asserted justification for the divergencies in
Mahan was "the State's policy of maintaining the in-
tegrity of political subdivision lines," *id.,* at 325, a
policy we found to be rational and wholly sufficient to
justify the district population disparities of the size and
quality that had been found to exist. We ruled that the
"relatively minor variations present in the Virginia plan
contrast sharply with the larger variations in state legis-
lative reapportionment plans that have been struck

down by previous decisions of this Court," *id.,* at 329, and that "Virginia has not sacrificed substantial equality to justifiable deviations." *Ibid.*

Although requiring that the population variations among legislative districts in *Mahan* be justified by substantial state considerations, we did not hold that in state legislative cases any deviations from perfect population equality in the districts, however small, make out prima facie equal protection violations and require that the contested reapportionments be struck down absent adequate state justification. Nor had we so held in any prior state reapportionment case. *Swann v. Adams,* 385 U. S. 440 (1967), and *Kilgarlin v. Hill,* 386 U. S. 120 (1967), required state justification of population variations found in state legislative reapportionments, but the variations involved in each of these cases exceeded those we dealt with in *Mahan.*

In the case now before us, appellant urges that the population variations among Senate and House districts in the Board plan did not in and of themselves demonstrate an equal protection violation and that the State was not required to justify them, absent further proof of invidiousness by appellees. For several reasons we think the point is well taken and that the District Court erred in holding to the contrary.

As we noted in *Mahan v. Howell, Reynolds v. Sims* recognized that a State must make an honest and good-faith effort to construct its districts "as nearly of equal population as is practicable;" but that absolute equality was a "practical impossibility": "Mathematical exactness or precision is hardly a workable constitutional requirement." 377 U. S., at 577. Moreover, the *Reynolds* court also noted that "some distinctions may well be made between congressional and state legislative representation," and that "[s]omewhat more flexibility may therefore be constitutionally permissible with respect to .

state legislative apportionment than in congressional
districting." *Id.*, at 578. All that would be required
was "substantial equality of population among the vari-
ous districts, so that the vote of any citizen is approxi-
mately equal in weight to that of any other citizen in the
State." *Id.*, at 579. In other words, "[s]imply stated,
an individual's right to vote for state legislators is uncon-
stitutionally impaired when its weight is in a substantial
fashion diluted when compared with votes of citizens liv-
ing in other parts of the State." *Id.*, at 568.

As these pronouncements have been worked out in our
cases, it has become apparent that the larger variations
from substantial equality are too great to be justified
by any state interest so far suggested. There were thus
the enormous variations struck down in the early cases
beginning with *Reynolds* v. *Sims*,[9] as well as the much
smaller, but nevertheless unacceptable deviations, ap-
pearing in later cases such as *Swann* v. *Adams*, 385 U. S.
440 (1967); *Kilgarlin* v. *Hill*, 386 U. S. 120 (1967); and
Whitcomb v. *Chavis*, 403 U. S. 124, 161-163 (1971).

[9] *Reynolds* v. *Sims* involved the Alabama State Legislature, which
had not reapportioned itself in over 60 years. Under the appor-
tionment existing in 1964, some senatorial districts with the same
number of representatives had over 40 times more people than others.
House districts with identical representation could vary by 16 to 1.
In Maryland in 1964, some House districts with nominally equal
representation could have six times more people than others, while
senatorial districts could be 32 times larger than others. *Maryland
Committee for Fair Representation* v. *Tawes*, 377 U. S. 656 (1964).
The list may easily be expanded to include other States, and Con-
necticut is no exception. In 1964, the Connecticut towns of Hartford
and Union had the same representation in the House, but Union
had a population of 383 people, while Hartford had a population
of 162,178. A vote in Union was thus weighted about 425 times
more heavily than a vote in Hartford. At that time, it would have
taken only 11.9% of Connecticut's population to elect a majority of its
House, and only 31% to elect a Senate majority. See *Butterworth*
v. *Dempsey*, 229 F. Supp. 754 (Conn.), aff'd, 378 U. S. 564 (1964).

On the other hand, as *Mahan* v, *Howell* demonstrates, population deviations among districts may be sufficiently large to require justification but nonetheless be justifiable and legally sustainable. It is now time to recognize, in the context of the eminently reasonable approach of *Reynolds* v. *Sims,* that minor deviations from mathematical equality among state legislative districts are insufficient to make out a prima facie case of invidious discrimination under the Fourteenth Amendment so as to require justification by the State.

We doubt that *Reynolds* would mandate any other result, if for no other reason than that the basic statistical materials which legislatures and courts usually have to work with are the results of the United States census taken at 10-year intervals and published as soon as possible after the beginning of each decade. These figures may be as accurate as such immense undertakings can be, but they are inherently less than absolutely accurate. Those who know about such things recognize this fact,[10] and, unless they are to be wholly ignored, it makes little sense

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[10] See, *e. g.,* H. Alterman, Counting People: The Census in History 262 (1969):

"A census, by its nature, can never be an exact count of a nation. This is especially true of the United States . . . . Thus, an error of 1 or 2 percent in the count of the total population is to be expected; professionally, it is regarded as an 'acceptable' error."

The Census Bureau estimates that the 1970 census had an undercoverage rate of 2.5%, or about 5,300,000 people. Address of J. S. Siegel, Population Association of America Annual Meeting, in New Orleans, La., Apr. 26, 1973. See N. Y. Times, Apr. 26, 1973, p. 1, col. 1.

Inexactness of census data is most evident with respect to minorities. It is estimated, for example, that Negroes were underenumerated in the 1970 census by 7.7%, as compared to an estimated 1.9% undercount for white persons. *Ibid.* See also Siegel, Completeness of Coverage of the Nonwhite Population in the 1960 Census and Current Estimates, and Some Implications, in Social Statistics and the City 13 (D. Heer ed. 1968).

· to conclude from relatively minor "census population" variations among legislative districts that any person's vote is being substantially diluted. The "population" . of a legislative district is just not that knowable to be used for such refined judgments.

What is more, it must be recognized that total population, even if absolutely accurate as to each district when counted, is nevertheless not a talismanic measure of the weight of a person's vote·under a later adopted reapportionment plan. The United States census is more of an event than a process. It measures population at only a single instant in 'time. District populations are constantly changing, often at different rates in either direction, up or down. Substantial differentials in popula-. tion growth rates are striking and well-known phenomena.[11] So, too, if it is the weight of a person's vote that matters, total population—even if stable and accurately taken—may not actually reflect that body of voters whose votes must be counted and weighed for the purposes of reapportionment, because "census persons" are not voters.[12] The proportion of the census

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[11] See, e. g., M. Spiegelman, Introduction to Demography 415–416 (1968); U. S. Bureau of the Census, 2 The Materials and Methods of Demography 806 (1971).

In Connecticut, for example, the population of the State as a whole grew by 19.6% during the 1960's. But the population in the area comprising the Second Congressional District grew by over 28%, while the population in the Fourth District grew by only 11.2%. The U. S. Bureau of the Census, Congressional District Data Book, 93d Congress, Connecticut 7 (1972).

[12] See Burns v. Richardson, 384 U. S. 73, 91–92 (1966):

"We start with the proposition that the Equal·Protection Clause does not require the States to use total population figures derived from the federal census as the standard by which this substantial population equivalency is to be measured. . . . Neither in Reynolds v. Sims nor in any other decision has this Court suggested that the States are required to include aliens, transients, short-term or tem-

population too young to vote or disqualified by alienage
or nonresidence varies substantially among the States
and among localities within the States.   The six congres-
sional districts in Connecticut, for example, vary from
one another by as much as 4% in their age-eligible voters,
with the first district having 68% of its census population
at voting age while ·the sixth district has 64% at 18
years or older.   Bureau of the Census, Congressional
District Data Book, 93d Congress, Connecticut 7–8
(1972).   Other States have congressional districts that
vary from one another by as much as 29% and as little
as 1% with respect to ·their age-eligible voters.[13] . And
these figures tell us nothing of the other ineligibles mak-
ing up the substantially equal census populations among
election districts: aliens, nonresident military personnel,
nonresident students, for example.   See *Burns* v. *Rich-
ardson,* 384 U. S. 73, 90–97 (1966); *Davis* v. *Mann,* 377
U. S. 678, 691–692 (1964); *Ely* v. *Klahr,* 403 U. S. 108,
115–116, n. ·7 (1971); *Mahan* v. *Howell,* 410 U. S.,
at 330–332.   Nor do these figures tell anything at all
about the proportion of all those otherwise eligible in-

porary residents, or persons denied the vote for conviction of crime,
in the apportionment base by which their legislators are distributed
and against which compliance with the Equal Protection Clause is
to be measured.   The decision to include or exclude any such group
involves choices about the nature of representation with which we
have been shown no constitutionally founded reason to interfere.
Unless a choice is one the Constitution forbids, cf., *e. g., Carring-
ton* v. *Rash,* 380 U. S. 89, the resulting apportionment base offends
no constitutional bar, and compliance with the rule established in
Reynolds v. *Sims* is to be measured thereby."

[13] Utah, Rhode Island, New Hampshire, and Missouri have only
1% variations.   New York has a 29% variation in age-eligible voters
among its congressional districts, while California has a 25% and
Illinois a 20% variation.   These figures may be computed from the
Bureau of the Census' Congressional District Data, 93d Congress,
for the respective States.

dividuals whose vote cannot be counted or weighed be-
cause they either failed to register or failed to vote.[14]

Reynolds v. *Sims,* of course, dealt with more than the
statistical niceties involved in equalizing individual vot-
ing strength. It argued that "if a State should provide
that the votes of citizens in one part of the State should
be given two times, or five times, or 10 times the weight
of votes of citizens in another part of the State, it could
hardly be contended that the right to vote of those re-
siding in the disfavored areas had not been effectively
diluted." 377 U. S., at 562. To conclude differently,
"and to sanction minority control of state legislative
bodies, would appear to deny majority rights in a way
that far surpasses any possible denial of minority rights
that might otherwise be thought to result." *Id.,* at 565.
More fundamentally, *Reynolds* recognized that "the
achieving of fair and effective representation for all cit-
izens is . . . the basic aim of legislative apportionment,"
id., at 565–566, and it was for that reason that the
decision insisted on substantial equality of populations
among districts.

This is a vital and worthy goal, but surely its attain-
ment does not in any commonsense way depend upon
eliminating the insignificant population variations in-
volved in this case. Fair and effective representation
may be destroyed by gross population variations among
districts, but it is apparent that such representation does
not depend solely on mathematical equality among dis-

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[14] Again using Connecticut congressional districts as an example,
in the November 1972 elections, the percentage of registered voters
who actually voted varied by a maximum of 2.8%. See Statement
of Vote, General Election Nov. 7, 1972, State of Conn. Pub. Doc.
No. 26, p. 72 (1973). The percentages of registered voters who
voted varied by as much as about 23% among the towns in the
State. *Id.,* at 65–71.

trict populations.[15] There are other relevant factors to be taken into account and other important interests that States may legitimately be mindful of. See *Mahan* v. *Howell, supra; Abate* v. *Mundt,* 403 U. S. 182 (1971); *Dusch* v. *Davis,* 387 U. S. 112 (1967); *Sailors* v. *Board of Education,* 387 U. S. 105 (1967); *Burns* v. *Richardson, supra.* An unrealistic overemphasis on raw population figures, a mere nose count in the districts, may submerge these other considerations and itself furnish a ready tool for ignoring factors that in day-to-day operation are important to an acceptable representation and apportionment arrangement.

Nor is the goal of fair and effective representation furthered by making the standards of reapportionment so difficult to satisfy that the reapportionment task is recurringly removed from legislative hands and performed by federal courts which themselves must make the political decisions necessary to formulate a plan or accept those made by reapportionment plaintiffs who may have wholly different goals from those embodied in the official plan. From the very outset, we recognized that the apportionment task, dealing as it must with fundamental "choices about the nature of representation," *Burns* v. *Richardson,* 384 U. S., at 92, is primarily a political and legislative process. *Reynolds* v. *Sims,* 377 U. S., at 586. We doubt that the Fourteenth Amendment requires repeated displacement of otherwise appropriate state decisionmaking in the name of essentially minor deviations from perfect census-population equality that no one, with confidence, can say will deprive any person of fair and effective representation in his state legislature.

That the Court was not deterred by the hazards of the

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[15] For discussions of the vast and growing literature in this area, see Reapportionment in the 1970s' (N. Polsby ed. 1971).

political thicket when it undertook to adjudicate the re-
apportionment cases does not mean that it should be-
come bogged·down in a vast, intractable apportionment
slough, particularly when there is little, if anything, to
be accomplished by doing so.

This very case represents what should not happen in
the federal courts. The official state functionaries pro-
posed a plan with a maximum variation among the dis-
tricts of 7.83% in the House and 1.81% in the Senate, and
with respective average variations of 1.90% and .45%.
Appellees then proposed four alternate plans for the
House, three of which involved slightly larger variations
among districts but, cut fewer town lines. The fourth
cut more lines, but had a maximum variation between
its largest and smallest district of .only 2.6%. The Dis-
trict Court thought the state plan involved unacceptably
large variations between districts, although in the House,
with districts of about 20,000 people, the average varia-
tion involved only 399 people, and the largest variations
invol ved only 1,573 people.[16] But neither did the Dis-
trict Court adopt any of the plans submitted by appellees.
Instead, it appointed its own Master to come up with still
another scheme. That plan, we are told, involves a total
maximum deviation in the House of only 1.16%.[17] Was
the Master compelled, as a federal constitutional matter,
to come up with a plan with smaller variations. than
were contained in appellees' plans? And what is to
happen to the Master's plan if a resourceful mind hits
upon a plan better than the Master's by a fraction of a
percentage point? Involvements like this must end at ·
some point, but that point constantly recedes if those

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[16] Among the Senate districts (of about 84,000 people each), the
average deviation involves only about 400 people and the maximum
deviation only 1,532 people.

[17] Reply Brief for Appellant 19. Apparently, more refined census
data were available to the Master in preparing this later-plan.

who litigate need only produce a plan that is marginally
"better" when measured against a rigid and unyielding
population-equality standard.

The point is, that such involvements should never be-
gin. We have repeatedly recognized that state reappor-
tionment is the task of local legislatures or of those organs
of state government selected to perform it. Their work
should not be invalidated under the Equal Protection
Clause when only minor population variations among
districts are proved. Here, the proof at trial demon-
strated that the House districts under the State Appor-
tionment Board's plan varied in population from one
another by a *maximum* of only about 8% and that the
average deviation from the ideal House district was only
about 2%. The Senate districts had even less variations.
On such a showing, we are quite sure that a prima facie
case of invidious discrimination under the Fourteenth
Amendment was not made out.

·III

State legislative districts may be equal or substantially
equal in population and still be vulnerable under the
Fourteenth Amendment. A districting statute other-
wise acceptable, may be invalid because it fences out a
racial group so as to deprive them of their pre-existing
municipal vote. *Gomillion* v. *Lightfoot,* 364 U. S. 339
(1960). A districting plan may create multimember dis-
tricts perfectly acceptable under equal population stand-
ards, but invidiously discriminatory because they are
employed "to minimize or cancel out the voting strength
of racial or political elements of the voting population."
Fortson v. *Dorsey,* 379 U. S. 433, 439 (1965). See *White*
v. *Regester, post,* p. 755; *Whitcomb* v. *Chavis,* 403 U. S.
124 (1971); *Abate* v. *Mundt,* 403 U. S., at 184 n. 2;
Burns v. *Richardson,* 384 U. S., at 88–89. We must,
therefore, respond to appellees' claims in this case

that even if acceptable populationwise, the Appor-
tionment Board's plan was invidiously discriminatory
because a "political fairness principle" was followed in
making up the districts in both the House and Senate.

The record abounds with evidence, and it is frankly
admitted by those who prepared the plan, that virtually
every Senate and House district line was drawn with the
conscious intent to create a districting plan that would
achieve a rough approximation of the statewide political
strengths of the Democratic and Republican Parties, the
only two parties in the State large enough to elect legis-
lators from discernible geographic areas. Appellant in-
sists that the spirit of "political fairness" underlying this
plan is not only permissible, but a desirable consideration
in laying out districts that otherwise satisfy the popula-
tion standard of the reapportionment cases. Appellees,
on the other hand, label the plan as nothing less than a
gigantic political gerrymander, invidiously discriminatory
under the Fourteenth Amendment.[18]

We are quite unconvinced that the reapportionment
plan offered by the three-member Board violated the
Fourteenth Amendment because it attempted to reflect
the relative strength of the parties in locating and de-
fining election districts. It would be idle, we think, to
contend that any political consideration taken into ac-
count in fashioning a reapportionment plan is sufficient
to invalidate it. Our cases indicate quite the contrary.

[18] Appellees also maintain that the shapes of the districts would not
have been so "indecent" had the Board not attempted to "wiggle
and joggle" boundary lines to ferret out pockets of each party's
strength. That may well be true, although any plan that attempts
to follow Connecticut's "oddly shaped" town lines (App. 98) is bound
to contain some irregularly shaped districts. But compactness or
attractiveness has never been held to constitute an independent
federal constitutional requirement for state legislative districts. Cf.
White v. *Weiser*, *post*, p. 783; *Wright* v. *Rockefeller*, 376 U. S. 52,
54 (1964), and *id.*, at 59-61 (DOUGLAS, J., dissenting).

See *White* v. *Regester, supra; Burns* v. *Richardson, supra; Whitcomb* v. *Chavis, supra; Abate* v. *Mundt, supra.* The very essence of districting is to produce a different—a more "politically fair"—result than would be reached with elections at large, in -which the winning party would take 100% of the legislative seats. Politics and political considerations are inseparable from districting and apportionment. The political profile of a State, its party registration, and voting records are available precinct by precinct, ward by ward. These subdivisions may not be identical with census tracts, but, when overlaid on a census map, it requires no special genius to recognize the political consequences of drawing a district line along one street rather than another. It is not only obvious, but absolutely unavoidable, that the location and shape of districts may well determine the political complexion of the area. District lines are rarely neutral phenomena. They can well determine what district will be predominantly Democratic or predominantly Republican, or make a close race likely. Redistricting may pit incumbents against one another or make very difficult the election of the most experienced legislator. The reality is that districting inevitably has and is intended to have substantial political consequences.

It may be suggested that those who redistrict and reapportion should work with census, not political, data and achieve population equality without regard for political impact. But this politically mindless approach may produce, whether intended or not, the most grossly gerrymandered results; and, in any event, it is most unlikely that the political impact of such a plan would remain undiscovered by the time it was proposed or adopted, in which event the results would be both known and, if not changed, intended.

It is much more plausible to assume that those who redistrict and reapportion work with both political and

census data. Within the limits of the population equality standards of the Equal Protection Clause, they seek, through compromise or otherwise, to achieve the political or other ends of the State, its constituents, and its office-holders. What is done in so arranging for elections, or to achieve political ends or allocate political power, is not wholly exempt, from judicial scrutiny under the Fourteenth Amendment. As we have 'indicated, for example, multimember districts may be vulnerable, if racial or political groups have been fenced out of the political process and their voting strength invidiously minimized. See *White v. Regester, supra; Whitcomb v. Chavis, supra.* See also *Gomillion* v. *Lightfoot, supra.* Beyond this, we have not ventured far or attempted the impossible task of extirpating politics from what are the essentially political processes of the sovereign States. Even more plainly, judicial interest should be at its lowest ebb when a State purports fairly to allocate political power to the parties in accordance with their voting strength and, within quite tolerable limits, succeeds in doing so. There is no doubt that there may be other reapportionment plans for Connecticut that would have different political consequences and that would also be constitutional. Perhaps any of appellees' plans would have fallen into this category, as would the court's, had it propounded one. But neither we nor the district courts have a constitutional warrant to invalidate a state plan, otherwise within tolerable population limits, because it undertakes, not to minimize or eliminate the political strength of any group or party, but to recognize it and, through districting, provide a rough sort of proportional representation in the legislative halls of the State.

Reversed.

[For dissenting opinion of MR. JUSTICE BRENNAN, see *post*, p. 772.]