NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

UNITED STATES DEPARTMENT OF COMMERCE ET AL. *v.* MONTANA ET AL.

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

No. 91–860. Argued March 4, 1992—Decided March 31, 1992

Article I, §2, of the Constitution requires apportionment of Representatives among the States ``according to their respective Numbers.'' A 1941 federal statute provides that after each decennial census ``the method known as the method of equal proportions'' shall be used to determine the number of Representatives to which each State is entitled. Application of that method to the 1990 census caused Montana to lose one of its two seats in the House of Representatives. If it had retained both seats, each district would have been closer to the ideal size of a congressional district than the reapportioned single district. The State and several of its officials (hereinafter Montana) sued appropriate federal defendants (hereinafter the Government) in the District Court, alleging, *inter alia,* that the existing apportionment method violates Article I, §2. A three-judge court, convened pursuant to 28 U.S.C. §2284, granted Montana summary judgment on this claim, holding the statute unconstitutional because the variance between the single district's population and that of the ideal district could not be justified under the ``one-person, one-vote'' standard developed in *Wesberry* v. *Sanders,* 376 U.S. 1, and other intrastate districting cases.

Held: Congress exercised its apportionment authority within the limits dictated by the Constitution. Pp.4–24.

(a)The general admonition in Article I, §2, that apportionment be made ``according to [the States'] respective numbers'' is constrained by three constitutional requirements: the number of Representatives shall not exceed one for every 30,000 persons; each State shall have at least one Representative; and district boundaries may not cross state lines. In light of those constraints and the problem of fractional remainders—*i. e.,* the

fractional portion of the number that results when the State's total population is divided by the population of the ideal district must either be disregarded or treated as equal to one Representative because each State must be represented by a whole number of legislators—Congress has considered and either rejected or adopted various apportionment methods over the years, the most recent method tried being the method of equal proportions, also known as the ``Hill Method.'' A National Academy of Sciences committee recommended that method as the fairest of the five methods the committee felt could lead to a workable solution to the fractional remainder problem. If Congress had chosen the method of the harmonic mean, also known as the ``Dean Method,'' Montana would have received a second seat after the 1990 census. Pp.4–13.

Syllabus

(b)This Court rejects the Government's argument that Congress' selection of any of the alternative apportionment methods presents a ``political question'' that is not subject to judicial review under the standards set forth in *Baker* v. *Carr,* 369 U.S. 186, 217. Significantly, the Government does not suggest that all congressional decisions relating to apportionment are beyond judicial review, but merely argues that the District Court erred in concluding that the Constitution requires the greatest possible equality in the size of congressional districts, as measured by absolute deviation from ideal district size. Thus, the controversy here turns on the proper interpretation of the relevant constitutional provisions. As in *Baker* itself and the apportionment cases that followed, the political question doctrine does not place this kind of constitutional interpretation outside the proper domain of the Judiciary. Pp.14–17.

(c)Congress had ample power to enact the statutory procedure at issue and to apply the Hill Method after the 1990 census. It is by no means clear that the facts here establish a violation of the *Wesberry* one-person, one-vote standard. Although Montana's evidence demonstrated that application of the Dean Method would decrease the absolute deviation from the ideal district size, it also would increase the relative difference between the ideal and the size of the districts both in Montana and in Washington, the only State that would have lost a Representative under the Dean Method. *Wesberry*'s polestar of equal representation does not provide sufficient guidance to determine what is the better measure of inequality. Moreover, while subsequent intrastate districting cases have interpreted the *Wesberry* standard as imposing a burden on the States to make a good-faith effort to achieve precise mathematical equality, that goal is rendered illusory for the Nation as a whole by the constraints imposed by Article I, §2: the guarantee of a minimum of one representative for each State and the need to allocate a fixed number of indivisible Representatives among 50 States of varying populations. The constitutional framework that generated the need for a compromise between the interests of larger and smaller States must also delegate to Congress a measure of discretion broader than that accorded to the States, and Congress' apparently good-faith decision to adopt the Hill Method commands far more deference, particularly as it was made after decades of experience, experimentation, and debate, was supported by independent scholars, and has been accepted for a half century. Pp.17–24.

775 F.Supp. 1358, reversed.

DEPARTMENT OF COMMERCE *v.* MONTANA

Syllabus

STEVENS, J., delivered the opinion for a unanimous Court.