fer of a justification which the state had made and which could likely be made. Thus, it was not an adequate justification that deviations resulted from (1) an effort to draw districts to maintain intact areas with distinct economic and social interests,[296] (2) the requirements of legislative compromise,[297] (3) a desire to maintain the integrity of political subdivision lines,[298] (4) the exclusion from total population figures of certain military personnel and students not residents of the areas in which they were found,[299] (5) an attempt to compensate for population shifts since the last census,[300] or (6) an effort to achieve geographical compactness.[301]

Illustrating the strictness of the standard, the Court upheld a lower court voiding of a Texas congressional districting plan in which the population difference between the most and least populous districts was 19,275 persons and the average deviation from the ideally populated district was 3,421 persons.[302] Adhering to the principle of strict population equality in a subsequent case, the Court refused to find a plan valid simply because the variations were smaller than the estimated census undercount. Rejecting the plan, the difference in population between the most and least populous districts being 3,674 people, in a state in which the average district population was 526,059 people, the Court opined that, given rapid advances in computer technology, it is now "relatively simple to draw contiguous districts of equal population and at the same time . . . further whatever secondary goals the State has."[303]

Attacks on partisan gerrymandering have proceeded under equal-protection analysis, and, although the Court has held claims of de-

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[296] 394 U.S. at 533. People vote as individuals, Justice Brennan said for the Court, and it is the equality of individual voters that is protected.

[297] Id. Political "practicality" may not interfere with a rule of "practicable" equality.

[298] 394 U.S. at 533–34. The argument is not "legally acceptable."

[299] 394 U.S. at 534–35. Justice Brennan questioned whether anything less than a total population basis was permissible but noted that the legislature in any event had made no consistent application of the rationale.

[300] 394 U.S. at 535. This justification would be acceptable if an attempt to establish shifts with reasonable accuracy had been made.

[301] 394 U.S. at 536. Justifications based upon "the unaesthetic appearance" of the map will not be accepted.

[302] White v. Weiser, 412 U.S. 783 (1973). The Court did set aside the district court's own plan for districting, instructing that court to adhere more closely to the legislature's own plan insofar as it reflected permissible goals of the legislators, reflecting, to the extent possible, an ongoing deference to legislatures in this area.

[303] Karcher v. Daggett, 462 U.S. 725, 733 (1983). Illustrating the point about computer-generated plans containing absolute population equality is Hastert v. State Bd. of Elections, 777 F. Supp. 634 (N.D. Ill. 1991) (three-judge court), in which the court adopted a congressional-districting plan where 18 of the 20 districts had 571,530 people each and each of the other two had 571,531 people.