In Mobile vs Bolden (446 U.S. 55, 100 S.Ct. 1490, 64 .L Ed.2d 47 (1980)) a case is brought on behalf of Black citizens in Mobile, Alabama arguing that the at-large voting method for city commissioners has unfairly diluted the voting strength of Black citizens. In the lower courts it was found that since 1911, when the city council at large voting had begun, no Black person had been voted onto the three person city council, even though the Black voting bloc made up around one-third of the city's voters.

The plurality opinion, delivered by Justice Stewart is as follows. He states that at-large voting in general does not violate Equal Protection Clause in the 14th amendment. The court states this for a few reasons. The first - being the city didn't have clear, purposeful discrimination. It couldn't because there was no inhibition of black members voting or being candidates; merely discriminatory effects are not prohibited by the law, and as Stewart says, the "original sin" of past marginalization or disenfranchisement does not make it unlawful either.[1] The next claim is that the equal protection clause does not enable nor require proportional representation; that the court must examine if it infringes on a right; but not to enforce substantive applications of the law. The last is the implications of if they consider this application of at-large voting unconstitutional. The majority argues if they guarantee one group representation, then there is no stopping any group with a proportion that could warrant representation and this would cause litigation against a significant number of multi-member (at-large) districts, and struggle to maintain the legality of *any* of the districts. For these reasons held that the at-large voting system in Mobile was constitutional.

The premise of this argument that I find least compelling is the third, which argues that ruling against at-large voting could lead to widespread challenges to similar systems. Though the other two premises and their support are weak within the context of originalism and previous affirmative action cases up until 1980. The argument that, essentially, if they ruled on this, they would have to rule on all at-large districts is concerning. The court could have decided that, in this specific case—due to, as the district court would argue, and as Marshall's dissent argues—this case has no precedent needing proof it was intentionally discriminatory, even though the effects are.[2] I would argue it was operated as discriminatory, as it's been repeated for 70 years and no effort had been made to change it. The original premise relies on a slippery slope argument regarding representational quotas, which is speculative and overlooks the specific discriminatory effects of this case. The Court could have issued a narrowly tailored ruling recognizing the unique historical and systemic discrimination in Mobile without opening the floodgates to litigation against all at-large systems. To illustrate the courts fallacy; in a thought experiment, let's say a town is 50.1% Black, and 49.9% white, assuming for some reason perfect turnout, and people vote perfectly along racial lines for same-race candidates, and there are 10, or even 100 city-commissioners in an at-large election. In any case, there would be 100% Black representation on the city commission and 0 for the 49.9% of white voters. If this were the case, as the politics of the court, I believe they would have changed the rules, calling into question a lot of the court's ethics. An argument against discontinuing at-large voting draws a parallel to the electoral college. There is an opportunity for a popular vote, which would effectively function as an at-large election. However, we maintain continuity by not fully adopting this system, in order to give underrepresented states more influence. Proportional

[1]Stewart, Class Casebook, Equal Protection, Mobile vs. Bolden, Plurality Opinion Page [#828].
[2] Marshall, Class Casebook, Equal Protection, Mobile vs. Bolden, Dissenting Opinion Page [#830].

representation is not a quota system like was banned under affirmative action, it in a political sense, as in Davis vs Bandemer (in 1986 but mentioned with respect to earlier cases) is something the constitution requires, and in this at-large district I would argue it does not uphold that.[3]

To counter my own argument; one might argue that you can't replace all at-large districts with other districts, it would be extremely complicated and perhaps unnecessary as many other districts have issues too, and not all at-large districts have had supreme court level discrimination claims. How would you draw thousands of districts that may still have the same issues; especially if after this case people could sue for political and other non-representation. The court has no standard on political gerrymandering or gerrymandering at all, the only issue continuously brought up would be race; as it already is. If the court in Davis vs Bandemer believes that districts are to be made somewhat proportional why not continue to believe it. If it would have been hard to reject claims of racial gerrymandering with at-large voting as a whole, maybe at-large districts are not the greatest choice for voting method.[4] Having rank choice voting, or a non plural voting system at-large, could still keep a city un-destricted, or with districts, most any other type of voting system.

While reforming all at-large voting systems nationwide would be complex and resource-intensive, addressing clear cases of systemic discrimination like Mobile is a manageable and necessary first step. The court has often done its own balancing between feasibility and justice, as seen in other cases like abortion before Dobbs vs Jackson. Given the large impact of cases like Brown v. Board of Education and the enforcing of the Voting Rights Act, the Court should not have shied away from addressing voter discrimination in Mobile v. Bolden due to concerns about future workload or litigation.

[3] White, Class Casebook, Equal Protection, Davis vs Bandemer, Plurality Opinion Page [#828].
[4]Stewart, Class Casebook, Equal Protection, Mobile vs. Bolden, Plurality Opinion Page [#829].