

Reapportionment Then and Now

By Daniel Weiss

WHEN THE U.S. Census Bureau released congressional reapportionment numbers based on the 2010 Census in December, the results were more or less as expected. Texas and Florida were the big gainers, along with a smattering of other rapidly growing states, primarily in the Sunbelt, while New York and Ohio were the big losers, along with a swath of slower growing states, primarily in the Northeast and Midwest.

Representatives of states destined to lose congressional seats generally took the results as a matter of course, though one exception was Louisiana Senator David Vitter, who issued a statement lamenting that his state would lose a seat “while states that welcome illegal immigrants stand to unfairly benefit from artificially inflated population totals.” (Indeed, census statistics used to determine congressional representation count all residents regardless of immigration status, a practice Vitter tried unsuccessfully to alter ahead of the 2010 Census.) Nonetheless, Vitter mounted no sustained effort to impugn the results, much less a campaign to block them from going into effect.

105 million, and urban areas grew so rapidly that for the first time their population exceeded that of rural areas. A longstanding practice in reapportionment had been to increase the size of the House of Representatives to minimize the number of states losing seats, and the House had swelled to 435 members in the previous reapportionment. In part out of concern that it was growing too large, in January 1921 the House rejected a proposal to grow to 483 members and passed instead a reapportionment bill that left its size unchanged and reduced the representation of nearly a dozen primarily rural states. However, the bill failed to pass the Senate before the end of the 66th Congress in March, apparently blocked by senators whose states would lose representation.

The debate over the House’s proper size was just one of a number of stumbling blocks impeding reapportionment. Rural representatives argued that World War I had drawn young rural men to work in factories, artificially inflating urban populations. In this vein, later in the decade, a Missouri representative maligned the 1920 Census as “viciously inaccurate, unreliable and unfair,” and others predicted that population would soon flow back from the cities to the farms, rendering the 1920 count moot.

In an argument presaging that of Vitter, rural representatives also pointed out that urban populations had been boosted by an influx of immigrants, many of whom were not citizens. “It would be a great pity to transfer a representative of our form of government from an American state like Iowa to one where so many do not speak the English language,” argued a Kansas representative. Reflecting general anti-urban sentiment, an Iowa representative suggested that the United States would go the way of Rome if it allowed too much power to be concentrated in urban hands.

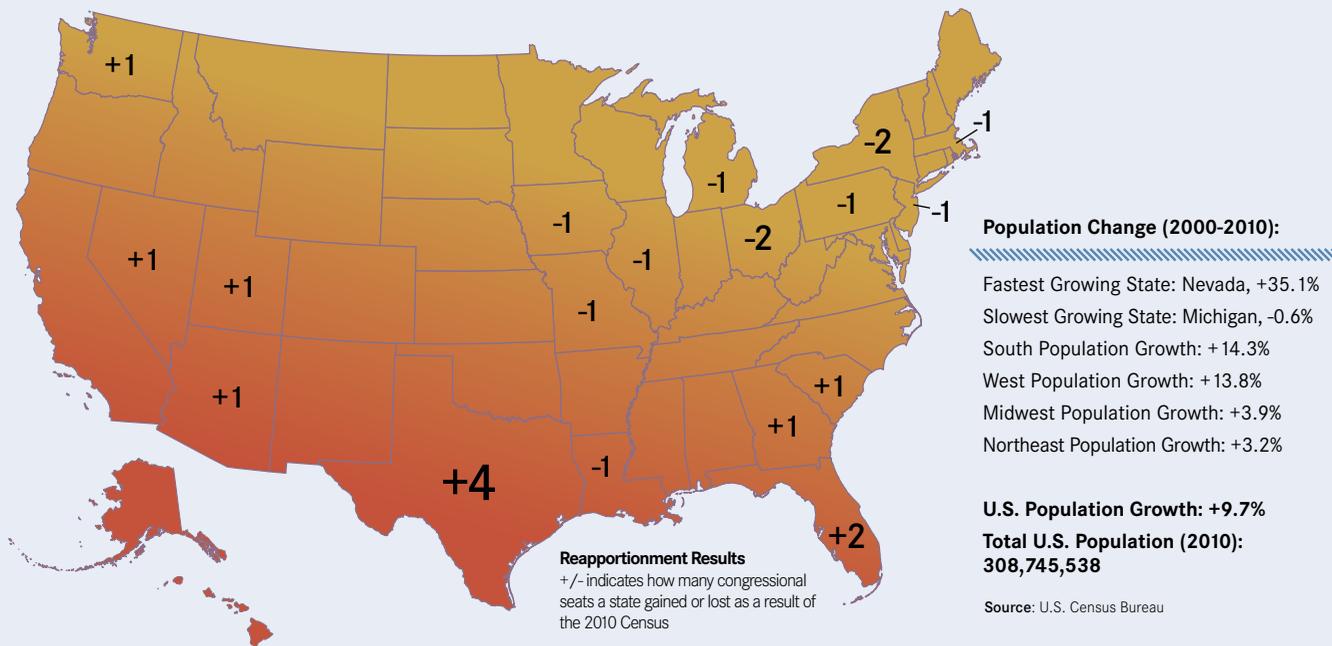
Taking a different tack, Massachusetts Rep. George Holden Tinkham held that the 14th Amendment properly interpreted would offer no representation for disenfranchised black citizens and proposed, accordingly, to strip eleven southern states of a total of twenty-eight House seats. “National elections can no longer be half constitutional and half unconstitutional,” he said. Finally, there was disagreement over the proper statistical method to use in apportionment.

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This has typically been the case throughout American history. Every ten years, congressional representation is adjusted based on the census. Some states gain, and some lose, but everyone accepts the results and gets on with business. There is, however, one major exception—the 1920s—when disputes over reapportionment grew so heated that it was put off for the entire decade. (The following description of the controversy draws on *Democracy Delayed: Congressional Reapportionment and Urban-Rural Conflict in the 1920s*, an exhaustive account by Charles W. Eagles of the University of Mississippi.)

Between the 1910 and 1920 Censuses, the country’s population increased by 15 percent to

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The new 67th Congress made fleeting efforts to reapportion, but from October 1921 through 1925, no action was taken at all—an unprecedented delay. By contrast, the previous three reapportionments had all passed within nine months of the delivery of census figures. As time passed, the inequity of maintaining apportionment based on the 1910 Census only grew more extreme. For example, one Michigan congressional district had 1.35 million residents, and one in California had 1.25 million, while ten of Missouri’s sixteen districts had fewer than 180,000 each.

A flurry of reapportionment efforts in the 69th Congress, from 1925 to 1927, came to naught. Public outcry over the failure to reapportion flared up for the first time in 1926; “Tyranny in the Raw,” blared a headline in the *Chicago Daily News*. Outraged urbanites saw clear ulterior motives in the blocking of reapportionment. For instance, Prohibition, generally favored in rural areas and opposed in urban ones, would be threatened if urban areas were given their fair share of representation, as would immigration restrictions.

In the 70th Congress a new proposal to provide for automatic reapportionment based on the results of the forthcoming 1930 Census picked up steam and ultimately passed both houses in 1929. It offered Congress the option of passing a reapportionment bill based on figures from the 1930 Census (and all subsequent censuses) using its choice



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of several different statistical methods. If Congress failed to act, the updated figures using the statistical method from the last reapportionment would automatically take effect. A slight amendment in 1941 specified the statistical method to be used and made reapportionment completely automatic.

This solution, born of a decade in which Congress could agree on nothing when it came to reapportionment, holds to the present day. And so, at a time when our politics are tied up in knots over so many other issues, reapportionment, which determines the fundamental division of representation among states, glided through last year with a minimum of controversy. One senator registered his disappointment, and then everyone else moved on to discussing how the results promised to affect politicians in states slated to gain or lose representation. ■

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