



Why Is the Constitutional Representation Ratio Ignored?

In an article published September 8 in the *Patriot Post*, Duane V. Grassell reports on the principle of proportional representation devised by our Founding Fathers and included in the Constitution of 1787 and the 20th-century legislation that betrayed it.

Grassell begins by rehearsing the history of the representational ratio required by the Constitution:



Because our nation was a confederation of states with each state having the freedom to govern their state within the parameters of the Constitution their legislatures ratified, but with different populations, the concept of equal representation for each state posed a problem. The solution our founders crafted and wrote into our highest law of the land was to organize the legislature into a House made up of representatives from districts, within a state, that had a uniform population and a Senate made up of two members from each state so no state or group of states with a large population can control the law making process. While the Senate was designed to protect the interests of the states, the House was meant to be the decision-making body of the people. While the Senate would always remain at two members for each state, the House was meant to grow as the new nation grew.

A bit more historical context is in order before examining the effect of the departure from the Constitution's prescribed proportional scheme of representation.

In a curious breach of protocol, the 55 or so delegates present in Philadelphia on Friday, July 13, 1787 began a "long and excited debate" on a point that had not been referred to the committee, but was reported by it, nonetheless.

The question being debated that day 228 years ago was whether in the House of Representatives each state should have one vote for every 40,000 inhabitants.



Written by [Joe Wolverton, II, J.D.](#) on September 14, 2015

With population established as the measure that would determine representation, the convention had to amend a provision passed earlier that called for the number of representatives allotted to each new state to be determined by “wealth and the number of inhabitants.” The word wealth was accordingly stricken from the measure and debate on the proportion continued.

Earlier in the debates, the line of cleavage was between the large and the small states regarding the question of representation in the Senate. When the same question was being worked out with regard to the House of Representatives, those blocs dissolved and the North versus South situation dominated.

It was universally believed that growth in the South would outpace that of the north, and so the ratio that eventually was approved in the final version of the Constitution was one representative per 30,000 inhabitants. This way, the South’s control of the House of Representatives would be delayed.

With the compromise constitutional ratio (1:30,000) in mind and given that the U.S. Census Bureau reports that there are currently about 313.9 million inhabitants of the United States, if the Constitution were being followed, there would be approximately 10,463 members of the House of Representatives.

As any junior high school civics student can attest, there are only 435 members of that body, just four percent of the constitutionally established ratio!

Why, then, are Americans not represented according to the ratio set forth in the Constitution?

Grassell records the reason:

This ratio began to grow exponentially after Public Law 62-5, passed on August 8, 1911, which permanently set the House to its present 435. Except for the year when Alaska and Hawaii were admitted to the union and the number was temporarily raised to 437, the number of seats in the House has remained constant. With the number of House seats constant and the population growing, the ratio between the number of people to each representative has more than tripled since the law was passed. It is no coincidence that this law, the amendment changing the process of selecting Senators to represent their state, the alleged passing of the Federal Income Tax Amendment and the Federal Reserve Act were all passed in the same time frame. Since these laws were enacted, we have slowly lost individual freedoms, faced economic uncertainty, and lost our first Amendment right to petition our government through a redress of grievances through our elected representatives.

During the debate on the legislation mentioned by Grassell, Representative Ralph Lozier (D-Mo.) made the following seemingly obvious observation: “I am unalterably opposed to limiting the membership of the House to the arbitrary number of 435. Why 435? Why not 400? Why not 300? Why not 250, 450, 535, or 600? Why is this number 435 sacred? What merit is there in having a membership of 435 that we would not have if the membership were 335 or 535? There is no sanctity in the number 435.... There is absolutely no reason, philosophy, or common sense in arbitrarily fixing the membership of the House at 435 or at any other number.”

Crunching the numbers reveals that for nearly 90 years, Americans have been the least represented population among all representative governments since the ratification of the Constitution (and the 1:30,000 representation ratio) in 1789.

In 2015, *each member of the House represents, on average, 721,609 Americans!*

For a bit of context, in 1913, two years after the bill setting the magic number of representatives at 435 was passed, each congressman represented only 200,000 Americans — still unconstitutional, but much



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closer to the correct constitutional proportion.

Obviously, the immense imbalance in the House of Representatives has many ill effects.

First, the influence of lobbyists is increased. The larger the pool of potential donors per each representative, the more money special interests are able to raise, thus decreasing proportionally the influence of individual voters.

Additionally, the Founders' concerns about a lack of representation are borne out when a representative is expected to know the opinions of over 700,000 people.

James Madison expressed the need for constituents to feel connected to their representatives to the national legislature. In *The Federalist*, No. 57, he wrote,

The house of representatives ... can make no law which will not have its full operation on themselves and their friends, as well as the great mass of society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them that communion of interest, and sympathy of sentiments, of which few governments have furnished examples; but without which every government degenerates into tyranny.

And in another *Federalist* letter:

The members of the legislative department ... are numerous. They are distributed and dwell among the people at large. Their connections of blood, of friendship, and of acquaintance embrace a great proportion of the most influential part of the society.... They are more immediately the confidential guardians of their rights and liberties.

This issue should be front and center in 2016 as the day of election of state and federal representatives approaches.

Nearly every candidate appealing to constitutionalists has committed to eliminating the influence of special interest. Repealing the Reapportionment Act of 1929 would do more to accomplish that worthwhile aim than most other proposals. Not to mention the fact that such a solution would have the added benefit of being a return to strict constitutional principles.

The concept of subtraction by addition is a difficult one to comprehend, perhaps.

That is to say, no one who flies the flag of the Constitution advocates an increase in the size of government. However, there is a possibility that by removing the 435-member ceiling and requiring representatives to reduce staff and take a significant pay cut (so as not to increase by one cent the amount of money spent on congressional salaries and staff), a lifetime spent in Congress might not be so enticing, and the increased turnover rate will please Americans of a Jeffersonian bent who long for a "revolution" every couple of decades. By following the constitutionally mandated representative ratio, such a "revolution" could occur every two years, using ballots rather than bullets as the tools of displacing tyrants.



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