Exhibit 54

70TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 2010

APPORTIONMENT OF REPRESENTATIVES

JANUARY 5, 1929.—Referred to the House Calendar and ordered to be printed

Mr. FENN, from the Committee on the Census, submitted the following

REPORT

[To accompany H. R. 11725]

The Committee on the Census, to which was referred the bill (H. R. 11725) for the apportionment of Representatives in Congress, having had the same under consideration, reports it back to the House with amendments and recommends that the bill do pass.

UNPRECEDENTED SITUATION

Before entering into a detailed discussion of this bill it would be well for the membership of the House to understand the unprecedented situation which confronts the Congress and the country. A reapportionment bill has been enacted every 10 years since 1790, as provided for by the Constitution of the United States. In every instance since 1790 reapportionment bills were enacted within two years after the taking of the census, as shown in the following table:

Census	Date of apportionment act	Census	Date of apportionment act
	1789	1850	May 23, 1850
1790	Apr. 14, 1792	1860	May 23, 1860
1800	Jan. 14, 1802	1870	Feb. 2, 1872
1810	Dec. 21, 1811	1880	Feb. 25, 1882
1820	Mar. 7, 1822	1890	Feb. 7, 1891
1830	May 22, 1832	1900	Jan. 16, 1901
1840	June 25, 1842	1910	Aug. 8, 1911

Efforts were made in the Sixty-sixth and Sixty-seventh Congresses to enact reapportionment legislation, but without success. The long honored tradition, therefore, has been broken for the first time and

creates a precedent which is fraught with serious consequences. In fact the chief purpose of this bill is to prevent a repetition of this situation.

13,000,000 PEOPLE WITHOUT FAIR AND EQUITABLE REPRESENTATION

The makers of our Constitution so clearly recognized the importance of periodic reapportionment as a means of perpetuating representative government that they wrote it into the Constitution in the following sections:

CONSTITUTIONAL PROVISIONS AFFECTING REAPPORTIONMENT

Article I, section 2, clause 3:

"The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct."

Article I, section 4, clause 1:

"The time, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

Article I, section 8, clause 18:

"The Congress shall have power * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in department or officer thereof."

Amendment 14, section 2:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representative in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the whole number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

Amendment 14, section 5:

"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

The last reapportionment was made in 1911 on the basis of the 1910 Census. This allocated 435 Members among the 48 States to represent 91,641,197 people. The population in 1920, excluding the District of Columbia, was 105,271,200. Clearly this indicates that failure to pass a reapportionment act since 1910 has left 13,631,852 people without fair and equitable representation in Congress. The founders of our Government would have been amazed at a situation in which a population three times the population which existed at the time of the adoption of the Constitution is denied fair and equitable representation in the House of Representatives. If this dangerous precedent—failure to reapportion—were repeated in 1930–31, approximately, 31,000,000 people would be legislated for without having fair and equitable representation in what is considered the most representative legislative body in the world.

THE REMEDY

To prevent this situation from arising this bill is recommended to the House. It is anticipatory legislation. It seeks to meet an emergency situation which might develop in 1930. This type of legisla-

tion is not without precedent. In 1850 the Thirtieth Congress provided that the future reapportionment made on the basis of the 1850 Census should be made by the Secretary of the Interior, and it was so made and approved.

The committee feels that the same forces and conditions which prevented a reapportionment in 1920 might arise in 1930. In fact, in some respects the situation might be even more acute because of the great increase in population since 1920.

The technical reason given for failure to reapportion in 1920 was that the census of 1920 did not fairly represent the population of the rural districts. This charge was based on two grounds:

First. That the census of population was taken as of January 1, 1920, which was considered unfair to the rural districts, especially in the years following the close of the World War; and

Second. That the actual enumeration was not efficient.

Notwithstanding this the debates in Congress show that the real stumbling block was the fact that unless the size of the House were increased far beyond its then membership many States would have lost one or more representatives by the apportionment bill proposed in 1920, as shown in the following table:

Table showing States which would have lost with an apportionment of a house of 435, based on the 1920 Census

Indiana	1	Missouri	2
Iowa	1	Nebraska	1
Kansas	1	Rhode Island	1
Kentucky	1	Vermont	1
Louisiana	1		
Maine	1	Total	12
Mississippi	1		

The bill reported to the House in 1920 provided for a membership of 460. This was objected to on the ground that the House would have become too large and unwieldy, and even at this figure (460) Maine and Missouri each would have lost a Representative. To have preserved the membership of Maine and Missouri it would have been necessary to increase the size of the House to 483.

The estimated population for 1930 is approximately 123,000,000. If the House membership were retained at its present size (435) and the same mathematical method used for apportionment as was used in 1910, namely, the method of major fractions, the following losses would occur:

Probable losses in representation by States on the basis of estimated population for 1930, with the size of the House at 435

Alabama	1	Nebraska	1
Indiana	2	New York	1
Iowa	2	North Dakota	1
Kansas	1	Pennsylvania	1
Kentucky	2	Tennessee	1
Louisiana	1	Vermont	1
Maine	1	Virginia	1
Massachusetts	1		
Mississippi	2	Total	23
Missouri	3		

It is obvious that the same motive which actuated many members to vote against the bill in 1920 would operate with greater effect in 1930, as shown by the preceding table, and to satisfy the membership of those States which would lose, the size of the House would have to be increased to approximately 535. It takes no great amount of imagination to visualize the amount of opposition that might naturally rise up against a proposal which would increase the membership from 435 to 535. It is logical to assume, therefore, there might be discontent and opposition on the part of members of States which are likely to lose in 1930.

It is fair to assume that the pressure for reapportionment would be equally great on the part of those States which would gain in 1930. This is shown in the following table:

Probable gains in representation by States on the basis of estimated population for 1930, with the size of the House at 435

Arizona	1	Ohio	3
California	6	Oklahoma	1
Connecticut	1	Texas	2
Florida	1	Washington	1
Michigan	4		
New Jersey	2	Total	23
North Carolina	1		

The committee desires to caution the Members of the House in the use of the 1930 estimate of population. At best the 1930 figures, at this time, are not to be taken too seriously either as the aggregate population of the country, or the distribution of population among the several States.

The 1930 population estimates, it should be emphasized, are only rough approximations derived from the increase of population from 1910 to 1920 and the record of births and deaths, immigration and emigration, from 1920 to 1927.

BREAKING A POSSIBLE DEADLOCK

It is to avoid, so far as possible, this possible deadlock between the States that gain and the States that lose that the committee feels justified in recommending H. R. 11725. The bill will be analyzed section by section presently.

The general principle of the bill is simply this: If Congress fails to reapportion in 1930–31, then automatically the House is reapportioned in accordance with the tabulation transmitted by the Secretary of Commerce in his ministerial capacity as provided for in this bill; the tabulations transmitted to Congress are on the basis of the 1930 census, with the House membership remaining at 435.

An analysis of the bill will show that Congress always reserves to itself the right to make the reapportionment at any time it sees fit to do so. It is only in the event that Congress fails to do this that the provision for the automatic reapportionment goes into effect, and then only remains in effect until action is taken by Congress.

ANALYSIS OF THE BILL

SECTION 1. That on the first day of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter, the Secretary of Commerce shall transmit to the Congress a statement showing the whole number of persons in each state, excluding Indians not taxed, as ascertained under the fifteenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of four hundred and thirty-five Representatives made in the following manner: By apportioning one Representative to each State (as required by the Constitution) and by apportioning the remainder of the four hundred and thirty-five Representatives among the several States according to their respective numbers as shown by such census, by the method known as the method of major fractions.

This section directs the Secretary of Commerce to transmit to the Congress on the first day of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter figures showing the population of the several States as taken by the 1930 census and each subsequent decennial census, and also the number of Representatives each State would be entitled to under such census on the basis of 435 Representatives.

SEC. 2. (a) If the Congress to which the statement required by section 1 is transmitted fails to enact a law apportioning the Representatives among the several States, then each State shall be entitled, in the second succeeding Congress and in each Congress thereafter until the taking effect of a reapportionment on the basis of the next decennial census, to the number of Representatives shown in the statement; and it shall be the duty of the Clerk of the last House of Representatives forthwith to send to the executive of each State a certificate of the number of Representatives to which such State is entitled under this section. In case of a vacancy in the office of Clerk, or of his absence or inability to discharge this duty, then such duty shall devolve upon the officer who, under section 32 or 33 of the Revised Statutes, is charged with the preparation of the roll of Representatives-elect.

(b) This section shall have no force and effect in respect of the apportionment to be made under any decennial census unless the statement required by section 1 in respect of such census is transmitted to the Congress at the time prescribed in section.

This section provides that if Congress fails to act before the end of such second regular session, then the reapportionment tabulated by the Secretary of Commerce as directed by this bill shall become law. This section also provides that the reapportionment tabulated by the Secretary of Commerce shall not go into effect unless the statement required by section 1 is presented to the Congress "on the first day of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter."

The Clerk of the House is the official through which the States are notified of the official representation to which they are entitled.

SEC. 3. In each State entitled under this act to more than one Representative, the Representatives to which such State may be entitled in the Seventy-third and each subsequent Congress shall be elected by districts equal in number to the number of Representatives to which such State may be entitled in Congress, no one district electing more than one Representative. Each such district shall be composed of contiguous and compact territory and contain as nearly as practicable the same number of individuals.

SEC. 4. In the election of Representatives to the Seventy-third or any subsequent Congress in any State which under the apportionment provided for in section 2 of this act is given an increased number of Representatives, the additional Representative or Representatives apportioned to such State shall be elected by the State at large, and the other Representatives to which the State is entitled shall be elected as theretofore, until such State is redistricted in the manner provided by the laws thereof and in accordance with the provisions of section 3 of this act.

SEC. 5. In the election of Representatives to the Seventy-third or any subsequent Congress in any State which under the apportionment provided for in section 2 of this act is given a decreased number of Representatives, the whole number of Representatives to which such State is entitled shall be elected by the State at large until such State is redistricted in the manner provided by the laws thereof and in accordance with the provisions of section 3 of this act.

Sections 3, 4, and 5 are substantially the same provisions as in previous reapportionment acts since 1840.

Section 6 of the bill has been stricken out because the committee felt that this section was unnecessary.

ARGUMENTS FOR THE BILL

Power of Congress.—It is apparent from a reading of the bill that Congress does not divest itself of any authority. There is nothing in the bill which would preclude Congress at any time in the future, that is, at any time between 1930 and 1940, from passing an apportionment bill of any character it sees fit to pass, as provided for in the Constitution. Congress might increase the size of the House to 535, it might make it 500, it might make it 475, or leave it where it is. In this bill there is no suggestion made to any future Congress as to what the size of the House membership shall be.

Neither is any future Congress bound as to the method to be used in allocating the membership of the House. On this matter also the future Congresses are free to act just as they would be if no legislation were enacted of the kind here recommended. It should be borne in mind, and the committee desires to state again, that even though the Seventy-first Congress fails to take action and the apportionment tabulated by the Secretary of Commerce becomes legally operative, the Seventy-second and every succeeding Congress is still free to enact apportionment legislation.

The sole and ultimate effect, therefore, of this proposed legislation would be to provide for a reapportionment based upon a tabulation made by an executive department of the Government acting in a ministerial capacity, which would remain in force and effect until Congress itself should act. The effect of this would be to have decennial reapportionment as contemplated by the Constitution.

The committee is strongly of the opinion that the failure to reapportion is a violation of the spirit, if not of the letter of the Constitution. It holds the view that no section of the Constitution is more fundamental to our Government than this section. Without its observance representative government becomes a sham.

This being so, the question might arise why not report out a reapportionment bill now on the basis of the 1920 Census? The committee feels that this would be a gesture at this time. There is not sufficient sentiment in the committee or in the House for such a proposition. We are too close to the 1930 Census to prescribe now, at this late date, for a reapportionment on a census taken nearly eight years ago and on the basis of an enumeration the accuracy and fairness of which have been seriously questioned.

THE OPPOSITION

The main, if not the sole, argument advanced against this proposed legislation is that Congress ought not to divest itself of any authority or power conferred upon it by the Constitution in the reapportionment of Congress. This argument has a double aspect:

First. Has Congress the power to pass an apportionment act with reference to a census to be taken in the future?

Second. Specifically has Congress the power to direct the tabulation of an apportionment by the Secretary of Commerce to be used in an emergency, as provided for in this bill?

It is true that, with one exception, it has been the practice of Congress to wait until after the census returns have been gathered and reported before passing apportionment legislation. There does not, however, appear to be any constitutional prohibition with reference to legislation of an anticipatory character as provided for in this bill.

When the act of 1850, a law of a similar anticipatory character, was enacted there was not the slightest doubt in the minds of the Senators and Representatives as to the constitutionality of providing in advance for the apportionment of Representativees upon a basis of definitely limited membership.

A careful reading of the bill before us shows that it is merely a ministerial function which is being assigned by Congress to an executive department. It is no different from many other ministerial functions which have been assigned to the executive departments from the beginning of our Government. There is no delegation of legislative power either stated or implied in this proposed legislation. The function which is assigned to the Secretary of Commerce in this instance does not begin to go as far as that which was assigned when Congress enacted the flexible provisions of the tariff act or the creation of the Interstate Commerce Commission, and similar legislation.

A close scrutiny of the bill reveals this to be the situation: The Secretary of Commerce is left with no discretionary power. He must use absolutely, without deviation, the population of each State as gathered and reported by the Director of the Census. The Secretary of Commerce is definitely and explicitly held down to a specific number as to the size of the House, namely, 435. In the third place, the Secretary of Commerce is bound in the bill to use a specific, concrete, and exact scientific method in allocating the 435 members, namely, by a method known as the method of major fractions. This incidentally was the method used in the last reapportionment, 1910.

When anticipatory legislation was under discussion before the committee at the last Congress, the legislative reference service, an agency created by Congress, was asked for its opinion on the legality of this provision of the bill. After reviewing legislation and decisions of the Supreme Court this legislative reference service states in its letter to the chairman of the committee, Mr. Fenn, as follows:

> In view of these numerous decisions of the Supreme Court it would appear only too obvious that the mere conferring of authority upon the Secretary of Commerce to make the apportionment of Representatives in Congress immediately upon the completion of future censuses could in no sense be considered as a delegation of legislative power. He would be following merely a prescribed rule laid down by Congress and his function could be considered only as ministerial.

Assuming it to be legal and constitutional, is it sound policy for Congress to assign this particular ministerial function to an executive department of the Government? This committee is not unmindful

of the increase in authority conferred upon executive departments in recent years. This committee is jealous of congressional authority and would be loath to relinquish any of it. It recommends the assignment of this ministerial function only because of the necessity of preparing for and meeting an emergency which might exist in 1930, such as occurred in 1920.

Public opinion, as reflected by newspaper editorials and newspaper articles, has criticized Congress for its failure to pass reapportionment legislation since 1920.

No fewer than 42 bills for reapportionment have been introduced since 1921.

The Speaker of the House, Hon. Nicholas Longworth, transmitted a letter to the chairman of the committee indorsing and urging the passage of this legislation:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 22, 1928.

Hon. E. HART FENN,
Chairman Committee on the Census,
House of Representatives.

DEAR MR. CHAIRMAN: I understand that within the next few days your committee will take final action on the reapportionment bill.

May I be permitted to express my sincere hope that a bill may be reported substantially the same as the bill introduced by yourself, which was acted upon in the House during the last session—that is to say, a bill maintaining the House at its present size but reapportioning the Members among the different States on the basis of the coming 1930 Federal census.

I am entirely opposed to any increase in the present size of the House. The average increase of population of the United States for the past 60 or 70 years, as I understand it, has been such as to justify an increase in the membership of the House, on the basis that no State should lose any of its representatives, by about 50 every 10 years. Upon this basis the membership of the House, apportioned under the 1930 Census, would be increased to probably as many as 540. Besides making necessary a remodeling of the south wing of the Capitol the House would become such an unwieldy body as to seriously interfere with the consideration and passage of proper legislation.

Of course it is hard for some States to lose representatives, and hard too for Members to give up their seats, but it seems to me that Congress is subject to legitimate criticism for having failed to act for some years, and that we ought no longer deny to the communities where large increases of population have occurred the right to the proportionate representation guaranteed to them by the Constitution.

Yours sincerely,

NICHOLAS LONGWORTH.

THE DIFFERENCE BETWEEN THIS BILL AND LAST YEAR'S BILL

It has been contended that anticipatory legislation as provided for in this bill was passed upon by the last Congress when it voted down the bill H. R. 17378.

The committee desires to call attention to the fundamental difference in these two bills. The bill at the last Congress, H. R. 17378 (which lacked only 12 votes of securing a majority), provided for an automatic reapportionment by the Secretary of Commerce immediately after the census data had been collected by the Census Bureau. In that bill reapportionment would have been made without waiting for Congress to convene, or without waiting for Congress to take action. The result of the reapportionment tabulation would have been sent immediately after the taking of the census by the Secretary of Commerce to the Clerk of the House and by him to the various States.

In the present bill the reapportionment tabulated by the Secretary of Commerce does not go into effect except in the event Congress itself fails to act. The present bill merely notifies the Seventy-first Congress that unless it does reapportion by March 4, 1931, the House will be reapportioned according to the tabulation made by the Secretary of Commerce, and when this has been done that reapportionment will remain in effect until some future Congress does take action.

This proposed legislation, therefore, is an announcement and serving of notice to the Seventy-first Congress, and subsequent Congresses, that if they fail to do their duty as provided by the Constitution, then the reapportionment as provided for in this bill will go into effect.

APPENDIX A

HISTORY OF LEGISLATIVE EFFORT SINCE 1920

The Fourteenth Census of population was taken as of January 1, 1920, and the Director of the Census, submitted the figures of the total population of the United States to Congress on October 7, 1920.

During the Sixty-sixth Congress, third session, the Committee on the Census reported H. R. 14498, a bill providing that after the 3d day of March, 1923, the House of Representatives shall be composed of 483 Members. Under this apportionment no State would have lost a member.

This bill as amended, provided for a House of 435 Members, passed the House on January 19, 1921, but the Senate failed to act upon it before the close of the session.

During the Sixty-seventh Congress, first session, the Committee on the Census reported H. R. 7882, a bill providing that after the 3d day of March, 1923, the House of Representatives shall be composed of 460 Members. Under this bill Maine and Missouri each would have lost a Member. An effort to amend this bill to read 435 failed. A motion to recommit this bill to the committee was agreed to by a margin of four votes, and no further action was taken by the committee.

The Committee on the Census did not report a bill during the Sixty-eighth Congress.

During the Sixty-ninth Congress an effort was made on the floor of the House to take up reapportionment as a privileged question and discharge the Committee on the Census from consideration of H. R. 111. The Speaker submitted the question to the House for its determination. The House by a vote of 87 yeas and 265 nays determined that the consideration of this bill was not in order.

On March 3, 1927, a motion was made to suspend the rules and pass H. R. 17378, a bill providing that after the 3d day of March, 1933, the House of Representatives shall be composed of 435 Members. but this motion was defeated by a vote of 187 yeas and 199 nays.

APPENDIX B

METHOD OF MAJOR FRACTIONS

The method known as "the method of major fractions" is provided for in this bill and prescribed for the Secretary of Commerce in making the apportionment tabulation.

This method was used in 1840 and also in 1910. Therefore, in prescribing this method for the tabulation by the Secretary of Commerce we are laying down a method for him to follow which was the last one to be used by Congress, namely, in 1910.

The following procedure is used when this method is applied: Each State is assigned one member, as provided for by the Constitution, which makes 48. The remainder, 387 (435 less 48) is then assigned to all the States in the following manner: The population of the several States is divided successively by 1½, 2½, 3½, etc. These numbers or quotients are then set down in the form of a series, the highest number first, the next highest second, the next highest third, and so on, down to the lower numbers. The number which is first or highest on the list has allocated to it the forty-ninth representative, the next highest on the list is given the fiftieth representative, the next the fifty-first, and so on, down until you come to the point at which you desire to stop. In this bill it would be at the number 435.

The following table illustrates the manner in which the method of major fractions operated in the 1910 reapportionment:

Quotients arranged in order of size	Size of House	State receiving the last assigned Representative	Cumulative number of Representatives for each State
6,072,623	49	New York	2
5,110,074	50	Pennsylvania	2
3,759,061	51	Illinois	2
3,643,574	52	New York	3
3,178,081	53	Ohio	2
3,066,044	54	Pennsylvania	3
2,602,553	55	New York	4
2,597,695	56	Texas	2
2,255,436	57	Illinois	3
2,244,277	58	Massachusetts	2
2,195,556	59	Missouri	2
		Intervening figures omitted for sake of convenience.	
217,011	425	Virginia	10
216,766	426	Nebraska	6
216,070	427	Indiana	13
215,918	428	Pennsylvania	36
215,626	429	Idaho	2
215,034	430	Florida	4
214,321	431	New York	43
212,777	432	Illinois	27
212,473	433	Missouri	16
212,106	434	Maine	4
211,883	435	Iowa	11

It will be observed in this table that the four hundred and thirty-fifth seat in the House was assigned to Iowa in 1910. The number 211,877, which is frequently referred to as the population which each Member represents is merely the halfway or mid-point between Iowa's quotient, 211,883, and Ohio's quotient, 211,872, which would have received the four hundred and thirty-sixth member. By using this divisor, 211,877, each State secured in 1910 one Representative for each full quota (211,877) and one for each major fraction. That is where it gets its name, "The method of major fractions."

APPENDIX C

Table showing apportionment of 435, 460, 483, and 534, based on an estimated population for 1930:

Apportionment of 435, 460, 483, and 534 Representatives based on February, 1928, estimate of January 1, 1930, population

States	Estimated population Jan. 1, 1930 [1]	Present House of Representatives	Apportionment on basis of estimated population			
			Major fractions			Minimum number to prevent loss in any State. [4]
United States	122,537,000	435	435	460	483	534
Alabama	2,612,000	10	9	10	10	11
Arizona	499,000	1	2	2	2	2
Arkansas	1,978,000	7	7	7	8	9
California	4,755,000	11	17	18	19	21
Colorado	1,116,000	4	4	4	4	5
Connecticut	1,717,000	5	6	6	7	8
Delaware	248,000	1	1	1	1	1
District of Columbia	572,000	0	0	0	0	----------
Florida	1,489,000	4	5	6	6	7
Georgia	3,258,000	12	12	12	13	14
Idaho	567,000	2	2	2	2	2
Illinois	7,555,000	27	27	29	30	33
Indiana	3,220,000	13	11	12	13	14
Iowa	2,433,000	11	9	9	10	11
Kansas	1,847,000	8	7	7	7	8
Kentucky	2,577,000	11	9	10	10	11
Louisiana	1,977,000	8	7	7	8	9
Maine	800,000	4	3	3	3	4
Maryland	1,645,000	6	6	6	6	7
Massachusetts	4,367,000	16	15	17	17	19
Michigan	4,754,000	13	17	18	19	21
Minnesota	2,781,000	10	10	11	11	12
Mississippi	1,790,618	8	6	7	7	8
Missouri	3,544,000	16	13	13	14	16
Montana	[2] 548,889	2	2	2	2	2
Nebraska	1,428,000	6	5	5	6	6
Nevada	[2] 77,407	1	1	1	1	1
New Hampshire	458,000	2	2	2	2	2
New Jersey	3,939,000	12	14	15	16	17
New Mexico	402,000	1	1	2	2	2
New York	11,755,000	43	42	44	46	51
North Carolina	3,005,000	10	11	11	12	13
North Dakota	[3] 641,192	3	2	2	3	3
Ohio	7,013,000	22	25	27	28	31
Oklahoma	2,496,000	8	9	9	10	11
Oregon	923,000	3	3	3	4	4
Pennsylvania	10,053,000	36	35	38	40	44
Rhode Island	736,000	3	3	3	3	3
South Carolina	1,896,000	7	7	7	7	8
South Dakota	716,000	3	3	3	3	3
Tennessee	2,531,000	10	9	10	10	11
Texas	5,633,000	18	20	21	22	25
Utah	545,000	2	2	2	2	2
Vermont	[3] 352,428	2	1	1	1	2
Virginia	2,622,000	10	9	10	10	11
Washington	1,628,000	5	6	6	6	7
West Virginia	1,770,000	6	6	7	7	8
Wisconsin	3,009,000	11	11	11	12	13
Wyoming	257,000	1	1	1	1	1

[1] As revised February, 1928 on 1920 to 1927 data.
[2] Population Jan. 1, 1920; no estimate made.
[3] Population State census 1925; no estimate made.
[4] According to method of major fractions.

It must be remembered that these estimated populations are merely guesses and may be far from the actual population as may be reported in 1930.

It will be observed that 534 is the number to which the House would have to be increased so that no State would lose a Member.

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70TH CONGRESS } HOUSE OF REPRESENTATIVES {REPT. 2010
2d Session } {Part 2

APPORTIONMENT OF REPRESENTATIVES

JANUARY 8, 1929.—Referred to the House Calendar and ordered to be printed

Mr. RANKIN, from the Committee on the Census, submitted the following

MINORITY VIEWS

[To accompany H. R. 11725]

We desire to submit briefly our reasons for opposing this bill.

In the first place it is practically the same bill that was rejected by this House on May 18, 1928. It has been slightly denatured by a few minor amendments.

This legislation is unnecessary, and is an attempt to bind a future Congress.

It does not propose to reapportion Congress under the census of 1920, but attempts to legislate for a future Congress relative to a reapportionment on the basis of a census to be taken in 1930.

It also attempts to arbitrarily fix the size of the House at 435 Members without first taking into consideration the iniquities and injustices that might be avoided by adjusting the size of the House under the census of 1930 to take care of all of the States.

It proposes to lay down a formula, which they call "major fractions," and which few Members of the House will understand and fewer still can explain.

It is proposed also to delegate to the Secretary of Commerce the apportioning power, which is primarily vested in the Congress of the United States.

In case Congress failed to act at the first session after the taking of the decennial census, the executive department charged with the duty of taking the census would also have placed in its hands the power of reapportioning the House of Representatives under that census.

The Department of Commerce seems to have tried the case in advance, as they have filed with the Committee on the Census a table showing their estimation of the number of Representatives each State will receive under the census of 1930. This forecast itself

shows the inadvisability of delegating the power of reapportionment of Congress to the Department of Commerce.

Under the table prepared they show that, according to their estimation, if the method of "major fractions" is used to reapportion Congress after the census of 1930 is taken, the following States would lose the number of Representatives indicated:

Indiana, 2; Iowa, 2; Kansas, 1; Kentucky, 2; Louisiana, 1; Maine, 1; Massachusetts, 1; Mississippi, 2; Missouri, 4; Nebraska, 1; New York, 2; North Dakota, 1; Tennessee, 1; Vermont, 1; Virginia, 1.

Thus, approximately one-third of the States would have their representation arbitrarily reduced without any opportunity to equitably adjust the size of the House to meet the then existing conditions.

In order to avoid the absurd and ridiculous situation in which the passage of this bill would place the Congress, we respectfully submit that it would be better to wait until after the taking of the census of 1930, and then have the House reapportion its membership according to that census.

Respectfully submitted.

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