

Taking Back Our Republic

Addressed to the Citizens of the United States of America,
on the Following Interesting Subjects:

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From Thirty-Thousand.org

<http://www.Thirty-Thousand.org>

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Established in 2004, *Thirty-Thousand.org* (TTO) is a non-partisan and non-profit organization which conducts research on, and educates the public about, the insidious degradation of representative democracy in the United States resulting from Congress's longstanding practice of constricting the number of Representatives (in the federal House) relative to the total population.

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Introduction

Thomas Jefferson observed that “When the people fear their government, there is tyranny; when the government fears the people, there is liberty.” Recent history demonstrates the threats posed to our liberties when our government, and in particular our elected representatives, no longer fear the people. As explained in this pamphlet, increasing our number of federal representatives – by replacing 435 imperial-sized congressional districts with several thousand community-sized ones – *restores political power to the people* by ending incumbent domination of reelections, diminishing lobbyists’ influence, overcoming political-party control of our government, maximizing individual liberty, and reducing the size of government.

This is not a new idea: Historical documents reveal that our nation’s Founding Fathers intended the number of Representatives in the U.S. House to be increased every ten years to keep pace with the total population. For example, “Federalist 58” states that one of the “unequivocal objects” of the population census is “to augment the number of representatives ... under the sole limitation that the whole number [of Representatives] shall not exceed one for every thirty thousand inhabitants.” Most significantly, the intended purpose of the first amendment proposed in the original Bill of Rights was to ensure that the apportionment process resulted in congressional districts no larger than 50,000 people. Establishing a maximum district population size would ensure the viability of our *representative democracy* by increasing the number of representatives along with the population.

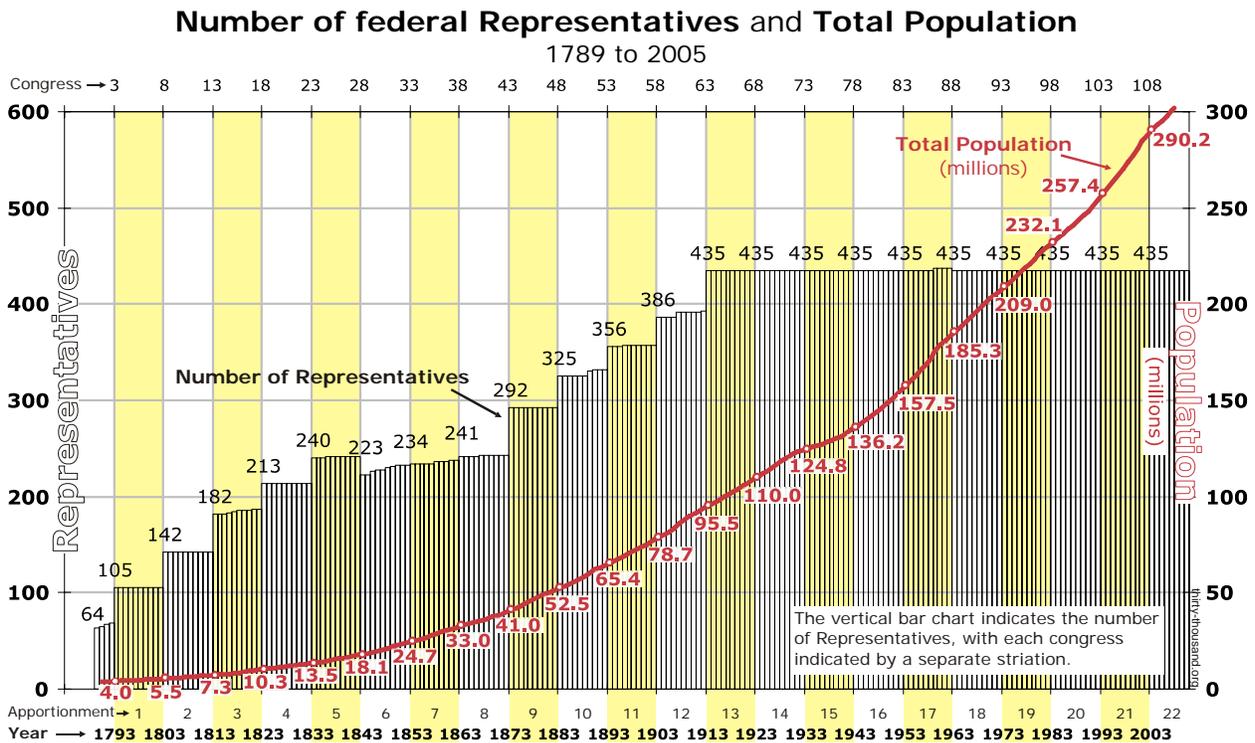
From 1790 to 1910, Congress regularly increased the number of Representatives in order to reflect the growth in our nation’s population. Congress last increased the number of Representatives to 435 after the 1910 Census when the total population reached 91 million. A century later, we still have only 435 federal Representatives and, consequently, each congressional district currently contains, on average, approximately *700,000 people!* Not only are such massive districts contrary to the Founders’ vision, but *it is simply impossible for any Representative to faithfully represent the diverse interests and values of 700,000 people.*

In order for the citizens of America to take back our republic, we first must regain control of the House of Representatives. Thirty-Thousand.org (“TTO”) argues that this is achievable only by increasing the total number of Representatives to the extent necessary to *significantly reduce the population size of congressional districts.*

[1]

The Number of Representatives in the U.S. House

From 1790 to 1910, Congress increased the total number of congressional districts every ten years (after each population census) *as a direct result of the growth in total population*.¹ As shown in the chart below, the last increase in representation occurred after the 1910 census when the total number of congressional districts increased to 435, the size it has remained ever since.² Ten years later, after the 1920 census, Congress failed to reapportion the House *in direct violation of the Constitution*. The chart below also indicates the total population of all the states; note the population has tripled since the time the number of representatives was first set at 435.³



From "The Population Size of U. S. House Districts" at <http://www.thirty-thousand.org/pages/OHA-03.htm>

Having become accustomed to only 435 Representatives, Congress passed an act⁴ in 1929 that *permanently* "fixed" the number of Representa-

¹ There is only one exception: The number of Representatives did decrease after the 1840 census because Congress changed the method for calculating the apportionment.

² With the exception of a four-year period when it was temporarily increased to 437 after the admission of Alaska and Hawaii to the Union.

³ It is worth noting that population totals developed by the U.S. Census Bureau also include illegal aliens.

⁴ Act of June 18, 1929, § 22, 46 Stat. 21, 26-27

tives at 435. During the debates preceding that act, Missouri Representative Ralph Lozier stated:

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.¹

The challenge posed by Representative Lozier is still valid: Is 435 a sacred number or should it be open to debate?

It is important to understand that the Founding Fathers and the states that ratified the Constitution fully expected the House of Representatives to continue to grow along with the population. For example, James Wilson, a delegate to the Pennsylvania constitutional convention,² predicted in 1787 that there would be more than 600 federal Representatives by 1887: "...the House of Representatives will, within a single century, consist of more than six hundred members." Evidence of the widespread expectation that the House of Representatives should continue to grow along with the population comes by way of the promises made in the *Federalist Papers*. For example, "Federalist No 55" (February 15, 1788) stated that

It will not be thought an extravagant conjecture that the first census will, at the rate of one for every thirty thousand, raise the number of representatives to at least one hundred. ... At the expiration of twenty-five years, according to the computed rate of increase, the number of representatives will amount to two hundred, and of fifty years, to four hundred.

In other words, "Federalist 55" projected that there would be 400 Representatives by 1838; that is only 35 fewer than we have today. However, instead of increasing the number of Representatives every ten years as expected by the Founders, Congress simply reallocates the House "memberships" among the states in order to protect their virtual franchise on power by ensuring the continuation of their exclusive club of 435.

¹ May 17, 1928, 69 Cong. Rec. 9012

² It is worth noting that James Wilson was no ordinary delegate (assuming any of the delegates were ordinary). Wilson was a lawyer and a signer of the Declaration of Independence. He was twice elected to the Continental Congress and was a major contributor to the drafting of the Constitution. He was also one of the six justices appointed by George Washington to the first Supreme Court.

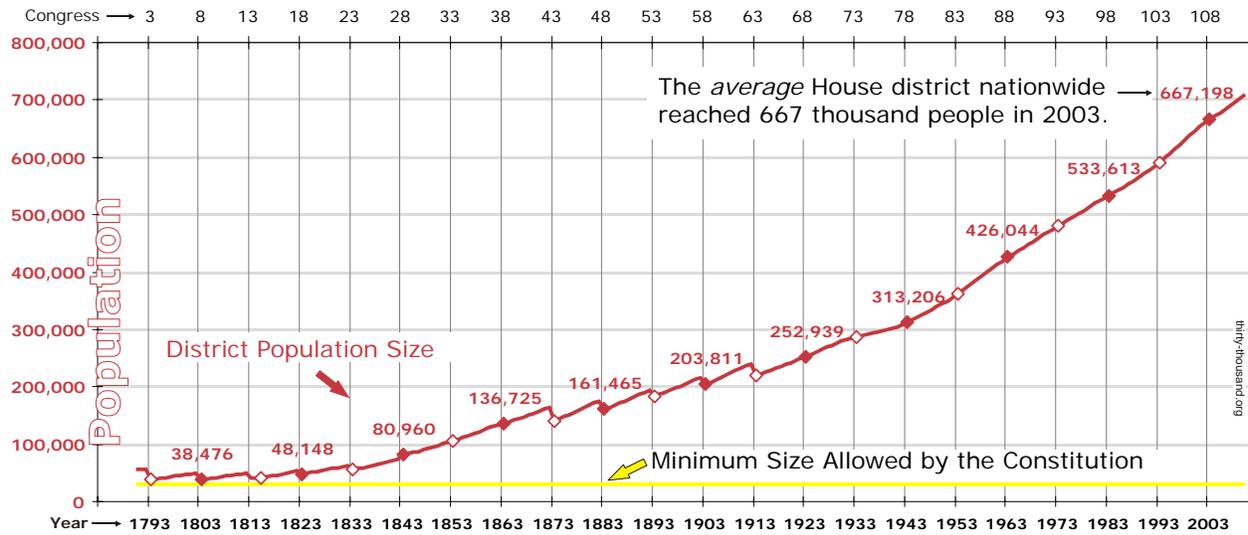
[2]

The Size of Congressional Districts

The very first apportionment made by Congress (after the 1790 census) resulted in an average district size of just over 38,000 people. Largely because the number of Representatives has not increased in a century, the average population size of a congressional district is now approximately 700,000 (which will double by the year 2100 based on current population projections). Therefore, while the total population of the U.S. has increased by a factor of 78 since 1790, the population of congressional districts has increased by a factor of only 17. The chart below illustrates the average number of people per Representative (in each congressional district) from 1790 to 2003.

Average Population per U. S. House District

1790 to 2010



From "The Population Size of U. S. House Districts" at <http://www.thirty-thousand.org/pages/QHA-03.htm>

Because of the need to communicate with, and provide services to, so many constituents, Congress used this spectacular growth in district population size to justify providing "personal staffs" to the Representatives. Prior to 1893 when the average district size reached 180,000, the Representatives were not provided with personal staffs! Today, taxpayers provide each Representative with as many as 18 personal staff members.

It is not supposed to be this way! As evidenced by various historical documents, the Founding Fathers expected that the congressional districts would always remain relatively small. For example, "Federalist 56" (February 19, 1788) stated:

...it seems to give the fullest assurance, that a representative for every THIRTY THOUSAND INHABITANTS will render the [House of Representatives] both a safe and competent guardian of the interests which will be confided to it.

Note that the reference to “thirty thousand” (capitalized for emphasis in the original text) was indicated as an absolute requirement, *not* as a minimum district size. The explicit assumption was that the number of Representatives would increase along with the population to ensure that the population of each Congressional district would not exceed 30,000.

Interestingly, at the time the Constitution was drafted a district of 30,000 people seemed so *huge* that there was widespread concern that it would result in an *insufficient* number of Representatives relative to the total population.¹ This is why “Federalist 56” had to justify that such “a moderate number” of representatives would be sufficient because the “objects of federal legislation” were to be limited to just a few areas! (Of course, Congress has since entirely disregarded this premise for justifying a “moderate number of representatives”.)

It is imperative that we reinstate smaller congressional districts in order to protect our liberties and restore citizen control of Congress. By better enabling constituent monitoring of our Representatives in the U.S. House, *community-sized districts* will be truly governable, but in the sense that *we the people* will be able to govern *our* federal Representatives!

This is so fundamentally important that the need to establish a maximum district size was perhaps the most significant issue raised during the states’ ratification debates. For example, of the 85,000-word transcript from the New York constitutional convention in 1788, 30% was devoted *exclusively* to this subject. Melancton Smith, a delegate to that convention, observed that: “We certainly ought to fix, in the Constitution, those things which are essential to liberty. If anything falls under this description, it is the number of the legislature.” It was because of these debates that James Madison later proposed, for the Bill of Rights, a constitutional amendment establishing a *maximum* population size for the congressional districts. That amendment was the basis for “Article the first”, the very first amendment proposed in the original *Bill of Rights* document.

¹ To understand why, read “The naming of Thirty-Thousand.org” (at <http://thirty-thousand.org.blogspot.com/2009/06/naming-of-thirty-thousandorg.html>). Further related to this point is the fact that on the last day of the Constitutional Convention in Philadelphia, with the final draft of the Constitution ready for signature, George Washington persuaded the delegates to erase “forty” in “forty thousand” in order to change the minimum district size to *thirty thousand*. Washington observed that the “smallness of the proportion of Representatives” — of one to 40,000 — was “an insufficient security for the rights & interests of the people.” Imagine how Washington would have felt about a representational proportion of *one to 700,000*.

[3]

“Article the first” of the Bill of Rights

The intended purpose of the very first amendment *proposed* in the original Bill of Rights¹ was to ultimately limit the maximum size of congressional districts in order to complement the minimum size already established by the Constitution. However, though affirmed by many states, “Article the first” was never ratified due to an inexplicable defect in its language. The existence of “Article the first” raises the following questions:

- Why was it the *very first* of twelve amendments proposed for the *Bill of Rights*?
- Why was the amendment’s purpose sabotaged by a subtle change of wording in the waning hours of the first Congress?
- Why did every state except one then affirm this defective and inconsequential amendment?

The left side of the illustration below shows *Article the first* as originally proposed by the House on August 24, 1789. The purpose of the proposed amendment was to establish a *maximum district size* of 50,000 people to complement the minimum size of 30,000 already specified by the Constitution. Four weeks later, the House and Senate appointed a joint conference

<i>Both versions are identical except for one word.</i>	
Passed by the House of Representatives August 24, 1789	Bill of Rights Proposed by Congress September 25, 1789
After the first enumeration, required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor less than one Representative for every fifty thousand persons.	After the first enumeration, required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

¹ See the actual Bill of Rights document at the National Archives website: http://www.archives.gov/exhibits/charters/bill_of_rights_zoom_1.html and the text of all twelve amendments at: http://www.thirty-thousand.org/pages/BoR_text.htm

committee to resolve numerous differences between the two chambers with respect to the various amendments proposed for the Bill of Rights (as the Senate had also proposed their own set of amendments). Even though the House and Senate agreed on *ten* of the proposals, they still *disagreed* on “Article the first” and *fifteen* other proposed amendments. The joint committee then had less than four days to resolve many momentous issues and consolidate all 26 proposals into the final *twelve* amendments proposed in the Bill of Rights.

With respect specifically to “Article the first”, how might this committee find a compromise between the House and Senate versions? The Senate version was substantially similar in purpose, except that it would have established a maximum district size of 60,000 (rather than 50,000).

The final version (shown on the right in the illustration above) fails to achieve either objective! Instead, it contains an inexplicable defect in its language that completely reverses the amendment’s intended purpose.¹ Interestingly, this defective amendment was then ratified by 11 states (prior to June of 1792) before it gradually became apparent that the amendment’s defect would have made it fail when the nation’s total population reached a certain level.² Moreover, in the long run, the amendment would have produced no consequential effect other than to require a minimum of only 200 Representatives.³

The loss of this amendment – which was intended to be our *First Amendment* – put our government squarely on the path towards oligarchy by allowing the emergence of imperial-sized congressional districts which currently encompass 700,000 people. The ideal way to remedy this situation would be to ratify “Article the first” as it was originally proposed in August of 1789.

¹ Read this brief introduction for additional information about “Article the first”: <http://enlargethehouse.blogtownhall.com>. A detailed analysis of “Article the first” is provided in this report: “The Minimum and Maximum Size of the U. S. House of Representatives”: <http://www.thirty-thousand.org/documents/OHA-04.pdf>

² For any total population census between eight and ten million, the final version of “Article the first” would require a minimum number of House seats *greater* than the maximum (which is a mathematical impossibility). Had it been ratified, this defective wording would have later created a serious problem when the 1820 census counted nearly nine million people.

³ For all population levels above ten million, the proposed amendment would have required only a minimum of 200 Representatives in the U.S. House. Such an outcome clearly contradicts the amendment’s *raison d’être*, as evidenced by all of the debates which preceded and accompanied its creation. Moreover, had that been truly its intended purpose, then “Article the first” could have more sensibly ended at “two hundred Representatives” and not included the final ten words (i.e., “nor more than one Representative for every fifty thousand persons”) which is rendered both superfluous and absurd by the mysterious alteration.

[4] Large Congressional Districts and High Reelection Rates

Incumbents have numerous advantages over non-incumbent challengers with respect to winning elections. In addition to being well positioned to solicit funds from donors, they are better able to procure non-financial support from various advocacy groups (i.e., PACs & 527s), secure free media coverage (as when calling a press conference), and send mail to voters (due to their nearly unlimited postage budget).

The important point to understand is that as the electoral districts become larger, candidates must raise greater sums of money in order to market themselves to hundreds of thousands of prospective voters. In congressional districts containing an average of 700,000 people, this is very expensive; for example, incumbent federal Representatives who sought reelection in 2008 raised, on average, over *\$1.4 million each*.¹ This is why one politician famously observed, “Money is the mother’s milk of politics”.

Given all of the incumbents’ numerous advantages with respect to seeking reelection, it stands to reason that a challenger would generally need to raise as much, if not more, in order to have a *chance* of defeating an incumbent. Therefore, in larger districts, the incumbents’ ability to thwart challengers improves due to the simple fact that the challengers must raise an extraordinary amount of money merely to have a *possibility* of victory. However, because it is nearly impossible for most citizens to raise the funds necessary to mount a credible challenge, it is not surprising that, in 2008, 95% of incumbent Representatives who sought reelection *won*.

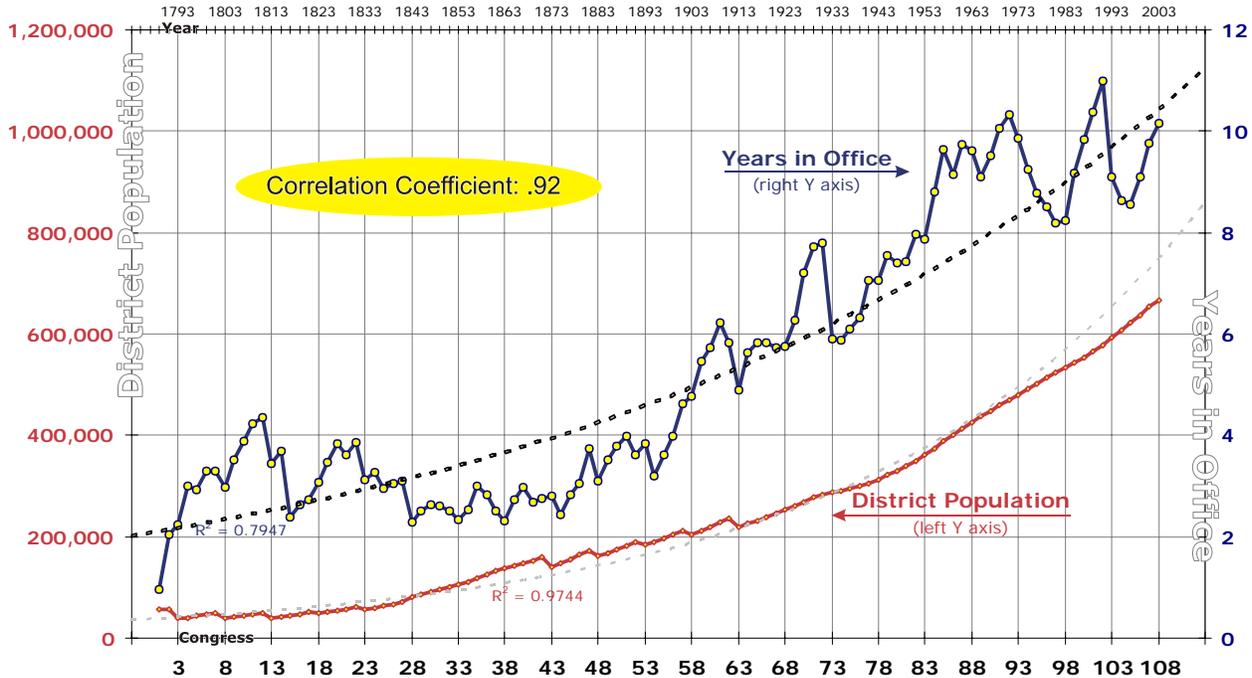
The significant reelection advantage provided to incumbents by huge electoral districts is borne out by analyzing the correlation between district population size and the incumbents’ average number of *years in office*.² This relationship is illustrated in the chart below for each of the first 108 Congresses through 2005. This analysis shows that there is a nearly perfect correlation between the *district population size* and the Representatives’ *years in office*.³

¹ OpenSecrets.org provided the data used in these calculations.

² “Years in office” is the average continuous tenure in office of all Representatives who comprise *each* of the first 108 Congresses regardless of the reason they left office (e.g., defeat, retirement, death); the dashed line indicates the underlying trend. Tenure data is preferred to reelection rates because it is highly reliable across all periods of time.

³ Also see “Constituency Size and Incumbent Safety: A Reexamination” by Edward L. Lascher (Political Research Quarterly, Vol. 58, No. 2. (Jun., 2005), pp. 269-278.

District Population Size and Incumbent Tenure in the U. S. House
First through 108th Congresses



From "Correlation between District Population Size and Incumbency Tenure Duration in the U. S. House of Representatives" at <http://www.thirty-thousand.org/pages/OHA-10.htm>

Simply stated, the chart above confirms that as the congressional districts grow larger, the Representatives become more entrenched in their office. As a result, our massively sized congressional districts provide political strongholds that make the incumbents virtually undefeatable.¹

Consider how all this would change if we reduced the size of the districts to 50,000 people. Any industrious citizen living in those *community-sized* districts could conduct an effective and credible campaign on a reasonable budget (as he or she may need to do nothing more than canvass several thousand homes in the district and hold a few open meetings for the community). Whatever the cost of campaigning in a district of 50,000, it would be considerably less than the cost of campaigning in the imperial-sized districts we have today.

As a final point, it is important to consider the corruption and venality associated with all this political fundraising. Viewed cynically, if a price could be placed on the value of controlling a $\frac{1}{435}$ "share" in the U.S. House of Representatives, imagine how much lower that price would be for only a $\frac{1}{6,000}$ interest.

¹ A similar point is made in "Constituency Size and Incumbent Safety: A Reexamination", Edward L. Lascher, Political Research Quarterly, Vol. 58, No. 2. (Jun., 2005), pp. 269-278.

[5]

Diminishing the Lobbyists' Influence

In 2008, there were nearly 15,000 registered lobbyists in the United States, equal to *28 lobbyists* for *each* of *535* congressmen.¹ (In this pamphlet, “congressmen” refers to both Senators *and* Representatives.) That same year, these lobbyists reported spending over \$3.2 billion, equivalent to more than \$6 million per Congressman. Though not all of that spending was lavished on the Congressmen, these totals do provide a reliable measure of the extent to which various special and foreign interests are purchasing political influence. This explains why we now have a government that is *of, by, and for the Special Interests*.

If we increased the number of Representatives from 435 to 6,000, then – relative to the 2008 totals – the number of lobbyists per congressman would be reduced to 2.5, and their total spending would be reduced to nearly \$530,000 per Congressman. Though that is still a large sum of money, the influence exerted by the lobbyists would effectively be reduced by 91%!

How large would the lobbying effort need to be in order to maintain the same level of effectiveness *if* the number of Representatives were increased to *6,000*? The Special Interests would then need to employ over *170,000 lobbyists* and spend more than *\$37 billion!*² Of course, such an astronomical lobbying expense – more than an eleven-fold increase – far exceeds what the Special Interests could afford. Instead, the amount of lobbying exerted upon each Congressman inevitably would be scaled back as the number of Representatives increases. While that does not mean the end of lobbying, it would certainly reduce the lobbyists' reliance on extravagant allurements such as travel junkets and honoraria, and force them to use more traditional marketing methods such as direct mail and general advertising.

In addition to diminishing the extraordinary scope of influence exerted by the lobbyists, it is important to understand how *increasing* the number of Representatives greatly *reduces* the risk of unethical collusion. Today, only a few of the 435 Representatives need to be “influenced” in order to subvert legislation to the benefit of one or more Special Interests. If there were 6,000 Representatives, it would be necessary to influence many doz-

¹ All lobbyist data referenced in this section originated from OpenSecrets.org. For additional information, see the tables on the following page.

² This total number of lobbyists (170,000) came from multiplying 6,100 congressmen by 28 lobbyists. The total spending level of \$37 billion is arrived at by multiplying \$6.1 million per congressman by 6,100 congressmen. (The total of 6,100 congressmen is equal to 6,000 Representatives plus 100 Senators.) All dollars are 2008 dollars.

ens of them, if not hundreds, in order to achieve the same outcome. Therefore, as a practical matter, in a House of 6,000 Representatives it would be nearly impossible for the Special Interests to successfully machinate collusion on the scale required to subvert legislation. As James Madison observed when he proposed an amendment to limit the population size of congressional districts: “Numerous bodies...are less subject to venality and corruption.”¹

Therefore, in a House of 435 Representatives, the cost effectiveness of lobbying depends upon the lobbyists’ ability to influence a relatively small number of Representatives. Melancton Smith made this point during New York’s constitutional convention: “In so small a number of representatives, there is great danger from corruption and combination. A great politician has said that every man has his price. I hope this is not true in all its extent; but I ask ... what government there is in which it has not been practiced?”

It is indisputable that the more numerous the Representatives, the more difficult it becomes for the Special Interests to achieve the level of collusion necessary to corrupt our representative democracy in order to accomplish their objectives.

Table 1 – 435 Representatives

Number of Registered Lobbyists	
Total Lobbyists (2008)	14,976
Number of Congressmen (Representatives + Senators)	535
Number of Lobbyists per Congressman	28
Total Reported Spending by Lobbyists	
Total Spending (2008)	\$3,270,000,000
Number of Congressmen (Representatives + Senators)	535
Total Spending per Congressman	\$6,112,149

Table 2 – 6,000 Representatives (hypothetical based on 2008 data)

Number of Registered Lobbyists	
Total Lobbyists (2008)	14,976
Number of Congressmen (Representatives + Senators)	6,100
Number of Lobbyists per Congressman	2.5
Total Reported Spending by Lobbyists	
Total Spending (2008)	\$3,270,000,000
Number of Congressmen (Representatives + Senators)	6,100
Total Spending per Congressman	\$536,065

¹ Annals of Congress, House of Representatives, 1st Congress, 1st Session, 14-August-1789, (Page 749)

[6]

Eliminating Political Party Control of Government

George Washington's 1796 "Farewell Address" included an extensive warning about the "baneful effects" of political parties in which he observed that: "They [the parties] serve to Organize faction, to give it an artificial and extraordinary force — to put in the place of the delegated will of the Nation, the will of a party [who are] often a small but artful and enterprising minority of the Community."

Though our government is comprised of the judiciary, executive, and legislative branches, in practice it would seem that the three branches are the judiciary, the Democrat Party, and the Republican Party (although at the present time, that third "branch" has been eliminated by *de facto* one-party rule). And though some may believe that "independents" or members of a "third-party" are *not* qualified to serve, such a view is foolish if not dangerous.

Those who favor two-party control of government should eagerly embrace one-party rule; the benefits they attribute to the former would certainly manifest all the more greatly from the latter. For the rest of us (who do not wish America to resemble China or Venezuela), political party control of government should be completely rejected.

Because it is virtually impossible for a candidate to win an election unless he or she is sanctioned by one of those two parties, every federal Representative in the U.S. House is either a Democrat or a Republican. The reason for this is twofold. First, in massively sized electoral districts it is likely that only a small percentage of voters will be personally acquainted with the candidates. In most elections in the U.S., voters must decide between two or more names on the ballot; more often than not, these names represent complete strangers to them. The voter usually has little basis for their decision beyond whatever perceptions were formed by the advertising campaigns that preceded the election. Of course, when one of the candidates is the incumbent, that person's name certainly seems more familiar than does the challenger's (though the voter may personally know neither of them). More often than not, many voters are simply choosing between one of two brands: do they select the stranger in the red package or the other one in the blue? Consequently, an association with a dominant political party confers essential *name recognition* onto a candidate who is *not* otherwise widely known.

The second reason for party control of government derives from the fact that, in massive congressional districts, it is tremendously costly for candidates to “market” themselves to hundreds of thousands of prospective voters. As a result, candidates must raise a huge sum of money, a portion of which usually comes from a political party, and the rest from donors. To the extent that donations are to be solicited from people who are not personally acquainted with the candidate, the assurance provided by the party’s brand can be essential. Therefore, as a practical matter, party sponsorship is a *prerequisite* to raising the funds needed to finance a credible campaign.

In our imperial-sized congressional districts, it is *impossible* for most citizens to even meet, let alone become adequately familiar with, the candidates. Of course, an expensive marketing campaign is a very poor substitute for allowing citizens to become personally acquainted with the candidates. This forces many voters to base their decision on these strangers’ party affiliation *or* the cleverness of their advertising campaigns, which is why we continue to elect artful *career politicians* instead of true *representatives*. This is why our choice of candidates is usually limited to the very wealthy or to those who have prostrated themselves before powerful Special Interests (or a political party) in order to procure campaign funding. Perhaps this is why so many citizens feel alienated from the government and, consequently, why so few of us vote.

In community-sized congressional districts of 50,000, not only would it be possible for interested citizens to become *personally acquainted* with the candidates, it is likely that we already know those prominent members of our community whom we would enthusiastically send to Congress to represent *us*; that is, the businesspeople, retired leaders, educators, farmers, and tradesmen whom we’ve come to trust. Because we would personally know the candidates, we would be voting for *the person*, for their *beliefs and capabilities*. No longer forced to choose among strangers, the role of the *political party* becomes nearly irrelevant and we would not have to base our decision on the political party packaging or marketing rhetoric. In this sense, the Representative’s “political party” will be nothing more than the *community* that elected him or her to represent them. That is how *we the people* take back *our* House of Representatives from the political parties and other Special Interests.

[7]

Enlarging Representation Reduces the Size of Government

A significant increase in the number of federal representatives would end incumbent domination of reelections, diminish lobbyists' influence, and overcome political-party control of our government. The cumulative result of these achievements is to bring about the restoration of our republican form of government by returning control of our House of Representatives to *we the people*. As important as these changes are, they synergistically produce the greatest benefits of all: *An increase in personal freedom and an overall decrease in federal government spending!*

In support of this point, several empirical studies show that there is a clear relationship between the population size of legislative districts and the size of government; specifically, government spending *increases* as the population size of electoral districts increases.¹

The evidence also shows that the larger the electoral districts, the more statist the government becomes. This relationship is substantiated by the states' rankings relative to the personal and economic freedoms enjoyed by their citizens. By comparing these freedom indices to the population sizes of the states' legislative districts, it is possible to uncover a very important relationship that can be illustrated with the example provided by California and New Hampshire.

The state of California always scores poorly in the various freedom indices, while "Live Free or Die" New Hampshire is always highly ranked. California's 34 million people² are represented by only *80 representatives* in the lower house of their state legislature. In contrast, New Hampshire's 1.3 million people are represented by *400 representatives* in their lower house! Therefore, the resulting population sizes of California's and New Hampshire's legislative districts are 424,135 and 3,096, respectively. As it turns out, this example is indicative of a larger underlying trend in which the average district size of the *low-freedom states* is substantially *larger* than that of the *high-freedom states*.³

¹ These studies are as follows: "Constituency Size and the Growth of Public Expenditures: The Case of the United Kingdom", George S. Ford, Mark Thornton, Marc Ulrich, *Journal of Public Finance and Public Choice (PFPC) / Economia delle scelte pubbliche*, Vol. XXIV; and, "The Law of k/n: The Effect of Chamber Size on Government Spending in Bicameral Legislatures", Jowei Chen and Neil Malhotra; *American Political Science Review*, November 2007; and "Constituency Size and Government Spending", Mark Thornton and Marc Ulrich, *Finance Review*, November 1999.

² This was the population total as of the 2000 Census. California's population is currently estimated at over 38 million.

³ This analysis, and the supporting freedom indices, are described in "State Freedom Indices and Legislative District Population Sizes" at http://www.thirty-thousand.org/documents/Freedom_Index.pdf

This relationship – between district size and liberty – can also be understood intuitively. Consider the trillions of dollars authorized by Congress during 2009. Opinion polls show that a federal House that was truly *representative of the people* would never have permitted such wasteful and reckless spending. TTO estimates that a reduction in federal spending of only 1% would have generated savings far in excess of the cost of increasing the number of Representatives to 6,000.^{1,2} A similar point was made by Melancton Smith during New York’s constitutional convention:

The difference of expense, between supporting a House of Representatives sufficiently numerous, and the present proposed one, would be twenty or thirty thousand dollars per annum. The man who would seriously object to this expense, to secure his liberties, does not deserve to enjoy them. Besides, by increasing the number of representatives, we open a door for the admission of the substantial yeomanry of our country, who, being possessed of the habits of economy, will be cautious of imprudent expenditures, by which means a greater saving will be made of public money than is sufficient to support them.

A transformation from statism to greater individual liberty will naturally occur when the population sizes of congressional districts are significantly reduced (as a result of increasing the number of Representatives). In the imperial-sized districts that we have today, the Representatives are assured of 95%+ reelection rates thanks to the financial backing of their true masters: those powerful Special Interests that induce Congress to squander money and provide special tax breaks. Replacing *435 politician-oligarchs* with *6,000 citizen-legislators* would bring about a democratic revolution that returns our nation to the principles of representative government upon which it was founded.

¹ Based on TTO’s analysis of the 2009 federal budget, the operating cost of Congress is approximately \$3.5 million per House member (annually). This includes the salaries for all the staff and an allocation of indirect overhead (e.g., Capitol Police). Using this \$3.5 million estimate, increasing the number of Representatives from 435 to 6,000 would increase costs \$19.5 billion annually. As large as that is, it is only 0.5% of the total 2009 federal outlays of \$4 trillion. It is entirely reasonable to expect that a federal House that is truly representative of the people could achieve a reduction in federal spending far in excess of .5%. Though we use the \$3.5 million estimate in this analysis, TTO argues that a significant reduction in the annual costs of Congress is achievable for several reasons. First, as the districts become smaller, so does the Representative’s workload with respect to constituent services; therefore, each Representative’s personal staff should be trimmed considerably as the district size is reduced. Second, enabling the Representatives to work from their home districts would eliminate a significant amount of expense for travel and multiple offices. In addition, Congress’ extravagant pensions should be significantly curtailed in order to be comparable to that generally available in the private sector.

² In addition to a reduction in actual expenditures, a truly representative House could also be expected to reduce unfunded federal obligations and impose fewer unfunded mandates on the states.

[8]

Achieving True Diversity in the U.S. House of Representatives

With respect to how a representative assembly should be constituted, John Adams stated: “It should be in miniature an exact portrait of the people at large. It should think, feel, reason and act like them.”¹

Most Americans realize that our federal Representatives are appallingly *unfaithful* to their constituents.² The Representatives’ unfaithfulness is a *direct result* of massively oversized congressional districts *for three reasons*. First, the cost of campaigning in huge electoral districts compels Representatives to be beholden to their financial backers – the Special Interests – rather than to their constituents.

Second, in order to be elected in huge heterogeneous districts, the candidates craft poll-tested positions which lead them to converge on similar centrist platforms (regardless of their party affiliation). As a result, huge electoral districts are an arena where *politicians* – skilled at ambiguity and evasiveness – usually prevail over those who would serve as honorable *statesmen*. The resulting lack of credible candidates causes a high level of disillusionment that discourages voter turnout; e.g., only 40% of eligible voters voted in the 2006 congressional elections nationwide!

Generic candidates and low voter turnout lead to the third cause of representational unfaithfulness: the candidates’ *pandering to the fringe*. Because an election can be determined by the tiniest margins, turnout by small fringe groups can be a critical deciding factor. In some congressional districts, for example, a candidate who takes a strong position in favor of defending our national borders may provoke enough opposition to lose a close election. In this environment, candidates willing to pander to the fringe will prevail over those who take principled positions.

Because of all the foregoing, the complex mosaic that is our national political map is forcibly homogenized into a dichotomy of *red* or *blue* districts in order to produce a federal legislature largely comprised of nearly indistinguishable *politicians*. In contrast, *community-sized* congressional districts of 50,000 would *not* tolerate equivocating candidates who are unwilling to state their positions clearly and unambiguously. These *community-*

¹ Thoughts on Government, 1776

² For example, according to a July 2007 Gallup poll only 33% believe that the Republican and Democrat parties do an “adequate job” of representing the American people

sized districts, which would be relatively homogeneous, will elect Representatives who *faithfully* represent their citizens' views regardless of whether they be red, blue, gold, green, pink, brown, or whatever. This will induce a profound change in that our federal representatives in the U.S. House will finally reflect the diversity of us, the American people. The critical importance of diverse and faithful representation was emphasized by Melancton Smith during New York's constitutional convention:

They [the Representatives] should be a true picture of the people, possess a knowledge of their circumstances and their wants, sympathize in all their distresses, and be disposed to seek their true interests. The knowledge necessary for the representative of a free people not only comprehends extensive political and commercial information, such as is acquired by men of refined education, who have leisure to attain to high degrees of improvement, but it should also comprehend that kind of acquaintance with the common concerns and occupations of the people, which men of the middling class of life are, in general, more competent to than those of a superior class.

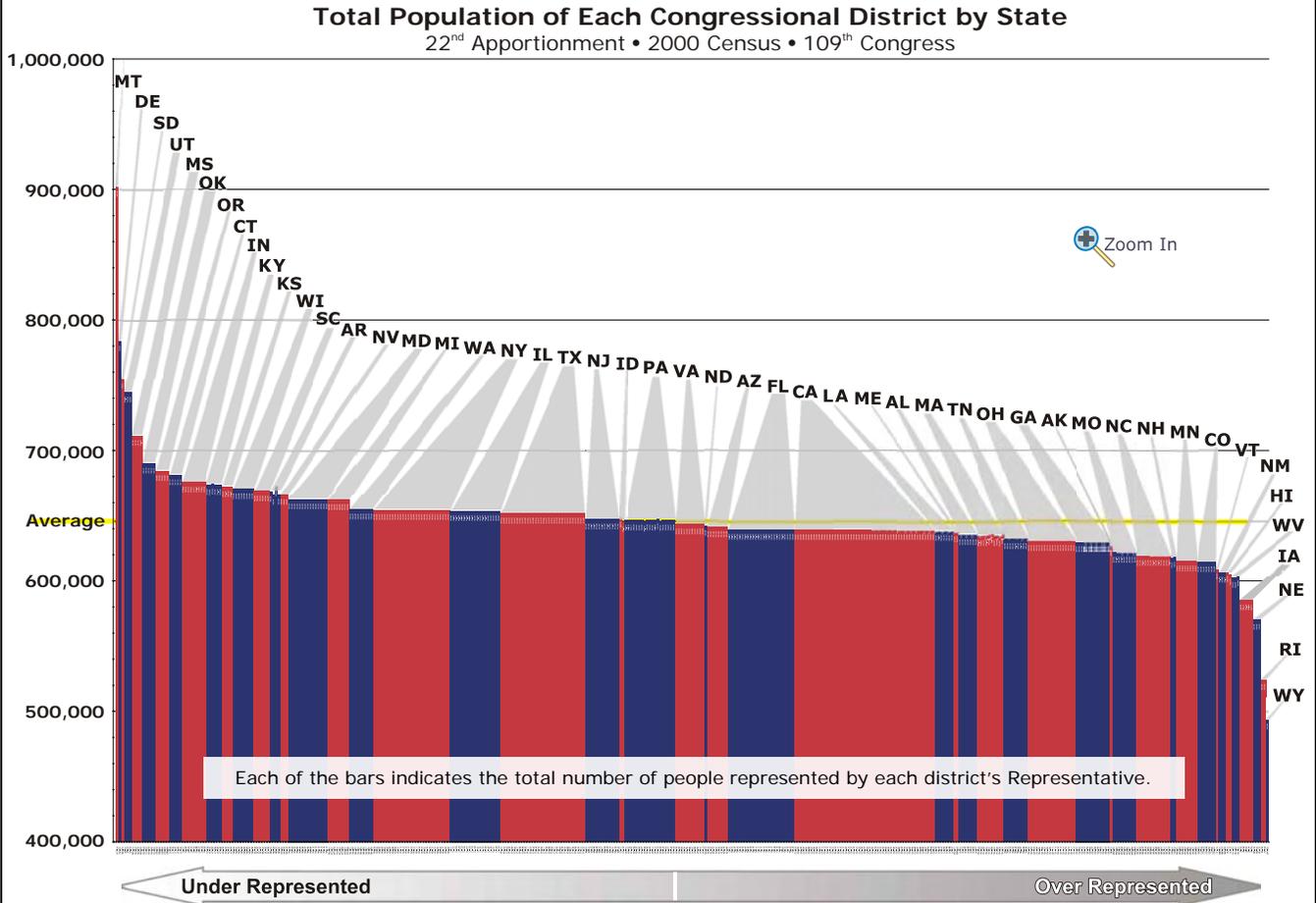
With an average population size of nearly *700,000*, our congressional districts embody a huge conglomeration of citizens with *diverse* interests and beliefs. In such districts, artful *politicians* – those who can skillfully state their positions without actually taking one – have a political advantage over principled *statesmen* who take unequivocal stands. This is obviously *not* because the electorate prefers unprincipled politicians; instead, it is the inevitable result of taking a “game theory” approach to winning elections in exceedingly heterogeneous congressional districts. Of course, a few districts *are* able to elect honorable representatives, but these are the exceptions; the rule is that we are generally governed *not* by the best from among us, but by the least principled.

Finally, achieving faithful representation requires the elimination of gerrymandering, a subterfuge which effectively disenfranchises many voters by predetermining which political party or candidate will win the election. History shows that it is *not* difficult to shape massively sized congressional districts into bizarrely shaped blobs that subsume various minority interests in order to subvert true representation. Consider how difficult (if not impossible) it would be to similarly gerrymander a district of only *50,000* inhabitants. A street or a small neighborhood may be excluded from a particular district but, even so, those citizens would be just as well represented in the adjacent district!

[9] Achieving One Person, One Vote

As defined by the Supreme Court, the constitutional principle of “One Person, One Vote” requires that “as nearly as practicable one man’s vote in a congressional election is to be worth as much as another’s” (*Wesberry v. Sanders*). As a result, each state creates congressional districts whose population sizes are as equal as possible. For example, based on the 2000 population census, New York established 29 congressional districts which contain either 654,360 or 654,361 people; a discrepancy of only a *single person!* Despite this strict compliance within every state, the *one person one vote* requirement is being egregiously violated nationwide.

This nationwide disparity in district sizes is illustrated in the chart below. Each of the bars indicates the total number of people represented by each district’s Representative under the current apportionment of 435 districts. The congressional districts are grouped *by state* and arranged, left to right, from the largest (Montana) to the smallest (Wyoming). If the appor-



This chart is from a forthcoming set of reports on apportionment to be provided here:
<http://www.thirty-thousand.org/pages/QHA-05.htm>

tionment complied with *one person one vote*, then all the districts would be identically sized nationwide, but that is *not* the case. Instead, the citizens in the states with the smaller districts enjoy *more political power per capita* than do the citizens of those states with larger districts. Moreover, the magnitudes of these disparities are quite significant. In the extreme, Montana's congressional district has 400,000 more people than Wyoming's and, consequently, the weight of a Wyomingite's vote is 83% greater than that of a Montanan's! Simply stated, that means it takes 183 voters in Montana to equal 100 voters in Wyoming. Therefore, with respect to political power, a citizen of Montana is worth 54% of a citizen of Wyoming. As it turns out, significant disparities exist not just between these two states, but among a majority of the fifty states.¹

There is no justification for allowing this egregious violation of *one person one vote*. In fact, the Supreme Court declared "*Diluting the weight of votes because of place of residence impairs basic constitutional rights under the Fourteenth Amendment just as much as invidious discriminations based upon factors such as race.*"²

As it turns out, those inequitable disparities in district sizes are a direct result of having too few congressional districts. Returning to the current apportionment illustrated in the chart above, note that the district sizes range from Montana's single district of 905,316 to Wyoming's single district of 495,304, with all the other district sizes ranging in between those two extremes. If the number of districts apportioned had been 6,000 (instead of 435) then the largest district population would be 45,027 (for Wyoming's 11 districts) and the smallest would be 48,379 (for Alaska's 13 districts). As a result, increasing the number of districts from 435 to 6,000 reduces the maximum discrepancy (between the largest and smallest districts) from 83% to 8%. The resulting decrease in the disparity among *all* of the districts' sizes is just as substantial.³

Increasing the number of congressional districts will not only eliminate numerous problems that result from massively oversized electoral districts, but it will also guarantee an equitable apportionment by substantially eliminating the unconstitutional discrepancies in district sizes nationwide.

¹ Of the 1,225 possible comparisons among the 50 states, 678 have discrepancies greater than 5%, 369 greater than 10%, and 157 greater than 20%.

² Reynolds v. Sims, 377 U.S. 566

³ The dispersion in the district sizes as measured by their *coefficient of variation* decreases by 90% (from 0.04415 for 435 districts to 0.00422 for 6,000 districts).

[10]
Citizen Legislators

“It is the duty of the patriot to protect his country from his government.”
Thomas Paine

If we increased the number of federal Representatives from 435 to 6,000, how would they fit into one building? The answer: They don't. As Winston Churchill said, “We shape our buildings, and afterwards our buildings shape us.” It is no longer necessary, or even advantageous, to require all federal Representatives to commute weekly to a single distant location. Current technology makes available other means – which would have been unimaginable at the time of the drafting of the Constitution – for virtually assembling and voting on bills.

Consider how the world looked when the Constitution was drafted in 1787. Mail delivery was especially slow and unreliable prior to the establishment of the federal post office. New technologies such as engine-powered railroad travel and the telegraph were decades away from being conceived. Consequently, when the Constitution was ratified, people had to assemble at one location in order to actually communicate and collaborate. The only way to do that was to travel over great distances on foot or by horse.

It is no longer necessary, or even advantageous, to require that all Representatives convene at a single location. Nor is it explicitly required by the Constitution for the purpose of debating and voting on legislation. In fact, anyone who has been to the House chamber (or watched CSPAN) knows that the Representatives rarely “convene” as a body anymore except for ceremonial events. The notion of a true assembly of the House, with debate and deliberation, was largely abandoned generations ago. Today, when votes are taken, the Representatives are usually pulled in just long enough to cast their vote before returning to their other activities (primarily campaigning and fundraising). Most of the actual work of Congress is performed in various committees; that practice would continue in a 6000-member House. However, in a House with 6,000 Representatives, it seems likely that less than 10% of them would be serving in committees; therefore, the remainder could spend most of their time in their home districts, among their constituents, rather than in distant Washington D.C.

If this were implemented, Representatives would work out of offices in their home districts and be expected to devote their time to *reading* proposed legislation and regularly *meeting* with their constituents *in person*.

In this capacity, the Representatives would be able to function as true *citizen legislators* with a primary focus on *protecting their constituents from the federal government!* Just as importantly, consider the tremendous civic value of having the Representatives living among the citizenry, proactively educating us about pending legislation and other federal matters that may affect us. As a consequence of this, imagine how much more involved the average citizen would become in the oversight of our federal government! This would enable us to realize the vision of a truly *representative* House as described in “Federalist 49”:

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. The nature of their public trust implies a personal influence among the people, and that they are more immediately the confidential guardians of the rights and liberties of the people.

That vision put forth by our Founders is in stark contrast to the strangely alienated relationship we have today with our Representatives. Though it is reasonable to expect that we should be able to personally communicate with our Representative with regard to pertinent constituent concerns, we have come to accept that such a privilege is generally reserved for those who are personal friends of, or major contributors to, the Representative. In fact, our Representatives are barely known in the communities they are supposed to be representing. Instead, Washington D.C. is the community where they live.

If the Representatives worked from their home districts then, on those occasions when it is necessary for the full House to convene, they need *not* be required to assemble in a single location. Instead, consider the possibility of establishing several *federal cities* around the country, each with their own capitol building and all interconnected via video conferencing. These are *not* regional capitols; instead, they are simply decentralized extensions of the existing House of Representatives. Geographically decentralizing the federal House could produce additional benefits beyond those associated with having our Representatives living among their constituents.¹

¹ Implementing geographically distributed governance would greatly reduce the value of Washington as a strategic military target for our nation's enemies. As September 11, 2001, reminded us, decapitation of the federal government is a very real risk as all three branches of government are concentrated in one small area. As an extension of the concept of distributed governance, it can also be imagined that some of the federal departments and agencies could be disaggregated and relocated from D.C. to other federal cities. As an example, why couldn't the *Department of Agriculture* be relocated to a Midwestern federal city?

Conclusion: Restoring Citizen Control of our Government

This pamphlet explains how establishing *community-sized* congressional districts (by significantly increasing the number of Representatives) returns control of our House of Representatives to the citizenry, to *we the people*. More specifically, a significant increase in the number of federal representatives would end incumbent domination of reelections, diminish lobbyists' influence, overcome political-party control of our government, maximize individual liberty, and reduce the size of government.

Though Congress could enlarge the number of representatives at any time, it is exceedingly unlikely that the Representatives would voluntarily subdivide their powerful fiefdoms to the extent necessary. This very problem was anticipated during several of the states' ratification conventions in 1787 and 1788. For example, Melancton Smith, a member of the New York's ratification convention, observed that:

To me it appears clear, that the relative weight of influence of the different states will be the same, with the number of representatives at sixty-five as at six hundred, and that of the individual members greater; for each member's share of power will decrease as the number of the House of Representatives increases. If, therefore, this maxim be true, that men are unwilling to relinquish powers which they once possess, we are not to expect the House of Representatives will be inclined to enlarge the numbers. The same motive will operate to influence the President and Senate to oppose the increase of the number of representatives; for, in proportion as the House of Representatives is augmented, they will feel their own power diminished. It is, therefore, of the highest importance that a suitable number of representatives should be established by the Constitution.

Recognizing the adverse consequences of this omission in the Constitution, New York, along with several other states, demanded a solution in the form of an amendment to the Constitution. In the House of Representatives on June 8, 1789, James Madison offered a list of amendments to the Constitution that he had drawn from the many amendments proposed by the state conventions. The second proposal on his long list was to limit the population size of congressional districts. Madison's proposal evolved (as it was subsequently debated in the House) until it took the form passed by the House on August 24, 1789 (see page 6). That amendment was expected to establish a *maximum* district size of 50,000. However, in the waning hours

of the First Congress, a subtle corruption of its wording rendered the proposed amendment inconsequential. As a result, this would-be first amendment has been all but lost to history. This loss put our nation squarely on a path towards oligarchy if not tyranny.

The gradual transformation from community-sized congressional districts to massively sized ones has effectively nullified our representative democracy by shifting political power away from the citizenry to a collection of powerful Special Interests. The only way to restore control of the House of Representatives to the people is by increasing the number of Representatives in order to significantly reduce the district sizes.¹

If faced with enough pressure from the public, perhaps Congress would grant us a few additional Representatives, but the effects of that would be insignificant. Therefore, it will be necessary to *compel* Congress to increase the number of Representatives to the extent necessary, and to continue to adjust the total number every ten years in order to maintain proportionality with the total population. Unfortunately, the only way to compel Congress to do this would be with a constitutional amendment. Ideally, such an amendment would be identical to that proposed by the House in August of 1789. Establishing a maximum congressional district size of 50,000 would protect our individual liberties by ensuring that the government is truly subject to the *consent of the governed* rather than the current situation in which we, the people, are the *subjects* of the federal government.

Thomas Jefferson observed that: “Every generation needs a new revolution.” Now is the time for a political revolution to restore representative democracy in America! If we, the citizens of this great nation, fail to reassert control over our House of Representatives, then we will likely be the last generation to live under some semblance of freedom and liberty. America can be kept strong and vibrant only if our federal legislature is as dynamic and industrious as the American people. The revolution that every generation needs should be waged continuously, and constitutionally, within the chambers of our Congress. If we permit a stagnant and corrupt Congress to persist, then we will become known as the indolent generation that allowed the light of liberty to be extinguished. Only through representational enlargement can we evade this dreadful fate and reinvigorate the *American exceptionalism* that has blessed our great nation.

¹ This solution begs this question: *what about the Senators?* Because they are elected from massive *state-wide* districts, all of the problems resulting from oversized electoral districts are greatly exacerbated for the Senators. The solution is to repeal the 17th Amendment and thereby return to the method required by the Constitution: *that the Senators be chosen by each state's legislature*. Restoring this process would enable us to take ownership of the Senators away from the special and out-of-state interests in order to restore their allegiance to his or her state.