

The Apportionment Bill,

SPEECH
OF
HON. OTTO G. FOELKER,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,
Thursday, February 9, 1911,

On the Bill (H.R. 30566) for the reapportionment of Representatives in the Congress among the several States under the Thirteenth Decennial Census

Mr. FOELKER said:

Mr. SPEAKER: I know of no more important subject of legislation that will occupy the attention of the last few days of the Sixty-first Congress than the bill at present under discussion. What we decide upon now will not only decide the size of the House of Representatives for the next 10 years, but will establish a precedent for the future, the ultimate importance of which can not be estimated. The question simplifies itself into two considerations, whether we shall keep the membership of the House from growing any larger or whether we shall increase it so that no State shall lose any of its members, regardless of the right and justice of such a loss, and so say to the future that whenever a new apportionment shall be made it shall be estimated, not upon the legitimate growth of each State, but always with the idea that representation shall be based that, no matter how much a State may lose in population in comparison with other States, they shall never lose any part of their quota of Representatives. A most dangerous precedent, Mr. Speaker, subversive of every principle of representative government, and to my mind so full of real peril to our form of government that it should be most emphatically opposed.

Is there any doubt in the minds of the Members of this Congress that the House is an unwieldy body? I believe that we all recognize this fact. If we are to keep up the present method of reapportionment, will it not be a still more unwieldy body? As a matter of fact, it should never have been allowed to increase to more than 300 Members. It has ceased already to be a deliberative body. At times when I see this magnificent body of men, picked from the citizenship of this great country to represent all that is best in America ideals, with a large majority willing and anxious to pass legislation that the people need and demand and yet absolutely helpless to do anything because some small committee opposes, it seems to me that already we are suffering from that peculiar weakness known as "giantism," which makes the 7-foot giant in the circus so weak in the knees and unfits him for anything else than to be looked at by an awe-struck and admiring public.

The events of the last few years in Congress have sufficiently proven that the people resent and dislike the control of this large body of men by the small numbers that make up its committees, and with every increase in membership this condition will grow worse instead of better, until at last, instead of being a House of Representatives, a deliberative body, making the laws of the country and passing upon the important business of the Commonwealth, it will be simply, absolutely—what it is now partially—a body of automata, nodding their heads in helpless assent at the motion of the chairman of a committee or the bang of the Speaker's gavel.

Mr. Speaker, there is another item which I should think, in these days when we hear so much of economy in the public departments, that should be considered, and that is the cost of adding 42 Members to the House of Representatives. Do you realize that, with salaries, estimated mileage, clerk hire, stationary account, and franking privileges, the total additional cost is over a half a million estimated most moderately? In fact, I believe that the amount would

more nearly figure up to a million dollars annually of cost to the country if everything were considered.

And there is an aspect to the question, Mr. Speaker, which should also be considered, and that is that far from any section at present having too few Members, everyone who believes in absolute justice to all parts of the country is forced to admit that there is more than one State in the Union that has to-day more Representatives than they are entitled to by any law of justice or any fair method of estimating the proper number of Representatives to a district. On December 16, 1910, I introduced a joint resolution proposing an amendment to the Constitution of the United States, which reads as follows:

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following section is proposed as amended to subdivision 3 of section 2 of Article I of the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid and binding to all intents and purposes as a part of the Constitution:

“3. The number of Representatives shall not exceed 400, and each State shall have at least 1 Representative. With the certificate or return of elections of each Representative shall also be returned a statement of the number of votes cast for all candidates for Representatives in Congress in such district; and the Representatives so certified or returned as elected shall, upon every matter every coming before the House of Representatives, have 1 vote for each 10,000 votes so certified as voting for a Representative in Congress in such district.

“Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, as the same shall appear by the actual enumeration thereof to be made the tenth year of each decade, such apportionment to be made by the Congress at the first session of that body following each enumeration, or if such apportionment shall fall for any reason at the first session following the enumeration, then as soon thereafter as Congress shall agree upon such apportionment.

Whether the remedy I proposed I that resolution was the best one I will not venture to say, but that a remedy is needed for an iniquitous condition can not, I think, be gainsaid, because, as the representation is apportioned even now, many Members are elected by so small a proportion of the population of their district that to call them representatives is more humorous than truthful. I had hoped that there would have been sufficient discussion of this resolution quoted that if the plan proposed had not been practical at least some other plan would have been devised whereby all of the people would be directly represented, while at the same time this body would have been made more compact, more capable of acting as a deliberative body, and less subject to the dominating influence of individual leaders for the control of small committees.

Much as I regret, therefore, Mr. Speaker, to differ with many members of the House, I am compelled to cast my vote against the proposed increase of membership