

## The Root Cause of Ills in the U.S. House

By Scott Scharpen  
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*Previous attempts at reforming the United States Congress have aimed at symptoms and not their root cause – enormous district sizes and the related difficulty of faithfully representing the American people with a limited number of representatives.*

A lawsuit filed in September 2009 in U.S. District Court ([Clemons v. Department of Commerce](#)) by five plaintiffs aims to address the root cause of Congress' ills by restoring voter equality and appropriate representation in the U.S. House of Representatives. The lawsuit's legal basis is simple – unconstitutionally large differences between federal congressional districts create significant inequity in voting power for many Americans. Isn't it amazing that in a society that declares "all men are created equal" and "all have equal protection," that one person's vote may only count for 55% of another person's vote? Shocking, but true. The voice of some citizens in this country is less than 3/5<sup>th</sup> as much as others due to congressional districts that have been inequitably formed with over 900,000 people in one and approximately 500,000 people in another. In addition, the largest districts now have nearly 1,000,000 inhabitants. How can a "representative" effectively represent the interests of a million people? In our country's infancy, George Washington and James Madison anticipated this problem and stated that each district needed to be small enough to ensure real representation. So why has the land of the free become a place where some have more voting power than others?

In principle, this type of voter inequality has been repeatedly declared unconstitutional by the U.S. Supreme Court in cases specifically involving unequal districts within a state. In fact, the Court has ruled that the differences in population of districts within a state must be less than 1%, consistent with the principle known as "one-person, one-vote." Why, then, does our nation still have districts with disparities as much as 83%? It seems incomprehensible to have such voter inequality in any country, let alone the United States of America. But it's true. This gross imbalance in representation is a symptom caused by a problem created over 80 years ago when Congress fixed the size of the House at 435 members with the Reapportionment Act of 1929. If the source of this injustice were either racial or economic, it's almost certain that this problem would have been properly identified and resolved long ago. Yet because this injustice thrust on some Americans is based on impersonal geography – where they live – the problem remains.

Given our current structure of government as defined in our Constitution, the only way to create the voter equity that the Constitution demands, and all Americans deserve, is to create smaller congressional districts by increasing the size of the House of Representatives.

One may think, "What? You want more politicians in Washington? How can more of a bad thing be good for our country?" It's no surprise that many people's initial reaction is to reject the idea of increasing House membership. This skepticism is fair given Congress' poor performance and consistently low approval ratings. There are, however, compelling reasons to take a detailed look at the legislative change this lawsuit might create.

Our small and frozen House size has produced a long list of liberty-strangling symptoms. In addition to the inequitable voting power mentioned above, other symptoms include: concentrated power in the hands of too few legislators, excessive government spending, poorly-performing career politicians, inordinate special interest influence, out-of-touch congressmen who spend over half their time fundraising or campaigning, and voter apathy.

The list of potential solutions is perhaps equally long, but unfortunately, many "solutions" address a specific symptom rather than the root cause. Various "solutions" include term limits, gerrymandering/redistricting reform,

a balanced budget constitutional amendment, lobby reform, and campaign finance reform. The last few decades of Congress' unsuccessful attempts at reform evidence the need for a more profound solution to improve federal government.

While it is easy to blame politicians for the problems of government, the systems and processes that drive behavior of House members in the direction of self-interest rather than the public interest is a natural *effect* of the real root *cause* - its *structure*. Creating smaller district sizes by expanding U.S. House membership is a viable solution that helps restore the framers' intent of effective representation in the lower legislative chamber.

In addition to restoring voter equity, how would expanding the House address Congress' ills? If the U.S. House quadrupled its current membership from 435 reps today to 1,760 reps (this scenario is referred to as "Plan A" in the lawsuit, which moves the voter inequity from over 60% to less than 10%), we could expect the following outcomes:

- 1) INCREASED accountability – as district sizes become smaller, each voter's influence on their representative increases. Whereas the average district size today is over 700,000 people per representative, a House size of 1,760 would shrink the average district size to approximately 175,000 (using 2009 population numbers from the United States census website). For any particular piece of legislation, the vote of the U.S. House is more likely to accurately reflect the voice of the people. The will of the people is the wellspring from which all public policy should flow, and a more "representative" U.S. House would serve as a superior check and balance against "government by decree" or other strong-arming by the executive branch. The health care bills squeezing through the legislative chambers in 2009, though highly unpopular, serve as an example of party politics and party loyalty trumping the collective will of the people.
- 2) DECREASED government spending – this seems counter-intuitive, but the data strongly support significant *reductions* in aggregate spending as the House grows in membership (see the [Chen/Malhotra paper](#) from the November 2007 issue of the *American Political Science Review*). If you think about it from a pork/earmark perspective, as the number of House representatives increase, it's more difficult to justify spending in one district at the expense of everyone else. In essence, vote buying becomes less practical. Finally, the low incremental cost to pay for more representatives (currently a fraction of 1% of the federal budget) pales in comparison to the potential savings through decreased spending (the other 99% of the budget).
- 3) INCREASED competition – the principles of free markets tell us that when competition is present, we get increased quality at a lower cost. With a House of 1,760 members, the supply will increase by over 300% while the demand remains the same. The example of the New Hampshire state house (consisting of 400 members for a population of less than 1.5 million) shows that competition produces a much higher turnover rate (over 30%) each election cycle. In dramatic contrast, California's embarrassing lack of competition (the state assembly has only 80 members for a population of over 36 million) has produced a 100% incumbent success rate for the past 4 election cycles, even though the state is being driven into bankruptcy. In effect, competition creates market-driven term limits when needed, rather than legislatively-forced term limits that are advocated by so many. With appropriate competition, long tenure will depend on strong performance rather than who holds the most power and money.
- 4) INCREASED voter turnout – data support that the smaller the district sizes, the greater percentage of voters turn out for the election (see the [Quidam Voter Turnout paper](#) from October 2009). Common sense also tells us that the more a citizen feels that their vote matters, the more likely they are to cast it.
- 5) DECREASED cost of running for office – the average winning campaign for a U.S. House seat in 2008 was approximately \$1.5 million. This enormous financial barrier to entry prevents 'average' citizens from entering national politics, and gives incumbents a great advantage. If the average district size were

reduced by 75%, the cost to win a House seat would also be cut by 75%. Also, we would see special interest money playing a much smaller role in the outcome of elections (for example, television media – a big driver of campaign costs – would nearly disappear due to the small percentage of TV viewers voting in a specific House race). For current House members running for re-election, smaller fundraising requirements would allow them to spend a lot less time “dialing for dollars,” and more time devoted to serving their constituents (e.g., actually reading the bills up for a vote).

- 6) DECREASED scope of individual representatives – the problem with the current model is that power is too concentrated, making individual representatives much too influential in the legislative process. Diminishing their individual scope and influence by over 75% should reduce the need for continual media appearances and campaigning, and re-focus their efforts on serving constituents as citizen-legislators. It should also reduce to a more appropriate level the necessary requirements of fundraising and listening to corporate and other special interests.
- 7) INCREASED freedom – a strong relationship exists between district size and freedom. At the state level, the smaller the average district size, the higher that state scores on various freedom indices (see the [Quidam Freedom Indices article](#) from October 2009). Smaller district sizes lead to less government.
- 8) DECREASED propensity for gerrymandering – With 300% more districts, the concept of creating an oddball-shaped gerrymandered district makes much less sense and yields a fraction of the value as compared to today’s model.
- 9) INCREASED cost of lobbying – it’s much cheaper and easier to lobby 435 people than nearly 1,800. More representatives may equate to less influence of lobbyists and more protection for the American people.

Equal and appropriate representation is not a new idea. Rather, it is a core tenet that existed at the founding of our country. The Framers believed that the structure of government was critical to maintain liberty. Creating smaller district sizes, which requires an increase in the size of the U.S. House, will restore the structure of the branch of government whose sole purpose is to faithfully represent the people. While tea parties, protests, town hall meetings and letters to your congressman are helpful tools, in fact, the single greatest power we possess is to VOTE our fellow citizens into office to serve us in an institution “of the people, by the people and for the people.” The weight of each vote, therefore, must be both equal and effective. We have a chance to take a bold step by giving the power of our government back into the hands of the owners – the American citizens! Please join us in this historic fight for freedom.

*Scott Scharpen is founder and president of Apportionment.US, the non-profit organization coordinating the lawsuit mentioned in the article. For more information, visit their website at [www.apportionment.us](http://www.apportionment.us).*