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Opinion The House was supposed to grow with population. It didn't. Let's fix that.



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What if we increased the size of the House?

Given that most of us are pretty frustrated with Congress, this might sound crazy. But growing the House of Representatives is the key to unlocking our present paralysis and leaning into some serious democracy renovation.

I am using my Post column this year to explore why we are pulling apart as a people and how we can change that dynamic and come together. <u>In January</u>, I wrote about our desperate need to renovate our democracy. It has endured for more than two centuries, serving us well in some ways and very imperfectly in others. We are still completing a critical transition to broad power-sharing across communities and among citizens of all backgrounds. Our institutions weren't originally built for this — and we have been cobbling on additions and extensions decade after decade.

Now, the pace of change has accelerated, and all of our deferred maintenance is catching up with us. We need a plan for functional institutions of self-government in 21st-century conditions. We all know it, but we're stuck. There's so much work to do. Where to begin?

I propose we start with the first branch of government — the branch of the federal government that was designed by the framers to be closest to we the people.

How to renovate American democracy

Contributing columnist Danielle Allen, a political theorist at Harvard University, is calling for a democracy renovation. She says it's time to update the old house we all share to 21st-century standards. Her new series explains how to do it. \leftarrow

As originally conceived, the House was supposed to grow with every decennial census. James Madison even included in the Bill of Rights an amendment laying out a formula forcing the House to grow from 65 to 200 members, then allowing it to expand beyond that. (His proposal actually stands as an open-ended amendment still available for state ratification, but the math it uses wouldn't work for the country's 21st-century scale.)

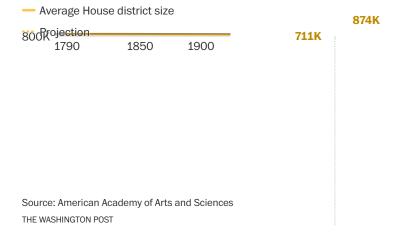
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George Washington <u>spoke just once at the Constitutional Convention</u> — and on its final day — to endorse an amendment lowering the ratio of constituents to members to 30,000. The expectation was that good, responsive representation required allowing representatives to meaningfully know their constituents, constituents to know and reach their representatives, and Congress to get its business done.

Today, House members represent roughly 762,000 people each. That number is on track to reach 1 million by mid-century.

Average population in each congressional district

In 1790, each congressional district had 34,000 residents on average. Now, each district has over 20 times more people.



The number has gotten so high because the 1929 Permanent Apportionment Act has as a de facto matter capped the size of the House. The bill set the decennial reapportionment of the House on autopilot. It assigned the Census Bureau the job of reporting a new 435-seat apportionment plan for the House to the president following each decennial census. The president in turn simply reports the new apportionment to Congress. Congress can change this number if it wants to, but it has not wanted to for nearly a century now.

As a result, we are the only Organization for Economic Cooperation and Development democracy that <u>hasn't continuously adjusted</u> the size of its legislative assembly over the past century. It also gives us the highest representation ratio of any OECD country by a long measure. Both the German Bundestag and the British Parliament are larger than our House of Representatives, even though their populations are roughly one-quarter or one-fifth of ours.

In other countries, the size of lower houses has changed over time

The number of representatives in the lower house has changed in various Western democracies — but not in the United States.

Number of representatives		Claime States m
700 1945	1980	

Source: Cory Struthers, Yuhui Li and Matthew Shugart, "National and District Level Party Systems Datasets," Harvard Dataverse, V2 (2018) THE WASHINGTON POST

Why, exactly, was the House supposed to grow?

The Federalist Papers, a set of essays written to advocate for the new Constitution, explain its features via a set of key design principles: "energy," "republican safety," "due dependence on the people" and a need to fuse the principle of popular sovereignty with a union of states. A growing House of Representatives was meant to advance all these principles.

The goal of "energy" meant the government needed to be able to get things done. But citizens also needed to be protected in their liberties despite the energies of the government. That's the ideal of "republican safety." The principle of "due dependence on the people" meant officeholders should take their cues from voters, not donors, special interests or party activists. The principle of popular sovereignty pointed toward a governmental frame that would flex and adjust with the ever-changing shape of the people. The principle of an association of states was meant to provide a stable foundation for the whole enterprise.

The House was supposed to provide the necessary elasticity, turning over every two years and continuously growing; the Senate was to be a steady rudder, with only a third of its members potentially rotating out in any election cycle.

This starter set of design principles for constitutional democracy was expanded, with the post-Civil War amendments and civil-rightsera legislation and jurisprudence, to include equal protection and universal inclusion.

Taken as a full set, these principles — the originals plus the 19th- and 20th-century additions — are a good starting point for designing the institutions of self-government for free and equal citizens. And a bigger House is the renovation we need now to achieve alignment with all of them.

Why this one renovation above all others? Four reasons:

For starters, with today's high ratio of residents to lawmakers, representatives are too removed from their constituents. Constituent services are strained. Smaller districts would mean better responsiveness, which would align with the principle of popular sovereignty.

Relatedly, Congress has a much larger budget to track and manage, and many more agencies to review, than it did a century ago. More House members would make for more effective legislative oversight of the executive branch. That aligns with the principle of republican safety.

Third, the smaller the district, the less expensive the campaign, and the less politicians will be dependent on donors, instead of the people, as the principle of due dependence requires.

Fourth, a bigger House with smaller districts would enhance equal protection and inclusivity. More seats would mean more shots; smaller districts would give candidates from minority groups and nontraditional backgrounds a more feasible path to electoral victory.

But what about the issue of energy? Wouldn't a bigger House make it harder to get things done? Here, the most important point is that the principle of inclusion requires us to learn how to operate on a larger scale than we have in the past.

Let's spend a bit of time on this one.

Over the past five years, I've chaired three large task forces, including one on civic education, as well as the American Academy of Arts and Sciences' commission on the future of democracy that motivates these columns. Each had a minimum of three co-chairs. We used this triumvirate structure to get a diversity of perspective into the leadership. We also built bigger task forces than in a past era, again to optimize for inclusion of the full range of relevant viewpoints. We operated a committee of 40 where the number would have been set at 20 in another era.

As we shifted to these scaled-up forms of operation, we introduced new tools. They included digital discovery tools such as instant polls and word clouds to bring a range of viewpoints to the surface, breakout groups and structured deliberations to make progress on specific questions, and rapid prioritization exercises with sticky notes on wall boards.

These are small examples, but the point is that a host of new practices and tools are being developed as people learn how to carry out the work of deliberation in larger and more diverse committees. In 1929, people might have thought it wasn't possible to do good work with an assembly of more than 435 people. But now, nearly 100 years later, much more is possible.

Yes, a bigger House would have to be an innovative House. But energy could be achieved, even with significant growth.

In contrast, our current cap of 435 means our national legislature no longer adjusts and shifts in meaningful ways with population changes. Lack of proximity to representatives leaves constituents in an information vacuum about officeholders, easily filled by polarizing national narratives and misinformation. The ever-growing size of districts reinforces the power of incumbency and money. We have rigidified ourselves to a breaking point.

This year, two representatives have filed bills to enlarge the House. Rep. Earl Blumenauer (D-Ore.) has filed the <u>Restoring Equal and Accountable Legislators in the House Act</u>. And Rep. Sean Casten (D-Ill.) has filed the <u>Equal Voices Act</u>. Let's take their proposals seriously.

We need the dynamism, flexibility and elasticity. By fixing the House, we can break gridlock — and then we can start to fix other things. Bigger is better.