

# THE CONGRESS PROJECT

## *Assignment Prompt Sheet*

### The Reapportionment Act of 1929

#### Overview

**Act Titles:** The Census and Reapportionment Act of 1929; The Reapportionment Act of 1929; The Permanent Apportionment Act of 1929

**Congress:** 71<sup>st</sup> Congress (1929-1931)

**Session/Sessions:** 1

**Statute No:** 46 Stat. 21, Chap: 28

**Public Law No:** 76 PL 13

**Eid:** 710013

**Gid:**

**Bill:** S 312

**Sponsor:** Sen. Wesley Jones (R-WA)

**House Committees:** Census

**Senate Committees:** Commerce

**Companion Bill:** HR 2763

**Related Bills:** None

**House Rules:** Hres 49

**Past Bills:** 66 HR 14498; 67 HR 7882; 69 HR 111; 69 HR 17378; 70 Hres 207; 70 HR 11725

**Introduced Date- Law Date:** April 22, 1929- June 18, 1929

**House Floor Days:** 2

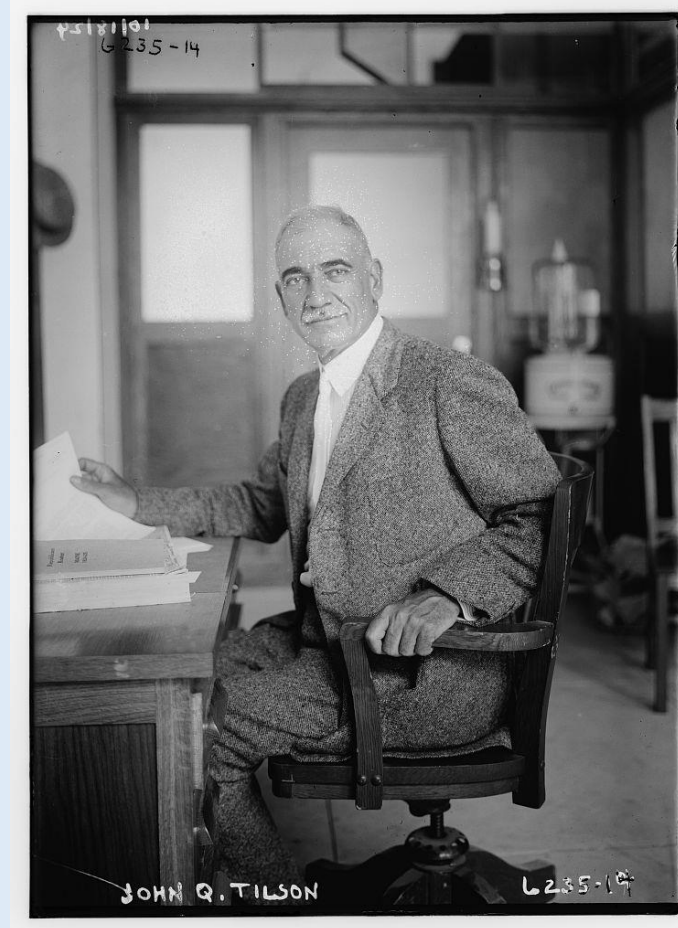
**Senate Floor Days:** 7

**Roll Call Votes:** 14 (11 in the Senate; 3 in the House)

**Issues:** campaigns; congress

**Procedures:** failure; amendments; successful motion to recommit; failed conference report; failed motion to proceed

**Last Updated:** 3/12/24



(Above) Rep. John Q. Tilson (R-CT), who served as House Majority Leader for six years. Sweeting (1956, 435) argued that the Reapportionment Act of 1929 and “the parliamentary maneuvering that carried it through, were the work of one man, John Q. Tilson.” After House Speaker Nicholas Longworth died in 1931, Tilson narrowly lost the race to be the Republican nominee to replace him (to Rep. Bertrand Snell (R-NY)). He would resign his House seat shortly afterwards. See e.g. “John Q. Tilson, 92, GOP Legislator, Majority Leader of the House, ‘25-31, Dies.” *New York Times*, August 15, 1958.

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## Legislative History Comments

The Census and Reapportionment Act of 1929 (71 PL 13) “[l]imited membership of the House of Representatives to 435, a number established after the 1910 census (Stathis 2014, 234).” The 1910 census was the last time Congress apportioned representation in the chamber ([Boeckel 1927](#).)” Along with the Apportionment Act of 1941, the measure is “one of two key statutes affecting apportionment today ([CRS 2021](#)).” The measure also placed responsibility of seat allocation with the executive branch ([Skelley 2021](#)). Clinton and Lapinski (2008) list it as the 20<sup>th</sup> most impactful law of the 71<sup>st</sup> Congress (1929-1931).

Also referred to as the Permanent Apportionment Act of 1929, the measure has occasionally attracted public attention amidst calls to expand the size of the House. For example, the *New York Times* ([2018](#)) called for expanding the size of the chamber, arguing that America was “still operating with a House of Representatives built for the start of the 20<sup>th</sup>.” Writing for the *Washington Post*, Danielle Allen argued that “growing the House of Representatives is the key to unlocking our present paralysis and leaning into some serious democracy renovation ([Washington Post 2023](#)).” And others have argued that “an increase in the size of the House is necessary to relieve the growing malapportionment under the fixed size of 435, the minimum representation requirement and the mathematical formula used for reapportionment ([Bartlett 2014](#)).”

Given the reticence of many members of having their states lose a seat, Congress was unable to apportion seats after the 1920 census. Accordingly, passage of this measure is also difficult and controversial. The measure failed in the 70<sup>th</sup> Congress, and the first three process sections below cover that bill. It was eventually enacted after President Hebert Hoover (R-CA) called a special session at the beginning of the 71<sup>st</sup> Congress.

The Senate bill passed the [57-26](#) on May 29, 1929 after a number of floor amendments. Pick a couple of those that interest you and focus on them. The House considered it under an open rule, eventually adopting by [a vote of 272-104](#). But the House did reject the initial conference report when it adopted a motion to recommit with instructions [160-136](#). A second compromise was eventually reached and the measure passed both chambers. The roll calls suggest this measure wasn’t ideological, which makes sense given the local impact of apportionment.

A rejected conference report is odd, as are failed motions to proceed, successful motions to recommit and this level of recorded voting on floor amendments. So please don’t hesitate to contact me with process questions and concerns! This should be a fun piece of legislation.

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## Assignments

For the sections below, you're going to want to answer the questions and write-up the process sections that correspond to your assigned number. Here they are:

#1. Open

#2. Open

#3. Open

#4. Open

## Background Questions

1. Discuss the broader political context this bill was considered in. Who controlled the House? The Senate? By how many? Who was President? Was this part of the President's agenda? What other pieces of legislation were being considered/passed in this Congress?

The Stathis (2014) piece might worth a citation here.

2. What does this act actually do? Who was pushing for it? Was it significantly altered during consideration? What were the problems it was trying to rectify?
3. What motivated consideration of this legislation in this specific Congress? Was it in response to a specific event? Or was this a slower build over time? What happened in previous congresses regarding this? Had Congress considered comparable legislation?

Discuss the history of census and apportionment bills here. Why were they so difficult to enact?

4. What did existing federal policy look like in this specific issue area? Why did reformers feel it needed to be changed? What were the two parties' attitudes on this issue? Was this a partisan issue?

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## Process Sections

Please write-up the sections that correspond to your number. Feel free to incorporate any notes I might have dumped in the margins. Please note: the first three sections below correspond to the failed attempts to pass the measure in the 70<sup>th</sup> Congress.

### *#1. Initial House Consideration of HR 11725 (May 17-18, 1928)*

HR 11725 was introduced by Rep. E. Hart Fenn (R-CT). Prior to considering HR 11725 on the House floor, the chamber took up Hres 207, which provided for consideration of the bill under an open rule.

In support of the rule and the bill, Rep. Earl Michener (R-MI) asserted that “Congress must eventually meet the issue as to whether or not the size of the House is to be increased every 10 years and I doubt there are those present who would advocate a continuous increase (Congressional Record, 70<sup>th</sup> Congress, May 17, 1928, 9001).” Hres 207 was eventually adopted via voice vote.

On May 18, 1928, Rep. John Rankin (D-MS) moved to recommit HR 11725 back to the committee on the census. This motion was agreed [to by a vote of 186 to 164](#) and consideration of HR 11725 ended.

### *#1. Secondary House Consideration of HR 11725 (January 10-11, 1929)*

HR 11725 was brought up again in January on 1929. The measure was considered under Hres 284, another resolution providing for an open rule. Hres 284 was adopted via voice vote.

Rankin offered another motion to recommit, this time on January 11, 1929. This time his motion [was defeated 135-227 on January 11<sup>th</sup>](#). HR 11725 then passed the House shortly afterwards by voice vote.

### *#2. Senate Consideration of HR 11725 (February 14; 25; 27, 1929)*

On February 14, 1929, Sen. Arthur Vandenberg (R-MI) moved the Senate proceed to consider HR 11725. However, Vandenberg’s motion [was rejected 23-48](#). The motion would have displaced a measure sponsored by Sen. Wesley Jones (R-WA) increasing prohibition penalties.

While the measure was debated on February 25 and 27<sup>th</sup>, Senate leaders expressed skepticism it would be enacted before the session ended that week.<sup>1</sup>

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<sup>1</sup> “Senate Blocks Bill for Reapportioning,” *New York Times*. February 15, 1929.

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## ***#2. Senate Consideration of S 312 (May 14-15; 21-29, 1929)***

Senators Wesley Jones (R-WA) and Arthur Vandenberg (R-MI) introduced S 312 on April 22<sup>nd</sup> of 1929 and it was referred to the Committee on Commerce. The next day, it was reported back to the Senate without amendment.

Debate over the measure began on May 14, 1929. Opponents took issue with its constitutionality. For example, Sen. Pat Harrison (D-MS) argued: “It seems to me, Mr. President, that if there is one bill that ought to originate in the House of Representatives it is a bill which affects the organization and personnel of that body (*Congressional Record*, 71<sup>st</sup> Congress, May 15, 1929, 1321).”

The Senate considered a number of floor amendments. For example, it adopted an amendment by Sen. Robert Wagner (D-NY) that census employees be screened in an effort to reduce corruption [42-37](#) on May 24.

However, it rejected an amendment by Sen. Frederic Sackett (R-KY) [29-48](#) on May 28<sup>th</sup>. A similar amendment by Sen. Hugo Black (D-AL) was also rejected 24-56. And an amendment by Sen. Walter George (D-GA) [fell 40-41](#).

The bill passed the [Senate 57-26](#) on May 29, 1929.

## ***#3. House Consideration of S 312 (June 3-4; June 6, 1929)***

Considered under Hres 49, which was sponsored by Rep. Bertrand Snell (R-NY). Hres 49 provided for consideration of S 312 under an open rule.

House rejected a Rankin [motion to recommit 126-253](#).

The House adopted [S 312 by a vote of 272-104](#).

## ***#4. Initial House Consideration of the Conference Report on S 312 (June 10, 1929)***

A conference report on S 312 was brought to the House floor on June 10<sup>th</sup>.

Rep. Ralph Lozier (D-MO) put the key issue plainly, arguing that “while there are a large number of very grave objections to this bill the outstanding issue is as to the date on which the census shall be taken (*Congressional Record*, 71<sup>st</sup> Congress, June 10, 1929, 2613).”

The House would eventually reject the conference report by agreeing to a motion to recommit with instructions that the Census be taken in May of 1930 as opposed to November of 1929. The motion to recommit, offered by Rankin, was adopted [160-136](#).

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## *#4. Secondary House Consideration of the Conference Report on S 312 (June 11, 1929)*

Newspapers report that a compromise was reached shortly after the House rejected the conference report. Enumeration of the census would begin in April of 1929 under this agreement.<sup>2</sup>

The new conference report was considered in the House the next day. It was adopted by voice vote after a brief debate on June 11, 1929.

## *#4. Senate Consideration of the Conference Report on S 312 (June 13, 1929)*

The Senate agreed to the conference report [by a 48-37](#) vote on June 13, 1929.

President Herbert Hoover signed the Census and Reapportionment Act of 1929 into law on June 18, 1929.

## **Member Spotlight**

Choose one of the following for your member spotlight:

**#1.** Rep. John Q. Tilson (R-CT); Rep. E. Hart Fenn (R-CT); Rep. Earl Michener (R-MI); Rep. Finis Garrett (D-TN); Rep. William Bankhead (D-AL); Rep. John Cochran (D-MO)

**#2.** Sen. Wesley Jones (R-WA); Sen. Pat Harrison (D-MS); Sen. Arthur Vandenberg (R-MI); Sen. Robert Wagner (D-NY); Sen. Frederic Sackett (R-KY); Sen. Charles Curtis (R-KS);

**#3.** Rep. John Rankin (D-MS); Rep. Bertrand Snell (R-NY); Sen. Hugo Black (D-AL); Sen. David Reed (R-PA); Rep. Clarence McLeod (R-MI); Rep. Nicholas Longworth (R-OH);

**#4.** Sen. Walter George (D-GA); Rep. Ralph Lozier (D-MO); Sen. James Watson (R-IN); Rep. John "Cactus Jack" Garner (D-TX); Sen. Reed Smoot (R-UT); Rep. Donald Snow (R-ME)

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<sup>2</sup> See "Compromise Made on Reapportioning," New York Times, June 11, 1929.

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## Aftermath Questions

1. How was this act viewed upon passage? What did the newspapers say? How did the final measure differ from the one reformers were pushing? Was the “compromise” a controversial one?
2. How has this law evolved over time? Has it been featured in any major Supreme Court cases? Significantly altered by subsequent legislation? What was the Apportionment Act of 1941?
3. How relevant is this law currently? Are there additional issues related to it that reformers have been pushing to change? Discuss the arguments over expanding the size of the House of Representatives here.
4. How has this act been viewed by scholars? Did it achieve its stated goals? Do scholars highlight any major limitations? Are there aspects of the bill that are viewed more favorably than others? Discuss the relevance of this act as it pertains to contemporary policy.

## Suggested Sources

### *Scholarly Articles*

Clinton, Joshua D., and John S. Lapinski. "Measuring legislative accomplishment, 1877–1994." *American Journal of Political Science* 50.1 (2006): 232-249.

Stathis, Stephen W. 2014. *Landmark Legislation, 1774-2012: Major U.S. Acts and Treaties, 2<sup>nd</sup> Edition*. Washington: CQ Press.

Karlan, Pamela S. "Reapportionment, Nonapportionment, and Recovering Some Lost History of One Person, One Vote." *Wm. & Mary L. Rev.* 59 (2017): 1921.

Eagles, Charles W. *Democracy delayed: Congressional reapportionment and urban-rural conflict in the 1920s*. University of Georgia Press, 2010.

Napolio, Nicholas G., and Jeffery A. Jenkins. "Conflict over Congressional Reapportionment: The Deadlock of the 1920s." *journal of policy history* 35.1 (2023): 91-117.

Sweeting, Orville J. "John Q. Tilson and the Reapportionment Act of 1929." *Western Political Quarterly* 9.2 (1956): 434-453.

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## *Newspaper Pieces*

- <https://www.vox.com/22632427/redistricting-gerrymandering-house-republicans>
- <https://history.house.gov/Historical-Highlights/1901-1950/The-Permanent-Apportionment-Act-of-1929/>
- <https://www.loc.gov/item/2022700732/>
- <https://www.npr.org/2021/04/20/988865415/stuck-at-435-representatives-why-the-u-s-house-hasnt-grown-with-census-counts#:~:text=A%201929%20law%20set%20up,Congress%20and%20the%20Electoral%20College.>
- <https://crsreports.congress.gov/product/pdf/R/R45951>
- <https://cqpress.sagepub.com/cqresearcher/report/apportionment-representatives-congress-cqresre1927120600>
- [https://www.visitthecapitol.gov/sites/default/files/documents/resources-and-activities/CVC\\_HS\\_ActivitySheets\\_CongApportionment.pdf](https://www.visitthecapitol.gov/sites/default/files/documents/resources-and-activities/CVC_HS_ActivitySheets_CongApportionment.pdf)
- <https://fivethirtyeight.com/features/how-the-house-got-stuck-at-435-seats/>
- <https://thehill.com/opinion/campaign/402234-to-make-the-house-of-representatives-work-again-make-it-bigger/>
- <https://www.nytimes.com/interactive/2018/11/09/opinion/expanded-house-representatives-size.html>
- <https://archive.nytimes.com/economix.blogs.nytimes.com/2014/01/07/enlarging-the-house-of-representatives/>
- <https://www.washingtonpost.com/opinions/2023/02/28/danielle-allen-democracy-reform-congress-house-expansion/>
- <https://www.washingtonpost.com/archive/politics/1991/05/27/in-battle-over-reapportionment-even-math-is-a-target/f540a781-7fda-414c-9e10-d955372556d4/>