

## THE NEW CONGRESSIONAL APPORTIONMENT.

ON June 1, 1900, the Census Office announced the population of the United States as 76,295,220. This includes the population of the States, the Territories, the District of Columbia, Alaska, and Hawaii, but not of Porto Rico or the Philippines. It includes all human beings in the country; thus differing from previous statements of the population, which included what is commonly regarded as the "constitutional population" only. Since the determination of who are to be included in the constitutional population may become an interesting and somewhat complicated question, the Census Office evidently prefers that Congress shall decide it rather than assume the responsibility itself.

I propose to point out, in the course of this article, some of the possible differences between the gross population and the constitutional population.

The primary purpose of making an enumeration of the constitutional population is to determine the representation in the lower house of Congress and the number of presidential electors. The Territories and the District of Columbia have no representation in the lower house, nor do they take part in the election of a President; therefore, their population may be excluded from consideration. This restricts the number under consideration to the population of the States.

The Constitution expressly provides that Indians "not taxed" shall not be included in the representative population. This provision is in the following terms in the Constitution, Article I, section 2:

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons."

The meaning of this expression is not clear, but it has been generally construed to signify that Indians upon reservations or under tribal relations are not to be regarded as of the constitutional population;

and it has been practically construed accordingly in recent censuses. Indians found living among the whites off of reservations and those who have taken lands in severalty have been included in the constitutional population, while those living upon reservations have been excluded. Exception has been made, however, in the case of the Pueblo Indians of New Mexico, who have been regarded as citizens by the tenth and eleventh censuses, and of the Moqui Indians of Arizona and the Mission Indians of California, in the tenth census. These exceptions were made in accordance with the treaty of Guadalupe Hidalgo with Mexico, under which all Mexican citizens in the annexed territory were accepted as United States citizens. No other classes have been heretofore excluded from representation, except two-fifths of the slaves, as above described.

The total number of Indians not taxed living in the States in 1900 was only 44,617. These were scattered among twelve States, the largest number in any one State being 10,932 in South Dakota. Montana had 10,746, New York 4,711, and North Dakota 4,692, those in the other States being much fewer in number. As will be seen, the reduction in population on account of Indians not taxed is trifling, not being sufficient in any State to affect the number of representatives.

In 1890 there was in the country a large class of non-constitutional population which was included within the constitutional population without apparent question. These were aliens — people owing allegiance to other governments, but residing in this country. That this class should not be included in the constitutional population requires no argument, since it is self-apparent. The number of aliens in the country in 1890 was large, the males of voting age numbering 1,189,452. Assuming that the alien family was as numerous as that of the average of foreign birth, the total number of aliens, including women and children, numbered about 2,500,000. While the number may be somewhat reduced at present, owing to a diminution in the immigration during the past ten years, it is probably not greatly lessened, and doubtless still forms a considerable element of the population. The distribution of the aliens followed that of the foreign born very closely. Nearly four-fifths of them, 79 per cent, were in the Northern States, *i. e.*, north of Mason and Dixon's line, the Ohio River, and the south boundary of Missouri and Kansas; 15 per cent of them were found in the Western States, *i. e.*, those of the Rocky Mountains and the Pacific coast; while

only 6 per cent were found in the Southern States. In certain of the Northern States the number was very large. New York contained 400,000, Pennsylvania 294,000, Massachusetts 250,000, California 227,000, and Illinois 202,000, other Northern States containing less than 200,000 each. The subtraction of these aliens from the population would have a marked effect upon the representation of many Northern States.

The fourteenth amendment to the Constitution provides, in section 2:

“But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of citizens twenty-one years of age in such State.”

Several States restrict the suffrage in one way or another. Massachusetts, Connecticut, Delaware, South Carolina, Mississippi, North Carolina, Louisiana, Wyoming, and Washington deny suffrage to illiterates. Under the fourteenth amendment to the Constitution it appears to be the duty of Congress to reduce the representation in these States in the proportion in which males of voting age are disfranchised. Let us see, now, what effect this will have upon the representative population of these States.

The latest statistics of illiteracy are those of the eleventh census. It is probable that during the past decade the proportion of illiteracy, especially in the South, has somewhat diminished; but an approximate result can be reached by the use of the figures of this census. In Massachusetts 6 per cent of the males of voting age were unable to read and write. This, applied to the population of the State, would result in withdrawing from representation 168,000 of its inhabitants. In Connecticut 1 per cent only were illiterate; in Delaware 4 per cent only; in Wyoming and Washington 1 per cent each. The reduction in the representative population on this account in these States would therefore be trifling. In North Carolina 34 per cent of the males of voting age were illiterate, and the result of the recent amendments to its Constitution would be to deprive the State of a representation of 643,000 persons. In South Carolina the percentage was 27, and the consequent reduction would be 362,000. In

Mississippi 43 per cent were illiterate, and the corresponding reduction in its population would be 667,000. In Louisiana 44 per cent of

TABLE I.

STATE.	TOTAL POPULATION.	INDIANS NOT TAXED.	ALIENS.	ILLITER- ATES.	TENTATIVE CONSTITU- TIONAL POPULATION.
Alabama.....	1,828,697	.....	4,000	.....	1,825,000
Arkansas.....	1,311,564	.....	3,000	.....	1,309,000
California.....	1,485,053	2,000	227,000	.....	1,256,000
Colorado.....	539,700	1,000	26,000	.....	513,000
Connecticut.....	908,365	.....	59,000	.....	849,000
Delaware.....	184,735	.....	5,000	.....	180,000
Florida.....	528,542	.....	8,000	.....	521,000
Georgia.....	2,216,329	.....	4,000	.....	2,212,000
Idaho.....	161,771	2,000	8,000	.....	152,000
Illinois.....	4,821,550	.....	202,000	.....	4,620,000
Indiana.....	2,516,463	.....	11,000	.....	2,505,000
Iowa.....	2,251,829	.....	55,000	.....	2,197,000
Kansas.....	1,469,496	.....	17,000	.....	1,452,000
Kentucky.....	2,147,174	.....	10,000	.....	2,137,000
Louisiana.....	1,381,627	.....	16,000	608,000	758,000
Maine.....	694,366	.....	33,000	.....	661,000
Maryland.....	1,189,946	.....	23,000	.....	1,167,000
Massachusetts.....	2,805,346	.....	250,000	168,000	2,337,000
Michigan.....	2,419,782	.....	124,000	.....	2,296,000
Minnesota.....	1,751,395	2,000	78,000	.....	1,671,000
Mississippi.....	1,551,372	.....	2,000	667,000	832,000
Missouri.....	3,107,117	.....	46,000	.....	3,061,000
Montana.....	243,289	11,000	17,000	.....	215,000
Nebraska.....	1,068,901	.....	32,000	.....	1,037,000
Nevada.....	42,334	2,000	9,000	.....	31,000
New Hampshire.....	411,588	.....	27,000	.....	385,000
New Jersey.....	1,883,669	.....	88,000	.....	1,796,000
New York.....	7,268,009	5,000	400,000	.....	6,863,000
North Carolina.....	1,891,992	.....	1,000	643,000	1,248,000
North Dakota.....	319,040	5,000	20,000	.....	294,000
Ohio.....	4,157,545	.....	82,000	.....	4,076,000
Oregon.....	413,532	.....	28,000	.....	386,000
Pennsylvania.....	6,301,365	.....	294,000	.....	6,007,000
Rhode Island.....	428,556	.....	43,000	.....	386,000
South Carolina.....	1,340,312	.....	2,000	362,000	976,000
South Dakota.....	401,559	11,000	12,000	.....	379,000
Tennessee.....	2,022,723	.....	5,000	.....	2,018,000
Texas.....	3,048,828	.....	45,000	.....	3,004,000
Utah.....	276,565	1,000	14,000	.....	262,000
Vermont.....	343,641	.....	17,000	.....	327,000
Virginia.....	1,854,184	.....	7,000	.....	1,847,000
Washington.....	517,672	3,000	35,000	.....	480,000
West Virginia.....	958,900	.....	4,000	.....	955,000
Wisconsin.....	2,068,963	2,000	80,000	.....	1,987,000
Wyoming.....	92,531	.....	6,000	.....	87,000

the males of voting age were illiterate, and the resulting decrease of the population would be 608,000.

In Table I, on page 571, are set forth in figures the results of the above discussion, showing the total population, as given by the census; the several deductions above suggested; and finally, a tentative constitutional population.

In the early censuses the basis of apportionment, *i. e.*, the number of inhabitants corresponding to each representative, was first fixed, and the number of representatives was obtained by dividing the population by it, giving an additional representative for each fractional remainder greater than one-half. In later years, *i. e.*, including and since 1850, the practice has been different, the number of representatives being first fixed, and the basis of apportionment being derived therefrom. The following shows the basis of apportionment and the number of representatives at each census since the beginning:

	BASIS.	REPRESENTATIVES.
First apportionment, by Constitution.....	30,000	65
1790, by Congress.....	33,000	105
1800 ".....	33,000	141
1810 ".....	35,000	181
1820 ".....	40,000	213
1830 ".....	47,700	240
1840 ".....	70,680	223
1850, by Secretary of Interior.....	96,423	234
1860 ".....	127,381	241
1870, by Congress.....	131,425	283
1880 ".....	151,911	325
1890 ".....	173,901	357

The first apportionment was prescribed in the Constitution. Subsequent ones, with the exception of those based upon the censuses of 1850 and 1860, were made by Congress, the two mentioned having been made by the Secretary of the Interior. It is seen in each case that the basis of apportionment has been increased by each successive census, excepting in the case of 1800, when it was the same as in 1790; also that in every case the number of representatives has been increased, with the exception of 1840 and 1850, in each of which the number of representatives was less than that in 1830.

Table II, on page 574, shows in the first column the number of representatives assigned to each State, under the present apportionment. The second column shows the number which may be appor-

tioned to each State under these two assumptions: first, that all the inhabitants, as given by the recent census, will be regarded as constitutional population; and, second, that the basis of apportionment will be 200,000 persons. The next column shows the number of representatives to be assigned to each State under these assumptions: first, that the Indians not taxed, aliens, and illiterates in States where literacy is made a condition of suffrage, are subtracted from the total number of inhabitants; and, second, that the representation is 200,000.

The figures in the first two columns are obtained by the method used by the last census in obtaining the number of representatives, *i. e.*, after deciding upon the basis of apportionment the population of the State is divided by it, and one representative is added for every majority fraction, *i. e.*, every fraction remaining greater than a half. This method is the one which has been used in most cases in determining the representation. But in determining the representation from the census of 1880 a different method was employed, which, in the following description, will be called the "new method," as distinguished from the other, which will be called the "old method."

A criticism has been made upon the old method in the fact that in certain small States which possess a bare majority fraction over the number required for one or more representatives the addition of another representative reduces the average representation of that State greatly. For instance, in the case of North Dakota, which by the recent census has a population of 319,040, the addition of a second representative on account of the majority fraction makes the average representation only 159,520. It was to prevent such cases as this that the new method was devised. This is as follows: The constitutional population of each State is divided by a number one greater than the number which is fully contained in it, under the basis of apportionment determined upon; *i. e.*, in the case of Maine, under the recent census, it is divided by 4 instead of 3; in New Hampshire by 3 instead of 2; in Vermont by 2 instead of 1, etc. The resulting quotients are set down, and those States whose quotients approach most nearly this predetermined basis of apportionment are given one additional representative, or in some cases perhaps two additional representatives each, until the predetermined number of representatives is completed. A little reflection suffices to show that the result of this is to reduce the representation of the smaller States below that given by the old method and to increase the representation of the larger States.

TABLE II.

STATE.	NUMBER OF REPRESENTATIVES.				
	IN PRESENT CONGRESS.	UNDER THE COMING APPORTIONMENT.			
		BASIS 200,000 INHABITANTS.			BASIS 194,846 NO EXCLUSIONS. OLD METHOD.
		No Exclusions Old Method.	With Exclusions Old Method.	No Exclusions New Method.	
Alabama.....	9	9	9	9	9
Arkansas.....	6	7	7	6	7
California.....	7	7	6	7	8
Colorado.....	2	3	3	2	3
Connecticut.....	4	5	4	4	5
Delaware.....	1	1	1	1	1
Florida.....	2	3	3	2	3
Georgia.....	11	11	11	11	11
Idaho.....	1	1	1	1	1
Illinois.....	22	24	23	25	25
Indiana.....	13	13	13	13	13
Iowa.....	11	11	11	12	12
Kansas.....	8	7	7	7	8
Kentucky.....	11	11	11	11	11
Louisiana.....	6	7	4	7	7
Maine.....	4	3	3	3	4
Maryland.....	6	6	6	6	6
Massachusetts.....	13	14	12	14	14
Michigan.....	12	12	11	12	12
Minnesota.....	7	9	8	9	9
Mississippi.....	7	8	4	8	8
Missouri.....	15	16	15	16	16
Montana.....	1	1	1	1	1
Nebraska.....	6	5	5	5	6
Nevada.....	1	1	1	1	1
New Hampshire.....	2	2	2	2	2
New Jersey.....	8	9	9	10	10
New York.....	34	36	34	37	37
North Carolina.....	9	9	6	10	10
North Dakota.....	1	2	1	1	2
Ohio.....	21	21	20	21	21
Oregon.....	2	2	2	2	2
Pennsylvania.....	30	32	30	32	32
Rhode Island.....	2	2	2	2	2
South Carolina.....	7	7	5	7	7
South Dakota.....	2	2	2	2	2
Tennessee.....	10	10	10	10	10
Texas.....	13	15	15	16	16
Utah.....	1	1	1	1	1
Vermont.....	2	2	2	1	2
Virginia.....	10	9	9	9	10
Washington.....	2	3	2	2	3
West Virginia.....	4	5	5	5	5
Wisconsin.....	10	10	10	11	11
Wyoming.....	1	1	1	1	1
Total.....	357	375	348	375	387



In the second and third columns of Table II the old method is followed; in the fourth column of that table the new method is followed, and the differences between the two will be pointed out.

The last column has been made under the old method, using 194,346 as the basis of representation; this being the largest number which will allow each State to retain at least its present representation.

The present number of representatives in Congress is 357, with a basis of representation of 173,901. Under the recent census, if the basis of apportionment be placed at 200,000 and the number of representatives be not limited, the total number will be 375, an increase of 18. If the representation be limited by the elimination of Indians not taxed, aliens, and illiterates, as above, from the constitutional population, the number will be 348, a reduction of 9 from the present House, and a reduction of 27 from that given by an unlimited representation. The number of representatives, computed by the new method, as shown in the fourth column of Table II, has been made on the basis of unrestricted representation, and is, as by the old method, 375.

Comparing the present constitution of the House of Representatives with that obtained from an unrestricted representation, by the old method, as shown in the second column of Table II, we find, among the States which gave a Republican majority at the recent election, that Maine, Nebraska, and Kansas would lose 1 seat each, while Massachusetts, Connecticut, New Jersey, West Virginia, North Dakota, and Washington would gain 1 seat each, and New York, Pennsylvania, Illinois, and Minnesota, two each; making a total gain of 14 seats, and a net gain in the Republican States of 11 seats. Among the Democratic States, Virginia would lose 1 seat, while Florida, Mississippi, Missouri, Louisiana, Arkansas, and Colorado, would each gain 1, and Texas would gain two seats; making a net gain in the Democratic States of 7 seats. Hence, under this scheme of apportionment the net result would be a gain to Republican States of 4 seats.

Now, comparing the present representation in Congress with that under restricted representation, as shown in the third column of Table II, it appears that Maine, Massachusetts, Ohio, Michigan, Nebraska, Kansas, and California would each lose a seat, while New Jersey, West Virginia, Illinois, and Minnesota would gain 1 each. The net loss to the States which gave a Republican majority at the



recent election would therefore be 3 seats. On the Democratic side, Virginia would lose 1 seat, Louisiana and South Carolina each 2 seats, and North Carolina and Mississippi 3 seats each; while, on the other hand, Florida, Arkansas, and Colorado would each gain 1 seat, and Texas would gain 2. The Democratic States would therefore sustain a net loss of 6 seats, and the net gain to Republican States under this system of apportionment would be 3 seats.

Comparing the results under the old and the new methods, as shown in the second and fourth columns, it is seen that fourteen States are differently affected by the two different methods, while in all the others the results are the same. Vermont, Connecticut, Florida, Arkansas, Colorado, North Dakota, and Washington each gain a representative under the old method, while under the new method none of these gains, but the gains are given to New York, New Jersey, North Carolina, Illinois, Wisconsin, Iowa, and Texas. It is easily seen by the enumeration of these States that the populous States are the ones which gain under the new method, at the expense of small States. It is to be noted, furthermore, that while the basis of apportionment by this new method is not reduced in any State much below the assumed basis of 200,000, it is in some cases allowed to run far above. Thus, by the new method, the basis of representation in Vermont becomes 343,641, and in North Dakota, 319,040. It seems, therefore, that by adopting the new method we should be imposing greater hardships on the small States than were imposed under the old method upon the other States, and involve even greater inequalities. These inequalities may be summed up easily. If we multiply the basis of apportionment, 200,000, by the number of representatives assigned to each State, subtract the product from the population of the State, and then add up the remainders without regard to sign, we find that the sum total of these differences, by the old method, is, in round numbers, 868,000 less than by the new method.

Comparing the last column with the first, it is seen that the gains in the Republican States, under unrestricted representation, and on a basis of apportionment of 194,346, number 20, and in Democratic States 10, showing a net gain in Republican States of 10 seats. Summing up the results in detail, classifying the States politically, as shown at the recent election, the following appears: In the present Congress the representatives from Republican States number 236; from Democratic States 121 — a total of 357. The representatives from Republican States in the present Congress form 66.1 per cent of all.

Upon a basis of apportionment of 200,000, with unrestricted representation, computed by the old method, the number of representatives from Republican States will be 247; from Democratic States 128 — a total of 375. Under these conditions the representatives from Republican States will form 65.7 per cent of all.

Upon the same basis of apportionment, but with restricted representation, and by the old method, the number of representatives from Republican States will be 233; from Democratic States 115 — a total of 348. Under these conditions the representatives from Republican States will form 66.9 per cent of all.

Under the same basis of apportionment, with unrestricted representation, but computed by the new method, the number of representatives from the Republican States will be 248; from Democratic States 127 — a total of 375. Under these conditions the representatives from Republican States will form 66.1 per cent of all.

Finally, on a basis of apportionment of 194,346, with unrestricted representation, computed by the old method, the number of representatives from the Republican States will be 256; from Democratic States 131 — a total of 387. Under these conditions the members from Republican States will form 66.2 per cent of all.

From the above it would appear that of the various conditions illustrated a basis of representation of 200,000, with restricted representation, computed by the old method, would give the Republican States the greatest advantage, while upon the same basis of apportionment, with unrestricted representation, computed by the old method, the Democratic States would reap the greatest advantage. It would appear, however, that the advantages in any case would be but trifling.

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## THE FALL OF PEKIN.

EVER since the *coup d'état* in the autumn of 1898, when the Dowager Empress resumed the direction of the affairs of state, China has drifted with startling rapidity, inconsistent with ancient conservatism, into chaos, intrigue, catastrophe, war. The declaration of war against the whole world made by the Imperial Central Government in Peking was the outcome in large part of the anti-reform movement and the plot to overthrow the Emperor.

The occasion for a collision with foreign Powers was the Boxer movement. This movement originated among the turbulent people of southwestern Shantung. The official friend of the organization was a Manchu official, who last year was Governor of the province. The cause of the movement was spite against foreigners; first, as due to dependence of Catholic converts on German protection; secondly, as due to German territorial aggressions; and thirdly, as due to the ambitious designs of nearly all countries to acquire territory.

The claim for the recognition of the Boxers was their aim at self-preservation, being organized as a kind of local militia. Another reason for dealing leniently with the Boxers was their motto, "Down with the foreigners; up with the dynasty." People who for many years had been noted as insurrectionists against Manchu rule now stood forth as models of loyalty. This impressed the Manchu rulers at Peking, and made them hesitate to offend their professed friends.

Furthermore, the Government, as well as the Boxers, had become more and more suspicious of foreign designs, and at heart was eager to expel foreigners and wipe out all vestige of their presence. When the Boxers became threatening in the province of Shantung, they were merely guilty perpetrators in incendiarism, pillage, assault, and intimidation. They seldom demeaned themselves to the crime of murder. They also contented themselves with attacks on Christian converts as a sure method of weakening the foreigner's power and inducing him to withdraw to the ports.

As the Boxer movement swept like a torrent nearer and nearer