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LEGISLATIVE APPORTIONMENT IN WISCONSIN

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I. THE PROBLEM OF APPORTIONMENT IN WISCONSIN

General

1. In many jurisdictions developing a decennial apportionment plan which considers equal distribution of population, other constitutional restrictions and the divergent points of view of the people has been a major and persistent problem.
2. Between 1920 and 1930 Wisconsin gained 11.7% in population. Between 1930 and 1940 it gained 6.8%. Between 1940 and 1950 it gained 8.9%. The increase in population in the last ten years is slightly more than 2% greater than between 1930 and 1940. It is nevertheless smaller than the increase in population between 1920 and 1930, which was until that time the smallest percentage increase in any decade in the history of this state. In view of the abnormally large number of "war babies" in the past decade there is reason to believe that Wisconsin population will not increase as rapidly in the next decade.
3. Up to 1930 Wisconsin increased approximately 300,000 people each decade. In the ten years between 1930 and 1940, the increase was only slightly over 200,000. In the past decade it has been approximately 250,000. It may therefore be said that not only has there been a smaller percentage increase, but a smaller actual total population increase in the last two decades.
4. In 1920 the five southeastern counties of Kenosha, Milwaukee, Racine, Walworth and Waukesha contain 28% of the state's population. In 1950 they contained 34%, an increase of 6%.
5. The ten counties of Wisconsin having the greatest reduction in population, with an average of 11.87% less people in 1950 than in 1940, declined from 4.4% to 3.6% of the total state population between 1940 and 1950; while the ten southeastern counties, which increased an average of 20.56% in population between 1940 and 1950, increased from 41.7% to 44.9% of the total state population in the past decade.

Historical

6. The very first apportionment in Wisconsin had assembly districts varying in population from 1,066 to 6,487 and senatorial districts varying in population from 3,450 to 15,866.

7. In the early apportionments in Wisconsin the problem was to provide increased representation to the expanding areas of the north and west as well as for the more populous southeastern part of the state. Counties such as Dodge, Jefferson, Grant, Rock, Walworth, Waukesha and Washington began their unsuccessful effort to retain their preponderance of representation.
8. The problem of larger actual population in the northern part of Wisconsin was met by increasing the number of senatorial and assembly districts to reduce the need for affecting the established districts. After 1861 when the maximum number of districts had been created, this device could no longer be used.
9. The decline in the relative part of the population in the north and west parts of the state during recent years has resulted in a persistent over representation of that area and of under representation in the south central, south east river valley, Fox River valley, and Eau Claire-Chippewa area.
10. The trend of the past two decades indicates that this pattern will continue. Dispersion of industry due to the fear of attack, ~~in~~ movement toward the land resulting from an economic recession or some less foreseeable development may change the trend.

Current

11. In only rare cases do county, town and ward lines permit the creation of districts which contain the proper number of people. In the sparsely settled areas the mandate to follow county lines and in the metropolitan areas the mandate to follow ward lines complicates the problem of equality of representation.
12. It can be shown statistically that certain counties have had a consistent decline in actual and proportionate population during the past 30 years, while others have shown a consistent increase. Failure to take these trends into account in making a reapportionment would probably result in a more rapid future inequality in any apportionment.
13. Although there are some areas of the state which at the present time have almost exactly enough population to form an assembly or senatorial district, these areas vary as to their potentialities. Some of them have declined in the past 30 years substantially and will probably decline in the future. Others have increased substantially in the past 30 years and will probably continue to increase. Others have remained relatively constant in the proportion of the state's population they contain. At least some of the inevitable

inequality which will develop during the next decade can be anticipated in terms of the trends of the past 30 years.

Milwaukee

14. The problem of redistricting in the city of Milwaukee is dependent upon the city council's action on the number of city wards of which Milwaukee now has 27.
15. Milwaukee now has 20 assembly districts, of which 16 contain Milwaukee city wards only. One, the 14th, contains both Milwaukee city wards and other municipalities; and three, the 3d, 10th and 20th, do not contain any Milwaukee city territory.
16. The 4th, 6th, 7th, 16th, 18th and 19th assembly districts contain one ward each. The 1st, 2nd, 5th, 8th, 9th, 11th, 12th, 13th, 15th and 17th contain two wards each. The 18th ward is part of the 14th district which includes other municipalities. Assuming that all city wards are relatively equal in population at the outset, this arrangement means that some assembly districts have approximately twice as many people as others in the city of Milwaukee.
17. Under the constitution wards may not be divided in creating assembly districts, and assembly districts may not be divided in creating senatorial districts.
18. The preliminary ward population figures from Milwaukee show a variation between 14,015 in the 3d ward and 42,912 in the 9th ward.
19. Tentative population figures for Milwaukee county as quoted by the Milwaukee Journal reveal that the population of the 20 assembly districts varies from a low of 23,467 in the 4th district, comprised of the 4th ward, to a high of 82,828 in the 9th district, composed of the 9th and 26th wards.
20. Using 34,174 as the average population of an assembly district in Wisconsin in 1950, only six Milwaukee districts are over represented, which means that they have less people than the average figure. These districts are the 4th, 6th, 7th, 16th, 18th and 19th. At least two districts, the 3d and 9th, have more than doubled the average population; and two more, the 14th and 20th, are very close to double. Those over represented more nearly approximate the central part of the city of Milwaukee, while the areas which are most grossly under represented largely represent the areas of suburban growth and annexation.
21. It follows that if the city of Milwaukee continues to have 27 wards and all are of nearly equal population, some of its assembly districts must of necessity be about twice as large as others because the wards may not be split in creating assembly districts.

22. Section 4.04 of the statutes provides that the common council of all first class cities organized under a special charter shall within 90 days of the census by a three-fifths vote of all members redistrict the boundaries of the wards so that they shall be as nearly equal in population and compact in area as possible, and they also by the same vote from time to time may determine the number of wards, create or consolidate wards, or revise existing boundaries.
23. The common council of the city of Milwaukee has voted to redistrict the city wards so that each will have about 1% of the state population. The committee to prepare the plan has been appointed but they have felt that little can be done until the census tract figures are available about August 1 to help them determine how to lay out the wards. (The census tract is a small constant-sized area into which the larger cities are subdivided in cooperation with the local committee for statistical and local administrative purposes. They were used in Milwaukee in 1940 for the first time.--Milwaukee Journal July 21, 1950.)

Miscellaneous

24. In the case of several other of the larger cities, notably Racine, Kenosha, Green Bay and Madison, division of the assembly districts by wards or the inclusion of some city wards with rural areas is highly probable. Because the census figures on towns, villages or wards will probably not be available until after January 1, it is not possible at this time to indicate the current population of assembly districts in multi-assembly district counties. By a process of interpolation based upon percentages of increase in population in the county as a whole and the variation between percentages of increase in urban and rural areas it might be possible to project the probable increases, but it is not felt that this is worth the considerable effort necessary to provide the information. For that reason, the population of assembly districts at the present time is confined to those districts which contain a whole county, those districts which contain a whole city and the districts of Milwaukee county for which the ward population figures are now available.
25. The constitution provides that in counting the population for reapportionment purposes, Indians not taxed shall be excluded. Beginning in 1940 the federal government counted all Indians because of an attorney general's opinion and Supreme Court decision that all Indians are subject to the federal income tax. While it is true in Wisconsin that some Indians do not pay property taxes, there is no specific provision excluding them from the operation of the state income tax nor from the payment of taxes on cigarettes, liquor, gasoline etc. There appears to be no definite answer to the question of whether there are Indians who are not subject to tax in Wisconsin. In

1940 there were somewhat more than 13,000 Indians in Wisconsin. It is predicted that there are less than 15,000 at the present time. These are so widely distributed that it is doubtful if any county's apportionment would be affected by the Indians in the county even though they were excluded by reason of not being taxed.

26. The constitution provides that the population for apportionment purposes shall not include soldiers and officers of the army and navy. Due to the emergency it is impossible to determine the total number of members of the armed force on active duty in Wisconsin. We have a statement from the headquarters of the 5th Army that the number of soldiers and officers of the United States Army stationed in any one county in Wisconsin is probably too small to affect the apportionment of legislative members. A similar letter from the headquarters of the 9th Naval District indicates that there are approximately 250 naval officers and enlisted men on active duty in the state of Wisconsin at the present time. These figures indicate that the problem is strictly academic.

II. ALTERNATIVE METHODS OF APPORTIONMENT

General

There are five general methods of apportionment in effect in this country today:

1. Apportionment by the legislature.
2. An alternative procedure to operate if the legislature fails to act.
3. Reapportionment by an agency other than the legislature according to a procedure set out by the legislature, but permitting the legislature to intervene if it desires.
4. A reapportionment agency acting without legislative intervention but with little discretion.
5. A completely automatic system.

Apportionment by the legislature.

In more cases than not the legislature is the sole apportioning agency. Although the duty may be mandatory, generally there is nothing except popular will to force action. In Florida, however, there is a provision that if the legislature fails to act, the governor must call a special session which may consider no other business and may not adjourn until a reapportionment has been carried out⁽¹⁾. In Colorado, Oregon and Washington the existence of the initiative permits the populace to start a reapportionment program if the legislature fails to act.

Legislative reapportionments frequently are affected by the urban-rural conflict. For that reason many of the provisions for apportionment reflect an effort to stabilize the situation by assuring a minimum representation per county or prohibiting more than a particular number of representatives from any one county.

It is not infrequent that legislatures fail to reapportion. With the rapid shifts in population possible today due to ease of transportation and rapid development or decline of areas, substantial changes in the representative nature of the legislature may occur within a decade. Oregon has not reapportioned since 1910, Alabama has not reapportioned since its constitution was adopted 49 years ago.

In Wisconsin, the legislature might reapportion within the existing restrictions of the constitution. It is generally conceded that complete equality of representation under this plan would be difficult because of the requirements that districts follow county, town or ward lines, that senate districts consist of whole assembly districts, etc.

⁽¹⁾ Legislative and Congressional Reapportionment, Automatic and Alternative Methods - Legislative Reference Library June, 1946.

The legislature might initiate a series of constitutional amendments designed to remove some of the restricting provisions.

1. The exclusion of Indians not taxed might be eliminated on the grounds that it is increasingly obsolete. Only four other states have it.
2. The exclusion of soldiers and officers of the United States Army and Navy might be eliminated on the grounds that it is of negligible significance.

The legislature might initiate constitutional amendments designed to reduce the emphasis on population equality by:

1. Basing either senatorial or assembly representation on area.
2. Guaranteeing a minimum representation for each county.
3. Restricting the maximum representation for any county.
4. Freezing an apportionment by eliminating the decennial reapportionment and the provisions for equal representation by population.

The legislature might initiate constitutional amendments to permit more equal representation by changing the boundary provisions.

1. A unit smaller than the ward might be established as a boundary.
2. Parts of counties might be attached to all or parts of other counties.
3. The provision that no assembly district may be split in creating a senatorial district might be abolished.

The legislature might initiate constitutional amendments to wipe out the maximum size of the legislature. In this way, as was done prior to 1861 in Wisconsin, and for many years in the federal government, only those districts which had an appreciable reduction in actual population would lose seats. All others would retain their representation although the areas which increased most in population would gain representation. Under this plan the population unit for a representative would remain small. Arizona, for example, still provides for one member of the lower house for each 2,500 votes for governor at the last election or major fraction thereof, but not less than one per county.

The legislature might initiate constitutional amendments repealing the provision for a decennial reapportionment of the state legislative districts and establishing the existing plan or creating a new plan as a permanent arrangement.

The legislature might initiate constitutional amendments reducing its own functions in apportionment.

1. By allocating seats to counties and permitting the county boards to divide multi-member counties into districts. Arizona and Missouri do this.
2. By providing an administrative agency to apportion if the legislature fails to do so.
3. By establishing an administrative agency as the sole agency to reapportion.
4. By establishing an automatic formula which would not require specific legislative action.

The legislature might initiate a constitutional amendment which would remove the process of apportionment from the constitution and provide instead that the decennial apportionment shall be made in such manner as the legislature may direct. This would permit the legislature to establish a plan by statute.

Alternative procedure to operate if the legislature fails to act.

Under this plan, if the legislature fails to apportion the job automatically falls to another agency. In California a reapportionment commission composed of the lieutenant governor, attorney general, state controller and state superintendent of public instruction acts. In South Dakota the governor, attorney general, superintendent of public instruction, chief justice and secretary of state act as the apportionment commission if the legislature fails to act.

Joint Resolution 25, A., passed by the 1949 Wisconsin Legislature would amend the constitution to provide a reapportionment commission composed of the governor, chief justice, attorney general, president pro tempore of the senate and speaker of the assembly which would make its decision not later than May 1 of the year in which the next legislature is chosen.

Reapportionment by an agency other than the legislature, but permitting the legislature to intervene if it so desires.

This is the process used by the federal government today in apportioning members of the House of Representatives. Under this plan the total number of members of the House of Representatives is set at 435. After each census the Bureau of Census of the Department of Commerce makes up a table showing the number of representatives to which each state is entitled under the "equal proportions" formula. This tabulation is transmitted to Congress by the President. This tabulation then goes into effect unless Congress intervenes with legislation to the contrary. It should be noted at this point that federal law provides exceptions to the election of members of the House of Representatives by single member districts and apparently is silent on contiguous or compact districts. Thus the states have a good deal of leeway in organizing congressional districts.

Reapportionment agency acts in lieu of legislature.

Under this plan the constitution provides for an agency to carry out the apportionment in accordance with a set plan which allows the agency little discretion.

In Missouri the formula is established for the lower house in terms of population. The secretary of state certifies to the county the number of representatives to which they are entitled. Where a county is entitled to more than one, the county board makes the districts. In the senate the apportionment is done by a committee of 20.

In Maryland the governor has the duty of arranging representation in accordance with a set formula for the lower house.

In Arkansas a board of apportionment consisting of the governor, secretary of state and attorney general make the apportionment again in accordance with a very well-defined formula.

Ohio likewise provides a reapportionment authority other than the legislature.

Automatic apportionment.

In Maine members of the lower house are apportioned according to towns and members of the upper house according to counties. Every town gets at least one member of the lower house and every county gets at least one member of the upper house. Additional representatives are determined according to a precise population formula. No legislative action is necessary.

Formula for creating distribution.

In Wisconsin the constitution sets forth several guides for the legislature such as equal population, the use of county, town and ward lines, the combination of whole assembly districts to create senate districts. In other states there are additional requirements.

1. Some states provide that each county must have at least one assemblyman.
2. Some states provide that no county may have more than one senator.
3. Maine and Vermont provide that every town gets one representative in the lower house.
4. Some states provide a formula which indicates how many representatives a county will have. Florida provides in the lower house for:

3 representatives to each of 5 most populous counties
2 representatives to each of the next 18 counties
1 for each of the rest.

Maine provides a formula based on the population of towns for distribution of assembly seats.

0-1,500 population get 1 representative
1,501-3,750 population get 2 representatives
Until 26,250 - over population get 7 representatives

In the senate the formula is based on population of counties and provides that:

Counties with 0-30,000 population get 1 senator.
Counties with 30,001-60,000 population get 2 senators.
Until counties with 240,000 or over population get 5 senators.

5. Some states provide that when a county is to receive more than one representative the county board allocates the district within the county.

III. CONSTITUTIONAL PROVISIONS RELATING TO APPORTIONMENT IN WISCONSIN

Number of Assembly Districts. Article IV, Section 2, provides that the number of assemblymen shall be not less than 54 nor more than 100.

Number of Senatorial Districts. Article IV, Section 2, provides that the number of senators shall be not more than one-third nor less than one-fourth of the assemblymen.

Assemblymen and Senators to be Chosen from Single Member Districts. Article IV, Section 4, provides that assemblymen must be chosen from single member districts. Article IV, Section 5, makes the same provision regarding senators.

Nature of the Districts. Article IV, Section 4, requires that assembly districts "consist of contiguous territory and be in as compact form as practicable". Article IV, Section 5, requires that senatorial districts be of "convenient contiguous territory".

Assembly District Boundaries. Article IV, Section 4, requires that assembly districts be bounded by county, precinct, town or ward lines.

Senatorial District to Consist of Whole Assembly Districts. Article IV, Section 5, prohibits the division of an assembly district in the formation of a senatorial district.

Exclusion of Indians not Taxed. Article IV, Section 3, provides that in computing the population for distribution of legislative seats Indians not taxed shall be excluded from the enumeration.

Exclusion of Soldiers and Officers of the United States Army and Navy. Article IV, Section 3, provides that in computing the population for distribution of legislative seats "soldiers, and officers of the United States Army and Navy" are excluded.

Decisions of the Courts which Discuss the Constitutional Provision Regarding Apportionment.

1. Restrictions of Constitution are Mandatory. In the Cunningham case, 81 Wis. 440, it was held that "The restrictions on the power of the legislature to make an apportionment, found in Sections 3, 4 and 5 of Article IV of the constitution, are mandatory and imperative, and are not subject to legislative discretion". (at p. 486).

2. The Meaning of the Term "Precinct". In the Cunningham case the term "Precinct" is discussed. "Section 4, Article IV, of the constitution provides that assembly districts shall be "bounded by county, precinct, town or ward lines". The term

"precinct", as used, has ceased to have any significance. When the constitution was adopted, the optional township form of government, enacted in 1841, did not prevail in several counties of the territory of Wisconsin. Those counties were divided into precincts, namely for election purposes - each of which corresponded in some respects to the town or ward of the other counties. But the precinct of the constitution disappeared when the uniform system of town and county government prescribed by the constitution (Art. IV, Sec. 23) became fully operative. We have now no civil subdivisions, other than towns and wards, which are the equivalent of the precinct of territorial times. Chicago and N.W.R. Co., vs. Oconto, 50 Wis. 189. The term may have been used in statutes since the adoption of the constitution, but it will be found, we think, that with a single exception it is so used as the equivalent of "town" or "ward". The exception is found in the legislative apportionment act of 1876 (Ch. 343) in which the east and west precincts of the Town of Wrightstown in Brown County are named and placed in different assembly districts. If Wrightstown was then an incorporated village, although designated in the act as a town, the term was doubtless employed as the equivalent of "ward". If it was an ordinary town, we are aware of no law authorizing its division, or the division of any town, into precincts which may properly be placed in different assembly districts. Election districts created by municipal authority are not the "precincts" of the constitution. Under existing laws, therefore, we shall feel at liberty to omit the term "precinct" when referring to the above provision of Section 4, Article IV. (at pp. 519-520).

3. County Lines in Assembly Districts. The prohibition against creating a district of a portion of two or more counties or of one county and a portion of one or more other counties is based on the Cunningham case in which the court said under Section 4, Article IV, Const., requiring assembly districts to be "bounded by county, precinct, town or ward lines". The county is the primary territorial unit of representation in the assembly, and the integrity of county lines must be preserved; so that no assembly district can be made to consist of one, or more than one, county and a fraction of another county, or to include fractions of two or more counties. (Discussed in detail at pp. 514-515).

4. The ward is the smallest subdivision of a city which may be used. (See 2 above).

5. When Must Enumeration be Made. In discussing when the enumeration may be made to satisfy the provision that it be passed at the session next after the last enumeration the court said in the Cunningham case "The plain interest of this provision is to enable a new apportionment to be made at the earliest practicable period after the enumeration, to the end that the change in the representation thereby required shall readily become effective and not be unreasonably delayed. The duty to pass such an act is a continuing one from the time it is interest

constitutionally devolved upon the legislature until performed, though when thus performed the power to pass any other such act is exhausted and will not arise again until after another enumeration". (at pp. 516-517).

6. The Order of Consideration of County, Town and Ward Lines.

The Cunningham case makes the following comment on the order of consideration. "The lines of these municipal divisions, counties, towns, and wards, are named in the constitution as boundaries of assembly districts. The county is the larger and more important division, and accordingly is first named. Under familiar and elementary rules of construction it should first be regarded in making the apportionment, and the assembly districts should be bounded by county lines until the necessity arises for bounding them by town or ward lines which are not county lines also. This necessity only arises because the constitution provides for choosing members of assembly by single districts, and some counties have a sufficient number of inhabitants to entitle each of them to more than one member of assembly. Such counties must necessarily be divided into the requisite number of assembly districts". (at pp. 522-523).

7. The Formula for Allocating Assembly Districts. Justice C. J. Lyon in the Cunningham case laid down a formula for allocating the assembly seats.

1. "Each county, and each district consisting of two or more counties having a population equal to the numerical unit of representation in the assembly (alleged to be 16,868), is entitled absolutely to one member of assembly, unless it should be found necessary to place a county not thus entitled to a member in a district with a county which otherwise would of itself be entitled to one member..."
2. "For each multiple of such numerical unit reached by the population of any county, such county is also absolutely entitled to an additional member of assembly..."
3. "...The remainder of the 100 members, not thus absolutely apportioned to counties and districts, should be apportioned to an equal number of the several counties by some uniform equitable rule - perhaps to the counties having the largest fraction of population in excess of such numerical unit of representation or multiple thereof..."
(at p. 529).

8. The Review of an Apportionment by the Courts. "The Illinois court recognizes that it has jurisdiction to review any apportionment act which has not yet been used as the basis for an election. The principle is universally acknowledged. (Here followed 22 cases). The Wisconsin court, in four opinions, concurs in it." (Here followed reference to the two Cunningham cases, the Bowman case and the Martin case).⁽¹⁾

(1)

Moore, William G., Legislative Reapportionment, Wisconsin Law Review, July 1949, p. 762.

IV. HISTORY OF WISCONSIN APPORTIONMENT LEGISLATION

1848

In 1848 the new constitution apportioned the state into 19 senatorial districts and 66 assembly districts. (See Parts VI, VII, VIII, and IX for details). It set the number of assemblymen at not less than 54 nor more than 100 and the number of senators at not less than one-fourth the number of assemblymen nor more than one-third. The legislature was to provide for a census in 1855 and at succeeding ten-year intervals. After each such census and after the federal census it was to reapportion according to the number of inhabitants, excluding Indians not taxed and soldiers and officers of the United States army and navy. The constitution also required senate districts to be of contiguous territory and assembly districts to be bounded by county, precinct, town or ward lines and to consist of contiguous territory in compact form.

As established by the constitution, the legislative districts were concentrated in the southern, particularly the southeastern part of the state.

1852

Chapter 499 increased the senatorial districts to 25 and the assembly districts to 83. The new districts gave representation to the recently created counties, which were principally in the east-central part of the state, and increased the representation of the southern counties.

1856

Chapter 109 increased the number of senatorial districts to 30 and the number of assembly districts to 97. The additional districts were formed from the new northwestern counties and again from the southeastern counties.

1858

Chapter 4, Statutes of 1858, made no significant changes. The number of senate and assembly districts was not altered, while the new counties, Eau Claire and Pepin, were placed in the same districts in which they were previously located.

1861

Chapter 216 increased the senate districts to 33 and the assembly districts to 100. The increase in districts occurred primarily in the southwest central section, while several southeast counties suffered a decrease.

1866

Chapter 101, Laws of 1866, increased the number of assembly districts in the west central part of the state and in Brown, Fond du Lac, and Milwaukee in the east, but in general, the southeast counties lost some of their districts. Changes in senate districts showed no particular trend.

1871

Chapter 156, Laws of 1871, slightly increased the senate districts in the west central section and slightly decreased the number of southeast districts. The central area of the state showed an increase in assembly districts, the south, a decrease.

1876

Chapter 343, Laws of 1876, continued to increase the number of districts in the central part of the state and to decrease the number in the south, although Milwaukee gained a third senate district while Lafayette and Green gained in the assembly but lost in the senate redistricting.

1882

Chapter 242, Laws of 1882, increased somewhat the districts in the west central section and decreased the south central district, but Milwaukee gained one assembly district while Dane lost a senate district, but gained 2 assembly seats.

1887

Chapter 461, Laws of 1887, continued decreasing the number of assembly districts in the southeast counties generally while slightly increasing the number in the northeast and west central. Milwaukee gained a fourth senate seat, LaCrosse gained in the senate but lost in the assembly, Manitowoc lost slightly in both houses, while Waukesha gained a second assembly seat.

1891

Chapter 482, Laws of 1891, slightly increased the assembly representation for the northern half of the state and decreased it somewhat for the southern half. The number of Milwaukee districts, however, jumped from 12 to 16, and Racine gained an assembly seat. This chapter was declared unconstitutional.

by the state Supreme Court in State ex rel Attorney General v. Cunningham, 81 Wis. 440 (1892). This apportionment added parts of counties to part of others or whole counties. For example the 28th senatorial district contained parts of Grant, Iowa and Lafayette counties.

1892

Chapter 1, Laws of 1892 (1st Special Session), recombined parts of counties which had been divided in the previous reapportionment into one or more districts. It, too, however, was declared unconstitutional in State ex rel Lamb v. Cunningham, 83 Wis. 90 (1893).

1892

Chapter 1, Laws of 1892 (2nd Special Session) reapportioned the districts to meet constitutional objections.

1896

Chapter 1, Laws of 1896 (Special Session) made a slight increase in the number of northern assembly districts. Milwaukee districts rose from 14 to 15, but Dane, Dodge and Fond du Lac each lost a district.

1901

Chapter 164, Laws of 1901, reapportioned only the assembly and made few changes in it. Milwaukee gained another district, but Walworth and Sheboygan each lost one.

1911

Chapter 661, Laws of 1911, was enacted after Bill No. 1065, A., was vetoed by the governor. The major changes were made in the number of districts for Milwaukee, which gained a 6th senatorial district and three additional assembly districts, bringing the total to 19.

1921

Chapter 470, Laws of 1921, gave Kenosha, Milwaukee and Racine each an additional assembly seat; Milwaukee, another senate seat, and Racine a senate seat.

1931-32

Chapter 27, Laws of 1931-32 (Special Session). In the 1931 session no changes were made, but in the special session called for several purposes minor changes within counties were made in the most populous counties. This reapportionment did not satisfy the southeastern section of the state and suit was brought in State of Wisconsin ex rel Bowman v. Damman, 209 Wis. 21 (1932) to declare that apportionment unconstitutional. While

the court had, in the two Cunningham cases, apparently inquired into the reasonableness of the apportionment and virtually ordered the legislature to do it over, in the Bowman case they upheld the apportionment on the grounds that absolute equality was not possible and that alternative proposals submitted to the court were open to the same objective as the law as enacted.

1941

No major action in 1941, 1943 or 1945 sessions. In 1941 Joint Resolution 25 was adopted setting up a committee to study the problem and report to the same legislature, but there is nothing to indicate that they ever reported.

State ex rel Martin v. Zimmerman, 249 Wis. 101 (1946) the court refused to interfere with the pending primary election as illegal by reason of the failure to reapportion in 1940 on the ground that this was a legislative matter.

1947

The only legislation on apportionment enacted in this session was Joint Resolution 6, S., introduced by 18 senators which created a special joint committee on reapportionment consisting of 3 senators and 4 assemblymen to study reapportionment of legislative and congressional districts and to report bills to this session of the legislature. Joint Resolution 54, A., introduced by Mr. Roethlisberger required the committee to report by May 1, but it was laid on the table. After much discussion on May 23, the committee reported out Bills 561, A., 562, A., 563, A., 564, A., 565, A., and 566, A., none of which were passed by the assembly.

Bill 561, A., introduced by the committee combined Ashland and Iron counties into one assembly district and gave Milwaukee an additional district by making the city of Wauwatosa a separate district. It failed of engrossment 47-44.

Bill 562, A., introduced by the committee combined the assembly districts of Door and Kewaunee counties, and made a separate district of the villages of Fox Point, River Hills, Shorewood, Whitefish Bay and the Town of Milwaukee. It was indefinitely postponed 44-32.

Bill 563, A., introduced by the committee combined the assembly districts of Iowa and Lafayette counties and divided the city of Madison into two districts. It was indefinitely postponed 43-37.

Bill 564, A., introduced by the committee, combined the district of Juneau county with the Adams-Marquette district and split the 9th and 26th wards of Milwaukee into two districts. It was indefinitely postponed 48-44.

Bill 565, A., introduced by the committee reduced Grant county districts to one and made the city of West Allis into a separate district. It was indefinitely postponed 57-38.

Bill 566, A., introduced by the committee combined Buffalo and Trempealeau counties and Pierce and Pepin counties into two districts thereby reducing the districts by one and made Eau Claire county into two districts by giving the city of Eau Claire a separate district. It also gave Milwaukee county another senatorial district by wiping out the old 17th district and adding Iowa to the 16th, Lafayette to the 16th and Green to the 15th, Vernon to the 32nd, Trempealeau to the 10th and Jackson to the 31st. It was indefinitely postponed 54-39.

Thirteen joint resolutions were also introduced, three of which passed the house of origin. Joint Resolution 5, A., by Mr. Rundell, would have apportioned only the senate by population. It was amended in the senate apportioning only the assembly according to population. It failed of concurrence 20-9.

Joint Resolution 15, A., by Mr. Romell, which also passed the assembly, provided that the assembly should be reapportioned and the senate should be frozen. It provided that the senate should be set up so that Milwaukee county had one senator, most populous counties were combined two to a district and five districts were composed of three smaller counties each. It was non-concurred in.

Joint Resolution 30, A., by Mr. Burmaster and Mr. Runden provided that the attorney general should petition the supreme court to make the apportionment. It was rejected by the assembly 52-38.

Joint Resolution 5, S., by Senator Gettelman providing for a senate committee of 5 was withdrawn by the author.

Joint Resolution 75, S., by Senator Busby provided for an apportionment board composed of the governor, lieutenant governor, secretary of state, state superintendent and attorney general. It was rejected in the senate by a voice vote.

Joint Resolution 76, S., by Senator Bubolz was a variation of the previous suggestion. The apportionment committee consisting of the governor, lieutenant governor, secretary of state, state treasurer, and attorney general were to submit various plans to the legislature and if the legislature could not agree on the plan, the commission would put a plan into operation. It was rejected.

Joint Resolution 71, S., by Senator Schlabach would have limited the number of senators or assemblymen from any one county to one-fifth of the total. It was rejected 21-9.

Joint Resolution 3, A., by Mr. Hicks called for a committee to study the question and to report out two bills. It was rejected.

Joint Resolution 16, A., by Mr. Genzmer would have amended the constitution to insert the word area as well as population in determining the basis for apportionment. It was refused a third reading 47-29.

Joint Resolution 71, A., by Mr. Gehrman would have frozen the assembly at 100, provided at least one assemblyman per county and apportioned the remaining members of single member districts to the larger counties. This was passed by the assembly but non-concurred in by the senate.

Joint Resolution 97, A., by Mr. Rundell merely repealed the apportionment clause of the constitution. It was rejected in the assembly 46-38.

1949

The 1949 session considered five bills and nine joint resolutions on reapportionment. It enacted one joint resolution, Joint Resolution 14, (Jt. Res. 25, A.), by Mr. Burmaster, which provides an amendment to the constitution whereby in case the legislature fails to act at its first meeting after the census, the apportionment will be made by May 1 of the even year in which the next elections are held by a commission composed of the chief justice, governor, attorney general, president pro tem of the senate and speaker of the assembly.

Bill 368, S., by Senator Mayer abolished the assembly districts of Ashland, Door, Kewaunee, Price and Juneau Counties and made them into two. The city of Madison received an additional assemblyman, the 18th ward of Milwaukee was separated from the northern villages of the county and the city of Wauwatosa was made a separate district. It also made minor adjustments in the counties composing some of the northern multi-county districts. It was non-concurred in by the assembly.

Bill 652, S., by the special committee on reapportionment abolished the county districts of Ashland, Bayfield, Crawford, Door, Iowa, Juneau, Kewaunee, Lafayette, Langlade, Price, Richland, added Juneau to Adams-Marquette, combined Ashland and Bayfield, Crawford and Richland, Door and Kewaunee, Iowa and Lafayette. It gave the city of Madison another district and gave Milwaukee county five more. It readjusted counties to give Milwaukee one more senate seat. It also readjusted some of the counties composing the multi-county northern district. It was indefinitely postponed.

Bill 117, A., by Mrs. Rainle would have caused the legislators to have forfeited their pay if they did not reapportion. It was indefinitely postponed 57-28.

Bill 562, A., by Mr. Kendzioriski and Mr. Molinaro would have provided \$5,000 to a citizen committee on reapportionment provided for in Joint Resolution 53, A. It was indefinitely postponed.

Bill 574, A., by the Committee on Municipalities was the companion bill to 368, S. It was indefinitely postponed 38-23.

Joint Resolution 40, S., by Senator Schlabach would have limited the proportion of assemblymen and senators for any one county to one-fifth of the total. It was rejected in the senate.

Joint Resolution 69, S., by Senators Kendziorski, Nelson and Schmidt requested the Legislative Council to study reapportionment. It passed the senate, but was non-concurred in by the assembly 46-39.

Joint Resolution 5, A., by Mr. Gehrman was similar to a measure proposed in 1947. It froze the assembly at 100, provided one assemblyman for each county, the remaining number to be apportioned to the more populous counties. It was recalled by the author.

Joint Resolution 7, A., by Mr. Steffens was similar to the Jt. Res. 30, A., of 1947 which provided that after the census the attorney general would petition the Supreme Court to make an apportionment. It was rejected 52-31.

Joint Resolution 17, A., by Mr. Catlin to amend the constitution received a good deal of attention. As originally introduced it provided a change in the method of allocating assemblymen providing for one for every 30,000 people. It wiped out the provisions for excepting Indians not taxed and soldiers and officers. It provided that counties comprising single member districts in 1949 were to retain their representative. It provided that no district should contain more than two counties. It re-established the precinct as a boundary of the district by inserting the word "voting". It was amended substantially before it passed the assembly but the amended resolution lost in the senate 18-6.

Joint Resolution 29, A., by Mr. Romell provided that if no apportionment were accomplished in the first session, the senate would be called in special session to apportion the assembly. Cities with more than two assemblymen were to submit a plan of apportionment to the special session. If they did not do so, the senate would hire experts and charge it to the city. It also provided that where two or more assemblymen were allotted to a county, the urban and rural areas should be separated. It also provided that senatorial districts should contain not less than one nor more than three counties. It was rejected 56-26.

Joint Resolution 53, A., introduced by 26 assemblymen provided for the appointment of a citizens committee of 7-15 by the governor to study and report to the 1949 session. It was introduced March 29 and provided that the committee study and recommend by May 15 and not later than June 10. It was rejected 59-28.

Joint Resolution 114, A., introduced by 13 assemblymen requested the Legislative Council to study the problem and report in 1951. It died in committee.

V. WISCONSIN CASES ON REAPPORTIONMENT

Slauson et al. vs. The City of Racine (13 Wis. 398) (1861)

The provisions of sections 3 and 4, article IV of the Constitution, concerning the apportionment and establishing of senate and assembly districts once in five years, do not create such an implied prohibition against any intermediate changes of such districts as to prevent such changes as may arise incidentally from the exercise of the acknowledged power of the legislature to change the boundaries of the towns, cities or counties of which such districts may be composed.

Where parts of a law are unconstitutional and other parts valid, yet it evidently appears that the former were intended as compensations for the latter, and the connection between them is such as to warrant the belief that the legislature would not have passed the valid parts alone, there the whole act should be held inoperative.

Accordingly, where the statute annexed to the city of Racine, certain lands previously in the town of Racine, but contained an express proviso that the lands so annexed should be taxed at a different and less rate than other lands in the city, the latter provision being unconstitutional: Held, that the principle above stated was applicable, and that the entire act was inoperative.

State ex rel. Attorney General vs. Cunningham 81 Wis. 440 is cited in part III

State ex rel. Lamb v. Cunningham, Secretary of State (83 Wis. 90) 1892

1. The power of the supreme court, under section 3, article VII, Constitution, to issue its writ of injunction is in no way dependent upon the volition of the attorney general; and his refusal to bring suit or to consent thereto will not prevent the court from taking jurisdiction upon the relation of a private citizen in the name of the state.
2. In an action to enjoin the secretary of state from giving notices of an election of members of the legislature under an apportionment act alleged to be in violation of the Constitution, the question as to the validity of such act is a judicial and not a political question.
3. Under section 3, article IV, Constitution, an apportionment must be made "according to the number of inhabitants" as shown by the last previous federal or state census; and the legislature may not act upon the theory that certain counties contain more or fewer inhabitants than such census shows; nor can the standard of population be disregarded and the apportionment be based upon considerations

as to the wealth of certain localities, the character of their population and business interests, or differences in the rapidity of the increases of population.

4. The question being as to the validity of an apportionment act, the fact that the inequality of representation under it is no greater than under former apportionment acts is irrelevant, the language of the Constitution securing equality being plain and unambiguous.
5. Under section 3, article IV, Constitution, providing that the legislature "shall apportion and district anew the members of the senate and assembly according to the number of inhabitants," the districts must be as nearly equal in population as other constitutional requirements will permit. State ex rel. Atty. Gen. vs. Cunningham, 81 Wis. 440, reaffirmed.
6. This rule, securing equality of representation so far as it is practically attainable without violating other constitutional provisions, is applicable not only in the formation of an assembly district out of two or more counties, but also in the formation of two or more assembly districts in one county, there being in the latter case necessarily a new unit of representation.
7. The requirement of section 4, article IV, Constitution, that assembly districts shall "be in as compact form as practicable," being of lesser importance, may to some extent yield in aid of securing a nearer approach to equality of representation.
8. The unnecessary inequalities under the apportionment act of July, 1892,--such, for example, as the formation of six assembly districts, each containing one or more counties, with an aggregate population less than four times the unit of representation, when such counties might have been grouped into four districts; a difference of over 7,000 in population between assembly districts in a county, when they might have been formed with a difference not exceeding 1,000 and with a gain in compactness; and the formation of one senate district from two assembly districts with a population of 30,732, and of another senate district from four assembly districts with a population of 65,952,--are held to render the act invalid.

State ex rel. Hicks, Attorney General vs. Stevens (112 Wis. 170)
(1901)

1. If there is a reasonable construction of a statute which will uphold it and at the same time preserve the Constitution from infraction, the court is bound to adopt it.
2. Section 4, article IV, Constitution, (providing that "assembly districts shall be bounded by county, precinct,

town or ward lines"), is not violated by an act creating a new county out of a portion of the territory of one of the assembly districts in an old county, but providing that it shall form a part of the original district until otherwise apportioned according to law. For the purpose of electing an assemblyman the new county, in such a case, may be treated as nonexistent.

3. In an act creating a new county a provision locating the county seat in a particular place, even though void, does not affect the remainder of the act, but the authorities of the county may locate the county seat under the general statutes.

State ex rel. Bowman, Plaintiff, vs. Dammann, Secretary of State,
Defendant (209 Wis. 21) (1932)

1. In a reapportionment of legislative districts, the legislature, although bound by constitutional mandate to avoid unnecessary inequalities in representation, is not required to arrive at absolute equality, but has some freedom of action in adjusting the districts.
2. Every presumption in favor of the validity of a reapportionment act and the good faith and fairness of the legislature should be indulged in, and the act should be sustained unless there is such a wide and bold departure from the constitutional rule that it cannot possibly be justified by the exercise of any judgment or discretion and evinces an intention to promote some other object than a constitutional apportionment.
3. In viewing the fairness of the apportionment, the whole scheme of the statute must be taken into account, and not isolated instances where the legislature has fallen short of a perfect result; and the court cannot ignore the fact that enactment of such a law presents practical difficulties, arising from the necessity that it secure the approval of both houses of the legislature.
4. The fact that in a legislative reapportionment involving seventy-one counties it appears that in three instances the legislature could have accomplished what appear to the court to be fairer results with respect to the equality of representation, does not form a sufficient basis for concluding that the act constitutes a departure and evinces such intention.
5. In an original action in the supreme court to restrain the secretary of state from proceeding in the matter of any election under the provisions of Chapter 27, Laws of 1931, Special Session, purporting to reapportion the legislative districts of the state, it is determined that the act is not invalid as violative of sections 2 to 5,

article IV, Constitution, because of unnecessary inequality in the population of the districts as created, but is valid and constitutional. State ex rel. Attorney General vs. Cunningham, 81 Wis. 440, and State ex rel. Lamb vs. Cunningham, 83 Wis. 90, approved and applied in principle, but distinguished under the facts.

State ex rel. Martin, Attorney General, Petitioner, vs. Zimmerman, Secretary of State, Respondent (249 Wis. 101) (1946)

1. A fair apportionment in establishing boundaries to legislative districts should be made by the legislature, not merely in response to the command of sections 3 to 5, article IV, Constitution, but for the purpose of preserving important political rights of the people; but the enforcement of the constitutional mandate must be settled in the political forum as an issue involved in the candidacy for seats in the senate and assembly, since the court cannot compel the legislature to act.
2. The legislature, being a co-ordinate branch of the government, may not be compelled by the court to perform a legislative duty even though the performance of that duty is required by the Constitution, since the court has no power to require the legislature to act in a given particular, although having power to prevent a co-ordinate branch of the government from acting in excess of the authority vested in it by the Constitution.
3. The apportionment act enacted by the legislature following the federal census of 1930, constitutional and valid in its inception, did not become unconstitutional and void on the adjournment of the legislature of 1941 without having reapportioned the legislative districts following the federal census of 1940, although there may have been shifts in population, but such apportionment act remains in force and effect and by its terms does not expire until a new one is enacted by the legislature in response to the constitutional mandate.
4. The supreme court being without power to compel the legislature to reapportion the state, and the apportionment act enacted by the legislature following the federal census of 1930 being presently constitutional and valid notwithstanding the failure of the legislature to make a reapportionment following the federal census of 1940, the court declines to take jurisdiction of a proposed original action to enjoin the secretary of state from proceeding to administer the election laws in accordance with the existing apportionment act, although the matter of reapportionment is one involving not only the state in its sovereign capacity, but also importantly affecting all the people of the state, and would warrant the court in assuming jurisdiction if it was not clear in advance that any action which the court could take would be completely futile.

VI. THE FIRST WISCONSIN APPORTIONMENT - 1848*

Based on December 1847 Census

County	Pop. of District	Assembly Districts		County	Pop. of District
		County	Pop. of District		
Brown	2,914	Iowa	4,214	Rock	2,471
Calumet	1,066	Jefferson	3,779	"	2,630
Columbia	3,791	"	3,804	"	3,170
Crawford and Chippewa	1,409	"	3,880	Sauk	2,178
St. Croix and La Pointe	2,041	Lafayette	5,083	Sheboygan	2,703
Dane	3,713	"	2,835	"	2,877
"	3,944	Manitowoc	1,285	Walworth	3,214
"	3,278	Marquette	2,261	"	2,592
Dodge	3,058	Milwaukee	4,401	"	3,002
"	2,633	"	3,872	"	3,284
"	3,045	"	2,973	"	2,947
"	3,259	Milwaukee	2,821	Waukesha	3,195
"	2,911	"	2,156	"	3,472
Fond du Lac	3,949	"	2,948	"	2,826
"	3,466	"	3,620	"	3,051
Grant	2,604	Portage	1,504	"	3,318
"	3,547	Racine	3,647	Washington	3,262
"	2,387	"	3,262	"	2,671
"	3,183	"	3,845	"	3,499
Green	6,487	"	4,351	"	2,907
Iowa	3,749	"	4,431	"	3,202
		Rock	3,051	Winnebago	2,787
		"	3,397	<u>Average</u>	3,200

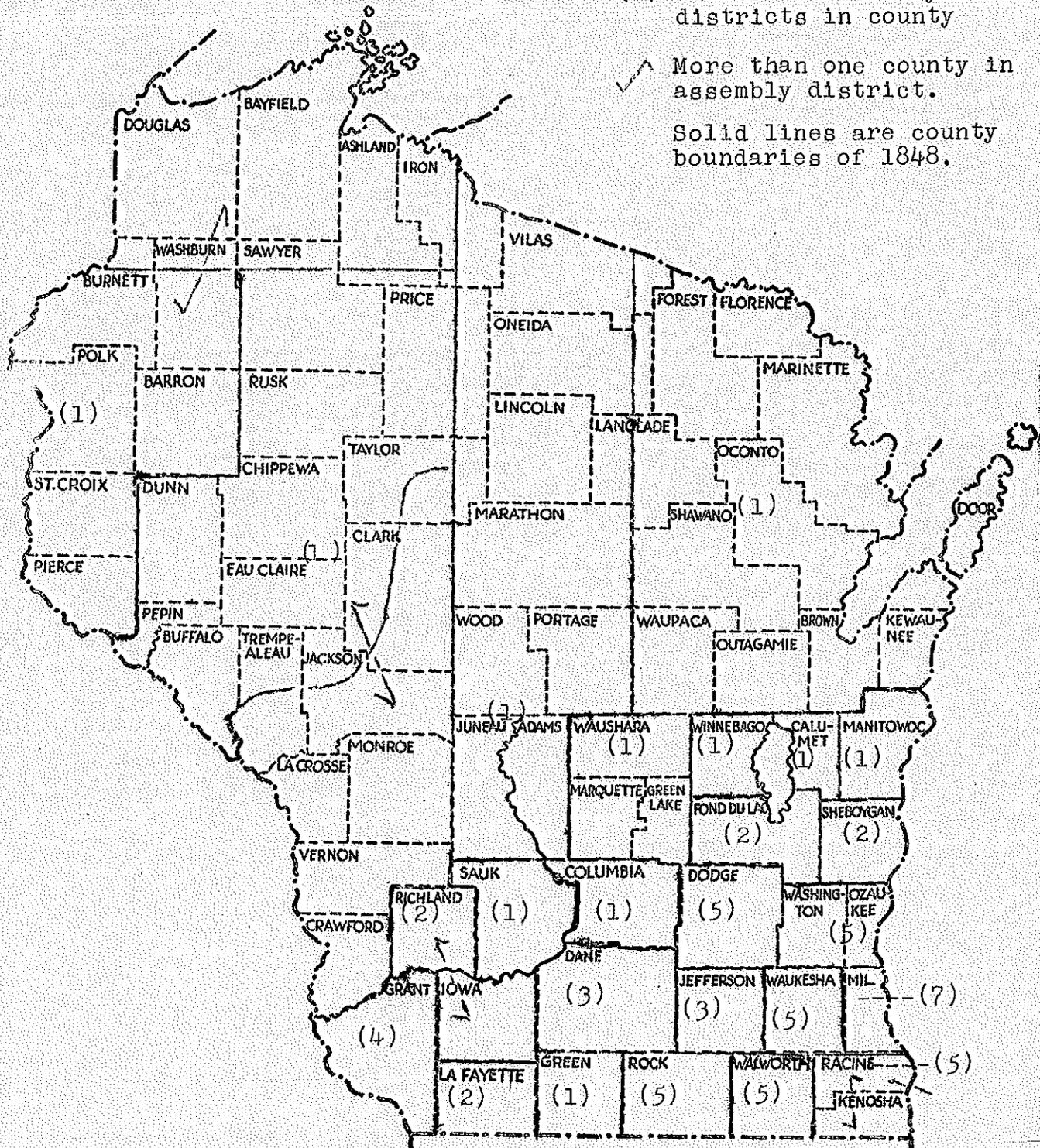
* Data from Published Answer to Complaint in State ex rel George A. Bowman v. Theodore Damman 209 Wis. 21.

VII. ASSEMBLY DISTRICTS - 1848

() Number of assembly districts in county

✓ More than one county in assembly district.

Solid lines are county boundaries of 1848.



VIII. THE FIRST WISCONSIN APPORTIONMENT - 1848

(1)

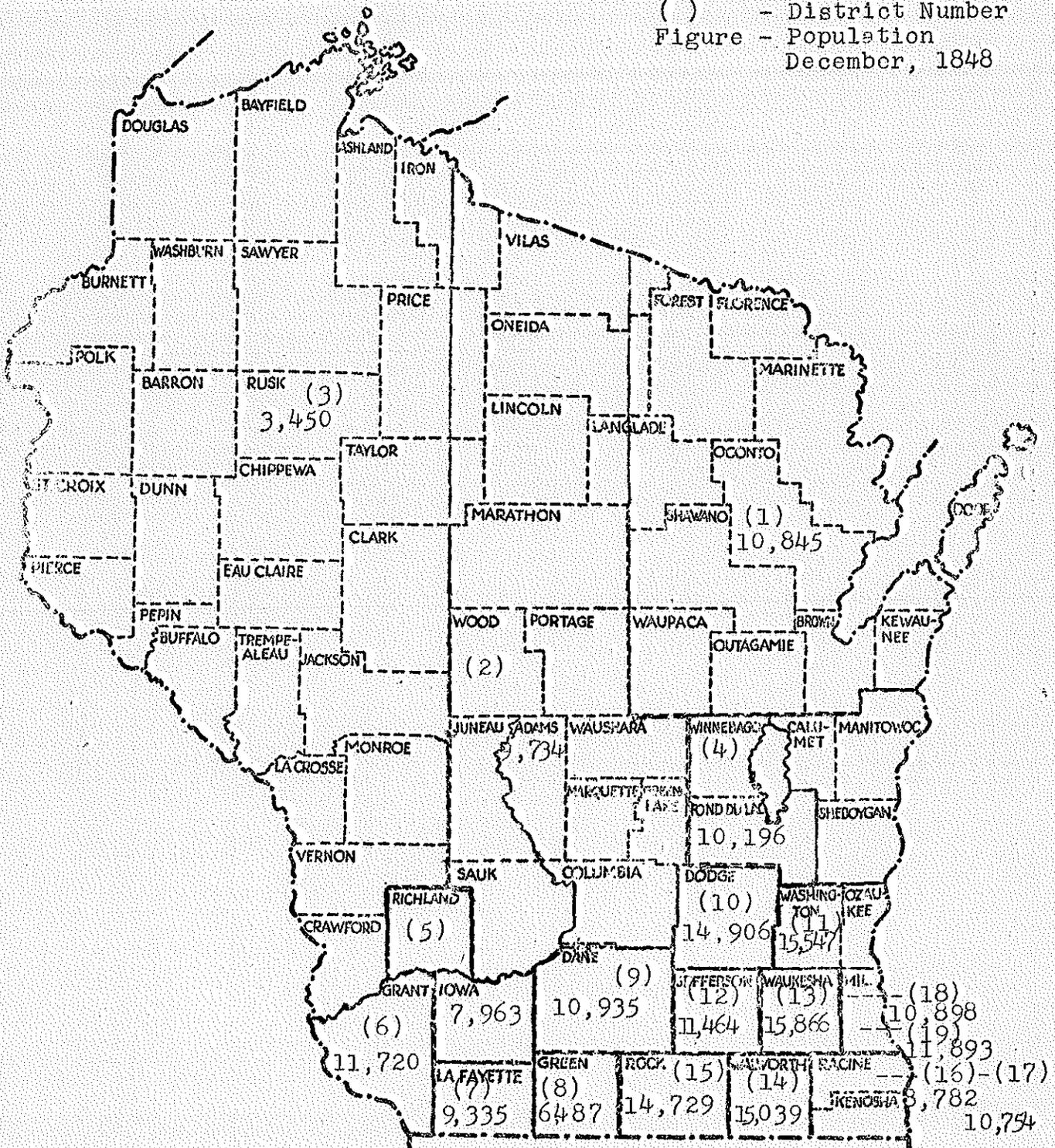
Based on the 1847 Census
Senatorial Districts

District No.	Counties	Pop.	District No.	Counties	Pop.
1	Brown Calumet Manitowoc Sheboygan	2,914 1,066 1,285 <u>5,580</u> 10,845	16	Town of Southport Pike Pleasant Prairie Paris Bristol Brighton Salem Wheatland	2,870 619 862 904 912 889 832 <u>894</u> 8,782
2	Columbia Marquette Portage Sauk	3,791 2,261 1,504 <u>2,178</u> 9,734	17	Town of Racine Caledonia Mt. Pleasant Raymond Norway Rochester Yorkville Burlington	3,647 904 906 815 636 1,536 936 <u>1,373</u> 10,754
3	Crawford Chippewa LaPointe St. Croix	1,409 No In- formation 367 <u>1,674</u> 3,450	18	City of Milwaukee 3d ward 4th ward 5th ward Town of Lake Town of Oak Creek Town of Franklin Town of Greenfield	2,973 1,452 1,369 1,182 1,115 1,041 <u>1,766</u> 10,898
4	Fond du Lac Winnebago	7,409 <u>2,787</u> 10,196	19	City of Milwaukee 1st ward 2nd ward Town of Milwaukee Town of Wauwatosa Town of Granville	4,401 3,872 836 1,372 <u>1,412</u> 11,893
5	Iowa Richland	7,963			
6	Grant	11,720			
7	Lafayette	9,335			
8	Green	6,487			
9	Dane	10,935			
10	Dodg	14,906			
11	Washington	15,547			
12	Jefferson	11,464			
13	Waukesha	15,866			
14	Walworth	15,039			
15	Rock	14,729			

(1) Journal of Constitutional Conventions 1848, p. 621-622, p.156-162

IX. SENATORIAL DISTRICTS - 1848

() - District Number
 Figure - Population
 December, 1848



X. THE TREND IN COUNTY POPULATION

Because the state must be divided into 100 parts to create assembly districts and 33 parts to create senatorial districts, the actual population of a county is of less significance than the relative proportion of the state's population which it contains.

Certain areas of the state retain about the same actual population. As the total population increases, such areas decline in the relative part of the state's population which they contain.

Certain areas of the state increase in population at about the same rate that the total state increases. Such areas, therefore, retain about the same position in regard to the relative proportion of the state's population contained therein.

Certain areas increase in population at a more rapid rate than does the state. The proportion of the state's population they contain increases every decade.

Consideration of these factors is essential to assure that a reapportionment remains equitable as long as possible. For example, Manitowoc county has had 1.96, 2.00, 1.95 and 1.94 per cent of the state's population in each of the last 4 censuses. Not only does it have almost exactly the proper proportion of the state's population to have two assemblymen today, but it has maintained that same proportion for 40 years. Racine county with 3.00, 3.07, 2.98, 3.19, and Washington county with .98, .90, .90, and .99 per cent also illustrate this even trend.

On the other hand there are several counties which had apparently enough population for one assemblyman in 1920 which no longer fare so well.

County	% Total 1920	% Total 1930	% Total 1940	% Total 1950
Ashland	.93	.71	.69	.57
Dunn	1.02	.92	.87	.79
Oconto	1.03	.90	.86	.76
Polk	1.02	.90	.83	.72
St. Croix	.99	.87	.79	.75
Trempealeau	.93	.81	.77	.69
Vernon	1.11	.97	.95	.81

Similarly there are counties which have consistently increased in per cent of total population. Outstanding among them is Waukesha county which has risen from 1.62% of the total population in 1920 to 2.50% in 1950, and Dane county which increased from 3.4% in 1920 to 4.9% in 1950.

There are certain counties which have almost exactly enough people to have one or more assemblyman today. But what will happen in 10 years? Barron county with 1.01% of the state's population, Columbia with .99%, LaCrosse with 1.97%, Marinette with 1.04%, Portage with 1.02%, Washington with .99% and Waupaca with 1.02% are illustrative. Barron, Columbia, Marinette, Portage, Waupaca counties have shown a consistent decline which indicates that in another 10 years all of them may be well below the percentage needed for one assemblyman. LaCrosse, on the other hand, has consistently risen from 1.68% to 1.97% of the state's total population. Washington county which had .98% in 1920 declined to .90% in 1930 and 1940 but built up to .99% in 1950.

Counties which seem to show a consistent decline in the percentage of total state population over the last 30 years are as follows:

Adams	Douglas	Juneau	Polk
Ashland	Dunn	Kewaunee	Portage
Barron	Florence	Lafayette	Price
Bayfield	Fond du Lac	Lincoln	Richland
Buffalo	Grant	Marinette	Rusk
Burnett	Green	Marquette	St. Croix
Clark	Green Lake	Monroe	Trempealeau
Columbia	Iowa	Oconto	Vernon
Crawford	Iron	Pepin	Waupaca
Dodge	Jackson	Pierce	Waushara

Counties which have about held their own during the 30-year period are as follows:

Calumet	Manitowoc
Door	Marathon
Jefferson	Oneida

Counties which have had a continuous increase in the 30-year period are as follows:

Brown	LaCrosse	Ozaukee	Waukesha
Dane	Milwaukee	Rock	Wood
Eau Claire	Outagamie	Vilas	

Counties which have had an inconsistent development are as follows:

Chippewa	Sauk	Shawano	Taylor
Forest	Sawyer	Sheboygan	Walworth
Kenosha			Washburn
Langlade			Washington
Racine			Winnebago

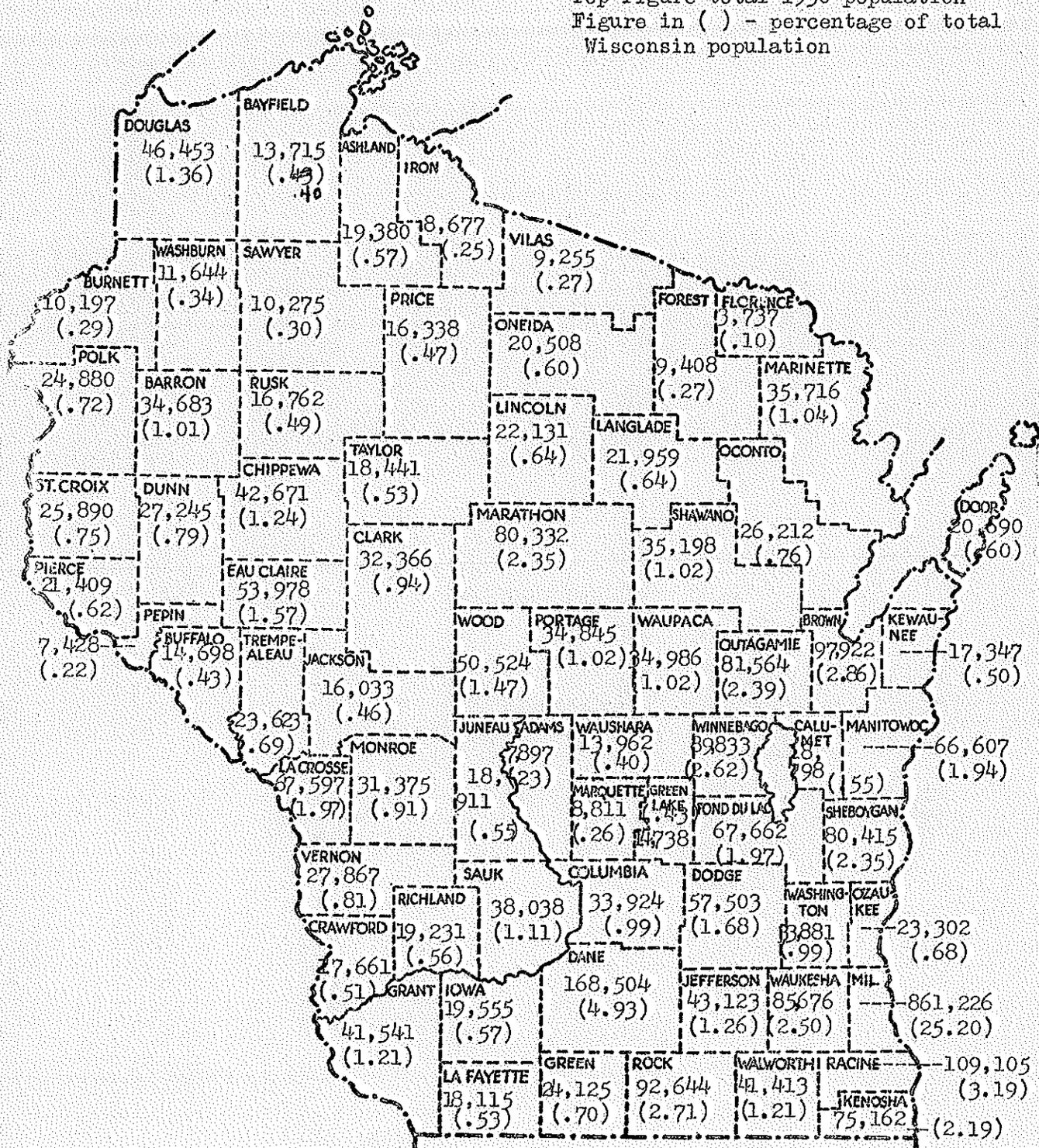
XI. POPULATION OF WISCONSIN COUNTIES 1920, 1930, 1940, 1950
 AND THE PERCENTAGE OF THE TOTAL STATE POPULATION IN EACH COUNTY

County	Pop. 1920	% Total 1920	Pop. 1930	% Total 1930	Pop. 1940	% Total 1940	Pop. 1950	% Total 1950
Adams	9,287	.35	8,003	.27	8,449	.27	7,897	.23
Ashland	24,538	.93	21,054	.71	21,801	.69	19,380	.57
Barron	34,281	1.30	34,301	1.17	34,289	1.09	34,683	1.01
Bayfield	17,201	.65	15,006	.51	15,827	.50	13,715	.40
Brown	61,889	2.35	72,249	2.46	83,109	2.63	97,922	2.86
Buffalo	15,615	.59	15,330	.52	16,090	.51	14,698	.43
Burnett	10,735	.41	10,233	.35	11,382	.36	10,197	.29
Calumet	17,228	.65	16,848	.57	17,618	.56	18,798	.55
Chippewa	36,482	1.39	37,342	1.27	40,703	1.29	42,671	1.24
Clark	35,120	1.33	34,165	1.16	33,972	1.09	32,366	.94
Columbia	30,468	1.16	30,503	1.04	32,517	1.03	33,924	.99
Crawford	16,772	.64	16,781	.57	18,328	.58	17,661	.51
Dane	89,432	3.40	112,737	3.83	130,660	4.14	168,504	4.93
Dodge	49,742	1.89	52,092	1.77	54,280	1.72	57,503	1.68
Door	19,073	.72	18,182	.62	19,095	.61	20,690	.60
Douglas	49,771	1.89	46,583	1.58	47,119	1.49	46,453	1.36
Dunn	26,970	1.02	27,037	.92	27,375	.87	27,245	.79
Eau Claire	35,771	1.36	41,087	1.40	46,999	1.49	53,978	1.57
Florence	3,602	.14	3,768	.13	4,177	.13	3,737	.10
Fond du Lac	56,119	2.13	59,883	2.04	62,353	1.98	67,662	1.97
Forest	9,850	.37	11,118	.38	11,805	.37	9,408	.27
Grant	39,044	1.48	38,469	1.31	40,639	1.29	41,541	1.21
Green	21,568	.82	21,870	.74	23,146	.73	24,125	.70
Green Lake	14,875	.57	13,913	.47	14,092	.45	14,738	.43
Iowa	21,504	.82	20,039	.68	20,595	.65	19,555	.57
Iron	10,261	.39	9,933	.34	10,049	.32	8,677	.25
Jackson	17,746	.67	16,468	.56	16,599	.53	16,033	.46
Jefferson	35,022	1.33	36,785	1.25	38,868	1.23	43,123	1.26
Juneau	19,209	.73	17,264	.59	18,708	.59	18,911	.55
Kenosha	51,284	1.95	63,277	2.15	63,505	2.01	75,162	2.19
Kewaunee	16,091	.61	16,037	.55	16,680	.53	17,347	.50
LaCrosse	44,355	1.68	54,455	1.86	59,653	1.89	67,597	1.97
Lafayette	20,002	.76	18,649	.63	18,695	.59	18,115	.53
Langlade	21,471	.82	21,544	.73	23,227	.75	21,959	.64
Lincoln	21,084	.80	21,072	.72	22,536	.71	22,131	.64
Manitowoc	51,644	1.96	58,674	2.00	61,617	1.95	66,607	1.94
Marathon	65,259	2.48	70,629	2.40	75,915	2.41	80,332	2.35
Marquette	34,361	1.30	33,530	1.14	36,225	1.15	35,716	1.04
Marquette	10,443	.40	9,388	.32	9,097	.29	8,811	.26
Milwaukee	539,449	20.50	725,263	24.68	766,885	24.29	861,226	25.20
Monroe	28,666	1.09	28,739	.98	30,080	.95	31,375	.91
Oconto	27,104	1.03	26,386	.90	27,075	.86	26,212	.76
Oneida	13,996	.53	15,899	.54	18,938	.60	20,508	.60
Outagamie	55,113	2.09	62,790	2.14	70,032	2.22	81,564	2.39
Ozaukee	16,335	.62	17,394	.59	18,985	.60	23,302	.68
Pepin	7,481	.28	7,450	.25	7,897	.25	7,428	.22
Pierce	21,663	.82	21,043	.72	21,471	.68	21,409	.62
Polk	26,870	1.02	26,567	.90	26,197	.83	24,880	.72
Portage	33,649	1.28	33,827	1.15	35,800	1.13	34,845	1.02

County	Pop. 1920	% Total 1920	Pop. 1930	% Total 1930	Pop. 1940	% Total 1940	Pop. 1950	% Total 1950
Price	18,517	.70	17,284	.59	18,467	.59	16,338	.47
Racine	78,961	3.00	90,217	3.07	94,047	2.98	109,105	3.19
Richland	19,823	.75	19,525	.66	20,381	.65	19,231	.56
Rock	66,150	2.51	74,206	2.52	80,173	2.54	92,644	2.71
Rusk	16,403	.62	16,081	.55	17,737	.56	16,762	.49
St. Croix	26,106	.99	25,455	.87	24,842	.79	25,890	.75
Sauk	32,548	1.24	32,030	1.09	33,700	1.07	38,088	1.11
Sawyer	8,243	.31	8,878	.30	11,540	.37	10,275	.30
Shawano	33,975	1.29	33,516	1.14	35,378	1.12	35,198	1.20
Sheboygan	59,913	2.28	71,235	2.42	76,221	2.41	80,415	2.35
Taylor	18,045	.69	17,685	.60	20,105	.64	18,441	.53
Trempealeau	24,506	.93	23,910	.81	24,381	.77	23,623	.69
Vernon	29,252	1.11	28,537	.97	29,940	.95	27,867	.81
Vilas	5,649	.21	7,294	.25	8,894	.28	9,255	.27
Walworth	29,327	1.11	31,058	1.06	33,103	1.05	41,413	1.21
Washburn	11,377	.43	11,103	.38	12,496	.40	11,644	.34
Washington	25,713	.98	26,551	.90	28,430	.90	33,881	.99
Waukesha	42,612	1.62	52,358	1.78	62,744	1.99	85,676	2.50
Waupaca	34,200	1.30	33,513	1.14	34,614	1.10	34,986	1.02
Waushara	16,712	.63	14,427	.49	14,268	.45	13,962	.40
Winnebago	63,897	2.43	76,622	2.61	80,507	2.55	89,833	2.62
Wood	34,643	1.32	37,865	1.29	44,465	1.41	50,524	1.47
TOTAL	2,632,067		2,939,006		3,157,587		3,417,372	

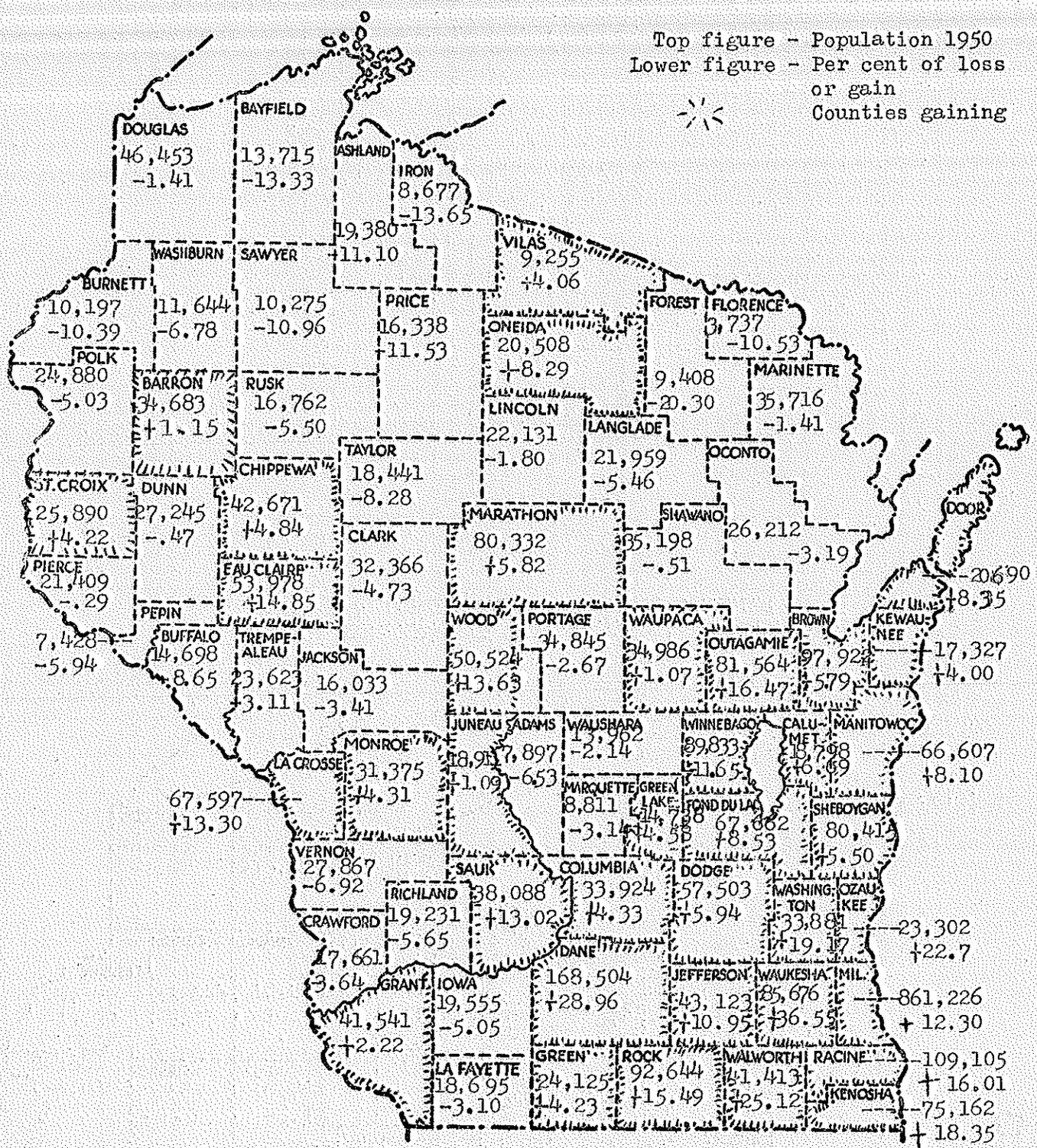
XII. 1950 POPULATION OF WISCONSIN COUNTIES*
 SHOWING PERCENTAGE OF TOTAL WISCONSIN POPULATION IN EACH

Top figure total 1950 population
 Figure in () - percentage of total
 Wisconsin population



* Population figure from The Milwaukee Journal, July 16, 1950.

XIII. 1950 POPULATION OF WISCONSIN COUNTIES
SHOWING PERCENTAGE OF GAIN OR LOSS OVER 1940



XIV. POPULATION OF ASSEMBLY DISTRICTS

	1920, 1930, 1940, 1950			
	(1)	(1)	(2)	(3)
	1920	1930	1940	1950
Average	26,318	29,390	31,376	34,174
<u>COUNTIES</u>				
Adams and Marquette	19,730	17,391	17,546	16,708
Ashland	24,538	21,054	21,801	19,380
Barron	34,281	34,301	34,289	34,683
Bayfield	17,201	15,006	15,827	13,715
Brown, 1st	31,017	37,415	46,235	52,443
Brown, 2nd	30,872	32,834	36,874	45,479
Buffalo and Pepin	23,096	22,780	23,987	22,126
Burnett and Washburn	22,112	21,336	23,878	21,841
Calumet	17,228	16,848	17,618	18,798
Chippewa	36,482	37,342	40,703	42,671
Clark	35,120	34,165	33,972	32,366
Columbia	30,468	30,503	32,517	33,924
Crawford	16,772	16,781	18,328	17,661
Dane, 1st	40,705	61,601	67,447	95,534
Dane, 2nd	24,639	25,925	30,479	(5)
Dane, 3rd	24,088	23,775	32,734	(5)
Dodge, 1st	24,087	23,551	23,924	(5)
Dodge, 2nd	25,655	28,541	30,356	(5)
Door	19,073	18,182	19,095	20,690
Douglas, 1st	25,418	22,158	21,593	(5)
Douglas, 2nd	24,353	24,425	25,526	(5)
Dunn	26,970	27,037	27,375	27,245
Eau Claire	35,771	41,087	46,999	53,978
Florence, Forest and Oneida	27,448	30,785	34,920	33,653
Fond du Lac, 1st	27,860	31,549	32,654	(5)
Fond du Lac, 2nd	28,259	28,334	29,699	(5)
Grant, 1st	19,784	19,314	20,131	(5)
Grant, 2nd	19,260	19,155	20,508	(5)
Green	21,568	21,870	23,146	24,125
Green Lake and Waushara	31,587	28,340	28,360	28,700
Iowa	21,504	20,039	20,595	19,555
Iron and Vilas	15,910	17,227	18,943	17,932
Jackson	17,746	16,468	16,599	16,033
Juneau	19,209	17,264	18,708	18,911
Jefferson	35,022	36,785	38,868	43,123

COUNTIES	(1)	(1)	(2)	(3)
	1920	1930	1940	1950
Kenosha, 1st	26,904	24,204	27,647	(5)
Kenosha, 2nd	24,380	25,554	35,858	(5)
Kewaunee	16,091	16,037	16,680	17,347
LaCrosse, 1st	22,902	30,038	31,654	(5)
LaCrosse, 2nd	21,453	24,417	27,999	(5)
Lafayette	20,002	18,649	18,695	18,115
Langlade	21,471	21,544	23,227	21,959
Lincoln	21,084	21,072	22,535	22,131
Manitowoc, 1st	26,539	30,568	32,874	(5)
Manitowoc, 2nd	25,105	28,108	28,743	(5)
Marathon, 1st	26,680	28,724	37,542	(5)
Marathon, 2nd	35,227	40,603	38,373	(5)
Marinette (4)	34,361	33,530	36,225	35,716
Milwaukee, 1st	36,616	37,104	36,659	31,658
2nd	34,078	30,211	47,082	50,692
3rd	19,508	29,429	58,265	75,332
4th	20,440	28,133	23,072	21,969
5th	34,228	31,328	44,915	45,126
6th	19,783	19,057	23,846	29,586
7th	19,051	19,342	26,535	26,652
8th	38,285	44,453	44,834	44,142
9th	32,951	30,734	50,969	84,534
10th	32,027	50,756	36,730	46,399
11th	34,975	42,419	38,785	40,848
12th	23,891	34,138	39,476	35,048
13th	18,923	18,608	43,369	40,755
14th	18,922	30,416	52,990	66,064
15th	31,750	45,176	39,834	41,665
16th	26,822	40,737	25,507	27,124
17th	25,491	34,808	32,621	35,469
18th	23,729	46,107	23,752	24,243
19th	23,851	48,286	23,984	26,909
20th	24,323	64,021	53,660	67,021
Monroe	28,666	28,739	30,080	31,375
Oconto	27,104	26,386	27,075	26,212
Outagamie, 1st	27,581	33,773	38,261	(5)
Outagamie, 2nd	27,532	29,017	31,771	(5)
Ozaukee	16,335	17,394	18,985	23,302
Pierce	21,663	21,043	21,471	21,409
Polk	26,870	26,567	26,197	24,880
Portage	33,649	33,827	35,800	34,845
Price	18,517	17,284	18,467	16,338
Racine, 1st	27,800	28,756	28,301	(5)
Racine, 2nd	25,718	33,951	34,236	(5)
Racine, 3rd	25,443	27,510	31,510	(5)

COUNTIES	(1)	(1)	(2)	(3)
	1920	1930	1940	1950
Richland	19,823	19,525	20,381	19,231
Rock, 1st	33,476	37,612	40,154	(5)
Rock, 2nd	32,674	36,594	40,019	(5)
Rusk and Sawyer	24,646	24,959	29,277	27,037
St. Croix	26,106	25,455	24,842	25,890
Sauk	32,548	32,030	33,700	33,088
Shawano	33,975	33,516	35,378	35,198
Sheboygan, 1st	30,955	39,251	40,638	42,342
Sheboygan, 2nd	28,958	31,984	35,583	38,073
Taylor	18,045	17,685	20,105	18,441
Trempealeau	24,506	23,910	24,381	23,623
Vernon	29,252	28,537	29,940	27,867
Walworth	29,327	31,058	33,103	41,413
Washington	25,713	26,551	28,430	33,881
Waukesha, 1st	22,772	29,035	33,575	(5)
Waukesha, 2nd	19,840	22,889	29,169	(5)
Waupaca	34,200	33,513	34,614	34,986
Winnebago, 1st	33,162	40,108	39,089	40,872
Winnebago, 2nd	30,735	36,514	41,418	48,961
Wood	34,643	37,865	44,465	50,524

(1) Population of Wisconsin Congressional, Assembly and Senatorial Districts, 1920, 1930, Wisconsin Legislative Reference Library, January 1931, Table V.

(2) 1940 Data from Exhibit C "Wisconsin Assembly Representation", p. 113, State ex rel Martin v. Zimmerman, 349 S.W.2d 440 and Population by Wisconsin Congressional, Assembly and Senatorial Districts, 1930, and 1940, Wisconsin Legislative Reference Library, March 1942, Table V.

(3) Data from Preliminary Census Reports. Milwaukee data from Milwaukee Sentinel, July 20, 1950.

(4) These figures do not correspond with those of the Milwaukee Sentinel, July 20, 1950 except in the instances of the 3rd, 10th and 20th districts which do not contain any Milwaukee wards.

(5) Requires population figures on towns, villages or city wards which are not yet available.

XV. POPULATION OF SELECTED ASSEMBLY DISTRICTS 1950
AND PER CENT OF TOTAL STATE POPULATION IN EACH

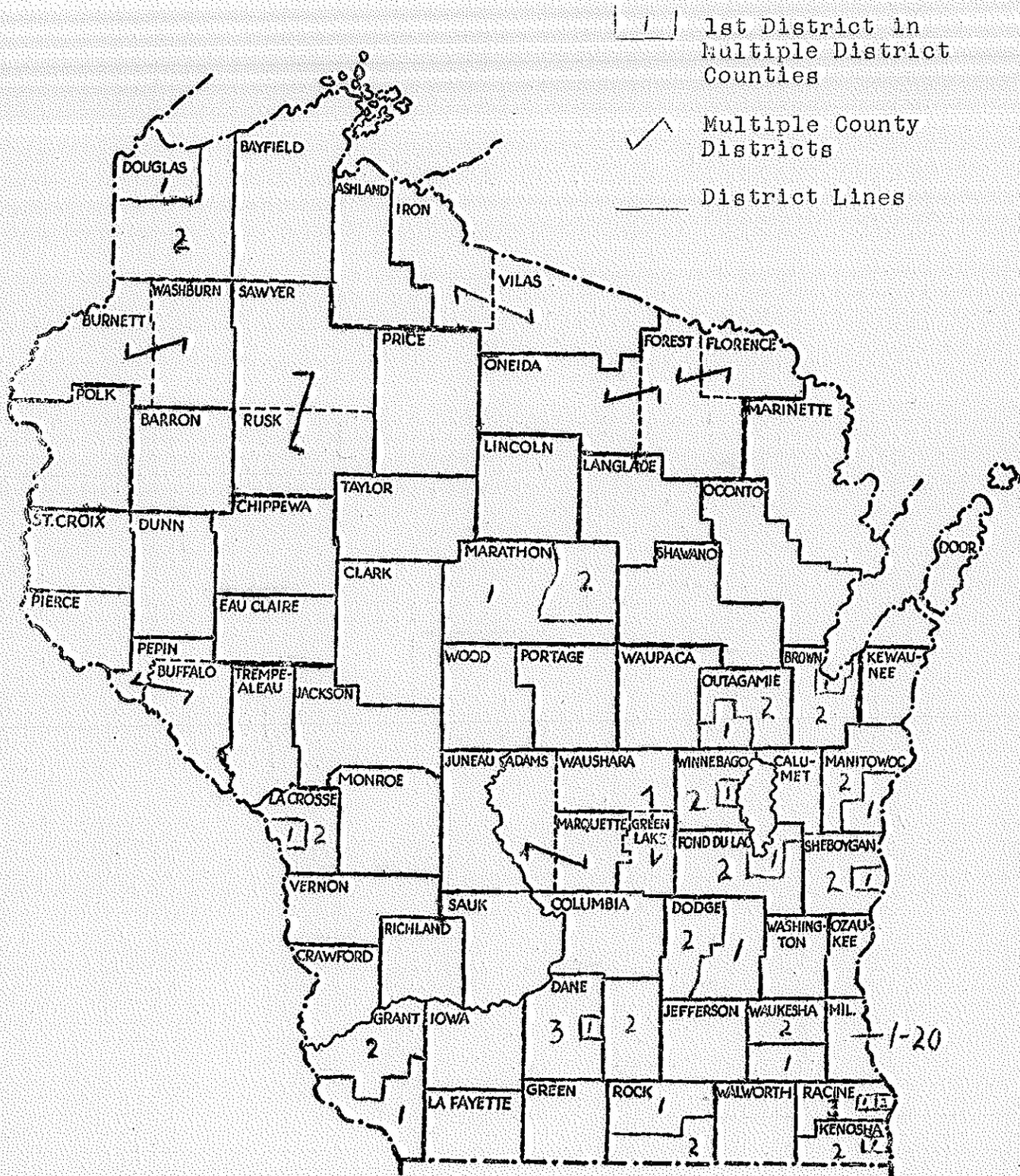
COUNTY	POPULATION 1950	PER CENT OF STATE POPULATION
Adams-Marquette	16,708	.49
Ashland	19,380	.57
Barron	34,683	1.01
Bayfield	13,715	.43
Brown, 1st	52,443	1.53
Brown, 2nd	45,479	1.33
Buffalo-Pepin	22,126	.65
Burnett-Washington	21,841	.63
Calumet	18,798	.55
Chippewa	42,671	1.24
Clark	32,366	.94
Columbia	33,924	.99
Crawford	17,661	.51
Dane, 1st	95,534	2.79
Dane, 2nd	35,835	1.05
Dane, 3rd	37,201	1.09
Dodge, 1st	25,067	.73
Dodge, 2nd	32,437	.95
Door	20,690	.60
Douglas, 1st	21,849	.64
Douglas, 2nd	24,604	.72
Dunn	27,245	.79
Eau Claire	53,978	1.57
Florence, Forest, Oneida	33,653	.97
Fond du Lac, 1st	35,455*	1.04
Fond du Lac, 2nd	32,207*	.94
Grant, 1st	20,604*	.61
Grant, 2nd	20,937*	.61
Green	24,125	.70
Green Lake-Waushara	28,700	.83
Iron	19,555	.57
Iron and Vilas	17,932	.52
Jackson	16,033	.46
Jefferson	43,123	1.26
Juneau	18,911	.55
Kenosha, 1st	31,758	.93
Kenosha, 2nd	43,399	1.27
Kewaunee	17,347	.50
LaCrosse, 1st	33,714	.99
LaCrosse, 2nd	33,883	.99

*Estimated

COUNTY	POPULATION 1950	PER CENT OF STATE POPULATION
Lafayette	18,115	.53
Langlade	21,959	.64
Lincoln	22,131	.64
Manitowoc, 1st	36,745	1.07
Manitowoc, 2nd	29,862	.87
Marathon, 1st	37,147	1.09
Marathon, 2nd	43,185	1.26
Marinette	35,716	1.04
Milwaukee, 1st	31,658	.93
2nd	50,692	1.48
3rd	75,332	2.20
4th	21,969	.64
5th	45,126	1.32
6th	29,586	.87
7th	26,652	.78
8th	44,142	1.29
9th	84,534	2.47
10th	46,399	1.36
11th	40,848	1.20
12th	35,048	1.03
13th	40,755	1.19
14th	66,064	1.93
15th	41,665	1.22
16th	27,124	.79
17th	35,469	1.04
18th	24,243	.71
19th	26,909	.79
20th	67,021	1.96
Monroe	31,375	.91
Oconto	26,212	.76
Outagamie, 1st	46,119	1.35
Outagamie, 2nd	35,445	1.04
Ozaukee	23,302	.68
Pierce	21,409	.62
Polk	24,880	.72
Portage	34,845	1.02
Price	16,338	.47
Racine, 1st	29,767	.87
Racine, 2nd	36,389	1.06
Racine, 3rd	42,949	1.26
Richland	19,231	.56
Rock, 1st	42,866	1.25
Rock, 2nd	49,778	1.46
Rusk and Sawyer	27,037	.79
St. Croix	25,890	.75

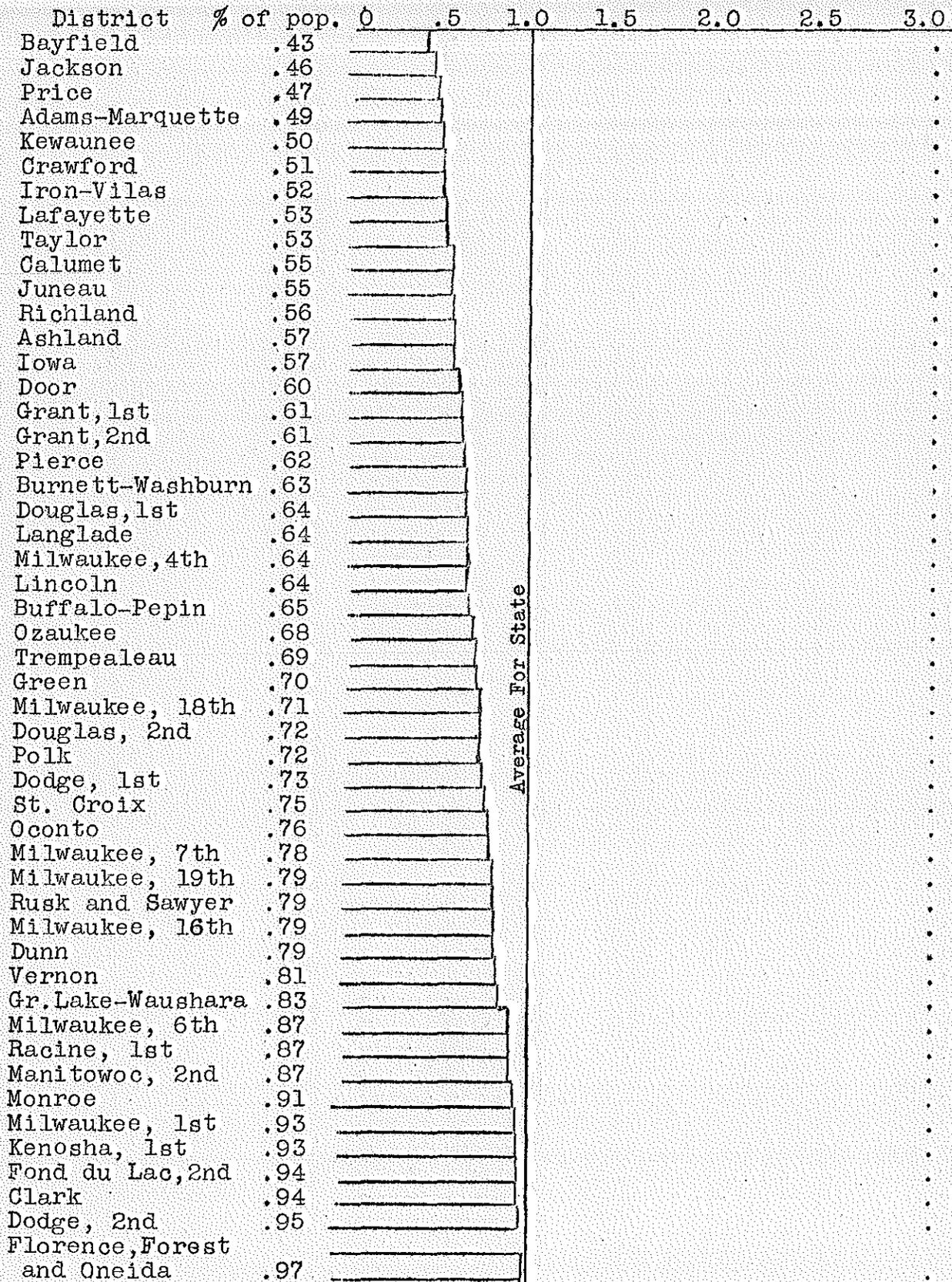
COUNTY	POPULATION 1950	PER CENT OF STATE POPULATION
Sauk	33,088	1.11
Shawano	35,198	1.02
Sheboygan, 1st	42,342	1.23
Sheboygan, 2nd	38,073	1.11
Taylor	18,441	.53
Trempealeau	23,623	.69
Vernon	27,867	.81
Walworth	41,413	1.21
Washington	33,881	.99
Waukesha, 1st	42,011	1.23
Waukesha, 2nd	43,672	1.28
Waupaca	34,986	1.02
Winnebago, 1st	40,872	1.19
Winnebago, 2nd	48,962	1.43
Wood	50,524	1.47

XVI. ASSEMBLY DISTRICTS IN WISCONSIN - 1950

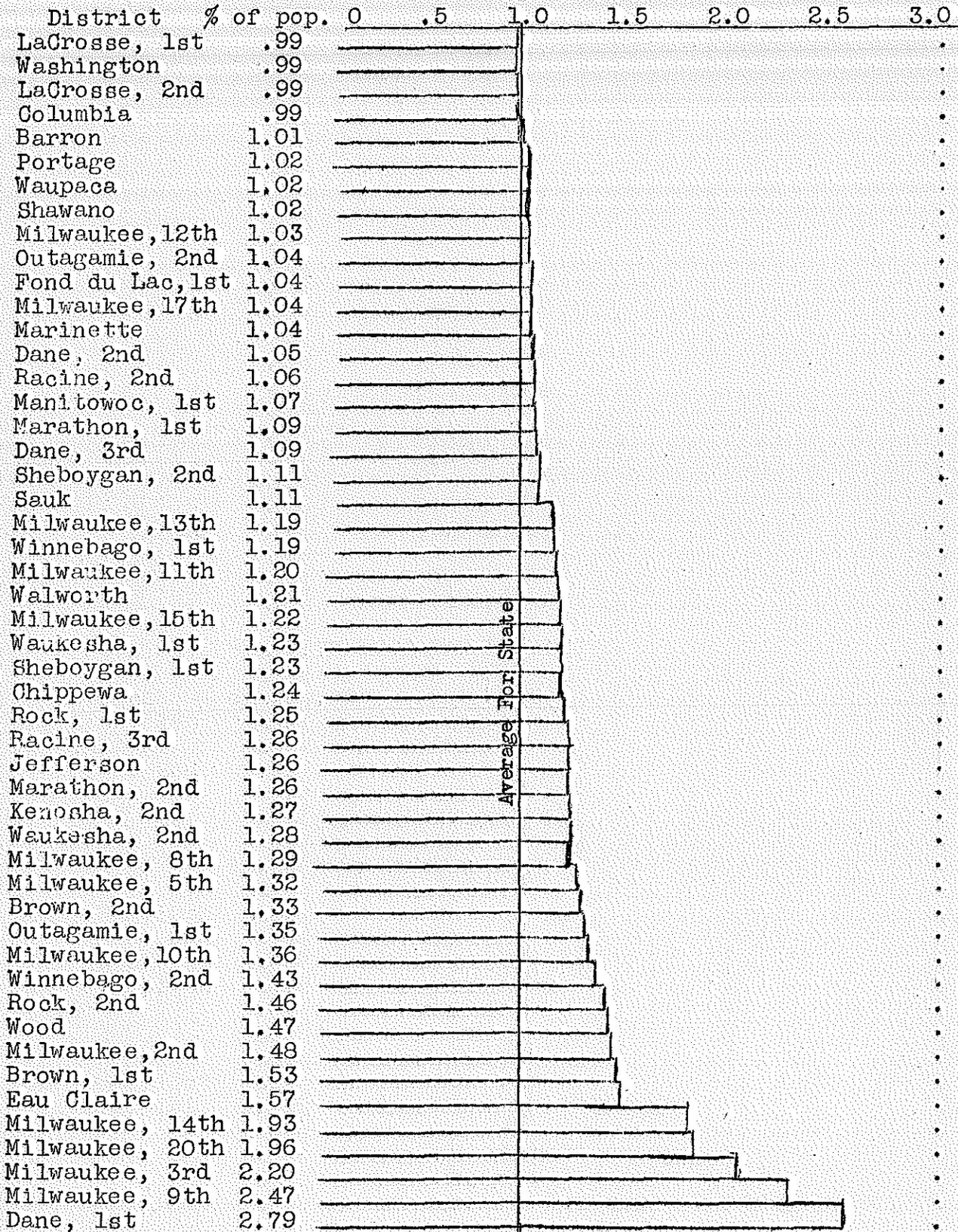


XVII. ASSEMBLY DISTRICTS RANKED ACCORDING TO
PER CENT OF TOTAL STATE POPULATION IN 1950

1% = average assembly district population.



XVII. ASSEMBLY DISTRICTS RANKED ACCORDING TO POPULATION (Cont.)



XVIII. POPULATION OF STATE SENATORIAL DISTRICTS
1920, 1930, 1940, 1950

	(1)	(2)	(3)	(5)
	1920	1930	1940	1950
Average	79,759	89,060	95,078	103,557
DISTRICT				
1	86,808	92,893	97,392	104,644
2	88,993	96,635	110,184	124,134 (4)
3	73,265	86,872	83,700	92,790 (4)
4	77,600	121,623	96,359	102,906 (4)
5	75,981	107,447	114,787	147,201 (4)
6	71,685	69,133	122,876	120,675 (4)
7	78,641	96,552	108,827	121,590 (4)
8	82,700	139,779	156,759	191,588 (4)
9	70,694	67,315	83,577	86,366
10	70,865	69,278	70,300	69,425
11	89,084	82,925	86,824	82,009
12	40,448	80,524	88,488	80,687
13	43,163	78,643	82,710	91,384
14	89,088	96,306	105,410	116,762
15	66,150	74,206	80,173	92,644
16	85,064	83,787	88,907	87,069
17	63,074	60,558	62,436	61,795
18	87,706	88,223	90,713	96,362
19	81,125	93,470	98,125	108,631
20	76,248	88,629	95,206	103,717
21	78,961	90,217	94,047	109,195
22	80,611	94,335	96,608	116,575
23	67,849	67,340	70,414	69,831

DISTRICT	(1) 1920	(2) 1930	(3) 1940	(5) 1950
24	87,808	89,715	98,542	101,331
25	86,343	91,701	98,451	102,463
26	89,432	112,737	130,660	168,504
27	82,839	82,058	86,598	91,243
28	72,253	78,429	87,702	96,649
29	88,121	87,899	87,861	86,808
30	83,280	85,863	94,372	91,328
31	67,605	63,394	66,334	66,994
32	86,607	94,833	100,633	107,253
33	77,634	89,143	101,612	128,799

(1)

Report on population in legislative district compiled by Legislative Reference Library, January 1931.

(2)

Report on population in legislative district compiled by Legislative Reference Library, January 1931.

(3)

Martin Data from Exhibit C. Brief of plaintiff in State ex rel ~~March~~ ^{March} v. Zimmerman, 87 Wis. 440; population of Wisconsin Congressional, Assembly and Senatorial Districts, 1930 and 1940. Wisconsin Legislative Reference Library March 1942. Table III, p. 1 and 2.

(4)

Milwaukee Journal, July 23, 1950.

(5)

Capital Times, July 24, 1950.

XIX. POPULATION OF COMPONENT PARTS OF STATE
 SENATORIAL DISTRICTS, TOTAL POPULATION AND PERCENTAGE
 OF TOTAL STATE POPULATION OF COMPONENT PARTS AND
 SENATORIAL DISTRICTS 1950 CENSUS

Average Population 103,557

Average Percentage of Total State Population 3.03

COUNTY	POP.	% OF TOTAL POP.	COUNTY	POP.	% OF TOTAL POP.
1st District			12th District		
Door	20,690	.60	Ashland	19,380	.57
Kewaunee	17,347	.50	Iron	8,677	.25
Manitowoc	66,607	1.94	Price	16,338	.47
	<u>104,644</u>	3.04	Rusk	16,762	.49
2nd District			Sawyer	10,275	.30
Brown	97,922	2.86	Vilas	9,255	.27
Oconto	26,212	.76		<u>80,687</u>	2.35
	<u>124,134</u>	3.62	13th District		
3rd District			Dodge	57,503	1.68
	92,790	2.71	Washington	33,881	.99
4th District				<u>91,384</u>	2.67
	102,906	3.01	14th District		
5th District			Outagamie	81,564	2.39
	147,201	4.30	Shawano	35,198	1.02
6th District				<u>116,762</u>	3.41
	120,675	3.53	15th District		
7th District			Rock	92,644	2.71
	121,590	3.55	16th District		
8th District			Crawford	17,661	.51
	191,588	5.60	Grant	41,541	1.21
9th District			Vernon	27,867	.81
	86,366	2.52		<u>87,069</u>	2.53
10th District			17th District		
Buffalo	14,698	.43	Green	24,125	.70
Pepin	7,428	.22	Iowa	19,555	.57
Pierce	21,409	.62	Lafayette	18,115	.53
St. Croix	25,890	.75		<u>61,795</u>	1.80
	<u>69,425</u>	2.02	18th District		
11th District			Fond du Lac	67,662	1.97
Bayfield	13,715	.43	Green Lake	14,738	.43
Burnett	10,197	.29	Waushara	13,962	.40
Douglas	46,453	1.36		<u>96,362</u>	2.80
Washburn	11,644	.34	19th District		
	<u>82,009</u>	2.42	Calumet	18,798	.55
			Winnebago	89,833	2.62
				<u>108,631</u>	3.17

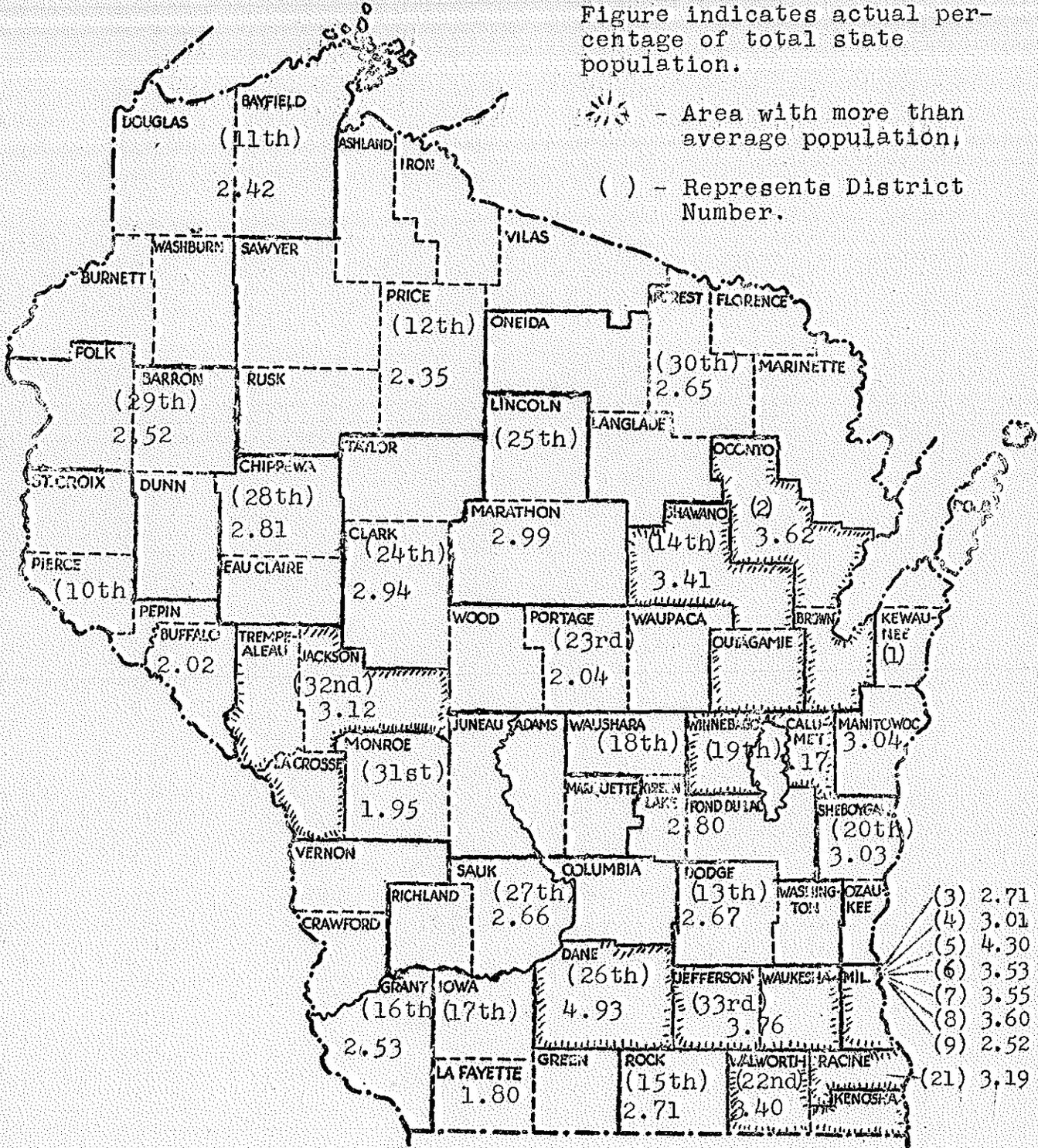
COUNTY	POP.	% OF TOTAL POP.	COUNTY	POP.	% OF TOTAL POP.
20th District			30th District		
Ozaukee	23,302	.68	Florence	3,737	.10
Sheboygan	80,415	2.35	Forest	9,408	.27
	<u>103,717</u>	<u>3.03</u>	Langlade	21,959	.64
21st District			Marinette	35,716	1.04
Racine	109,105	3.19	Oneida	<u>20,508</u>	<u>.60</u>
22nd District				<u>91,328</u>	<u>2.65</u>
Kenosha	75,162	2.19	31st District		
Walworth	41,413	1.21	Adams	7,897	.23
	<u>116,575</u>	<u>3.40</u>	Juneau	18,911	.55
23rd District			Marquette	8,811	.26
Portage	34,845	1.02	Monroe	<u>31,375</u>	<u>.91</u>
Waupaca	<u>34,986</u>	<u>1.02</u>		<u>66,994</u>	<u>1.95</u>
	<u>69,831</u>	<u>2.04</u>	32nd District		
24th District			Jackson	16,033	.46
Clark	32,366	.94	LaCrosse	67,597	1.97
Taylor	18,441	.53	Trempealeau	<u>23,623</u>	<u>.69</u>
Wood	<u>50,524</u>	<u>1.47</u>		<u>107,253</u>	<u>3.12</u>
	<u>101,331</u>	<u>2.94</u>	33rd District		
25th District			Jefferson	43,123	1.26
Lincoln	22,131	.64	Waukesha	<u>85,676</u>	<u>2.50</u>
Marathon	<u>80,332</u>	<u>2.35</u>		<u>128,799</u>	<u>3.76</u>
	<u>102,463</u>	<u>2.99</u>			
26th District					
Dane	168,504	4.93			
27th District					
Columbia	33,924	.99			
Richland	19,231	.56			
Sauk	38,088	1.11			
	<u>91,243</u>	<u>2.66</u>			
28th District					
Chippewa	42,671	1.24			
Eau Claire	53,978	1.57			
	<u>96,649</u>	<u>2.81</u>			
29th District					
Barron	34,683	1.01			
Dunn	27,245	.79			
Polk	24,880	.72			
	<u>86,808</u>	<u>2.52</u>			

XX. SENATORIAL DISTRICTS SHOWING
OVER AND UNDER REPRESENTATION IN 1950

Average Per Cent of Total State Population 3.03

Figure indicates actual percentage of total state population.

☼ - Area with more than average population,
() - Represents District Number.



XXI. SENATORIAL DISTRICTS RANKED ACCORDING TO POPULATION - 1950

District	% of Total Pop.	0	1.0	2.0	3.0	4.0	5.0	6.0	Population	
17th	1.80									61,795
31st	1.95									66,994
10th	2.02									69,425
23rd	2.04									69,831
12th	2.35									80,687
11th	2.42									82,009
9th	2.52									86,366
29th	2.52									86,808
16th	2.53									87,069
27th	2.65									91,243
30th	2.66									91,328
13th	2.67									91,384
15th	2.71									92,644
3rd	2.71									92,790
18th	2.80									96,362
28th	2.81									96,649
24th	2.94									101,331
25th	2.99									102,463
4th	3.01									102,906
20th	3.03									103,717
1st	3.04									104,644
32nd	3.12									107,253
19th	3.17									108,631
21st	3.19									109,105
22nd	3.40									116,575
14th	3.41									116,762
6th	3.53									120,675
7th	3.55									121,590
2nd	3.62									124,134
33rd	3.76									128,799
5th	4.30									147,201
26th	4.93									168,504
8th	5.60									191,588

XXII. POPULATION OF WISCONSIN CONGRESSIONAL DISTRICTS
1920, 1930, 1940, 1950

DISTRICT	(1) 1920	(2) 1930	(3) 1940	(4) 1950
1	268,334	280,628	293,974	342,449
2	217,193	284,475	319,069	388,730
3	228,145	274,488	290,719	299,941
4	262,946	345,426	375,418	431,891
5	276,503	379,837	391,467	429,335
6	214,206	268,533	284,114	313,891
7	216,183	276,625	295,305	303,252
8	218,438	300,734	329,815	359,203
9	248,554	283,588	294,618	300,024
10	228,875	244,672	263,088	248,656
11	252,690 ⁽⁵⁾	No 11th ⁽⁶⁾	No 11th	No 11th
Average	239,379	293,900	313,759	341,737

(1)

1920 data from maps prepared for Blue Book 1921.

(2)

1930 data from published map by Department of State. Page 433, 1935 Blue Book. Data for 4th and 5th computed from population data.

(3)

Study by Wisconsin Legislative Reference Library June 1946.

(4)

Data for 4th and 5th district from Milwaukee Journal July 23, 1950. All other from Capital Times July 24, 1950, except for district 3 where our own compilation from Milwaukee Journal population figures were used.

(5)

Chapter 28, Special Session 1931 repealed and recreated Chapter 3 of statutes drastically revising the boundary to eliminate the 11th district. While it existed in 1930 it was not in existence during the remainder of that decade.

(6)

The data provided here for 1930 is the 1930 population of the congressional districts created by the 1931 legislature. In 1930 when 11 districts actually did exist their populations were:

1st	311,116	6th	235,328
2nd	234,560	7th	219,661
3rd	248,070	8th	223,777
4th	345,425	9th	263,604
5th	379,937	10th	232,955
		11th	244,617

XXIII. POPULATION OF COMPONENT PARTS
OF CONGRESSIONAL DISTRICTS, TOTAL POPULATION
AND PERCENTAGE OF TOTAL STATE POPULATION IN EACH
CONGRESSIONAL DISTRICT, 1950

Average Population 341,737
Average Percentage of Total State Population 10 Per Cent

COUNTY	POP.	% OF TOTAL POP.	COUNTY	POP.	% OF TOTAL POP.
1st District			7th District		
Green	24,125	.70	Adams	7,897	.23
Kenosha	75,162	2.19	Green Lake	14,738	.43
Racine	109,105	3.19	Langlade	21,959	.64
Rock	92,644	2.71	Marathon	80,332	2.35
Walworth	41,413	1.21	Marquette	8,811	.26
	<u>342,449</u>	10.00	Portage	34,845	1.02
2nd District			Shawano	35,198	1.02
Columbia	33,924	.99	Waupaca	34,986	1.02
Dane	168,504	4.93	Waushara	13,962	.40
Dodge	57,503	1.68	Wood	<u>50,524</u>	1.47
Jefferson	43,123	1.26		303,252	8.84
Waukesha	85,676	2.50	8th District		
	<u>388,730</u>	11.36	Brown	97,922	2.86
3rd District			Door	20,690	.60
Crawford	17,661	.51	Florence	3,737	.10
Grant	41,541	1.21	Forest	9,408	.27
Iowa	19,555	.57	Kewaunee	17,347	.50
Juneau	18,911	.55	Manitowoc	66,607	1.94
LaCrosse	67,597	1.97	Marinette	35,716	1.04
Lafayette	18,115	.53	Oconto	26,212	.76
Monroe	31,375	.91	Outagamie	<u>81,564</u>	2.39
Richland	19,231	.56		359,203	10.46
Sauk	38,088	1.11	9th District		
Vernon	<u>27,867</u>	.81	Barron	34,683	1.01
	299,941	8.73	Buffalo	14,698	.43
4th and 5th District			Chippewa	42,671	1.24
4th	431,891	12.64	Clark	32,366	.94
5th	429,335	12.56	Dunn	27,245	.79
6th District			Eau Claire	53,978	1.57
Calumet	18,798	.55	Jackson	16,033	.46
Fond du lac	67,662	1.97	Pepin	7,428	.22
Ozaukee	23,302	.68	Pierce	21,409	.62
Sheboygan	80,415	2.35	St. Croix	25,890	.75
Washington	33,881	.99	Trempealeau	<u>23,623</u>	.69
Winnebago	89,833	2.62		300,024	8.72
	<u>313,891</u>	9.16			

(1)

Computed from Milwaukee Journal July 23, 1950.

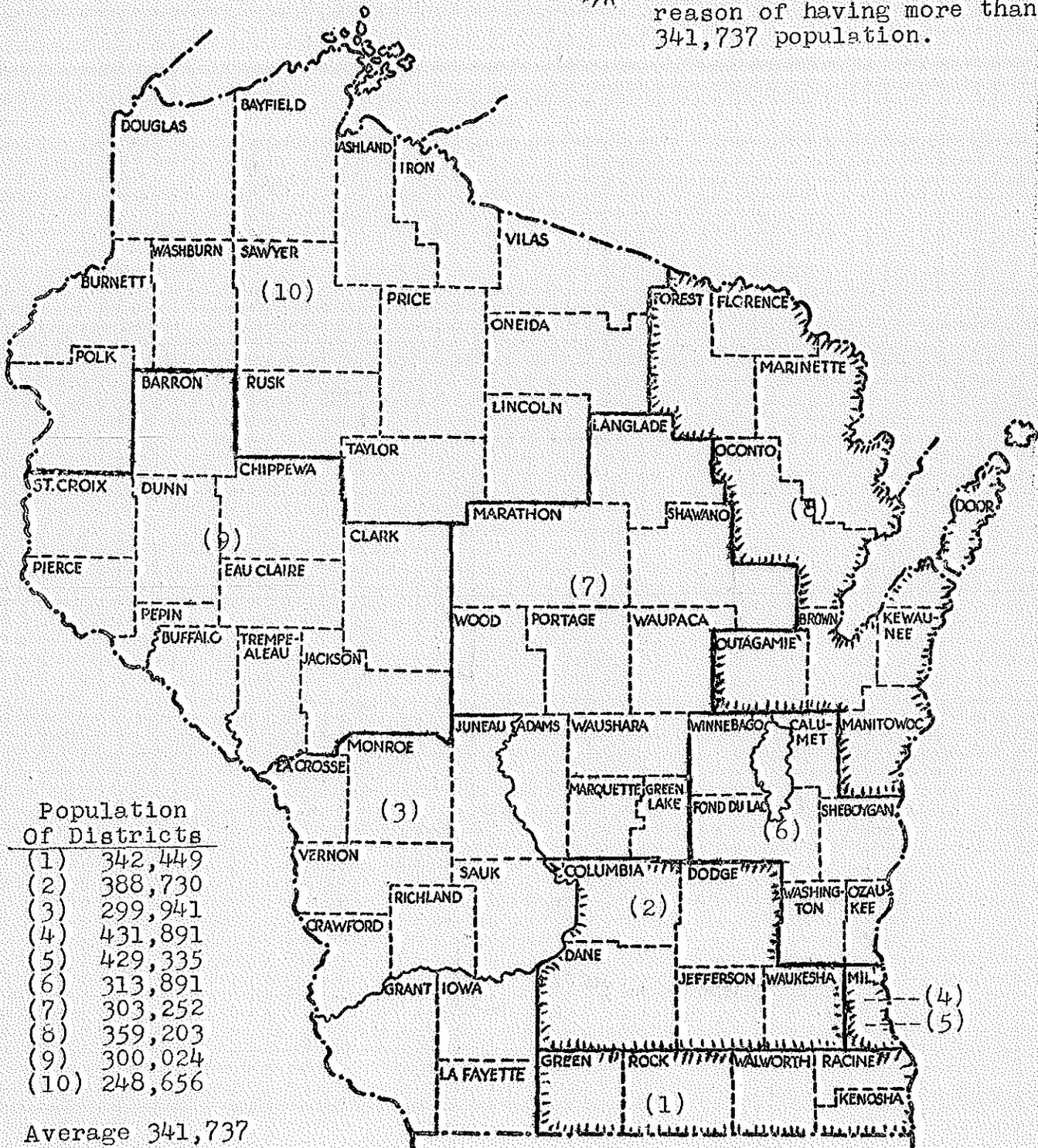
<u>COUNTY</u>	<u>POP.</u>	<u>% OF TOTAL POP.</u>
10th District		
Ashland	19,380	.57
Bayfield	13,715	.43
Burnett	10,197	.29
Douglas	46,453	1.36
Iron	8,677	.25
Lincoln	22,131	.64
Oneida	20,508	.60
Polk	24,880	.72
Price	16,338	.47
Rusk	16,762	.49
Sawyer	10,275	.30
Taylor	18,441	.53
Vilas	9,255	.27
Washburn	<u>11,644</u>	<u>.34</u>
	248,656	7.26

XXIV. CONGRESSIONAL DISTRICTS RANKED ACCORDING
TO POPULATION 1950

	0	10%	20%	30%	40%	50%	60%	70%	80%	90%	Average Rep. 341,737	110%	120%	130%	140%	1950 Pop.
3rd District (67%)	/															229,941
10th District (72%)	/															248,656
9th District (87%)	/															300,024
7th District (88%)	/															303,252
6th District (91%)	/															313,891
1st District (100%)	/															342,449
8th District (105%)	/															359,201
2nd District (113%)	/															388,730
5th District (125%)	/															429,335
4th District (126%)	/															431,891
	Over Representation										Under Representation					

XXV. CONGRESSIONAL DISTRICTS 1950
SHOWING OVER AND UNDER REPRESENTATION

 Under represented by reason of having more than 341,737 population.



Population
Of Districts

(1)	342,449
(2)	388,730
(3)	299,941
(4)	431,891
(5)	429,335
(6)	313,891
(7)	303,252
(8)	359,203
(9)	300,024
(10)	248,656

Average 341,737

XXVI. POPULATION OF CITY OF MILWAUKEE WARDS
1930, 1940, 1950*

Ward	POPULATION (1)		
	1930	1940	1950
1	21,499	22,319	22,281
2	24,899	24,482	24,124
3	15,029	14,340	14,015
4	20,112	23,072	23,467
5	23,969	23,593	23,264
6	26,133	23,846	26,603
7	27,352	26,535	26,229
8	22,528	21,322	20,082
9	18,660	24,423	42,912
10	23,733	23,072	22,204
11	19,059	17,741	17,029
12	21,715	18,773	17,836
13	22,275	21,722	20,830
14	20,075	20,703	19,967
15	18,753	19,263	19,845
16	23,867	25,342	26,860
17	15,015	16,467	19,035
18	22,675	22,232	21,810
19	20,198	20,571	20,236
20	23,869	23,752	23,130
21	20,993	21,647	20,730
22	23,996	23,984	23,292
23	17,453	19,492	21,475
24	19,890	21,044	32,415
25	24,294	25,507	24,988
26	18,921	26,546	39,916
27	15,005	16,154	18,353
TOTAL	578,249	587,472	632,938

*

Milwaukee Journal July 21, 1950

(1)

Although no mention is made in the news article a similar article on January 1, 1941 points out that the 1930 data is based on the present 27 wards, not on the then existing wards.

XXVII. MILWAUKEE COUNTY'S REPRESENTATION IN
(1)
THE WISCONSIN LEGISLATURE

Year Apportionment Was Enacted By Legislature	Percentage Milwaukee County is of State's Total in Wisconsin			Number of Representatives Elected From Milwaukee County	
	Pop. Census	Assembly	Senate	Assembly	Senate
1862	8.1	9	6.1	9	2
1871	8.5	10	6.1	10	2
1881	10.5				
1892 (2nd Special Session)	13.9	14	15.2	14	5
1901	16.	15	15.2	15	5
1911	18.6	19	18.2	19	6
1921	20.5	20	21.2	20	7
1931 (Special Session)	24.7	20	21.2	20	7
1940 Census	24.5	20	21.2	20	7
1950 Census (2)	25.20	20	21.2	20	7

(1)

Lynagh, Paula, Citizen's Bureau of Milwaukee (in an unpublished manuscript). Quoted in Renner, August Norman, Legislative Reapportionment in Wisconsin, 1948, M.A. thesis Table IV, p. ix.

(2)

Date added from Milwaukee Journal July 16, 1950.

XXVIII. MILWAUKEE COUNTY ASSEMBLY DISTRICTS 1950

ASSEMBLY DISTRICT	COMPOSITION	P O P U L A T I O N	
		M.J.*	M.S.**
1	1st and 3rd wards	36,296	31,658
2	2nd and 10th wards	46,328	50,692
3	City of West Allis, Village of West Milwaukee, Greendale, Town of Greenfield and Town of Franklin	75,332	75,332
4	4th ward	23,467	21,969
5	5th and 8th wards	43,346	45,126
6	6th ward	26,603	29,586
7	7th ward	26,229	26,652
8	16th and 23rd wards	48,335	44,142
9	9th and 26th wards	82,828	84,534
10	City of Cudahy, South Milwaukee, Towns of Lake and Oak Creek	46,399	46,399
11	11th and 24th wards	49,444	40,848
12	12th and 14th wards	37,803	35,048
13	13th and 21st wards	41,560	40,755
14	18th ward, Villages of Shorewood, Whitefish Bay, Fox Point, River Hills and Town of Milwaukee	61,346	66,064
15	15th and 19th wards	40,081	41,665
16	25th ward	24,988	27,124
17	17th and 27th wards	37,388	35,469
18	20th ward	23,130	24,243
19	22nd ward	23,292	26,909
20	City of Wauwatosa, Towns of Wauwatosa and Granville	67,021	67,021

*

Milwaukee Journal, July 23, 1950

**

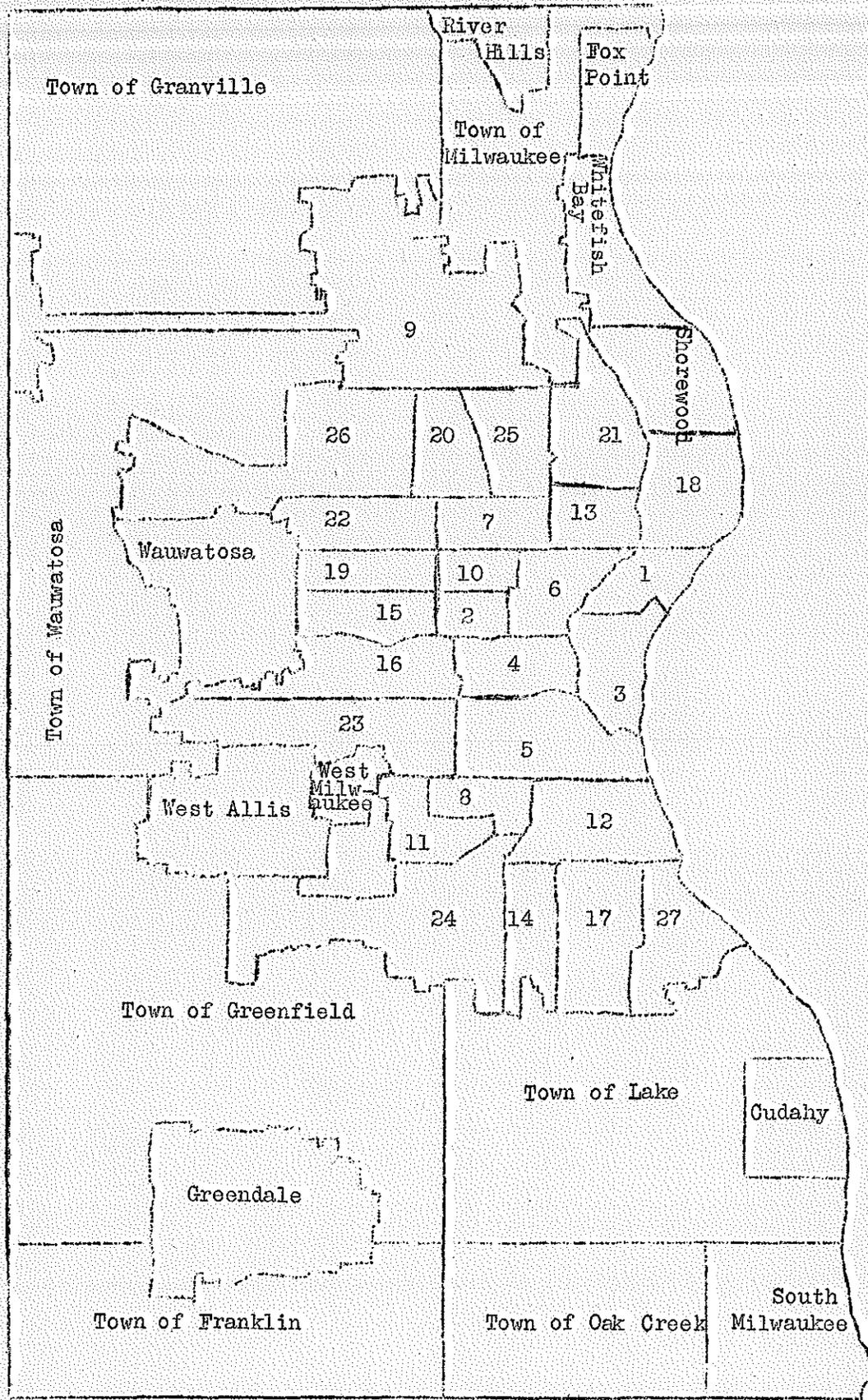
Milwaukee Sentinel, July 20, 1950

XXIX. MILWAUKEE COUNTY SENATORIAL DISTRICTS 1950

SENATE DISTRICT	COMPOSITION	POPULATION ^{*†}	% OF STATE POP.
3	5th, 8th, 11th and 24th wards of City of Milwaukee	92,790	2.71
4	13th, 18th and 21st wards of City of Milwaukee, Villages of Fox Point, River Hills, Shorewood, Whitefish Bay and Town of Milwaukee	102,906	3.01
5	9th, 15th, 19th, 22nd and 26th wards of City of Milwaukee	147,201	4.30
6	2nd, 7th, 10th, 20th and 25th wards of City of Milwaukee	120,675	3.53
7	12th, 14th, 17th and 27th wards of City of Milwaukee, Cities of Cudahy and South Milwaukee, Towns of Lake and Oak Creek	121,590	3.55
8	16th and 23rd wards of City of Milwaukee, Cities of Wauwatosa, and West Allis, Towns of Franklin, Granville, Greenfield and Wauwatosa, Villages of Greendale and West Milwaukee	191,588	5.60
9	1st, 3rd, 4th and 6th wards of the City of Milwaukee	86,366	2.52
State Average		103,557	3.03

*
Milwaukee Journal, July 23, 1950

XXX. MILWAUKEE COUNTY MUNICIPALITIES AND NUMBER OF CITY WARDS*



*Milwaukee Journal
July 23, 1950.

XXXI INDIANS NOT TAXED

Article IV, section 3, of the Wisconsin constitution provides that the apportionment shall be... "according to the number of inhabitants, excluding Indians not taxed..."

Similar provisions appear in the constitutions of Maine (Const. 1819 Amendments XXV, XXXIX, LIII), Minnesota (Const. 1859, Article IV, par. 2, 23, 24), North Carolina (Const. 1876, Article II, par. 3-6), Washington (Const. 1889, Article II, par. 2, 3) and the United States constitution (Article I, Section 2, par. 3).

The question of what is an "Indian not taxed" is a most difficult one. It is discussed in the Handbook of Federal Indian Law prepared by Felix S. Cohen and published by the U. S. Department of Interior in 1945 in these words:

"The use of the phrase "Indians not taxed" in the provisions of the Federal Constitution relating to representation in Congress has given color to the popular belief that tribal Indians are exempt from taxes. Whatever the situation may have been when this phrase was first used, it is a fact today that Indians pay a great variety of taxes, federal, state and tribal. It is, however, a fact that peculiarities of property ownership and special jurisdictional factors affecting Indian reservations result in certain tax exemptions not generally applicable to non-Indians. These exemptions involve a series of difficult legal and political problems.

Limitations upon the power to tax, which has been called an attribute of sovereignty, give rise to certain immunities. Such limitation may be expressed in federal, state or tribal constitutions or laws or they may be imposed by contract."⁽¹⁾

On November 28, 1940 the U. S. Attorney General provided the Secretary of the Department of Commerce with an opinion dealing with the question of what to do about the provision for Indians not taxed in the 1940 census. The opinion of the Attorney General is as follows:

"Section 2 of the fourteenth amendment to the Constitution provides that in apportioning Representatives, 'Indians not taxed' shall be excluded. The census of population upon which the reapportionment of Representatives is to be based is now being prepared.

"Since it appears that today all Indians are subject to the Federal income-tax law, your opinion is respectfully requested as to whether there are any Indians not taxed, within the meaning of that phrase as it appears in the Constitution and the fourteenth amendment thereto. There

(1) Felix S. Cohen, Handbook on Federal Indian Law, Wash. 1945, p.254.

is enclosed herewith a recent opinion of the Solicitor of this Department on this subject.

"Also enclosed with your letter is an opinion of the Solicitor of the Department of the Interior dealing with the question at some length.

"As pointed out by the Solicitor of the Department of the Interior the answer to your question depends upon whether the phrase 'Indians not taxed' refers (1) to Indians not actually paying taxes or only to those who are not subject to taxation and (2) to Indians not taxed or subject to taxation by any taxing authority or only to those not taxed or subject to taxation by the States in which they reside. The bearing of these preliminary questions upon the question presented is apparent in view of the recent decisions of the Supreme Court holding that all Indians are subject to the Federal income tax law.

"The question presented has been discussed in a number of court decisions but the issue has never been squarely raised in any of the decided cases. Some of the cases and some statements appearing in the debates in the Constitutional Convention lend support to the view that since all Indians are now subject to the Federal income-tax laws there are no longer any Indians not taxed within the meaning of the constitutional phrase. On the other hand, other decided cases and other statements appearing in the debates in the convention equally support the contrary view. Thus it appears that, as stated by your Solicitor, the question presents a 'perplexing problem', and that the answer to it is not free from doubt.

"The Congress is aware, of course, of the recent decisions of the Supreme Court holding all Indians subject to the Federal income-tax laws. What construction the Congress will now give to the phrase 'Indians not taxed' is a question for it to decide, and action taken by it with respect thereto will be final, subject only to review by the courts in proper cases brought before them. An opinion on the question by the Attorney General would not be determinative, since neither the Congress nor the courts would be bound by such opinion.

"Moreover, it does not appear that an answer to your question is necessary at this time for any administrative purpose within your Department. In my opinion, a continuance by you of the practice heretofore followed in your Department with respect to the subject will meet every administrative requirement imposed upon your Department in the premises, and in addition will may furnish to the Congress information desired by that body as a basis for action on its part.

"It is recommended, therefore, that you at this time follow your former practice, giving to the Congress full information with respect thereto."(2)

On January 8, 1941 President Franklin D. Roosevelt transmitted the report of the Bureau of Census for 1940 to the Congress. In his letter of transmittal the following statement appropo the matter of Indians not taxed was made:

"...The Director of the Census has included all Indians in the tabulation of the total population since the Supreme Court has held that all Indians are now subject to Federal taxation (Superintendent v. Commissioner 295 U.S.418). The effect of this upon apportionment of representatives, however, appears to be for determination of the Congress, as concluded by the Attorney General's opinion of November 28, 1940, to the Secretary of Commerce, a copy of which is annexed hereto."(3)

In 1930 the population of the United States was 122,288,177 and excluded 194,722 Indians not taxed.(4) This apparently was the last time Indians were excluded.

In Wisconsin the total number of Indians will probably not exceed 15,000. We are unable to find any evidence of tax exemption for Indians except from the property tax if they reside on Federal land.

- (2) Reproduced in Congressional Record Vol.85, pages 70-71 by unanimous consent requested by Mr. Rankin, January 8, 1941.
- (3) Reported in Congressional Record, Vol. 87, p.70, January 8, 1941.
- (4) Legislative Reapportionment, Bureau of Public Administration, University of California. 1941. p.24.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Washington 25, D.C.

C
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C
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Y

August 23, 1950

Mr. James Arentson, Superintendent
Menominee Indian Agency
Neopit, Wisconsin

Dear Mr. Arentson:

This responds to your letter of July 31, 1950, with attached correspondence, requesting information on the meaning of the phrase "Indians not taxed" as used in Article IV, section 3 of the Wisconsin Constitution.

This phrase is also found in Article I, section 2, clause 3, and in section 2 of the Fourteenth Amendment of the Federal Constitution.

The Solicitor for this Department held that the phrase "Indians not taxed" means Indians not subject to taxation and since all Indians today are subject to Federal taxation, he concluded that there were no more "Indians not taxed" within the meaning of the phrase as used in the Federal Constitution.

On the basis of the Solicitor's opinion and the case of the Superintendent of the Five Civilized Tribes v. Commissioner of Internal Revenue, 295 U.S. 418, holding that all Indians were subject to the Federal income tax, the Sixteenth Decennial Census included all Indians in the total population for the purpose of apportionment of representatives.

We are unaware of any state decisions expressly construing this phrase, however, since all Indian residents of Wisconsin are also subject to state taxation except for certain immunities provided by law, it may be argued persuasively that the phrase "Indians not taxed" as used in the State and Federal Constitutions should receive the same construction, and accordingly, no Indians should be excluded in the apportionment of representation in Wisconsin.

Sincerely yours,
/s/ H. Rex Lee, Acting
Commissioner

XXXII. OFFICERS OF U. S. NAVY

C
O
P
YHEADQUARTERS
NINTH NAVAL DISTRICT
Great Lakes, IllinoisC
O
P
Y

16 August 1950

Mr. M. G. Toepel
 Chief, The State of Wisconsin
 Legislative Reference Library
 State Capitol
 Madison 2, Wisconsin

Dear Sir:

Your letter of 21 July 1950 requesting information regarding the number of naval personnel who were stationed in the state of Wisconsin is acknowledged.

The following is an approximate tabulation of various categories of naval personnel on active duty or inactive duty residing in the state of Wisconsin as of 1 August 1950:

<u>Class of Personnel</u>	<u>Number</u>
(a) Naval officers, active duty	Approximately 50
(b) Naval enlisted personnel active duty	Approximately 200
(c) Inactive Naval Reserve Officers	Approximately 3,000
(d) Inactive Naval Reserve enlisted personnel	Approximately <u>16,000</u>
TOTAL	19,250

Sincerely yours,

/s/ H. B. Edgar
 Captain, U.S. Navy
 Assistant Chief of
 Staff for Personnel

XXXIII. SOLDIERS AND OFFICERS OF U. S. ARMY

C
O
P
Y

HEADQUARTERS FIFTH ARMY
Office of the Commanding General
1660 East Hyde Park Boulevard
Chicago 15, Illinois

C
O
P
Y

4 August 1950

Mr. M. G. Toepel
Legislative Reference Library
State Capitol
State of Wisconsin
Madison 2, Wisconsin

Dear Sir:

Your letter of 21 July 1950 requesting information concerning the military population of the State of Wisconsin has been received at this headquarters.

The Commanding General has directed me to advise you that security restrictions prevent the release of information as to the number of Army officers and enlisted personnel that are presently stationed in the State of Wisconsin. However, we are permitted to advise you that the number stationed in each county is probably too small to affect the apportionment of legislative members.

It is regretted that a more favorable reply cannot be made.

Very truly yours,

/s/ R. B. Franks
Lt. Colonel, AGC
Asst. Adjutant General

XXXIV. THE REAPPORTIONMENT PROCEDURE IN THE FEDERAL GOVERNMENT

The United States Constitution provides that the number of members of the House of Representatives shall not exceed one for every 30,000 inhabitants. If this ratio were used today the House of Representatives would contain approximately 5,000 members. For that reason the ratio of members to population was continuously increased for many years to keep the number of members within reason. By 1910 there were 435 members in the House with one member for slightly less than 212,000 people.

Prior to 1842 Congress permitted each state to determine if members were to be elected at large or by single member districts. In the reapportionment act of 1842 states were requested to create single member districts. Subsequently this law was modified to permit election at large of additional members resulting from a reapportionment or of all the members if a reapportionment reduced the representation.

Although the Constitution of the United States does not require a decennial reapportionment, the Congress never failed to make one prior to 1920. In determining the reapportionment the Congress decided how many members the House should have and how many representatives should be allocated to each state, considering always that each state must have at least one member. The reluctance of any state to give up members and the rise in population caused the membership of the House of Representatives to increase. As a result of the 1920 census no plan could be devised which did not either reduce the representation of about 11 states or drastically increase the size of the House beyond 435. Not being willing to do either, no apportionment was made based on the 1920 census. This obviously caused loud complaints. The problem could have been solved in part by enforcing the 14th amendment against the southern states but this was politically impractical.

In 1929 (46 U.S. Stats. at large, 21) Congress enacted the basic law under which reapportionments are now conducted. The membership of the House of Representatives was fixed at 435. After each census, the Bureau of Census prepares a document showing the population of each state and the number of representatives to which each state is entitled. Originally the proposals were based on three statistical methods of apportionment, but ultimately the method of equal proportions was adopted. If the Congress fails to act, this plan goes into effect with the second succeeding Congress.

In *Wood v. Broom* 287 U.S.1(1932) the Federal Supreme Court held that the failure to repeat the provisions for contiguous and compact single member districts in the 1929 law by implication repealed them.

In 1941 the Federal law was changed to provide that the equal proportion formula was the one to be used in determining the representation to which each state was entitled.

Basically the apportionment process as now applied in the Federal Government contains two phases. The first is the establishment of priorities which is the device for making the rough allocation of seats. The second is the adjustment of the allocations according to equal proportions.

Under the method of equal proportions the figures in the priority list are obtained by dividing the population of the state by the geometric means of successive numbers of representatives. This geometric means is determined by taking the square root of the product of the successive number of representatives for any one state. Thus in determining if a state was entitled to three representatives the square root of 3×2 , or 2.449, would result. This divided into the population of the state indicates the number of people necessary to have three representatives. As the total number of representatives to be granted increases, the priority number or population per representative declines, and each state must be recomputed as the priority number declines. Thus when 435 seats are reached, a priority number approximating 300,000 is reached. At this point the last figure reached for each state indicates the total number of representatives it will get. This priority number is not the same for each state.

To adjust this formula, the representation per legislator of the state having the largest population per legislator is compared with the smallest. The difference between the two is computed. Then one representative is taken for the state having the smaller population per representative and added to the state having the larger population per representative. If the difference between the states is thus made smaller, the change is made.

For a detailed explanation of this process see Schmeckebier, Lawrence F., Congressional Apportionment, Washington D.C. 1941; Chaffee, Zechariah, Congressional Reapportionment, Harvard Law Review. XLII, 1015-1047 (June 1929).