

Congress Counts: History of the U.S. Census

[March 1, 2015](#) by [hilaryparkinson](#), posted in [Uncategorized](#)

Today's post comes from Samantha Payne, intern in the [Center for Legislative Archives](#) in Washington, DC.

The Constitution requires that Congress conduct a census every 10 years to determine the representation of each state in the House of Representatives. When the authors of the Constitution allocated seats in the House for the First Congress, they had no census data to guide them. As a result, the sizes of the first congressional districts varied dramatically. A Massachusetts congressman represented 96,550 people, while one from Georgia represented only 16,250.

To solve this problem, Congress had to determine *how* to conduct a census. The new nation was the first to institute a national, periodical census. The size of the United States made the task rather daunting. The Senate census committee worked for eight months before they decided to start from scratch in January of 1790.

An ACT providing for the ~~Actual~~ Enumeration of the
INHABITANTS of the United States.

Section 1st. **B**E IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That the Marshals of the several districts of the United States shall be, and they are hereby authorized and required to cause the number of the Inhabitants within their respective districts to be taken in the manner following, that is to say: Omitting in such Enumeration, Indians not taxed, and distinguishing free Persons, including those bound to service for a term of years, from all others; distinguishing also, the sexes and colours of free Persons, and the age of free males ~~above~~ ^{from} sixteen, ^{from} those under that age: For effecting which purpose, the Marshals shall have power to appoint as many Assistants within their respective districts as to them shall appear necessary, assigning to each Assistant a certain division of his district, which division shall consist of ~~a~~ County, City, Town, Township, or Parish, or of a Territory plainly and distinctly bounded by water Courses, Mountains, or public Roads. The Marshals and their Assistants shall respectively take an oath (or affirmation) before some Judge or Justice of the Peace, resident within their respective districts, previous to their entering on the discharge of the duties by this Act required: The oath or affirmation of the Marshal shall be, "I, A. B. Marshal of the district of do solemnly swear (or affirm) that I will well and truly cause to be made a just and perfect Enumeration of all Persons resident within my district, and return the same to the President of the United States, agreeably to the directions of an Act of Congress, entitled, "An Act providing for the ~~actual~~ Enumeration of the Inhabitants of the United States, according to the best of my ability." The oath or affirmation of an Assistant shall be, "I, A. B. do solemnly swear (or affirm) that I will make a just and perfect Enumeration of all Persons resident within the division assigned to me by the Marshal of the district of and make due return thereof to the said Marshal, agreeably to the directions of an Act of Congress, entitled, "An Act providing for the ~~actual~~ Enumeration of the Inhabitants of the United States, according to the best of my ability; and further, that in my said return, I will distinguish the ages, sexes, colours, conditions, and occupations of all such Persons, as by the said Act are directed to be distinguished, according to the best of my knowledge and belief." The Enumeration shall commence on the first Monday in August next, and shall close within ~~for~~ calendar months thereafter: The several Assistants shall, within the said ~~for~~ months, transmit to the Marshals, by whom they shall be respectively appointed, accurate returns of all Persons, except Indians not taxed, within their respective divisions; which returns shall be made in a Schedule, distinguishing the several families by the names of their Master, Mistress, Steward, Overseer, or other principal Person therein, in manner following, that is to say:—

2^d Sess.
Actual
Enumeration
passed
2^d Session
1790
hundreds,

years & upwards

one or more

and description

and description

nine

nine

Regional interests dominated the debate over the census. Northern representatives pushed for a rapid enumeration, but southerners insisted on more time, so that census-takers could canvas their large, rural states. On February 4, 1790, Congressman Theodore Sedgwick implied that Georgia's population did not merit three representatives. A South Carolinian retorted that Sedgwick "would not be content until there were 24 members" representing Massachusetts.

Congress also struggled to decide the extent and purpose of the census. James Madison hoped the census would count the number Americans working in the "various arts and professions," ranging from brewers to farmers to arms manufacturers. He felt data on Americans' occupations was "necessary" for Congress to make "proper provision" for agriculture, commerce, and manufacturing. Representatives from across the country attacked Madison's idea as too expensive and difficult, and one congressman even denounced it as unconstitutional. The Senate eventually removed Madison's proposal from the bill.

The bill had other limitations as well. "Indians not taxed" were not counted. Senator Samuel Livermore opposed using the word "female" in the bill, and begged his colleagues to consider how a census-taker could "be so indelicate as to ask a young lady how old she was?" The

final version of the bill substituted the neutral "person."

THE Number of Perfons within my Division, confisting of
fubscribed by me this _____ Day of _____ 1790
A. B. Affilant to the Marshal of _____ appears in a Schedule hereto annexed

SCHEDULE of the whole Number of PERSONS within the Division allotted to A. B.

Names of heads of Families,	Free white Males ^{16 years & upwards} including heads of Families,	Free white Males under sixteen years.	Free white Females, including heads of Families,	Free Blacks, ^{Free Negroes, Mulattoes, & all other free Persons}	Slaves.
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SCHEDULE of such of the foregoing PERSONS as fall under the Description following:

Owners of land in fee simple.	Merchants and Shopkeepers.	Mariners.	Persons employed in shipbuilding.	Do. in manufacturing ropes & iron cloth.	Do. in manufacturing cotton cloths.	Do. in manufacturing woolen cloths.	Do. in flocking, weaving, or other, including shoes of all kinds.	Do. in articles of leather, including saddles, harness, &c.	Do. in making nails.	Do. in making fire arms.	Do. in making gun powder.	Do. in making salt-petre.	Do. in working tin.	Do. in working copper or brass.	Do. in working gold and silver.
Do. in working on clocks & watches.	Do. in making glass.	Do. in making earthen ware.	Do. in making cotton & wool cards.	Do. in making hats.	Do. in making paper.	Do. in printing & book-binding.	Do. in making pot and pearl ashes, tobacco.	Do. in making tilleries.	Do. in brewing.	Do. in logging & refineries.	Do. in making riding carriages.	Manufacturers, Artificers, and Tradesmen not included in the preceding descriptions.			

An Act Providing for the Enumeration of the Inhabitants of the United States, March 2, 1790, Records of the U.S. Senate, National Archives

On March 1, 1790, the President signed the Enumeration Act into law. The act required that the marshals, who were in charge of taking the census in each district, determine the number of free white men, women, heads of families, all other free persons, and slaves. It also mandated that the census-takers distinguish free white males over the age of 16, in order to assess the industrial and military strength of the country.

The results of the 1790 census determined the allocation of seats in the Third Congress, yet disappointed many

Americans. Marshals found that 3,929,214 million people lived in the United States, a much lower number than predicted. Thomas Jefferson suspected that many Americans, hoping for lower taxes, had understated the size of their families. Later enumerations established the substantial accuracy of the first census.

Every 10 years, the House reapportioned its seats based on a new census—until 1920. This census revealed that a majority of Americans lived in urban areas. While the House generally added seats after each census, this time it would need nearly 50 new members to prevent rural states from losing seats.

70TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 2010

APPORTIONMENT OF REPRESENTATIVES

JANUARY 5, 1929.—Referred to the House Calendar and ordered to be printed

Mr. FENN, from the Committee on the Census, submitted the following

REPORT

[To accompany H. R. 11725]

The Committee on the Census, to which was referred the bill (H. R. 11725) for the apportionment of Representatives in Congress, having had the same under consideration, reports it back to the

having the bill passed by the House with amendments and recommends that the bill do pass.

UNPRECEDENTED SITUATION

Before entering into a detailed discussion of this bill it would be well for the membership of the House to understand the unprecedented situation which confronts the Congress and the country. A reapportionment bill has been enacted every 10 years since 1790, as provided for by the Constitution of the United States. In every instance since 1790 reapportionment bills were enacted within two years after the taking of the census, as shown in the following table:

Census	Date of apportionment act	Census	Date of apportionment act
1790.....	1789	1850.....	May 23, 1850
1800.....	Apr. 14, 1792	1860.....	May 23, 1860
1810.....	Jan. 14, 1802	1870.....	Feb. 2, 1872
1820.....	Dec. 21, 1811	1880.....	Feb. 23, 1882
1830.....	Mar. 7, 1822	1890.....	Feb. 7, 1891
1840.....	May 22, 1832	1900.....	Jan. 16, 1901
	June 25, 1842	1910.....	Aug. 8, 1911

Efforts were made in the Sixty-sixth and Sixty-seventh Congresses to enact reapportionment legislation, but without success. The long honored tradition, therefore, has been broken for the first time and

A Report on the Apportionment of Representatives, January 5, 1929, Records of the U.S. House of Representatives, National Archives

For the first and only time, Congress failed to reapportion the House. In 1921, rural congressmen backed a bill to increase the size of the House from 435 to 483 members. When this failed, they blocked each bill that would cause their states to lose seats.

The debate over reapportionment carried on for almost 10 years. In 1928, one Missouri representative insisted that "the House would properly grow within fifty years to more than 1,000 members." A congressman from Detroit blamed his colleagues blocking reapportionment for "trying to save

their own political hides."

The dispute was finally resolved when Congress passed the Permanent Apportionment Act on June 11, 1929. This act required that the Secretary of Commerce reapportion the House after each census. By transferring this power to the executive branch, Congress established an automatic process for reapportionment. The act also capped the number of representatives at 435, where it remains today.

[The Center for Legislative Archives](#) is marking the 225th anniversary of the First Congress by sharing documents on [Tumblr](#) and [Twitter](#); use #Congress225 to see all the postings.