

# Court grants legal arguments in congressional size lawsuit

BY ALYSSA SCHNUGG

*Staff Writer*

Plaintiffs in a lawsuit challenging the constitutionality of a law freezing the number of representatives in the U.S. House will be able to argue their case before three U.S. federal judges later this month.

The suit questions the legality of the current interstate apportionment of Congress under the principle of “one person, one vote.”

The suit was filed by five plaintiffs, which include University of Mississippi senior John Tyler Clemons, the former editor of the *Daily Mississippian*.

The suit claims Mississippi, Utah, South Dakota, Delaware and Montana are grossly underrepresented in the House.

“These deviations in district size unconstitutionally diminish the voting power of the named plaintiffs and of all other qualified and registered voters,” the complaint reads.

U.S. Federal Chief Judge Michael P. Mills signed an order on May 13 granting the oral argument request by the plaintiffs which will take place at 10:30 a.m. May 28 in courtroom 1 in the Federal Courthouse in Oxford.

Along with Mills, the arguments will also be heard by Circuit Judge Leslie H. Southwick and District Judge W. Allen Pepper.

“We applauded the Court’s

decision to hold oral argument for this issue which is so vital to our representative form of government,” said Scott Scharpen, founder and president of Apportionment.

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US, the nonprofit organization coordinating the lawsuit on behalf of the plaintiffs. “The government takes a truly radical and anti-constitutional position in this lawsuit, asserting that inequality of voting strength between congressional districts is not important. Furthermore, despite filing over 70 pages of brief material, the government never once affirms the right of voters to equal representation — a right that the Supreme Court has repeatedly recognized as fundamental.”

The lead attorney on the case is Michael Farris of Washington.

“We are very pleased the court decided to take a closer look at this,” Farris said this morning.

The defendants named in the suit are U.S. Commerce Secretary Gary Locke; Robert Groves, director of the Bureau of Census; and Lorraine C. Miller,

clerk of the U.S. House of Representatives. The suit is asking for a declaratory and injunctive relief, not money.

The suit claims Mississippi is underrepresented by 66,280 individuals per district compared to the ideal district size. It is underrepresented by 217,928 individuals per district compared to the residents in Wyoming, which is the state with the fewest people per district. Mississippi voters are underrepresented by 10.24 percent compared to the ideal district.

There are four districts in Mississippi with each averaging 713,232 voters. According to the Constitution of the U.S., the “ideal” district should have 646,952 persons. The total number of seats were frozen by Congress at 435 in 1911. Despite the population in the U.S. tripling in the past 100 years, the number has stayed the same.

According to the suit, Wyoming, Rhode Island, Nebraska, Iowa and West Virginia are over-represented in the House.

The plaintiffs submitted two proposed apportionment plans based on the 2000 Census that would double and triple the current size of the House. Plan A, would make the average district size 159,809 with a total number of representatives of 1,761. Plan B makes each district size 301,957 that would create a House with 932 seats.

—alyssa@oxfordeagle.com