

Upgrading Congress to Meet the Demands of the 21st Century

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Americans' dissatisfaction with Congress is long-standing; its public approval rating has hovered between 10 and 30 percent for the last two decades. This discontent threatens national unity and democratic confidence, especially amid polarization and partisan political conflict. Chief Justice Wallace Jefferson's proposals to expand the House and adopt ranked-choice voting with multimember districts are worth serious consideration – as are their potential effects on the day-to-day functioning of Congress. Reformers, however, should give additional consideration to the sorry state of the institution of Congress. Its staffing, technology, and internal processes need upgrading to better direct popular energies and representative actions toward competent governance.

That the American public is dissatisfied with Congress is not news. We the people have always had a love-hate relationship with our national legislature. On the one hand, we take immense pride in being a representative democracy. We Americans, or at least those of us who vote, have a role in deciding who gets to be a legislator. That is thanks to the First Amendment, which protects our right to tell Congress what we would like it to do and to “petition the Government for a redress of grievances.”

On the other hand, Americans' rebellious yet moralistic character streak has always fueled a suspicion of government and the people within it. The word “politician” long has been used as an epithet, one hurled at officeholders who are thought to be duplicitous or outright corrupt.

Yet the public's abysmally low opinion of Congress over the past couple of decades has been too little discussed. A mere 15 percent of individuals surveyed by Gallup in autumn 2025 approved of “the way Congress is handling its job.” Some 79 percent of respondents disapproved of the national legislature's performance.¹ This is no mere blip; public approval of Congress has hovered between 10 and 30 percent for twenty years. Only rarely over the past fifty years has public approval crossed 40 percent.

Persistent negative opinion toward Congress is a problem because it is, to use Abraham Lincoln's turn of phrase, loosening “our bonds of affection.”² Surveys

also show widespread public anxiety about the health of democracy in America and flagging belief in our national governance among younger Americans.³ Which is to say nothing of the uptick in partisan polarization, toxic political dialogue fomented by “conflict entrepreneurs,” and political violence. Americans increasingly are eyeing one another nervously.⁴

America is a creedal nation.⁵ We are not united through a shared ethnicity; blood and soil do not bind us. Rather, we are held together by various ideas, one of which is the belief in self-government through representative democracy.

And Congress is the centerpiece of our national system of self-rule. It is the institution in which the great diversity of the United States may convene and consider today’s challenges large and small. Congress was designed to be the place where *e pluribus* could be forged into *unum*. This is why thinking long and hard about Congress’s problems is an essential component of any effort to improve national governance.

So I was heartened to read Chief Justice Wallace Jefferson’s essay.⁶ He takes seriously our challenges and presents a bold agenda to “rebuild the architecture of self-government” that includes major reforms of Congress: expanding the membership of the House and transforming how Americans elect House members.

The House of Representatives has been frozen at 435 members for more than a century. This was not what the founders intended. They expected the membership of the most democratic of our national institutions to grow as the population increased. That is why the U.S. Constitution’s Article I, Section 2, Clause 3 mandates the taking of a population every ten years: to enable representatives to be apportioned.

Between 1790 and 1910, our national legislatures regularly got bigger.⁷ The body went from 105 to 435 legislators. Due to the swelling U.S. population, the average number of voters per representative expanded substantially. In 1790, the typical House member answered to 34,436 individuals. By 1910, that number was 210,583.

Today, as Chief Justice Jefferson notes, the average House representative has 760,000 constituents, an enormous number that will keep increasing unless a lot more legislators are promptly added to the chamber. “Oversized districts,” Jefferson observes, “dilute the connection between representatives and constituents, making government feel distant and unresponsive.”⁸ This is true. One reason that members of Congress spend so little time in Washington, D.C., is because they fear being tarred as “out of touch” and booted from Congress. They return to their home districts almost every week to hedge against that risk, which, obviously, means they are cutting short their time to get things done on behalf of the public they are supposed to serve.

Too few legislators make for additional problems. It is nearly impossible for 435 members of the House to oversee 180 federal agencies and roughly \$7 trillion in spending.⁹ When Congress capped itself in 1910, there were fewer than a dozen executive branch agencies and a budget of about \$6.4 billion. Additionally, having a

static number of House members means that every ten years reapportionment takes representatives away from some states. The 2020 reapportionment took a legislator away from Ohio, California, and five other states, leaving voters less well heard.

Jefferson does not stipulate exactly how many more House members there should be. It is a difficult question to answer. If we wanted to return to the 1910 ratio of 210,583 Americans per legislator, we would need 1,614 House members to serve the 340 million Americans. This would not quite quadruple the present membership of an already unruly chamber, and would be a tough sell to the American public. They already dislike the members of Congress, so why would they want to pay for more of them?

Possibly, Jefferson agrees with the authors of the Academy's report on expanding the House, which argues for 150 new legislators.¹⁰ Having 585 House members would lower the representation ratio to 581,196 per legislator. That is an improvement, but it is unclear how much of one.

Chief Justice Jefferson understands that an expanded House that behaves the same as the current House is not going to make representative government better. Having more fire-breathing left-wing or right-wing public officials will not *make Congress great again*.

Thus, he advocates remaking the electoral process by implementing ranked-choice voting and multimember House districts. The former reform aims to allow voters to better express their true preferences. No longer, he writes, would citizens feel a strong incentive to "choose the 'lesser evil'" among the bevy of candidates seeking office. Instead, citizens could vote for the candidate they like best as well as for other candidates they favor.

There is something to be said for replacing the current winner-takes-all style of voting, which has a whole host of pathologies. Yet whether ranked-choice voting is the best option remains disputed among election reformers. Others make persuasive cases for other forms of preferential voting, such as approval voting.¹¹ The average voter can quickly learn how to rank candidates. More difficult is for them to understand how votes get tabulated into final results. Many of them find the vote transferal process mystifying and struggle to understand how one candidate may lead at the end of the first round of voting yet ultimately lose.

Partly, Americans have been habituated to single-choice voting and plurality winners. Hence, it is important to remember that the success of whatever preferential system a reformer decides to back will depend very heavily on both voter education and competent administration.

Chief Justice Jefferson understands that ranked-choice voting alone may not be strong enough medicine for curing what ails Congress. Thus, he joins political scientist Lee Drutman and a growing chorus of thinkers advocating that America move to multimember representation.¹²

Multimember districts with ranked-choice voting would address several democratic deficits. Instead of drawing districts where one party dominates, states could create larger districts that elect multiple representatives, allowing the full spectrum of opinion to be represented in Congress. This approach could ameliorate the effects of residential segregation and partisan polarization. The reform would also substantially reduce the incentive for gerrymandering.¹³

Indubitably, the average American views gerrymandering as a political grotesquerie. “Voters should choose their politicians and not the other way around” goes the old saw. Putting an end to gerrymandering certainly will appeal to the many Americans who are exhausted by the relentless partisan machinations to rig districts. Most voters also would appreciate legislators feeling stronger incentives to solve complex national issues rather than use them first for personal and party branding.

Nevertheless, it would be prudent for reformers to discuss further how they envision this new system coming to be and operating.

Quite probably a federal law would have to be enacted to force steps to adopt a ranked-choice (or preferential-voting), multimember-district system. Plainly, getting that change through Congress presents a formidable challenge. For all the unhappy legislators, very few thus far have shown any desire to let go of the system they know.

But assuming the political will did exist, there are myriad, important questions to consider about the details of the new electoral system. For example, should federal law dictate the number of districts relative to the number of voters in each state? California’s fifty-two representatives would look very different if they all were drawn from four giant districts rather than thirteen smaller districts. In the former structure, the thirteen members elected to each of the four giant districts probably would represent a whole range of political parties, including Greens, socialists, conservatives, and libertarians. In the latter example, the four winners drawn from each smaller district probably would be mostly Democrats.

Furthermore, reformers should devote more discussion to envisioning the repercussions for the day-to-day business of the House. A system of preferential voting and multimember districts raises the prospects of additional parties finding representation in Congress. That may well be a good thing, but much of the House’s rules and practices are based upon two-party bargaining. Would it be easier or harder for legislators to agree on who is named Speaker of the House? Would multimember districts change the very nature of the speakership in ways positive or negative? How would multiple legislators from a single district respond to constituent requests for help? Would the selection of the chairmen of committees be less about their fundraising prowess and dutiful partisanship and more about their subject matter knowledge and leadership qualities? Would bargaining between the House and the Senate over draft legislation be easier or more difficult?

Assuredly, Congress can be made better with reforms. But we would be wise not to inadvertently and needlessly tear down a Chesterton's Fence. Five decades ago, following the Watergate scandal and President Nixon's resignation, reformers made a host of changes to Capitol Hill that aimed to make the institution more democratic and transparent. In some ways, they improved the place, as John Lawrence, a former adviser to Speaker Nancy Pelosi, has described.¹⁴ Other changes, unfortunately, paved the way for the polarized, toxic congressional politics of today.

Chief Justice Jefferson's reform proposals all aim to incentivize Congress to better serve its constitutional and representational purposes. Each of them deserves serious consideration.

I would, however, be remiss if I concluded this essay without mentioning another route to congressional renewal.

Like any other organization or entity, Congress's performance is affected by its capacity: its people, internal structures and processes, and technology. By all accounts, Congress's capacity is inadequate. A 2024 survey of senior congressional staff found that half of them thought congressional capacity was inadequate.¹⁵ An earlier study identified significant gaps in legislative staff understanding of governance issues, and found the House had fewer committee staff and nonpartisan legislative branch support agency employees than in the 1980s.¹⁶ It also found that each House member has only twenty staff to serve the three-quarters of a million constituents they have on average. House legislative staff regularly complain about the shoddy software they have to use to handle the crush of constituent communications.

And this is to say nothing of the frozen-in-amber aspects of the House's structure and operations. Committee jurisdictions, which decide who gets to do what work, have barely changed since the 1980s. The legislative process has devolved from an orderly, predictable process into an incoherent mess of backroom dealing that makes it inordinately difficult for individual legislators to move bills to a floor vote. That the chamber has a rule that empowers the speaker to unilaterally shut down the people's house for multiple weeks, as occurred in autumn of 2025, is indicative of the desperate need for enacting internal reforms that better enable the House to work for the people.¹⁷

The good news is that for the past six years, small, internal reforms have been pushed through the House by the Subcommittee on Modernization and Innovation (formerly named the Select Committee on Modernization).¹⁸ The House has acquired artificial intelligence licenses to help legislators and staff better digest data and information, for example. Very few people outside of the U.S. Capitol are aware any of this is happening, which is too bad, because it offers us some hope that more consequential changes are possible. The U.S. Constitution gives Congress immense authority to organize itself, devise its processes, and spend as much

money as it likes on staff, technology, and resources. More Americans would be wise to exhort Congress to use this authority to increase its capacity to meet the demands of our immense and growing country.

ABOUT THE AUTHOR

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ENDNOTES

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