THE APPORTIONMENT METHODS THAT UNFOLDED THE CREATION OF US POLITICAL PARTIES

LAS LEYES ELECTORALES QUE DIERON LUGAR A LA CREACIÓN DE LOS PARTIDOS POLÍTICOS EN EEUU

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Abstract: The creation of US political parties was deeply influenced by the disputes over the passing of the apportionment bill in 1791-1792, led by Alexander Hamilton and Thomas Jefferson. Which not only caused major political disagreement between the representatives of northern and southern states, but also created a spill over effect into Washington's cabinet that ended up with the first presidential veto of US history. Furthermore, this polarization can be

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directly linked to Jefferson's departure from the cabinet, and the content of the *farewell address*. Without fail, these events had a tremendous impact in the shaping of the US political system as we know it today.

Keywords: political parties; united states; political system; veto; apportionment; congress.

Resumen: Las disputas, encabezadas por Alexander Hamilton y Thomas Jefferson, sobre la aprobación de una ley electoral para el reparto de escaños en el Congreso (1791-1792) influenciaron la creación de los partidos políticos en EEUU. Los desacuerdos causaron grandes enfrentamientos entre los estados del norte y los del sur; que se vieron reflejadas en el gabinete del presidente Washington, desembocando en el primer veto presidencial de la historia de EEUU. Esta fuerte polarización puede vincularse directamente con la salida de Jefferson del gabinete presidencial y el discurso del 'farewell address'. Estos eventos, sin duda tuvieron un gran impacto en la formación del sistema político estadounidense tal y como lo que conocemos hoy en día.

Palabras clave: partidos políticos, EEUU, veto, polarización, prorrateo, Congreso, sistema político.

1.-Introduction

The disagreements over the selection of the apportionment method in the turn of the 18th century, led by Alexander Hamilton and Thomas Jefferson, yielded major political disruption between the representatives of northern and southern states. Creating a spill over effect into president Washington's cabinet, which was split right down the middle on the issue. Ending up with the first presidential veto of US history.

These political fractures ran so deep that turned the incipient American factions of the time, into political parties by the elections of 1796 and 1800.[2] In addition, this chain of events prompted the resignation of Thomas Jefferson from the secretary of state in 1793;[3] as well as Washington's famous departure speech in 1796: the *farewell address*. Where he warns about the dangers of political rivalry.[4]

This inquiry will emphasize the great influence that the disputes over the apportionment bill, and its effects, had in the creation of America Political Parties. Moreover, this paper will not only contribute to the already known explanations of why political parties emerged in the United Stated of America. But also, fill a gap in the literature; as these events are not often given their due credit.

In doing so, it will lay out a brief background on how these political contenders took place. As well as how influential political actors such as the Founding Fathers, with their actions, shaped the American political system to such a degree that they ended up creating their greatest fear: political parties.

2.-The dispute over the apportionment bill

The Philadelphia convention left many issues unsettled, one of them being how to apportion seats in congress. Federalist and anti-federalist couldn't compromise between the interests of big v. small states[5]; agricultural v. industrialized societies; etc. In sum, the north v. south confrontations of the time. As well as the most polemical argument of all –the size of the US house of representatives.[6]

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[2] Roseboom and Eckes 1979.
[3] Chambers 1963.
[4] Washington 1796.
[5] The terminology of "big" and "small" states refers to population, not territory.
[6] Balinski 2001.

The initial proposal of the Bill of Rights, sent to the states for ratification contained not only the ten amendments that are now part of the US Constitution, but also a preamble and two articles pertaining to matters of congress.[7] The first article in fact, laid out ground rules for an apportionment of the house after the first census. Since this amendment was not ratified (see Table 3 for details), it left open to interpretation the way in which seats in the house should be distributed among the several states. Which would end up being a recurring topic every census year.[8] Thus, the need for a bill to describe the method to apportion the seats in the house of representatives fell back into congressional hands.[9]

The selection of an apportionment method is of vital importance to the latter creation of American political parties. Owing to the fact that the distribution of seats in the house of representatives also affects the presidential election via the electoral college.[10] Therefore, many prominent political figures[11] have shown an interest in this issue, given the effect that the change of a single seat can have on the entire system.[12]

In theory, the purpose of such a method is to distribute seats proportionally to their population numbers. As was intended by creating a second chamber by the framers.[13] In practice however, this becomes impossible. Due to the fact that the number of seats to be distributed is an integer and the ratio is a decimal number.[14] As explained by Harvard

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[7] Congress 1992.

[8] Illera 2016.

[9] Corrés Illera 2015.

[10] US Const. Art.I,§.2,cl.3.

[11] Some of these prominent political actors have been George Washington, Alexander Hamilton, Thomas Jefferson, John Quincy Adams and, James Polk, among others.

[12] Balinski 2001.

[13] English 2003, Dodd and Oppenheimer 2013.

[14] El-Helaly 2019.

professor Edward V. Huntington in 1928, over the reapportionment bill of the time:

The problem of selecting the best method of apportionment is a mathematical problem of quite unexpected complexity, on account of the necessity of obtaining a solution in whole numbers. The problem has been the occasion of bitter debates in Congress for over a hundred years.[15]

Ergo, 'this is what makes apportionment problematic' [16] and such an interesting political tool.

In order to *solve* this *apportionment problem,* the apportionment method must devise a rounding scheme. Accordingly, each method uses a rounding technique in order to transform the decimal part of the quota into an integer. Thus, inevitably causing bias on the apportionment method. Meaning that it will either benefit the big or small states, depending on the chosen rounding method. Hence, politics plays a very important role in this decision.

These political democratic arguments weighed heavily on Thomas Jefferson and Alexander Hamilton when they each came up with their own method for apportioning the seats of the lower chamber of congress. Furthermore, both were distraught for their recent quarrel over the passing of the US national bank bill. Thus, their personal animosities fuelled the disputes over the apportionment methods.

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[15] Huntington 1928.
[16] El-Helaly 2019.

3.-Two methods, two factions, two parties

3.1. A new bill – Jefferson's method

After the unratified first amendment tried to set up a way to apportion the seats in congress, before the first decennial census took place. Notwithstanding, failed to obtain the necessary 3/4 of the states for ratification.[17] Thus, never becoming part of the constitution (see Table 3). Hence, following constitutional mandate,[18] in 1791, after the occurrence of the first census, congress still needed to be apportioned.

Thus, on 31 October 1791, the house decided to take on the issue of apportionment. The secretary of state, Thomas Jefferson, sponsored a bill containing his method of apportionment.[19]

Jefferson's proposal calculated a ratio of representation following the constitutional requirement of one representative for every thirty thousand inhabitants (1: 30 000) [20] for a house total of 120 Representatives.[21] However, when he applied his method, it resulted in a House of 112 members, as seen in Table 1. Jefferson's method is also known as the *method of rejected fractions*[22] and is the European equivalent of the D'Hondt method.[23] As we observe in Table 1, it truncates using only the whole part of the quota to apportion; needing only to adjust the divisor in order to fit the house size.[24] Under this method, even if a quota receives x,9999 it will get rounded down to the lowest integer of the quota; instead of the next integer to which it is closest to. In order to not exceed the pre-set total limit of seats to be

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[17] Schwartz 2002.
[18] US Const. Art.I,§.2,cl.3.
[19] Massachusetts Historical Society.
[20] US CONST. Art.I,§.2,cl.3.
[21] Massachusetts Historical Society , Balinski 2001, Zagarri 2010.
[22] Poston 1997, Pukelsheim 2017.
[23] Jiménez-Seral and Vázquez Lapuente 2015.
[24] Schuster, et al. 2003.

apportioned, the method allows for the adjustment of the standard divisor. The divisor can alter the total number of seats to be assigned, since the former increases vis-à-vis the total number of seats to be apportioned decreases, and vice versa; needing only to adjust the standard divisor.

Thus, to initially fix the house total along with the standard divisor is incompatible under Jefferson's method. Since one is the dependent variable of the other. If the standard divisor is set as the independent variable at a ratio of 1: 30 000 then the total house number will be 112 (see Table 1). Whereas if the house total is established as the independent variable, which is what Jefferson's formulation specifies,[25] then the standard divisor will need to be adjusted in order to not exceed the prefixed house number. According to Michael L. Balinski & H. Peyton Young if the house number is fixed at 120, any divisor between 28 356 and 28 5111 can be applied,[26] as displayed in Table 1, while still complying with US Const. Art.I,§.2,cl.3. In sum, under Jefferson's method, as the standard divisor is augmented, the number of house seats proportionally decreases; and vice-versa.

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[25] Balinski 2001.
[26] Balinski 2001.

1790 census		ratio 1:28,500		ratio 1:30,000		ratio 1:33,000	
State	**apportionment pop.**	**(1:28,500) quota**	**Jeff. App.**	**(1:30k) quota**	**Jeff. App.2**	**(1:33k) quota**	**Jeff App.**
VA	630 560	22.12	22	21.02	21	19.11	19
MA	475 327	16.68	16	15.84	15	14.40	14
PA	432 879	15.19	15	14.43	14	13.12	13
NC	353 523	12.40	12	11.78	11	10.71	10
NY	331 589	11.63	11	11.05	11	10.05	10
MD	278 514	9.77	9	9.28	9	8.44	8
CT	236 841	8.31	8	7.89	7	7.18	7
SC	206 236	7.24	7	6.87	6	6.25	6
NJ	179 570	6.30	6	5.99	5	5.44	5
NH	141 822	4.98	4	4.73	4	4.30	4
VT	85 533	3.00	3	2.85	2	2.59	2
GA	70 835	2.49	2	2.36	2	2.15	2
KY	68 705	2.41	2	2.29	2	2.08	2
RI	68 446	2.40	2	2.28	2	2.07	2
DE	55 540	1.95	1	1.85	1	1.68	1
total USA	3 615 920	126.87	120	120.53	112	109.57	105

Table 1. Jefferson's apportionment method. [27]

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[27] Population data: Schmeckebier 1941.

1790 census		Hamilton's Method			
State	Population	Hamilton Q.	1st round	2nd round	final app
VA	630 560	20.93	20	+1	21
MA	475 327	15.77	15	+1	16
PA	432 879	14.37	14	0	14
NC	353 523	11.73	11	0	12
NY	331 589	11.00	11	0	11
MD	278 514	9.24	9	0	9
CT	236 841	7.86	7	+1	8
SC	206 236	6.84	6	+1	7
NJ	179 570	5.96	5	+1	6
NH	141 822	4.71	4	+1	5
VT	85 533	2.84	2	+1	3
GA	70 835	2.35	2	0	2
KY	68 705	2.28	2	0	2
RI	68 446	2.27	2	0	2
DE	55 540	1.84	1	+1	2
total USA	3 615 920	120	111	9	120

Table 2. Application of Hamilton's method[28]

The parliamentary struggles of Jefferson's proposal

In a fortnight, the house select committee[29] came up with a divisor adjustment to Jefferson's proposal that would increase the ratio from 30 000 to 34 000; which was voted down on 23 November 1791. The next day, the committee ended up approving Jefferson's method with a 1: 30 000 ratio.[30] Thus, the bill was ready to be debated in the senate.

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[28] Population data: Schmeckebier 1941 Checked by: Caulfield 2010
[29] Once the bill was introduced in the House it was assigned to a committee, in this case the house select committee.
[30] Balinski 2001.

After two weeks of debate in the senate the amendment text passed by the house was in the floor of the senate. The vote was a tie that had to be broken by the president of the senate; vice president of the United States (VPOTUS) and dear friend of Thomas Jefferson, John Adams. Who, in the end, sided with those in favour of the amendment.[31] As it follows, there was a discrepancy between the text approved by the house of representatives and the one passed by the senate, a conference committee was needed to resolve the differences between the two approved documents in order for a final bicameral approval.

The conference committee was intended to resolve the differences in the language that each chamber of congress had respectively passed. However, neither the house nor the senate was willing to modify their position and concede to the other chamber's wording. Thus, the bill faced an impasse.

3.2. A challenging view – Hamilton's method

Taking advantage of the stalemate position Jefferson's bill was in, the Secretary of the Treasury, Alexander Hamilton, introduced a new apportionment bill containing his apportionment method.

While Hamilton's method distributes the seats in a two-step process: first, it apportions the whole quota (like Jefferson's method) but instead of stopping there; in a second step, it distributes the remaining seats, to the states with the largest quota remainders until the house size is reached (see Table 2 for details). Hamilton's method is known as the *method of largest remainders*.[32]

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[31] Corrés Illera 2015.
[32] Jiménez-Seral and Vázquez Lapuente 2015.

Hamilton's proposal was meant to be seen as a compromise bill –due to the deadlock of the preceding one. Apportioning a House of 120 seats under a quota method, with a ratio of representation of (1: 30 000), as exemplified in Table 2.

The most significant difference between the two apportionment methods relies on how they both calculate the value of the quotas. Thus, based on them, assign the seats with different rounding techniques; since apportionment must be done in whole numbers.

The first difference between the two is that Jefferson's is a divisor method, whereas Hamilton's is a quota method. [33] The former can be captured by "the motto of 'divide and round."[34] Whereas the latter is more accurately describe by the "motto of 'divide and rank."[35]

Hamilton's bill moved swiftly through both chambers of Congress due to the much-needed haste to pass an apportionment bill. Not to mention the recent experience congressmen and senators had with the issue. Thus, on 23 March 1792,[36] *'The Act for an apportionment of representatives among the several states according to the first enumeration'*[37] became the second apportionment bill[38] to have achieved congressional approval as illustrated by Table 3. Three days later it was presented to the president for its signature. [39]

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[33] Jiménez-Seral and Vázquez Lapuente 2015.

[34] Pukelsheim 2017.

[35] Pukelsheim 2017.

[36] Balinski 2001.

[37] Balinski 2001 Citing: The Writings of George Washington, (Edit.) John C. Fitzpatrick, (Washington D.C.: U.S. Government Printing Office,1931-44), 32:16-17. ;

[38] Counting the non-ratified amendment as the first.

[39] Balinski 2001.

If we look again at Jefferson's method, for the census of 1790, it is slightly biased towards the larger states.[40] Whereas, as Table 2 illustrates, Hamilton's is more prone for the latter. although according to the mathematical verifications conducted by Karsten Schuster and Friedrich Pukelsheim, Hamilton's method seems to be 'practically unbiased.'[41]

4.- The North, the South, and Virginia – Competing political ideologies?

The great controversy over the apportionment bill arose when, of the fifteen states that were members of the US Congress in 1792, Hamilton's method awarded nine extra seats, in a second-round, to the states with the major fractions of quota, see Table 2 for detail.

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[40] Schuster, et al. 2003.
[41] Schuster, et al. 2003.

1790 census		Jefferson's method		Hamilton's method		≠
State	apportionment pop.	quota	Jeff. App.	quota	final app	Ham - Jeff
VA	630 560	22.12	22	20.93	21	-1
MA	475 327	16.68	16	15.77	16	0
PA	432 879	15.19	15	14.37	14	-1
NC	353 523	12.40	12	11.73	12	0
NY	331 589	11.63	11	11.00	11	0
MD	278 514	9.77	9	9.24	9	0
CT	236 841	8.31	8	7.86	8	0
SC	206 236	7.24	7	6.84	7	0
NJ	179 570	6.30	6	5.96	6	0
NH	141 822	4.98	4	4.71	5	+1
VT	85 533	3.00	3	2.84	3	0
GA	70 835	2.49	2	2.35	2	0
KY	68 705	2.41	2	2.28	2	0
RI	68 446	2.40	2	2.27	2	0
DE	55 540	1.95	1	1.84	2	+1
total USA	3 615 920	126.87	120	120.00	120	0

Table 3. Difference between Hamilton's and Jefferson's apportionment method for a house of 120 representatives[42].

The results of Table 2 reflect that the majority of the states that saw their representation augmented in the second-round, were northern states. This mathematical paradox was seen at the time as a deliberate political attack on the south's representation in the national government, instead of pure arithmetic. The Representative from Virginia, Richard Henry Lee of Virginia labelled it as 'a certain arithmetico-political sophistry.'[43] Owing to the fact that:

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[42] Population data: Schmeckebier 1941.
[43] Ullman and Robinson Jr 2010.

While debate revolved around certain technical details—the number of representatives, the ratio of representatives to constituents, and the division of representatives among the states—the substantive question at its core was the balance of power between large and small states, northern and southern interests, and Federalist and Republican sentiments.[44]

Moreover, this partisan belief was fuelled by the origin of the sponsors of each method. Hamilton and Jefferson. The latter, remaining faithful to his Virginian provenance, 'did not like the bill one bit.'[45] As according to his method Virginia obtained a larger quota integer quota thus one more representative, as expressed in Table 3. According to Jefferson, Hamilton's method did not seem to reflect that the Virginian delegation was the largest,[46] and should therefore be awarded seats proportionally. Anything else seemed to him unconstitutional.

Virginia's representation played a key role, on how the arguments over method were perceived. In a house with a total of 120 members, as expressed in Table 3, under Jefferson's method, Virginia would obtain 22 seats. While if Hamilton's method were to be applied, to the same house number, Virginia would lose a seat in favour of Delaware. Due to the differences in rounding that the two methods applied.

The problem was aggravated as it was seen not only as a biased towards big v. small states, but most importantly a north v. south problem. since At the heart of this competition lied two competing ideologies, lifestyles and ways of life; that would take the form of political parties with Thomas Jefferson and Alexander Hamilton as their leaders.

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[44] Massachusetts Historical Society.
[45] Szpiro 2010.
[46] Szpiro 2010.

Jefferson's republicans favoured a larger congress since, in a way, they were distrustful of the new American democracy; and preferred a president with a high degree of checks and balances so that it would be harder to have a president become tyrannical. Hence, it's no surprise that Jefferson's method renders a house of 120 members. Whereas Hamilton's method established a house of 105, owing it to the federalist preference for a more robust presidency, trusting in the capacity of the new federal government.

The strong quarrel maintained between Thomas Jefferson and Alexander Hamilton, for who's method would apportion the seats in Congress, transforming the fight over one seat from a mathematical adjustment question into an ideologically charged issue, had consequences that spilled over throughout the entire American political system.

5.- Consequences part I: The first presidential veto

Factions were seen in action fighting on each side of the veto decision with the creation of the US national bank. Additionally, taking a more prominent role in US politics. The fracture created by choosing Hamilton's ideas over Jefferson's is a key factor in the creation of US political parties, reproduced in the contender over the apportionment method. Furthermore, these facts are often overlooked by the literature.

Although George Washington tried to keep his cabinet as impartial as possible, appointing men from big, middle and small states; as were Virginia, New York and Massachusetts.[47] He didn't take into account that not all of these prominent men got along very well amongst themselves; nor with other relevant political actors of the time.[48]

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[47] Weisberger 2000.
[48] Such as: Vice-President –John Adams; Chief Justice –John Jay; Attorney General –Edmund Randolph; and Congressman –James Madison.

Their personal animosities towards one another affected their political actions and vice-versa. Their 'lingering division of opinion [that] became one of the seeds of discord to come.'[49] As such, it made a significant impact in the history of the young American Nation.

Thus, the battle for the US national bank bill had been settled only a couple of months before the one over apportionment started. Hamilton had faced intense opposition when he presented his plan for a US national bank. Jefferson led the opposition trying to get Washington to veto the bill under grounds of unconstitutionality.[50] Moreover, had it not been for the compelling arguments presented by Hamilton in support of the constitutionality of his bill, Washington would have vetoed the proposal. Additionally, the President had already tasked Madison with the drafting of the veto document and was ready to sign.[51] Ultimately Jefferson's lobbying was unsuccessful, as Washington acquiesced and signed Hamilton's bank bill converting it into law.[52] Making their next contender, over apportionment, that much fiercer. Thus, the quarrel over the apportionment bill is tantamount to the one over the bank bill. the only difference resides in Washington's final decision.

Once the apportionment bill containing Hamilton's method, was passed by congress on 26 March 1792, the president knew he only had ten days to make an informed decision on whether he should sign or veto the proposal.[53]

George Washington still had reservations about the bill that congress had recently passed. To make matters worse, he discovered that relying on his cabinet for support on this difficult choice would turn

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[49] Weisberger 2000.
[50] Banning 2004.
[51] Banning 2004.
[52] Roseboom and Eckes 1979, Banning 2004.
[53] "Pocket veto" was not a technique used at the time.

out very difficult, since they were completely divided.[54] It was then, when the president realized that having run for a second term to defuse the belligerent situation that had been stirring up between Hamilton and Jefferson had all been in vain.[55]

During this time both Hamilton and Jefferson led the lobbying campaigns, with the help of their supporters, to influence the President to sign or veto the bill.[56] Hamilton and Jefferson wrote detailed reasonings on whether the bill complied or not with the US Constitution,[57] but also on which method of apportionment better allotted congressional seats equitably. Both Hamilton and Jefferson suggested to president Washington that he should base his judgment on whether the law distributed the seats in the fairest way possible. Thus, by trying to appeal to the mathematics behind the method they provided a rigorous claim in defense of their preferences.[58] Consequently, deepening the polarization of the political factions starting in Washington's cabinet, sprung the creation of political parties 'not in the grass roots but in cabinet and Congress and spread from the downward.'[59] Washington's balanced cabinet was torn in two opposite sides.

On the one hand, the Attorney General, was a supporter of his fellow Virginian the Secretary of State. They both, defended that the law should be vetoed because it went against the letter of the Constitution.[60] As such, they made their opinions known to the president by sending letters on 4 April 1792. [61]

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[54] Hamilton 1792.

[55] Boller 2004.

[56] Corrés Illera 2015.

[57] As had happened with the previous contender over the creation of the US national bank bill.

[58] Ullman and Robinson Jr 2010.

[59] Roseboom and Eckes 1979.

[60] Lear 1792.

[61]"First Presidential Veto I: Editorial Note" 1792.

Jefferson, in his epistle drew special attention to the fact that Hamilton's method does apportion the House quite equitably. However, the problem is that according to Jefferson, it does so outside the legal boundaries set up in the US Constitution.[62]

It happens that this representation, whether tried as between great & small states, or as between North & South, yeilds, in the present instance, a tolerably just result, and consequently could not be objected to on that ground, if it were obtained by the process prescribed in the Constitution. but if obtained by any process out of that, it becomes arbitrary, & inadmissible.[63]

Jefferson based his restrictive interpretation of US Const. Art.I,§.2,cl.3: 'The Number of Representatives shall not exceed one for every thirty Thousand…'[64] arguing that the nine extra seats that Hamilton's method gives out in the second-round, as illustrated by Table 2, are unconstitutional because they exceed the constitutional limit of one representative for every thirty thousand inhabitants.[65] Which if fact is true since, according to the calculations of Michael Caulfield, in order for Hamilton's method to be correctly applied using those numbers the divisor used would be 30 132.67.[66] Therefore exceeding the constitutional requirement of one for every thirty thousand.

Edmund Randolph also shared Thomas Jefferson's thesis on this matter. The former also wrote to President Washington, even though he was not formally part of the cabinet, as he believed it is his duty as Attorney General (AG) of the United States of America, to give his expert opinion on legal affairs. Randolph gave a thorough, three-part legal argumentation, over why the bill shouldn't be considered

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[62] Jefferson 1792a.
[63] Jefferson 1792a.
[64] US CONST. Art.I,§.2,cl.3.
[65] Hamilton 1792.
[66] Caulfield 2010.

constitutional. He concluded that since there was a violation of the letter of the Constitution, the President must veto the bill.[67]

On the other hand, we can see Secretary of War, from Massachusetts, lean towards the Secretary of Treasury's side. Henry Knox and Alexander Hamilton had been on the same side of different issues many times. [68] Matter that irritated Thomas Jefferson by the tone of his depiction of the events. They both defended the constitutionality of the approved bill, and the fact that Hamilton's method apportioned congressional seats in a manner that was fairer than Jefferson's. Due to the fact that it took into account the largest quota remainders and, with those, attributed extra seats where allowed. All under the constitutional prerogative of 'The Number of Representatives **shall not exceed** one for every thirty Thousand…'(emphasis added)[69]

In sum, 'Jefferson argued that his method was the only one supported by the Constitution. Hamilton argued that the quota violations of Jefferson's method were unfair.'[70]As a consequence, Washington had to choose between siding with the federalist, or the republican faction. The president was aware of the delicate and uncomfortable situation he faced. Hence, signing the bill would mean not only allowing Hamilton's method to become law, but it would also be interpreted by his opposition as an advantage towards the interests of northern states.

On the one hand, if the president was to align himself with Hamilton's faction, would signal him as openly Federalist. Moreover, it would be the second victory of Hamilton over Jefferson, due to the recent battle over the bank bill which Hamilton clearly won thanks to

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[67] Randolph 1792.
[68] Balinski 2001Citing: Thomas Jefferson. The Anas in The writings of Thomas Jefferson. Ed. Andrew A. Lipscomb, (Washington D.C.: Thomas Jefferson Memorial Association, 1904), 1:333.
[69] US CONST. Art.I,§.2,cl.3.
[70] Ullman and Robinson Jr 2010.

Washington's support.[71] On the other hand, if Washington vetoed the bill, as a Virginian, his gesture could be interpreted as leaning in favour of the south. Hence, a biased president either way. Washington's real fear was that a favouritism towards the south could spark a north v. south conflict that could lead to the rupture of the young American nation[72].

[The President] observed that the vote for and against the bill was perfectly geographical, a Northern agt. a Southern vote, and he feared he should be thought to be taking side with a Southern party.[73]

Thus, exercising prudence Washington waited until the 10th day to carefully consider the repercussions a veto would have. Thomas Jefferson, wrote in his memoires that the very morning of the day of the deadline for the presidential signature,[74] Washington and Jefferson had a private meeting concerning the apportionment bill. In this meeting, the President confessed his opinion that Hamilton's method is not in accordance with the Constitutional Framer's design.[75] Therefore, he tasked Jefferson with gathering the opinions of his most trusted advisors on Constitutional affairs, the AG and James Madison. The latter considered 'the most important architect of constitutional reform.'[76] As well as a regular advisor to Washington's administration. If they all agreed that the President should veto the bill, they should ready a document for him to sign.[77]

Considering this was the case, Jefferson, Madison and Randolph drew up a brief two paragraph document explaining the motives why the bill was being vetoed, under unconstitutional

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[71] Roseboom and Eckes 1979, Banning 2004.
[72] Jefferson 1792b, Szpiro 2010;
[73] Jefferson 1792b.
[74] Jefferson 1792b.
[75] Jefferson 1792b.
[76] Banning 2004.
[77] Jefferson 1792b.

grounds.[78] They met with George Washington that evening whereupon signing he asked them, once more, if they were 100% sure of their opinion. Randolph confirmed it, and Washington signed the first presidential veto.[79] The veto was sent back to congress with the text that Jefferson, Madison and Randolph had drawn up:[80]

First—The Constitution has prescribed that representatives shall be apportioned among the several States according to their respective numbers: and there is no one proportion or divisor which, applied to the respective numbers of the States will yield the number and allotment of representatives proposed by the Bill.

Second—The Constitution has also provided that the number of Representatives shall not exceed one for every thirty thousand; which restriction is, by the context, and by fair and obvious construction, to be applied to the seperate and respective numbers of the States: and the Bill has allotted to eight of the States, more than one for thirty thousand.[81]

In spite of his argument prevailing, it seems that Jefferson was unaware of the paradoxes produced by Hamilton's method at the time.[82] Which America would later come to experience first-hand.[83] Known as the most common objection to the application of Hamilton's method.[84]

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[78] Jefferson 1792b.

[79] The first of the two he exercised in his mandate as president.

[80] Jefferson 1792b.

[81] Washington 1792.

[82] Ullman and Robinson Jr 2010.

[83] Balinski 2001.

[84] Ullman and Robinson Jr 2010.

The House tried to override the veto, but with 28 votes in favor and 33 against,[85] they didn't reach the necessary 2/3 majority required by the US Const.[86] which would have been 44 votes.

After the defeat of Hamilton's bill, the president still regarded Hamilton's advice over Jefferson's most of the time, which ended up causing Jefferson's departure a year later.[87]

Not to mention, congress still needed to be apportioned. Thus, the day after the confirmation of the veto, congress jumpstarted a new legislative proposal. Ultimately containing a house total of 105 representatives, to be apportioned under Jefferson's method. With a standard divisor of 1: 33 000. Thus, solving the differences that had left this proposal die in its previous proceeding, as observed in Table 3.
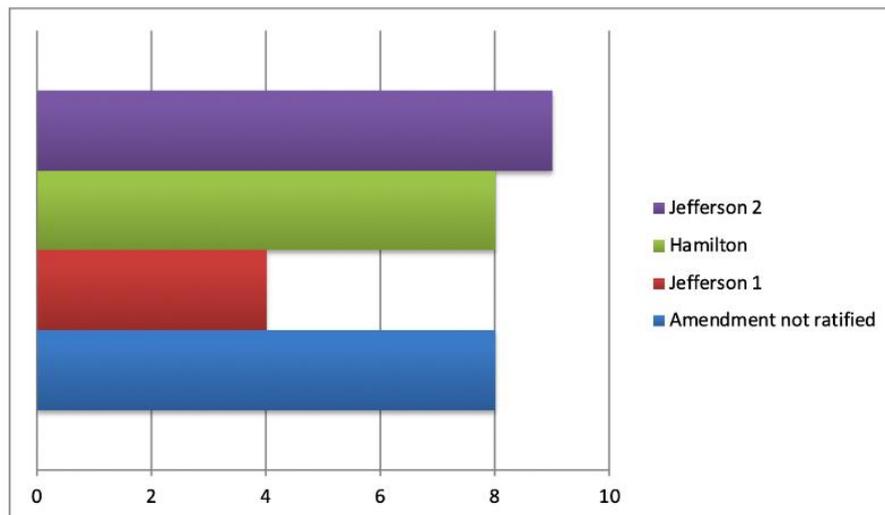

Figure 1. Apportionment bill approval/enactment history until first law.

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[85] Balinski 2001.
[86] US CONST. Art.I,§.7,cl.2.
[87] Chambers 1963.

The proposed bill was finally passed on 14 April 1792, and became the first apportionment bill to be enacted, since the previous two attempts had been approved by Congress but hadn't fulfilled the final step in order to become part of the US legislation, as illustrated by Table 3. Jefferson's method was the first rule applied for apportionment during the first six census.[88] That is, from 1792 until 1840, when it was substituted by Webster's method in 1840.[89]

6.- Consequences part II: the creation of political parties

Although, 'American party founders scarcely realized at the outset that they were building parties,'[90] they became the result of the actions of political leaders such as: Hamilton, Jefferson, Washington, Madison and Adams among others.[91] Thus, transforming the American political system.

Not one year had passed after the apportionment bill had been enacted, when George Washington ran for reelection in 1792 unopposed and without official party affiliation. Nonetheless, the incipient parties were seen in action competing over the vice-presidency.[92] Only three years after the apportionment bill disputes, in the 1796 presidential election, we could finally see 'the first real presidential contest in American history.'[93] The frontrunners for this historical race were none other than John Adams and Thomas Jefferson, as leaders of the federalist and the republican parties respectively.[94] Who would face each other again in 1800.

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[88] Balinski 1978.
[89] Szpiro 2010.
[90] Chambers 1963.
[91] Chambers 1963.
[92] Roseboom and Eckes 1979.
[93] Boller 2004.
[94] Pastor Martínez 2005 Citing: Congressional Quarterly's Guide to US

Political parties were an inevitable effect of government. Even though they were the essence from which the Founding Fathers were trying to escape from, as it was very well expressed in Washington's Farewell Address:

…I have already intimated to you the danger of parties in the State, …Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but, in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy…[95]

Thusly, it can be concluded that the fight over the apportionment bill, and the first presidential veto, were determinant contributing factors to the creations of American political parties.

7.-Conclusion

The established scholarly writings on the creation of American political parties always mention how the disputes over the establishment of the national bank and foreign affairs deeply influenced the formation of political parties in America. This paper fills a gap in the literature as to the importance of the controversy over the apportionment methods and their derived consequences had in the genesis of US political parties.

Elections (1999): 9.
[95] Washington 1796.

The reflections collected by this inquiry display how the antecedent of the fight over the national bank bill, ignited the discord over apportionment. Consequently, unfolding a series of events that would lead to the birth of American political parties.

The first of these consequences, was that the fight for selecting an apportionment method, ended with three bill proposals to apportion the seats in congress, as displayed by Figure 1. Additionally, this inquiry finds that the legislative procedure to enact an apportionment law is arduous, as contemplated in Figure 1. Thus, it was first attempted in 1789 with an amendment to the constitution but failed short of one State ratification to becoming part of the bill of rights.[96] It was attempted a second time, with a proposal sponsored by Thomas Jefferson. But due to the inability to settle on a standard divisor between 30 000 and 33 000 the bill died in congress. To relieve this situation, a third attempt was proposed by Alexander Hamilton, which once more completed the legislative process but ended up with the first presidential veto. Lastly, Jefferson's proposal was picked up once more, with a compromise on the ratio and house number; was able to pass swiftly through both houses of congress, while obtaining the ratification by presidential signature, making this fourth attempt the first US apportionment bill to be enacted.

Moreover, the discords over apportionment ended up with the first presidential veto in US history. Which are directly linked to the polarization of factions and the rupture of Washington's cabinet. This breach originated a chain reaction that had two other major consequences. The first of them being Jefferson's departure from the Secretary of State before his term was up. The second, Washington's Farewell Address and his warnings about the evils of political parties.

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[96] Shaw 1979.

In conclusion, the creation of American parties was influenced by the disputes over the apportionment bill in 1791–1792, demonstrating the consequences that a strife over a single seat can have. [97] Not just for congress, but for the entire American political system as a whole.

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[97] Balinski 2001.

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