

Lesson 18. Article 1, section 2.

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A bit of review and background: It's customary to refer to our country as a democracy. Although democratic, it's more than just that. It's a democratic republic. What does this mean? It is democratic in that all of the people come together periodically to vote. (Question 1) Not for laws, but for our representatives who do write the laws – the republic part. This may seem a petty difference, but the founders were adamant in forging a republic and NOT a democracy.

Can you think of a situation where a democracy would work well?

How about in a family? Each member has a voice and a vote. Where will we go on vacation this year? A church? Do we buy new choir robes or a new chandelier?

Simple A or B votes in a small group with full participation display the best in a democracy.

But if you try the democratic approach in a larger setting the bad side of democracy becomes much more apparent: The ancient Greeks tried this system out, and it worked for a while. But even though voting was restricted to only those citizens who didn't have to work for a living (and would be available to vote during normal working hours); the majority of voters became apathetic. Those that still showed up started voting themselves goodies. It didn't take long before the whole thing collapsed.

Ancient Israel, early Rome, and the Anglo-Saxons all evoked the principles of a republic and did quite well for several centuries. This was the model our founders wanted to emulate. But what kind of republic? There were two known types in existence at the time:

Unitary Republic. This is type we see today in Great Britain. All power vested in a Parliament. Even though the lower house is elected. (Question 2)

A confederation type republic. This was the system used in the Articles of Confederation. With all power vested in the states. This nearly caused us to lose the Revolutionary War. Coincidentally, it is the same style tried by the Confederate States of America. (Question 3)

The founders had to invent a third type of republic: The Constitutional republic, with all power vested in the constitution – and by that way – in the people. How was this accomplished? By dividing the power both horizontally and vertically. Assigning the various duties to the level of government best suited to their efficient administration. (Question 4)

The first principle of a republic is: majority rules. Paraphrasing Jefferson, "... if the will of the society [is] announced by the majority of a single vote [this is] as sacred as if unanimous... yet this is the *last* lesson which is thoroughly learned."

Provision 11:

Any citizen of a state who is qualified to vote for a representative in the state legislature shall be considered qualified to vote for a representative in the United States Congress.

This provision was a major concession to the states. It gave the right to vet eligible voters to the states. Thus the federal government had no say on who could vote and who could not. (Question 5)

What if a state allows blacks to vote? So what?

Hey, what if a state allows women to vote? What if they do? Not a federal issue.

What if a state allows people under the age of 21 to vote? That's up to that state.

All of these were made universal, nationwide by the 15th, 19th and 26th amendments. Again, notice this started right after the Civil War when the federal government began imposing a lot of restrictions on the states that the feds had no real right to pursue.

One restriction that was roundly dismissed by the founders was the British limitation that only land owners could vote (on the theory that a land owner, or freeholder, would have more “attachment to, and permanent common interest with society.”) But even if a merchant rents the space for his store, isn't he attached and interested in his community? What about a family with children? Should these good citizens be regarded with suspicion and distrust when it comes to voting? (Question 6)

Putting a federal restriction on voting would do nothing except enrage those left out.

Provision 12:

Elections for the members of the House of Representatives shall take place every two years.

The founders wanted a more predictable and reliable system for electing representatives than what they left behind in England. In that system, a “no confidence” vote from the House of Commons regarding the leadership will force new elections. It could be seven years from the last election, or seven times a year.

The term of a Representative is so short to keep those representatives attuned to the will of the people. Also, the founders supposed the main body of laws would emerge from the House, so they saw the people's direct representatives as the most powerful body in the new government. As Madison said, “... the greater the power is, the shorter ought to be its duration; and conversely, the smaller the power, the more safely may its duration be protracted.”

The original term was three years, but that was overridden.
(Question 7)

Provision 13:

In order to be a member of the House of Representatives, a person must have reached twenty-five years of age by the time he is sworn into office. (Question 8)

An arbitrary number, to be sure. But there wasn't much debate at the convention from either the very old or the very young delegates. (The youngest was 26, the oldest 81, the average was 42)

Provision 14:

A member of the House of Representatives must have been a citizen of the United States for at least seven years. (Question 9)

Originally set at three years, the delegates felt that it might take an immigrant that long just to learn the language, let alone the values, qualities, and concerns enabling him to govern.

Additionally, if no restriction had been set, they feared Briton might flood the US with “agents” set to infiltrate the government.

Provision 15:

A person cannot be elected to the House of Representatives unless he is an inhabitant of that state which he will be representing. (Question 10)

How would a representative know the concerns of his constituents if he does not live among them?

Until 1842, all representatives were elected state-wide, there were no congressional districts as we know them today. As a result, big cities dominated. If West Virginia were to vote statewide for its three representatives, there's a good chance all could come from Charleston.

Provision 16:

The number of Representatives from each state will be apportioned according to population.
(Question 11)

This provision nearly wrecked the convention. Under the Articles of Confederation, each state had just one vote in congress. The smaller states liked having as much power as the more populous states. But Madison's plan was for both the House and Senate to be apportioned by population.

The small states, led by Delaware's John Dickenson, threatened to walk out – taking all of the delegates from Delaware, New Jersey, and Georgia with him.

Tempers raged on both sides of the argument. The debate became so heated, Ben Franklin suggested a morning prayer, to calm them down and give them time to reflect.

The answer was suggested by a shoe-maker turned lawyer and judge from Connecticut named Roger Sherman. “Let the lower house be filled according to population. And let the upper house, the senate, have an equal voice for each state.”

This shoe-maker devised a plan giving representation to the people, through the House, and the states via the senate.