

Lesson 20. Article 1, section 3.
The Senate – Part I

Up until now, we've been discussing the House of Representatives, the so called, lower house or chamber of congress; where the will of the people is directly represented. But what about the upper house or chamber? What models did the framers have in creating this body?

Since the Roman republic, the Senate has been where the interests of the wealthy, the land-owning, and the aristocracy have been represented. In Europe – especially in France and England – the hierarchy of the established church also found a home in the Senate. (Question 1)

Senates, in general, were populated by nobility. Lifetime membership, with a hereditary title being the only requirement for membership.

Senates, generally speaking, were much smaller bodies than their counterparts. This is because, there are generally more “regular” people in a country than aristocrats. Due to the large numbers of “Plain folk,” it was felt that there had to be a way to keep the majority – the rabble – under tight control, even in a republic. Because you and I both know, the one thing the regular people want, is the aristocracy’s money and land – redistribution of wealth.

But our senate is different. Unlike anything else before attempted in any country.

Provision 26

The Senate shall be composed of two senators from each state. (Question 2)

No matter how big or small, each state gets equal representation in the Senate.

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 – and elected by We the People.

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. This was called the Connecticut Compromise. He had to submit it three times before enough desperation existed for the delegates to pay attention. Once approved, it was called the Grand Compromise. (Question 3)

So, what is the purpose of the senate? To nullify the passions of the House, or the people, that may have run amok. Since the senators represent the states, it is in place to block, for example, gifts the people vote for themselves (through their representatives). (Question 4) In a similar vein, to block tyrannical impositions placed directly on the citizens by the House.

This balance between the people (the House), and the states (the Senate) and the nation (the president) may have been an act of desperation at the convention, but it resulted in the true genius of the constitution. Divine intervention? You decide.

The subject of recalling a senator was debated. The book goes to extreme detail in my opinion. All of these debates regarding unproven accusations, and intrigue. When the simple fact is, the long

term of a senator might see several turns of his state legislature from one party to another. The senator should not be a pawn in state politics; it's something he should not have to concern himself with. (Question 5)

So no mention exists in the constitution regarding the recall of senators. But think about this for a moment – if there is no explicit ban on recalls, then does not the 10th Amendment give that right to the states or the people? Just something to think about.

Provision 27

Senators shall be appointed by their respective state legislatures.

(Question 6)

Once the structure of the senate was established came the thorny question of how it would be populated. Elected by the people? Selected from the House? Appointed by the president? All of these ideas were put forth at the convention. This solution, appointment by state legislatures, seemed the best; for in the minds of the founders, a senator had to be someone special – a statesman – not merely a politician. Someone able to understand the needs of his states, not its wants or wishes; and to weigh those needs against the needs of the country. A person who could also understand the interactions between nations since they were empowered to ratify treaties. Not someone who looks good in a suit and can give a good speech. Not a back-slapping, glad-handing, baby-kissing troll. A statesman.

Needless to say, we've lost all of our statesmen. They were all killed off by the 17th Amendment. Replaced by trolls who all run for re-election on the platform of, "Look! See how much pork I sent back from Washington?"

Why would the states ratify this loss of their only federal representation? One word: Democracy. Recall from the *5,000 Year Leap*, how around this time (1913) democracy was the buzzword in labor unions, law schools, and Washington, DC. The very word, Republic, was swept under the rug. Along with the founders, Adam Smith, and the constitution as Progressives instituted their grand scheme of progress.

It just sounds more democratic to let the people elect their senators. But as we've seen time and again, most of the voters cannot even name their current senators, let alone know what's best for their state. They just keep re-electing the same trolls who send back the most goodies.

The delicate balance I mentioned before between the people, states, and nation has been tipped toward the people, the rabble. Those spur-of-the-moment passions the founders feared so much have been allowed to run amok and unchecked in both sides of the legislative branch.

Provision 28

The term of office for a Senator shall be for six years.

(Question 7)

Why so long? The founders wanted the Senators to be insulated from the latest fad or fancy gripping the people. They also felt that the responsibilities given the senators required a long time to learn and master. (Question 8)

Madison, when describing the Senate, said, "... first, to protect the people against their rulers, secondly to protect the people against the transient impressions into which they themselves might be led. (Question 9) A people deliberating on a ... plan of government most likely to secure their

happiness, would first be aware of those charged with the public happiness might betray their trust. An obvious precaution against this danger would be to divide the trust between different bodies of men, who might watch and check each other...”

Provision 29

There should not be any limitation on the length of service by either Senators or Representatives.

Or the president, I should add, until passing of the 22nd Amendment.

Today there's much discussion about term limits. I can see both sides of the argument. On one hand, I believe most congressmen care more about re-election than they care about the people, the states, or the nation. They care more about re-election than whether their socks match or their fly is up. They care more about amassing millions of dollars in campaign contributions than whether the average Joe can meet his mortgage payment.

As congresspersons gain seniority within their respective houses, they also gain seniority within their party. Eventually, the interests of the party take precedence over the future of the nation. And promotion within the party becomes their second focus – after re-election, of course.

I can also see several disadvantages to term limits: Wouldn't a third Reagan term have been preferable to a single George H.W. Bush term? Secondly, human nature being what it is, lame-duck officials take one of two paths: they either get lazy or go crazy; becoming defeatist and fatalistic and just fill in their time or they go on some legacy-building exercise that would be too controversial if they had to face re-election.

Although not exactly based on term limits, when Harry Truman became President (due to President Franklin Roosevelt's death), he was amazed at how much information had purposely been kept from him. In the middle of a war, the vice president didn't know anything about the atom bomb. He had no idea what the plan had been for negotiations at the Potsdam conference. Wouldn't this be especially true for a term-limited president with no idea who his replacement would be?

So term limits were rejected by the founders, on the grounds that there would be too much unfinished work, and to eliminate the lazy and crazy. (Question 10)

The best term-limit is the next election.

Provision 30

Each Senator shall have one vote.

In the Continental congress, and under the Articles of Confederation, and even the Constitutional convention, there was no limit on the number of delegates each state sent. Some states sent up to seven. The delegates would confer and vote as one. But you could never know who voted for what since it was consolidated into that one vote. Were they unanimous? Was it split? How?

This provision gives us a record of how our Senators vote. (Question 11)