

STRUCTURE OF CONGRESS

The Framers of the Constitution conceived of the legislature as the center of policymaking in America. Their plan was for the great disputes over public policy to be resolved in Congress, not in the White House or the Supreme Court. Although the prominence of Congress has ebbed and flowed over the course of American history, as often as not, Congress is the true center of power in Washington.

Article I of the Constitution describes the structure of the legislative branch of government. The Great Compromise at the Constitutional Convention resulted in the creation of an upper house, the Senate, and a lower house, the House of Representatives. Any two-house legislature, such as the one created by the Framers, is called a bicameral legislature.

The Senate, called "the upper house," is smaller (currently 100 seats) and its members serve longer terms (six years). Each state, no matter how large or small, has equal representation (two seats each) in the Senate.

The House of Representatives, a.k.a. "the lower house," is much larger (currently 435 seats) and its members serve much shorter terms (two years). Representation in the House is proportional to population, so larger states receive many more seats than do smaller states.

The U.S. Constitution sets out the formal, or legal, requirements for membership in the House and Senate. As agreed to at the Constitutional Convention, House members must be at least twenty-five years of age; senators, thirty. Members of the House are required to be citizens of the United States for at least seven years; those elected to the Senate must have been citizens for at least nine years. Both representatives and senators must be legal residents of the states from which they are elected.

Both houses have certain unique powers and responsibilities, but for the most part, the House and Senate work in parallel. That is to say, senators and congressmen perform broadly similar functions in the national government. Both houses have to pass any piece of proposed legislation for it to become law. The House and the Senate are arguably redundant institutions.

Why, then, did the Constitution create a bicameral legislature? Why not merge the House and Senate into a single unicameral legislative body?

There are three main reasons.

1. The first was a matter of historical precedent. While the American colonists had rebelled against British rule in the Revolutionary War, they still drew many of their ideas about government from their colonial experience as British subjects. And the British Parliament had two houses—an upper chamber, the House of Lords, filled with representatives of the aristocracy, and a lower chamber, the House of Commons, filled with representatives of the ordinary people. That example shaped the thinking of the Constitution's framers.
2. The second was more theoretical. The framers' emphasis on the idea of checks and balances led them to be suspicious that a unicameral legislature might consolidate too much power in one institution. By dividing legislative power between the House and the Senate, the two chambers would serve as checks against each other's authority, theoretically preventing either from ever gaining tyrannical power.
3. The third, and by far the most important, was a matter of practical politics. The Constitutional Convention included delegates from twelve of the original thirteen states. (Rhode Island boycotted the whole thing.) Those delegates came from small states and large states. The small states, afraid of losing influence in the new government, demanded that representation in Congress be awarded on an equal basis to all states, no matter how large or small. But the large states insisted, no less forcefully, that representation should be based on population; since larger states had more voters, they ought to have more votes in Congress, too. This fierce dispute over representation dragged on throughout the summer of 1787, threatening to derail the entire Constitutional Convention. But a bicameral legislature provided the perfect opportunity for compromise—in fact, for "The Great Compromise." Small states got their equal representation in the Senate, large states got their proportional representation in the House, and everyone went home happy.

But was "The Great Compromise" really so great? If the first principle of democracy is "one person, one vote," then how democratic is the United States Senate? Today, the largest state (California, home to more than 36.5 million people) has a population about 73 times larger than the smallest state (Wyoming, home to just over 500,000). But the two states' representation in the Senate is equal—two seats each. That arguably means that an individual voter from Wyoming is worth 73 times as much as any one Californian. Is that fair? Is that democratic? (Your answer to that question will probably depend on whether you live in Cheyenne or San Francisco.) On the one hand, the current system does ensure that places like Wyoming aren't entirely ignored in our national politics. On the other hand, it hardly seems fair to deny Californians (and Texans, New Yorkers, and residents of other large states) the right to "one person, one vote."

Whatever you think about the justice of equal representation in the Senate, the system is here to stay. Article V of the Constitution guarantees that no state can ever be stripped of its equal representation in the Senate without giving its consent...and Wyoming is no more likely to agree to that now than the small states were back in 1787.