

2009 Was Not the Senate's Finest Year

Lincoln Mitchell, Harriman Institute, Columbia University

Posted: January 5, 2010 01:30 PM

The U.S. Senate is a very unusual political institution. Revered by members and the political class as the world's greatest deliberative body, it is the only legislative body in the U.S. that violates the principle of one person one vote and is based on the notion of unequal representation. Some states, such as North Dakota are awarded one senator for roughly every 320,000 residents, while larger states such as California get by with one senator for roughly every 18 million residents. This principle is enshrined in the U.S. Constitution, but similar principles of basing legislative bodies on representing polities rather than people have been ruled unconstitutional by the Supreme Court in cases such as [Gray v. Sanders](#) or [Board of Estimate of New York City v. Morris](#).

In addition to being based on a principle, unequal representation, which is broadly viewed as undemocratic, the senate cloture rule means that a supermajority of sixty votes is necessary to pass any significant legislation. Thus, bizarre rules, not mandated by the Constitution, but created by the body itself, combined with an undemocratic system for electing the senate make that body stand out as uniquely undemocratic among major American political institutions. The Constitution of the senate makes the electoral college look unequivocally fair by comparison.

The undemocratic nature of the senate is a fact of political life about which very little can be done. Although changing the cloture policy is possible, the senate will continue to consist of two representatives from each state for the foreseeable future and beyond. Thus the senate continues as an antiquated relic of an agreement between the small and large states which was made more than two centuries ago, the roots of which have very little bearing on how political life is experienced or understood by most Americans.

The results of this system are not insignificant, as not only can individual senators hold up legislation, as we have seen most recently with the health care bill, but senators from small states with very few constituents can hold up legislation. In the House of Representatives, by contrast, not only are almost all bills passed by simple majority voting, but each member represents roughly the same number of people. The insult which is added to this senatorial injury occurs when senators defend their legislature, not as a vital piece of our government and democracy, which it is, but, in spite of ample evidence to the contrary, as a sacred place of deliberation and maturity.

The senate has evolved into an institution where one member can trade off votes, or even his own political party, in exchange for a position on a committee or change his vote on key legislation at least somewhat [to rile his political opponents](#) with no comment from his fellow senators, but as soon as [a senator refuses to give that senator extra time speak](#), a decision which is not that unusual, reactions of outrage and disappointment can be expected. The [reaction of John McCain](#) to Al Franken's choice not to cede extra minutes to Joe Lieberman was essentially partisan in nature and a little difficult to take as the man who brought Sarah Palin to the national

political limelight should not be lecturing anybody on decorum, but the [similar remarks by Chris Dodd are more disturbing and reveal the extent to which senators hold this special and inaccurate view of the senate.](#)

2009 was not a great year for the senate. It was in that body where the goal of meaningful health care reform gave way to a bill that feels as if it was written by the insurance company lobbyists. Republican members of that august body stood by and said nothing while their constituents and supporters questioned the citizenship of the President of the United States, called him a Communist and compared him and his program to those of the Nazis. We should expect more from members of the greatest deliberative body in the world. However, 2009 demonstrated to, nobody's surprise, that politics trumps decency, even in the U.S. Senate.

This makes the comments of people like Dodd and McCain, although probably well-intentioned to a degree, sound arrogant, self-serving and condescending. More importantly, they underscore the degree to which the senate, and its members, have lost touch with the American people. For many Americans the senate is not a sacred chamber characterized by respect, maturity and decorum. Instead they view the senate more accurately and realistically as a political institution where politics, and sometimes very petty and childish politics, set the tone. It is generally better to be polite than impolite, and we are all better served by legislative bodies where calm discussion and deliberation can occur, but mistaking manners for maturity and decorum for deliberation may be good enough for the US Senate, but it is not good enough for the American people.