

THE SENATE

Question to consider: Why are senators so important in the United States government?

♦ ♦ QUALIFICATIONS FOR A SENATOR ♦ ♦

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

-U.S. Constitution, Article I, section 3, clause 3

Delegates to the 1787 Constitutional Convention supported establishing membership limitations for House and Senate members. Influenced by British and state precedents, they set age, citizenship, and inhabitancy qualifications for senators, but voted against proposed religion and property requirements.

Age

The constitutional framers debated the minimum age for representatives before they considered the same qualification for senators. Although Delegate James Wilson stated that "there was no more reason for incapacitating youth than age, where the requisite qualifications were found," other delegates were in favor of age restrictions. They were familiar with England's law requiring members of Parliament to be twenty-one or older, and they lived in states which either barred legislators under the ages of twenty-one or twenty-five from the upper chambers.

As introduced in May 1787, James Madison's Virginia Plan left Senate age restrictions to the delegates to decide, only stating that members of the second branch must "be of the age of ____ at least." Without debating the subject further, delegates voted in favor of filling the blank with thirty, and passed the clause unanimously on June 25, three days after designating twenty-five as the minimum age for representatives. In *The Federalist, No. 62*, Madison justified the higher age requirement for senators. By its deliberative nature, the "senatorial trust," called for a "greater extent of information and stability of character," than would be needed in the more democratic House of Representatives.

Citizenship

The delegates passed a citizenship requirement nine years, making the Senate requirement two years longer than that for the House of Representatives.

Inhabitancy (Residency)

Article 1, section 3, clause 3 states that you must live (be an inhabitant) in the state in which you represent.

♦ ♦ MEMBERSHIP OF THE SENATE ♦ ♦

You should not be very surprised by these facts: Nearly a third of the present members of the Senate once served in the House of Representatives; none of the current members of the House has ever served in the Senate. Indeed, many of the men and women who now serve in the House look forward to the day when, they hope, they will sit in the Senate. You will come to see why the Senate is often called the "upper house."

Size

The Constitution says that the Senate "shall be composed of two senators from each State," and so the Senate is a much smaller body than the House of Representatives (Article I, Section 3, Clause 1 and the 17th Amendment). Today, however, the Senate is a much larger body than the Framers imagined. The Senate had only 22 members when it held its first session in March of 1789, and 26 members by the end of the 1st Congress in 1791. Like the House, the size of the upper chamber has grown with the country. Today, 100 senators represent the 50 States. The Framers hoped that the smaller Senate would be a more enlightened and responsible body than the House. Many of them thought that the House would be too often swayed by the immediate impact of events and by the passions of the moment, mostly because of the short term of office for members of the lower chamber. They reinforced that hope by giving senators a longer term of office and by setting the qualifications for membership in the Senate a cut above those they set for the House.

Each one of the 100 members of the upper house represents an entire State. That same thing can be said of only a few members of the lower house—the seven representatives from those States with only one seat in the House.

Consequently, nearly all of the members of the Senate represent a much larger and more diverse population and a much broader range of interests than do the several representatives from their State. If you look at your own State—at the size, diversity, and major characteristics of its population and at its history, geography, and economy—you will see the point.

◆ ◆ TERM OF OFFICE FOR SENATORS ◆ ◆

Senators serve for six-year terms, three times the length of those for which members of the House are chosen (Article I, Section 3, Clause 1). The Constitution puts no limit on the number of terms any senator may serve. The late Robert C. Byrd was first elected to the upper house in 1958 and holds the all-time record for length of service there—more than 51 years.

Senators' terms are staggered. Only a third of them—33 or 34 terms—expire every two years. The Senate is, then, a continuous body. That is, all of its seats are never up for election at the same time. Senate elections are held every two years on the Tuesday after the first Monday in November in even-numbered years. Senators are sworn in and begin their new term on January of odd-numbered years. Senators are elected by the constituents (people) in the state which they will represent.

The six-year term gives senators somewhat greater job security than that enjoyed by members of the lower house. Those six years give senators some insulation from the rough-and-tumble of day-to-day politics. The six-year term also tends to make senators less subject to the pressures of public opinion and less susceptible to the pleas of special interests than their colleagues in the House.

The larger size and the geographic scope of their constituencies—the people and interests the senators represent—are designed to have much the same effect. That is to say, senators are supposed to be less concerned with the interests of some particular small locality and more focused on the “big picture” of national concerns. Indeed, senators are much more likely to be regarded as national political leaders than are most House members.

The large size of the House generally prevents representatives from gaining as much notice and public exposure as most members of the Senate attract. Senators, and especially those who have presidential ambitions, are better able to capture national media attention. Over the past several elections, the Senate has emerged as a prime source of contenders for the presidential nomination in both parties. Senators also find it easier to establish themselves as the champions of public policies that appeal to large segments of the American people—for example, social security or national health care.

Senators are also more likely to be covered by the media in their states. And they tend to have more clout in their State's politics than that enjoyed by members of the House of Representatives.

Election to the Senate

Originally, the Constitution provided that the members of the Senate were to be chosen by the state legislatures. Since the ratification of the 17th Amendment in 1913, however, senators have been picked by the voters in each State at the regular November elections. Only one senator is elected from a state in any given election, except when the other seat has been vacated by death, resignation, or expulsion.

Before the coming of popular election, the state legislatures often picked well-liked and qualified men to be senators. On other occasions, however, their choice was the result of maneuvering and infighting among the leaders of various factions in the state. These personalities all spent a great deal of energy trying to gain (and sometimes buy) enough legislators' votes to win a seat in the United States Senate. In fact, by the late 1800s, the Senate was often called the “Millionaires’ Club,” because so many wealthy party and business leaders sat in that chamber.

The Senate twice defeated House-passed amendments to provide for popular election. In 1912, it finally bowed to public opinion and agreed to what became the 17th Amendment the next year. The Senate was also persuaded by the fact that several states had already devised ways to ensure that their legislatures would choose senators who were supported by the people of the state.

Each senator is elected from the state at-large. The 17th Amendment declares that all persons whom the state allows to vote for members of "the most numerous Branch" (the larger house) of its legislature are automatically qualified to vote for candidates for the U.S. Senate.

◆ ◆ SENATE LEADERSHIP ◆ ◆

President of the Senate (Presiding Officer)

The presiding officer convenes floor action in the Senate. Unlike the Speaker of the House, the Senate's presiding officer is not the most visible or powerful member. The Senate majority leader has this distinction.

The Constitution designates the Vice President as President of the Senate, although he rarely presides and can vote only to break a tie.

President Pro Tempore

In the absence of the Vice President, the Constitution provides for the President Pro Tempore to preside. The President Pro Tempore is the second-highest ranking member of the Senate behind the Vice President. By convention, the President Pro Tempore is the majority party senator with the longest continuous service. The President Pro Tempore shares presiding officer duties with a handful of junior senators from both parties, who take half-hour shifts in the position.

Majority and Minority Floor Leaders

The Senate majority leader, who is elected by the majority party, is the most influential member of the Senate. He is responsible for managing the business of the Senate by setting the schedule and overseeing floor activity. He is entitled to the right of first recognition, whereby the presiding officer allows him to speak on the floor before other senators. This right gives him a strategic advantage when trying to pass or defeat legislation.

The Senate minority leader is the head of the opposing party. He works closely with the majority leader on scheduling. He confers regularly with members of his party to develop tactics for promoting their interests in the Senate.

◆ ◆ POWERS GRANTED ONLY TO THE SENATE ◆ ◆

Impeachment Trial

Under the Constitution, only the House of Representatives has the power to impeach a government official, in effect serving as prosecutor. The Senate has the sole power to conduct impeachment trials, essentially serving as jury and judge. Since 1789 the Senate has tried seventeen federal officials, including two presidents.

Confirming Presidential Appointments

The Constitution provides that the president "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States...(Article 2, Section 2)." The Senate has always jealously guarded its power to review and approve or reject presidential appointees to executive and judicial branch posts.

Ratify Treaties

The Constitution gives the Senate the power to approve, by a two-thirds vote, treaties made by the executive branch. The Senate has rejected relatively few of the hundreds of treaties it has considered, although many have died in committee or been withdrawn by the president. The Senate may also amend a treaty or adopt changes to a treaty. The president may also enter into executive agreements with foreign nations that are not subject to Senate approval.