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The Legislature: The Art of Governing Together

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Dear United States of America,

Of all the decisions made in Philadelphia in the summer of 1787, the one that came closest to derailing the entire enterprise was not about rights, or the presidency, or – though all of those were fiercely contested. It was about how to count people. Specifically: how many representatives should each state get in the new national legislature? The large states, led by Virginia, wanted representation proportional to population. The small states, led by New Jersey, wanted equal representation regardless of size. Both positions were entirely reasonable. They were also completely incompatible. For weeks, the Convention deadlocked. Benjamin Franklin, then eighty-one and the oldest man in the room, rose and suggested they open each morning with a prayer. The motion went nowhere – Alexander Hamilton worried it would signal to the public that the Convention was in crisis, others simply thought it unnecessary – but the fact that Franklin made it at all said something about how serious the impasse had become. What broke it was a compromise so elegant that it is sometimes easy to forget how improbable it was. Connecticut proposed giving the large states what they wanted in the lower chamber – the House of Representatives, where seats are allocated by population – and giving the small states what they wanted in the upper chamber – the Senate, where every state, regardless of size, gets exactly two seats. It sounds almost obvious in retrospect. At the time, it saved the Constitution.

The two chambers that emerged from that compromise are, by design, quite different animals. The House moves faster. Its members serve two-year terms, which means they are perpetually running for re-election and, in theory at least, perpetually accountable to their constituents. With 435 members today, it is noisy, contentious, and responsive – a fairly accurate reflection of the country's political temperature at any given moment. The Senate moves more slowly, and deliberately so. Its one hundred members serve six-year terms, which was meant to give them the distance to think beyond the next election cycle. The founders, drawing on their reading of Rome and Greece, were wary of what they called "mob rule" – the idea that pure popular passion, unchecked, was as dangerous as tyranny. The Senate was designed to be a cooling chamber.

There is a story – probably a myth, though it has been repeated so often that it has earned a kind of honorary truth – that Washington once explained the Senate to Jefferson by asking him why he had poured his coffee into a saucer. “To cool it,” said Jefferson. “Even so,” said Washington, “we pour legislation into the senatorial saucer.” The story first appeared in print in 1884, nearly a century after the fact, and Monticello’s own historians cannot verify it. But it has survived because it captures something real: the Senate was always meant to slow things down.

Congress has always attracted a certain kind of criticism – that it is slow, that it is gridlocked, that it produces more argument than legislation. Some of this is fair. Some of it is, in a roundabout way, the point. A legislature that could pass anything quickly and without opposition would be a very different, and considerably more alarming, institution. The friction is a feature. What is genuinely remarkable, and perhaps underappreciated, is the sheer longevity of the model. The First Congress convened in 1789 with sixty-five representatives and twenty-six senators. It met in New York, then the temporary capital, and spent much of its time figuring out basic questions – how to address the President, how committees should work, what the rules of debate should be – that no one had needed to answer before. James Madison, who had done as much as anyone to design the system, now had to make it actually function. He did so with characteristic thoroughness, and the basic structures he established are still recognizable today.

Two hundred and fifty years on, Congress remains the noisiest, most contentious, most closely watched legislature in the world. It has 535 members representing 335 million people, and on any given day it manages to be simultaneously frustrating and indispensable. Its approval ratings are, famously, low – and yet its individual members tend to win re-election at remarkable rates, which says something interesting about the difference between how Americans feel about Congress in the abstract and how they feel about their own representative in particular. It is, in this way too, a very accurate mirror of the country. The founders designed a legislature that would reflect the people. They got exactly what they asked for – which is, one likes to think, precisely the kind of outcome that would have made Madison smile.

Yours, with great admiration and transatlantic devotion,

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