



# P E R S P E C T I V E S



by **Rinaldo S. Brutoco**

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## Escaping Minority Rule *The United States Senate*

Do we, as the people of the United States of America, want to be a democracy? This is the fundamental question behind the several articles being grouped under the title “Escaping Minority Rule.”

Historically we know the Founders wanted to create minority rule and they went to great lengths to ensure that some people (primarily Southerners & White male landowners) would hold disproportionate power over all others. In their world, a Black person counted as less than a full White person, women were legally chattel, and the right to vote ought to belong only to the landowner class. They wanted a plutocracy, with quasi-democratic underpinnings. The history books have generously named this a “Democratic Republic”, and yet most people don't realize the Founders intentionally created as a minority rule government.

I sincerely believe the Founders, with all the other principles they expounded, would make different choices today; and, if they still lived today, would be proud of the progress we have made in revising our Constitution increasingly towards democracy. More importantly, if we conducted a plebiscite of all 328,200,000 humans living in the USA, more than 90 percent would say they want to live in a democracy. They would reject plutocracy, government of the many by the wealthy few, and demand the right to make their own collective decisions.

If you'd prefer an aristocratic government, which the Founders overtly rejected in 1776, or a plutocracy, you probably don't want to remain in the US. It isn't your place. The Good 'Ole USA is for those of us who want to share the collective responsibility for how we conduct our civic affairs. The Founders, given all the other sentiments they expressed for the Revolution and for the government to follow, would be proud of us for that patriotic conclusion.

What keeps us from enjoying a meaningful democracy? How do we get out of “the box” of minority rule? The first article of this series examined the historic basis for the Electoral College and how it has become the biggest impediment to democratically electing the president, our senior most official. We noted the inherent unfairness of a system which awards one electoral vote for every 193,000 Wyoming residents, while awarding that same one electoral vote for every 718,000 California residents. The Wyoming resident receives 3.7 times the voting power of a Californian. That's clearly minority rule.

The US Senate also concentrates vastly unequal governmental power in the voters who reside in the smallest states. As any civics student knows, there are 2 Senators for each state. It takes approximately 20 million people to elect a senator in California, while only 290,000 can elect a senator from Wyoming. That's a disadvantage of about 690 percent. That number speaks even louder when you realize how a small percentage, far below a majority, elects one of the two legislative branches of government. A minority that can, as recently demonstrated over the last 12 years, literally control the US government.

Want to know how bad this is going to get? Dean David Birdsell of Baruch College recently published the stunning prediction that by 2040, 70 percent of Americans will live in the 15 most populous states,

and therefore, control only 30 of 100 Senate seats! Shocking if you think you want to live in a democracy.

The Senate was patterned after the British House of Lords and was referred to as the “Upper House” at the Constitutional Convention. It confers longer terms (six years in the Senate compared to two years in the House). It was designed to be a “deliberative” body, rather than the populace reactive “People's House”, which was primarily designed to generate legislation sought by constituents, control the purse strings, and have the power to declare war.

The Founders knew they were creating an inherently unequal, non-proportional body. Both Madison and Hamilton tried to stop it. The problem: voting rules at the Constitutional Convention was set at “one state, one vote.” The smaller states like Delaware backed the unequal voting argument even though the winning five states out of the nine voting, held just one third of the total population. The four more populous states (Virginia, Pennsylvania, South Carolina, & Georgia) were out voted. We've suffered from this political approach ever since.

The political manipulation used to construct the Senate became ever more contentious and remarkably more racist in the first century of our nation's life. Manipulation of Senate representation began in 1790 but really became obvious in 1820 with the famous case that allowed Maine to enter the Union. Once slavery became illegal north of the Mason-Dixon Line, the legendary Senator Henry Clay negotiated the “Missouri Compromise” which only permitted Maine to enter the Union because Missouri was entering as a slave state. This sordid distinction granted slave holding states Senatorial voting power disproportionate to their population in order to maintain a “balance” of equal Senate power between “slave” and “free” states remained in place until the Civil War. Some would say it is still at work today.

The best case for demonstrating the racist underpinnings of how we apportion Senate votes is to look at the District of Columbia. With a population of 721,000, 30 percent more residents than the State of Wyoming, it is not allowed to have even one Senator.

The District of Columbia is only 36 percent Caucasian. In the last several decades at least, various people of color (primarily Black and Brown) have shown a tendency to vote for Democrats over Republicans. Thus, due to fear that adding two new Senators, likely people of color, to the existing 100 US Senators could change the balance of power in the Senate, this is a nonstarter for the current Senate landscape, characterized by that very old group of White men who run the place!

Is that democracy? No. That is rule by the White minority over the majority. It explains why so many older white males are fighting to restrict voter participation in an attempt to indefinitely continue to rule, as a minority, regardless of how small a percentage of the population they represent.

If you believe in democracy, that's precisely the “minority rule” we have to escape.