

Q21 – How many U.S. senators are there?

DOUGLAS GINSBURG, Federal Judge, U.S. Court of Appeals, D.C. Circuit:

There are one hundred senators, two from each of the fifty states. The key word when we think about the Senate is state – or it used to be.

The Framers designed the Constitution to give the federal government only as much power as needed to conduct the business of the nation. The various states were the primary bodies of government.

Under the Constitution until 1913, senators were chosen by their state legislature. Why? To make them accountable to their state government – not directly to the people. The drive for direct election of senators gained steam in the early 1900s during the Progressive Era – a time of furor over everything from business monopolies to tainted meat.

Some targets of the Progressives will sound familiar: big money and special interests. Politicians in the pocket of rich industrialists. Progressives argued that the senators should be liberated from corrupt state legislatures. The Seventeenth Amendment was ratified in 1913 – the only amendment that changed the Founders' framework. Ever since, the citizens have elected their senators directly.

Some scholars say the amendment came at a high cost -- senators' allegiance to their state -- and that it simply moved special interests from the state level to the federal level. But either way, the amendment is surely here to stay -- with all one hundred senators elected directly by the people.