**Senate Terms of Office: Points to Consider**

The Constitution is clear on the terms of senators:

*The Senate of the United States shall be composed of two Senators from each State, chosen… for six Years; and each Senator shall have one Vote…..*

 *[U.S. Constitution, Article I, section 3]*

How long to have legislators serve was debated in the Constitutional Convention, and there were different models the delegates could point to (as Publius noted in *Federalist* 63). The upper houses of some European legislatures, such as the aristocratic House of Lords in England, served for life. That was how long Alexander Hamilton had proposed the terms of senators (and the president) should be in order to ensure stability and the recruitment of the “best citizens” to serve. On the other end, in their effort to ensure representatives followed popular opinion and did not become a permanent political class, the 1776 Pennsylvania Constitution created *annual* terms for state legislators, creating a much more responsive—some said *too* responsive—legislature.

Part of the consideration in thinking about senators’ terms came from deciding what senators would be responsible for doing. Not only would they be a lawmaking body, but they would also serve as a key check on the president, since some of his or her most important decisions require the permission of the Senate. This process is called “advise and consent” and refers to ratifying treaties and approving federal appointments. These are specific powers assigned to the Senate, not the House of Representatives, in Article II, Section 2:

*[The president] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he 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, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.*

The goal was that senators would be a deliberative body, able to become more knowledgeable and take a longer-term perspective not just on legislation but especially on issues of foreign policy and the fitness of federal appointments.

In the end, the members of the Convention decided that the compromise brought by bicameralism offered an opportunity to balance popular opinion and stability: the US House of Representatives would be elected every two years, and be the body more responsive to the people. The six-year terms of the Senate would mean they were still ultimately accountable, but would be able to take a more long-term perspective.

This compromise served as a basic model for states, too. Today, nearly all state houses have two-year terms, with state senators generally serving four-year terms—not quite the six years of the United States Senate, but they also do not have the same foreign policy obligations as the United States Senate. But a longer term is not a necessary part of bicameralism: almost one in four states prioritizes responsiveness and accountability to the people and uses two-year senate terms, as in Arizona.

In 1884, ​*Harper’s New Monthly Magazine*​ printed a supposed conversation between George Washington and Thomas Jefferson regarding the purpose of the Senate. Although likely not true—Jefferson had a record of supporting bicameralism—the exchange has come to stand for the Senate’s role in slowing legislation:

*There is a tradition that Jefferson coming home from France, called Washington to account at the breakfast-table for having agreed to a second, and, as Jefferson thought, unnecessary legislative Chamber.*

*"Why," asked Washington, "did you just now pour that coffee into your saucer, before drinking?"*

*"To cool it," answered Jefferson, "my throat is not made of brass."*

*"Even so," rejoined Washington, "we pour our legislation into the senatorial saucer to cool it."*

Although the exchange may be apocryphal, it accurately describes the purpose of the Senate in the Framers’ minds. *Federalist* 62 argues that one needs a Senate due to “the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions.” As “a body which is to correct this infirmity,” the Senate “ought itself to be free from it, and consequently ought to be less numerous [than the House of Representatives]. It ought, moreover, to possess great firmness, and consequently ought to hold its authority by a tenure of considerable duration.”

As *Federalist* 63 added, “such an institution may be sometimes necessary as a defense to the people against their own temporary errors and delusions. As the cool and deliberate sense of the community ought, in all governments, and actually will, in all free governments, ultimately prevail over the views of its rulers; so there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn.”

The Senate was supposed to do just that, providing “the interference of some temperate and respectable body of citizens… to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind.”

**Brainstorming**

The best way to brainstorm is to write down everything that comes to mind -- don’t worry about being “wrong” or not having good ideas. The whole point is to get everything on paper.

Using what you know and what you learned from the reading above, write down every reason that you can think of that relates to your assigned position in the debate. Use an additional sheet of paper if necessary.

After time is up, work with your team to sort through the ideas and determine which ones will best support your position in the debate.