Big States, Little Say: The Senate
A Lesson to Accompany *Fault Lines in the Constitution: The Framers, Their Fights, and the Flaws That Affect Us Today*

Rationale:

The United States Congress is made up of two houses: The House of Representatives, where representation is based on population, and the Senate, where each state, regardless of its size, has two representatives. This structure—a bicameral legislature with one house based on proportional representation and the other on equal representation—was the product of the Great Compromise, an effort at the Constitutional Convention to meet small and large states' needs and prevent the convention, and possibly the country, from falling apart. The United States expanded beyond its 1787 borders. New states entered the Union. The population grew, especially in urban areas. Proportional representation accounted for these changes, and states' presence in the House of Representatives changed over time. The Senate remains the same: two senators per state, regardless of the number of states or the population within their borders. Though this system provided a tenuous balance of power in the pre-Civil War era and guarantees small states' voice, it has, over time, become an aspect of the Constitution and the government that raises more questions than it solves. These resources, therefore, prompt students to explore the ways in which equal representation, with its problematic impact on the government and the nation, is a *fault line* in the Constitution.

Essential Questions:

- ★ To what extent does equal representation prioritize small states' interests?
- ★ Can we consider representation to be equal if it gives the minority power over the majority?
- ★ Does the Senate's role in American politics and life necessitate rethinking equal representation?

Objectives: Students will be able to…

- ★ Identify equal and proportional representation.
- ★ Discuss the debate between big states and small states at the Constitutional Convention.
- ★ Explain the impact of equal representation in the twentieth and twenty-first centuries.
- ★ Evaluate the extent to which the Senate's decisions and mandates affect Americans' lives.
- ★ Assess whether equal representation continues to serve the country well in modern times.

Common Core Standards:

Middle School:

Key Ideas and Details:

CCSS.ELA-LITERACY.RH.6-8.1

Cite specific textual evidence to support analysis of primary and secondary sources.

CCSS.ELA-LITERACY.RH.6-8.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

Integration of Knowledge and Ideas:

CCSS.ELA-LITERACY.RH.6-8.7

Integrate visual information (e.g., in charts, graphs, photographs, videos, or maps) with other information in print and digital texts.

CCSS.ELA-LITERACY.RH.6-8.8

Distinguish among fact, opinion, and reasoned judgment in a text.

High School:

Key Ideas and Details:

CCSS.ELA-LITERACY.RH.11-12.1

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

CCSS.ELA-LITERACY.RH.11-12.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCSS.ELA-LITERACY.RH.11-12.3

Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.

Integration of Knowledge and Ideas:

CCSS.ELA-LITERACY.RH.11-12.7

Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

CCSS.ELA-LITERACY.RH.11-12.8

Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.

CCSS.ELA-LITERACY.RH.11-12.9

Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.

I) Representation in the Senate: A History

On Wednesday, May 30, 1787, just three days after the delegates gathered in Philadelphia, they already faced a dilemma. How should the number of representatives to the upper house of the new national government be determined?

James Madison, representing the large state of Virginia, favored proportional representation: the bigger the population, the more votes it should have in Congress.

But when a resolution was introduced to establish that system, George Read, a delegate from tiny Delaware, declared that "it might become [our] duty to retire from the Convention." That is, Delaware threatened to walk out, a step that would torpedo a new constitution to replace the Articles of Confederation. This act would transform a dilemma into a full-scale crisis….

On June 11, two delegates from Connecticut, Roger Sherman and Oliver Ellsworth, proposed a compromise—proportional representation in the lower house and equal representation in the upper. Nasty arguments on both sides persisted….

On July 2, Hugh Williamson of North Carolina pointed out, "If we do not concede on both sides, our business will soon be at an end."

Recognizing that Williamson was right, the group decided to let an eleven-person subcommittee come up with a compromise on representation. Then, despite bitter feelings, they adjourned to celebrate July 4 together with gun salutes, displays of artillery and horse brigades, and fireworks. Still, the survival of the unit was not a sure thing.

Two weeks later on July 16, the subcommittee submitted its recommendation:

- The lower branch of the legislature, the House of Representatives, should be selected proportionally, according to the size of the populations.
- The upper branch, the Senate, should contain the same number of representatives from each state.

With a margin of merely one vote, the Convention approved this so-called Great Compromise.

They still needed to determine how many senators each state would send to the Capitol. One seemed risky; if he got sick, the state wouldn't be represented at all. Three was too expensive. On July 23, the Constitutional Convention finally agreed on two.

Still committed to a proportional system, Madison called the decision "a defeat, not [a] compromise." Nevertheless, he considered equal representation is the Senate a "lesser evil" than America's splintering into separate countries or remaining thirteen semi-independent states.

We live today with the result of this Great Compromise (also called the Connecticut Compromise) made at the Constitutional Convention. Though possibly "great," because it saved the union, it has also caused considerable injustice.

Source: *Cynthia Levinson and Sanford Levinson,* Fault Lines in the Constitution: The Framers, Their Fights, and the Flaws That Affect Us Today, 3rd Edition *(Atlanta: Peachtree Publishing Company Inc., 2025), 35-39.*

Question:

- How did disagreements between "big" states and "small" states necessitate the Great Compromise?

II) Senate Representation in the Constitution

Article I, Section 3

The Senate of the United States shall be composed of two Senators from each state, [chosen by the Legislature thereof,]* for six Years; and each Senator shall have one Vote….
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.

**modified by the Seventeenth Amendment*

Seventeenth Amendment (1913)

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Federalist No. 62 (1788)

The equality of representation in the Senate is another point, which, being evidently the result of compromise between the opposite pretensions of the large and the small States, does not call for much discussion. If indeed it be right, that among a people thoroughly incorporated into one nation, every district ought to have a PROPORTIONAL share in the government, and that among independent and sovereign States, bound together by a simple league, the parties, however unequal in size, ought to have an EQUAL share in the common councils, it does not appear to be without some reason that in a compound republic, partaking both of the national and federal character, the government ought to be founded on a mixture of the principles of proportional and equal representation….

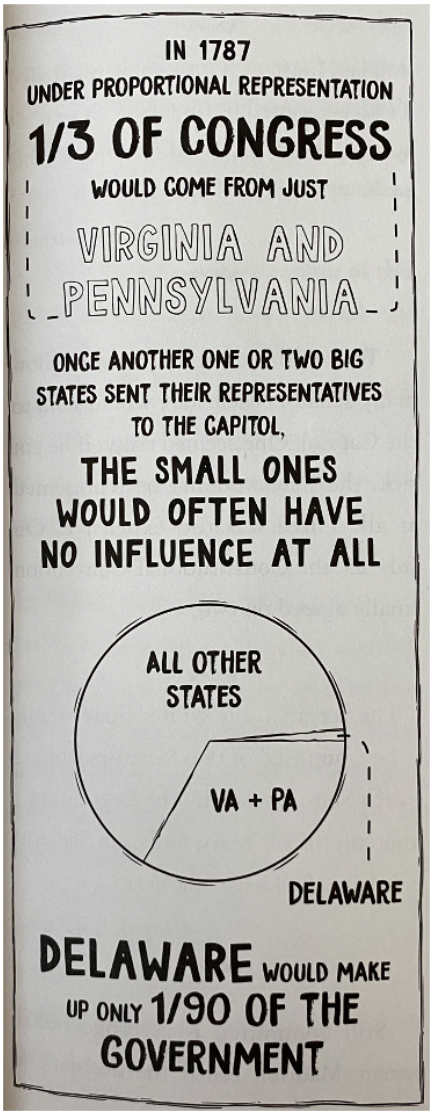
In this spirit it may be remarked, that the equal vote allowed to each State is at once a constitutional recognition of the portion of sovereignty remaining in the individual States, and an instrument for preserving that residuary sovereignty. So far the equality ought to be no less acceptable to the large than to the small States; since they are not less solicitous to guard, by every possible expedient, against an improper consolidation of the States into one simple republic.

***In a large nation the states need to retain sovereignty (independence) in addition to being part of the larger union. Therefore, under the system the Constitution created, proportional representation (the House of Representatives) represents the people's interests and equal representation (the Senate) represents the states' interests.*

Questions:

- How did the Seventeenth Amendment modify Article I, Section 3?
- To what extent did this change make the Senate a more democratic body?
- Why might the Framers have believed that both the people and the states' interests should be represented in the federal government?

III) Big States v. Small States, 1787



In 1790, about 59,100 people lived in Delaware; of these, approximately 8,900 were enslaved. (No one at the Convention knew if or how enslaved people would be counted.) By comparison, about 434,000 people lived in Pennsylvania (3,700 or so enslaved). That's seven times the size of Delaware. And about 747,600 people, including 292,000 enslaved people, lived in Virginia—twelve times the size of Delaware.

Debating representation at the Convention…

James Wilson of **Pennsylvania** suggested that it would be fine with him if the small states pulled out of the union.

Gunning Bedford of **Delaware** retorted that, in that case, the small states would find another country to join. "I do not, gentlemen, trust you!" he bellowed.

Alexander Hamilton (**New York**) was so discouraged that he went home to New York and wrote to George Washington that America might dissolve into "disunion, anarchy and misery."

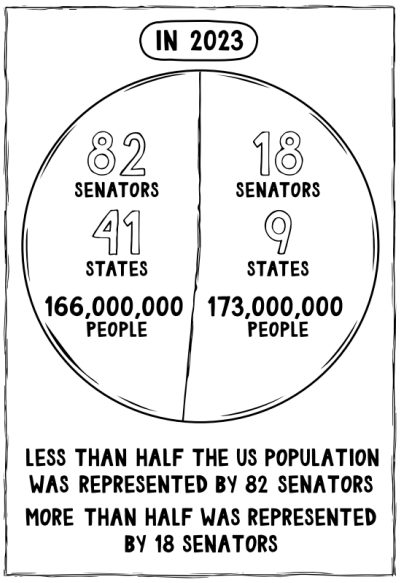
Washington (**Virginia**) confessed he regretted going to Philadelphia because of the "deplorable state of things at the Convention."

Source: *Levinson and Levinson,* Fault Lines in the Constitution: The Framers, Their Fights, and the Flaws That Affect Us, 3rd Edition, *36-37.*

Questions:

- How did equal representation give small states more of a voice than they would have had under proportional representation?
- Why might this debate create feelings of distrust and disunity among the delegates and the states?

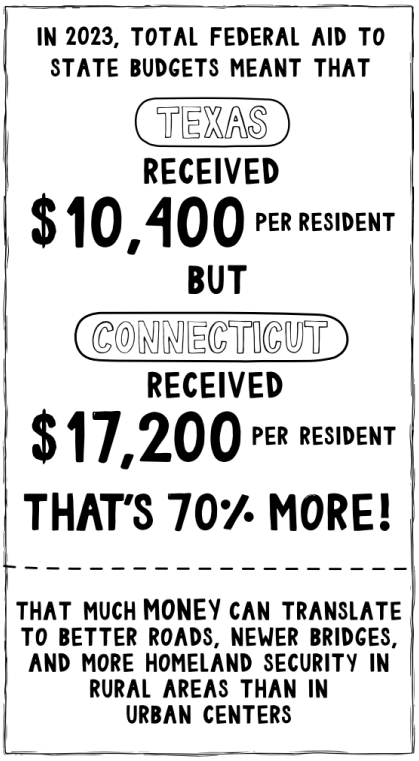
IV) Small State Power in the Twenty-First Century



Every congressional district contains roughly the same number of people—about 760,000 today. Larger states contain more districts and, therefore, send more members to the House of Representatives.

The Senate, on the other hand, is based on equal representation of the states, not the number of people. Each state, regardless of its size, elects two senators.

In 2023, less than half the people in the country were spread across forty-one small states. With eighty-two senators, they had more than four times the pull in the Senate as all the others. The rest of the population converged in just nine big states that have larger cities and more diverse populations but only eighteen senators. That's the big picture. If you focus just on little states, the imbalance is even worse. About a quarter of Americans live in a total of twenty six states, giving this fraction of the populace over half the Senate.



This situation is likely to worsen. Forecasts indicate that in 2040, 70 percent of Americans will congregate in fifteen states, represented by only thirty senators. Unless another state joins the union, the remaining 30 percent of people will get the other seventy senators. That's topsy-turvy….

Senators from small states can secure more money per constituent from the federal government than can those from larger ones. [Senator Patrick J.] Leahy had the power to get extra money for Vermont because he, along with his small-state colleagues, controlled enough votes to demand it….

The problem with having a Senate that doesn't represent the population as a whole isn't limited to money. It also skews policies…. Here are two examples.

- About 90 percent of all Americans—including almost 84 percent of gun owners—favor background checks of people who want to buy guns. Nevertheless, there are enough senators from states with low populations, who prefer unchecked gun ownership, to prevent such legislation from passing.
- A majority of the Senate, representing a minority of Americans, can confirm or reject federal judges, including those on the Supreme Court…. Judges serve for life but might not have the support of most voters.

Sources: *Text*: *Levinson and Levinson,* Fault Lines in the Constitution: The Framers, Their Fights, and the Flaws That Affect Us, 3rd Edition, *39-42*; *Image (top right)*: *Levinson and Levinson,* Fault Lines in the Constitution: The Framers, Their Fights, and the Flaws That Affect Us, 3rd Edition, *40*; *Image (bottom left)*: *Levinson and Levinson,* Fault Lines in the Constitution: The Framers, Their Fights, and the Flaws That Affect Us, 3rd Edition, *41*.

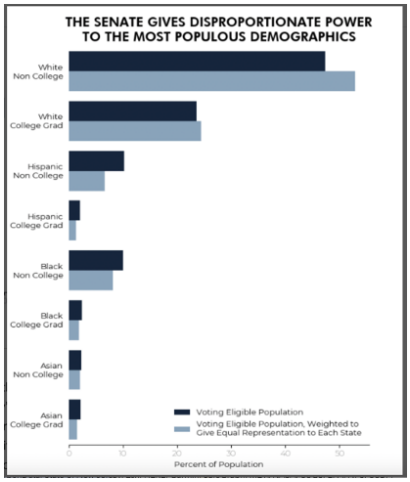
Questions:

- Based on this information, how does equal representation make small states more powerful?
- To what extent does equal representation silence the majority of Americans?

V) Biases in Senate Representation

The "White" House

Matthew Yglesias, "American democracy's Senate problem, explained: A huge — and growing — source of bias in the political system," Vox, December 17, 2019



For most of America's history, meanwhile, nonwhite participation in the political process was suppressed so dramatically that the racial skew of the Senate was a non-issue. In the contemporary US, that's not the case — America's large and growing nonwhite minority enjoys, in theory, equal citizenship rights. But today's Senate overrepresents white voters and significantly underrepresents nonwhite ones.

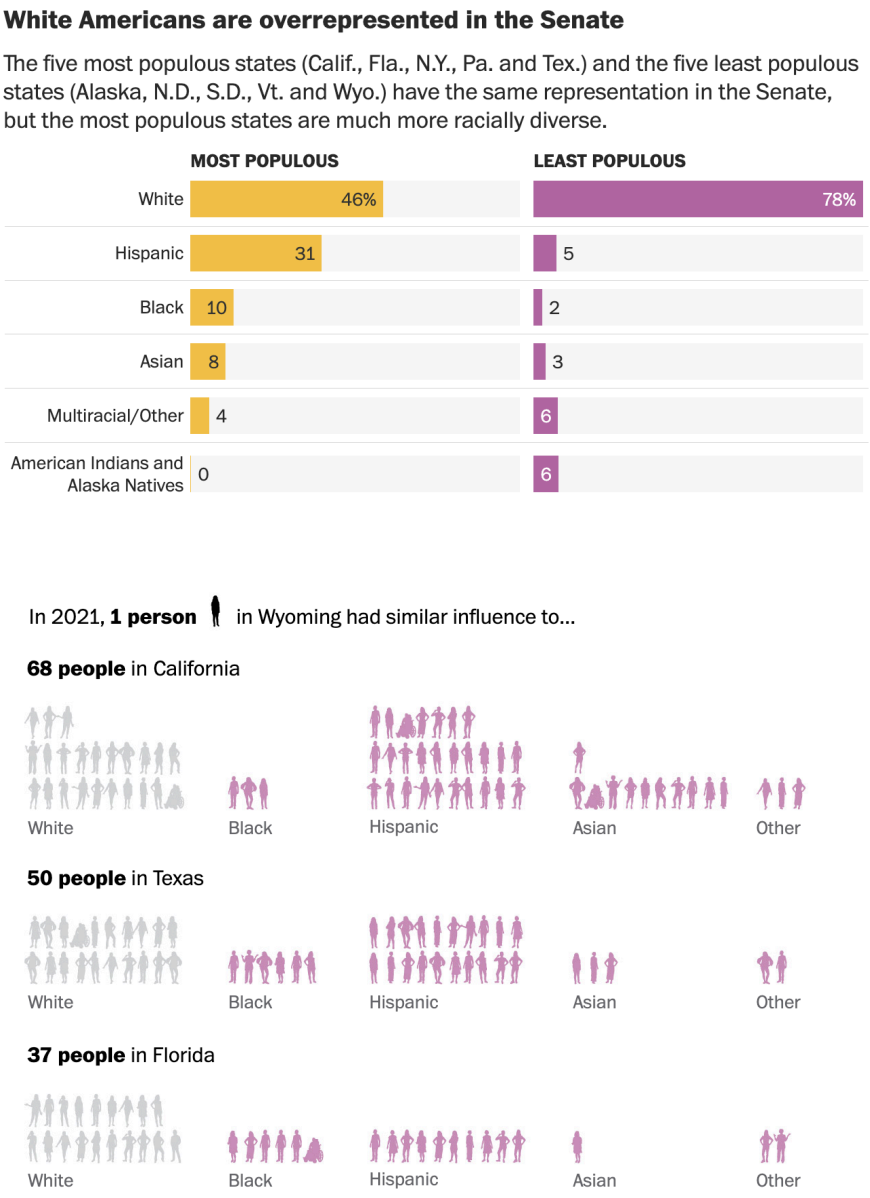
Note that this is the opposite of the Senate's small-state bias serving to correct some kind of potential "tyranny of the majority" problem. The underrepresented groups in the Senate process are the potentially vulnerable minority populations that might be in need of protecting. Even in an egalitarian system, whites would be a clear majority of the voting population, with non college-educated whites accounting for the largest voting bloc. And with the partisan preferences of the white electorate increasingly polarized along educational and urban/rural lines, that's giving the Senate a sharper and sharper partisan skew.

Jonathan Chait, "The Senate Is America's Most Structurally Racist Institution," Intelligencer, August 10, 2020

The Senate was not designed to benefit white voters — almost all voters were white when the Constitution went into effect — but it has had that effect. The reason is simple: Residents of small states have proportionally more representation, and small states tend to have fewer minority voters. Therefore, the Senate gives more voting power to white America, and less to everybody else. The roughly 2.7 million people living in Wyoming, Vermont, Alaska, and North Dakota, who are overwhelmingly white, have the same number of Senators representing them as the 110 million or so people living in California, Texas, Florida, and New York, who are quite diverse. The overall disparity is fairly big. As David Leonhardt calculated, whites have 0.35 Senators per million people, while Blacks have 0.26, Asian-Americans 0.25, and Latinos just 0.19.

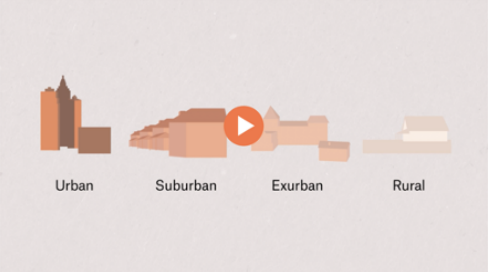
The Senate is affirmative action for white people. If we had to design political institutions from scratch, nobody — not even Republicans — would be able to defend a system that massively overrepresented whites. And yet, while we are yanking old *30 Rock* episodes and holding *White Fragility* struggle sessions in boardrooms, a massive source of institutionalized racial bias is sitting in plain sight.

Dan Balz, Clara Ence Morse and Nick Mourtoupalas, "The hidden biases at play in the U.S. Senate," *Washington Post*, November 17, 2023



Rural Representation

Nate Silver, "The Senate's Rural Skew Makes It Very Hard For Democrats To Win The Supreme Court," FiveThirtyEight, September 20, 2020



Watch video "FiveThirtyEight Forecast Update"

Because there are a lot of largely rural, low-population states, the average state — which reflects the composition of the Senate — has 35 percent of its population in rural areas and only 14 percent in urban core areas, even though the country as a whole — including dense, high-population states like New York, Texas and California — has about 25 percent of the population in each group. That's a pretty serious skew. It means that the Senate, de facto, has two or three times as much rural representation as urban core representation … even though there are actually about an equal number of voters in each bucket nationwide.

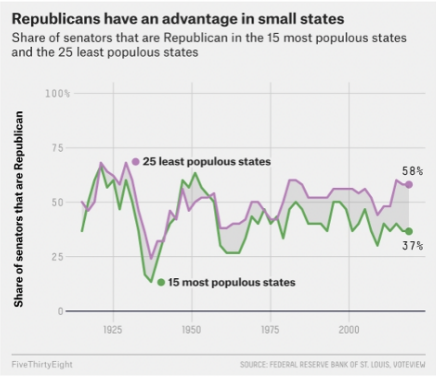
And of course, this has all sorts of other downstream consequences. Since rural areas tend to be whiter, it means the Senate represents a whiter population, too. In the U.S. as a whole, 60 percent of the population is non-Hispanic white and 40 percent of the population is nonwhite.[1] But in the average state, 68 percent of people are white and 32 percent are nonwhite. It's almost as if the Senate has turned the clock back by 20 years as far as the racial demographics of the country goes. (In 2000, around 69 percent of the U.S. population consisted of non-Hispanic whites.)

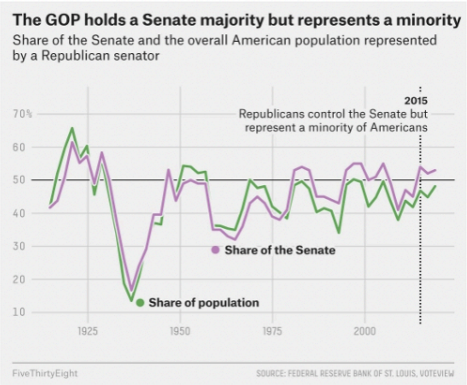
Questions:

- How does Senate representation prioritize some groups over others?
- Based on this information, why do you think some people view the Senate as one of the United States' biggest problems?

VI) Democrats and Republicans in the Senate

Republican Majority in the Senate Prior to the 2020 Election

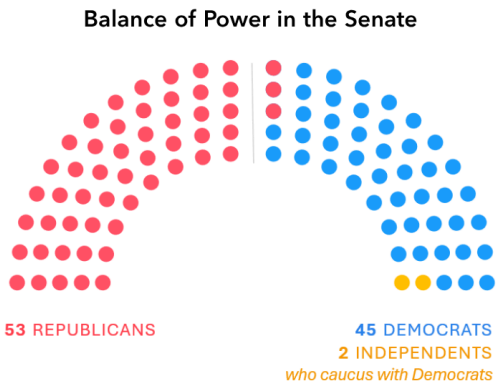




The Senate has always been unequal, long giving less populous states an outsized voice relative to their population…. But over the last several decades… [t]he parties have reorganized themselves along urban-rural lines, and there is now a clear and pronounced *partisan* small-state bias in the Senate thanks to mostly rural, less populated states voting increasingly Republican. In fact, it's reached the point that Republicans can win a majority of Senate seats while only representing a minority of Americans.

Source: *Lee Drutman, "The Senate Has Always Favored Smaller States. It Just Didn't Help Republicans Until Now," FiveThirtyEight, July 29, 2020.*

Republican Majority After the 2024 Election

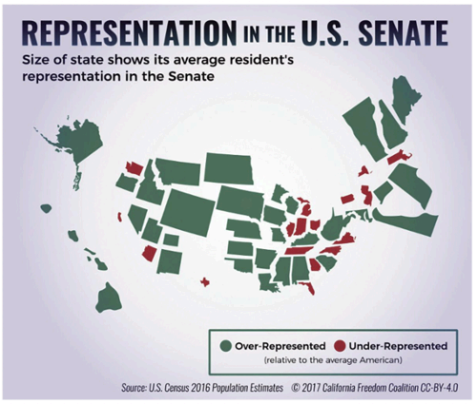


Source: "Navigating the Balance of Power in the U.S. House and Senate to Drive Policy Wins," Bloomberg Government, June 5, 2025.

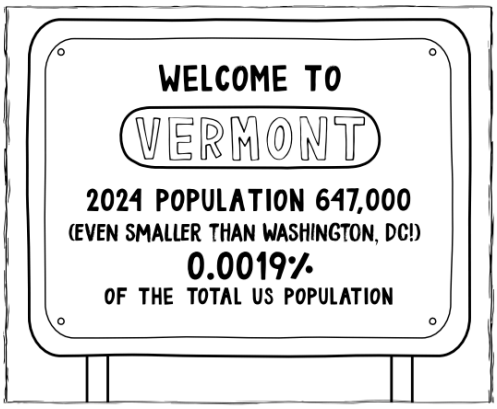
Questions:

- How did the rural majority in the Senate become a Republican majority? To what extent did the Republican majority represent the country's interests?
- How might the results of the 2024 election deepen this pattern, and affect the way the Senate votes?

VII) How Can We Solve Our Senate Problem?



Source: *Independent California Institute, "Representation in the US Senate," June 28, 2017.*



Source: *Levinson and Levinson,* Fault Lines in the Constitution: The Framers, Their Fights, and the Flaws That Affect Us, 3rd Edition, *39.*

Senate Reform Act

Start with the total U.S. population, then divide by 100, since that's the size of the current, more deliberative upper chamber. Next, allocate senators to each state according to their share of the total... Using 2017 census estimates as a proxy for the official one coming in 2020, the Rule of One Hundred yields the following outcome: 26 states get only one senator (having about 1/100 of the population or less), 12 states stay at two, eight states gain one or two, and the four biggest states gain more than two: California gets 12 total, Texas gets nine, and Florida and New York get six each…. In the new allocation, the total number of senators would be 110. The total is more than 100 because 10 of the smallest states have much less than 0.5/100 of the U.S. population but are still entitled to one senator each.

Source: *Eric W Orts, "The Path to Give California 12 Senators, and Vermont Just One,"* The Atlantic, *Jan. 2, 2019.*

Statehood for DC and Puerto Rico

…you could reduce the bias in Senate representation toward rural and white voters by admitting the District of Columbia and Puerto Rico as states. Both could be admitted by majority votes in both houses of Congress.

Source: *Jonathan M. Ladd, "The Senate is a much bigger problem than the Electoral College," Vox, April 9, 2019.*

Reconfigure the Senate

Additional senators could be elected from broader geographical regions of the country. Or perhaps former presidents, vice presidents, or retired members of the Supreme Court could serve in the Senate. The Senate would be bigger and so would the scope of what they pay attention to—not just what their constituents want, but what's best for the whole country.

Source: *Levinson and Levinson,* Fault Lines in the Constitution: The Framers, Their Fights, and the Flaws That Affect Us, 3rd Edition, *45.*

Questions:

- How might these solutions make the Senate more representative of the nation as a whole? Why might there be significant opposition to these ideas?

Student Resources

Directions: Students will fill in the following note catcher using the information in these resources.

1. Why did the Framers decide that the Senate should represent each state equally?

2. Why might a plan that worked in 1787 not work as well in the 21st century? Give examples in your answer.

3. What are some problems associated with equal representation today? Which one is the biggest problem?

4. Finish this sentence: Equal representation can create bias in the United States government because…

5. Several newspapers and websites publish articles on why the Senate and equal representation are problematic. Why do you think so many reporters, politicians, and bloggers care about this topic?

Activity #1:

Using the resources and their note catchers, students will respond to the following questions:

- To what extent is equal representation in the Senate a "fault line" in the Constitution?
- What suggestions would you make to restructure the Senate so that it is more representative of Americans' interests?

Students can respond to the questions in one of the following ways*: newspaper editorial or letter to the editor; speech (recorded on video); TED Talk style essay or speech; PowerPoint presentation/Google slides; captioned illustration; song (recorded on video); poem; or iMovie. (Other presentation methods at the teacher's discretion.)

All work must meet the following requirements:

- Clearly state an opinion on voting rights and their limitations in the United States in the 21st century.
- Thoughtfully respond to both questions.
- Use evidence from the resources to support claims.
- Acknowledge both sides of the debate.
- Include information on past events and current issues.
- Evaluate information to draw original conclusions.
- Remain focused on the topic and task assigned.

*The recommended activities refer to work students will complete independently. Teachers may also choose to use this information to prepare students for a debate, Socratic seminar, philosophical chairs activity, or any other large group activity where circumstances allow.

Activity #2: What does EQUAL mean?

The word equal has a few definitions. It can mean "the same in size or value"; "able to meet a challenge"; "the same amount"; or "of the same quality." These definitions, though slightly different, focus on one theme- sameness. In this activity, students will think about what "equal" means to them and create something that represents those ideas.

Students will think about how they would define the "equal," including specific ideas about what equality means to them. They will express their thoughts in writing (essay, poem, story, etc.), orally (live or recorded speech, song, podcast, etc.), or visually (PowerPoint presentation/Google slides, illustration, iMovie, political cartoon/comic, etc.). Their work should respond to the following questions:

- How do you define the word "equal"?
- Where do you see examples of equality and inequality in society?
- What does it mean for people's interests to be equally represented?
- How can people in leadership positions promote equality?

Students will submit their work to their teachers and/or share it with their class in large or small groups.

After students complete this work, they can compare their ideas about equality to the issues related to equal representation. Based on their work, ask students: *Why is equal representation in the Senate problematic?* Students should cite information from the resources and their own ideas in their responses.

Activity #3:

In Chapter 22 of *Fault Lines in the Constitution* Cynthia and Sanford Levinson grade the Constitution based on the way that it fulfills the goals asserted in the Preamble:

> *We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.*

The authors divide their report card into the following categories--form a more perfect union; establish justice; insure domestic tranquility; provide for the common defense; promote the general welfare; secure the blessings of liberty to ourselves and our posterity—and assign composite grades based on the various aspects of the Constitution they evaluate in their book.

After studying **the Senate**, including the material in *Fault Lines* and outside sources, it's your turn to grade the Constitution! Based on what you learned and the ideas you formed about the Electoral College, please grade the Constitution in the following categories. Don't forget to add comments!

The Constitution's Report Card

Subject	Grade	Comments
Form a More Perfect Union		
Establish Justice		
Insure Domestic Tranquility		
Promote the General Welfare		
Secure Blessings of Liberty to Ourselves and Our Posterity		
AVERAGE		