

■ Seventeenth Amendment to the U.S. Constitution

Date: April 8, 1913

Author: Proposed by Joseph L. Bristow

Genre: constitutional provision

Summary Overview

One of the initial points of contention when the Constitutional Convention drafted the document was the balance between federal and state power. While the United States Senate was part of a compromise between large and small states (with each state having two Senators regardless of population), it was also a measure designed to ensure that state government's interests were represented at the federal level, hence, state legislatures selected Senators.

By the late nineteenth century, this system became increasingly unpopular and, in 1913, the Seventeenth Amendment was ratified. This amendment provides for the people of each state to directly elect their Senators and was part of a wider progressive trend toward more directly democratic political systems in the United States.

Defining Moment

The two key issues drove changes to how Senators were elected. One of these was the problem of state legislatures not being able to arrive at a consensus on who their Senators should be in a timely fashion, delaying that state's representation in the Senate. The other was the perception—and occasional reality—that the Senatorial election system originally devised by the framers created opportunities for corruption. Historians still debate the degree to which corruption was an issue in state legislatures selecting Senators; only ten instances of a contested Senate election due to bribery ever arose before the enactment of the Thirteenth Amendment.

While there had been attempts to amend the constitution to allow for the direct election of Senators as early as the 1820s, calls for reform increased during the late 19th century. The 1892 Omaha Platform of the Populist Party called for direct election. A number of states already had mechanisms in place to provide for direct election, with popular votes that “instructed” state legislatures to select a particular candidate. The early twentieth century was an era when reformers sought to increase citizen involvement in all levels of government. From changes to the way city governments operated to the increase in the number of states which allowed legislation to be enacted via

ballot initiative or provided measures through which voters could recall elected officials, direct democracy was a crucial element of progressive politics. The provisions of the Seventeenth Amendment were as much the result of broader trends in American politics as they were an attempt to address specific perceived shortcomings of the system originally presented in the Constitution. The press—particularly newspaper publisher William Randolph Hearst—also promoted direct election.

State legislatures—perhaps ironically—also began to call for direct election in the first decade of the twentieth century. Proposals for amendments passed the House of Representatives in 1893, 1900, 1904, and 1908. In 1910, 10 Republican senators who contributed to an amendment failing in the Senate lost their seats. Clearly, the time was right for reform. The original resolution (House Joint Resolution 39) was introduced in 1911 and reserved for state legislatures the right to establish “the times, places, and manner of” electing Senators and was intended to prevent the federal government from combatting voting discrimination based on race. The version that eventually passed in the Senate on April 12 and in the House on May 13, 1912 did not contain this clause and was proposed by Senator Joseph L. Bristow (R-Kansas). The amendment then went to the states, with

H. J. Res. 39.

Sixty-second Congress of the United States of America;

At the Second Session,

Began and held at the City of Washington on Monday, the fourth day of December,
one thousand nine hundred and eleven.

JOINT RESOLUTION

Proposing an amendment to the Constitution providing that Senators shall be
elected by the people of the several States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section three of Article I of the Constitution of the United States, and in lieu of so much of paragraph two of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

“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.

*“When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.*

“This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.”

Champ Clark,
Speaker of the House of Representatives.

J. S. Thuman
Vice President of the United States and
President of the Senate.

Connecticut ratifying it on April 8, 1913, being the final state in the 3/4 necessary for it to go into effect.

Author Biography

Legislation—including proposed Constitutional amendments—is often a collaborative effort, with changes made in conference committees to reconcile variations between language between versions from the House of Representatives and the Senate. In the case of the Seventeenth Amendment, as noted above, we can single out Republican Senator Joseph L. Bristow of Kansas as the originator of the language that would be used.

Bristow was born in Kentucky, in 1861. After getting married in 1879, Bristow and his wife moved to Kansas and briefly farmed before attending college to become a Methodist minister. He would, eventually, work in the newspaper business as an editor. He entered the political field as a secretary to Kansas Governor Edmund Morrill, and would be appointed to an assistant Postmaster General position by President William McKinley. Bristow served one term in the U.S. Senate, from 1909 to 1915, losing in the election of 1914. Following his political career, Bristow moved to a farm in Virginia where he lived until his death in 1944.



Historical Document

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“This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.”

Glossary

construed: understood or interpreted

elector: someone with the right to vote in an election

executive authority: the head of the executive branch of a state, such as governor

in lieu of: instead of

Document Analysis

The preamble of the resolution establishes that the 62nd Congress, which opened on December 4, 1911, passed the resolution. The body of the resolution begins by setting out the primary purpose of the amendment, that Senators will be elected directly by the people of each state. The resolution continues by confirming that the required two-thirds of each chamber has approved the resolution and detailing which portion of the Constitution (Article 1, Section 3, paragraph 1 and part of paragraph 2) are affected by the amendment.

Then follows the text of the amendment itself, specifying that the Senators from each state will be elected by the people of the state will serve six year terms and specifies that electors for the Senate positions should have the same qualifications as those for the state legislatures. The amendment also provides for a means of filling vacant Senate seats, with the “executive authority” (ie., the Governor) of the state having the authority to appoint a replacement, with the provision for the state legislature to mandate a special election.

The amendment closes with the assurance that the terms of existing Senators will not be affected by the amendment before it is ratified.

Essential Themes

The Seventeenth Amendment provided a means for the U.S. Senate to be more directly responsible to the voters of each state. Some have argued that the direct election of Senators has diminished the power of state legislatures and is not in keeping with the spirit of what the framers intended. However, the fact that several state legislatures delegated Senate selections to the voters prior to the introduction and ratification of the amendment, indicates that the political tide was firmly behind more direct participation by the voters.

The amendment aligns closely with liberal political principles by expanding democratic participation and

empowering ordinary citizens. The old system of choosing Senators by state legislatures was susceptible to corruption, special interest influence, and political machinations. By establishing the direct election of Senators by the voting populace, the amendment aimed to increase transparency and make senators more accountable to the people they served. This shift was rooted in the broader Progressive Movement’s effort to reform government and reduce the influence of wealthy elites and political machines, aligning with liberal ideals of limiting undue influence and promoting honest, responsive governance. Additionally, the amendment contributed to correcting power imbalances within the political system, making government more accessible and representative of the general populace.

—Aaron John Gulyas, MA

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