



DATA FOR *PROGRESS*

# THE SENATE IS AN IRREDEEMABLE INSTITUTION

## Executive Summary:

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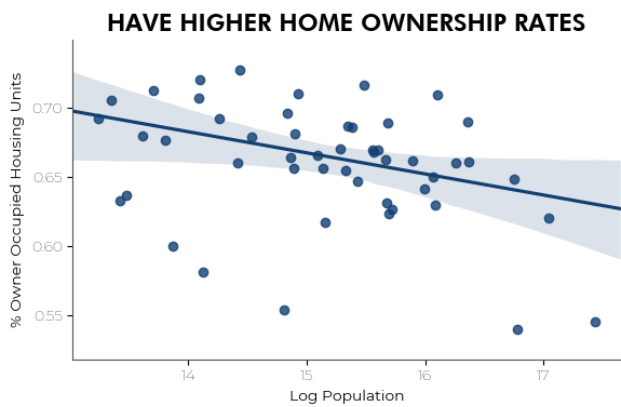
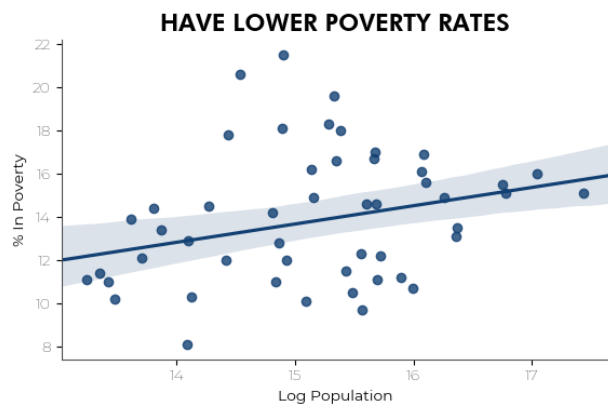
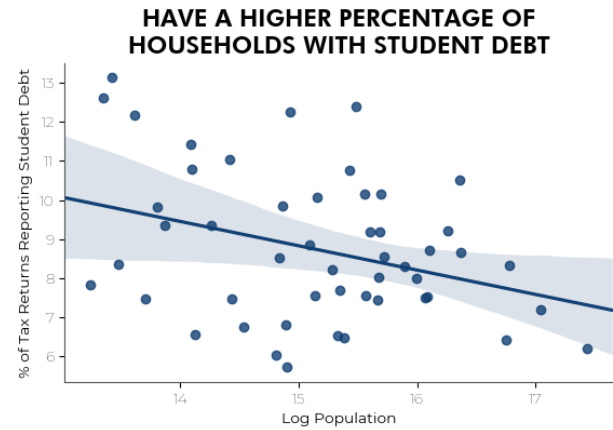
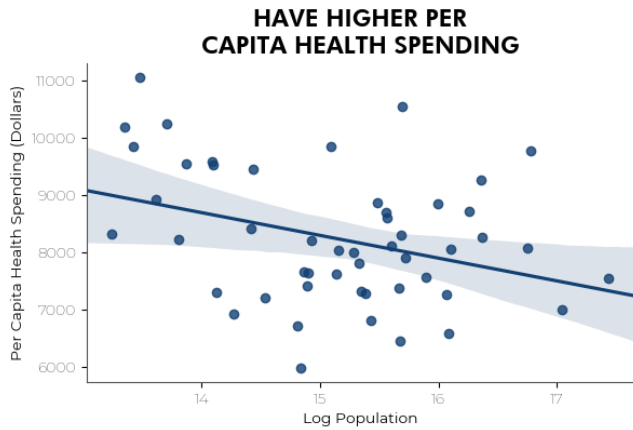
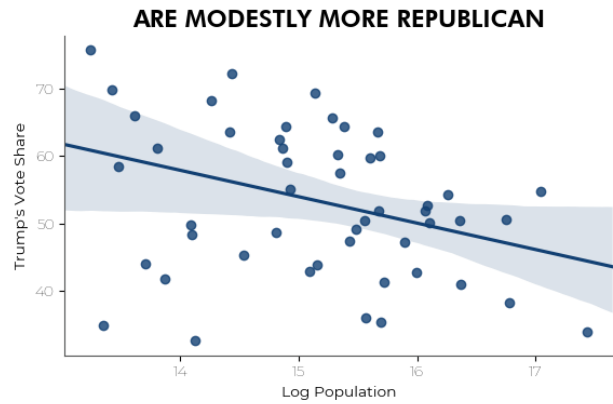
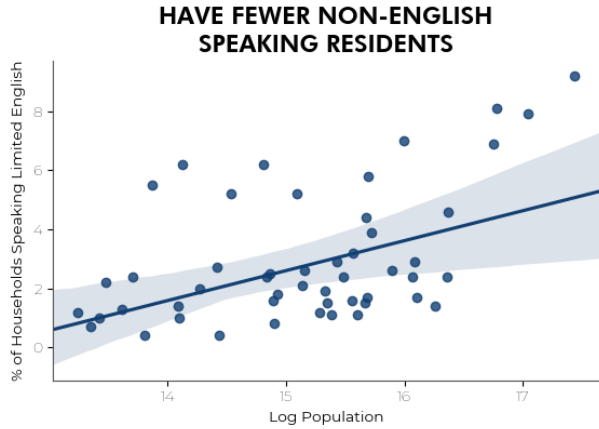
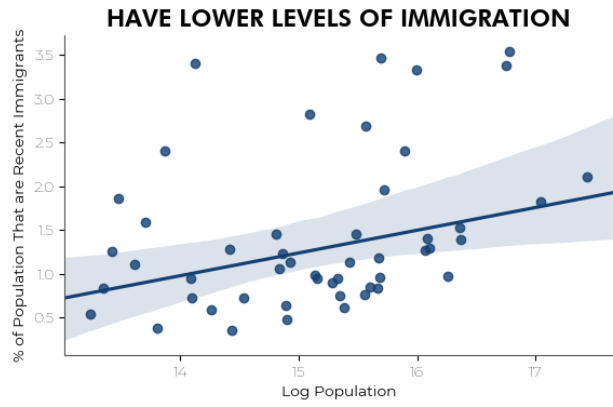
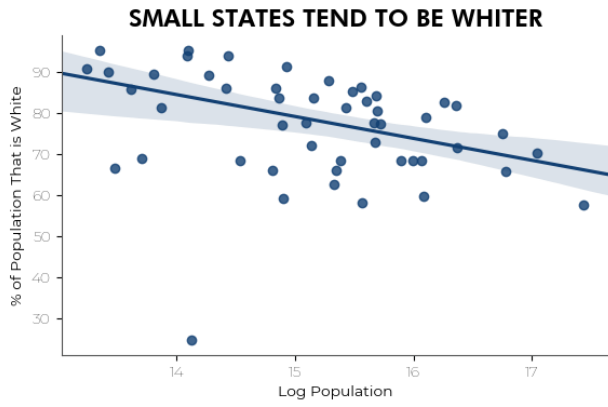
- ▶ The Senate disproportionately benefits small states, which have a higher population of white people, lower populations of immigrants, and larger populations of culturally conservative voters than the nation as a whole.
- ▶ There is no justification for treating states with small populations as a community of interest in need of extra representation in the federal government.
- ▶ Due to the demographic composition of the states, giving extra representation to states with small populations is racism by proxy: It increases representation for the majority racial group, and decreases it for minority racial groups.
- ▶ On any issue where the opinions of white people are different from the opinions of people of color, the Senate favors white voters at the expense of people of color.

Over the last several years, progressives have increased their focus on how American political institutions are biased against groups in the Democratic coalition such as people of color, working class people, and young people. Efforts to increase access to the ballot box, reduce gerrymandering, and abolish the electoral college have gained attention, as have efforts to reform the Supreme Court. However, the most antidemocratic institution in America has received relatively little scrutiny: the United States Senate.

The Senate gives equal representation to states regardless of their population, which therefore gives disproportionate representation people who live in states with below-average populations. A common, pro-Senate argument says that since states with small populations have little leverage in a national majoritarian system, counter-majoritarian institutions are needed to prevent these states from suffering under the so-called “tyranny of the majority.”<sup>1</sup> Ultimately, this argument rests on the claim that states with small populations form some sort of coherent minority group. However, as this report will show, there is no rational argument for claiming that those who live in states with small populations are a minority group needing extra representation. In fact, equal representation by states disproportionately underrepresents racial minority groups and overrepresents whites, who are already a majority of the population. In other words, the Senate does the exact opposite of what its proponents suggest is its intention.

There are not very many state-level characteristics that correlate strongly with state population, but the few that do are telling.

Primarily, states with smaller populations tend to be whiter (the outlier being Hawaii), have lower levels of immigration, and have fewer residents who do not speak English. Small-population states are modestly more Republican, though there are a few states that have small populations but vote Democratic, such as Delaware and Rhode Island. Partisan voting is more strongly associated with population density rather than population itself.



Sources: US Census, IRS Statistics of Income, The Kaiser Family Foundation, and the FDIC

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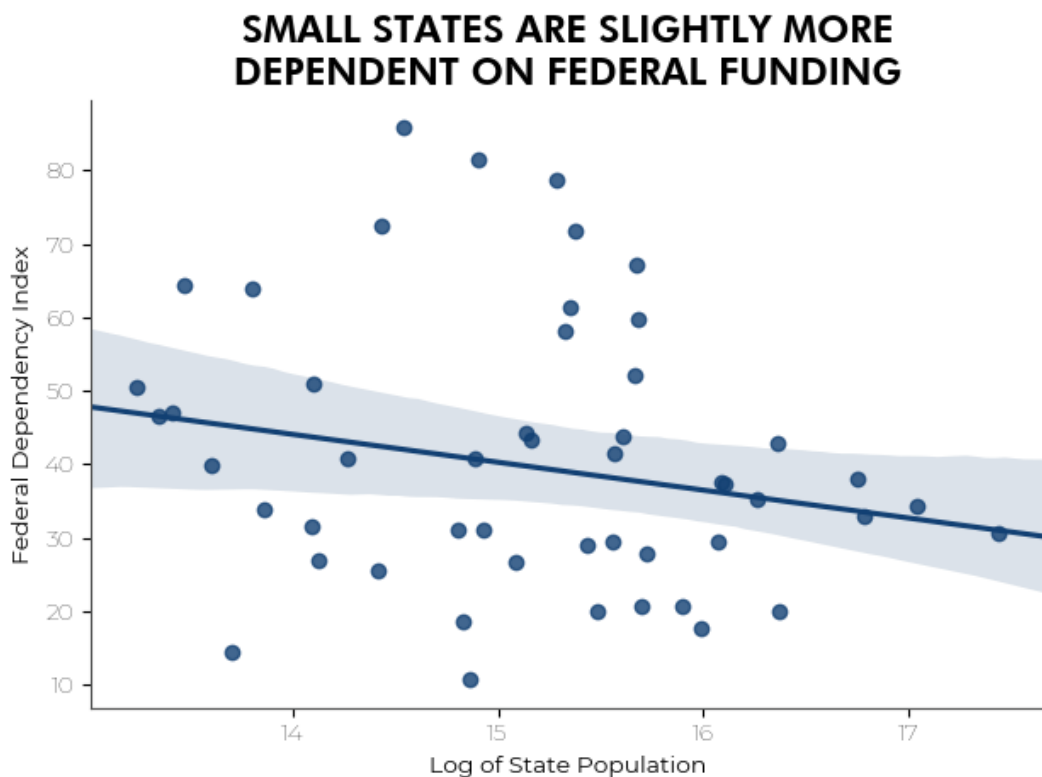
In a world where small-population states act as a coherent voting bloc on behalf of the common interests of their citizenry, they would use their disproportionate influence to make the federal government provision them with public goods that they have difficulty provisioning on their own. Small-population states tend to have higher per capita health spending and a higher percentage of households with student debt, and thus they would benefit from federal programs that directly fund healthcare and education. Were these states' senators engaging in this sort of population-based representation, we might expect to see Chris Coons (D-DE) collaborating with Mike Enzi (R-WY) on policy about higher education and/or healthcare. [But we don't.](#)

There are some rules in place like [minimums](#) for education funding which are meant to guarantee that small-population states are guaranteed minimum levels of federal funding regardless of population. There have also been a few [infamous examples](#) of small-population

states using their disproportionate leverage in the Senate to take a disproportionate share of federal funds. But, on average, state population barely explains any of the variance in a state's financial dependency on the federal government. Factors such as a state's level of economic activity and development, tax base, tax laws, and safety net provisions all play a role in determining whether a state is a net contributor or a net recipient of federal funds. On its own, the population of a state tells us virtually nothing about the needs or wants of a state's people.

## How the Senate distorts politics

While small population seems not to bring about any sort of natural coalition or voting bloc based on shared material needs, the fact that states with small populations are whiter than the national average has huge implications on the demographics that are represented in



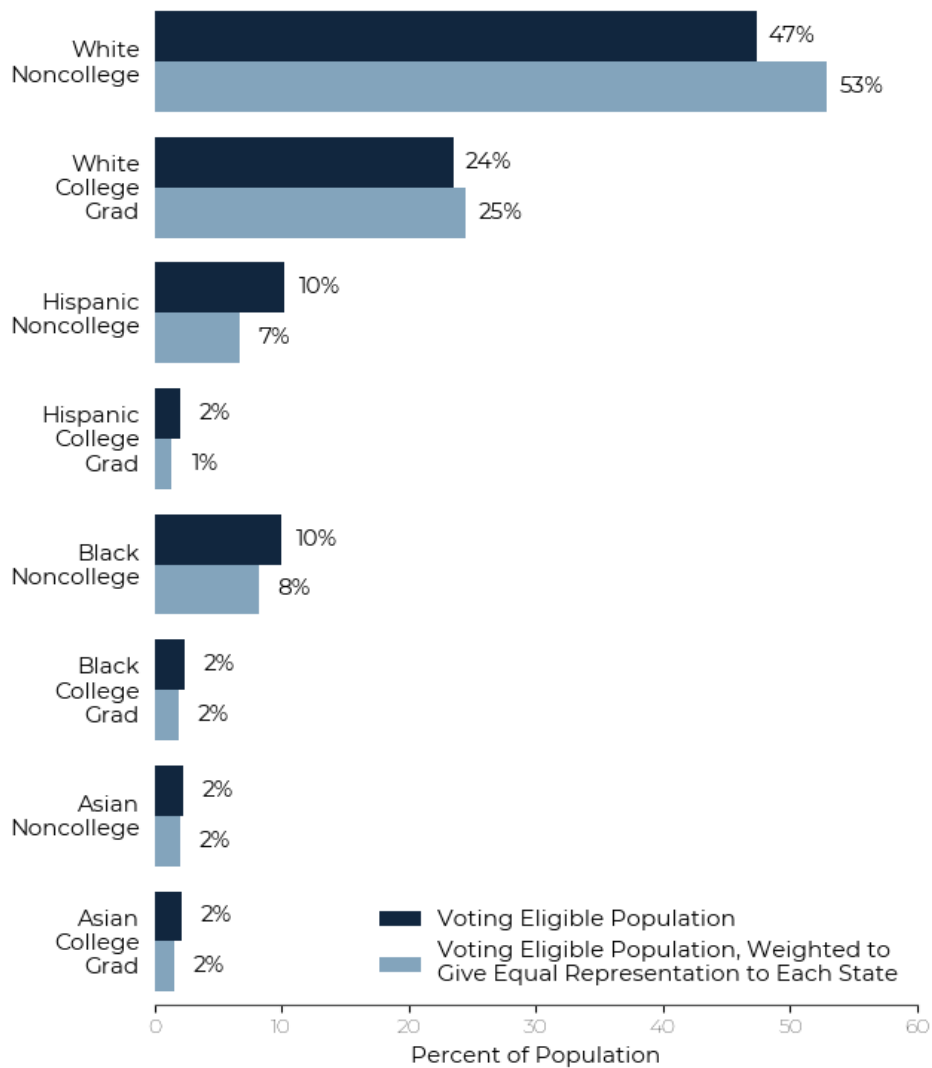
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the Senate. We can show this effect using data from the US Census Bureau. First, we compute the proportion of various demographic groups among citizens of voting age, then we recompute these proportions, weighting the data so that each state has the same population. This means that instead of one person in California counting as one person in the national total, one person in California would count as only one-fifth of a person. Each person in North Dakota counts as eight people, each person in New York as one-third of a person, and so on for each state.

Breaking out demographics by education and race, we see that non-college-educated whites make up a strong

plurality of the voting-eligible population; and with the addition of college graduates, whites make up an overwhelming 71 percent of voting eligible population. A more enlightened voting system would recognize that when a single demographic group makes up such a large part of the population, their representation should be curbed by giving extra representation to minority demographic groups. Instead, the Senate amplifies representation for whites at the expense of representation for people of color. The Senate overweights the votes of noncollege whites to such a substantial degree that they become an effective majority of the voting-eligible population.

### THE SENATE GIVES DISPROPORTIONATE POWER TO THE MOST POPULOUS DEMOGRAPHICS



Source: US Census and Data for Progress's calculations

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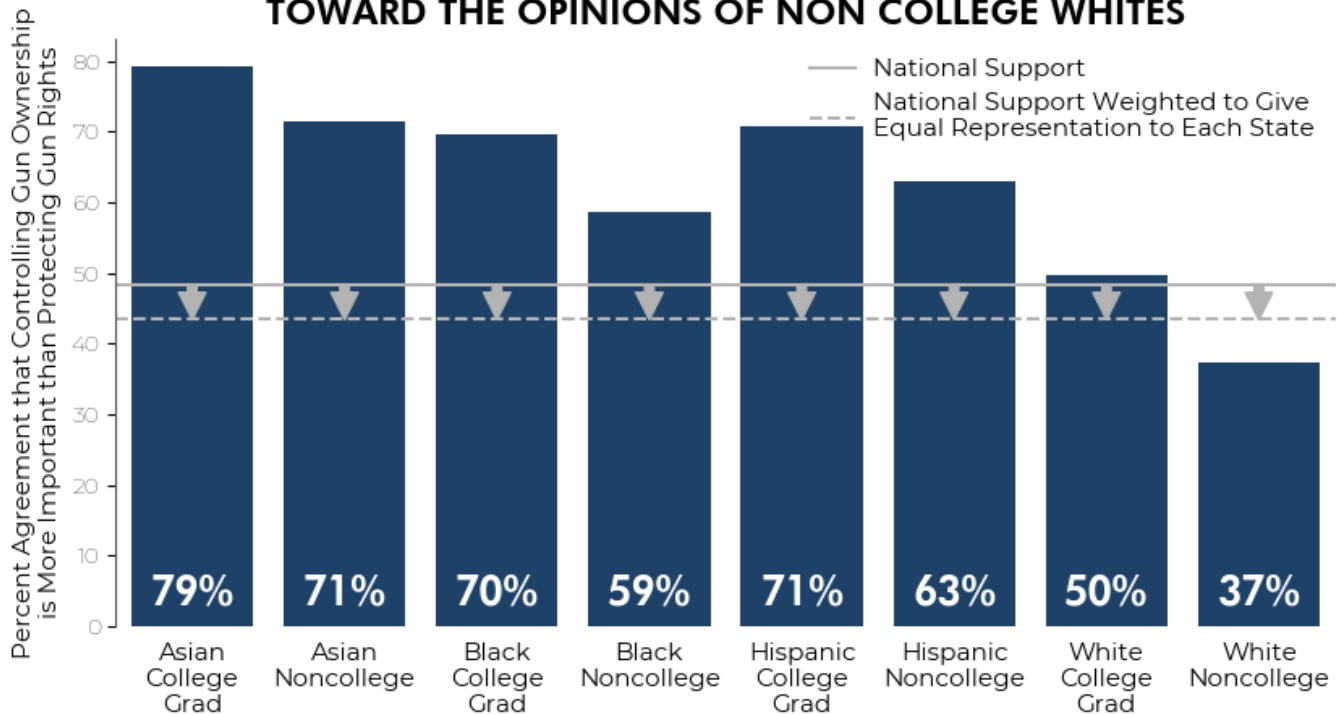
In consequence, the Senate will discount the political preferences of people of color, and amplify the political preferences of whites. This applies to any case where the preferences of white people and people of color are not identical—which is to say, it applies all the time. We can show this using a modeling technique called “multilevel regression and poststratification” (MRP). MRP lets us compute reasonable, state-level estimates from national-level polls. This method also allows us to directly estimate how the Senate distorts public opinion.

First, let’s look at gun control. Using a question with neutral framing (“What do you think is more important—to protect the right of Americans to own guns, OR to control gun ownership?”), people of color show majority agreement that controlling gun ownership is more important. But since noncollege whites make up a large part of the voting-eligible population, and since they think that protecting gun rights is more important, the national-level support for gun control

over gun rights lands close to a tie: 48 percent think gun control is more important, while 52 percent think gun rights are more important. But in our current system of equal representation by state, the Senate breaks the tie, amplifying the preferences of noncollege whites by five points.

Many proponents of the [Electoral College](#) and [Senate](#) believe these are necessary institutions for ensuring that urban areas do not dominate politics at the expense of rural areas, but again, this argument is nonsense. Categorizing places as urban, suburban, or rural is tricky because there are no firm definitions. The US Census defines a [metropolitan statistical area](#) as a dense population center at the core, combined with “adjacent communities having a high degree of economic and social integration with that core.” By this definition, about [86 percent of the population](#) lives in a metropolitan statistical area. However, this doesn’t justify treating rural populations outside of metropolitan areas as

### THE SENATE DISTORTS PREFERENCES ON GUN CONTROL TOWARD THE OPINIONS OF NON COLLEGE WHITES



Source: US Census, Pew Research, Data for Progress’s Calculations

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minority groups who deserve extra representation, since the metropolitan statistical area combines urban and suburban regions that are politically and demographically distinct.

A common classification scheme that accounts for suburbs treats ZIP codes with populations greater than fifty thousand as “urban,” ZIP codes with populations below ten thousand as “rural,” and everything in between as “suburban.” By this classification, the country is overwhelmingly suburban, and rural areas contain a larger part of the voting-eligible population than urban areas. The suburban and urban areas account for a combined 82 percent of the voting-eligible population (which roughly matches with the Census definition of a metropolitan statistical area), but it makes little sense to treat such politically and demographically heterogeneous areas as a bloc.

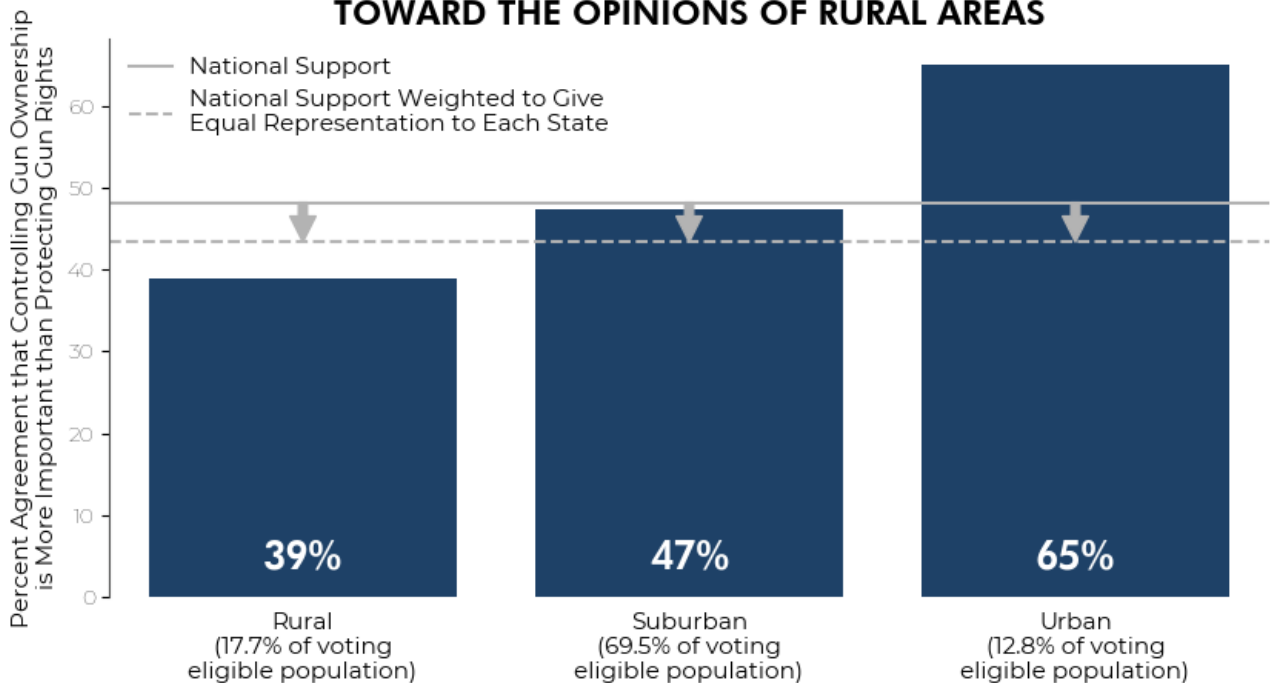
Exact populations of urban and rural areas change depending on where you draw the cutoff lines; one could certainly argue that a population of ten thousand is too

dense to be “rural,” or that a population of fifty thousand is too sparse to be “urban.” But there is no way to justify a system that simultaneously overrepresents rural areas and underrepresents urban ones since both are relatively small portions of the population compared to the suburbs.

The [pro-Senate argument](#) says that we need institutions like the Senate to prevent larger-population states from telling small-population states what to do on local issues that are not the concern of those larger-population states. Even if we accept this argument, then the reverse should also hold true: Small states should also not be able to tell large states what to do on local issues. The problem is, small-population states *already* use the Senate to strong-arm larger states on several issues. Take the issue of immigration.

As we showed before, larger states have much higher levels of immigration, but the Senate distorts opinions on immigration, favoring the preferences of small-population states, where immigration levels are low. For example,

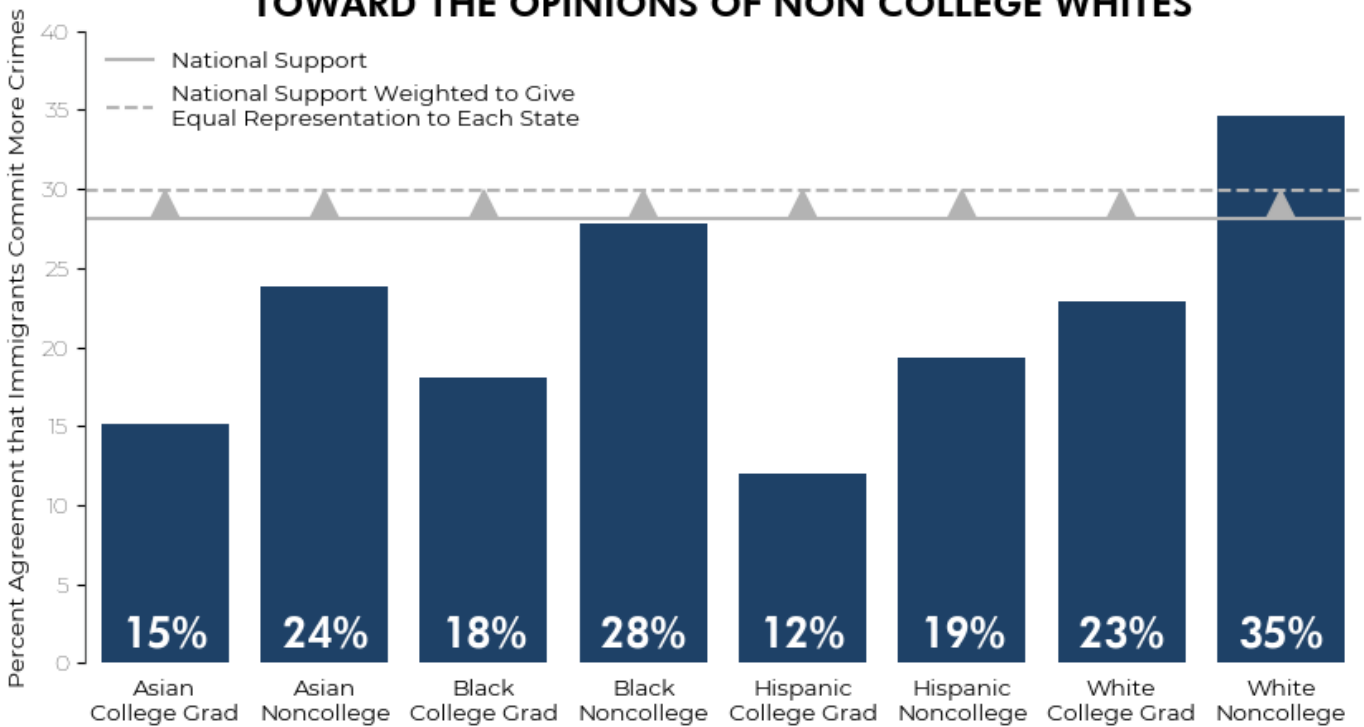
### THE SENATE DISTORTS PREFERENCES ON GUN CONTROL TOWARD THE OPINIONS OF RURAL AREAS



Source: US Census, parentheses indicate the group's percentage of the voting eligible population

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## THE SENATE DISTORTS VIEWS ON IMMIGRATION TOWARD THE OPINIONS OF NON COLLEGE WHITES



Source: US Census, Pew Research, Data for Progress's Calculations

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noncollege whites are more likely than any other group to profess the [false belief](#) that immigrants are more prone to committing crimes, but the Senate does not care that these voters live in a homogenous bubble. It amplifies their views anyway.

We've tabulated the support and geographic penalties—which is the amount that equal representation by state distorts opinion—for a number of different policies.

Policy	Two-Way National Support (Percent support among those who have an opinion)	Geographic penalty from weighting support by state
<a href="#">Gun control is more important than gun rights</a>	48%	-5%
\$15 Minimum Wage	58%	-5%
<a href="#">Spending \$100 billion per year in green social housing</a>	63%	-3%
Trump Approval (October 2019)	42%	+2%
<a href="#">Belief that immigrants commit more crimes</a>	28%	+2%
<a href="#">Is this art?</a>	79%	-2%
Do you find vegetarians annoying?	25%	+2%
<a href="#">Government manufacture of generic drugs</a>	80%	-1%
Innovation prizes to incentivise pharma research	78%	-1%



Policy	Two-Way National Support (Percent support among those who have an opinion)	Geographic penalty from weighting support by state
Allowing Medicare to negotiate drug prices	92%	-1%
Surtax on income over \$200k to fund universal free insulin	62%	-1%
<a href="#">Raising payroll taxes to fund comprehensive long term care for seniors</a>	66%	~0%

From a qualitative perspective, however, you can judge whether a policy will have a geographic penalty simply by looking at the crosstabs, but remember the following rule: *In any case where the opinions of whites differ from the nation as a whole, the Senate will systematically distort representation to favor whites.*

Legislation is not passed on the basis of public opinion, and passing any meaningful agenda typically requires one party to control both chambers of the legislative branch as well as the executive branch. Political geography penalized Democrats in all three of these in 2016, which we can examine by ranking each state and congressional district by their two-way vote share, and by comparing the result in the go-ahead (or tipping point) state or district to the national support for Democrats.

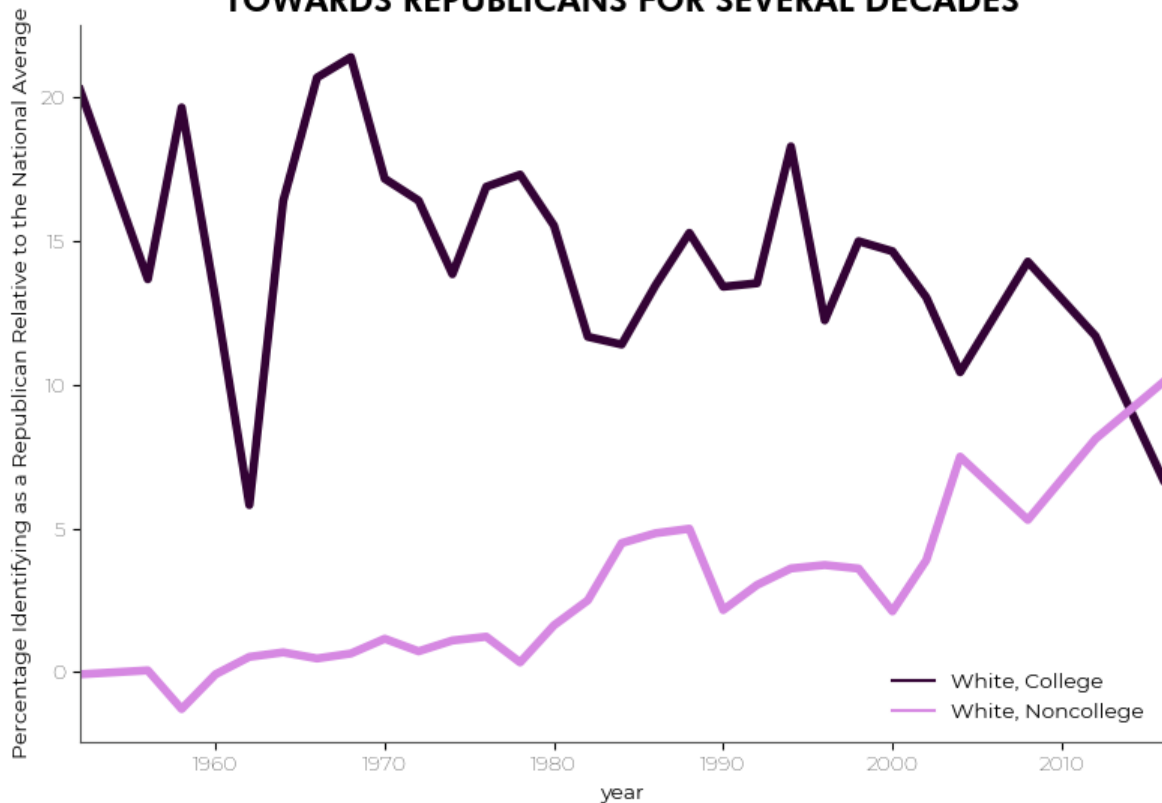
Election (Tipping point state or district in parentheses)	Dem Two Way Vote Share in 2016	Geographic Penalty
National	51.1%	NA
Electoral College (PA)	49.6%	-1.5%
House (NE-02)	48.8%	-2.3%
Senate (NC)	48.1%	-3.0%

Let’s put these numbers in perspective. In an electorate of around 120 million, a 3 percent bias represents the negation of 3.6 million votes. That means that by the end of each senate election cycle, Senate bias affects 2,900 times more votes than every single case of voter fraud claimed to be proven according to the [Heritage Foundation](#).

Biases of this magnitude are more than enough to be decisive in close elections. The 1.5-percent penalty in the Electoral College was enough to elect the popular-vote loser in 2016, but the penalty in the Senate was twice as large. From year to year, the bias in the Electoral College tends to be more volatile and will occasionally favor Democrats. To be sure, the Electoral College is also a nonsensical system that should be abolished, but it is also significantly less harmful than the Senate.

The bias in the Senate will actually worsen over time. Since the Senate disproportionately favors whites—and especially whites without college degrees—secular trends in the Senate bias will be determined by secular trends in opinion and partisanship among whites relative to the nation as a whole. Using the ANES, we can look at the time trends in Republican identification among whites relative to the national average. In the plot below, “0 percent” means that the group identifies a Republican at the same rate as the national average, and a positive number means the group identifies as Republican at a *higher* rate than the national average.

## NONCOLLEGE WHITES HAVE BEEN TRENDING TOWARDS REPUBLICANS FOR SEVERAL DECADES



Source: ANES and Data for Progress Calculations

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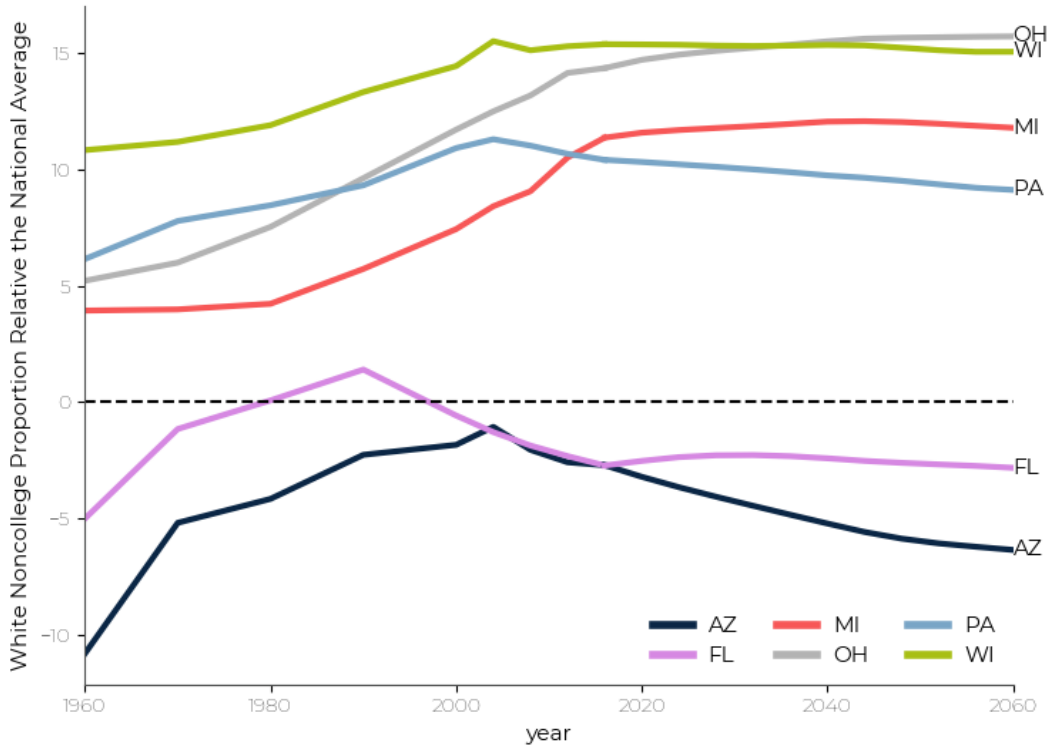
In the 1960s, noncollege whites were about as Republican as the nation as a whole, and now they are 10 percent more Republican than the nation. We observe the reverse trend for college-educated whites, who were substantially more Republican than the rest of the country in the 1960s, and have been slowly but surely trending away from Republicans ever since. Similar political realignments along the lines of education have occurred in [several other rich nations in Europe](#), and it is likely that these divides will continue to sharpen over time.

Using historical data from the Census and demographic projections courtesy of the [States of Change project](#) by the Center for American Progress, we can see that demographic change does not offer any hope of correcting the bias in the Senate either. While all states are becoming more diverse, the trend is much slower than the

national average in Michigan, Pennsylvania, Wisconsin and Ohio, which will have a disproportionately large shares of non college whites for the foreseeable future.

Donald Trump is just an early look at the future of the Republican party, and the nativist sentiments he rode to an Electoral College victory [are not going anywhere](#). Weaponizing the racial animus and cultural resentments held by non college whites in the context of a country that is becoming more diverse and more educated provides a viable path to power through a minority coalition thanks to the bias in the senate. As of now, it appears that the Republican party is prepared to go all in on this strategy for the foreseeable future.

## WHITE NONCOLLEGE VOTERS WILL CONTINUE TO BE OVERREPRESENTED IN KEY SENATE STATES FOR DECADES TO COME



Source: Historical Data from Ipums.org and Data for Progress calculations. Future projections from the States of Change Project by the Center for American Progress

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### Is reform even possible?

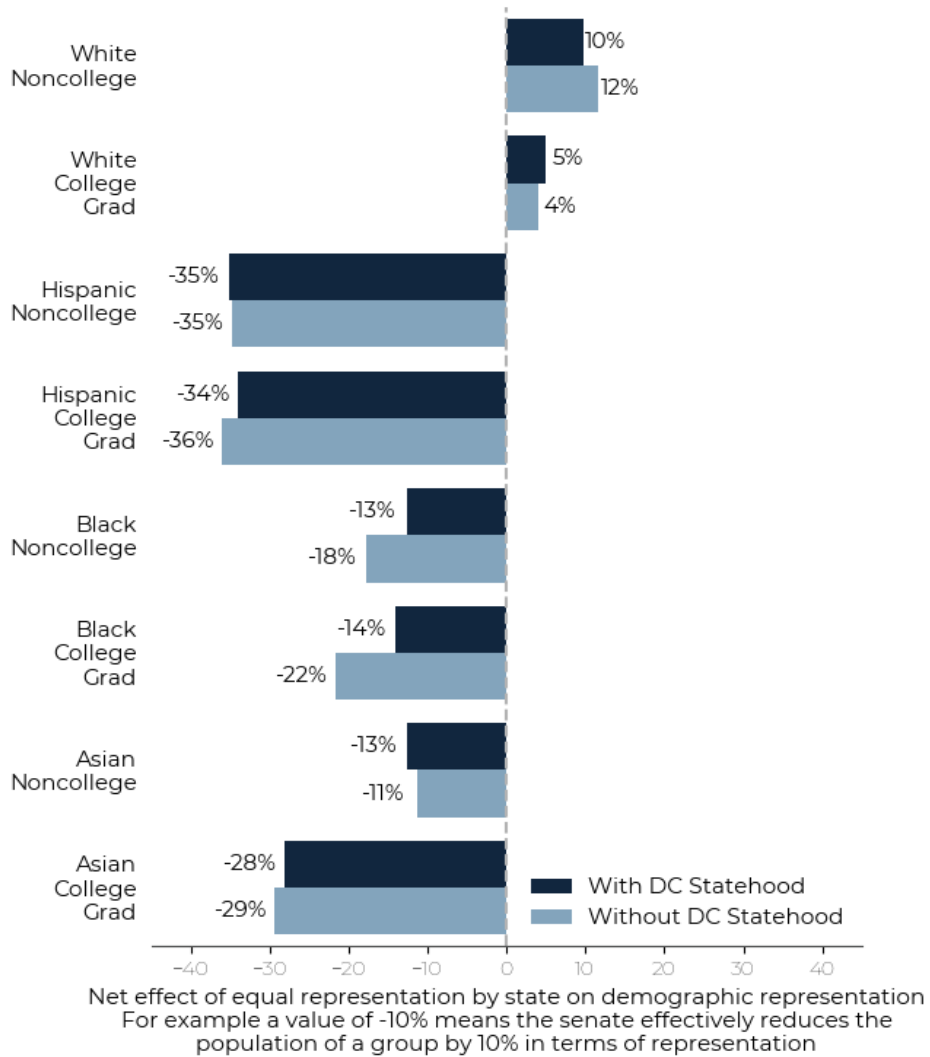
Reforming the Senate to minimize the gross harm that it allows for should be a high priority for progressives, but we must be aware of the limitations of our available options. Admitting Washington, D.C., Puerto Rico, Guam, and the US Virgin Islands as states would give federal representation to hundreds of thousands of citizens who currently have none. But while creating these new states would make the Senate more representative than it is now, a completely intolerable level of racial bias would remain.

Using the same US Census data as before, we can compute the Senate's effect on representation under a hypothetical scenario where D.C. is admitted as a state. This would reduce the bias against black citizens fairly substantially, but it would still allow an unconscionable level of bias to exist. Admitting D.C. would also do very little for

underrepresentation of Latinx people, and it could even slightly increase the bias that favors college-educated whites.

Federalism also cannot resolve the problems that the Senate poses—at least not as long as the Republican Party exists. On the surface, federalism seems like an appealing idea since it purports to grant the power to make the decisions that they think are in their own constituents best interests. However, claims about the fairness of federalism presuppose that state-level governments function democratically, but this is false. State governments have served as laboratories for [billionaire-funded experiments](#) in the most-undemocratic forms of governance in the modern era. From extreme gerrymandering in [North Carolina](#) and [Wisconsin](#), to Republican legislatures consistently [overturning](#) or [refusing](#) to implement ballot measure passed through the democratic process, Republicans have shown us why federalism is unworkable.

## DC STATEHOOD ALONE DOES NOT FIX THE MASSIVE RACIAL BIAS OF THE SENATE



Source: US Census and Data for Progress's calculations.

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There is also no reason to believe that a Republican-controlled federal government would allow federalist progressivism to occur. The Trump administration has openly threatened state and local governments for [deciding not to use their law-enforcement resources](#) to cooperate with [fascist federal agencies](#). More recently, the Trump administration has [rescinded California's authority](#) to apply modest regulations on automobile emissions, and given that Republicans control the federal courts—a consequence of their control of the Senate—there is a strong possibility that they will win a court

challenge to this action. The bias in the Senate has effectively shut the door to a federalist remedy to the bias in the Senate.

Creating fair and representative voting systems is a notoriously difficult problem. America's founders had no interest in creating a fair or representative voting system when they created the Senate; the system was a [hacked-together compromise](#) to entice as many colonies as possible to join the Union. The founders originally intended the United States to be a country dominated by

an oligarchy of wealthy white men, which is a vision that is wholly incompatible with any sort of just society. The greatest achievements in social progress—such as the extension of the franchise to women and people of color, civil rights, and the abolition of slavery—have each moved the country further away from the founders’ original vision, and closer to justice. The fact that these milestones in progress have become widely accepted show that while the founders are still revered today, most Americans at least implicitly reject their vision for society.

Abolishing the Senate would be yet another substantial step toward justice, but there does not appear to be any plausible way to accomplish this at the moment. There are several paths to mitigate the Senate’s bias. Progressives can admit new states, pursue a national electoral agenda of policies that face small geographic penalties, and end the filibuster (so they do not have

to achieve a higher, sixty-seat threshold for legislation). However, it is also clear that nonelectoral strategies will be necessary. Policies that encourage the growth of cities in red states—such as the construction of dense affordable housing—and investments in research, clean energy, and rural universities could both reduce regional inequality and make the Senate more representative.

However, this does not mean that we should simply accept the Senate as a normal institution. The Senate does not meet any definition of representational fairness, and it’s past time that we acknowledged this. Arguments about giving representation to small-population states don’t hold water. They serve to sanitize a racist system of government. Anyone who attempts to defend the Senate as an institution must explain why its supposed merits justify why the vote of a white person should have more weight to it than the vote of a person of color.

## ENDNOTES

1. An argument to this effect was recently made by the Heritage Foundation, a conservative think tank: <https://www.heritage.org/conservatism/commentary/preventing-the-tyranny-the-majority>