

## THEMES FOR DISCUSSION: THE SOUL OF THE SENATE

### Questions to discuss

1. How has Robert Byrd lived up to his desire to serve in the Senate in order to represent all of West Virginia?
2. Byrd has said the Senate is unique because it has unlimited freedom to offer amendments and unlimited freedom to debate. Do you think it is important for the Senate to keep these powers? Why or why not?
3. Byrd has accused the Senate today of lacking civility. He says many senators simply vote with their political party. How do you think senators should vote?
4. How might the changes that have occurred in the Senate since the time of Byrd's birth (for example, women members, television coverage, direct election by the people) have caused the founding fathers to have a different view of the institution?

### In Their Own Words

1. Robert C. Byrd has great love and respect for the United States Senate, and he believes it is the branch of government that is closest to the people. He has said, *"The Senate is the sum total of its 100 members. When the duly elected Representatives of the people gather in the Senate Chamber, they become much, much more than the combined intellects, talents and idiosyncrasies of 100 individuals. They become the living, breathing manifestation of the vision of the Framers—the guardians of the spirit and the soul of the sovereign people of this nation."*

What does this statement tell you about Byrd's perception of what the Senate should be?

Sen. Byrd has been called the "soul of the Senate." Why do you think he was given that title?

2. Former Republican Senator and now Governor of Alaska, Frank Murkowski, wrote of Byrd, *"When future historians are writing about the 20<sup>th</sup> century Senate, Senator Robert Byrd will surely be remembered as one of the giants who followed in the footsteps of Henry Clay and Daniel Webster."*

Would Sen. Byrd want to be remembered as a giant? Why or why not?

### Individual and/or Group Activities

1. Research the requirements one must meet to run for the United States Senate.
2. Research one or more of the historic senators from the past, that is, Daniel Webster, Henry Clay, John C. Calhoun. Compare your choice to Robert C. Byrd.
3. Research the compromises at the Constitutional Convention that resulted in the creation of a two-house legislature.
4. Go to <http://www.Congress.org/Congressorg/home/> By giving your zip code, you are hyperlinked to your elected officials. Write an email message to one of your senators requesting information or stating your opinion on a bill under consideration. This site also contains a listing of issues and sample letters others have written to their elected leaders.
5. Go to <http://www.senate.gov/senators> to find hyperlinks to the 100 United States senators. Access the home page of your two senators.
6. Go to <http://byrd.senate.gov/> to find the home page of Robert C. Byrd. This site contains hyperlinks to speeches, issues and a virtual newsroom. Access one of Byrd's speeches and analyze his position on the issue being addressed.
7. Go to <http://rules.senate.gov/> to find an index of the Senate's standing rules. Access one or more of the rules.

- SS.9.1.3 make informed decisions as to what government should and should not do
- SS.9.2.1 identify and describe the fundamental democratic principles and values in core American documents and identify the discrepancies between the expressed ideals and realities
- SS.9.2.4 summarize documents and philosophies that are the basis for representative democracy in the United States (e.g., Greek, Roman, John Locke, Magna Carta, English Bill of Rights)
- SS.9.2.5 explain the purpose, organization and functions of the legislative, executive and judicial branches, and analyze the separation of powers, checks and balances
- S.9.2.12 evaluate, take and defend positions about the functions of political leadership and the importance of public service in American democracy
- SS.9.5.10 explain the major challenges faced by the framers of the Constitution, and describe the compromises reached at the Constitutional Convention
- SS.10.2.2 identify and analyze the contributions of the classical civilizations to the development of representative democracy in the United States Constitution

## THEMES FOR DISCUSSION: PROTECTING THE INTEGRITY OF THE CONSTITUTION

### Questions to discuss

1. What are some examples of national concern that illustrate the breakdown in the checks and balances provided by the founding fathers?
2. Are there times when one branch of government should relinquish its power to another branch?
3. Justice Louis Brandeis once observed in *Myers v. United States*, in 1926, “*The doctrine of separation of powers was adopted by the Convention of 1787, not to promote efficiency, but to preclude the exercise of arbitrary power.*” Which is more important today – efficiency or the preclusion of arbitrary power? Defend your position.
4. In your opinion, which branch of the government should have the most power? Defend your position.

### In Their Own Words

1. Robert C. Byrd, speaking of the Constitutional duties of the Senate, has said, “*As long as there is a forum in which questions can be asked by men and women who do not stand in awe of a chief executive and one can speak as long as one’s feet will allow one to stand, the liberties of the American people will be secure.*”

Should senators be permitted to ask questions and speak indefinitely on an issue?

Sen. Byrd was concerned that the Senate invoked cloture after only 30 hours of debate on the Homeland Security Bill. Why would he be opposed to this limitation? Why would he be displeased with his fellow senators?

2. Sen. Ted Kennedy, D-Mass., has said of Robert Byrd, “*He’s renowned for his vast ability on the issues, his extraordinary knowledge of Senate history and his constant dedication to insisting that the Senate live up to the ideals of the Constitution.*”

Give examples that illustrate Byrd’s attempts to get the Senate to live up to its ideals and Constitutional duties.

### Individual and/or Group Activities

1. Read the first three articles of the United States Constitution and list the powers that are given to each of the three branches of government.
2. Go to <http://memory.loc.gov/const/const.html> to find a searchable copy of the United States Constitution. This site also provides a link to its history.
3. Research one or more of the founding fathers and write a biography of each.

4. Go to [http://www.senate.gov/artandhistory/history/common/generic/Leaders\\_Lecture\\_Series\\_Byrd.htm](http://www.senate.gov/artandhistory/history/common/generic/Leaders_Lecture_Series_Byrd.htm) and read the address Robert Byrd made regarding the history and responsibilities of the United States Senate. Summarize the main points.
5. Sen. Byrd fears the Homeland Security Act might build a massive “chamber of secrets” that will compromise the right of privacy. He fears, in the name of security, the government will peer into the daily transactions and private lives of citizens. Debate the issue and decide which is more important: Security or Privacy?
6. Review the process of amending the Constitution. Then, propose an amendment to the Constitution that addresses checks and balances.
7. One of the historical methods of delaying a vote in the Senate (and possibly killing a bill) was the use of the filibuster. Research some of the famous historical filibusters.

#### WV STANDARDS and OBJECTIVES

- SS.9.1.6 evaluate, take and defend positions on issues in which fundamental democratic values and principles are in conflict (e.g., liberty and equality, individual rights and the common good, majority rule, minority rule)
- SS.9.2.5 explain the purpose, organization and functions of the legislative, executive and judicial branches, and analyze the separation of powers, checks and balances
- SS.9.5.8 analyze and evaluate the United States Constitution and the Bill of Rights and describe challenges faced by the new United States government
- SS.9.5.9 identify the Constitution as a response to the political, economic and social conditions that existed after the American Revolution
- SS.9.5.10 explain the major challenges faced by the framers of the Constitution, and describe the compromises reached at the Constitutional Convention
- SS.11.2.2 explain the role of the president in the formation of national and foreign policy
- SS.11.2.3 critique the interaction of the three branches of the federal government in an increasingly complex society
- SS.11.2.7 analyze judicial review and the procedure used to render decisions