**The Question: Should our legislators be our delegates or our trustees?**

Procedure

1. You and a partner will be assigned to take a ‘yes’ or ‘no’ position on this controversial issue.
2. You will study the issue and develop an argument for the position to which you were assigned.
3. You will make a presentation to the opposing side, laying out your position and the reasons for it. And, you will listen carefully to the opposing side do the same.
4. The two sides will come together and discuss the issue, and see if it is possible to arrive at a consensus. At this point, feel free to change your mind: what is *your own* position? (there is no need to stay with your assigned position from steps 1-3).

Writing

1. Follow-up writing: You will draft a persuasive essay, arguing for the position you truly support.

|  |  |
| --- | --- |
| **Purpose:**  Read to prepare the argument you will present to the opposing pair. Use information from these articles and what you have learned about the characteristics of a democracy.  **Before reading**:  Think about what you already know about all the ways the federal bureaucracy is part of our lives. Also think about what *democracy* is. | **Close Reading**  - Chunk the text  - Make sense:  What does this section say? What does it mean?  -Ask your questions  -Make connections |

**The Question: Should our legislators be our delegates or our trustees?**

**Background**

The articles we’ll read today show a long-standing debate among political theorists and elected officials: whose views should prevail on a given issue, the voters’ or the representatives’? One statement argues that legislators are obliged to act as *delegates* – they must vote according to the will of their constituents. The other statement, written by former Senator and President John F. Kennedy, argues that legislators should act as *trustees* – voting according to their own conscience, regardless of whether their choices reflect the will of their constituents.

***The Legislators Should be Delegates***

A delegate is better able to accurately represent his constituency and convey their wishes to the legislative body. While a trustee is better informed than his constituents, he is willing to ignore peoples’ opinions in order to do what he thinks is best for his district and the country as a whole.  This can be a positive, but what if, for example, the trustee is an old white man who represents a primarily Hispanic community?  Ideally it wouldn’t matter, but in reality an old white man might have very different views about, say, immigration or abortion, than a young Hispanic woman.  If the Hispanic woman entrusts her representative to make her decisions for her and expects him to simply transmit her wishes to the legislature and he acts as a trustee and makes his own decisions, she will be extremely angry if he votes against her wishes.  Even if his votes are for the good of the country or the district, she will be frustrated that the representative she voted for has not adhered to her wishes and will be unlikely to vote for him in the next election.

A legislator who is a delegate feels that the constituents are "the boss" and that their will ought to be obeyed. The delegate connects to his/her constituents completely, tries to empathize with their feelings, and wants to be like by the constituents. Hence, the delegate tries to not run the risk of losing re-election.

The delegate model is based on the premise that people are capable of self-government. The alternative is the ‘trustee’ model, where the representative supposedly knows better than their constituents and can feel free to vote against the wishes of their district. This presumes that the people cannot make appropriate or wise decisions for themselves. And it is likely to lead to corruption, since the representative does not feel beholden to the people who elected him or her. Soon the government does not feel accountable to the people because “it has better information than the people.”

Accountability to the people is among the strongest founding principles of our nation. America’s founding fathers believed that the power to govern is given by the people, and that when the government no longer represents the needs and the wishes of the people, it is the duty of the people to change the government. “Members derive their power from those that choose them; those who give power do not give unreserved power.”

America is a republic instead of a direct democracy because of the impracticality of direct participation by all citizens in day-to-day governing. The very word ‘representative’ reveals that their duty is to represent the will of the citizens whom he or she represents.

The representative must therefore express the will and speak the opinions of the constituents. And if the representative knows more about an issue facing the legislature, then it falls to the delegated representative to educate and instruct his or her constituents so that their will can be manifested in his or her voting and speaking, and so that the people understand the issues enough to give their consent to be governed. The people cannot give informed consent to be governed to a representative who does not explain the issues and who has different information than they do.

As citizens of the US we expect our opinions to be heard, valued and considered in decisions by government that will affect us. It is precarious, frightening even, to choose such a small group of people and entrust them with the welfare of the millions. If they represent their own goals, needs, will, fears, and wishes rather than those of the citizens, they are no longer representing us. And if they take matters into their own hands, then our system is an oligarchy ruled by the wealthy and powerful few who do not consider the opinions of the many.

***The Legislators Should be Trustees* ------ by John F. Kennedy, Massachusetts Senator, 1956**

I would like to talk with you tonight about one of those facets of legislative government which is of fundamental importance not only to members of the Senate but also to members of the newspaper profession - particularly those in the editorial and publishing offices - the question of a Senator's relationship to his state and his constituents.

The primary responsibility of a Senator under our Constitution is to represent the views of his State and to abide by the demands of his constituents. If Senator Saltonstall and I do not speak for Massachusetts, then no one will; and the rights, the equal representation, the aspirations and even the identity of our Commonwealth become lost. We are recognized by the Vice-President in the Senate Chamber as "the Senior Senator and the Junior Senator from Massachusetts", as the agents of our State in Washington, as the protectors of her interests.

Of course, we should not ignore the needs of our area - nor could we easily do so as products of that area - but who would be left to look out for the national interest if every Senator were dominated completely by local interests and pressures? Of course, I am the Junior Senator from Massachusetts; but I am also a United States Senator and a member of the Senate of the United States; and my oath of office was administered by the Vice-President, not by the Governor of Massachusetts.

I cannot believe that the people of Massachusetts sent me to Washington to serve merely as a seismograph to record the ups and downs of popular opinion. I reject this view not because I lack faith in the wisdom of the people, but because this concept of democracy actually puts too little faith in the people. Those who would deny the obligation of the representative to be bound by every impulse of the electorate… do trust in the wisdom of the people. They have faith in the people’s ultimate sense of justice, faith in their ability to honor courage and respect judgment, and faith that in the long run they will act unselfishly for the good of the nation. It is that kind of faith on which democracy is based.

I believe instead that those of us in public office were elected - not because the people believed we would be bound by their every impulse, regardless of the conclusions directed by our own deliberations - but because they had confidence in our judgment. If we are to exercise fully that judgment, sometimes we may be required to lead, inform, correct and on occasion even ignore public opinion in our States.

But this leads me to the second part of the problem - and that is the difficulty which faces any Senator whose conscience directs him to oppose the popular or easy approach. At various times in our history it has been fashionable to ridicule Congressmen, and to assume that there are no men of courage, integrity and principle in that body. Recently Walter Lippmann rendered a harsh judgment on us all with these words:

"With exceptions so rare they are regarded as miracles of nature, successful democratic politicians are insecure and intimidated men. They advance politically only as they placate, appease, bribe, seduce, bamboozle, or otherwise manage to manipulate the demanding threatening elements in their constituencies. The decisive consideration is not whether the proposition is good but whether it is popular - not whether it will work well and prove itself, but whether the active-talking constituents like it immediately."

I am not so sure, after nearly ten years of living and working in the midst of "successful democratic politicians," that they are all "insecure and intimidated men." I am convinced that the complication of public business and the competition for the public's attention have obscured innumerable acts of political courage - large and small - performed almost daily in the Senate Chamber. But I am also fully aware of the terrible pressures which discourage acts of political courage, which drive a Senator to abandon or subdue his conscience.

Still another pressure is the pressure of our party and our party leadership, to whom each of us has some responsibility if we are to maintain our two-party system and make party platforms and party labels mean anything to the voters. I was criticized by some in this state for being the only Democrat to support President Eisenhower's highway program, even though I thought that program was best for Massachusetts and everyone else. But I did not believe we should permit the pressures of party responsibility to submerge on every issue the call of personal responsibility.

Others informed me that, in order to be properly responsive to the will of my constituents under our democratic system, it was my duty to place their principles - not mine - above all else. Even if they made mistakes, I was told, that was far better than my arrogating for myself, as representative of the people, the right to say that I know better than they what is good for them.

I question whether any senator, before we vote on a measure, can state with certainty how the majority of his constituents feel on the issue as it is presented to the Senate. In truth I rarely know how the great majority of voters feel, or even how much they know of the issues that seem so burning in Washington.

And thus, in the days ahead, only the very courageous will be able to take the hard and unpopular decisions necessary for our survival…

**THE ISSUE: Should Legislators be Delegates or Trustees?**

**Delegate Trustee**

|  |  |
| --- | --- |
| **Think about:**  - How does legislator as a delegate promote citizens’ views in a democracy?  - How does the author justify the importance of having legislators as delegates? | **Think about:**  - How does legislator as trustee promote citizens’ views in a democracy?  - How does the author justify the importance of having legislators as trustees? |
| Arguments: | Arguments: |

Consensus or no consensus? Why?