Three Essays on Congressional Elections and Representation

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Three Essays on Congressional Elections and Representation

A dissertation presented

by

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to

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Abstract

Democracy depends upon the competition between candidates or ideas. However, practices or procedures sometimes preclude the consideration of the full range of options. Can campaign spending predict who wins elections? What explains why incumbent electoral security is only rarely threatened? Can committees or individuals in Congress stifle the will of a legislative majority?

Essay #1. Politicians spend vast sums of money in order to win or retain a seat in Congress; does it predict who will win? In this essay I present a forecast model for elections to the US House of Representatives that specifically includes a measure of campaign spending. The advantages of the new model are that it relies on publicly available data, its results are easy to interpret, and the forecasts are comparable to other models.

Essay #2. For a variety of reasons, incumbents expect to win reelection. There are few explanations for why that advantage occasionally seems to disappear. In this essay, I synthesize the literature on incumbency advantage, congressional redistricting, and voter behavior. I present evidence from the 2006-2010 election cycles suggesting that congressional districts drawn with the expectation of consistent partisan loyalty rates left incumbents susceptible to national tides brought about by temporary asymmetric departures from partisan voting norms.

Essay #3. Although there is a large literature devoted to analyses of legislative committee gate keeping, Crombez, Groseclose, and Krehbiel (2006) argued that formal gate keeping is explicitly ruled out in most deliberative bodies. In this essay, I examine the historical development of rules and procedures in the US House of Representatives which explain the lack of formal gate keeping rules. I present evidence of non-majoritarian outcomes in the House despite it being a majoritarian body. I conclude the essay by suggesting a new definition of gate keeping based on the ability to alter the probability of proposal success on the floor instead of the formal ability to kill legislation.

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Dedication

To Megan, Mark, and Jeff.

Introduction

Rules are not neutral; they have consequences. According to Duverger's Law, the plurality rule for selecting the winner of elections favors the two-party system. (Riker 1982, 753) This "law" is an example of how the rules or procedures a collective body uses in making its decisions actually shape the outcomes of those decisions.

Although truncated, a choice between two options is still a competition of ideas and in line with the principles of democracy. However, when Americans vote in congressional elections, they are usually confronted with a choice between a little known and poorly funded candidate running against a better known and well funded candidate. Not surprisingly, the data shows that the well known, better funded candidate normally wins the election. Is that really considered competition when the campaign resources are so unevenly split? Exactly whose views does the elected representative represent? Is it the views of his or her constituency or the views of the donors who provided the campaign funds? The answers to these questions are not always straight forward.

Top quality candidates who can attract sufficient amounts of campaign donations strategically time their decisions to run for office. When they judge the time isn't right, they opt to not run. In many instances, this leaves political neophytes to run against incumbent members who by virtue of being incumbents have proven themselves to be good at winning elections. Probable winners attract donors, while probable losers repel donors. In effect, the donors' dollars get to do the voting before the electorate ever approaches the ballot box.

However, donors only get to donate to candidates who choose to run for office. Potential high quality candidates themselves must positively evaluate their chances for winning. When top quality candidates choose to sit on the sidelines and not run, the money they would have received never flows in. If only lower quality candidates run, they fail to attract donors. While there may be a tremendous gap in the campaign resources of the two candidates, it may not have anything to do with trying to buy the election. Rather, the donor's dollars

reflect the sincere evaluation of the underlying quality of the candidates on offer.

When campaigns are relatively evenly matched in campaign spending, this suggests a true competition of ideas. In those cases other factors, both direct and indirect, impact on election outcomes. The campaign spending congressional election forecast model presented in the first essay attempts to capture the relationship between spending and other variables that predict election outcomes.

The problem with many existing forecast models is that they fail to include any measure of campaign spending. Some models in the past have completely relied upon national factors to predict the national outcomes of congressional election. The president's approval rating or the rate of real per capita GDP governs how the electorate will vote. Other researchers have used variables that are too distant in time, need complicated interpretations, require special access to private information, or fail to address individual characteristics of congressional districts.

The model I present in the first essay is run on publicly available data, The data is easy to handle and does not require extensive background knowledge. For example, there is no requirement to code candidate biographies. The data can be updated as additional reports are made available. FEC reporting deadlines are known in advance and the model can be rerun as necessary. The data are used whole and not with exceptions or special dummy variables to exclude unusual years. The model makes forecasts in individual races and subsequently aggregates those forecasts up to a national count of seats won.

The essay is divided into six sections. In the first section I discuss the complex nature of previous research on campaign spending. The political science literature has been divided into studies of the direct and indirect effects of campaign spending. Researchers have presented competing claims as to whether or not campaign spending has prevented the emergence of high quality challengers. The scholars who have looked into the direct effects of campaign spending by studying asymmetries in challenger and incumbent spending, the specific goals or motivations of direct spending, and potential measurement errors

associated with campaign spending. Further complicating the academic understanding of campaign spending, my review of the literature points out that the scholarship on the subject has often been tied to specific policy proposals about changes to the current decentralized system of campaign finance.

In the second section of the essay, I move from a discussion of the academic study of campaign finance to a review of congressional election forecast models that political scientists have published over the years. The models fall under three classifications. There have been models which rely strictly on national factors like measures of economic performance or presidential approval. At the opposite end of the spectrum are models that rely strictly on district characteristics. The third class of models takes a combined approach that incorporates separate analyses of national and district variables. There are advantages and disadvantages associated with all three approaches.

I use the third section to begin to build the case for using campaign spending as a variable in a forecast model. I start with a closer look at the complexities of using campaign spending as a variable. The amount of money a candidate spends in one district is not necessarily a competitive amount in another district. After a certain point, spending more money does not necessarily equate to earning more votes.

The fourth and fifth sections present the model and compares the forecasts of the new model with past published forecast model predictions. The model performs adequately in "normal" election years. However, it turns out that all models under perform in the years in which one party or the other suffers an unusually high number of defeats. I discuss the implications of that finding in the sixth and final section of the essay.

The findings of the model suggest that money does not directly predict who wins or loses congressional elections. The relationship is complicated by other factors. However, the most interesting finding of the congressional election forecast model literature is the universal problem the models suffered of incorrectly estimating the amplitude of the election wave in national tide years. This occasional drop in incumbency advantage was the basis for the

second essay.

At the beginning of this introduction, I suggested that top quality candidates must positively evaluate different factors before deciding to enter a race. It turns out one of the biggest factors affecting potential candidates' decisions to enter races is if the incumbent member intends to seek reelection. Strategic politicians are risk averse. It is much easier to win an open seat election than it is to challenge a sitting member of Congress. A lot of potential candidates bide their time waiting for an open seat race.

From the previous essay, we know that money flows into incumbents and rarely into the coffers of challengers. This leads to poorly funded lower quality candidates getting blown out of the water in biennial electoral farces. Incumbent victory margins grow and they are considered invulnerable, leading to fewer high quality challengers entering races which only perpetuates the cycle. It ends up looking like the members of Congress themselves get to decide who will goes to Congress. The implications for representation are quite stark if that is the case. Where is the accountability to the electorate if the electorate isn't making the decision of who gets into Congress?

Then along comes the election year when invulnerable candidates lose—a surprising number of them. The models which forecast election results go astray. Newspaper headlines declaring major upsets get published. Incumbents everywhere stress that much more about the next cycle of elections.

The second essay examines what happens in national tide elections. Some scholars have argued that it is the case that top quality candidates decide *en masse* that it is a good year to run. By simultaneously deciding to run for office, this wave of top quality candidates creates a self fulfilling prophecy. Yet a review of the 2006 election suggests there was only a minor increase in the number of high quality Democrats running for office compared to the previous two election cycles. In the 2008, which was another "good" year for the Democrats, they ran **_fewer_** high quality candidates than the Republicans. What explains that major deviation?

In this essay, I argue that the underlying partisan composition of congressional districts played an indirect hand in both the 2006 and 2008 Democratic waves–in and the 2010 Democratic wave–out. I argue it was an indirect and not a direct effect because assumptions about the district composition served to channel normal partisan career ambitions. I argue that top quality candidates in all three election years mainly ran in the races with the higher probabilities of winning. This is unexpected because Democrats won in places where we did not observe a surge of high quality candidates. Furthermore, I present evidence that suggests the Democrats won many races in 2006 and 2008 because Republicans deviated from their normal voting behavior. The massive wave in 2010 was the result of normal partisan candidate assessments about race entry was coupled with a return to "normal" Republican voting behavior. The amplitude of the 2010 wave was exacerbated by rematches with former members of Congress.

The second essay is divided into three sections. The first section discusses how political science has studied incumbency advantage. The literature is divided into three branches. The first branch dealt with simply quantifying the magnitude of the effect. The second branch of the literature tried to provide the mechanism for incumbency advantage. The third branch of the literature questioned the link between what researchers observed and actual election outcomes. I use examples from Mississippi's Congressional delegation to illustrate the points made by different researchers.

The second section of this essay analyzes the process and implications of drawing congressional district boundaries. I argue that the factors influencing the adoption of given district boundaries also influence candidate race entry and exit decisions. Potential candidates review the political landscape and make decisions in line with their perceptions of success or failure. In that way, the districts serve to channel political ambition.

The third section of the essay complicates the theory that Jacobson and Kernell (1981) proposed. They argued that an unusual increase in the number of high quality candidates running for office amplifies national tide elections. I present evidence to suggest the 2006

election results were not triggered by a surplus of high quality candidates, rather it was an usual change in voting behavior among Republicans which caused the party to lose the majority in the House. On the other hand, the wave in 2010 can be attributed, in part, to an increase in the number of high quality candidates. I argue that the underlying district characteristics still played in strong part in both waves.

Having managed to secure a seat in Congress, members are now faced with navigating the complex rules and procedures of the institution to which they have been elected. As with congressional elections, rules and procedural forms affect substantive outcomes. Representative John Dingle put it slightly less eloquently, "If you let me write the procedure and I let you write the substance, I'll screw you every time." (quoted in Foley and Owens (1996, 100))

The changes in majority party over the last couple of election cycles lead to large changes in the legislative output of Congress. With the change in the majority party comes a change in who gets to manipulate the institution's rules and procedures. Cox and McCubbins (2005) argued that the majority party forms a procedural cartel that controls the agenda in the House. The majority party works to prevent issues from appearing on the agenda that would split the majority. Legislative committee gate keeping is a fundamental element of their claim. Yet Crombez, Groseclose and Krehbiel (2006) explicitly rule out committee gate keeping. They argued that gate keeping rules do not exist and that gate keeping is not in the interest of the parent chamber. In the third essay, I explore gate keeping through an analysis of Congressional history. Instead of refuting their arguments against gate keeping, I suggest that a broader definition of gate keeping is required. My argument follows the following structure.

In the first section of the third essay, I explore the history of the development of rules and procedures in the US House of Representatives. There are explicit examples of gate keeping in the history of the House. I argue those explicit examples served to mobilize reforms within the House. I suggest that Crombez, Groseclose and Krehbiel (2006) are not

able to find explicit rules codifying a gate keeping right specifically because of the conscious changes the members of the House have made to organize the body.

In the second section of the essay, I present evidence that certain elements of structural bias are tolerated in the House. The Rules Committee is an explicit example of codified partisan bias. I provide examples of biased outcomes based on the counts of House Resolutions acted upon in committee. Then I expand my analysis to include counts of potentially biased outcomes in substantive committees.

I conclude the third essay by offering a different take on gate keeping. I argue that instead of tyrannical power to kill legislation, committees posses the power to alter how legislative proposals are handled. They are able to effectively extract additional policy concessions in return for permitting legislation to follow the easier path. The threat is not killing legislation, but shunting aside to other, less favorable paths to the chamber floor. In this way, committees can act more like ferrymen extracting a toll rather than gate keepers denying entry.

Essay #1. Campaign Spending and Congressional Election Forecasting

Introduction

The Center for Responsive Politics reports that Republican and Democratic candidates for the US House of Representatives spent over $1.1 Billion in the 2011–2012 election cycle. Members of Congress and those who seek to fill their shoes spend inordinate amounts of time raising all that money with the belief that it will help them to prevail in the next campaign. Candidates, both incumbents and challengers alike, act as if spending campaign resources will positively affect election outcomes in their favor. In fact, one political scientist went so far as to claim that challenger campaign spending was the single most important factor determining the level of competition in House elections (Abramowitz 1991). Yet when political scientists create models forecasting congressional elections, even Abramowitz himself, they completely omit campaign spending as a variable. If mountains of money are regularly spent by House candidates and mountains of articles have been written acknowledging the importance of campaign spending, why then do no measures of campaign spending figure into congressional election forecast models?

In this paper, I will introduce a congressional election forecast model that includes a measure of campaign spending. I will proceed in six sections. Section 1 discusses the ways the political science literature has investigated the impact of campaign spending in determining congressional election outcomes. Section 2 reviews congressional election forecast models in the political science literature. In Section 3, I introduce a measure of campaign spending and the data I use for my analysis. In Section 4, I introduce a model of congressional elections which includes the campaign spending variable. In Section 5, I use the new model to forecast election results using out-of-sample predictions and compare the new model with previously

published models. I conclude in Section 6 with a discussion of possible improvements to the model.

Why campaign spending?

Bachrach and Baratz (1962) argue that two faces of power exist. The first face of power is observable in that it deals with the ability to realize a preferred outcome amid many competing offerings. The second face of power is harder to observe in that it prevents competing offers from ever appearing. Left with no alternatives, the desired outcome is realized. The political science literature reveals two faces of the power of campaign spending.

Political scientists have studied the direct effects, or the first face of the power of campaign spending, through an analysis of the relationship between the money spent by campaigns and the share of the vote candidates receive. In other words, how much of the outcome of the 2012 election is explained by the $1.1 Billion spent? Other political scientists have studied the indirect effects, or the second face of the power of campaign spending, by investigating whether or not high levels of campaign spending serve to restrict candidate entry, thus reducing the level of competition prior to the start of elections. Because having no opponent (or virtually no opponent) is the strongest predictor of electoral victory, I will start with a discussion of the indirect effects of campaign spending.

There is a dispute within the political science literature whether or not campaign spending deters high quality candidates from entering races. Temporarily leaving aside how one defines high quality, the theory goes that candidates are strategic actors who are risk averse. Banks and Kiewiet (1989) wrote that the "low probability of defeating incumbent members of Congress deters potentially strong rivals challenging them." (997) Better quality candidates will opt to run when the probability of winning is higher. Knowing this fact, some political scientists argue that incumbents will intentionally use campaign spending to demonstrate the strength of their own candidacies in order to discourage challengers. According to Bond,

Covington and Fleisher (1985, 512) "incumbents who look weak are more likely to attract quality challengers than are incumbents who look invulnerable." In this sense, campaign spending is a signal used as a proactive defensive tool to discourage the entry of potential rivals.

The first question to ask is if there is any evidence to suggest that this is even a plausible theory. Goldenberg, Traugott and Baumgartner (1986) reported that incumbents stockpile funds and spend early in an attempt to dissuade challengers. Box-Steffensmeier (1996) began her article on the subject by relating the story of a Texas legislator indicted for falsifying campaign finance reports in a bid to scare off potential rivals. This suggests politicians are consciously aware of the tactic and purposefully seek to exploit differences in campaign spending. Box-Steffensmeier eventually concluded that stockpiling funds or "war chests" affected the timing of entry decisions for high quality challengers.

The other side of the debate features political scientists who have reviewed the earlier articles and found either methodological problems with the study design or compelling alternative explanations. Krasno and Green (1988) found no relationship between war chests and dissuading quality challengers from entering races. Furthermore, they found an inconsistent relationship between quality challenger race entry and national tides—the notion that it is a "good" or "bad" year for candidates of one of the major parties. They found that local district conditions were the most important factors in the race entry decision. Ansolabehere and Snyder Jr (2000) also found no relationship between quality challenger entry and campaign war chests. They instead found evidence suggesting that candidates amass large campaign war chests to prepare for runs for higher office.

In rebuttal, Epstein and Zemsky (1995) argued that analysis showing no relationship between amassing war chests and quality challenger entry is the result of misunderstanding the observability of the relationship. If both incumbents and quality challengers are aware of the strategic value of a campaign war chest, then both are engaged in a signaling game in which there is asymmetric information about the value of knowledge of the war chest. In

other words a relatively weak incumbent with a large war chest will only deter a challenger who lacks other information revealing the incumbent's true state. Additionally, an otherwise strong incumbent with a small or non-existent war chest will still deter quality challengers if those challengers are privy to additional information confirming the incumbent's strong status.

A second point made by almost all of the authors is that time is a crucial element in understanding the effects of campaign spending. Whether it actually accomplishes its intended goal or not, early spending is designed to deter rival entry. As time passes and Election Day nears the reason for spending changes from deterrence to actually defeating one's opponent. At this point, I turn to an analysis of the direct effects of campaign spending.

Most of the literature on the direct effects of campaign spending is still motivated by the incumbent/challenger dichotomy. For example, Jacobson (1978) found that challenger spending had a greater impact on election outcomes than spending by the incumbent. This could be explained by the fact that incumbents enjoy material advantages to which their challengers do not have access. Jacobson writes, "[i]n light of the enormous head start therefore enjoyed by incumbents, it would be surprising indeed if campaign spending were not more important to challengers—and to other non–incumbents—than to incumbent candidates." (470)

Green and Krasno (1988) challenged Jacobson's finding and argued that methodological errors explained his results. Their primary grievance was that Jacobson fails to control for challenger quality. Once properly controlled, incumbent spending is shown to be nearly as important as challenger spending in determining election outcomes. Jacobson (1990) rebutted with a few methodological objections of his own that when corrected negated Green and Krasno's findings and reconfirmed his earlier work.

Gerber (2004) provided a potential explanation that explains why incumbents keep spending large amounts of money even if it is challengers who benefit more from spending. He argued that the direct effect of challenger spending is to increase the challenger's share of

the vote while incumbent spending is used to increase the probability of incumbent victory. While the two sound alike there is a very important difference which may explain the rift in the literature. For example, an incumbent may face a weak opponent one year and a strong opponent the next. This could lead to the situation where the incumbent spent more money in the second election only to receive a smaller share of the vote.

In addition to the unresolved questions about both the indirect and direct effects of campaign spending, some have argued that campaign spending has been incorrectly measured. Ansolabehere and Gerber (1994) found that not all campaign spending directly went to increasing the candidates share of the vote. The implication of this study is that the true relationship between spending and election outcomes may be overstated because the data has not been refined enough to separate out spending on campaign activities versus superfluous spending. At the opposite end of the spectrum, Levitt (1994) suggested that campaign spending "has an extremely small impact on election outcomes, regardless of who does the spending." (777) He reasoned that previous studies have insufficiently controlled for the inherent vote getting ability of candidates as well as unobserved district factors. He analyzes a set of races in which the candidates are facing each other in rematches in order to estimate the effect of campaign spending. He finds that the effect of campaign spending is greatly reduced compared to other studies.

In this section of the paper I have discussed the multiple ways political scientists have investigated both the direct and indirect effects of campaign spending. However, most of the academic study of campaign spending has been motivated by the implications for the American democracy. Notably, most of the studies move from an investigation of the effects of campaign spending to offering specific policy prescriptions to right the perceived evils of the current system of campaign finance. This might explain why political scientists publish congressional election forecast models while omitting campaign spending even though the preponderance of the political science literature suggests campaign spending is an important factor affecting congressional election outcomes. In the next section of the paper I review

congressional election forecast models published by political scientists over the years.

Review of congressional election forecast models.

In this section of the paper I discuss models of congressional elections that political scientists have published in the last few decades. The models can be divided into three main types based on the underlying data: national trends, district forces, or a combination of the two. The first class of models relies upon national data points like the economy or presidential job approval. The next class of models only uses district specific information, usually a more journalistic approach is taken in analyzing individual races. The model is then based on an aggregation of those individual race analyses. The final type of model combines both district specific as well as national trend information to produce an estimate. Within the different types of model, political scientists have used different dependent variables and employed different functional specifications. I will first discuss models based on national trends.

Models of congressional elections based on national trends usually investigate congressional election outcomes based on some measure of economic data and a measure of popular opinion or they are based purely on an analysis of the waxing and waning of Congressional political party fortunes. For example, Kramer (1971) evaluated different economic variables and their relationship to congressional election outcomes. He found that the change in per capita real personal income had a statistically significant relationship on the national congressional vote while unemployment and inflation rates did not. He reported a "10% decrease in per capita real personal income would cost the incumbent administration 4 or 5 percent of the congressional vote, other things being equal." (141) Kramer then applied a swing ratio[1] to translate the congressional vote share into seats won or lost.

Building upon Kramers findings, Tufte (1975) developed a model of midterm congressional elections, 1938-1970, that used two predictor variables, the change in real disposable

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[1]The swing ratio is defined by Niemi and Fett (1986) to be the percentage change in legislative seats associated with a 1% change in legislative votes. (see also Tufte (1973))

income in the year prior to the election and presidential approval as measured by Gallup in the month of the election. Once again, the model estimated the national congressional vote share. However the actual dependent variable Tufte used was the standardized vote loss by the President's party, a decision Tufte argued was necessary because "the democrats have dominated postwar congressional elections; if the unstandardized vote won by the President's party is used as the response (dependent) variable, the Republican presidents would appear to do poorly." (815) Tufte standardized the vote by subtracting the mean of the President's party congressional vote for the previous eight elections from the President's party congressional vote for that election. Having calculated the national vote, it becomes necessary to employ a swing ratio to project the actual number of seats won or lost. Tufte notes that the swing ratio is subject to change and must be estimated as well.

Lewis-Beck and Rice (1984) criticized Tufte on multiple fronts. First, they argued by limiting his model to midterm elections, he had only possibly explained half of the phenomenon. Second, they argued that he induced additional error when translating the model from vote loss to seats lost. Third, they argued that Tufte's economic data is too far removed from the voter's experience on Election Day as it measured the change in the year before the election. Fourth, they pointed out that waiting for late fall Presidential approval numbers is too late for making election forecasts with a useful lead time. In their article, they presented a parsimonious model that employed the growth rate in GNP per capita in the second quarter of the election year, the presidential approval numbers from Gallup for May, and a dummy variable for midterm elections to predict the change in the number of seats in the House currently held by the President's party. Lewis-Beck and Tien (2010) proposed a referendum model that incorporated a minor change from Lewis-Beck and Rice (1984) by substituting the change in real disposable income per capita during the first six months of the election year.

In addition to models based on economics and public opinion, some of the national trend models include variables that capture the current strength of the parties within the House.

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Those models are based on the theory that parties are limited in how far they can expand in the House. For example, Oppenheimer, Stimson and Waterman (1986) argued that the change in the number of seats for each party is a function of how exposed the party is to electoral loss. They claimed that there is a normal level of seats for each party. However, short term forces cause elections to shift in one direction or the other. When a party holds more seats than it otherwise normally ought to hold, those seats are considered to be exposed. Eventually, those exposed seats will be lost and the party will return to holding its normal number. This model explains seat loss in both midterm and on-year elections. Furthermore, they argued that their exposure variable improves the performance of other models.

Campbell (2006) presented a model accounting for the overall decline in congressional electoral competition. He argued that this decline in competition insulates parties from large seat swings. His dependent variable is Democratic Party seat change as a percentage of the marginal districts in the election. He counts the number of seats won or lost by the Democrats since the previous election and divides that number by the number of marginal districts. He uses the national Democratic Presidential candidate vote margin, the number of seats held by the Democrats in the House, midterm presidential party approval, and a dummy variable for the 1994 and 1996 elections in his model. The model performs poorly in its prediction for 2006 for several reasons. It is problematic that his theory argued large seat gains are not likely then he coded a variable to eliminate from consideration the election years that call into question the theory itself. Unfortunately he never actually defined the criteria for a "marginal" district.[2] Even more unfortunate, the elections of 2006, 2008, and 2010 established that large seat swings are still possible regardless of the supposed decline in overall electoral competition.

Abramowitz (2006) published a forecast model that predicted the percentage of seats the Republicans will win in the election given the percentage of seats held by the Republicans

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[2]There is a debate in the literature over what qualifies as marginal. Mayhew (1974b) defined marginal as below 54.9%. Jacobson (1987) argued Mayhew's level did not take into account that as victory margins grew larger, once formerly considered safe members were being defeated at higher rates.

in the previous Congress, midterm election, net presidential approval in September, the party difference in the generic vote, the difference in the percentages of open seats for each party, and the difference in the percentages of quality candidates each party is running. Abramowitz (2010) used an updated version of the model which relied upon four independent variables; previous Republican seats, midterm election, the generic ballot, and Presidential approval. Lockerbie (2008) combined economics and seats available. He included a measure of economics the percentage of survey of Consumer Attitudes and Behavior respondents answering that they will be financially worse off next year, time the current party has been in the White House, and a variable that collapses the number of open seats with the party favored to win the election.

The models in this first class do their best to predict the partisan split of the House. Knowing the partisan split of Congress is important in that it determines the majority party and committee ratios. The partisan split dictates Congress' agenda. Because they do not look at the districts at all, there is no way to forecast **which** seats will comprise the majority/minority parties. The devil is in the details and the following classes of models employ district attributes in determining election outcomes. The next class I will discuss completely departs from the national trend models by solely relying on analyses of each district.

Campbell (2010, 627) reasoned that "[g]reater forecast accuracy requires predictors that take into account the more localized, short-term, and prospective factors that are critical to congressional outcomes as well as the effects of national, long-term, and retrospective considerations." One way to create a purely district driven forecast is to conduct an independent analysis of each district and rate the prospects of the candidates. The next step is to aggregate the results of that analysis to determine the seat forecast. This more journalistic approach is a rather labor intensive method that requires developing an expertise about each district. It also depends upon gaining access to idiosyncratic data sources. While I would hesitate to call this a model, per se, this is how race prognosticators in the popular press go

about forecasting elections. The Cook Political Report, the Rothenberg Report, and other media outlets issue and frequently update ratings of every race. One can create a forecast by attributing some probability of election for each race category then counting the number of seats in each category.

Campbell (2010) and Campbell (2012) took a slightly more complex, but highly successful approach. He called this new method the "seats-in-trouble" model. Campbell took the individual district analyses provided by the Cook Political Report to create a "seats-in-trouble" variable. He counts the number of seats the Democrats hold in a Congress from which he subtracts the number of districts that are rated favoring the Democrats. This is the Democrats seats-in-trouble number. He does the same for Republicans. Then he takes the difference of the two parties' seats-in-trouble numbers. Next, he regressed actual seat change on the difference of the seats-in-trouble numbers.

The third class of forecast models uses a combination of district, candidate, and national trend variables to produce their estimates. The authors use a two-step process in which they estimate one component then use simulation to interact that estimation with the second component. Klarner and Buchanan (2006) and Klarner (2008) published models that incorporated a large number of covariates that other political scientists have found to be significant in determining congressional election outcomes. They divided their variables into partisan composition of districts (past congressional and presidential votes); candidate qualities (like incumbent status, former House member, previously been elected to any office); and national tide indicators like presidential approval, national generic vote, a midterm penalty, and the economy. Having made an estimate for each district, they use a simulation to derive their prediction numbers. Bafumi, Erikson and Wlezien (2007) and Bafumi, Erikson and Wlezien (2010) also took a combined approach in their models. However they differ in that they first estimated a national party vote and subsequently use a simulation interacting with local district factors to produce their final estimate.

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Campaign Spending as a Variable

In the first section of this essay I showed how the political science literature has shown the relationship between campaign spending and election outcomes to be simultaneously simple and complex. In the second section I demonstrated that despite its importance elsewhere in the political science literature, campaign spending is not included in congressional election forecast models. In this section of the essay I use an analysis of election data to demonstrate a relationship between campaign spending and election outcomes. The relationship is simple because data shows as a candidate spends more money relative to his or her opponent, the candidate receives a greater share of the vote. Then I discuss how the relationship is complicated because, as the literature has shown, the factors that would allow a candidate to spend greater sums of money are directly related to a candidate's ability to win greater shares of the vote. However, before I can show the correlation of campaign spending and election outcomes, I must discuss the data I will use in my analysis.

The data set used in this essay is from a combination of multiple sources. The primary source of data comes from Gary Jacobson's data on individual House races, 1946–2010. This data has been merged with James Campbell's data on Charlie Cook's House pre–Labor Day House Race Ratings for 1984, 1988, and 1992-2010. The merged data set is comprised of 5211 House races. The data includes multiple aspects of the races including whether or not an incumbent is running, the Democratic share of the vote in the congressional election, the Democratic share of the presidential vote in the district, the absolute dollar amount of spending by major party candidates, a measure of candidate quality, and the Cook Race Rating category. I have augmented this data with Gallup Presidential approval numbers provided by the American Presidency Project.

I have removed the elections in which a third party candidate won. There are a total of nine instances in the data set in which the winning candidate was neither a Democrat nor a Republican. Bernie Sanders, I–VT, accounts for seven of those instances winning elections from 1992–2004; he successfully ran for the US Senate in 2006 succeeding Jim Jeffords—

another notable Independent. Sanders consistently faced Republican and other minor party challengers during his career in the House while only occasionally drawing a Democratic opponent (even though he caucused with the Democrats).

The other two instances of third party victories are Jo Ann Emerson, representing Missouri's 8th Congressional District, and Virgil Goode, representing Virginia's 5th Congressional District. Representative Emerson ran against nominees from both the Republican and Democratic parties in the 1996 race to replace her late husband, Representative Bill Emerson. Although she ran as an Independent, she promptly joined the Republican conference upon taking office. That same year, Virgil Goode, a Democrat, won his first election to the House. Two election cycles later in 2000, Goode declined to run as a Democrat and instead ran as an Independent. He easily won reelection that year. Although officially an Independent, Goode joined the Republican conference. In the subsequent election, Goode won reelection as a declared Republican. Having presented the data, my next task is to define a campaign spending variable that is computationally useful.

An initial analysis of the data reveals that using absolute dollar spending levels is problematic. The histograms on the left side of Figure 1 present absolute dollars spent by party candidates. The histograms reveal that campaign spending is positively skewed. Transforming the data by taking the natural log of spending provides for a more normal distribution and is more appropriate when applying a linear model (see Anscombe and Tukey (1963), Jacobson (1990), Ansolabehere and Gerber (1994)). The histograms on the right side of Figure 1 present the transformed spending data.

Non-normal distributions are not the only obstacle to creating a useful spending variable. Heterogeneous spending values further complicate this otherwise simple analysis. Although congressional districts are roughly the same size in population, vastly different sums of money define what is and is not competitive in the different districts. For example, Rep Bishop, R-UT, won his seat in 2010 by 34 points spending slightly more than $300,000. The same year, John Gomez, the Republican nominee for New York's 2nd Congressional district, lost
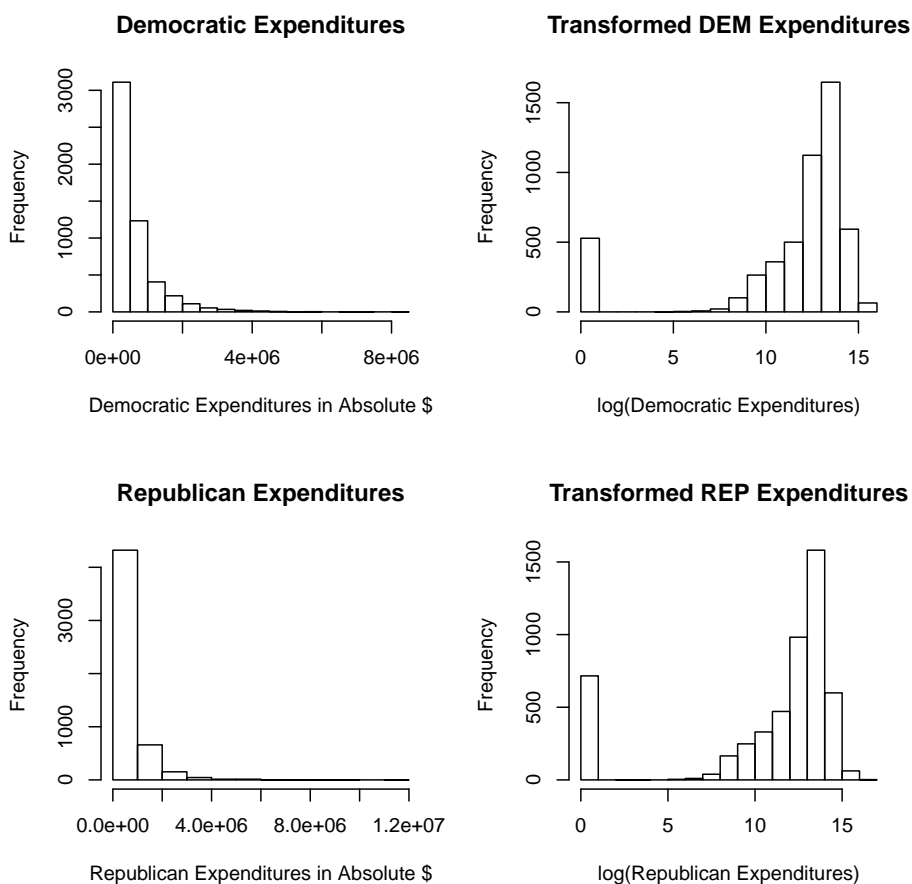
Figure 1: Campaign Spending, with and without Transformation, by Party

by over 13 points yet spent $100,000 more than Bishop. In New York's 20th Congressional district, Scott Murphy, the Democratic incumbent spent over $5,000,000 to defend his seat and lost to an opponent who **only** spent $1,700,000! Clearly the amount of spending varies by district. To provide a uniform variable which is comparable across districts, I instead chose the Democratic share of major party spending. To orient the variable toward the Democratic party, I subtracted .5 from the share then multiplied by 2. If a Democrat was fully responsible for all spending, the value would be 1. If the Republican did all the spending, the value would be -1.

Figure 2 is a scatter plot of the Democratic share of spending and the Democratic share of the vote in major party contested races. The figure reveals several key points about congres-
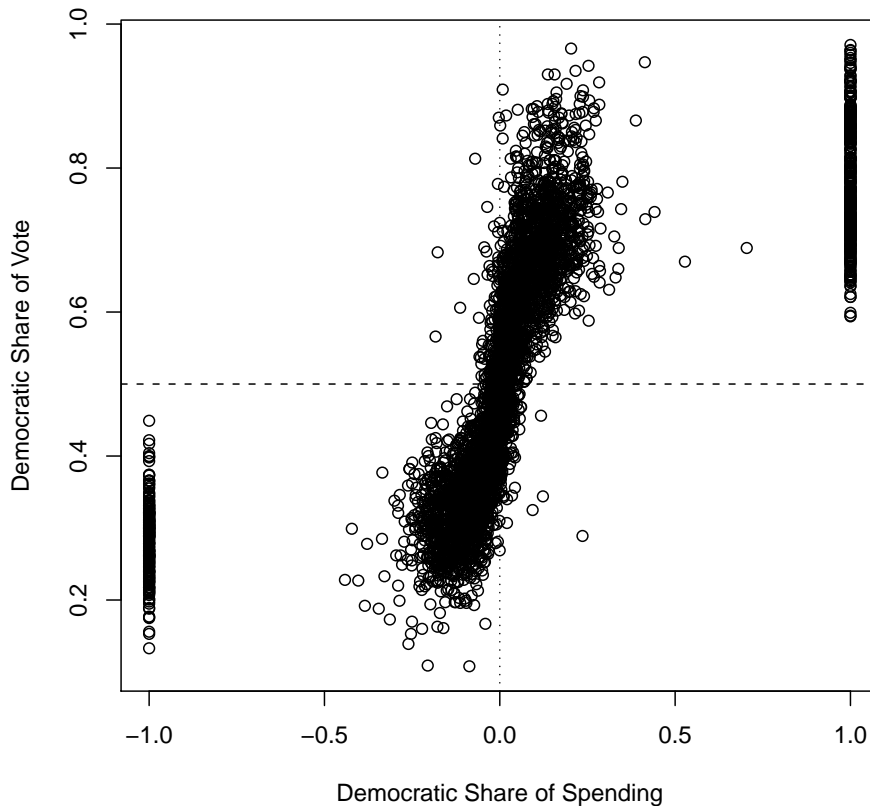
Figure 2: Spending and Democratic Share of the Vote in Major Party Contested Races

sional elections. The central part of the scatter plot with the vast majority of observations reveals a direct relationship between campaign spending and congressional election outcomes The Pearson correlation coefficient is 0.7524. This point agrees with conventional wisdom that the more money a candidate spends the greater share of the vote the candidate will receive. Table 1 summarizes the results of running an ordinary least square (OLS) model with Democratic share of the vote as the dependent variable and Democratic share of spending as the independent variable. As expected, Democratic share of spending is statistically significant. More importantly, this variable by itself accounts for nearly half of the variation in the data.

The scatter plot in Figure 2 also indicates some of the complexities regarding cam-

Table 1: Summary of Democratic Share of the Vote on Spending

Coefficient	Estimate	Std. Error	t value	Pr(>|t|)	
(Intercept)	0.5076	0.0020	259.28	0.0000	***
Spending	0.3348	0.0054	62.03	0.0000	***
Residual standard error: 0.1311 on 4510 degrees of freedom					
Multiple R-squared: 0.4604, Adjusted R-squared: 0.4603					
F-statistic: 3848 on 1 and 4510 DF, p-value: 0.0000					

paign spending and election outcomes. Notice the non–trivial number of observations when Democrats ran a candidate but accounted for no spending or the opposite when the Republicans ran a candidate but the Democrat accounted for all of the spending. A zero spending share by one party did not equate to a zero vote share. There are two distinct concepts to learn from these extreme situations. First, the fact that a party can run a candidate but spend virtually no money on that race indicates there are races in which there is virtually no major party opponent. The second concept to discuss is that even when there is virtually no opponent, the partisan leaning of a district imposes a floor of how poorly that party's candidate will do. This complicates estimating the effect of campaign spending in that there can be a losing candidate who spends nothing yet perhaps receives more than a third of the vote while another losing candidate spends comparably to the other party's candidate and still receives only about a third of the vote. Making things even more complex is that the two concepts are interrelated.

Jacobson and Kernell (1981) provided a theory of congressional elections that potentially explains the extreme situations. They humorously point out that one can't beat something with nothing. A zero spending share is the functional equivalent of trying to beat something with nothing. Instead, they argued that it takes a quality challenger to be the substance capable of beating that "something." They defined a quality challenger being a candidate who has previously held elective office.

First and foremost, someone who has previously won an election has proven to be someone who knows how to win an election. Second, office holders are rational actors who act

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strategically. In most instances running for a different office requires giving up the current office. Therefore, a candidate will carefully weigh the potential benefit of running for the new office against the real cost of giving up the current office.

Table 2: High and Low Quality Challenger Statistics

		High Quality		Low Quality	
Challenger	Races	Races	Winners	Races	Winners
DEM	1862	372	44	1490	38
REP	2141	400	65	1741	65
Source: Compiled by Author					

Table 2 provides the counts and outcomes of races in the data set in which the incumbent ran for reelection and faced either a high quality or a low quality challenger (as defined by Jacobson and Kernell) from the opposing party. In terms of raw numbers, high quality challengers are more successful than low quality challengers. The presence of a high quality candidate suggests a priori that the race is more winnable for the challenger. The corollary being that the absence of a high quality candidate in a race suggests a race in which the chances of a successful challenge are already quite low. Table 2 also shows that regardless of quality, challengers in general have an abysmal rate of success. Only 10-16% of high quality challengers have won while the success rates drops to only 3-4% for low quality challengers. Knowing that at best the historical average for winning is only 16% begs the question why run in the first place?

Banks and Kiewiet (1989) found evidence that for lower quality candidates, challenging a strong incumbent actually increased the weaker candidate's chances of winning. They argued that weaker candidates face less competition in party primaries and improve their admittedly slim chances of ultimate victory. Fowler (1979) explained that low quality candidates who challenge incumbents is similar to playing the lottery. The odds of victory are extremely low, but every once in a while it happens.

Returning to the data there were 218 races in which the Democratic candidate had a zero share of the spending despite both parties fielding candidates. Of those 218 races,

there were 15 cases in which the Democratic candidate had previously held an elected office. Further analysis reveals that in the majority of those cases, the previously held office had been relatively minor. For example, in 2010, Joel Gill, a Democrat and the Mayor of Pickens, Mississippi challenged the Republican incumbent, Gregg Harper, to represent the people of Mississippi's Third Congressional District. Prior to being elected Mayor, Mr. Gill had served on the Board of Alderman for several years. Being a Mayor and repeatedly winning office to the local legislative body clearly counts as holding elective office. However, according to the US Census Bureau, Pickens, Mississippi has a population of only 1,157 people. Perhaps size does matter.

Hillary Clinton's 2000 run for the US Senate or Elizabeth Warren's race in 2012 both serve to illustrate another problem with their definition of a quality candidate. Neither the former First Lady nor the Harvard Law School professor had ever held elective office. Using the Jacobson and Kernell definition of candidate quality, neither would have been considered a high quality candidate. Green and Krasno (1988) instead used multiple factors to rate candidate quality on a scale.

In this essay, I do not dispute that having previously held elective office is a strong indicator of candidate quality. I am arguing instead that the share of campaign spending is an additional proxy for the quality of the electoral competition. It helps to sort out weak challengers who have held office and strong challengers who have not.

In this section of the essay I have introduced a variable of campaign spending to be included in a model of congressional elections. The variable should pick up a measure of competition that is missed by other indicators of "quality." When combined with other variables that also reflect a candidate's inherent vote getting ability, campaign spending will still provide additional explanatory power.

Model specification

In the previous sections of the essay I reviewed the political science literature of both campaign spending and congressional election forecast models. Having laid out my justification for including campaign spending in a congressional election forecast model in the last section of the paper, I will now introduce the model I will use to forecast elections for races for the US House of Representatives. I define and describe the independent and dependent variables used in the model. Because it employs both national and district/candidate level variables to produce estimates of outcomes in each district, the model fits in the combined class of congressional election estimators. I conclude this section with a standard table summarizing the results of the model.

Democratic Vote Share in the District $=$

$$\beta_0 + \beta_1 Spending + \beta_2 PastVote + \beta_3 PresVote + \gamma_1 Incumbent + \gamma_2 Party$$
$$+ \beta_4 Approval + \gamma_3 Unopposed + \gamma_4 Dqual + \gamma_5 Rqual + \beta_5 Share + \beta_6 Contribution$$
$$+ \beta_7 Exposure + \beta_8 (Spending * Incumbent) + \beta_9 (Spending * Party) + \alpha$$

The dependent variable for the model is the Democratic share of the two-party vote in the district. There are 12 independent variables in the model in addition to the campaign spending variable discussed in the previous section. I will now define those variables.

PastVote reports the Democratic share of the two-party vote in the district in the previous election. Figure 3 illustrates the strong relationship between the past vote in a district and the current vote. Obviously it is not a perfect relationship (see Lin and Stonecash (2012)). In spite of its imperfect relationship, it is still a strong predictor. The Pearson correlation coefficient for contested House races is 0.7980. The lines of observations at 0 and 1 indicate that running unopposed one year does not ensure victory the next.

PresVote reports the Democratic share of the two-party vote for President in the district in the previous Presidential election. Bafumi, Erikson and Wlezien (2007) substituted the Presidential vote in the district in open races. There is a strong correlation between presidential vote share and congressional vote share in open races. (Pearson R $=$ 0.7686)
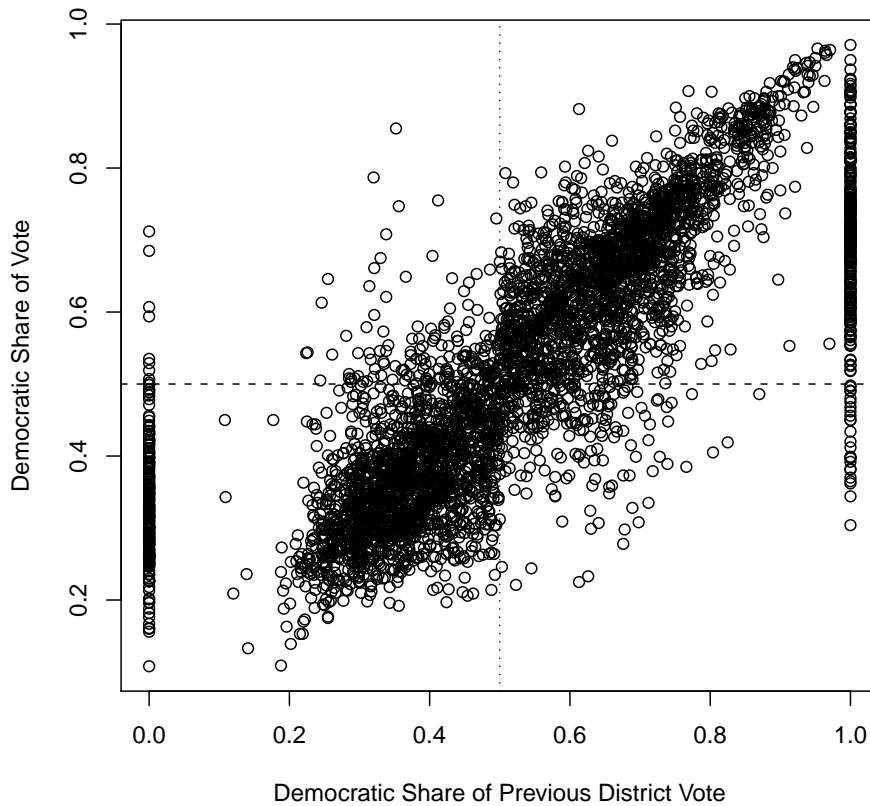
Figure 3: Past Vote and Democratic Share of the Vote in Major Party Contested Races

However, there is still a strong relationship between the two variables when an incumbent is running. (Pearson R = 0.6696) Therefore I have left the variable as a predictor for both open and incumbent races.

Incumbent reports whether an incumbent was running for reelection in the district. An entire literature exists discussing the value of incumbency in Congressional elections. (See Erikson (1972); Alford and Hibbing (1981); Gelman and King (1990); Ansolabehere, Snyder and Stewart (2000)) I would expect the party of the incumbent to have an effect on the Democratic share of the two-party vote. Therefore, if a Democratic incumbent is running, the variable takes the value 1; if a Republican incumbent is running the variable takes the value -1. In all other cases the variable takes the value 0.

Party reports which party held the seat at the time of the election. If the Democrats held the seat, it takes the value 1; if the Republicans held the seat, it takes the value -1, it takes the value 0 in the case of a new district.

Approval is a measure of Presidential popularity at the time of the election. Some scholars have hypothesized that Congressional voting can be a referendum on the Presidency. (See Campbell (1960), Tufte (1975), Kernell ($1977a$), Campbell (1985), Erikson (1988), and Atkeson and Partin (1995)) The variable is the mean percentage of Gallup survey respondents who approved of the President's job performance in surveys conducted during November of the election year. The Gallup approval number is then subtracted by 50 to report a deviation from half. Because I expect an unpopular Republican President to benefit Democratic candidates (and vice-versa), I multiply the approval number by 1 for Democratic Presidents and -1 for Republican Presidents. For example, the mean of the Gallup Presidential job approval surveys for November 2010 was 45. This sets the approval value for President Obama's first midterm election at -5.

Unopposed reports if one party does not field a candidate for the election. Not having an opponent guarantees victory. To facilitate making a forecast on all elections, I have opted to keep unopposed elections in the data set. This variable ensures that the "right" party is predicted to win each year. If the Republicans did not field a candidate, the variable was coded 1; if the Democrats did not field a candidate the variable was coded -1.

Dqual (Rqual) report if the Democratic (Republican) party fielded a candidate who meets the Jacobson and Kernell (1981) criterion for a quality candidate who is not an incumbent.

Share reports the Democratic share of the national two-party vote for the election that year. The national vote counts were derived from biennial "Statistics of the Congressional Election" report published by the Clerk of the House. Share was derived by dividing the total number of votes for Democratic nominees to the House cast nationwide by the total number of votes cast for nominees from both major parties nationwide.

Contribution reports the district share of the Democratic national vote. It takes the number of votes cast for the Democratic nominee in the district and divides that by the total number of votes cast for Democratic nominees nationwide.

Exposure is the number of seats the Democrats hold in a given Congress less the average number of seats the Democrats have held throughout the time period. This explicitly incorporates the "exposure" thesis developed by Oppenheimer, Stimson and Waterman (1986).

The following table summarizes the results of the OLS model run on the entire data set. All of the variables, including the interactions, were statistically significant. Additionally, the model accounts for almost 95 percent of variation in the data.

Table 3: Summary Results of OLS Model

Coefficient	Estimate	Std. Error	t value	$Pr(>|t|)$	
(Intercept)	-0.0978	0.0171	-5.719	0.0000	***
Spending	0.0797	0.0029	27.394	0.0000	***
PastVote	0.1151	0.0055	20.998	0.0000	***
PresVote	0.3387	0.0079	42.864	0.0000	***
Incumbent	0.0578	0.0033	17.309	0.0000	***
Party	0.0064	0.0028	2.247	0.0247	*
Approval	-0.0006	0.0001	-6.691	0.0000	***
Unopposed	0.2239	0.0032	70.928	0.0000	***
Dqual	0.0353	0.0052	6.818	0.0000	***
Rqual	-0.0319	0.0025	-12.73	0.0000	***
Share	0.9115	0.0333	27.391	0.0000	***
Contribution	27.38	1.0510	26.051	0.0000	***
Exposure	-0.0005	0.0000	-13.918	0.0000	***
Spend*Inc	-0.0498	0.0113	-4.431	0.0000	***
Spend*Party	0.0677	0.0112	6.045	0.0000	***

Residual standard error: 0.05486 on 5165 degrees of freedom
(31 observations deleted due to missingness)
Multiple R-squared: 0.9508, Adjusted R-squared: 0.9507
F-statistic: 7132 on 14 and 5165 DF, p-value: 0.000

Forecasts and Evaluations

In the previous section I defined variables and specified a congressional election forecast model. In this section, I use simulation to produce model forecasts for the election years in my data set. I use the same technique to generate predictions from the Cook Political Report Race Ratings. I also report the published forecasts from the models referenced earlier in the paper.

Following the lead of the other combined election forecasters (see Klarner and Buchanan (2006), Bafumi, Erikson and Wlezien (2007), Bafumi, Erikson and Wlezien (2010), Klarner (2008)), I will use simulation to generate forecasts from the model. I will start with in-sample forecasts and then follow up with out-of-sample forecasts. Table 4 reports the in-sample forecast values from the model.

Table 4: In-Sample Congressional Election Forecasts

Year	Races	Actual	Fitted	Prediction	Low	High	Error
1984	435	253	262	249	242	256	-4
1988	435	260	258	258	253	264	-2
1992	434	258	258	255	247	263	-3
1994	434	204	232	221	213	230	17
1996	433	207	196	205	197	214	-2
1998	434	211	208	211	205	218	0
2000	433	212	210	210	203	216	-2
2002	434	205	201	201	194	207	-4
2004	434	202	196	197	192	203	-5
2006	435	233	208	217	210	225	-16
2008	435	257	242	253	246	261	-4
2010	435	193	233	223	214	232	30

The process is fairly straight forward. For the in-sample forecast, I apply the model coefficients from the entire data set to arrive at a fitted value for each district that year. To simulate an actual election, I generate an error term to add to the fitted value. The error term is a random draw from a normal distribution with a mean of 0 and a standard deviation equal to the residual standard error of the model. The combination of the fitted

value and the error term is one possible realization of an election outcome. I repeat this step for every congressional district. This provides one set of election results. I count the number of districts in which the predicted outcome is greater than or equal to .5. This is the number of seats the Democrats are predicted to win in this iteration. In total I conduct 1000 iterations per election year. This provides me with a distribution of election outcomes. Next I arrange the outcomes from the lowest number of Democratic seats won to the highest. The median value is the predicted seat total for Democrats. The 25th and 975th values provide the upper and lower limits for my prediction.

Using an in-sample method is extremely generous to the model. I have also produced a table of out-of-sample predictions for the same time period. To do this, I remove the data from the year being forecast prior to applying the model. Applying the model to the altered data set subtlety modifies the coefficients and changes the value of the error term used in generating the predictions. This more closely simulates an actual forecast year in which we do not have the election results data to include in the model. The out-of-sample prediction results are presented in Table 5. As expected, the errors are slightly larger in the out-of-sample prediction.

Table 5: Out-of-Sample Congressional Election Forecasts

Year	Races	Actual	Fitted	Prediction	Low	High	Error
1984	435	253	258	243	235	251	-10
1988	435	260	258	259	253	265	-1
1992	434	258	259	255	247	264	-3
1994	434	204	234	223	214	232	19
1996	433	207	198	206	197	214	-1
1998	434	211	209	211	204	218	0
2000	433	212	210	208	202	214	-4
2002	434	205	205	206	200	212	1
2004	434	202	196	196	190	202	-6
2006	435	233	206	216	209	223	-17
2008	435	257	243	255	247	262	-2
2010	435	193	241	227	218	235	34

Having presented the in-sample and out-of-sample model forecasts it is important to

compare them with published models. I start with a comparison of the combined models. Table 6 shows that the Bafumi, Erikson, and Wlezien model performs very well almost exactly predicting the 2006 outcome. The model falls short in 2010, but closer than the campaign spending model introduced in this paper. Table 7 shows that the Klarner and Buchanan model provides a closer prediction than the campaign spending model in 2006, however the Klarner estimate in 2008 is further off.

Table 6: Comparison to Bafumi, Erikson and Wlezien

Year(s)	Democratic Seat Change	Out of Sample Forecast Estimate	Error	Bafumi, Erikson and Wlezien Estimate	Error
2006	31	14	-17	32	1
2010	-64	-30	34	-51	13

Table 7: Comparison with Klarner and Buchanan

Year(s)	Democratic Seat Change	Out of Sample Forecast Estimate	Error	Klarner and Buchanan Estimate	Error
2006	31	14	-17	22	-9
2008	24	22	-2	11	-13

Next I compare the campaign spending out-of-sample model forecasts with the national trends models. Table 8 shows that Abramowitz provides closer estimates for both 2006 and 2010. Table 9 reports that Lewis-Beck and Tien provide an estimate that is further away from the actual outcome in 2010. The Lockerbie estimate in Table 10 just edges out the campaign spending model.

Table 8: Comparison with Abramowitz

Year(s)	Democratic Seat Change	Out of Sample Forecast Estimate	Error	Abramowitz Estimate	Error
2006	31	14	-17	28	-3
2010	-64	-30	34	-43	21

Next, I compare the predictions offered by Campbell. Table 11 reveals that the results of the forecast from the Campbell (2006) model are very different from the results of the

Table 9: Comparison with Lewis-Beck and Tien

Year(s)	Democratic Seat Change	Out of Sample Forecast		Lewis–Beck and Tien	
		Estimate	Error	Estimate	Error
2010	-64	-30	34	-22	42

Table 10: Comparison with Lockerbie

Year(s)	Democratic Seat Change	Out of Sample Forecast		Lockerbie	
		Estimate	Error	Estimate	Error
2008	24	22	-2	25	1

Campbell (2010) model. The earlier model performed about as accurately as the out of sample forecast. The latter model performs the best on 2010 of all the models presented. Because the latter model is an evaluation of seat change based solely on the race analyses performed by the Cook Political Report, it is natural to question whether it is Campell's model or Cook's analysis that is doing the work. With that question in mind, I created a rudimentary forecast model based solely on the Cook race ratings in Campbell's data set.

Table 11: Comparison with Campbell

Year(s)	Democratic Seat Change	Out of Sample Forecast		Campbell	
		Estimate	Error	Estimate	Error
2006	31	14	-17	13	-18
2010	-64	-30	34	-52	12

The purpose of this part of this section of the essay is to establish the baseline predictive power of Cook's pre-Labor Day ratings for the 12 elections in the Campbell data set. Cook rates each House race as being either "solid," "likely," or "leaning" in the direction of one of the major political parties or as a "toss-up" when neither side has an electoral advantage. Cook bases his analysis on a variety of factors. He starts with quantitative indicators like the district performance of the major party Congressional and Presidential candidates in the previous election. From there he augments quantitative data points with qualitative analyses derived from observations by outside analysts (local and national politicos, journalists, blog-

gers) and from conducting interviews with many of the candidates themselves. Cook and his team then make their assessments based upon a subjective weighting of the different data points. As a person who makes his living publishing his expertise, Cook takes a cautious approach to making the assessments. He will err on the side of saying a race is harder to call than in making a spot prediction. In this way observers can think of his assessments as probabilities that a certain party's candidate will win. Over the years he has amassed a track record of assessments. Table 12 reports the number of races in each category by election year.

Table 12: Cook Political Report Race Ratings, 1984-2010

Rating	1984	1988	1992	1994	1996	1998	2000	2002	2004	2006	2008	2010
SR	107	130	79	101	120	182	176	189	194	177	134	164
LkR	36	17	36	40	53	20	19	14	21	20	30	12
LnR	18	16	29	26	37	17	16	17	9	16	11	7
TU	19	18	56	56	51	21	18	11	13	18	27	29
LnD	23	20	51	26	32	18	10	12	11	10	15	34
LkD	57	20	62	53	40	30	22	16	12	11	12	33
SD	175	214	121	132	100	146	172	175	174	183	206	156
Total	435	435	434	434	433	434	433	434	434	435	435	435
S–Solid, Lk–Likely, Ln–Lean, TU–Toss-Up												
Source: Compiled by Author												

Table 13 reports the number of times Democratic candidates won races in their respective categories. It becomes apparent that a Democrat winning a "Solid Republican" district is a rare event. In 1992, Arizona's First Congressional District Representative, John Jacobs Rhodes III, lost reelection to his Democratic challenger, Sam Coppersmith, in a major upset. Some have attributed the loss on his opponent's focus on ethics problems facing Rhodes. However, scandal played little part in the eventual outcome of the other six cases. The remaining cases were instances of popular Republican incumbents being surprisingly edged out in tough years or troubled Democrats barely surviving against the odds. Because poll numbers changed after Labor Day, Cook's ratings are not necessarily incorrect.

Table 14 reports the Democratic winning percentage of cases by category and year.

Table 13: Democratic Candidate Victories by Cook Race Rating, 1984-2010

Rating	1984	1988	1992	1994	1996	1998	2000	2002	2004	2006	2008	2010
SR	0	0	2	0	0	0	0	0	0	3	0	2
LkR	0	0	0	1	1	1	0	1	1	5	3	0
LnR	2	1	5	0	5	1	2	1	0	10	5	0
TU	6	7	27	9	32	15	9	3	5	12	18	2
LnD	17	20	45	18	29	18	9	10	10	10	14	12
LkD	54	18	58	45	40	30	20	15	12	11	12	26
SD	174	214	121	131	100	146	172	175	174	182	205	151
Total	253	260	258	204	207	211	212	205	202	233	257	193
S–Solid, Lk–Likely, Ln–Lean, TU–Toss-Up												
Source: Compiled by Author												

In spite of the upsets discussed above, the low percentages of victories in races favoring Republicans coupled with the high percentages of victories in races favoring Democrats provides overall prima facie support for Cook's pre-Labor Day race assessments.

Table 14: Democratic Winning Percentages by Cook Race Rating, 1984-2010

Rating	1984	1988	1992	1994	1996	1998	2000	2002	2004	2006	2008	2010
SR	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.02	0.00	0.01
LkR	0.00	0.00	0.00	0.03	0.02	0.05	0.00	0.07	0.05	0.25	0.10	0.00
LnR	0.11	0.06	0.17	0.00	0.14	0.06	0.13	0.06	0.00	0.63	0.45	0.00
TU	0.32	0.39	0.48	0.16	0.63	0.71	0.50	0.27	0.38	0.67	0.67	0.07
LnD	0.74	1.00	0.88	0.69	0.91	1.00	0.90	0.83	0.91	1.00	0.93	0.35
LkD	0.95	0.90	0.94	0.85	1.00	1.00	0.91	0.94	1.00	1.00	1.00	0.79
SD	0.99	1.00	1.00	0.99	1.00	1.00	1.00	1.00	1.00	0.99	1.00	0.97
Total	0.58	0.60	0.59	0.47	0.48	0.49	0.49	0.47	0.47	0.54	0.59	0.44
S–Solid, Lk–Likely, Ln–Lean, TU–Toss-Up												
Source: Compiled by Author												

To be clear, Cook's race ratings are not predictions. Instead, they are snap shot assessments of the current state of each race. That a Democrat may win a "likely" Republican race does not imply that Cook was wrong. Rather, the rating subjectively suggests that the Republican is more likely to win. Because there is a data set containing thousands of assessments, we can derive a probability of a Democratic victory based on Cooks race rating.

There are over 5000 individual race observations in the data set. I will calculate the probability of a Democratic victory in each district by using the same process used in the in-sample and out-of-sample forecast. I start with an OLS model in which I regress Democratic vote share on the Cook race rating. Cook used a seven point scale corresponding to the race type. A value of "1" is equal to "Solid Republican. A value of "7" is equal to "Solid Democratic. The Cook categories "Toss-up Republican" and "Toss-up Democratic" have been consolidated into a single "Toss-up" category which takes the value "4." Although the values are numbers, they are treated as categorical values in the model. The categories are treated as factors and evaluated as a series of dummy variables. "Solid Republican" is the excluded category in the model. Table 15 summarizes the results of the model.

Table 15: Cook Race Rating Simple OLS Model

Coefficient	Estimate	Std. Error	t value	Pr(>|t|)	
(Intercept)	0.2699	0.0029	91.72	0.0000	***
Likely REP	0.1218	0.0075	16.22	0.0000	***
Lean REP	0.1734	0.0088	19.64	0.0000	***
Toss-up	0.2216	0.0073	30.24	0.0000	***
Lean DEM	0.2765	0.0082	33.89	0.0000	***
Likely DEM	0.3244	0.0071	45.92	0.0000	***
Solid DEM	0.4974	0.0041	122.72	0.0000	***

Residual standard error: 0.1232 on 5204 degrees of freedom
Multiple R-squared: 0.7509, Adjusted R-squared: 0.7506
F-statistic: 2615 on 6 and 5204 DF, p-value: < 2.2e-16

Because this is a simple regression of one categorical independent variable on the dependent variable, the interpretation is pretty straight forward. The estimate is the share of the vote a Democrat could expect to win by being in that race category. The estimates are additive. The intercept value is basically the value for races rated "Solid Republican." This would mean that a Democrat running in a district rated "Solid Republican" could expect, on average, to earn about 27% of the vote. However, a Democrat running in a "Lean Democratic" race would expect to his or her share of the vote to rise to 55%. This is calculated by adding the intercept estimate (0.2699) and the "Lean DEM" estimate (0.2765) for a total

estimate of 0.5464 or 55% of the vote.

To calculate the predictive power of Cook's Pre-Labor Day race ratings, I use the exact same simulation technique employed with the campaign spending model introduced in Section 4. Table 16 reports the out-of-sample results for the Cook Race Ratings using the same format as presented earlier for the campaign spending model. I have added two additional columns which report the out-of-sample spending model forecasts.

Table 16: Cook Simple Model and Campaign Spending Model Forecasts

| Year | Races | Actual | Cook Simple OLS Model | | | | | CS Model | |
			Fitted	Prediction	Low	High	Error	Prediction	Error
1984	435	253	255	257	245	268	-4	243	-10
1988	435	260	254	260	250	270	0	259	-1
1992	434	258	234	245	231	259	13	255	-3
1994	434	204	211	237	224	252	-33	223	19
1996	433	207	172	199	185	213	8	206	-1
1998	434	211	194	203	192	214	8	211	0
2000	433	212	204	215	206	225	-3	208	-4
2002	434	205	203	212	203	223	-7	206	1
2004	434	202	197	207	198	216	-5	196	-6
2006	435	233	204	216	207	225	17	216	-17
2008	435	257	233	247	238	257	10	255	-2
2010	435	193	223	227	216	237	-34	227	34

The first item to note when looking over the results is that Campbell's "seats-in-trouble" model adds value to Cook's Pre-Labor Day race ratings. The Pre-Labor Day ratings alone miss the amplitude of the Republican wave in 2010. Campbell's analysis comes the closest of all the forecasts for getting it right. As a side note, Campbell (2012) using the same methodology is accurate in his pre-election forecast of the Democrats picking up 3-14 seats that year. The second item to note is that the campaign spending model performs very well when compared to the Cook simple model. When compared to the other models presented earlier in the paper, the campaign spending model performs about as well or slightly better than a few and noticeably worse than a few.

In this section of the essay I have produced forecasts of congressional elections based

on the campaign spending election model introduced in Section 4. I have evaluated the results of those forecasts against the published results of other political scientists. I have also compared the campaign spending model to a forecast based on a respected political observer's analysis. The campaign spending model performs well in normal election years. However, all the models miss the amplitude of "wave" election years. In the next and concluding section of the essay, I discuss suspected reasons why the models under perform in years with exceptionally large seat losses. I also discuss the greater implications of this research.

Conclusion

In the five previous sections I have laid out a case for including campaign spending as a variable in congressional election forecast models. The campaign spending model introduced in this paper performs very well in most years. However, all models consistently under perform in years with exceptionally large seat losses. In this section I will discuss the reasons why I believe this occurs. That discussion then forms the basis for deriving what I believe to be the implications of this research.

That the campaign spending model produces forecasts that are pretty accurate in "normal" years suggests that the model has some value as-is. That the model does not strictly out perform all others suggests that I may need to make some minor changes to the model. However, all the models failed to adequately gauge party seat losses in "national tide" election years.

In conducting a post-mortem analysis, the first question to ask is was there anything systematically different in the actual election outcomes that the models failed to pickup. An analysis of the individual race predictions and their actual outcomes reveals that most models actually picked up wave election years, just not the amplitude of the wave. For the campaign finance forecast model, I can display what a "bad" year for a party looks

like. To demonstrate this difference I created plots for each year that display each district's probability of a Democratic victory. "Normal" years end up looking different from "bad" years for Democrats and "bad" years for Republicans.
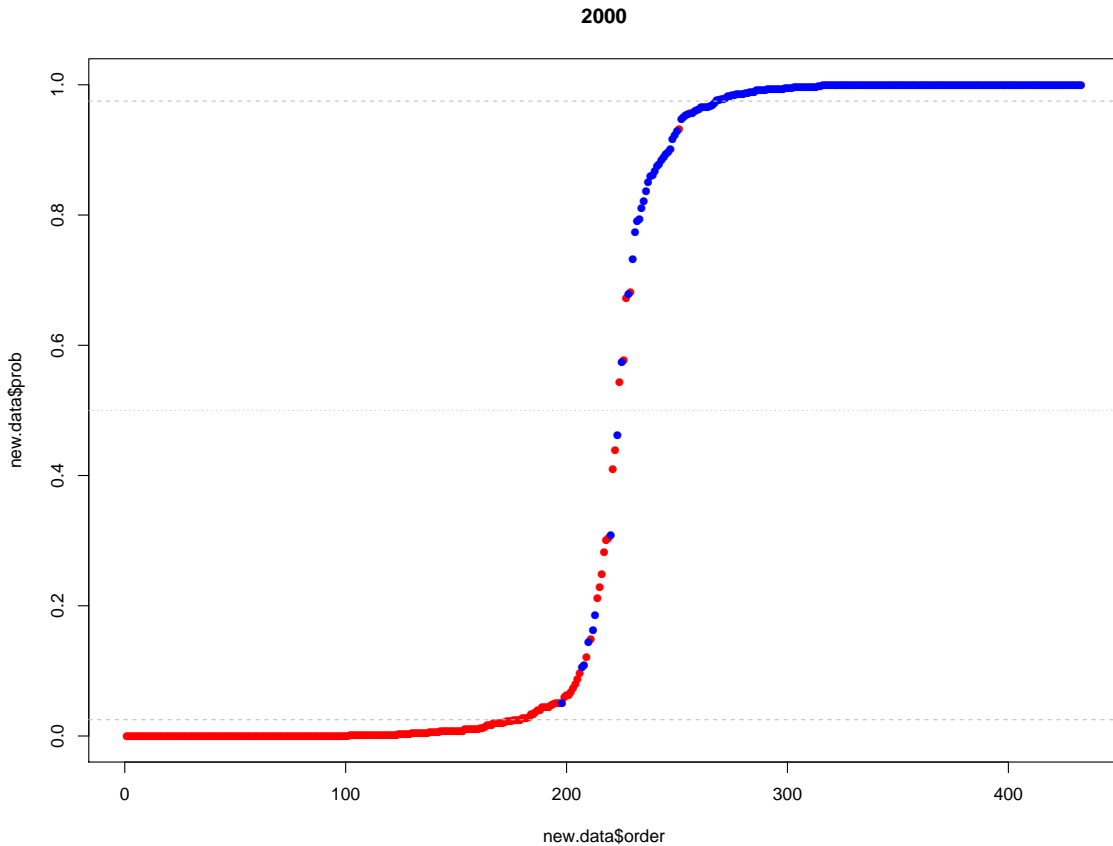
Figure 4: Predicted Probability of Democratic Victory in a District, 2000

To determine the district's probability of electing a Democrat, I returned to the 1000 iterations per year. Instead of counting the number of times a Democrat "won" out all 435 districts in that iteration, I counted the number of times a Democrat "won" in one district out of the 1000 iterations. The predicted probability ends up being the actual number of times the Democrat "won" divided by 1000. Repeat this for all 435 districts and you have the predicted probability for each district for that year.

Figure 4 displays probabilities for Democratic victory in the year 2000. This is a representative display of a "normal" year. The districts are represented by different colored dots.

Red dots represent districts in which the Republican candidate actually won the election. Blue dots represent districts in which the Democratic candidate actually won the election. The districts were placed in ascending order of the probability of Democratic victory. You should expect to see red dots on the left and blue dots on the right. There is a faint dotted horizontal line at the .50 value. Once again you should expect to see red dots below that line and blue dots above that line. I have also included horizontal lines at .025 and .0975 levels. From this display it is easy to see that the vast majority of each party enjoys races in which the predicted probability of victory is greater than .975. (Probability of Republican victory = 1 - Probability of Democratic victory) The important thing to note about a "normal" year is that the change in probability facing less secure seats is rather abrupt. This is indicated by a relatively steep change in predicted probabilities. The change looks like a stair step and not a smooth curve. Compare that transition with those in 2006 and 2010.

Now compare the 2000 chart in Figure 4 with the "wave" year election charts of 2006 and 2010 in Figures 5 and 6. There are two specific changes to which I wish to draw your attention. First, the abrupt change disappears for the party in trouble. There is a longer, more tapered movement away from the extremes. Another item of interest is that in a "normal" year, unexpected victories appear to be evenly distributed. In "wave" year elections, there are too many blue dots below the .50 line in "good" Democratic years or there are too many red dots above the .50 line when times favor Republicans. The model clearly picks up the "bad" years by dropping the probabilities for victory for the disadvantaged party. This shows that the model is picking up increased electoral uncertainty. The next step was to review the specific observations the model got wrong. It turns out that the model was overly generous to incumbents in 1994, 2006, and 2010.

There is a broad literature on the electoral advantages of incumbency. Erikson (1972) found that incumbency was worth 2 percentage points of the vote in the 1950s and had grown to more than 5 percentage points by the late 1960s. Gelman and King (1990) reported that incumbency had been worth 2 points for elections prior to the 1950s and confirmed that the
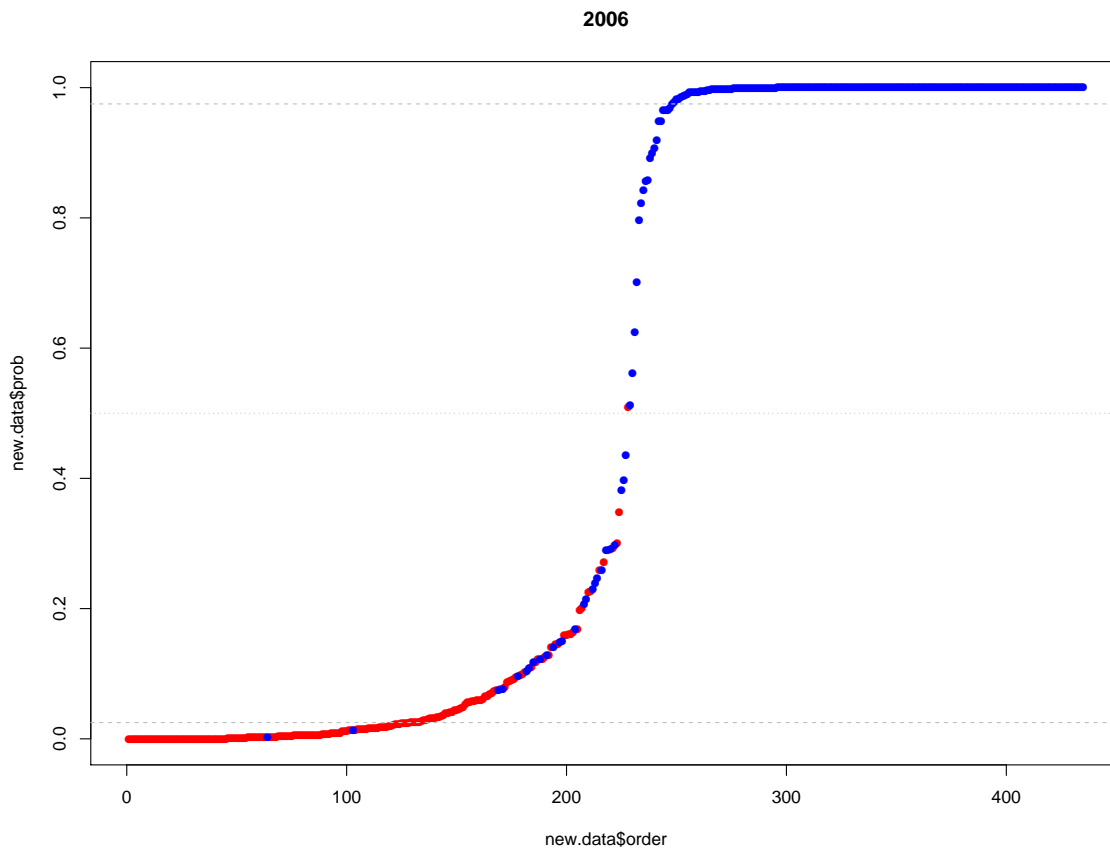
Figure 5: Predicted Probability of Democratic Victory in a District, 2006

advantage had grown to more than 5 points. Bauer and Hibbing (1989) wrote that barring a scandal or a seriously adverse redistricting regime, incumbents generally went on to win reelection. Other scholars of incumbency advantage have tried to explain the reasons for this advantage. Mayhew (1974b) argued that incumbents have access to resources in which they can inundate their constituents with information. Fiorina (1977) argues that the expansion of the federal government into greater spheres of everyday life granted incumbents with the ability to engage in constituent services that challengers cannot hope to compete with. Ferejohn (1977) argued that the decline in party attachments and the rise of candidate centered politics explains incumbency advantage. Cox and Katz (1996) argued that the increase in incumbency advantage has more to do with increases in the quality differential between challengers and incumbents than in the actual behaviors that incumbents engage
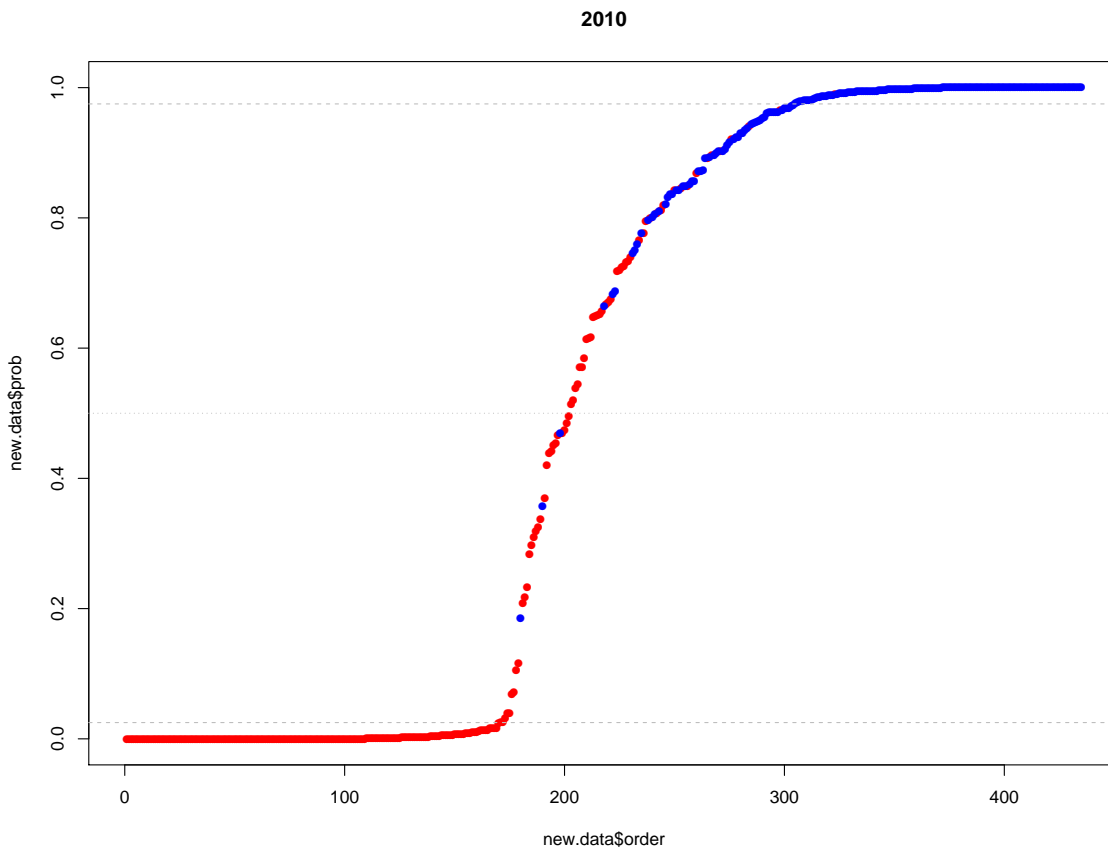
Figure 6: Predicted Probability of Democratic Victory in a District, 2010

in.

Looking at the incumbent reelection rates for the past 30 years explains why incumbency is so strongly tied to winning elections. Between 1984 and 2010, 95% of incumbents have won reelection. Breaking it out by party, the Democrats enjoy just barely under 95% and Republicans just over 95. However, when incumbent reelection rates are broken down by year and party, then it becomes quite clear that something slightly different is going on. Table 17 reports the number of incumbents running by party, how many of those incumbents win, and the resulting incumbent reelection rate by year.

1994 turned congressional elections on their head. The Democrats, who had dominated congressional elections for so long that the Republicans had been considered a permanent minority, lost their majority for the first time in over 40 years. The Democratic incumbent

Table 17: Incumbent Reelection Rates, 1984-2010

Year	Democratic Incumbents			Republican Incumbents		
	Running	Win	Win Pct	Running	Win	Win Pct
1984	254	241	0.949	154	151	0.981
1988	245	243	0.992	163	159	0.975
1992	208	195	0.938	131	125	0.954
1994	225	191	0.849	157	157	1.000
1996	168	165	0.982	213	195	0.915
1998	189	188	0.995	211	206	0.976
2000	201	199	0.990	197	193	0.980
2002	186	184	0.989	195	193	0.990
2004	189	186	0.984	208	206	0.990
2006	191	191	1.000	210	188	0.895
2008	229	224	0.978	171	157	0.918
2010	236	184	0.780	157	155	0.987

Source: Compiled by Author

reelection rate plummeted to less than 85%. 2006 was a disastrous year for Republicans in the House. Their incumbent reelection rate plummeted to below 90%. 2010 was another momentous election with a huge seat loss. The Democratic incumbent reelection rate fell to below 80%. The math is quite simple; in "bad" years it is the incumbents who magnify the loss.

Other political scientists have suggested that incumbency advantage is not correctly understood. Jacobson (1987) argued that incumbent margins of victory have increased not their electoral security. Lin and Stonecash (2012) pointed out instances of incumbents who have lost reelection despite racking up huge margins in previous elections. Wilkins (2012) echoes Jacobsons concerns when writing that incumbency advantage may be a problematic concept as there isnt a direct relationship between incumbency advantage and incumbent defeat rates. It appears to me that the problem is that incumbency advantage is real except the years when it isnt. The problem with the campaign spending model is that it doesnt pick up when incumbency and for whom incumbency becomes a problem.

In this essay I have discussed the different ways political science believes campaign spending may affect election outcomes. I have noted that although there is tremendous interest

within the discipline on the subject, when political scientists model election outcomes they routinely fail to include any measure of campaign spending. I have introduced a model of congressional elections that incorporates campaign spending as a variable. The advantage of the model is its use of publicly available data combined with straight forward interpretation of its results. The model performs adequately in "normal" years. Similar to all the other models, the campaign finance forecast model underestimates seat loss by the disadvantaged party in "wave" election years. I believe this underestimation is due to all models being overly dependent upon a consistent incumbency advantage. The implication of this finding suggests greater inquiry into the heterogeneity of incumbency advantage is warranted.

Essay #2. Incumbency Advantage and National Tide Elections

Introduction

On August 13, 1989, the Honorable Larkin Smith, the Republican representing Mississippi's 5th US Congressional District, died in a plane crash. His death in that tragic accident set in motion events which eventually culminated in the electoral emasculation that Congressional Democrats suffered in the 2010 midterm elections. How did the death of a first-term Republican back–bencher, lead to an electoral defeat so thorough that the President referred to his party's losses as a "shellacking" and ultimately altered the federal balance of power?

The events leading up to and those that followed the plane crash provide a framework for exploring the contradictions within our academic understanding of the forces at play in congressional elections. To put this in the precise language of political science, the discipline has invested both intellectual and financial resources in understanding, quantifying, and explaining incumbency advantage. Yet the ways in which we think that advantage plays out seem to be suspended whenever there is a large turnover in the number of seats controlled by one or the other major political parties.

In truth, there were many political scientists who anticipated that incumbency advantage would preclude elections with large turnovers in the number of seats from ever happening again. The congressional elections in 1974, 1994, 2006, and 2010 have proven that incumbents are not completely insulated from shifts in voters' collective preferences. It was that fear of being insulated from public sentiment and its implications for our democracy that initiated the scholarship on incumbency advantage in the first place.

In this essay I will argue that this misplaced fear stems from a theoretical misunderstanding about incumbency advantage as it relates to unusually volatile elections. I make

use of the politics of Mississippi's 5th US Congressional District to illustrate what political scientists have theorized about incumbency advantage. Furthermore, allusions to the district permit me to show how that academic understanding is complicated by election results suggesting the advantage can suddenly reduce in size or even disappear all together. Then I analyze the changing preferences of the American congressional voter. I present data that suggest the "thumping" Congressional Republicans took in 2006 can be explained as less of a national tide and more of an electoral sink hole where incumbents lost a critical level of support from "their" partisan voters. I then explain that the Republican return to power with the Democrat's 2010 "shellacking" was the result of a return to status quo ante voting behavior. I conclude with a discussion of the implications of this new understanding of incumbency as it relates to national tides.

Incumbency Advantage

I begin this section by stating what is obvious to any observer of congressional elections; incumbent members of the US House of Representatives win reelection an overwhelming percentage of the time. For the 32 federal elections from 1948 to 2010, Democratic incumbents won reelection 95% of the time. During that same period, Republican incumbents won reelection 94% of the time. Table 18 details the number of incumbents running for reelection by party, the number of incumbents who won by party, and both parties' incumbent reelection rates. In showing that the worst win rate for either parties' incumbents was 70% Table 18 makes clear that incumbents have routinely enjoyed an electoral advantage over their challengers.

Table 18: Incumbent Win Rates by Party, 1948–2010

Year	REP Inc	Wins	Rate	DEM Inc	Wins	Rate
1948	222	155	0.70	156	156	1.00
1950	150	149	0.99	245	217	0.89
				Continued on next page		

Table 18 – continued from previous page

Year	REP Inc	Wins	Rate	DEM Inc	Wins	Rate
1952	173	167	0.96	193	176	0.91
1954	205	187	0.91	196	193	0.98
1956	186	179	0.96	218	211	0.97
1958	168	134	0.80	219	218	0.99
1960	135	132	0.98	267	245	0.92
1962	144	139	0.96	231	222	0.96
1964	160	121	0.76	231	226	0.98
1966	129	128	0.99	274	235	0.86
1968	171	171	1.00	226	221	0.98
1970	169	160	0.95	225	223	0.99
1972	152	149	0.98	219	214	0.98
1974	163	127	0.78	220	216	0.98
1976	128	123	0.96	252	245	0.97
1978	128	123	0.96	249	235	0.94
1980	143	140	0.98	248	221	0.89
1982	162	140	0.86	209	208	0.99
1984	154	151	0.98	254	241	0.95
1986	159	154	0.97	232	231	1.00
1988	163	159	0.97	245	243	0.99
1990	158	149	0.94	247	241	0.98
1992	131	125	0.95	207	194	0.94
1994	157	157	1.00	225	191	0.85
1996	213	195	0.92	168	165	0.98
1998	211	206	0.98	189	188	0.99
2000	197	193	0.98	201	199	0.99
2002	195	193	0.99	186	184	0.99
2004	208	206	0.99	189	186	0.98
2006	210	188	0.90	191	191	1.00
2008	171	157	0.92	229	224	0.98
2010	157	155	0.99	236	184	0.78

Source: Compiled by author

If anything, Mississippi's congressional delegation in the 1980s bears out the truth of frequent incumbent reelection. Table 19 shows Mississippi's Congressional delegation in 1986. Jamie Whitten, who retired in 1995, enjoyed the second longest tenure in the history of the US House of Representatives.[3] Although Webb Franklin would go down to defeat

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[3]Michigan's John Dingle has the longest tenure and at the time of writing is still a sitting member of the House.

that November, his successor, Mike Espy would win reelection three more times. Bennie Thompson replaced Espy, who left the House to become Bill Clinton's Secretary of Agriculure in 1993. Thompson has represented Mississippi's 2nd District ever since.

Although a Democrat in a district that was becoming overwhelmingly supportive of Republican Presidential nominees, Representative Montgomery rarely faced much of a challenge in his 14 bids for reelection. Representative Dowdy initially won his seat in a special election to replace a predecessor who had resigned in disgrace. In 1972, Trent Lott had become only the second Republican to win any office in Mississippi since Reconstruction. Lott, like Montgomery and Whitten, never faced serious opposition in his bids for reelection. Even in the 1974 elections, in the aftermath of Watergate in which one quarter of the Republican Conference was sent home, Lott easily won reelection with 84% of the vote.

Table 19: Mississippi's Congressional Delegation, 1986

Office	Member	Party	Year Elected
1st CD	Jamie Whitten	Democrat	1941
2nd CD	Webb Franklin	Republican	1983
3rd CD	G. V. "Sonny" Montgomery	Democrat	1967
4th CD	Wayne Dowdy	Democrat	1981
5th CD	Trent Lott	Republican	1972
Senator	John C Stennis	Democrat	1947
Senator	Thad Cochran	Republican	1978
Source: Compiled by Author			

Thad Cochran had initially won election to the US House the same year as Lott. In 1978, Cochran ran for and won the seat of retiring US Senator James O. Eastland, who had served Mississippi in the US Senate since 1943. Until Thad Cochran's 1978 election, John C. Stennis had been Mississippi's "junior" Senator for 31 years. With the exception of Rep Franklin, the long tenures enjoyed by Mississippi's delegation were terminated by choice rather than voter dissatisfaction.

The reality is that in most cases, not just Mississippi, the bums throw themselves out more than the voters do. Table 20 makes explicitly clear that since the late 1960s most of the personnel turnover in the US House is the result of death, resignation, or retirement,

not from involuntary electoral replacement. Asterisks denote the years when the number of incumbents not seeking reelection is greater than the number of incumbents who lost their bids for reelection.

Table 20: House Turnover, 1946-2002

Year	Running	Defeated	Not Running	
1946	398	70	37	
1948	400	83	35	
1950	400	38	35	
1952	389	35	46	∗∗∗
1954	407	28	28	∗∗∗
1956	411	22	24	∗∗∗
1958	396	40	39	
1960	405	30	30	∗∗∗
1962	402	34	33	
1964	397	53	38	
1966	411	49	24	
1968	409	13	26	∗∗∗
1970	401	22	34	∗∗∗
1972	390	25	45	∗∗∗
1974	391	48	44	
1976	384	16	51	∗∗∗
1978	382	24	53	∗∗∗
1980	398	37	37	∗∗∗
1982	393	39	42	∗∗∗
1984	409	19	26	∗∗∗
1986	393	8	42	∗∗∗
1988	408	7	27	∗∗∗
1990	406	16	29	∗∗∗
1992	368	43	67	∗∗∗
1994	387	38	48	∗∗∗
1996	384	23	51	∗∗∗
1998	402	7	33	∗∗∗
2000	403	9	32	∗∗∗
2002	398	16	37	∗∗∗
Source: Jacoson (2004), Table 3-1				

Political scientists, as professional observers of congressional elections, began to investigate this rising trend in the early 1970s. Their first goal was to estimate the size or effect

that incumbency bestowed on congressional candidates. A subsequent wave of scholarship tried to establish the mechanism through which incumbents realized this advantage. A third wave of research acknowledged the findings of the early scholarship, but questioned the interpretation of the results. I begin with the early scholarship focused on confirming and accurately measuring incumency advantage.

Erikson (1971) suggested a method to estimate incumbency advantage by comparing the difference in the two-party vote between a set of two elections when there has been a change in the incumbency status in the subsequent election. Erikson's task was to isolate the part of the vote that derived from being an incumbent. By focusing his analysis on the same candidate over two elections, he was trying to account for the natural vote getting ability of candidate. He was making the assumption that the inherent vote getting ability of the candidate is stable. When making his calculation he also accounted for the inter election swing. Accounting for the inter election swing attempts to identify how much of the change in a candidate's vote performance is a reflection of the changing fortunes of the all the candidates for the party. Essentially that means that some part of the variance in performance has to do with it being either "good" or "bad" year for the party.

Let's briefly return to Mississippi's Fifth Congressional District. Trent Lott won his first election to represent the district in 1972. Table 21 shows election results for the district for Lott's first election to Congress and his first reelection as an incumbent. Erikson was arguing that incumbency advantage could be measured in the difference in winning percentages between the first run when the candidate was not an incumbent and the second run when the candidate was an incumbent—taking into account how good or bad both years were for the party.[4] Between 1972 and 1974, Lott's margin of victory grew by 28 percentage points, but this does not explicitly take into account the inter election partisan swing. However, 1974 was an exceptionally bad year for congressional Republicans. The assumption then is that Lott should have done somewhat better.

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[4]It is important to note that Erikson specifically excluded the South from his calculations because it was one party rule during his period of observation—the last half of the 1950s.

Table 21: Election Results for MS-5, 1972 and 1974

Candidates	1972		1974	
	Votes	Pct	Votes	Pct
Democrat	62,101	44%	10,333	16%
Lott	77,826	56%	52,489	84%
Total	139,927		62,822	
Source: Clerk of the US House				

Trent Lott was definitely an outlier. When Erikson conducted his study using the full statistical specification, he estimated only a two percentage point incumbency advantage in pairs of election cycles from 1952–1960. Despite finding confirmatory evidence of a systematic boost for incumbents, the author concluded incumbency advantage was not strongly linked to turnover of seats. He found very few cases in which embattled incumbents had to rely upon those two points to eke out a win. As a result of the slim findings of the 1950s, Erikson stated:

> ...the electoral advantage of incumbency does not appear to be a good explanation for the fact that incumbent congressional candidates almost always win re-election. Instead, the major explanation appears to be simply that most districts are safe for one party and that the rare challenger who is able to defeat an incumbent tends to be a strong enough candidate to win re-election on his own. (405)

However in a subsequent article, Erikson (1972) discovered that by the mid 1960s incumbency advantage had in fact risen to 5 percentage points. He argued that the increased incumbency advantage margin coupled with redistricting plans that somewhat diminished Republican electoral advantage in northern districts enabled a larger proportion of the already unusually large class of Democratic Freshmen in 1964 to survive reelection in the strong Republican year of 1966.

Other political scientists noticed an increase in incumbent victory margins starting in the 1960s. Although the election data were presented in a different manner, Mayhew (1974b) ultimately came to a similar conclusion as Erikson. Mayhew displayed histograms of the distribution of major party vote shares aggregated by congressional district in both presidential

and congressional elections. He noted that as time passed, the histogram for presidential races maintained a central peak that generally hovered around the 50% line. The peak would be above 50% in years when Democratic presidential candidates won and below 50% in years when the Republican candidate won.

In contrast, the distribution of major party vote shares in incumbent contested congressional races became bimodal with the passage of time. This means that rather than a single peak, there were two peaks. One peak was centered below the 50% line and the other above it. Mayhew interpreted the twin peaks as districts which had become routinely safe for one party or the other. He then compared the loss in vote share when an incumbent retired, died in office, or lost in the primary—later termed the "retirement slump." He found that there was a drop in the party's share of the vote and that the size of the decline increased as the time progressed. He further theorized that as the number of marginal districts declined swings in the popular vote would not produce the same number of changes in party seat control. He anticipated that there would be fewer major swings in party seats.

Alford and Hibbing (1981) expanded upon Erikson's later findings of an increased incumbency advantage beginning in the mid 1960s by arguing that all incumbents, not just sophomore incumbents—those facing reelection for the first time—realized a similar increase at the same time. Because they found a uniform increase in the advantage across incumbents at all periods in their congressional careers, the findings suggested there was something specific to incumbency and not necessarily changes in candidate skill or generational changes associated with cohort replacement. They concluded their article arguing that acceptable explanations for the increase in incumbency advantage must explain both the uniform increase across length of tenure as well as the abrupt change in the mid 1960s.

Alford and Brady (1993) investigated a wider time period than Erikson and reported finding no conclusive evidence for incumbency advantage prior to 1945. They agree with his 1971 conclusion that incumbency advantage did not play a role in congressional elections prior to the 1960s. Consistent with Erikson's 1972 findings, they reported a statistically sig-

nificant growth in the incumbency advantage starting in the mid 1960s. Their methodology included a combination of both the sophomore surge and the retirement slump—what they termed "slurge."

Once again, MS-5 provides a good illustration of the points those researchers were making. Some considered the 5th District to be the most conservative district in Mississippi because it overwhelmingly supported Republican Presidential nominees, repeatedly reelected a conservative Republican member of the House, and possessed the smallest share of the state's black residents. In 1986, Lott trounced his Democratic opponent, Larry L. Albritton, by 65 percentage points. In 1988, Lott chose to run for the seat left open by the retirement of the long serving US Senator John C Stennis. In the contest to replace Lott, Smith won the Republican primary and faced Democratic State Senator, Gene Taylor, in the general election. Smith won the race but only by 10 percentage points. The retirement slump, or the difference between Lott's win in 1986—87%—and Smith's win in 1988—55%, was 27 percentage points.[5] Was Trent Lott's status as an incumbent the sole factor that explained the 27 point difference?

While confirming the existence of a systematic incumbency advantage and its increase in the 1960s, Gelman and King (1990) argued that previous estimates of incumbency advantage were either biased or inconsistent. They pointed out that comparing two different election results did not account for the inherent differences in the vote getting abilities of the challengers. In 1972, 1974, and 1986 we assume that Trent Lott has the same vote getting ability. However, we do not know the different inherent vote getting abilities of the candidates who opposed him. Moreover, in 1988 we do not observe how Lott might have fared against Smith's opponent nor do we observe how Smith would have done against Albritton in 1986. Because we do not observe those hypothetical races, our comparison of Lott and Smith is bound to be incorrect.

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[5]As with the caveat from Lott's sophomore surge example, 1986 was a "bad" year for Republicans while 1988 was neither "good" nor "bad." However, Mr Smith was the only Republican to win a House seat in Mississippi that year.

Gelman and King argued that measurement based upon sophomore surge underestimated the effect while measurements based on the retirement slump over estimated the advantage. They pointed out that using "slurge" underestimated the true advantage of incumbency because the surge underestimation did not equal the slump overestimation. Instead Gelman and King proposed an ordinary least squares estimator that they claimed measured incumbency advantage without bias. In contrast to Alford and Brady (1988), Gelman and King found an incumbency effect predating World War II, and even though they employed a completely different method, Gelman and King found an increase from two percentage points up to five percentage points beginning in the mid 1960s—similar to the effect Erikson reported.

Political scientists seem to agree that incumbency advantage began to grow to a significant level starting in the mid 1960s. The next wave of research attempted to explain the how incumbents derived this advantage. What specifically was it about incumbency that granted an additional advantage to candidates?

Tufte (1973) attributed the large increase in incumbency advantage of the 1960s with the change in how congressional district boundaries were drawn in lieu of the decisions in Baker v. Carr[6] and subsequently Wesberry v. Sanders.[7] Tufte argued that partisan control over the redistricting process led to distortions in competition. He charged that "[m]any redistrictings, although perfectly satisfactory by current legal standards, have produced quite biased and unresponsive electoral systems." (554) He argued that incumbents influenced the processes which redrew district boundaries in ways that furthered the electoral advantage of incumbents, sometimes even over partisan advantages.[8]

Bullock (1975) explicitly ruled out Tufte's offered explanation. When he looked into the data he found that incumbent defeat rates in the districts which underwent significant

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[6]In this decision, the US Supreme Court reversed its long held policy of staying out of political boundary issues. The decision merely stated redistricting could be a justiceable issue.

[7]In this decision, the court declared US Congressional Districts had to be approximately the same size in population.

[8]Cox and Katz (1996) made the argument that redistricting discombobulated local party establishments which led to more candidate centered rather than party centered campaigns.

boundary changes were no different than the rates in districts without boundary changes.[9] He reported a drop for incumbent candidates' performances in new areas of redrawn districts. However, he also found that when an incumbent lost in a redrawn district, the incumbent suffered vote losses in both the new and old parts of the district.

Ansolabehere, Snyder and Stewart (2000) also compared incumbent candidate performance in "new" and "old" parts of redrawn congressional districts. They argued the differences between how candidates performed in the old parts of their districts and how they performed in the new areas of their districts reveal the electoral advantage that stems from a legislator's homestyle—what the authors refer to as the personal vote.

They argued that candidate's personal vote had accounted for most of the rise in incumbency advantage until its rapid increase in the 1960s. Now, the personal vote only accounts for half of incumbency advantage. Their analysis differs from Bullock and others in that they argued the increase was not uniformly spread across or within districts. The heterogeneity of the results stemmed from differences in the underlying partisanship of the different districts and areas within the districts as well as incumbent's homestyle effectiveness. Those incumbents who enjoyed a heavy partisan advantage in the district received less of a personal vote than the incumbents from marginal districts or districts that othewise favored the other party. They concluded incumbents from marginal districts have stronger incentives to invest effort in building up their personal vote because they depended upon the personal vote for electoral security. It is also important to note that they found members were able to increase their shares of the vote in the "new" portions of the district to the levels in the "old" portions of the district over time.

Mayhew (1974a) suggested that the entire institution of Congress appears as if it was specifically created to aid incumbents win reelection. In a separate article, Mayhew (1974b) argued the increase in incumbency advantage was a result of MCs implementing rules, procedures, and privileges which provided only incumbents with direct and indirect campaign

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[9]He excluded the cases where two incumbents were put in the same district.

resources. He wrote that members had increased their use of the Franking privilege and other changes in mass communication in order to advertise themselves better to their constituents.

Parker (1980, 461) agreed when he asserted that "...incumbency advantage results from the ability of incumbents to focus attention on aspects of their job performance that generate favorable constituent evaluation of their performance." Providing additional empirical support to these assertions, Mann and Wolfinger (1980) concluded that incumbents were better known and liked than their challengers as a result of access to resources which aid in frequent and direct communications with their constituents.

Fiorina (1977) argued that the expansion of the federal government enabled members of congress to provide more constituent services. This increased focus on constituent services, Fiorina claimed, gave the marginal member of congress "...the ability to capture 5–10 per cent of the district's voters who might otherwise oppose him [or her] on party or policy grounds." (181) This argument is akin to the one advanced by Mayhew in that only incumbents have the ability to serve as an ombudsman for the district.

Ferejohn (1977) outright refuted that the increase in incumbency advantage was the result of either biased redistricting schemes, as advocated by Tufte, or changes in candidate behavior, as advocated by Mayhew and Fiorina and their supporters. Instead, he argued that the increase in incumbency advantage was the result of changes in voter behavior. Specifically, he attributed the increase to declining levels of party identification among all voters and decreasing party loyalty among the voters who did identify with a party.

Ferejohn's argument was supported when Nelson (1979) evaluated congressional election survey data from 1964–1974 and reported higher incidences of partisan defections in congressional voting when the incumbent belonged to the opposing party. She found that voters who identified with neither party disproportionately supported the incumbent candidate. Even in midterm elections, which are considered by many scholars to be a referendum on the President, she argued that incumbency could mitigate poor evaluations of the President's party. She wrote that her findings suggested "...incumbency becomes an important voting

cue when short-term forces, such as salient issues or the activity of a presidential campaign, are lessened or absent." (677)

However, other scholars have pointed out many analyses of vote choice have overlooked the indirect effects of incumbency on election outcomes. Because congressional elections rarely feature equivalent foes, many observers have argued that voters are not necessarily responding to incumbency as a cue, but rather they are responding to quality differences in the selection of candidates. Jacobson and Kernell (1981) pointed out you can't beat something with nothing. They analyzed congressional elections in terms of candidates who had or had not ever served in an elected office, and found candidates who had held elected office had a greater success rate at defeating incumbents than challengers who had never held office.

Payne (1980) argued that the reduction of party influence in candidate selection had the net effect of increasing incumbent quality. He reasoned that in previous time periods, candidates faced lower levels of competition as a result of party elites controlling candidate selection. Essentially, candidates were being selected on a basis other than their vote-getting ability. The dismantling of party control over candidate selection led to the rise of ambition driven candidates. These candidates were, in his own words, "tireless campaigners and zealous self–promoters" who were capable of creating a personal vote. (477) Having created a cohort of better campaigners, incumbents were now all of the personally ambitious type.

Cox and Katz (1996) attributed the decrease in party influence over candidate selection on the wave of redistricting in the 1960s. They theorized that court induced redistricting disrupted party control over the candidate selection process. Parties had, prior to the upheaval, been able to compensate for candidate quality deficiencies through organizational and campaign subsidies. Without the party organizational/resource subsidy, lower quality candidates fared worse at the polls. In order to win contested nominations, candidates had to be good "vote getters."

Conversely, most challengers are not good "vote getters." Fowler and McClure (1990) made it clear that most challengers are "...middleweights and lightweights...who fail to interest the media and excite party activists." (4) Incumbency advantage could therefore be explained as an artifact of systematic differences in the innate abilities of candidates to appeal to voters.

Scholars then asked why are challengers so bad? Kazee (1983, 478) found evidence supporting the hypothesis that "perceptions of incumbent strength tend to depress the number of possible challengers and, perhaps more important, to discourage those who would most likely mount the strongest challenges." Mississippi's Fifth provides ample illustration of this point.

Trent Lott's final House challenger in 1986, Larry Albritton, was a city councilman from Picayune, MS. That the population of Picayune was less than 11,000 people suggests Councilman Albritton was not the most formidable of choices in the universe of potential Democratic challengers in the district. For example, less than three years later in the special election to fill out the remainder of Congressman Smith's term in 1989, the state's incumbent Attorney General, a Democrat named Mike Moore, opted to run. Democratic State Senator Gene Taylor chose not to run in 1986, but ran in 1988. Outside observation suggests that both Taylor and Moore considered running against Lott to be too great a challenge.

The mere fact that Lott chose to run for reelection in 1986 and not in 1988 reveals a shifting hierarchy of political ambition in the state. Krasno and Green (1988, 932) argued it is "...the personal aura of electoral invincibility, far more than the national popularity of one's party, that deters strong opponents from taking on incumbents." Lott could have challenged fellow Republican Thad Cochran in the 1984 primary when the Senator was going up for his first Senatorial reelection bid. Lott could have challenged Senator Stennis in 1982. Instead, he waited for 1988 when the Senator announced he would not seek reelection that year.

Lott was not the only Congressman to realize Stennis' retirement represented the best opportunity to win a Senate seat. Wayne Dowdy, in Mississippi's Fourth District, also took the chance. The irony of this situation is that it now appears that there were plenty of high quality candidates who could have challenged Senator Stennis (or Senator Eastland for that matter) at any point in their 40+ years in office, but all those potential quality challengers waited for a better opportunity. The two men, instead, repeatedly faced challengers who were motivated to run for office by goals other than winning the election.[10]

Why didn't Trent Lott challenge Senator Stennis in 1982? Why didn't Mississippi Attorney General Mike Moore or Democratic State Senator Gene Taylor choose to run for Congress in 1986? Why didn't Larkin Smith challenge Lott for the nomination to the House in 1986? Clearly all four men had ambitions on higher office. Banks and Kiewiet (1989, 999) found "...unless an incumbent is particularly vulnerable, potentially strong challengers prefer to wait on the sidelines until he dies, retires, or otherwise decides not to run for reelection." Fowler (1979, 412) critiqued voting behavior explanations of the rise in incumbency advantage this way:

> Previous emphasis on campaigns has obscured a very important fact: the outcome of most Congressional contests is determined before the billboards and bumper stickers ever appear. The electoral advantages of incumbency and the imbalances of one-party districts create a situation which inhibits the emergence of viable challengers.

There seems to be agreement within the literature that politicians are strategic actors who run for office at the perceived optimum time. Some political scientists then attribute the increase in incumbency advantage to be the result of the thousands of individual candidate race entry decisions in which quality candidates have opted out.

Sometimes, the quality candidate opting out is the incumbent him or herself. In addition to the strategic decision to enter a congressional race, incumbents may make the strategic

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[10]In 1982, Senator Stennis was challenged by a young, up–and–coming Republican named Haley Barbour. Barbour had worked on the Republican Presidential campaigns of Richard Nixon, Gerald Ford, John Conally, and Ronald Reagan. Later, he went on to become the Chairman of the RNC. In 2004, Barbour was elected Governor of Mississippi. He served two terms.

decision to exit. There is no doubt that some members retire when they perceive themselves to be electorally vulnerable. Hall and van Houweling (1995) found that members who learned early in the cycle that they faced unfavorable redistricting results retired at a much higher rate than those not facing such a change. They also reported some evidence that members who perceived electoral vulnerability as a result of small victory margins in the previous election were more apt to retire.

However, many scholars have found that members choose to retire for reasons not directly related to the possibility of defeat. For example, Theriault (1998) reported that members who have reached a career ceiling—which he defined as having seniority within the body but limited influence within the institution—are most likely to retire. Groseclose and Krehbiel (1994) found that an obscure provision in campaign finance law which allowed members who had been elected to Congress prior to 1980 to convert campaign funds to personal use if the member retired before 1993 significantly increased the retirement rate in 1992.[11]

Jacobson and Kernell (1981) argued that the evidence is far from conclusive that politicians engage in strategic retirement motivated by electoral insecurity. There is ample evidence that age is a contributing factor in the decision to retire. Back in Mississippi, one elderly Senator's decision to retire in 1988 resulted in three open seat races. Because Representatives Whitten and Montgomery were advancing into their later years, other quality candidates, like Gene Taylor and Larkin Smith, could afford to bide their time waiting for seats to open.

Mike Espy did not bide his time. As a political novice, Espy's first run would count as a low quality candidacy. However, he was different from Albritton and the other sacrificial lambs.[12] He figured Webb Franklin was a vulnerable incumbent for four reasons. First, 1986

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[11] Hall and van Houweling (1995) contended that Groseclose and Krehbiel were perhaps too cynical in their evaluation of members' financial reasons for choosing to retire. Instead Hall and van Houweling argued that members consider financial implications of retirement the same way most people do and take advantage of more generous post–retirement income benefits when afforded the opportunity.

[12] Canon (1993) made a distinction between political amateurs running for House seats. He argued that there was a distinction among these "low" quality candidates. He reasoned that "ambitious" amateurs made the same rational, strategic decisions as their "high" quality counterparts. "Experience seeking" low quality candidates did not. For them, running for office itself was either an end in itself or accomplished some benefit

would be the sixth year of a Republican presidential administration. Espy counted on it being an unfavorable year for Congressional Republicans. Second, unlike the other Republicans on Mississippi's congressional delegation, Franklin never achieved electoral safety.[13] Third, in spite of two very close calls at the polls and despite representing a district that was majority minority—52.8% of its adult voting population was black, Representative Franklin pursued a mainline conservative, Republican voting record. Fourth, it appeared that Franklin had not quite mastered developing the personal vote. *The New York Times* printed what is perhaps an apocryphal story of the 1986 campaign. Farmers in the district depended upon federal agricultural subsidies. When questioned about the subsidies by a farmer, Franklin apparently responded by saying, "not everyone who wanted to farm can farm." quoted in Hall (1986)

If Franklin is the example of how not to develop a personal vote when district partisan loyalties are not in your favor, Gene Taylor is the complete opposite. Having finally secured the seat in the special election following Representative Smith's death, he took great pains to promote his district's ship building economy. Although the Democratic leadership placed Taylor on the Armed Services committee as a way of shoring up his reelection prospects, Taylor played up his maverick, independent image.

Perhaps as payback for receiving no support from the DCCC in his 1988 bid for the seat, Taylor was a constant thorn in the side of national Democrats. He was a founding member of the Blue Dog Coalition. He refused to vote for Richard Gephardt as Speaker; then he refused to vote for Nancy Pelosi. He was a critic of President Clinton, voting against the Clinton Economic plan, NAFTA, as well as Clinton's health care reform initiative. He announced he would not support Clinton's bid for reelection in 1996. He voted for the "Contract with America" and Clinton's impeachment. He was even more outspoken against Barack Obama. He announced before the election in 2008 that he intended on voting for the McCain/Palin

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separate from actually winning office.

[13]Franklin's initial victory in 1982 was by fewer than 3000 votes. His reelection in 1984 was by another razor thin margin. In fact his sophomore "surge" was a mere 324 votes above his previous slim margin of victory.

ticket. After the election, he voted against the stimulus and health care reform.

Even though many of his fellow Southern Conservative Democrats had taken up the offer, Taylor consistently spurned Republican efforts to switch parties. As a result, the RNCC targeted his district by funding high quality challengers every cycle he was in office. Which probably contributed to the reasons why he was the most prominent and vocal critic of the Bush Administration's response to Hurricane Katrina. He famously gave FEMA an "F minus" for its hurricane recovery efforts.

Like Representative Franklin in the Second District, Representative Taylor was never electorally secure. Unlike Franklin, he was able to realize comfortable margins of victory in most of his bids for reelection. The examples Representatives Franklin and Taylor provide support the points other political scientists have made. This group of schoalrs acknowledges the phenomenon reported as incumbency advantage but questions its link to deciding winners and losers in congressional races. Mann (1978) wrote "[t]he increase in the advantage of incumbency is a statistical fact; its meaning is less clear." (3)

Collie (1981) noted increasing victory margins of incumbents but argued that these increases were unequally distributed across incumbents. She found that incumbents from safe partisan districts saw increases in victory margins while incumbents from marginal districts did not. Furthermore, the number of incumbents who were able to convert marginal districts into safe districts was also low. This has resulted in an incumbency advantage that only increases the electoral security of incumbents who were already secure.

Jacobson (1987) also conceded that the average winning margin of House incumbents had greatly increased since the 1950s. However, he showed that the rate of incumbent defeat remained largely unchanged. This phenomenon was a result of increased inter election vote swing volatility. In plain English this meant that the variation in the difference between what incumbent candidates received in two elections was on average growing larger. He argued that the inflated margins of victory required redefining what a "marginal" district was. While Mayhew deemed an incumbent victory above 54.9% to be a safe margin, Jacobson

was arguing that even winning by 60% no longer guaranteed safety.

In a slight contrast to but still supportive of Jacobson, Wilkins (2012) detected an increase in incumbent reelection rates. However, the increase in incumbent reelection rates occurred in the 1950s, a decade before the universally noted increase of incumbency advantage. When incumbency advantage did increase in the 1960s, or rather their victory margins increased, incumbent reelection rates remained constant.

Bauer and Hibbing (1989) rejected Jacobson's analysis. By conducting a year–by–year examination of the data, they found that the majority of the incumbent losses stemmed from the unusual post-Watergate election of 1974. Additionally, they found that the other "formerly safe" incumbent losses were related to unfavorable redistricting or scandal. Absent those factors, incumbents had indeed become more safe.

Ansolabehere, Brady and Fiorina (1992) also leveled a critique at Jacobson's claim. They argued that Jacobson's own data showed the incumbent survival rate for "Mayhew marginals"—incumbents whose previous margins of victory ranged between 50-54.9%–had grown. They attributed this to the growth of the sophomore surge exceeding the simultaneously occurring increase in vote margin volatility. The authors acknowledged that incumbent defeat rates increased for incumbents whose previous margins of victory had exceeded 55%—"Jacobson marginals." They theorized that some of the formerly safe incumbents had become overconfident in their ability to win reelection and did not work as hard as required to keep their seats.

I have used references to the Mississippi congressional delegation throughout this essay to illustrate the ideas and concepts expressed in the political science literature on incumbency advantage. There appears to be a consensus in the discipline that increased margins of victory for incumbents are associated with lower quality candidates competing against entrenched members of the House. We saw this in the sacrificial lambs, like Councilman Albritton, who ran every year against seemingly invincible Representatives like Whitten, Montgomery, and Lott.

There is general agreement that high quality challengers and their "ambitious" low quality counterparts wait for ideal conditions before risking their political careers. This explained why Dowdy, Lott, and Cochran waited for Stennis and Eastland to retire before pursuing seats in the Senate. That also explains why the high quality candidates in the districts only appeared once the seemingly unbeatable incumbents had left the seats open in pursuit of higher office.

Some scholars point out that incumbency advantage depends upon the incumbent being able to forge a personal vote. Representative Franklin, I argued, did not accomplish this while history suggests his replacement, Representative Espy did. The scholars who discuss the growth of personal vote imply that underlying district characteristics impact how well incumbents succeed at developing the personal vote. In that way, district boundaries contribute to the development of incumbency advantage.

However, there is a continuing debate in the discipline over the role of congressional district boundaries. In the next section of the essay, I will argue that many political scientists have overlooked how district boundaries interact with candidate ambition. This interaction sometimes exacerbates and at other times attenuates the severity of national tide elections.

Congressional Districts and Candidate Ambition

In the previous section of the essay I discussed the different ways political scientists have studied incumbency advantage. Many scholars pointed out an increase in the quality differential between incumbent candidates and their challengers. There was agreement among many that both incumbents and their challengers were strategic actors who included the relative odds of winning the election in their race entry calculus.

(Mayhew 1971, 256) wrote, "[w]hether any given congressional district is 'competitive' or not may be of interest only to ambitious local politicians." With that thought in mind, I will present an argument based on the assertion that the composition of a congressional

district is a fundamental component in how potential candidates evaluate the relative odds of winning an election. The result of that evaluation determines whether or not a strategic politician will enter a race.

While other researchers have shown that congressional districts are drawn in a manner to achieve a predetermined outcome, I argue these desired outcomes are based on the assumption that voter preferences will remain relatively stable over time. Crucially, this assumption is shared by more than just "ambitious local politicians." This assumption is shared by incumbents, potential candidates, and outside parties that influence campaigns.

I will argue that the unusually large turnover of seats in the 2006 election was the result of a change in voter behavior and not as a result of a change in the strategic behavior of the candidates. However, the subsequent wave in 2010 was in fact the result of strategic behavior of candidates that aligns with the original assumptions of voting behavior in the districts. I begin with a discussion of the political forces that literally shape congressional districts.

The process of drawing the nation's 435 congressional districts is decentralized. One of the ramifications of a decentralized process is that while the task of drawing up equal population districts is identical across states, the motivations driving the actual placement of lines on a map is varied. Mayhew (1971) identified three different types of political gerrymanders; partisan, bipartisan, and individual.[14]

Partisan gerrymandering attempts to maximize the number of seats a party controls in a delegation.[15] Gopoian and West (1984) and Ostdiek (1995) presented evidence suggesting states under unified control, where the legislative and executive branches are under the contorl of the same party, adopted partisan redistricting plans which traded incumbent security for increasing the number of seats in the delegation controlled by the state's majority

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[14]Mayhew defined gerrymandering as "the drawing of districts, usually of irregular shape, in such a fashion as to serve the interests of parties, other groups, or individual politicans." (274)

[15]Despite its name, Mayhew argued that "partisan gerrymandering is the best producer of marginal districts" (277) He reasoned that the aim of the redistricting scheme was to make the other party's districts marginal.

party.

Increasing the number of seats under the majority party's control was accomplished through "packing" and "cracking." Packing involves concentrating voters who favor the minority party into fewer districts, or a single district if possible. This practice leads to "wasted votes." Wasted votes are the excessive numbers of votes partisans cast in support of a favored candidate. Instead of being able to cast those votes to help other minority party candidates win in different races. This concentrates their relative power in a single district. This in theory makes it safer for the majority party. Cracking is the opposite practice in which those who favor the minority party are spread among many districts. This dilutes minority party power.

In contrast to the states with unified government, (Niemi and Winsky 1992, 571) reported, "[i]n the absence of one-party control, the theoretical trade-off between security and seats is perhaps most often resolved in favor of security, consistent with a hypothesis of bipartisan gerrymandering." Bipartisan gerrymandering tries to shore up the status quo by increasing the electoral security of current incumbents. (Mayhew 1971, 279) wrote, "the overall effect of bipartisan gerrymandering is the creation of a large number of safe seats for both parties; each party is allowed to reinforce its hold over its own districts."

Individual gerrymandering caters to the needs of individual members (or prospective members) to the detriment of either the party or less influential members. Mayhew argued that this most likely occurred in states in which parties were both organizationally weak and dominated by strong individual personalities.

Ayres and Whiteman (1984) suggested a typology of four priorities in drawing district boundaries; party, incumbency, race, and ideology. Party and incumbency priorities align with Mayhew's partisan and bipartisan gerrymanders. While he did not explicitly include race in his discussion of the three types of gerrymanders, Mayhew did discuss the idea of maintaining "communities" as ideal building blocs of congressional districts. His idea of "communities" corresponds with Ayres and Whiteman's notion of a race priority. The

author's claimed ideology that sometimes ideology and not party was a factor in state redistricting plans. They specifically mentioned a Nevada plan that split the state in a way that gave a conservative Democrat or Republican a chance at winning one seat while practically guaranteeing the other seat would go to a liberal Democrat.

Several scholars have argued that the "racial" priority in redistricting actually had the same effect as a Mayhew partisan gerrymander. Hill (1995) reasoned that majority/minority districts actually packed, in the redistricting sense of the word, minority voters into single districts resulting in considerably more conservative—and thus Republican favoring—districts elsewhere in the state. Shotts (2001) found that even in states with a Democratic majority in control of the redistricting process, the majority/minority district mandate resulted in "wasted" votes. However, (Canon, Schousen and Sellers 1996, 848) suggested that "[r]ather than simply assuming that goals for minority representation translate into a specific configuration of district lines and predictable consequences, the supply-side perspective cautions that all outcomes depend on the calculations of potential candidates." I argue that this applies in all cases not just for minority candidates.

When constructing congressional districts with a particular objective in mind, the map makers make the implicit assumption that past voter behavior will remain stable into the future. This is implicit because they use either partisan voter registration data or past election returns as a guide in drawing the new boundaries. I am arguing that incumbents, potential candidates, and necessary campaign auxiliaries make strategic decisions based on the same assumptions.

To provide evidence that this is the case, I have conducted an analysis of the underlying partisan division for all 435 congressional districts in effect for the 108th-112th Congresses (2003-2013). To determine the division for each congressional district, I compared the Democratic Party candidates' shares of the vote for the Presidential elections in 2000, 2004, and 2008 for each district. I divided the districts into six categories. Table 22 reports the partisan division of districts divided into the six categories. The category descriptions follow.

Table 22: Congressional Districts by Partisan Division, 2002–2010

Type	Definition	Districts
Safe Democratic	Gore, Kerry, and Obama > 55%	132
Solid Democratic	Gore, Kerry, and Obama > 50%	40
Marginal Democratic	The mean of Gore, Kerry, and Obama > 50%	26
Marginal Republican	The mean of Gore, Kerry, and Obama < 50%	50
Solid Republican	Gore, Kerry, and Obama < 50%	74
Safe Republican	Gore, Kerry, and Obama < 45%	113
Source: Compiled by Author		

In **Safe Democratic** districts, all three Democratic Presidential nominees earned more than 55% of the two-party vote. In **Solid Democratic** districts, all three Democratic nominees earned greater than 50% of the vote but at least one Democratic Presidential nominee earned less than 55%. In **Marginal Democratic** districts, the mathematical mean of the three election results for the three nominees exceeded 50%. In **Marginal Republican** districts, the mathematical mean of the nominees' performances dipped below 50%. In **Solid Republican** districts, all three Democrats less than 50% of the vote but at least one of them earned more than 45% of the vote. In **Safe Republican** districts all three Democrats earned less than 45% of the vote. A quick calculation displays that if the districts followed their partisan leanings, the House split would be 198 Democrats to 237 Republicans. How did the actual districts vote?

Table 23: Democratic Candidate Victories by Congressional District Type, 2002–2010

Type	Districts	2002	2004	2006	2008	2010
Safe Democratic	132	130	130	132	131	132
Solid Democratic	40	26	27	34	37	29
Marginal Democratic	26	13	14	15	21	16
Marginal Republican	50	8	9	18	25	7
Solid Republican	74	12	14	23	30	7
Safe Republican	113	17	9	11	13	2
All	435	206	203	233	257	193
Source: Compiled by Author						

Table 23 reveals that Democrats largely represent districts which favor Democratic Presidential nominees. To demonstrate in which districts the parties' candidates won, I added

up the number of winners by party for each district type. The Democrats basically maxed out the number of Safe Democratic seats.[16]

Table 24: Republican Candidate Victories by Congressional District Type, 2002–2010

Type	Districts	2002	2004	2006	2008	2010
Safe Democratic	132	2	2	0	1	0
Solid Democratic	40	14	13	6	3	11
Marginal Democratic	26	13	12	11	5	10
Marginal Republican	50	42	41	32	25	43
Solid Republican	74	62	60	51	44	67
Safe Republican	113	96	104	102	100	111
All	435	229	232	202	178	242
Source: Compiled by Author						

Table 24 shows that Republicans mainly represented the districts which favor Republican Presidential candidates. The beginning of the decade began with a greater number of Democrats in Safe Republican seats than Republicans in Safe Democratic seats. As the decade progressed, Republicans were able to replace the misplaced Democrats. By the end of the decade, Republicans were able to achieve an almost complete lock on safe districts similar to the way the Democrats had with their safe districts. The data from these tables suggest an partisan impact on race outcomes.

I am arguing that potential high quality candidates assess their chances of winning by making the same assumptions as the people who constructed the districts. Therefore, I should be able to find evidence that high quality candidates are more likely to run in races in which they have a higher probability of winning. In the case of a partisan advantage, I hypothesize that Republican high quality candidates will appear at a greater rate in the districts which favor Republicans and the opposite will be true for high quality Democratic candidates.

Table 25 provides evidence that high quality candidates were least likely to enter races

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[16]The lone Republican in a Safe Democratic seat in 2008 was Ahn Cao representing Louisiana's 2nd Congressional District. Most attributed his victory to then incumbent Democratic Representative William Jefferson's scandal plagued candidacy.

Table 25: High Quality Candidate Appearance Rate, 2002-2010

Type	Democrats Incumbent REP	Democrats Open Seat DEM	Democrats Open Seat REP	Republicans Incumbent DEM	Republicans Open Seat DEM	Republicans Open Seat REP
Safe DEM	0.75	0.90	–	0.06	0.17	–
Solid DEM	0.37	0.75	0.50	0.21	0.50	0.60
Marginal DEM	0.34	1.00	0.75	0.32	0.40	0.75
Marginal REP	0.20	0.60	0.45	0.35	0.20	0.91
Solid REP	0.15	0.67	0.36	0.33	0.56	0.85
Safe REP	0.08	0.33	0.31	0.47	0.33	0.71
All	0.15	0.77	0.38	0.16	0.32	0.76

Source: Compiled by Author

in which they would be challenging an incumbent in a district favoring the incumbent's party. Less than 10% of either party's incumbents representing safe districts faced a high quality challenger. What is surprising, but may explain the success of Democrats in Safe Republican districts, is that less than 50% of those Democratic incumbents faced a high quality Republican challenger. The table also shows that high quality candidates were most likely to enter an open seat race in districts with a favorable partisan advantage.

Although I am using the same definition of candidate quality as Jacobson and Kernell (1981), I am making a different argument than the one they made. In their book, they argued that a national tide or wave was the result of an increase in the number of quality candidates entering races. The essence of their argument was that sensing it to be a "good" year to run, more high quality candidates from the advantaged party opt to run. In effect, the national tide or wave is generated by the decision of high quality candidates to enter more races. I have several concerns about this theory as it applies to the last decade of congressional elections.

My first concern is that there is not that much fluctuation in the number of quality candidates running for office. Table 26 reports the number of high quality candidates for both parties that ran for office in the elections of the 2000s. For the first four elections, the number of high quality candidates stayed relatively constant moving between the high

40s and the low to mid 50s. In 2008, which was a very "good" year for the Democrats, the *Republicans ran more* high quality candidates. The only year with a significant spike in the raw number of high quality candidates was 2010. That year the Republicans fielded 76 high quality candidates. Why was there a substantial Democratic wave in 2006 without a surge in high quality Democratic candidates? Why wasn't there a Republican counter wave in 2008 when the quality candidate numbers reversed from 2006?

Table 26: High Quality Candidate Counts by Party, 2002-2010

	2002		2004		2006		2008		2010	
Type	DEM	REP	DEM	REP	DEM	REP	DEM	REP	DEM	REP
Safe DEM	8	9	10	8	8	7	2	10	6	7
Solid DEM	9	8	8	7	5	6	4	9	4	11
Marg. DEM	5	6	4	5	5	4	9	4	3	11
Marg. REP	7	4	5	4	10	8	8	10	12	9
Solid REP	12	15	10	7	12	8	12	12	10	21
Safe REP	8	12	11	16	13	12	13	11	10	17
All	49	54	48	47	53	45	48	56	45	76

Source: Compiled by Author

The answer to those questions is in the data. High quality Democratic challengers were unusually successful in 2006 and 2008. In 2002 and 2004, the Democrats ran 21 and 33 high quality challengers against Republican incumbents. In both years, only 1 high quality Democratic challenger won. The Republicans ran 25 and 30 high quality challengers against Democratic incumbents those years and they won one race in 2002 and two races in 2004. The five victorious high quality candidates all won in districts which favored their party. It appears that beating incumbents, even if one is a high quality candidate, is a hard thing to do. Yet in 2006, the Democrats running about the same number of high quality candidates they ran in 2004 were able to beat eight Republican incumbents. Five of the Republicans who lost to high quality Democratic challengers were in districts which favored Republicans. The Democrats in 2006 also did better in prying away open seats than they had in recent past by taking away five Republican seats. Four of those seats were in districts with an underlying Republican advantage. Remember, this is just an accounting of the high quality

candidates. Which leads to my second concern with Jacobson and Kernell's theory. Low quality Democratic candidates were also having a good year in 2006 and 2008.

The data shows the Republicans had more high quality candidates running than the Democrats in 2008. A simple explanation for the lower number of high quality Democratic candidates is that there were fewer incumbent Republicans to challenge in Democratic advantaged districts. However, the Democrats ran twice as many high quality candidates for open Republican seats in Republican advantaged districts than they had in 2006. Even though the Republicans were running more high quality candidates against incumbent Democrats and they were running more high quality candidates to defend their open seats, they were not able to defend their advantaged districts at the same level which they had in the past.

If running more high quality candidates does not net a party more seats, then the proposed mechanism must not be working as expected. There must be some other viable explanation for why the Republicans did so poorly in 2006 and 2008. In the next section, I will argue that a specific subset of voters crucial to Republican candidates changed their voting preferences. This temporary change in the voting behavior disrupted the partisan advantage normally underlying the districts. As a result, Democrats won in districts in which they would not normally win. Furthermore, because this change in voter behavior was temporary, the gains made in 2006 and 2008 would be erased once voter behavior returned to "normal."

Voting Behavior in Congressional Elections

In the previous section, I demonstrated how Republicans had a built–in partisan advantage in a majority of congressional districts. The data in Table 23 shows that not only did Democrats pick up Republican held seats in Democratic favored districts in 2006 and 2008, but that they also won many seats in Republican favored districts. They did this despite not having an unusual surplus of high quality candidates which goes against the theory put

forward by Jacobson and Kernell (1981).

I propose that the wave of 2006 was a simple, temporary change in the partisan voting patterns of Republicans alone. I argue that Republicans withdrew their support for Republican candidates at an unusually high rate in 2006 and it remained at an elevated rate in 2008. Unlike other waves which ushered in long term changes in voter behavior, 2010 marked a return to "normal" patterns of partisan support for Republicans. The data will show the change in voting pattern was asymmetric because Democrats maintained "normal" voting patterns throughout the wave-in, the wave-out, and a waveless election that followed. The Democrats who had been elected in Republican advantaged districts riding a wave of disaffected Republican voters had no reserve well of personal votes when the old voting patterns returned.

To provide evidence for this argument, I have turned to the Cooperative Congressional Election Survey. CCES is a vary large national sample that provides an excellent chance to parse congressional voting behavior. Because the data was balanced and weighted to be a representative sample of the American electorate, I can divide the sample into different cells to get a clearer picture of congressional vote choice. Unfortunately the sample is not large enough to do a full analysis of each individual district. However, I can aggregate voters along relevant qualities and derive a measure of confidence in the generalizability of respondents' answers.

In this case, the CCES data reports Republican voters engaged in very high partisan defection rates in the 2006 and 2008 elections. Respondents were categorized by their self-identified seven point partisan id ranging from Strong Democrat to Independent to Strong Republican. Table 27 provides the share of survey respondents who reported voting for the Democratic House candidate in 2006.

In general, the data behaves in the manner one would expect. Respondents who identify as Democrats support Democratic House candidates at a higher level than self identified Independents and Republicans. In particular I draw your attention to the unexpectedly large

Table 27: Share of Respondents Voting for Democratic House Candidate, 2006

Party ID	All CDs	REP Inc CDs	DEM Inc CDs	Open Seats
Strong Democrat	0.94	0.90	0.98	0.94
Not Very Strong Democrat	0.82	0.73	0.91	0.84
Lean Democrat	0.90	0.85	0.96	0.91
Independent	0.60	0.52	0.72	0.63
Lean Republican	0.13	0.09	0.25	0.06
Not Very Strong Republican	0.24	0.17	0.42	0.16
Strong Republican	0.06	0.03	0.14	0.06
Source: 2006 CCES Common Content Survey				

rate of support Not Very Strong Republicans had for Democratic Incumbents. Respondents report Democratic support in the 40%. For open seat races and Republican incumbent races, the weak Republicans reported more than 15% support for Democrats. 100% of Democrats who ran for reelection in 2006 won.

Yet in 2010, the reverse was not true. Democratic defection rate did not explode similar to the Republican defection rate in 2006. Table 28 shows that the defection rate did increase slightly, however it was below the Republican defection rate in the districts in which a Democrat was the incumbent. In districts in which the there was a Republican incumbent, the Democratic defection rate was barely changed at only .01. The big point to note is the substantial drop in the Republican defection rate. In 2006, Republican's defected at .42. That was reduced to .17 in 2010.

Table 28: Share of Respondents Voting for Democratic House Candidate, 2010

Party ID	All CDs	REP Inc CDs	DEM Inc CDs	Open Seats
Strong Democrat	0.97	0.93	0.98	0.94
Not Very Strong Democrat	0.81	0.72	0.86	0.81
Lean Democrat	0.90	0.81	0.94	0.94
Independent	0.39	0.28	0.45	0.37
Lean Republican	0.06	0.03	0.08	0.04
Not Very Strong Republican	0.11	0.06	0.17	0.07
Strong Republican	0.03	0.01	0.04	0.02
Source: 2010 CCES Common Content Survey				

Unfortunately there wasn't a CCES conducted before 2006. In order to check if partisan

voting rates changed, I instead checked the CCES survey for the 2012 election. Table 29 reports the survey results for 2012. The most important item to note is that the Republican defection rate remained unchanged in 2012. 2012 was neither an especially good year nor an especially bad year for either party. The Democrats picked up an additional eight seats to bring the Caucus up to 201 members, only 3 seats off the estimate of 198 districts favoring the Democrats under the previous district boundaries.

Table 29: Share of Respondents Voting for Democratic House Candidate, 2012

Party ID	All CDs	REP Inc CDs	DEM Inc CDs	Open Seats
Strong Democrat	0.97	0.95	0.98	0.97
Not Very Strong Democrat	0.84	0.76	0.92	0.84
Lean Democrat	0.87	0.81	0.95	0.88
Independent	0.46	0.38	0.61	0.46
Lean Republican	0.08	0.05	0.16	0.07
Not Very Strong Republican	0.12	0.09	0.17	0.14
Strong Republican	0.03	0.02	0.06	0.03
Source: Compiled by Author				

In this section of the essay I have provided evidence that supports the idea that 2006 and 2008 were the result of aberrations in the normal voting preferences of Republican voters. Prior to that, I had demonstrated that 2006 and 2008 were not explicitly tied to increases in the number of quality candidates running for office. In data presented in the earlier section I pointed out that Republicans did have a surge in high quality candidates for 2010. Table 30 provides the number of high quality candidates the Republican party ran in the 2010 general election.

The table reveals that Republican high quality candidates did extremely well in open races. When they challenged Democratic incumbents, they were wildly successful. In 2002, the high quality Republican challengers beat one Democratic incumbent. In 2004, they doubled that number beating two Democratic incumbents. In both of those years, Democratic incumbents held seats that had an underlying partisan advantage for Republicans. The fact that Republican high quality challengers failed to defeat any Democratic incumbents in 2006

Table 30: Republican High Quality Candidates (HQC) by Race and District Type, 2010

Type	DEM Inc			DEM Open			REP Open		
	Races	HQC	Wins	Races	HQC	Wins	Races	HQC	Wins
Safe DEM	124	5	0	6	2	0	0	0	0
Solid DEM	33	8	2	3	3	3	2	0	0
Marginal DEM	20	10	3	1	1	1	0	0	0
Marginal REP	22	8	5	4	1	1	0	0	0
Solid REP	25	13	12	5	2	2	6	6	6
Safe REP	11	8	7	1	1	1	14	8	8
All	235	52	29	20	10	8	22	14	14

Souce: Compiled by Author

is not amazing. Even though 2008 was not a good year for Republicans, the fact that two high quality challengers beat Democratic incumbents is a sign of relative normalcy.

The fact that high quality Republican challengers defeated 29 Democratic incumbents is an amazing statistic. However, keep in mind that 54 Democratic incumbents lost their bids for reelection that November. Meaning that another 25 incumbents lost to "low" quality candidates. Jacobson and Kernell's theory is silent about those losses.

The other point to remember about 2010 is that 24 of the 29 victories were in congressional districts that provide a partisan advantage to Republicans in the first place. In one respect, they should have never lost those seats in the first place. In another respect, the Democratic incumbents didn't have enough time to develop a personal vote. Ansolabehere, Snyder and Stewart (2000) argued that it took time for members who represented districts with an opposite partisan advantage to build up their personal vote. Two terms in the rockiest econonmic times since the Great Depression against a discipline political opponent not burdened by the necessity to govern responsibly limited many members from expanding their vote.

A second peculiar quirk to 2010 was the large number of congressional rematches.[17] It is probably harder to amass a personal vote when your opponent has had time to establish

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[17]In FL–22, Ron Klein (D) lost his reelection battle with Allen West. The two had campaigned against each other in 2008. West's victory is not on this specific chart as he had never held elected office before and is not counted as a high quality candidate under Jacobson's rubric.

one before you were ever in office.[18]

Conclusion

I started this essay discussing the tragic death of a Mississippi Congressman. He was an ambitious politician who had waited for the right time to run for Congress. The South was amid its transition from the bad old days of one party rule. Staunch segregationists who had since repented their ways or at least learned to mellow their rhetoric were in the twilight of their congressional careers. The underlying ideological preferences of the South had not changed, but the partisan affiliation of that ideology was sorting itself out. Majority/minority districts, decennial reapportionment, the retirement of yellow dogs, and the slow decline of blue dogs all combined to destroy the once Solid South for the Democratic Party.

Gene Taylor was the second best Congressional candidate for Mississippi's Gulf Coast in November 1988. One tragic plane crash and a special election the Republicans managed to bungle helped to propel this never–should–have–been runner–up into the distinguished gentlemen from Mississippi.

Once installed in his office on Capitol Hill, he worked hard to let it be know that he worked hard for the good people of Mississippi's Fifth US Congressional District. Although he officially listed himself a D; his vote was frequently and loudly recorded among the Rs. He invested his time well and usually survived whatever electoral challenge came his way. However his days had been numbered since October 1989.

(Cover 1977) specifically argued that incumbency advantage was a result in the decline of partisan identification. This was no doubt true before the South had sorted itself out. Gene Taylor depended upon and could usually rely on party defectors showing up every

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[18]In fact, both of the two successful Republican HQCs who won in Solid Democratic districts were from Pennsylvania. The election in PA–08 pitted Patrick Murphy against the man he defeated in 2006, Mike Fitzpatrick. Murphy won by only 1,500 votes in 2006. In the rematch, Fitzpatrick won by over 15,000 votes. In the PA–11, the Democratic incumbent Paul Kanjorski faced Lou Barletta for the third time. Kanjorski had defeated Barletta by a wide margin in 2002. In 2008, Kanjorski barely managed to fend off Barletta. With the wind to his back, Barletta finally defeated Kanjorski in 2010.

November. I argue that 2010 was when the defections stopped and with it our understanding of incumbency advantage had to change as well.

I believe our current state of politics is the result of strengthened party discipline. With the Old South sorted out, "D" means something distinctly different thatn "R." Voters understand this crystal clear difference and behave accordingly. Politicians cater to their ideological brethren because most likely that is who will decide who represents them.

Despite the fears of the originators of this literature on incumbency advantage, recent congressional elections have proven to be responsive to significant changes in the popular will of the electorate. The elections of 2006 and 2010 have shown that the peril of disciplined partisan voting is in the party that fails to deliver proper policy wants to its consuming adherents. I contend it was Republican voters who threw out the Republican majority in 2006, and it was the Republican voters who returned it in 2010.

Essay #3. Gate Keeping

Crombez, Groseclose and Krehbiel (2006) defined a ***gate keeping right*** as governing procedures of a body allowing an individual or group not to act on specific proposals, and that the certain consequence of such inaction is that an exogenously determined status quo policy remains in effect. They defined ***gate keeping power*** as an individual or group exercising a *gate keeping right* and the right produces an outcome that the gatekeeper prefers to the outcome that would have resulted if it did not have a *gate keeping right*. They presented a formal argument that legislative committee gate keeping is a weakly dominated strategy which is outperformed by the traditional veto. [emphasis added]

In addition to their formal theoretical arguments against gate keeping, they also conducted a survey of public choice institutions around the world and found very few instances of codified gate keeping procedures. The authors concluded that in the absence of codified rules establishing a gate keeping right, then it followed that neither individuals nor groups could possess a gate keeping power. They argued against rival theories which suggest non-majoritarian outcomes in bodies that operate under a simple majority voting rule. Instead, the equilibrium rests with the preferences of the median legislator.

In very important ways, the empirical evidence from American congressional history supports the authors' theory. The United States House of Representatives is a majoritarian body founded with a deep suspicion of non-majoritarian practices. Yet, the same congressional history also has famous examples when *de jure* gate keeping has been explicitly tolerated. What explains the instances when we observe something that a theory predicts should not happen?

In this essay, I examine the historical development of the House, and I argue that majoritarian reforms adopted in one era become the basis for subsequent non-majoritarian actions orchestrated by parliamentary entrepreneurs in a later era. After presenting my argument based on congressional history, I reconsider the definition of gate keeping provided by the

authors above. I present more recent congressional activity to illustrate the need for a wider definition of gate keeping. I conclude the essay by suggesting a new definition for gate keeping.

Gate Keeping in the US House

The epic struggle to enact civil rights or other liberal sponsored legislation over the resolute objections of Southern segregationist legislators provides the definitive example of *de jure* committee gate keeping in American Congressional history. As chairman of the House Committee on Rules, "Judge" Howard Smith, whom Franklin Roosevelt had once called "the greatest obstructionist in Congress,"[19] refused to grant a special rule to any legislation with which he did not personally agree. (Jones 1968) Smith managed to negate the will of a visible majority in the House by adhering to the institutional rules which a majority of the body had adopted at the beginning of the term. Why had the US House of Representatives, a majoritarian institution—meaning it operates by simple majority rule—allowed that much power over legislation to fall into the hands of committee chairmen?

The rise of powerful committees, and by extension their chairmen, was the unintended result of a reform approved by a majority of the members of the House attempting to prevent the body from being dominated by a different single obstructionist member, Speaker of the House Joseph Cannon. Cannon was a conservative Republican from Illinois. As a conservative, Cannon opposed progressive legislation and policies. However, progressive Republicans formed a small but vocal minority faction within the congressional Republican party.

Cannon was an ardent partisan who believed in responsible parties—the concept that parties should have a legislative program and, if in the majority, should endeavor to implement that program. He firmly believed in the power of the majority and used every parliamentary power at his discretion to enact what **he** considered to be the party's legisla-

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[19]quoted in *American Government A to Z series: Congress A to Z* (5th ed.) Washington, DC: CQ Press.

tive program. Like Howard Smith, Cannon chaired the Rules Committee which granted him the power to recognize (or not recognize) legislation he personally favored (or opposed). As Speaker of the House, Joseph Cannon also had the power to appoint or remove members from committees and name who would chair the committees. Arguably, Cannon has been singled out in history for his punitive use of those powers.[20]

Speaker Cannon violated the growing norm of seniority when he ejected political opponents from powerful committees, stripped rivals of their chairmanships, or leap frogged a supporter over an opponent. Although finding data that suggested Cannon was not the worst violator of this norm, Polsby, Gallaher and Rundquist (1969, 801) argued, "that it was not the sheer number of his seniority violations that earned Cannon his notoriety as the House's most ruthless Speaker, but how and when they occurred." Eventually, the Progressive Republicans teamed up with the Democrats to form a majority which was able to strip away some of the explicit powers of the Speaker. The result was a stricter adherence to the norm of seniority guiding the selection of committee chairmen. Why had the US House of Representatives allowed that much power to be concentrated in the hands of the Speaker?

The rise of the powerful Speaker was the result of a reform approved by a majority of the members of the House attempting to prevent the body from being dominated by a different obstructionist minority. In that case, the Democrats, who were in the minority, would delay the Republican majority by simply refusing to respond to quorum calls. Although physically present, members would remain silent as the Clerk of the House took the roll. The Clerk would record too few members to constitute a quorum and thus the tactic would invalidate a vote. Speaker Thomas Reed solved the problem of "disappearing quorums" by taking the unprecedented step of simply counting the recalcitrant members present. The Clerk could then record the presence of a quorum and the motion would be approved. This reform, along

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[20]The academic view of Uncle Joe Cannon has undergone somewhat of a revision in more recent scholarship. Krehbiel and Wiseman (2001) argued that Cannon's committee personnel actions were consistent with majoritarian principles. Lawrence, Maltzman and Wahlbeck (2001) reported evidence demonstrating Cannon's power to name committee members was constrained by multiple different forces. Miller and Squire (2013) suggested that while some Progressives voted against Cannon purely on policy grounds, there were other Republicans who "revolted" against Cannon for electoral considerations back in their home districts.

with other parliamentary innovations strengthening the hand of the Speaker, were adopted by the House as "Reed's Rules."

The rules under which the House of Representatives operate are derived by consensus. They are voted upon and a majority must approve them. That a majority has agreed to a set of rules suggests that the rules serve the interests of the majority. If a majority of members later determines that it is no longer served by the old rules it will adopt new rules that do serve its interests. The problem, however, is that Congress does not have one single interest. One could say that the House of Representatives has 435 interests. Furthermore, those 435 individual interests usually conflict with each other in one fashion or another.

In this part of the essay, I will show that the members of the US House of Representatives have adopted different rules or institutions to help them secure their individual as well as collective goals. As a result of conflicting member goals, the House as a body has adopted rules that sometimes turn out to run counter to majoritarian principles. These unintended consequences have been tolerated until a majority agrees they are intolerable. I begin with the creation and establishment of the committee system then transition to a discussion of political parties in the House of Representatives.

Although the initial Congresses were suspicious of standing committees for precisely the explicit non-majoritarian reasons outlined by Crombez, Groseclose and Krehbiel (2006), the committee system began in response to the need to develop independent sources of expertise as a way to preserve the Constitutional prerogatives of Congress. Members also realized that specialization granted the House the ability to do more things at once thus increasing the efficiency of the body as a whole. Much later, committees became places to channel the career ambitions of legislators.

The historical record gives evidence that from the beginning of the republic, American legislators have been ambivalent about the role of committees. The founding fathers each had practical experience working in functioning legislatures and understood both the benefits and disadvantages of parceling out work to committees. However, legislators have been more

willing to delegate when they have realized either the need for greater expertise in a specific policy dimension or a need to increase workload capacity.

Although the British parliament as well as colonial legislatures had already employed standing committees for nearly a century, their use was largely absent in the initial Congresses. Gamm and Shepsle (1989, 63) wrote "it seems clear that in the 1st Congress members consciously chose to reject a standing committee form of organization and to use, instead, select committees and the Committee of the Whole." Cooper (1960, 11) explained that in the earliest Congresses, "...the committee of the whole seems to have been considered not merely as the proper arena for the initial delineation of principles in important areas, but also as the proper arena for the first determination of principles in all areas, and even for the initial delineation and consideration of details."

Under a system in which principles of policy start in the chamber and not in committee, every legislator is theoretically and procedurally equal and able to contribute to the debate on every topic. Initially, congressional committees were ad hoc creations with very specific limits to their powers. The chamber required committees to report out specific legislation. The committees were empowered to alter neither the principles nor legislative text given to them. Rather, they were permitted to suggest amendments which were later subjected to the approval of the entire chamber.

Many legislators feared that permitting committees to do more than just write up agreements made during general debate would effectively limit the non-committee member input on shaping final policies. There was a very real fear of rogue committees making mischief. Having committees that deliberate general principles of legislative proposals prior to consideration by the chamber would bestow certain procedural privileges upon the committee members at the expense of the members of the chamber not sitting on the committee. If legislators feared powerful standing committees and had incentives that ran counter to establishing standing committees, why did standing committees develop?

One argument is that legislators realized the need for more information in order to effec-

tively contribute to the debate. Even in the earliest Congresses, committees were appointed to assemble the relevant facts prior to consideration by the chamber. In routine cases of simple claims against the government, knowing the facts of the case was more relevant than discussing the implications of a given policy. Rather than requiring each individual member of the chamber to learn the particulars, committees could collect the information for presentation to the rest of the chamber. In this way, committees were seen as an adjunct to the legislative process. Committees facilitated individual member contribution to policy deliberation. Referral to a committee was a labor saving device that enabled members to know more about a subject. Over time as issues and their policy impacts grew in complexity, first referral to a committee for fact gathering purposes became routine.

The theme of developing expert knowledge rears its head several times in periods of legislative reform. In 1914, reformers created a legislative reference section within the Library of Congress "charged with responding to congressional requests for information." (Brudnick 2006, Summary) As a result of the growing national debt caused by spending during World War I, "legislators saw that they needed better information and control over expenditures." (Krusten 2011, Introduction) The *Budget and Accounting Act of 1921* established the General Accounting Office—later renamed the General Accountability Office (GAO). The Act removed auditing responsibilities from the executive branch housed in the Treasury Department and instead turned it into an independent legislative branch agency.

The *Legislative Reorganization Act of 1946*, considered by most congressional scholars as the beginning of the modern Congress, was a systemic reaction by Congress to cope with the massive expansion of the role of the federal government as a result of progressive era politics, the New Deal, and World War II. Davidson (1990, 367) wrote that providing both individual members and committees with well paid, expert professional staff as well as the expansion of the Legislative Reference Service "...proved critical in helping Congress meet contemporary legislative challenges, [and] are perhaps the most notable legac[ies] of the 1946 act." Another reform, the *Congressional Budget and Impoundment Control Act of 1974*, established the

Congressional Budget Office. The CBO provides Congress with independent evaluations of the federal discretionary budget as well as federal spending impacts of proposed legislation.

This last reform speaks directly to one of the initial motivations for establishing committees in the House. Canon and Stewart (2001, 165) wrote, "[t]he defining feature of these early, formative years, according to the conventional wisdom, was a legislative process dominated by the executive branch, primarily by Hamilton." It is not a stretch of the imagination to argue that the committee system got its start as a result of competition between the legislative and executive branches over federal spending.

Although Article I, Section 9 of the Constitution explicitly requires Congressional appropriation for federal spending, the first Congress and George Washington's first administration had to figure out the actual practice of appropriating federal money. Essentially Alexander Hamilton, Washington's Secretary of the Treasury would come to Congress and make requests. Hamilton basically desired a blank check from Congress; he wanted the greatest amount of discretion over the use of appropriated funds. This ran contrary to the Jeffersonian Republican ideal of providing explicit guidance in legislation. Jeffersonians wanted to dictate how money could and should be used, and inversely prohibit how it couldn't or shouldn't be used. The power of the purse, in their view is more than just an accounting function; it is a policy function. Legislators quickly realized, though, that they were fundamentally disadvantaged when it came to debating administration requests, because the administration possessed an information monopoly.

Cooper (1960) explained that there were two distinctly different groups opposed to the formation of standing committees. First, there were the Jeffersonian Republicans whose opposition to any change that delegated deliberation responsibilities away from the main chamber has been discussed above. Second, there were the Federalists who were political opponents of any institutional change that challenged the administration. That is until Jefferson was elected president. Then Federalist members began to embrace committees as obstacles to the administration. Conversely, Republican members set aside their principled

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misgivings about committees in order to support the President's legislative program.

Kiewiet and McCubbins (1991) argued that the quest for operational efficiency overcame the ideal of Jeffersonian Republican legislative principles. Gamm and Shepsle (1989) pointed out that the members found the older processes too cumbersome, took up too much time, and after a while deferred matters to the Speaker's judgment. Thus Congress became more willing to delegate legislative responsibilities along with granting special privileges to certain members or groups of members.

Members have a variety of specific policy preferences. At any given time for any given member, the different policy jurisdictions have varying levels of salience. Members value increased participation in the decision making regarding salient policy jurisdictions. Members who represent farmers want to enact policy that improves the condition of farmers (or at least prevent enacting policy that harms their condition.) The same is true for those representing merchants, manufacturers, logisticians, bankers, etc. Each faction Madison mentions in Federalist 51 represents an interest with policy preferences. Each member exchanges some degree of input over less salient issues in order to concentrate their input on issues most vital to the member.

Understanding the heterogeneity of jurisdictional salience, it is a given that there is a hierarchy of committees; some committees are more valuable to members than others. As a result of an endogenously imposed system of rules, membership on committees is limited. Member demand for seats on certain committees exceeds the number of seats available. For other jurisdictions of lesser importance to the membership as a whole, the situation is reversed and the number of seats available exceeds member demand.

Groseclose and Stewart (1998) analyzed committee transfer requests and determined a rank ordering of the value of different committee seats. For example, they suggest the value of a seat on the House Committee on Agriculture is greater than the value the membership places on a seat on the Committee on Public Works [now called the Committee on

Transportation and Infrastructure].[21]

A member most likely prefers committee assignments whose value to his or her constituents requires little to no explanation. Mayhew (1974a) argued that reelection underlies everything a Member of Congress does. Therefore, one would assume that requests for committee membership are primarily driven by electoral impulses. Fenno (1973) asserted that the value of a given committee to an individual member is governed by more than just reelection. Committee membership is also driven by a member's desire for influence within the House as well as a desire for good public policy.

Shepsle (1978) argued that member requests for seats on committees in the House of Representatives are governed by the member's prioritization of committee jurisdictions as they relate to his or her view of the district's policy needs or wants further complicated by the member's perception of the likelihood of assignment to a given committee minus the cost of surrendering any accumulated committee seniority gained by prior service. The committee assignment process becomes an optimization problem for the parties in Congress. They are trying to maximize seat value per member across the number of seats in all committees which they have to fill.

To provide a more concrete example, a freshman member may desire a spot on the House Committee on Appropriations but opts to not request such an assignment as he or she knows that seats on that committee are highly sought after and the likelihood of receiving such an assignment is very low. The freshman discounts requesting his or her most desired committee assignment because he or she perceives it to be a wasted choice. At the same time, the party has an inherent interest in making sure its members are assigned committee seats of value to the member because that theoretically will permit the member to provide the policy wants his or her constituents demand. Having satisfied those policy wants, the constituents will

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[21]Any ranking system of committees must recognize how individual members value the jurisdictions. While it's true Groseclose and Stewart found the Agriculture committee to be of high value, an assignment to that committee for some makes no political sense to the member. For example, Shirley Chisholm contested her assignment to the Agriculture Committee and was instead placed on the Veterans' Affairs committee in 1972. Upon her reassignment, which Groseclose and Stewart's scale would deem a demotion, she remarked, "There are a lot more veterans in my district than trees."

re-elect that member to Congress and help the party to attain or maintain majority status.

In filling out committee rosters, both Fenno (1973) and Shepsle (1978) pointed out the care to which the committee makers took in assigning members to the most valued committee seats. I argue that whether intentional or not, this scrutiny over committee personnel choices results in forming committees that reflect the make up of the House as a whole.

An implication of representative committees is that they transmit informative signals about policy proposals. Unrepresentative committees are problematic because at the least they undercut the credibility of the information they transmit at worst they embody the founder's fear of committees in the first place.

Kingdon (1989) wrote that members sometimes employ shortcuts to help them decide which way to vote on a given proposal. His interview subjects reported taking voting cues from other members. When specifically asked about cues from members who served on committees which dealt with the legislation, he recorded mixed responses. Members reported there were some committees that transmitted clear and reliable signals about the legislation under their consideration, and then there were some committees that held no credibility with the external membership.

Here is the dilemma members of Congress face when it comes to committees. They want to have influence on the legislation which directly impacts their districts. The prefer to have special influence on the legislation within their committee's jurisdiction. They are afraid of the special influence on legislation other members have on legislation in the specified jurisdictions of the other committees. However, reforms that strengthen committees can be abused *a lá* Howard Smith.

It took many years to finally impose an institutional solution to the problem Smith and the Rules Committee posed to the somewhat more liberal majority in the House. First, they instituted a 21-day-rule which put a time limit on how long the Rules Committee could stall in providing a special rule for legislation. The rule appeared and disappeared several times finally disappearing for good in 1966. (Rohde 1974) After an epic legislative battle,

the solution the members implemented to curtailing the excesses of Smith was to increase the size of the Rules Committee from 12 to 15 members. The new members would be, in theory, two liberal Democrats and one additional Republican.[22] Interestingly, the members did not simply choose to remove the offending members. That was either a precedent they did not want to set or it was a precedent they could not get enough of the membership to support.

The Republicans were content to sit on the sidelines in the fight over the Rules Committee. Being a southern conservative, Chairman Smith assisted the Republican efforts to obstruct liberal inspired legislation. The difference between the current situation in Congress and the 1950s and 1960s is that there were "liberal" Republicans back then; neither party was a homogeneous ideological bloc. Party labels conveyed much less information back then. Mayhew (1974a, 27) wrote, "[t]he fact is that no theoretical treatment of the United States Congress that posits parties as analytic units will go very far." However, by their continued existence, I argue parties serve some function in Congress.

Aldrich (1995) argued that political parties formed as a result of a couple of factors. First, there were members who had similar policy preferences. Like minded members would band together in an attempt to realize a mutually agreeable policy outcome. The second factor was the realization that members who shared similar policy preferences over a range of issues could repeatedly band together to provide a long term solution to the collective action problem inherent to legislatures.

Aldrich noted that in the early congresses, there was little evidence of stable voting blocs. Sometimes, policies engaged questions regarding the role of the federal government. Other times, policies invoked sectional differences. There were even times when multiple dimensions further splintered voting blocs. The basis for sectionalism in American politics wasn't geography per se. Rather it was the differing economic foundations of the sections

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[22]The 1963 CQ Almanac reported the expansion was a mixed success. The two new members did not always vote in accordance with liberal preferences. Also, if one pro-administration member of the committee was absent, the conservative coalition would get a win because tie votes froze committee action.

that drove different policy preferences.

The manufacturing class of New England had different economic prerogatives compared to the Southern agrarian based economy. Even within given geographies, economic differences persisted. For example, although the South was primarily an agrarian economy, there were differences between the planter class with massive land holdings and the more modest possession of the yeoman farmer. A small farmer in New England may have had less in common with a fellow New Englander merchant than a similarly situated small farmer in Georgia. High density states like Massachusetts and Virginia could be more similar in political preferences than co-regionalist states. The implication of this policy preference chaos is that some actor or group of actors had to assemble minimum winning coalitions for each policy proposal. Aldrich argued that political parties created long lasting, relatively stable voting coalitions that ultimately lowered the coordinating costs for members of the coalition.

Jones (1968) thought that parties provided procedural and/or substantive majorities in Congress. In the case of the early congresses, the Jeffersonian Republican/Hamiltonian Federalist divide provided a central salient principle around which factions could organize. There have been other critical cleavages which have helped shape political parties. Economic division has been a constant basis for political division. The tariff was a specific policy around which like minded legislators clustered. Slavery was yet another example.

However, when viewed as coalitions, political parties are not composed of preference clones. Political parties have been derived from collections of members with homogeneous policy preferences in a given jurisdiction that outweigh member policy preference heterogeneity in other jurisdictions. Miller and Schofield (2003, 249) expressed the idea this way, "successful American parties must be coalitions of enemies. A party gets to be a majority party by forming fragile ties across wide and deep differences in one dimension or the other."

Parties can only make those ties when the dimensional differences are respected. Specialization and standing committees provided a way to allow coalition members to pursue specific policy preferences in jursidictions non-germane to the main policy preference. Although they

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were agnostic as to whether Henry Clay consciously developed the practice or was just react-ing to the situation at hand, Gamm and Shepsle (1989) noted that his speakership occurred the same time as the growth of standing committees and the tactic of reinforcing coalitions through assigning committee chairmanships. Because the membership had opted to relegate committee personnel decisions, Clay was able to appoint political allies to committees and chairmanships. Clay and his successors attempted to manage the sectional fragmentation of the Republican party after the War of 1812 through committee patronage.

As a result of committee patronage being used to channel member ambitions, a system of jurisdictional control became an issue integral to managing intra-party conflict. King (2008) describes the formal, legalistic process for establishing, enlarging, and protecting jurisdictions from the encroachment of other committees. This is a serious enough matter to the committees, that they routinely employ "border cops," a staffer whose job it is to monitor committee referrals to ensure the parliamentarian strictly adheres to precedent. Jurisdictional control is essential because it defends committees from having proposals under their purview considered by other committees. What is the value of a committee seat or chair to a member when another committee can alter policy in the same jurisdiction?

The parties and the committee system are theoretically and practically intertwined. Party committees took over appointing members to committees after the Cannon Revolt. The reforms of the 1970s were implemented within the Democratic caucus as a way to assert control over committee chairman deemed to be not responsive enough to the party. Adoption of the subcommittee bill of rights increased organizational decentralization in the committees with the intended result of undercutting the power of chairmen to be arbitrary rulers. Making committee chairs answerable to the caucus ensured that the resurgent liberal wing of the party would secure the legislative ends it sought.(Rohde 1974)

The reform trend continued. Davidson (1988) argued that the late 1980s saw power being re–centralized in the hands of party leadership. Aldrich and Rohde (2000) claimed that the Republican majority that took over in 1994 concentrated so much power in the

party leadership that committees declined in their relative levels of importance. The new Republican leadership took to bypassing committees altogether in many realms. (Sinclair 2007)

A third factor has impacted institutional changes in the House. The members are staying around much longer. The committee system and political parties also serve to channel extended congressional tenures. The need to manage congressional careers has become a factor influencing the waxing and waning of different institutional structures within the House. In the words of Hibbing (1991, 405):

> Political institutions shape political systems, and political careers shape political institutions. A major policy–making body and the system in which it operates cannot avoid being altered when the mean length of service in that body increases by 100%, as happened in the U.S. House of Representatives between 1860 and 1960.

Kernell (1977*b*) found that personal ambition was the main reason congressional tenures began to increase in the late 19th century. At the same time Polsby (1970) noted a movement away from discretionary ruling styles and toward universalistic and automated decision making in the House. The beginnings of the seniority system started sometime before the Cannon revolt, immediately after the revolt the rules were explicitly agreed upon.

Katz and Sala (1996) argued that the adoption of the Australian ballot led to incumbent members being able to develop a personal vote. Because members were no longer tied to party specific ballots, they developed an incentive to establish rules and institutions which could be advertised as a reason to for reelection. Legislative specialization, the authors concluded, had become a campaign asset. The members then established rules which guaranteed property rights on committee seats.

Members protecting their individual interests drive the institutional changes in the House. In this section of the essay I have discussed the historical reasons underpinning institutional resistance to gate keeping in the House of Representatives. Gate keeping was a specific fear of the first legislators, and the members put in place systems to prevent non-majoritarian

outcomes. I have argued the changing needs of legislators led to changes in the institutional form. Historical examples show parliamentary entrepreneurs have been able to leverage those changes at specific times in order to realize non-majoritarian outcomes. When these violations of member interests are egregious enough, the members move to change the institution. This explains why Crombez, Groseclose and Krehbiel (2006) did not find current examples of a gate keeping right in the US House of Representatives. In the next section of this essay, I discuss the complications of defining gate keeping.

The Complications of Gate Keeping

In this section of the essay I discuss some concerns with how Crombez, Groseclose and Krehbiel (2006) defined gate keeping. They argued that gate keeping is predicated on a codified right. They defined a gate keeping right as governing procedures of a body allowing an individual or group not to act on specific proposals, and that the ***certain*** consequence of such inaction is that an exogenously determined status quo policy remains in effect. [emphasis added] Furthermore, they argued, gate keeping power depended upon that gate keeping right. They reviewed the procedures in the House (as well as other public choice institutions around the world) to confirm that no such right existed.

In the previous section I examined the history of the development of rules and procedures within the House to explain why the authors did not find any such codified rights. However, former Speaker of the House Dennis Hastert said something that calls into question their definition of a gate keeping right/gate keeping power. He said, "[t]he job of speaker is not to expedite legislation that runs counter to the wishes of the majority of his majority." (Babington 2004, A1) I agree with the authors that actively killing legislation is gate keeping, but is "not expediting" legislation another form of gate keeping?

In addition to legislators out there actively trying to defeat proposals, it turns out that time kills many proposals. Any bill still on one of the calendars expires with the Congress

when it finally adjourns. It takes the use of special rules to move proposals out of their normal calendar order. Is not actively working to get a proposal onto the floor, or in Speaker Hastert's words "not expediting" a proposal a form of gate keeping?

There are two aspects of special rules that present problems for majoritarian outcomes in the House. While the full House is responsible for approving special rules, the explicit task of the House Committee on Rules is to propose the special rules. That committee has a codified, explicitly unbalanced partisan composition. Second, the committee can propose— and the floor may approve—restrictive rules on the terms of the debate of proposals under consideration on the floor. Restrictive rules explicitly limit the floor's ability to amend proposals. This suggests the potential for outcomes away from the preferences of the median voter.

To illustrate the partisan divide of the Rules Committee, Table 31 shows the membership of the committee in both the 111th Congress, when the Democrats were in the majority— and the 1112th Congress—when the Republicans were in the majority. Although the use of roll-call vote analysis scores can be problematic, in this case they help demonstrate the effect of unbalanced partisan composition.

DW-NOMINATE scores are derived from roll-call vote analysis. The first dimension scores provide a gauge of the ideological differences among members. The scores are bound between -1 and 1. -1 is considered to be the liberal end of the spectrum while 1 is considered to be the conservative end. The scores are Congress specific so they are not comparable across different Congresses. However, they are comparable among members of the same Congress. The top division of the table provides information on the members of the committee and their individual first dimension DW-NOMINATE score for that Congress. The bottom division of the table provides some measures for comparison between the members of the committee and the members of the entire House of Representatives.

The first point to notice is that in both Congresses, the median Rules Committee member score is exterior, or more extreme in the direction of the majority party, than the median

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Table 31: House Committee on Rules, 111th & 112th Congresses

111th Congress				112th Congress			
Party	District	Name	Score	Party	District	Name	Score
Dem.	FL–23	HASTINGS	-0.593	Dem.	FL–23	HASTINGS	-0.593
Dem.	MA–03	MCGOVERN	-0.572	Dem.	MA–03	MCGOVERN	-0.572
Dem.	ME–01	PINGREE	-0.503	Dem.	NY–28	SLAUGHTER	-0.499
Dem.	NY–28	SLAUGHTER	-0.499	Dem.	CO–02	POLIS	-0.357
Dem.	CA–05	MATSUI	-0.475	Rep.	CA–26	DREIER	0.478
Dem.	CO–02	POLIS	-0.357	Rep.	FL–08	WEBSTER	0.480
Dem.	CO–07	PERLMUTTER	-0.311	Rep.	UT–01	BISHOP	0.543
Dem.	NY–24	ARCURI	-0.215	Rep.	FL–05	NUGENT	0.543
Rep.	FL–21	DIAZ-BALART	0.242	Rep.	TX–32	SESSIONS	0.609
Rep.	CA–26	DREIER	0.478	Rep.	NC–05	FOXX	0.671
Rep.	TX–32	SESSIONS	0.609	Rep.	SC–01	SCOTT	0.703
Rep.	NC–05	FOXX	0.671	Rep.	GA–07	WOODALL	0.737
Committee Median (D)			-0.487	Committee Median (D)			-0.536
House Median (D)			-0.376	House Median (D)			-0.429
Committee Median (All)			-0.334	House Median (All)			0.274
House Median (All)			-0.202	House Median (R)			0.485
House Median (R)			0.460	Committee Median (All)			0.512
Committee Median (R)			0.544	Committee Median (R)			0.576
Source: Voteview, Compiled by Author							

member of the House of Representatives. In both Congresses, the median of the committee's Democratic members' scores and the median of the committee's Republican members' scores are the most extreme. In the 112th Congress, the median Rules Committee member score is more extreme than even the median Republican member of the House. This is a committee that is unrepresentative of the chamber, by design.[23]

Does a structurally biased committee result in biased outcomes? Table 32 presents evidence that suggests the minority party faces severe restrictions in being able to get its proposals through the Rules Committee. Table 32 reports the number of House Resolutions that the minority party proposed and the number of times those proposals received some action in the Rules Committee beyond mere referral.[24]

Table 32: Minority Party Success with H. Res. Proposals, 109th–112th Congresses

Congress	Minority Party	H.Res Proposals	Acted Upon
109	Democrats	32	0
110	Republicans	39	0
111	Republicans	46	0
112	Democrats	13	0
Source: THOMAS, Library of Congress			

Due to its biased composition, the Rules Committee is expected to produce outcomes favoring the majority party. Are there other instances where the minority party has effectively zero proposal power? An analysis of the minority party proposals from the 101st–111th Congresses in the House of Representatives reveals that minority proposals were completely locked out of committee activity in both the Appropriations Committee and the Select Com-

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[23]That the committee has an unbalanced partisan composition does not automatically mean the committee will be a preference outlier. Schickler and Pearson (2009) found on several occasions the "obstructionist" Rules Committee actually reflected the chamber median legislator and not the median Democratic legislator. This was a result of the heterogeneity of the Democratic caucus at the time. Southern Democrats formed a stable minority of the caucus. The more liberal northern Democrats were subject to greater electoral volatility. As the Democratic caucus waxed and waned between elections, it was usually the liberal end of the party that experienced contraction or growth. As time has passed and the parties have become more ideologically homogeneous, the median member of the Rules Committee has become more ideologically distinct from the chamber median.

[24]House Resolutions which are referred to the House Committee on Rules deal with special rules providing for the consideration of bills or requests for the adoption or waiving of House Rules.

mittee on Intelligence.

This is generally understandable in the case of Appropriations where the norm is to act on bills originated in the committee. This fact alone should arouse some gate keeping suspicions. The finding about the Intelligence committee was unexpected. The intelligence committee entertains significant numbers of proposals from both parties during each congress but absolutely rejects acting upon minority proposals. There is some unexplained dynamic on that committee restricting minority proposals from moving forward.

It is unclear though, exactly what a finding of zero means for Appropriations. This specific committee has been the subject of numerous studies. Two conflicting studies leap to mind. Fenno (1966) indicated that the Appropriations committee was reserved for members who were able to work well with others. Furthermore, Fenno (1973) argued that the parties avoided assigning ideologues to Appropriations. In his opinion, the committee was comprised of legislators who wanted to maximize their influence among their peers on the Hill. At first glance, zero toleration for minority sponsored bills seems to contradict his findings. However, if we instead choose to interpret a zero finding as indicating that only the majority train is leaving the station and members must get their preferences on board that specific vehicle, then it makes sense that the parties would want to have members who can work well with others.

(Aldrich and Rohde 2000) presented a somewhat different picture of Appropriations after the 1994 elections returned the Republicans to the majority for the first time in over 40 years. According to them, Speaker Gingrich and the rest of the Republican conference punished long standing members of the Appropriations committee for the high treason of collaborating too much. Gingrich violated the norm of seniority and passed over the four longest serving Republican members to name Representative Bob Livingston (R-LA) to be the new chairman.

Tables 33 through 35 display the results of my analysis for the remaining committees. In the interest of saving space, the committee names have been abbreviated with the ab-

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breviations explained in the bottom of the table. The numbers in the main field are the percent of minority party proposals that received some committee action beyond referral. The Congress number is provided in the far left column while the two far right columns display the alignment of pivotal players. "PP" reports the party of the President while "CP" reports the party of the Congressional majority. At the bottom of each column I provide the mean and standard deviation for each committee over the span of investigation. I only report for committees that were in existence for the entire period of the study. Overall, the tables display the expected committee indifference to minority party sponsored proposals.

Table 33: Committees with Less Than 2% Activity on Minority Proposals

Congress	B	R	EL	AS	WM	EC	AD	FS	PP	CP
101	0	0	2	0	0	2	1	0	R	D
102	0	0	1	4	1	1	0	3	R	D
103	0	1	1	1	1	0	3	1	D	D
104	0	0	1	1	5	2	0	0	D	R
105	0	3	0	0	0	1	0	2	D	R
106	4	4	1	0	0	1	2	3	D	R
107	0	0	1	1	0	1	0	0	R	R
108	0	0	0	1	0	1	0	1	R	R
109	0	0	0	0	0	1	1	1	R	R
110	0	0	0	0	0	2	2	5	R	D
111	0	0	0	0	0	2	6	1	D	D
Mean	0.4%	0.8%	0.4%	0.7%	0.8%	1.3%	1.4%	1.5%		
SD	0.012	0.015	0.005	0.012	0.015	0.007	0.018	0.015		

B=Budget, R=Rules, EL=Education and Labor, AS=Armed Services
WM=Ways and Means, EC=Energy and Commerce, AD=Admin
FS=Financial Services, PP=Presidential Party, CP=Congressional Party
Source: THOMAS, Library of Congress

Table 3 presents the results for committees that act on less than two percent of minority proposals. Off hand, some of the committees on this table are somewhat surprising, while others less so. For example, that Ways and Means is in this group is more a function of the consistently massive number of bills the committee considers every Congress. Even Democrats have a hard time getting action on their proposals on Ways and Means. In the 111th Congress alone, the committee considered 1710 measures but only acted on four.

Table 34: Committees with Less Than 10% Activity on Minority Proposals

Congress	J	AG	FA	VA	ST	TI	SB	PP	CP
101	6	3	6	9	14	5	14	R	D
102	5	6	0	0	9	9	5	R	D
103	3	4	0	8	0	8	0	D	D
104	4	2	1	2	0	9	0	D	R
105	5	5	4	2	9	11	7	D	R
106	5	1	4	0	13	14	41	D	R
107	3	0	4	5	5	5	9	R	R
108	2	5	6	4	7	4	0	R	R
109	1	1	2	0	3	4	5	R	R
110	1	0	11	5	9	9	13	R	D
111	1	12	1	15	3	8	0	D	D
Mean	3.1%	3.6%	3.6%	4.6%	6.6%	7.9%	8.6%		
SD	0.019	0.036	0.033	0.047	0.047	0.030	0.120		

J=Judiciary, AG=Agriculture, FA=Foreign Affairs, VA=Veterans' Affairs
ST=Science and Technology, TI=Transportation and Infrastructure
SB=Small Business, PP=Presidential Party, CP=Congressional Party
Source: THOMAS, Library of Congress

Table 34 shows increasing activity rates on minority proposals. At the same time, it appears that the committees are less ideologically driven and are moving in the direction of distributive politics. We start to see activity growing to greater than 10% on minority proposals.

Finally, Table 35 reports consistently high percentage rates of activity on minority proposals. However, these consistently high rates of action on proposals triggered some suspicions. So I investigated the composition of the bills submitted by both parties. As I suspected, the high numbers of actions on minority proposals stems from different types of proposals being offered. For example, in the 102nd Congress, Republicans made substantively important policy proposals in the Government Operations committee. One of the proposals was HR 78, the Legislative Line Item Veto Act. It went nowhere. At the same time, the Committee on the Post Office and Civil Service entertained numerous requests to re-designate federal facilities. If you go back and look at minority activity rate on that committee, the Republican numbers return to the above 10% range. After the Republican return to the majority

Table 35: Greater Than 10% Activity on Minority Proposals

Congress	OGR	NR	PP	CP
101	0	21	R	D
102	0	14	R	D
103	0	14	D	D
104	6	14	D	R
105	13	15	D	R
106	12	26	D	R
107	2	29	R	R
108	17	20	R	R
109	20	14	R	R
110	26	17	R	D
111	17	12	D	D
Mean	10.2%	17.7%		
SD	0.092	0.054		

OGR=Oversight and Government Reform
NR=Natural Resources
PP=Presidential Party
CP=Congressional Party
Source: THOMAS, Library of Congress

in 1994, the party consolidated the old Post Office committee on the Government Oversight committee which explains why the committee was so hostile in the early 90s but suddenly became friendly after 1994.

Natural Resources seems much easier to understand. Since Fenno (1973) this committee has been considered a text book case of distributive politics. My findings largely agree. It too was affected by the Republican take-over in the 1990s. The Republicans abolished the Merchant Marine and Fisheries committee, consolidating its functions with Natural Resources. Merchant Marine and Fisheries was another distributive committee identified by Fenno. Unlike the situation with for the Committee on Appropriations, by just perusing the titles of the bills referred to Natural Resources one cannot tell which party introduced the act. For example, HR 438 the Tuolumne Me-Wuk Land Transfer Act of 2009 does not belie any partisan preference. Nor does HR 856 California Drought Alleviation Act of 2009 give a partisan clue. (For the record, both were introduced by Republicans.)

What does seem to recur is that land transfers and other boundary adjustments seem to make up a large number of the successes for both parties. In fact, many of these transfers and adjustments account for the legislative successes minority party sponsors enjoy. Coupled with renaming federal facilities, it appears that these somewhat insignificant transactions are basically what a minority can really hope to achieve. This is not to say that authorizing funding for a water treatment plant in a minority member's district is insignificant. Rather, I am suggesting that committees are more forgiving (or at least less partisan) when it comes to distributive politics type proposals.

One may raise an objection to merely counting proposal outcomes as not taking into account the location of the status quo, the proposal location, nor the distribution of legislator ideal points. I feel that is a valid criticism; however, no author has definitively claimed to have found a way to recover all those locations. Furthermore, if a method for recovering those points existed, the method's developer would have to prove that the legislators understood the situation as the recovered locations suggest. Even within the formal theory literature, various authors have raised questions about the validity of the assumption of perfect information.

Another response is to search for more data. To gain greater leverage on this question I thought it best to investigate the referral outcomes of all bills introduced in the House of Representatives during the 101st-111th US Congresses. I collected sponsorship, co-sponsorship, committee referral, as well as the condensed legislative histories of all introduced legislation for those Congresses from the Library of Congress' THOMAS website.

I found that Republicans in the House of Representatives were responsible for introducing a non-trivial number of the bills that eventually became law during the 111th Congress. Of the 253 House Bills to eventually become law, 41 (16%) were sponsored by Republican House members. An examination of the new laws reveals a list of policy proposals unlikely to make any lists of significant legislation. 23 of the new laws designated official names for federal property. Four more conveyed parcels of land between the federal government and

other entities, and another four established commemorative coins or commissions. Table 36 reports the remaining nine laws which comprise the substantive legislative accomplishments of House Republicans in the 111th Congress.

Table 36: Republican Introduced Substantive Laws Enacted During the 111th Congress

Public Law	Enacted Policy
PL 111-71	Extends the authorization of Radio Free Asia for an additional year
PL 111-149	Permits non-US Citizens to contribute to required matching funds for US federally funded wetlands preservation projects in Canada
PL 111-170	Restricts the use of direct mail that gives the false impression of being related to the US Census
PL 111-178	Authorizes relocation funds for the families of federal law enforcement agents killed in the line of duty
PL 111-246	Extends eligibility for state veteran retirement homes to the parents of soldiers and sailors killed in the line of duty that still have other surviving children
PL 111-293	Restores standard naturalization timelines for Haitian children adopted by US parents who were brought into the country ahead of schedule as a result of the massive earthquake
PL 111-294	Prohibits the marketing and distribution of animal crush videos
PL 111-349	Establishes a pilot program to train certain district judges in the plant variety patent cases
PL 111-376	Authorizes the first responder anti-terrorism training center in Alabama to receive cash and in-kind donations

Source: THOMAS, Library of Congress

An analysis of the Congressional Record reveals that seven of the laws were actually minor modifications of previously enacted legislation. For example, PL 111-170, a measure to prevent direct mail advertising from appearing to be affiliated with mailings sent out by the US Census Bureau, was a reaction to the failure of PL 111-155, the *Prevent Deceptive Census Look Alike Mailings Act*, to accomplish its eponymous task.[25]

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[25]What is somewhat amazing is that a Republican sponsored the second act when it turns out that the

Researchers who argue against gate keeping argue that individual legislators' preferences determine which proposals advance out of committee. Those proposals acceptable to the median legislator move forward while those considered too extreme fail to advance on their own merits. For example, when the bill introduced by Representative Tom Price (R-GA), HR 3140, *Reducing Barack Obama's Unsustainable Deficit Act*, failed to gain any recognition at a time when Democrats commanded tremendous majorities in both Houses of Congress as well as the veto pivot in the White House is not an example of gate keeping. It is simply a case of an idea without a potential majority.

What explains when proposals that command majorities of cosponsors fail to gain any recognition? In the 111th Congress, nine House Republican proposals enjoyed the declared support of over 218 cosponsors. These matters ranged from symbolic legislation like HR 24, re-designating the Department of the Navy as the Department of the Navy and the Marine Corps. The measure had 425 cosponsors, yet it failed to garner any further action after being referred to the committee. On more substantive matters, HR 2296—the Bureau of Alcohol, Tobacco, Firearms, and Explosives Reform and Firearms Modernization Act of 2009. This bill enjoyed the co-sponsorship of 243 members, 76 of whom were Democrats (30% of co-sponsors), yet it too failed to garner any recognition.

Only three House Republican proposals with 218 or more co-sponsors achieved any recognition beyond bill referral. HR 22, the United States Postal Service Financial Relief Act of 2009 had 339 co-sponsors, 237 were Democrats (69% of co-sponsors). The bill was reported out of committee and passed the House under suspension of the rules. However, the measure died in the Senate. HR 1207, the Federal Reserve Transparency Act of 2009, enjoyed the support of 320 co-sponsors, 141 were Democrats (44% of co-sponsors). This bill only managed to get a hearing and failed to advance out of committee. Perhaps it is significant that the first dimension DW-NOMINATE score of the median co-sponsor was 0.4512, clearly closer to the median of the Republican conference.

Republican National Committee itself was guilty of violating PL 111-155 with its direct mail campaign.

Of the three proposals with majorities of co-sponsors to receive attention, only HR 5566, the Animal Crush Video Prohibition Act of 2010 [262 co-sponsors 132 were Democrats (50% of co-sponsors)] successfully negotiated all the legislative wickets to become public law. A review of the Congressional Record reveals that the law was a correction to previous attempts to outlaw this practice. Animal crush videos are defined as videos in which small animals are shown to be crushed to death usually by scantily clad women. The first attempt by states and localities to ban the practice resulted in unsuccessful prosecutions due to the difficulty of proving the jurisdiction in which the video took place. Film directors obscured either the location of the act or the identity of the participants. Unsuccessful prosecutions coupled with court skepticism of the laws' first amendment bona fides resulted in federal legislators making a second attempt at restricting animal crush videos. The second attempt to outlaw this practice focused instead on outlawing the distribution and marketing of these types of videos. This attempt, however, resulted in the unintended consequence of placing in jeopardy the producers of otherwise legitimate hunting and fishing videos. This third attempt codifies an exemption for producers of hunting or fishing videos. The moral of the story is that if you are going to kill a small animal, then you had better not do it with a bikini clad woman in stiletto heels.

That six pieces of Republican proposed legislation which enjoyed the declared support of ready-made majorities of co-sponsors yet failed to garner any legislative activity calls into question the insistence that gate keeping does not exist. This is particularly troubling when every Democratic proposal which similarly had the declared support of enough co-sponsors to form a majority were able to gain at least some form of recognition beyond referral.

In their most basic form, Congressional committees, especially in the House of Representatives, are charged with winnowing down the thousands of bills submitted during each Congress into a manageable workload. Of the 6562 bills introduced in the House during the 111th Congress, only 432 were reported out of committee. An additional 373 House bills not reported out of committee were thought non-controversial enough or presumed to have broad

enough support to request consideration under suspension of the rules. 805 bills considered out of 6562 introduced is an 87% reduction in the number of items to be considered by the entire House.

The initial steps in how a bill becomes follow a relatively straight forward procedural routine. Once placed in the hopper, a newly introduced bill is formally numbered and the Speaker, via the Parliamentarian, subsequently refers it to the applicable committee(s) in accordance with the jurisdictions laid out in Rule X of the House Manual of Rules and a meticulously maintained list of referral precedents. On a few occasions, a referral will be challenged. King (2008) detailed the trial-like procedures for a contested referral. The Parliamentarian and his assistants, who are all lawyers by training, hold what amounts to a trial to hear the affected committees' arguments and weigh the evidence over which committee(s) should receive a bill. This process is hotly contested as the decision will turn into precedent to guide further bill referral decisions.

A second way for a committee to get a bill is for it to be "re-referred." For example, in the 110th Congress, Rep David Dreier (R-CA) introduced H.R. 123, a bill to authorize additional federal funds to go to a local water quality authority to clean up a polluted drinking water source. The Speaker/parliamentarians initially referred the bill to the House Committee on Transportation and Infrastructure. That committee asked for unanimous consent to be discharged from further consideration of the bill and that the bill should subsequently be referred to the House Committee on Natural Resources. Natural Resources later reported the bill and it ultimately passed the House under suspension of the rules. Re-referral is the result of committees agreeing to transfer bills between (or among) themselves and indicates likely favorable action in the receiving committee.

A few committees have the authority to originate bills. Notably, the House Committee on Appropriations routinely considers legislation that originates within the committee. Each of the annual appropriations bills is initiated in this matter. In fact, Appropriations *rarely* acts favorably on any legislation that does not originate within its chambers. Referral, re-referral,

and originating are the three ways committees receive their legislative workload. Having just explained how committees get their bills, I will now detail the potential outcomes those bills face.

Wilson (1885) wryly noted, "[t]he fate of bills committed is generally not uncertain. As a rule, a bill committed is a bill doomed." (64) The most common outcome for newly introduced legislation is literally nothing. In the vast majority of cases, the committee will take no further action and that bill will most likely never be seen again. Some bills will make it at least one step further and get referred to one of the committee's subcommittees. However this extra step is no guarantee that the bill itself will receive any further attention. In most cases, referral to a subcommittee just shifts who specifically will neglect a bill to death. If, however, the bill's sponsor is extremely motivated and the bill has the support of some majority faction, the bill can be pried from the grips of a hostile committee. While re-referral is an agreement to move a bill out of one committee and over to a different committee, formally filing a discharge petition is considered an aggressive, if not overtly hostile, act against a committee. Sometimes merely a credible threat of filing a discharge petition will break legislation free from committee induced gridlock.

Not all bills die in committee untouched and only and extremely few are involuntarily ripped away from a committee's consideration. Sometimes, the full committee (and/or one or more of its subcommittees) may hold hearings. Another significant activity is for the committee to participate in a legislative markup session. Legislative markup is the process of going line by line through proposed legislation. The most significant action a committee can take is to report out a bill to the entire House. This is significant because bills reported out of committee go on the appropriate calendar which subsequently governs time management in the House.

Multiple referral means a bill can be sent to more than one committee for consideration. In my analysis of referral outcomes, I am more concerned by the actions of each committee on any single bill under its consideration rather than the overall impact of the entire referral

process on a single bill. To clarify I provide the following example.

During the 111th Congress, Representative Tammy Baldwin (D-WI) introduced HR 233, the Railroad Antitrust Enforcement Act of 2009.[26] HR 233 had 21 co-sponsors with a median co-sponsor first dimension DW-NOMINATE score of -0.248, slightly more centrist than the average Democrat. Rep Baldwin herself is located to the left of the median Democrat with a score of -0.589. HR 233 was referred to the House Judiciary Committee as well as the House Transportation and Infrastructure Committee.[27] Were I just focusing on the referral outcome on the bill, I would have a single observation that the bill had been reported out of a committee. Instead, I am focusing on the activity in both committees.

In Judiciary, the bill was further referred to the Subcommittee on Courts, the Internet, and Intellectual Property. While in subcommittee, the bill underwent hearings and markup. The story was different for the bill in the Transportation and Infrastructure Committee. The bill was also referred down to a subcommittee[28], but instead of its active experience in Judiciary, HR 233 underwent benign neglect. When Judiciary reported out its bill, Transportation and Infrastructure was discharged of its consideration of the bill.

Therefore, in cases of multiple referral there are multiple observations. One in which the bill underwent some action in general and was reported out. The second observation reports no activity. This explains why there are 8934 observations for the 111th Congress even though there were only 6562 bills introduced. Overall, the dataset consists of 84,465 observations.

This analysis is primarily concerned with bills receiving some sort of action beyond being referred. One of the difficulties of this project is lacking a reliable measure of the correct dimensional status quo in order to evaluate proposed legislative changes. I used a couple of coarse variables as indicators for at least pointing out the ideological direction of the policy.

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[26]According to the CRS summary, the intention of the bill was to remove antitrust exemption from rail carriers. Instead of the Surface Transportation Board regulating the mergers and acquisition of rail carriers, future merger activity would be regulated under the auspices of federal antitrust regulators. Presumably the antitrust regulators would be more critical than the STB.

[27]Rep Baldwin was not a member of either committee.

[28]the Subcommittee on Railroads, Pipelines, and Hazardous Materials

I have taken into account each sponsor's party caucus membership.[29] I have also calculated the party caucus composition of the co-sponsors for all bills with co-sponsors. Finally, I calculated the median first dimension DW-NOMINATE score for the co-sponsors. Unfortunately those variables only hint at whether or not a policy should change given the preferences of the chamber. Also, my data does not address the amendments to proposals or how they change from initial introduction. In short, by looking at "action" as opposed to "reporting" I get an idea of which proposals are good enough to at least merit looking into.

To create this dichotomous "action" variable I counted whether a bill had been originated in committee, been re-referred, had been subject to a hearing, had been through markup, or had been reported. Provided any one of those events occurred, the bill/committee pairing was marked 1, otherwise it was 0. Because one would expect the majority to experience more favorable levels of action on its proposals, I am not interested in the referral outcomes of the majority party. Instead, I care about the absolute level of action minority party proposals receive. Next I counted the number of bills that received some action per committee sorted by the party of the bill sponsor. Taken all together, the data on minority party proposal activity in committees suggests the minority party **_fails to get a chance to make the case_** for their proposals.

Now I return to the original point of departure for this discussion that the mere existence of special rules presents problems with the Crombez, Groseclose and Krehbiel (2006) definition of gate keeping rights/powers. Restrictive rules are designed to limit the options legislators face in making decisions about policy proposals. Restricting amendments beyond the normal operating rules of the House, or even waiving rules to prevent the raising of points of order otherwise permissible, are designed to steer proposals toward a specific

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[29]Every member was split into either the Democratic or Republican caucus. For example, Rep Bernie Sanders (I-VT) is listed as an independent because he was not formally affiliated with the Democratic Party. However, he caucused with the Democrats and received his committee assignments through the Democrats. Additionally his ideology scores place him well within the Democrats. In the case of party switchers, I used their affiliation at the end of the Congress. In my initial iteration of the data, I was surprised to discover HR 5005, an act to repeal the Patient Protection and Affordable Care Act, had been sponsored by a Democrat. The member was Rep Parker Griffith (D-AL). Rep Griffith had switched parties during the 111th Congress. This alerted me that I needed to account for party switchers.

desired outcome instead of a process in which the median voter rules.

Ironically, the objections one might have to my analysis of minority party proposals on the basis of not knowing the locations of legislator ideal points, the status quo, and/or proposal locations are used to defend the practice of restrictive rules under an Informational rationale. Gilligan and Krehbiel (1987) made the explicit argument that restrictive rules guaranteed committees a policy premium in exchange for absorbing the high costs of specializing in a given jurisdiction. The exchange is mutually beneficial because the House gets higher quality information overall than they would have received otherwise. Precisely because there is a lack of perfect information, the House is willing to pay a premium.

One could argue that since restrictive rules must be approved by the chamber and not just the committee, they actually represent a majoritarian outcome. However, I will suggest that procedural votes, like votes on special rules, are governed by a process that differs from votes on final passage. I will present some evidence that members vote by party on procedural matters and by personal preference on final passage.

First, I make use of party switching to suggest that members vote for the party for procedures and are free to vote by personal preference in final passage. Phil Gramm represented Texas' 6th US Congressional District from 1979-1985. He was initially elected in 1978 as a Democrat. In 1983 he switched parties and won reelection as a Republican. Table 37 presents evidence suggesting that Representative Gramm's voting behavior changed significantly once he changed parties.

Table 37: Effect of Party Switching on Phil Gramm, 97th and 98th Congesses

| Congress | Gramm, TX–06 | | Porter, IL–10 | | Roemer, LA–04 | |
	Score	Rank	Score	Rank	Score	Rank
97th	0.214	145	0.212	146	0.174	160
98th	0.559	12	0.212	133	0.174	144
Source: Voteview, Compiled by Author						

In Table 37, I present Representative Gramm's first dimension DW-NOMINATE score as presented on Voteview's ranking of members for both the 97th and 98th Congresses. As

mentioned earlier, roll-call vote analyses can be problematic. DW-NOMINATE scores are not meant to be compared between different Congresses. The basic problem is that the different Congresses do not vote on the same set of issues rendering inference between the Congresses difficult. Instead, I have also presented the scores of Gramm's contemporaries who served in both Congresses. The theory here is that the only difference between the 97th and 98th Congresses for these members is that Gramm switched parties. I selected Representative John Porter, a Republican from Illinois' 10th Congressional District and Representative Charles "Buddy" Roemer, III, a Democrat from Louisiana's 4th Congressional District. In the 97th Congress, Rep Porter was next in line to Rep Gramm when ranking members in order of their ideological dimension score. Porter was the 146th most conservative member of the House compared to Gramm who was the 145th. Rep Roemer was the next nearest Democratic member of the House. Roemer was ranked 160th most conservative member.

In the 98th Congress, there was substantial movement in first dimension scores for Rep Gramm. The other two remained at the same score. Knowing that they are not directly comparable even though I have provided other legislators to track their changes, one can also look at the changes in the ranking of members. Gramm goes from being a middle of the pack Republican—even though he was a Democrat—into being the 12th most conservative member in the entire House. This suggests that there was significant change in Gramm's voting behavior, and I argue that the change was driven by party membership. Gramm voted procedurally with the Democrats. Once he switched parties, he started to vote procedurally with the Republicans. Since Roemer and Porter had not changed parties, their procedural votes remained the same, hence no change in their vote scores.

Another clue that members vote one way on procedural matters but another way on final passage is comparing the difference of votes for the special rule with the votes for final passage. This requires careful definition. A member who votes against a special rule but then votes for final passage is different than a member who votes for the special rule but against final passage. In the first case, the member may change votes reflecting the inevitable victory

of the proposal. The second case, however, is a case where sincere voting would suggest the member would prevent the procedural vote as well as the measure itself. This would be especially true in the case of a closed special rule.

In this section of the essay, I have questioned the definition of gate keeping right/gate keeping power offered by Crombez, Groseclose and Krehbiel (2006). I have presented current legislative practices that can not only lead to, but also are designed to result in non-majoritarian outcomes. Most ideas die in Congress before any one even knows they exist. The evidence shows this happens more often to minority party proposals. The process of moving legislation along is filled with uncertainty at every node. In the final section of the essay, I discuss possible conditions in which gate keeping might occur.

Possible Condition for Gate Keeping

In this section of the essay I suggest that managing uncertainty provides individuals and groups a gate keeping power. The American system of enacting laws has multiple veto points. Polsby (1970) quoted one observer who said:

> A United States Congressman has two principal functions: to make laws and to keep laws from being made. The first of these he and his colleagues perform only with sweat, patience and a remarkable skill in the handling of creaking machinery; but the second they perform daily, with ease and infinite variety.

An extremely resourceful legislator can get around veto points by investing a lot of time and effort into assembling a winning coalition. There are multiple paths a legislator can employ to maneuver his or her proposal to the chamber floor. There is the discharge procedure, calendar Wednesdays, unanimous consent, and suspension of the rules to name a few. However, those other ways are less desirable methods of achieving chamber recognition. "Other methods are provided, but they require more votes for passage or offer more opportunities for opponents to kill the legislation through parliamentary tactics instead of on the merits alone." (*CQ Almanac* 1963, 369)

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Let's suppose a proposal is at location X *which under the rules governing the normal flow of legislation* strictly defeats the status quo in the chamber floor but fails to win the majority of a committee. Additionally, let's suppose we are unsure of the probability that the proposal at location X strictly defeats the status quo under alternative methods of passage. What if the gate keeper offers location X' as a compromise and location X' strictly defeats the status quo?

The question shifts to how can the gate keeper guarantee location X'? A press release from the House Committee on Rules dated June 1, 2011 suggests committees probably had become accustomed to receiving some formal level of protection for their proposals. Chairman Dreier celebrated the first open rule reported out of the committee in over four years. What are the chances of success if one goes against the system?

Albeit not a perfect measure, success rates on discharge petition efforts suggest it is difficult to go that route. Beth (2003) reported there were 221 discharge efforts in the House between the 90th–107th Congresses. Of those, 24 led to consideration on the floor. 11 resulted in the measures being reported but no further action occurred.[30] Of the 22 individual measures that made it to the House floor, 6 were officially discharged, 6 made it to the floor after discharge petitions were filed, 10 made it without the entry of a petition.[31] 8 of the measures were Constitutional amendments, of which 7 failed to garner the 2/3 vote necessary for passage.[32] For the remaining 14 items, either the measure or a related alternate measure passed the House. This suggests that going the discharge petition route is only a slam dunk if you get all 218 signatures.

When faced with the prospect of taking the easier road to final passage through additional concessions or taking the harder road without those concessions, I suggest that unless there is perfect information a priori, most would opt for making concessions. I submit that the

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[30]There were 24 discharge petitions on 22 unreported measures and 11 discharge petitions on 10 measures

[31]The instances where the measure made it to floor consideration with the actual filing of a discharge petition suggest the threat of discharge was enough to move the proposal along.

[32]The only amendment to gaining approval in the House during this time period was the Equal Rights Amendment in 1969. The others dealt with school prayer, flag burning, and balanced budgets.

ability to influence proposals to win support from a committee is possible only because the committee has the ability to alter the probability of success on the floor. In that way, the committee has the choice to expedite or as Speaker Hastert put it "not expedite" a proposal.

In this essay I have evaluated the gate keeping claims of Crombez, Groseclose and Krehbiel (2006). I have argued that gate keeping should be re-conceptualized as the ability to alter the probability of floor success for a proposal. The history of the development of rules and procedures in the House of Representatives makes it clear that members are reluctant to assign the absolute right to kill legislation to smaller groups or individuals within the body. In fact the major controversies in the history of the body have been specifically about protecting majority decision making. However, I have presented evidence suggesting that the House tolerates rules and procedures which improve the probability of passage for legislation preferred by groups or individuals within the body. Gate keeping or gate keeping power should be thought of as the ability to deny preferential treatment as opposed to outright killing legislation.

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