

Extension of Remarks



Legislative Studies Section



American Political Science Association



July 2004, Vol. 27, No. 2

Inside this Edition

- ✚ **Redistricting and the Decline of Competition in U.S. House Elections: Editor's Introduction**, *Sean Kelly, Niagara University*
- ✚ **You Really *Can't* Beat Somebody With Nobody: Declining Competition in the American Political System**, *J. Mark Wrighton, University of New Hampshire*
- ✚ **The Decline in Competition in House Elections: Another Perspective**, *Jeffrey Stonecash, Syracuse University*
- ✚ **Redistricting and Electoral Competition: Some Historical Evidence**, *Erik Engstrom, University of North Carolina, Chapel Hill*
- ✚ **It Pays to Pay a Professional: California's Redistricting Compromise of 2002**, *Lara Brown, University of California, Los Angeles*
- ✚ **Has the Senate Become the People's House?** *R. Lawrence Butler, Rowan University*

Coming in January 2005

*Republican Rule: Ten Years of Republican Control and
Institutional Change in the U.S. House*

Extension of Remarks



Legislative Studies Section



American Political Science Association



July 2004, Vol. 27, No. 2

Redistricting and the Decline of Competition in U.S. House Elections: Editor's Introduction

Sean Kelly
Niagara University

*... instead of voters choosing their politicians,
politicians actually choose their voters.*
-- Douglas J. Amy (2002)

The 2004 election cycle presents political scientists with a paradox. Every indication at this point is that the presidential race will be very competitive. By contrast the vast majority of races for the U.S. House are *already decided*. The partisan division in the House is relatively close; the Republicans hold 228 seats and the Democrats (including the one independent who caucuses with the Democrats) hold 207 seats, it would take a swing of only 11 seats to the Democrats to produce a majority in the House but most observers do not give either party much of a chance to gain a significant number of seats. According to most observers the chances of the Democrats seizing the majority is nil. Respected political forecaster Charlie Cook rates 13 of the 435 House races as "toss ups" – nine of these are currently Democratic seats and four are currently Republican seats.¹ Democrats would have to win 11 of those 13 races to achieve majority status, or score some big wins in Republican leaning districts; either scenario is highly unlikely. Congressional Quarterly currently

rates 30 races as "highly competitive" (CQWR 2004, 1464-1465).

In this issue of *Extension of Remarks* five talented congressional scholars analyze the *lack* of competition in U.S. House elections. Congressional elections specialists have generally centered on the incumbent advantage as the primary suspect for the death of competition in House elections. The first two essays seek to redefine, or outright question, the singular focus on the incumbency advantage. Mark Wrighton examines competition as a function of uncontested House seats. Uncontested House seats in which voters do not have a choice between two competitors, by definition, lack competition; Wrighton examines significant changes in the number and partisan complexion of these types of races and raises important questions about what these races mean for the quality of electoral democracy. Jeff Stonecash incorporates these uncontested races into his analysis and makes the case that the focus on the incumbency advantage has distracted congressional scholars from fundamental political changes that have resulted in increased Republican success prior to 1994, and Republican dominance in House elections, in an aggregate sense, since that watershed election.

Taken together these two essays make a strong case for closer examine local conditions in congressional elections. Research on the

¹ Cook Political Report House Race Charts, www.cookpolitical.com accessed May 28, 2004 and July 2, 2004.

incumbency effect quickly dispensed of arguments that focused attention on congressional districting in the states as a cause of incumbency success in House elections. Recent events in states like Texas and Colorado, among other states, suggest that political maneuvering aimed at creating safe partisan districts has dominated the efforts of state and federal partisans. Republicans in Texas redrew the political map in 2004, two years after the 2002 redistricting plan was approved, to create more Republican friendly districts; the Republican Party may gain five seats in the House as a result of the new districts. Republicans in Colorado sought to reopen the districting process in 2004 to do likewise before they were stopped by the state's Supreme Court. Anecdotal evidence from many other states suggests that state political parties have sought to create districts that favor their candidates.

Erik Engstrom takes a look at redistricting in Ohio and Lara Brown analyzes redistricting in California. In both cases they argue that redistricting has limited the level of competition in those state's House elections. One of the interesting assertions of both authors is that there has been a shift in strategy on part of partisans in the states. Increasingly the parties are seeking to protect their incumbents by concentrating their partisans in congressional districts; the result is that neither party has many opportunities to increase their overall seat counts in the House. Where the political parties used to distribute their partisans in such a way that the party was competitive in a large number of seats, the parties have become more conservative seeking to protect the seats that they already have. As Brown argues this strategy has disturbing consequences for the overall interests of the political parties.

Also disturbing are the implications for the quality of American electoral democracy. As Larry Butler considers in his concluding

essay, with most House seats well insulated from partisan swings, Senate seats may provide the only competitive elections in many states. Furthermore, given that most House members do not need to concern themselves with taking "extreme" positions on issues – after all, as Amy suggests they have chosen constituents that are consistent with members' existing political beliefs – the House as an institution has become *less* responsive to shifts in macro public opinion. These electoral developments have undermined the Founders' expectation that the House would reflect broad public opinion by handing that distinction to the Senate.

REFERENCES

Amy, Douglas J. 2002. *New Choices/Real Voices: How Proportional Representation Elections Could Revitalize American Democracy*, 2nd Edition. New York: Columbia University Press.

CQWR (2004). "Handful of House Races Will Determine House Control." *Congressional Quarterly Weekly Report*, 62(25) 1464-1465.

Extension of Remarks



Legislative Studies Section



American Political Science Association



July 2004, Vol. 27, No. 2

You Really *Can't* Beat Somebody with Nobody: Declining Competition in the American Political System*

J. Mark Wrighton
University of New Hampshire

Observers of the American political system – as they may with any other regime – view its level and nature of political competition as an indicator of its general health. Higher levels of competition characterize a system in which political elites and the populace are engaged in exchange and discussion of the vital issues of the day and one in which many elites are willing to stake out and defend positions on those issues by campaigning for public office. Further, this heightened systemic competition may encourage higher rates of voter turnout by eliciting the interest of the electorate.

Recent electoral cycles in the American political system appear to paint the portrait of a very competitive democratic regime. If one gauges the health of the American system by the “closeness” of its elections, one finds a very healthy regime. The presidential election of 2000 – the closest in American history and only the fourth time in the history of the republic in which an Electoral College “inversion” decided the victor, the 50-50 split of the United States Senate in that same year, the gain of only two Senate seats by the Republican Party in the subsequent 2002 midterm election, victories by the Democratic Party in two recent special elections for the United States House of Representatives, a tightening of the partisan control of governorships, and a persisting small gap between the two-party nationwide vote all stand as evidence in support of the

thesis that democratic competition is alive and well in the United States.

All of these, however, are the national, collective results of electoral processes in the districts and states forming the American geopolitical map. The presidential election’s Electoral College result is the sum of 51 separate elections for president. The partisan makeup of the legislative branch is the collective result of 435 House elections and 33 (or 34 depending on which class is up for selection) individual Senate elections every two years. Thus, those who only examine the “forest” of political endgame results may miss what is going on at the level of the individual “trees” which shape the collective result.

When one examines competition at this “micro” level, one finds it in decline even as it appears to be on the rise at the macro level. Viewing competition from the perspective of contested seats presents a different picture of the health of the political system. Further, this decline in competition manifests itself in a peculiar manner given the makeup of the democratic institutions of American government and may evidence fundamental changes under way in the American political system. It is this puzzle of competition, how it has recently manifested itself in American politics, and the implications of declining competition I intend to explore in this essay by examining the over-time variation of

uncontested seats in the U.S. House of Representatives.

Competition Over Time in the House of Representatives

There are different ways by which to conceive of "competition." In the literature, some distinguish between "marginal" and "nonmarginal" incumbents.¹ Some use a continuous measure of two-party vote or some variant.

For this essay, I follow the lead of a previous piece (Wrighton and Squire 1997) and denote the level of competition in any given House election year by the number of uncontested seats, defined as those races in which there is only one major-party candidate. Having a competitor on the ballot is a basic component of democracy. While "you can't beat somebody with nobody" is a popular political axiom, it is not trivial to note that you can't beat anybody with nothing.

Consequently, parties have worked hard over the years to fill their slots on the ballot (e.g., Key 1964, 446-447; Herrnson 1988, 48-56). Thus, fewer uncontested seats indicate a relatively competitive year in House elections. More uncontested House seats indicate a less competitive year.

Using this measure of competition, how competitive have House elections been over time? Figure 1 displays the pattern of the incidence of uncontested seats over the period 1912 to 2002. (1912 serves as the starting point because that was the first election where the number of seats in the House was fixed at 435.)² A glance reveals two interesting

patterns. First, a saw tooth pattern appears with some regularity over the 46 cycles. There are alternating peaks (less competition) and valleys (more competition). Second, in recent decades competition has increased (with a notable decline). Starting in the 1950s, the number of uncontested House seats decreases, with a notable increase in the 1980s. In House elections of the 1990s, the level of competition soared relative to that of the entire period. Indeed, in the cycles encompassing the change in partisan control of the House, the series hits several lows in the number of uncontested seats with 30 in 1992, 46 in 1994, and an all-series nadir of 18 in 1996. As the Republican majority has become entrenched the numbers of uncontested seats have risen to the levels of the 1980s.

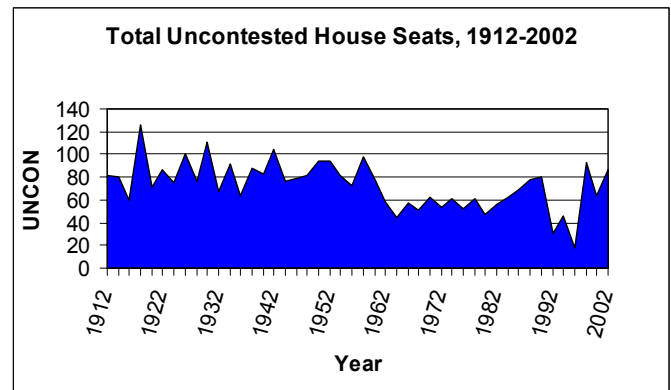


Figure 2 presents a graphical look at the difference between Republican and Democratic uncontested House seats. First, the two-election cycle appears to hold for both Democrats and Republicans; in one election competition is up, and in the next it is down. Second, the parties diverge in the level of competition in recent elections. From the mid-1960s through the 1980s the number of uncontested seats enjoyed by the Democrats was roughly constant. Since 1990, however, the Democrats have experienced a dramatic drop in the number of "free rides." In contrast, over that same time period, the number of

two major parties (a notable current exception is Bernie Sanders of VT). Elections before 1912 had a greater incidence of such situations.

¹ This demarcation is somewhat arbitrary. The "usual" standard is that obtaining 56 percent or less of the vote in the previous election denotes a "marginal" representative. Jacobson (1987) makes a strong case against this "standard" by asserting that even though most incumbents now win with higher vote shares they may still consider themselves "marginal."

² It also is the case that very few races since 1910 involve serious third-party candidates in the place of one of the

Republican uncontested seats has generally increased.

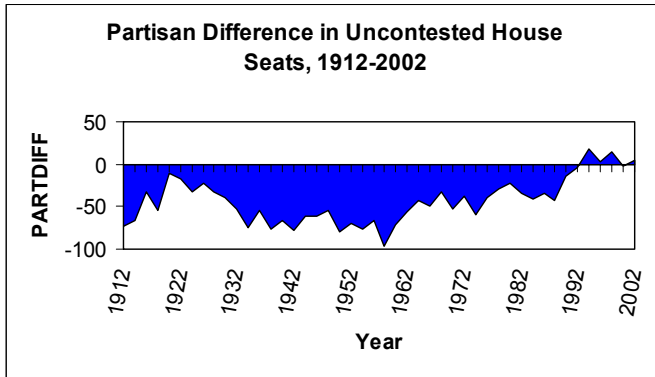


Figure 2 also reveals the great advantages held by Democrats for most of the series. Most notable is the steep increase in the difference between Republican and Democratic uncontested seats following 1932. One might attribute this to the realignment of 1932; apparently, Republicans got fewer free rides as the result of losing the partisan base it had for almost 80 years. In the 1960s, the difference between the parties' uncontested seats begins a 40-year trip to 0. One may attribute much of this move to a recent (and dramatic) increase in the numbers of southern uncontested Republican House seats.³ This increase appears in the mid-1960s, possibly in conjunction with the Goldwater run for the presidency (Black and Black 1987; Canon 1992; Converse, Clausen and Miller 1965), and in each cycle of the 1990s – with the exception of 1996 – Republicans benefited from at least 20 uncontested House seats in the South.

Although “eyeballing” a time series can suggest some possible relationships, more rigorous and systematic analysis is, of course, required. Examination of the time series presented here suggests some possible explanations; but other, less obvious explanations can be offered as well.

³ The South is defined here as the states of the Confederacy: Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

Influences on Competition in House Elections Over Time

Wrighton and Squire (1997) test several sets of variables with the potential to affect the over-time variation in competition for the United States House of Representatives. They do so from the well-grounded assumption that candidates for office act strategically when deciding to compete for a seat. That is, they assess in simple terms whether or not running for and holding office is worth the effort and the associated opportunity costs. A number of studies have revealed the calculated behavior of possible candidates (e.g., Canon 1993; Fowler and McClure 1989; Jacobson and Kernell 1981; Kazee 1994).⁴ In general, candidates are more likely to run as they see their chances for victory increase. Similarly, where prospects for victory are dim, potential candidates are less inclined to run, enhancing the likelihood of uncontested races (Squire 1989). Thus, one should expect that the number of uncontested seats should fluctuate with the competitiveness of the electoral environment.

They go on to classify potential explanations of over-time variation in electoral competition for the U.S. House of Representatives into three general categories. The first is partisan change. In this category, they include phenomena such as the partisan shift in the previous election's vote, the realignment of 1932, the rise of the Republican South, and midterm elections. Their second set of potential explanations is change in electoral rules. In particular, they emphasize the importance of redistricting of seats within states as an important change in the rules affecting competition (The effect on competition which drawing the lines in favorable ways for incumbents has should be quite apparent in the example of California elsewhere in this edition). A final category is

⁴ See also the discussion of candidacy decisions in Fowler (1993) and Squire (1995, 898-99).

secular change in the electoral system: the well-documented increase in the incumbency advantage starting in the mid-1960s. All of these factors affect individual candidacy decisions and help create variation in the amount of competition in the system and – by extension – its health.

Wrighton and Squire (1997) find that many of these factors contribute to the over-time variation in competition for the U.S. House of Representatives. In particular, they find that the partisan change variables – the realignment of 1932 and the rise of the Republican South – significantly contribute to the shifts in variation in the numbers of total uncontested House seats, Democratic uncontested ones, those of the Republican Party, and the difference between the parties' uncontested seats. In the analysis – which spanned the period 1912 to 1994 – they found significant gains in uncontested seats for the Democrats as a result of the 1932 realignment (evidenced by a significant shift in the slope) with gains in the incidence of running without Republican opposition continuing in the period following the Roosevelt sweep (manifested by an increase by which the slope coefficient changes following 1932). Further, there is a downward shift in uncontested seats as result of the 1964 GOP gains in the South. Their model of the difference between the numbers of Democratic and Republican uncontested seats shows many of the same trends.

Recent Trends and Implications for the Health of the Political System

At the outset of this essay I asserted that – while many observers of the American political system may view its recent collective results as evidence of a competitive and healthy one – an examination of the trends in competition from the perspective of a set of individual candidacy decisions may tell a different story. Indeed, when one examines

the recent data on uncontested House elections – including a preliminary count of 85 uncontested House seats for 2004⁵ – in light of the increasing passion with which political discourse and activity are conducted, one finds the potential for several different trends, some of which may be deemed negative for the health of the political system.

At the core of the decline in competition for the U.S. House of Representatives is redistricting. Many have long recognized the process of redrawing the lines as affecting the political fortunes of House incumbents, particularly in states losing seats as a result of the decennial reapportionment among the states. Recently, however, the process has become acutely politicized as Republican legislative majorities have increasingly come to control the process. The recent redistricting processes in Colorado, Pennsylvania, and Texas – where Democratic members of the legislature spent time in Oklahoma and New Mexico in order to prevent the presence of a quorum and delay the process – evidence the creativity that GOP legislatures have developed in this process. Increasingly, however, it appears that the parties are making implicit bargains in the states to protect their incumbents and minimize the overall size of the battlefield.

While Wrighton and Squire (1997) found no systematic evidence for the impact of redistricting on the variation in the over-time competition for the House, an examination of the data provides some evidence for a developing trend in its impact. The average number of uncontested House seats for the four redistricting cycles prior to 2002 was 50, or about 11% of the total number of House seats. In 2002, the number reached 87, or 20% of all

⁵ From data derived from the *Los Angeles Times* Election 2004 website accessible at www.latimes.com. The figure cited for 2004 is preliminary as some states' filing deadlines have yet to pass at the time of publication of this piece, and some seats may yet be contested.

House seats. In 2004, 85 House seats are currently without major-party competition, and political prognosticators note very few truly “competitive” seats. Although more cycles of data may provide a more definitive picture, the acute politicization of the redistricting process may be taking the political system to a plateau where a large portion of seats go regularly uncontested.

Will such declining competition in the U.S. House of Representatives (and, by extension, the overall political system) make a difference in the health of the political system? In at least three ways such a decline in competition has the potential to make a difference. Through a curious role reversal between the House and the Senate, an “unhinging” of congressional elections from presidential ones, and a decline in the amount of discourse about important issues facing the polity, a decline in competition has the potential to affect the system’s health.

First, it is curious that one would find declining competition in the United States House of Representatives. The framers set it up to reflect the passions of the electorate. Its counterpart, the Senate, was set up as a place to cool those passions. Given the built-in responsiveness, one might expect the House to remain a competitive institution, yet redistricting decisions are curtailing that competition. This has the potential to reduce the House’s responsiveness to the electorate in marked contrast to the framers’ intent.

Second, there appears to be an “unhinging” of House elections from presidential ones. Indeed, as far as deciding to run for the House, Tip O’Neill’s axiom that “all politics is local” still rings true. One sees, however, that redistricting may be making this increasingly more local, leading to more noncompetitive House districts in states fiercely competitive on the presidential level as well as competitive ones in states ignored by

the presidential candidates.⁶ In 2004, there are few competitive states – such as New Hampshire – in which presidential candidates can benefit from being “pushed” from below. If this trend continues, presidential coattails might be a thing of the past insofar as they can affect the outcomes (or candidacy decisions) in House districts.

Finally, an uncontested race has implications far beyond being unable to beat somebody with nobody. An uncontested House race is one in which the voters have little opportunity to hear candidates engage in vigorous discussion of the major issues of the day. Even co-partisans of the one major-party candidate in an uncontested race may wish a dialogue on certain issues. Increasingly, however, the acute politicization of the process has dampened such discussions. The major parties, through their agreements on redistricting, may have sacrificed political discourse for political expediency and enhanced electoral certainty.

This essay has illuminated how changes to electoral processes have potentially profound effects on political outcomes as well as for the overall health of the American political system. While it may be politically expedient to create more “safe” seats (trees), those who tinker with the lines should remain mindful of the systemic (forest) consequences of their actions. Thus, the micro and the macro levels interact and both observers and practitioners should consider the effects each has on the other before declaring the system healthy because of close overall electoral outcomes.

REFERENCES

Black, Earl and Merle Black. 1987. *Politics and Society in the South*. Cambridge: Harvard University Press.

⁶ In 2004, Florida, a battleground state in the presidential election, has 11 uncontested House seats.

- Canon, David T. 1992. "The Emergence of the Republican Party in the South, 1964-1988." In *The Atomistic Congress: An Interpretation of Congressional Change*, ed. Allen D. Hertzke and Ronald M. Peters, Jr. Armonk, NY: M. E. Sharpe.
- Converse, Philip E., Aage R. Clausen, and Warren E. Miller. 1965. "Electoral Myth and Reality: The 1964 Election." *American Political Science Review* 59: 321-36.
- Fowler, Linda L. 1993. *Candidates, Congress, and the American Democracy*. Ann Arbor: University of Michigan Press.
- Fowler, Linda L., and Robert D. McClure. 1989. *Political Ambition: Who Decides to Run for Congress*. New Haven: Yale University Press.
- Herrnson, Paul S. 1988. *Party Campaigning in the 1980s*. Cambridge, MA: Harvard University Press.
- Jacobson, Gary C. 1987. "The Marginals Never Vanished: Incumbency and Competition in Elections to the House of Representatives, 1952-1982." *American Journal of Political Science* 31:126-41.
- Jacobson, Gary C. 1990. *The Electoral Origins of Divided Government: Competition in U.S. House Elections, 1946-1988*. Boulder, CO: Westview Press.
- Jacobson, Gary C., and Samuel Kernell. 1981. *Strategy and Choice in Congressional Elections*. New Haven: Yale University Press.
- Kazee, Thomas A., ed. 1994. *Who Runs for Congress?: Ambition, Context, and Candidate Emergence*. Washington, D.C.: CQ Press.
- Key, V. O., Jr. 1964. *Politics, Parties, and Pressure Groups*. 5th ed. New York: Crowell.
- Squire, Peverill. 1989. "Competition and Uncontested Seats in U.S. House Elections." *Legislative Studies Quarterly* 14:281-95.
- Squire, Peverill. 1995. "Field Essay: Candidates, Money, and Voters-- Assessing the State of Congressional Elections Research." *Political Research Quarterly* 48:891-917.
- Wrighton, J. Mark and Peverill Squire. 1997. "Uncontested Seats and Electoral Competition for the U.S. House of Representatives Over Time." *The Journal of Politics* 59:452-468.

* With apologies to Gary Jacobson who first used a variant of this phrase in his 1990 book *The Electoral Origins of Divided Government: Competition in U.S. House Elections, 1946-1988*.

Extension of Remarks



Legislative Studies Section



American Political Science Association



July 2004, Vol. 27, No. 2

The Decline in Competition in House Elections: Another Perspective

Jeffrey Stonecash
Syracuse University

It is widely argued that House elections have become less competitive since the 1940s. Ever since Mayhew called attention to a decline in “marginal” seats during the 1960s (1974), there has been concern about the ability of candidates, and particularly incumbents, to boost their vote proportions and increase their ability to win elections (Jacobson, 2004: 26-31). This has led to a corresponding concern about the ability of House members to insulate themselves from public opinion and worry about the value of House elections as a vehicle to create responsiveness in democracy (Burnham, 1975).

The basis for these anxieties is the empirical record of House election outcomes since the 1940s. The conclusion has been that since the 1940s there has been an increase in the average percentage of the vote received by incumbents and a higher percentage of seats outcomes in which the winner receives more than 60 percent of the vote (Jacobson, 2004: 26-31).

While there appears to be a consensus that these trends occurred, such that the focus can shift to what candidates are doing to create the trends, there are reasons to reconsider the empirical evidence. Much of the conventional wisdom about the vote percentages of incumbents has been based on studies that excluded uncontested seats. The number of contests in this category has changed over time, and affected the calculation of the

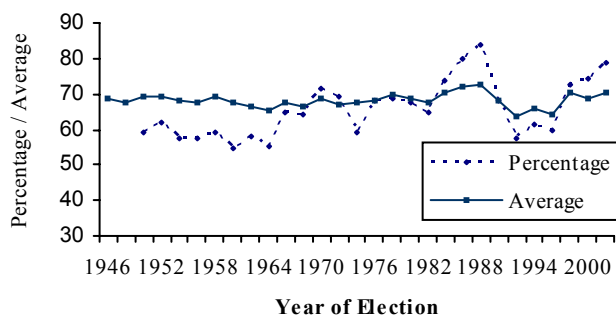
average percentage of the vote received. The number of uncontested seats was much higher in the 1950s and 1960s and then declined in subsequent decades. Excluding seats uncontested by one of the two major parties (usually won with 90 plus of the overall vote) lowers the average percentage. Uncontested seats are invariably in districts that favor one party heavily over another. When these seats that were uncontested become contested, one party still wins relatively easily. Adding in such seats to the pool of included districts raises the average, creating the impression that contests are less competitive, even though the number of uncontested seats is declining (Stonecash, 2004).

Figure 1 presents the trend in the average percentage of the vote received by winners for all House elections since 1946. Over that time it is difficult to see much of an upward trend in the average percentage of the vote received. The patterns for incumbents and all candidates are the same. While there can be disputes about what contests should be included in the calculation of this trend, there are grounds for concluding that there really hasn't been much change in the last 50 years, and the focus on how candidates can fundamentally change election results may well be displaced.

Does that mean that nothing has really changed over the last 50 years? No, but the issue is whether the focus taken has missed the

most significant political change. The other indicator of electoral change that is used to track competitiveness is the percentage of contests in which the winner or incumbent receives more than 60 percent of the vote. Figure 1 also presents this percentage since 1946. In this case it is for all contests, and it is the percentage of the total vote cast, not just the two-party vote. For this indicator, it is clear that something happened during the late 1960s, just as Mayhew noted. In 1964 55 percent of all contests were won with 60 percent of the vote or more. In 1966 that percentage jumped to 64 and has generally stayed at a higher level since then.

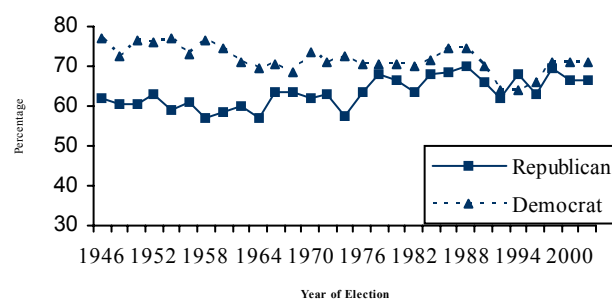
Figure 1: Closeness of House Elections: Percentage of Winners with 60 Plus Percent of the Vote and Average Vote Percentage of Winners, 1946-2002



The important matter is what this abrupt increase reflects. Again, the nature of change is not so clear. This increase has been widely interpreted as reflecting the ability of members to push the vote away from 50 percent as they seek to increase their electoral security. This trend and the specific increase in “safe” seats in 1966, however, might also be seen as reflecting a shift in partisan fortunes, if we look at the data in another way. Figures 2 and 3 present the two indicators of competition by party. Figure 2 is the average percentage of the vote received by winners from each party, while Figure 3 is the percentage, by party, of winners who received 60 percent or more of the vote.

If there is a clear trend in the average vote percentage received, it is specific to one party, or partisan in nature. Republican winners were consistently receiving a lower percentage of the vote from 1946 – 1964. In 1966 their average vote percentage increased and, except for the impact of Watergate in 1974, has stayed at a higher level since then. Democrats, in contrast, have experienced a gradual decline in their average vote percentage over time. They average 75 percent during the 1950s and have slid to roughly 70 percent in recent elections. The net effect has

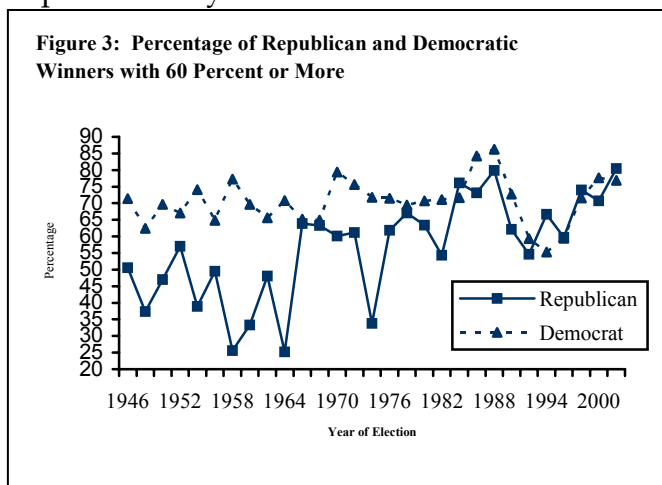
Figure 2: Average Percentage of Vote Received, Republican and Democratic Winners, 1946 - 2002



been a stable overall average.

These changes in party fortunes can also be seen in the percentage of each party’s winners who receive 60 percent or more of the vote. As Figure 3 shows, from 1946 through 1964 Republican winners were much less likely to get over 60 percent and into the safe seat category. Beginning in 1966 (again excluding 1974), Republicans made a significant increase in the percentage of “safe” seats they had. Democrats have experienced almost no change in the percentage of their seats that are safe, so all of the “vanishing marginals” have involved seats won by Republicans. The decrease in “marginals” was not a generalized phenomenon. It was not experienced by all incumbents, but by Republican candidates and incumbents (Stoncash, 2004).

Something happened in 1966 that resulted in Republicans doing better in some districts. This did not generate more seats for them, as they remained in the minority in the House for the next 30 years. But in 1994 they were able to increase their number of seats, but with lower percentages on average, and then gradually increase their vote percentages over the next several elections to match the level experienced by Democrats.



There is not space here to address the issue of long-term partisan shifts. Rather, the point of this essay is to argue that the preoccupation with explaining *the* incumbency effect (the ability of incumbents and all candidates) to move voters and increase their vote percentages has badly distracted us from more relevant and interesting questions. The incumbency effect question is not a relevant question because the effect did not occur for all incumbents or candidates. It affected Republicans, so the more relevant and interesting question for organizing the study of congressional elections is what happened during the late 1960s and 1970s such that even with the negative reactions to presidential candidate Barry Goldwater and the Watergate situation, Republicans came out of the 1970s experiencing greater electoral success. The incumbency effect studies have distracted us from focusing on partisan changes and that is where our attention should be devoted.

REFERENCES

- Burnham, Walter Dean. 1975. "Insulation and Responsiveness in Congressional Elections." *Political Science Quarterly*. Vol. 90, No. 3. (Fall): 411-35.
- Jacobson, Gary C. 2004. *The Politics of Congressional Elections*. Sixth Edition. (New York: Pearson / Longman).
- Mayhew, David R. 1974a. Congressional Elections: The Case of the Vanishing Marginals." *Polity*. Vol. 6. 295-317.
- Stonecash, Jeffrey M. 2004. "Reconsidering the Trend in Incumbent Vote Percentages in House Elections." *American Review of Politics*. Forthcoming.

Extension of Remarks



Legislative Studies Section



American Political Science Association



July 2004, Vol. 27, No. 2

Redistricting and Electoral Competition: Some Historical Evidence

Erik Engstrom

University of North Carolina at Chapel Hill

Have the last few rounds of redistricting finally brought an end to marginal congressional districts? This is one of the 'front-burner' questions occupying students of congressional elections and has led to much debate. Some have argued, echoing Tufte (1973), that modern redistricting has been captured by House incumbents who demand, and receive, safe congressional districts. Combined with the constraints imposed by the Voting Rights Act and 'one-person, one-vote' standards, this line of literature lays much of the blame for declining competitiveness at the feet of redistricting (e.g. Cox and Katz 2002; Hirsch 2003; Carson and Crespin 2004). Another strand of the literature, argues that redistricting as a causal explanation for reducing competition has more bark than bite (e.g. Ferejohn 1977; Ansolabehere, Snyder and Stewart 2000; Oppenheimer 2005). According to this line of thought, factors such as incumbency, modern residential patterns (e.g. the increasing partisan homogeneity of cities and suburbs), and fluctuating party loyalty strongly outweigh any independent effect that incumbent-friendly gerrymandering may have.

My purpose in this brief essay is to address this debate by providing some historical perspective on redistricting and its impact on electoral competition. I am currently engaged in an extensive analysis of the causes and consequences of strategic redistricting in the 19th and early 20th centuries.

In this era before court ordered redistricting, state legislatures enjoyed wide latitude in determining both when and how to redraw congressional districts. Analyzing redistricting plans and their electoral results from 1840 to 1940, I find that districting practices across states and over time systematically shaped the competitiveness of congressional elections, the partisan composition of congressional delegations, and, on occasion, decided party control of the House of Representatives (Engstrom 2003; Engstrom and Kernell 2004).

One of the major differences between modern redistricting and this earlier era is the nature of redistricting plans drawn by state legislators. I have found that in the 19th century when a single party was in charge of creating congressional districts they were much more likely than their modern counterparts to draw competitive congressional districts in an attempt to maximize the number of seats their party could win on election day. Parties controlling the districting process would craft dispersal gerrymanders in which the redistricting party spread "one's opponent's strength in such a way as to deny it majority control of as many districts as possible" (Owen and Grofman 1988: 6). This stands in contrast to the 'concentration gerrymander' – packing opponents into districts where they will win by inefficiently large margins – which is the

strategy typically followed in the modern period.

As an illustration of the differences between redistricting then and now, consider the case of Ohio. Specifically, I want to consider the congressional district plans drawn by the Ohio state legislature for the election of 1882 to those for the 2002 election. This is a valuable comparison because the two rounds of redistricting share many common features. First, in both cases the Republicans had unified control of the redistricting process.¹ Second, the division of the statewide vote was roughly the same in both cases. In 1880, the Democratic share of the two-party presidential vote was 47.6 and in 2000 it was 48.2. So, in both eras, heading into the redistricting cycle the state as a whole was very competitive.

Yet, when we turn our attention to the actual congressional districts that were drawn, some stark differences appear. To compare the two redistricting plans, I use the presidential vote from 1880 and 2000 respectively, and aggregate this vote into the new congressional districts. In 1880, for example, I used the Democratic percentage of the two-party vote by county. Since Ohio's congressional districts in this era were comprised of one or more whole counties, I was then able to aggregate the presidential vote into the newly created congressional districts by consulting historical district maps (Martis 1982).² For the 2000 cycle the task was much easier. The *Almanac of*

American Politics (2004) reports the 2000 presidential vote aggregated into the new districts that were created for the 2002 election. Thus, for both eras I have a general exogenous measure of the underlying competitiveness of congressional districts.

The results of this exercise are presented in Table 1. I have listed the two-party presidential vote by district for the two plans. At the bottom of the table are summary statistics. One can clearly see the rather dramatic differences between the two districting plans. In the 1882 redistricting plan the average district margin was 4.5 percent while in 2002 the average district margin was a much larger 16.5 percent. Similarly, simply counting the number of districts that had a two-party vote between 45 and 55 percent we again find major differences. In 1882 nearly half of Ohio's twenty-one districts (11 out of 21) would be considered marginal.³ By contrast, in 2002 only 38.8 percent fall into the marginal range (7 out of 18). So, here we have a comparison where many of the surface features are the same: a single party controlling the districting process and healthy competition at the statewide level. Yet, the congressional districts drawn by state legislators in the two eras produced two starkly different results.

Obviously there are a number of differences between the two eras that I have not taken into account here. For starters, the nomination system, ballot laws, and incumbency all differ dramatically between the two eras. Fully addressing these considerations, and how they might affect the strategic calculations of mapmakers, is beyond the scope of this essay. Moreover, I have only reported results for one state and two plans. Yet, I believe the comparison between Ohio in the two eras is nevertheless suggestive of the

¹ In 2001-2002, Republicans in Ohio held both the state legislature and the governors' office. Because the legislature failed to act before January 2002, under the state constitution they needed a 2/3 majority in both houses for a new law to take effect in 2002. Thus, the Republicans had to gain the votes of a handful of Democrats. Nevertheless, the plan was considered a Republican gerrymander (see Barone and Cohen 2003: 1246).

² I have found evidence that this was standard practice for politicians of the 19th century. They would take the most recent election results in forecasting the partisan make-up of new district lines.

³ This is a conservative estimate. If one were to round off then districts 16,17,18 and 20 would also make the cut increasing the total number to 15 (or 71 percent).

potential impact that redistricting can have on electoral competition.

Table 1: Comparing Redistricting Plans in Ohio, 1882 and 2002

<i>District</i>	Vote in New Congressional Districts, 1882	Vote in New Congressional Districts, 2002
1	47.5%	47.4%
2	48.9%	35.1%
3	48.3%	46.4%
4	60.7%	36.1%
5	57.8%	38.5%
6	49.8%	48.9%
7	47.5%	42.7%
8	44.2%	37.1%
9	47.6%	57.3%
10	50.1%	55.8%
11	44.1%	81.4%
12	48.4%	47.4%
13	54.4%	54.6%
14	45.0%	45.8%
15	47.9%	45.8%
16	55.1%	44.2%
17	44.9%	63.1%
18	44.5%	42.7%
19	30.7%	---
20	44.7%	---
21	42.6%	---
<i>Avg. Dem. Percentage</i>	47.9%	48.4%
<i>Avg. Margin Percent of Districts Between 45% & 55%</i>	4.8%	16.5%
	52% (11/21)	39% (7/18)

Note: The numbers in columns 1 and 2 are the two-party percentage of the district level presidential vote with the exception of Districts 1 and 2 in 1882. Both of these districts were in Hamilton County which prevented identifying the presidential vote since I do not have precinct level data for this particular election. Since these two districts were essentially unchanged from 1880, I report the congressional vote in 1880 for these districts.

REFERENCES

- Ansolabehere, Stephen, James Snyder, and Charles Stewart. 2000. "Old Voters, New Voters, and the Personal Vote: Using Redistricting to Measure the Incumbency Advantage." *American Journal of Political Science* 44: 17-34.
- Barone, Michael and Richard E. Cohen. 2004. *The Almanac of American Politics, 2004*. Washington, D.C.: National Journal Group.
- Carson, Jamie L. and Michael Crespino. 2004. "The Effect of State Redistricting Methods on Electoral Competition in United States House Races." *State Politics and Policy Quarterly* (Forthcoming).
- Cox, Gary W. and Jonathan Katz. 2002. *Elbridge Gerry's Salamander: The Electoral Consequences of the Reapportionment Revolution*. Cambridge: Cambridge University Press.
- Engstrom, Erik J. 2003. "How Party Competition Constructs Democracy: Strategic Redistricting and American Electoral Development." Ph.D. Dissertation. University of California, San Diego.
- Engstrom, Erik J. and Samuel Kernell. 2004. "Manufactured Responsiveness: State Electoral Laws and the Impact of Presidential Election on U.S. House Elections, 1840-1940." UCSD Manuscript.
- Ferejohn, John. 1977. "On the Decline of Competitive Congressional Elections." *American Political Science Review* 71: 166-176.
- Hirsch, Sam. 2003. "The United States House of Unrepresentatives: What Wrong in the Latest Round of Congressional Redistricting." *Election Law Journal*. 2: 179-216.
- Martis, Kenneth. *The Historical Atlas of United States Congressional Districts, 1789-1983*. New York: Free Press.
- Oppenheimer, Bruce. 2005 (forthcoming). "Deep Red and Blue Congressional

- Districts: The Causes and Consequences of Declining Party Competition." In *Congress Reconsidered*, 8th ed., ed. Lawrence C. Dodd and Bruce I. Oppenheimer. Washington D.C.: CQ Press.
- Owen, Guillermo and Bernard Grofman. 1988. "Optimal Partisan Gerrymandering." *Political Geography Quarterly* 7:5-22.
- Tufte, Edward R. 1973. "The Relationship Between Votes and Seats in Two-Party Systems." *American Political Science Review* 67: 540-554.

Extension of Remarks



Legislative Studies Section



American Political Science Association



July 2004, Vol. 27, No. 2

It Pays to Pay a Professional: California's Redistricting Compromise of 2002

Lara M. Brown
University of California, Los Angeles

Twenty thousand is nothing to keep your seat. I spend \$2 million every election. If my colleagues are smart, they'll pay their \$20,000 and Michael [Berman] will draw the district they can win in.

-- Congresswoman Loretta Sanchez¹

On September 27, 2001, Governor Gray Davis signed a bill, authorizing the new redistricting plan for California. It was a record – the smoothest decennial redistricting in nearly forty years. It was also something of a surprise given that the Democrats had control of both houses of the state legislature and the governor's office. Most pundits were predicting a Democratic plan would emerge and a bitter partisan battle would ensue. Instead, Democrats from the House and the state Senate hired a political consultant who negotiated a bipartisan deal to protect incumbents – Democrats and Republicans, alike. The plan passed with two-thirds majorities through both houses of the state legislature with minimal wrangling. This may have been the one time when the parties compromised and the people lost.

California now stands with virtually no competition² in its congressional delegation. Inter-party competition has been concentrated into the new seats, or the high-growth areas of the state (i.e., Fresno and the Central Valley), where it seems likely that by the time of the next census, incumbents will again be able to divide these moderately competitive districts into two or more safe seats. Intra-party competition has all but disappeared, with exceptions being made for careless incumbents (e.g., those with a scandal, poor constituency service, or diverging issue sets, etc.), and open seats. While this may be advantageous for incumbents and members of the majority party, for members of the minority party, the question lingers: why go along with a bipartisan deal, where you “lock-in” opposition majorities for years to come? Why not fight, and try to produce a partisan advantage in a future election?

This essay examines the redistricting battles in California, and suggests that politicians have become more individually

¹ “California Redistricting at a Glance,” in *The 2004 Almanac of American Politics*, web version found at: http://nationaljournal.com/pubs/almanac/2004/states/ca/ca_cong.htm last updated July 8, 2003. Washington, DC: National Journal Group Inc.

² For this paper, I examined both inter-party and intra-party competition. Competitive seats are those where the incumbent received less than 65% of the two-party vote share in the general election, or less than 65% of the one-party vote share in the primary election. Safe seats are those where the incumbent received between 65-100% of the two-party vote share in the general election, or between 65-100% of the one-party vote share in the primary election. Detailed results are discussed in a later section.

strategic since the 1970s. They are no longer party loyalists; they are independent actors working to protect their own self-interest, protecting their seat, above all else. This is why minority party members “go along” with incumbency protection plans. These incumbents have turned redistricting into what appears to be a bipartisan compromise, but is more similar to the formal game, “the tragedy of the common,” where each person’s self-interested pursuit on the common ends up collectively leaving it barren. A less responsive congressional delegation and a more entrenched set of incumbents are the results. However, this situation is not entirely without its benefits – California is fortunate to have several members in leadership positions across every Congressional committee, precisely because of their seniority.

A Bit of Background

When scholars explore gerrymandering in the U.S. House of Representatives, or the related trends that have resulted from the practice over the past thirty years (high reelection rates for incumbents, a fewer number of competitive districts, a fewer number of competitive challengers, and a greater concentration of resources), they tend to focus on two separate, but seemingly influential causal factors: the legal battles that have occurred since the U.S. Supreme Court decisions of the 1960s³ asserted the principle of one man-one vote; and the technological developments that have been associated with the information age (Mayhew, 1974; Quinn, 1988; Jacobson, 1987, 1990; Hardy and Heslop, 1990a, 1990b; Kousser, 1997, 1998). The authors describe how theoretically ending malapportionment and setting forth an implicit goal of diversity, has in practice meant

dividing up counties and cities, and drawing minority-majority districts, favoring communities of interest or various racial or ethnic groups. Many explain that while the number of ethnic and racial minorities who hold elective office has increased, it has, to a certain extent, led to an increase in the number of seats becoming non-competitive because, as Kousser explains: “Partisan and ethnic factors in California reapportionment are inseparably intertwined” (1997:139). Researchers also point to improvements in technology, like software programs that can draw districts and target voters using census tract data, as a major factor in the increase of gerrymandered, and generally, safer seats (Quinn, 1988; Hardy and Heslop, 1990a, 1990b).

While the legal and technological developments have significantly changed redistricting, I suggest that parties, politicians, and professionals play important roles as well. Technologies have made the process more precise, but scholars may be placing too much of the emphasis on machines and not enough on the men (or women) behind them. We would do well to remember the Wizard of Oz, and the fragile control he wielded over a seemingly awesome machine. Likewise, while groups will always have influence in politics, but in a state like California where there is no majority population,⁴ it may be just as important to consider how individual politicians perceive themselves as incumbents, rather than as members of a racial group, or for that matter, even as members of a political party. It is conceivable that politicians have begun relying on technology and group affiliations more because they perceive themselves to be more vulnerable in this era of arguably fewer partisan and community attachments among voters (Nie, Verba, and

³ *Baker v. Carr* (1962), *Reynolds v. Sims* (1964), and *Wesberry v. Sanders* (1964).

⁴ According to the 2000 census, every ethnic and racial group in California is now officially a minority (comprises under 50% of the total population of the state).

Petrocik, 1976; Putnam, 2000). Incumbents may be desperately looking for ties that will bind them to their constituents.

A Walk Through Time

California's history of redistricting involves a few noteworthy players. First, the late Democratic Congressman Phil Burton, who not only masterminded the bipartisan deal protecting incumbents in 1967, but also had a hand in the 1971 and 1981 plans.⁵ Next is Michael Berman, the consultant on the 2002 plan, who learned the art of redistricting as Burton's protégé. He also happens to be the brother of current Democratic Congressman Howard Berman, a former Assemblyman, who had been in line for Speaker in 1980. Third is Chief Justice Rose Bird, who had been appointed to California's Supreme Court by Governor Jerry Brown, and who frustrated the Republicans in both the 1972 and 1982 redistricting battles enough that they ran a "nine million dollar campaign in 1986 to replace" her (Kousser, 1997:148). These three players were involved in one way or another in each of the last four redistricting plans, and it is their political legacies that seem to have taught California politicians that it is better to individually bargain, than to engage in a partisan battle.

The 1967 compromise was the last "sweetheart" incumbent deal until 2002 came along. Burton managed the process, becoming the congressional "delegation's spokesman on reapportionment, the man other members would permit to draw the lines and negotiate deals; and he protected both parties...[he] later described his role as protector of the state's seniority in Congress" (Quinn, 1988:32). Burton advocated for exactly what Berman accomplished in 2002—a risk-adverse approach. Most incumbents were pleased with

his strategy, but some Republicans, especially those who were heartened by President Nixon's victory in 1968 felt they should try harder to have more seats be competitive by the time of the next census.

California was awarded five new congressional seats in 1971. The Democrats, with narrow legislative majorities in both houses, passed a partisan plan drawn up by Burton (and Berman) with an eye towards increasing ethnic and racial minority representation across the state, but Governor Ronald Reagan vetoed the legislation. The state Supreme Court adopted the congressional lines, but placed on hold the final state legislative boundaries until after the 1972 elections. Even after the Democrats gained seats in November, a compromise with the Governor could not be reached. Eventually, a "Special Masters" commission, made up of three court appointees, drew the lines, and in November of 1973, the Court approved the redistricting plan.

Still carrying a grudge against Reagan, the Democrats reacted in 1981 with another highly partisan redistricting plan. Republicans, out of fear of the Berman brothers, helped elect Willie Brown as Assembly Speaker. This did them little good when Speaker Brown put Rep. Burton and Berman to the task of drawing the redistricting plan. Governor Jerry Brown then signed the legislation, further infuriating Republicans. They challenged the plan legally, but Chief Justice Bird and the state Supreme Court ruled mostly with the Democrats. The districts were used in the 1982 elections, despite their having been rejected by the voters (Republicans had placed them on the June ballot in the form of referenda), and the Democratic majorities increased—the number of Democrats in the congressional delegation rose from 22 to 28, while the number of Republicans declined from 21 to 17. Shortly after the election, a

⁵ 1967 was California's first redistricting after the landmark Supreme Court decisions in 1962 and 1964.

bipartisan compromise that protected incumbents passed the state legislature, and

outgoing Governor Jerry Brown approved it on January 2, 1983.

Table 1: Incumbent Reelection Rates After Redistricting, 1968-2002

<i>Election Type</i>	Year	Mean Vote Share* (%)	Number of Incumbents Who Ran	Competitive† Races N (%)	Safe Races N (N Receiving 100%)
<i>General</i>	1968	67.6	36	14 (38.9)	22 (1)
<i>General</i>	1972	68.9	35	11 (31.4)	24 (1)
<i>General</i>	1982	67.4	36	15 (41.7)	21 (2)
<i>General</i>	1992	66.5	36	16 (44.4)	20 (2)
<i>General</i>	2002	69.9	49	9 (18.4)	40 (0)
<i>Primary</i>	1968	90.4	36	3 (8.3)	33 (21)
<i>Primary</i>	1972	90.4	36	4 (11.1)	32 (26)
<i>Primary</i>	1982	93.2	37	2 (5.4)	35 (28)
<i>Primary</i>	1992	79.9	38	11 (28.9)	27 (16)
<i>Primary</i>	2002	93.2	50	1 (2.0)	49 (32)

* Mean vote share is the mean percentage of the two-party vote share in the general election and the mean percentage of the one-party vote share in the primary election. It is calculated using only those incumbents' vote shares that chose to run. In other words, omitted are those who resigned or retired (i.e., received a "zero," in the dataset).

† Competitive races and safe seats are defined in footnote 2.

Sources: America Votes and CA Secretary of State's website (<http://www.ss.ca.gov/elections/elections.htm>)

By the 1992 redistricting, the Republicans were on top, holding both the governorship and a 6-1 majority on the state Supreme Court, giving Governor Pete Wilson essentially had a "double veto" power over the Democratically-controlled legislature. The Democrats passed three separate plans through the legislature, believing Wilson would negotiate on at least one because he was on public record as having discussed the importance of a "fair" plan. Instead, Wilson vetoed them all, turning the issue over to the state Supreme Court. Redistricting responsibility fell to the Republican-leaning "Special Masters," and Supreme Court ratified the plan on party-line votes in late January of 1992.

The years 1967 and 2002 were the exceptions to the rule of partisan battles. Compromises seem only to have occurred when one side was clearly in the majority and

favored "locking-in" their gains, over pursuing a strategy of increasing seats. The minority party tended to "go along" with these deals because it ensured that they would not lose further power. When the parties held different branches of government, or the majorities were slim, partisan bickering seemed to prosper. But these were the strategic calculations made by the parties. What were those for the individual incumbents?

Every incumbent (presumably) wants to be reelected, and with minimal effort. The alignment of a member's self-interest and a party's interests are likely fairly common. What was unusual about 2002 was that incumbents did not rely on their political parties (or their senior members) to express their individual self-interest. They relied on a professional. Whereas, in 1967 Burton was clearly operating in behalf of the Democratic

Party, by 2002, Berman was functioning as a hired gun. In other words, Burton worked for the Democratic Party and their incumbents, while Berman worked for those incumbents who paid him.

A Look at the Numbers

As Table 1 reveals, most of the plans appeared to have produced similar levels of competition, between 30-45% of incumbents

Table 2: Incumbent Choices and Win-Loss Records

<i>Election Type</i>	Year	Mean Vote Share* (%)	Number of Incumbents Who Ran	Competitive† Races N (%)	Safe Races N (N Receiving 100%)
<i>General</i>	1968	38	36	36	0
<i>General</i>	1972	38	35	35	0
<i>General</i>	1982	43	36	34	2
<i>General</i>	1992	45	36	35	1
<i>General</i>	2002	52	50	50	0
<i>Primary</i>	1968	38	36	36	0
<i>Primary</i>	1972	38	36	35	1
<i>Primary</i>	1982	43	37	36	1
<i>Primary</i>	1992	45	38	36	2
<i>Primary</i>	2002	52	50	49	1

Sources: America Votes and CA Secretary of State's website (<http://www.ss.ca.gov/elections/elections.htm>)

who ran in the general election had competitive races and between 5-12% of incumbents who ran in the primary election had competitive races.

The most effective plan in terms of reducing competition was 2002 – only 18% of incumbents had competitive general elections and only 2% had a competitive primary election. Simply put, it pays to pay a professional. The 1992 plan, developed at the behest of the Republicans by Special Masters, created the most competition, nearly 29% of incumbents had competitive primary races and over 44% had competitive general election campaigns.

Each year, a few members chose not to run or they lost their elections. As can be seen in Table 2, the 2002 election shows was unique: out of the 52 incumbents, 2 chose not to run, and the one member who lost in the primary election was none other than Rep. Gary Condit,

who was battling allegations of both infidelity and foul play in the Chandra Levy intern scandal.

Implications

The significant decrease in competition in 2002 has a number of implications, not the least of which involve the state of our representative democracy and the ability of the California public to express its preference at the polls. Voters are not able to affect their representation because competition is not present. Unless an individual moves to a district that places them among a like-minded majority, they are unlikely to be heard through their vote. Wrighton (2004) delves into these issues deeply in his essay, weighing the framers intent of the institutional structure of the U.S. House of Representatives with the developments of the past thirty years. These

implications are serious ones and should be further explored over the next decade as California districts may or may not grow to become competitive once again.

The flip side is that the California public is likely enjoying a number of benefits (abstract and concrete) because more than a dozen members of its congressional delegation have served in the House for over twenty years. Five Republican members hold committee chairmanships, including Rep. Bill Thomas, who is Chairman of Ways and Means, and another six Democratic members hold the first or second ranking positions for the minority on a total of twenty-one committees in Congress.⁶ There is not an important committee in Congress where Californians do not have a senior, and subsequently, powerful voice representing them.

The implications of individual members acting strategically, instead of as members of a political party whose collective benefits are weighed against those of the individual members, are troubling. While the framers initially hoped that America would survive without parties, it quickly became obvious that this was not possible – that the ends would tear against the middle, unless there were larger goals that united members. If we have come to a time when members serve only themselves, then it is quite possible that the common will be bare for many future generations.

After reviewing California's history, and given the findings that the "Special Masters" plan of 1992 seemed to increase competition, while the 2002 compromise produced the least amount of competition, it seems worthy to investigate further the possibility of more redistricting plans being done by appointed or otherwise independent commissions. Removing self-interest for both the parties and

the members may be the best answer to "unrigging" the game. Congresswoman Loretta Sanchez was correct in assessing her self-interest, "\$20,000 is cheap," but the effects of this decision on the parties, the public, and eventually on the institution of Congress may cost much more than anyone had bargained for.

REFERENCES:

- Hardy, Leroy and Alan Heslop. 1990a. *Who Guards the Guardians: A Preview of A.C.T.I.O.N. Guidelines for Redistricting*. Claremont, CA: The Rose Institute of State and Local Government, Claremont McKenna College.
- Hardy, Leroy and Alan Heslop. 1990b. *Redistricting Reform: An Action Program*. Claremont, CA: The Rose Institute of State and Local Government, Claremont McKenna College.
- Kousser, J. Morgan. 1997. "Redistricting: California, 1971-2001," in *Governing California: Politics, Government and Public Policy in the Golden State*, edited by Gerald C. Lubenow and Bruce E. Cain. Berkeley, CA: Institute of Governmental Studies Press, University of California.
- Kousser, J. Morgan. 1998. "Reapportionment Wars: Party, Race, and Redistricting in California, 1971-1992," in *Race and Redistricting in the 1990s*, edited by Bernard Grofman. New York: Agathon Press.
- Jacobson, Gary C. 1987. "The Marginals Never Vanished: Incumbency and Competition in Elections to the House of Representatives, 1952-1982." *American Journal of Political Science* 31:126-41.
- Jacobson, Gary C. 1990. *The Electoral Origins of Divided Government: Competition in U.S. House Elections, 1946-1988*. Boulder, CO: Westview Press.

⁶ Data gathered from the U.S. House of Representatives website located at: <http://www.house.gov>.

- Mayhew, David. 1974. "Congressional Elections: The Case of the Vanishing Marginals," in *Polity* 6:295-317.
- Nie, Norman H., Sidney Verba, and John R. Petrocik. 1976. *The Changing American Voter*. Cambridge, MA: Harvard University Press.
- Putnam, Robert D. 2000. *Bowling Alone: The Collapse and Revival of American Community*, New York: Simon and Schuster.
- Quinn, T. Anthony. 1988. *Carving up California: A History of Redistricting, 1951-1984*. Claremont, CA: Rose Institute of State and Local Government, Claremont McKenna College.
- Wrigton, J. Mark. 2004. "You Really Can't Beat Somebody With Nobody - Declining Competition in the American Political System," *Legislative Studies Section Newsletter: Extensions of Remarks*, (this issue).

Extension of Remarks



Legislative Studies Section



American Political Science Association



July 2004, Vol. 27, No. 2

Has the Senate Become the People's House?

R. Lawrence Butler
Rowan University

The coat of constitutional mail bolted around the Senate was sturdy indeed--by design. Under the new Constitution, the power of the executive and the power of the people would be very strong. . . . Wanting [the Senate] to protect not only the people against their rulers but the people against themselves, [the framers] bolted around it armor so thick they hoped nothing could ever pierce it. (Caro 2002, p. 11)

The framers of the U.S. Constitution created two separate legislative chambers with distinct structures. The Senate was designed to represent the states while the House of Representatives was made for the people. These differences were institutionalized by creating different methods of election, term lengths, and chamber sizes. In each case, the goal was to make the Senate more distant from the people than the House.

In recent decades, however, the House of Representatives has begun to look increasingly like it has paid its own visit to the armory. House Members, for the most part, sit safely in their seats, free to toe the party line and to enhance their personal power through seniority and party activity. These changes have resulted not from any constitutional amendment related to House elections or from any act of the federal government. The culprit has been the declining number of competitive districts, enhanced by state legislatures' use of gerrymandering to preordain the outcome of

House races. If we examine the major constitutional differences between the Senate and the House, we find that recent trends have reinforced the House's armor so strongly that it is nearly as thick as the Senate's. From an electoral standpoint, there is now little practical difference between the House and the Senate. Both are well protected against public opinion.

The Senate is a unique institution within the American political system. Wirls and Wirls (2004) note that it serves as the device to implement some of the most fundamental principles that undergird the U.S. Constitution. It is the centerpiece of the checks and balances system, combining executive, judicial, and legislative functions. It is the Senate--not the House--that confirms executive and judicial branch nominees. The Senate alone ratifies treaties and acts as a judicial body in the impeachment process. It also, in a less direct way, balances the House of Representatives. As James Madison wrote in Federalist 63:

The people can never wilfully betray their own interests; but they may possibly be betrayed by the representatives of the people; and the danger will be evidently greater where the whole legislative trust is lodged in the hands of one body of men, than where the concurrence of separate and dissimilar bodies is required in every public act.

Similarly, the Senate is the means by which Federalism is incorporated into the legislative branch, to protect individual states from being mistreated by the federal government or by the whims of the people.

The Senate, therefore, needed to be structured in a way that it could stand as a bulwark against the misuse of power by the President, the Supreme Court, or the House of Representatives. The major electoral elements of that structure were the length of Senate terms, staggered terms of office, indirect election by state legislatures, and representation of the entire state. As a practical matter, however, each of these devices has been replicated in the House of Representatives as a result of modern redistricting practices. After reviewing the lack of electoral competition in House elections, and reviewing recent trends in redistricting, we will examine each of these institutional differences in turn.

Vanishing Marginals and Redistricting

For decades, political scientists have noted the trend toward declining competitiveness of House elections. Scholars dating back to Mayhew (1974) and Fiorina (1989) have chronicled the declining number of elections in which the winner receives less than 60-percent of the vote. In every cycle since 1968¹, no more than 35 percent of House elections have been “close” under this definition. In 2002, that figure shrank to 19 percent.² The framers’ expectation of

¹ The modern era of redistricting began in 1968 after the U.S. Supreme Court’s ruling in *Baker vs. Carr* (1962) requiring equal population for each congressional district in a state and the 1967 passage of federal law requiring single member districts. We thus use this year as the starting point for all analysis in this article.

² Data on congressional elections prior to 2002 comes from Ornstein, Mann, and Malbin (2002). Data on the 2002 congressional races comes from Barone and Cohen (2003).

competitive House races was a key element in their effort to make the House of Representatives closer to the people than is the Senate. Remove the competitive element, and many of the institutional differences between the two chambers fall away.

While many causes of the increased number of non-competitive House races have been noted, one certainly is the increasing use of gerrymandering by state legislatures. Every decade, states redraw their congressional districts to rebalance their populations, providing an opportunity for the parties to engage in political mischief. The round of redistricting that followed the 2000 census was particularly notorious. In nearly every state, districts were drawn so that they overwhelmingly favored one party. In states where one party controlled both the governorship and the legislature, they attempted to maximize the number of seats their party would win by packing minority-party voters into as few districts as possible, while keeping a clear advantage in all the others. In states with divided government, the parties often resorted to “incumbent protection” schemes by drawing maps that created safe districts for all current Members of Congress. While these tricks have been around for decades, modern computer technology has facilitated the process. Nearly every state map appears designed to achieve a particular partisan outcome.

Staggered Senate Terms

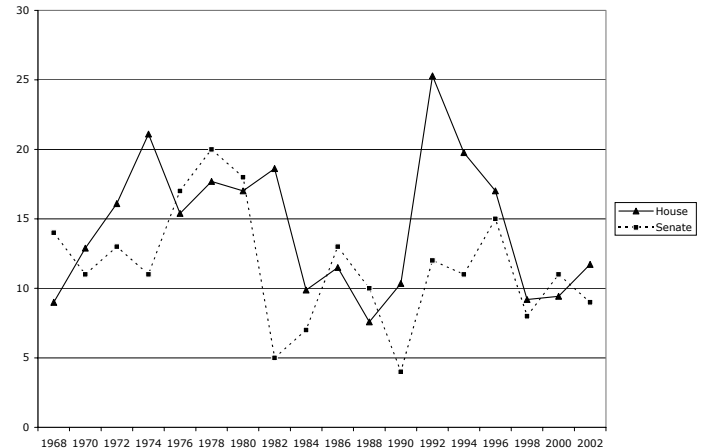
Elections to the Senate and the House of Representatives occur every two years, but only one-third of all Senate seats are up for election at any one time. That is because Senators serve for six-year terms whose beginning points are divided evenly into three classes. Each class stands for election together.

The purpose of staggering Senate elections was to maintain stability of membership. If a wave of political passion were to sweep the country, the people could replace the entire House of Representatives in one fell swoop. However, two-thirds of all Senators would be guaranteed to survive the onslaught and continue in office. This serves as a means of stability in at least one chamber of the legislature.

Thus, in any given election cycle, two-thirds of Senate seats are off the table due to the staggered terms of Senators. In recent decades, a similar or greater percentage of House seats has been off the table due to lack of competitiveness. As a result, there generally has been little difference in the turnover rate for the Senate and the House. Figure 1 shows the turnover rates for both the House and Senate from 1968-2002³. In most years, the two are very close. Moreover, most of the years in which the House turnover rate is substantially higher than that of the Senate fall at the beginning of a redistricting cycle (i.e. a year ending in "2"). In these years, the turnover rate is raised artificially by the movement of districts between states to reflect changes in their relative populations. This creates new, open districts in some states and forces two incumbents into the same district in others. Also, because incumbents suddenly find themselves representing a new set of voters, some of their electoral advantage is lost. Figure 1 also shows that, in the following election cycle (i.e., a year ending in "4"), the turnover rate in the House moves closer to the Senate level, and the two converge for the remainder of the decade. Thus, it appears that redistricting and other factors that have created

such an enormous incumbency advantage in the House of Representatives that they have offset the Senate's constitutionally staggered terms as a protection against popular revolt.

Figure 1: House and Senate Turnover Rates, 1968-2002



Indirect Election and Term Length

The U.S. Constitution originally called for the indirect election of Senators. Senators were to be chosen not by popular election but by state legislatures. The purpose of this provision was to make the Senate a chamber of the states and to create additional distance between Senators and their constituents. In 1913, the states ratified the Seventeenth Amendment to the Constitution, which required the direct popular election of Senators. Consequently, one layer of armor that the framers placed around the Senate has already been removed.

Another means by which the framers protected Senators from popular opinion was by giving them longer terms than those of U.S. Representatives. A Senator was to serve for six years before seeking reelection while a Member of Congress would face reelection every two years. Making House Members face the voters more frequently would require them to keep in close touch with the views of their constituents, whereas Senators would have more freedom to act as they thought best.

³ Ornstein, Mann, and Malbin (2002) exclude turnover caused by the midterm death or resignation of a Senator or House Member. While this serves to avoid double counting in some instances, it excludes some changes that should be included. Thus, these turnover rates may be slightly understated in some instances.

While state legislatures were taken out of the process of selecting Senators nearly a century ago, their role in selecting House Members has grown. True, the House is very proud of the fact that its Members can only be elected by the people--a pride that has been on display in the recent debate over how Congress would continue in the event of the simultaneous death of a large portion of the House. Nonetheless, state legislatures play an important role. They do not choose the Members but, through redistricting, they increasingly choose which party will represent which seat.⁴

Redistricting has the secondary effect of extending the de facto term of House Members

Table 1: Percentage of Seats Held By One Party for Entire Decade

<i>Election Cycle</i>	House	Senate
1972-1980	66%	54%
1982-1990	84%	76%
1992-2000	74%	70%

to ten years. Each decade the lines are redrawn and most districts are created to be safe for a particular party. The person elected immediately after redistricting, therefore, can hold the seat for the entire decade if she wishes.

Two sets of statistics bear this out. Table 1 shows the percentage of seats in the House of Representatives that were controlled by a single party during each of the last three redistricting cycles. The 1970s redistricting led to 68 percent of the seats being represented by a single party for the full decade. That number rose to 84 percent for the 1980s. It declined to 74 percent for the 1990s, mostly as a result of

⁴ A few states have formed bipartisan or nonpartisan commissions to draw new district boundaries. However, most states create and adopt new maps through the normal legislative process.

the 1994 tidal wave that yielded a 52-seat gain for House Republicans, switching party control of the chamber. When we compare these results to comparable ones for the Senate, we find that the Senate has somewhat more party turnover.⁵ We can therefore conclude that, while state legislatures do not choose House Members, they do have an important say over which party will represent a district. In this era of party polarization, that is a substantial influence.

Nonetheless, we can only argue that House Members have a de facto ten-year term if it is also true that they face little intra-party competition for their seats. Given the importance of seniority in allocating power in the House, local parties rarely throw out an incumbent in a primary. To do so lessens the district's national clout. Consequently, the average number of incumbents who have lost party primaries since 1972, excluding redistricting years, is only 3.2.⁶ Once a House Member has won a newly-drawn district, he has a greater than 99-percent chance of being renominated. We can, therefore, safely conclude that a large majority of Members of the House do not have to worry about being renominated and reelected once they win an election immediately following redistricting. In effect, most House Members have ten-year terms.

Number of Constituents

The final constitutional difference between Senate and House elections is the fact that Senators represent an entire state whereas House Members represent only a portion of the

⁵ Because Senators represent the entire state, the redistricting cycle has no impact on them. We use that time period in our assessment of the Senate solely to make the measure comparable to that of the House.

⁶ The average number of incumbents defeated in primaries in the years 1972, 1982, 1992, and 2002 is 11.75.

state.⁷ By giving Senators a broader constituency, the framers forced them to look out for the interest of the state as a whole, not for some narrower segment of the population. Because House districts are more homogeneous than states, we would expect there to be more differentiation in the views of Representatives than we would find in the Senate. Districts are more distinctive than states, so House Members' viewpoints should be more distinctive than those of Senators.

Beginning in the early 1990s, scholars chronicled (Rohde 1991) and measured (Poole and Rosenthal 1997) the growing polarization of the House of Representatives. Roll call analysis showed that the two parties in the House were growing increasingly unified and were opposing each other more frequently. Thus, the distribution of ideologies in the House has become bipolar--conservative Republicans voting alike, liberal Democrats voting alike, with nothing in between. While the trend in the Senate has been similar, it has not been quite so pronounced.

How could this happen when House Members represent smaller districts? If they are representing the views of their constituents, there should be less party homogeneity in the House than in the Senate. The answer lies in the lack of electoral competition. Most House Members do not have to worry about reelection so they have a great deal of freedom in their voting decisions. The lack of competition in general elections allows them to limit their considerations to the views of their own partisans. This accounts for the polarization. Similarly, since they have little concern about a primary defeat, most are free to vote the party line on a wide variety of issues as they try to advance in the House

⁷ This, of course, does not apply to the seven states whose populations are so small that they elect a single at-large Representative to the House.

hierarchy. The lack of competitiveness in House races has allowed party leaders to create cohesive voting blocs despite the distinctiveness of their members' individual districts.

Concluding Thoughts

The electoral system that the framers created to protect Senators from the public has been recreated in the House of Representatives. The lack of competition in House elections serves as a coat of armor at least as thick as the one that the Constitution gives to Senators. House and Senate turnover rates are usually similar. Most House Members now have a de facto ten-year term. Non-competitive elections have weakened the link between constituent views and legislative votes. Thus, when we examine the institutional differences between the House and the Senate, we must look beyond the manner of election to the two chambers. We must instead look at their rules and cultures. The Senate has rules that enable individual Senators to slow down the legislative process despite the popular passions of the moment. Moreover, the culture of individualism in the Senate encourages Senators to act independently of their parties and of their constituents. After all, the framers wanted the Senate to stand guard against a powerful President, a runaway House, and a passionate public. Nonetheless, the lack of competitive elections resulting from modern redistricting practices has severely weakened the House of Representatives' claim to the title "The People's House."

REFERENCES

- Barone, Michael and Richard E. Cohen. 2003. *The Almanac of American Politics 2004*. Washington, D.C.: National Journal Group.

- Caro, Robert A. 2002. *The Years of Lyndon Johnson: Master of the Senate*. New York: Albert A. Knopf.
- Fiorina, Morris P. 1989. *Congress: Keystone of the Washington Establishment*, 2nd ed. New Haven: Yale University Press.
- Mayhew, David R. 1974. "Congressional Elections: The Case of the Vanishing Marginals," *Polity*, Vol. 6, pp. 295-317.
- Ornstein, Norman J., Thomas E. Mann, and Michael J. Malbin. 2002. *Vital Statistics on Congress, 2001-2002*. Washington, D.C.: American Enterprise Institute for Public Policy Research.
- Poole, Keith T. and Howard Rosenthal. 1997. *Congress: A Political-Economic History of Roll Call Voting*. London: Oxford University Press.
- Rohde, David W. 1991. *Parties and Leaders in the Postreform House*. Chicago: University of Chicago Press.
- Wirls, Daniel and Stephen Wirls. 2004. *The Invention of the United States Senate*. Baltimore: The Johns Hopkins University Press.