

By John C. Armor

# 'Til Death Do Us Part

## Low Turnover Rates for Members of the House of Representatives

*It's only a slight exaggeration to say that the best way to run  
for Congress is to read the obituaries in the morning.  
If you don't see the incumbent's name, go back to bed and forget it.  
But it wasn't always that way.*

Everyone knows, even without looking at the numbers, that incumbency is a strong advantage. More than that, it's close to a lifetime guarantee of a well-paid job with terrific retirement benefits, exceeding \$1 million in payouts to members with average tenure. The tendency toward congressmen-for-life has gotten even stronger in recent elections.

First, some history. As designed, the government had only one point where direct popular will could be reflected: in the House. Presidents were chosen by the Electoral College. We forget because of the fight over pledged electors in the 2000 election how this process was intended to work.

Electors were supposed to be respected and knowledgeable people who would be elected on their own merits, and then would exercise their own judgment in voting for presidents when they met in their state capitols for the real presidential election, the casting of their ballots. Both that high-minded process and its results have fallen on hard times since the first election of George Washington in 1789—which wasn't, as many history books proclaim, unanimous. Beginning in the third election, of John Adams in 1797, both “pledged electors” and political parties had developed. Today most states make it illegal for any elector to vote other than as pledged.

So except for glitches covered in a prior *Contingencies* article (September-October 2001), the presidency is now a product of quasi-direct elections.

A similar metamorphosis has occurred in the U.S. Senate. The original Constitution provided that the state legislatures would elect the senators. The 17th Amendment in 1913 changed that; senators are now popularly elected.

Ironically, the House of Representatives, intended to be the frequent and direct expression of popular will, has moved in the opposite direction. Unlike the Senate and the presidency, definitions of House elections have changed very little. But the degree to which they are competitive has declined sharply, especially since 1932. The House is now less “democratic” than any other part of the federal government except the judiciary, who face no elections and are appointed for life.

### Numbers Tell the Story

The House began with 65 members, arbitrarily set by the Constitution. It also required a census every 10 years beginning in 1790. As the nation grew, so did the House, reaching its peak of 435 in 1911. After that, Congress limited House membership to 435, except for a temporary increase to 437 in 1950, when Alaska and Hawaii became states. In all censuses after 1920, states that grew fastest gained members; those with slowest growth lost members.

To compare apples and apples, all figures are stated as a percentage of the then-membership of the House. The figures show the total turnover in the House in every election. They also show

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TABLE 1

[Click here](#)

to see the replacement for Table 1, "Total Turnover and Turnover Due to 'Voluntary Quits' in All Elections for the House of Representatives, 1790–2000.

the "voluntary quits": members who die, choose not to run, or are (rarely) jailed or expelled. The difference represents defeated incumbents. Deaths have become a significant factor in turnover, especially since 1932. This isn't due to any change in the mortality rates of congressmen, but to the radical decrease in the other reasons they leave office.

Table 1 shows these figures graphically, from the election of 1790 to 2000, inclusive.

### The Magic but Now Missing Ingredient

Voluntary quits, once commonplace, are now rare. In the first century and a half, members who were well respected, healthy, and almost certain to win if they ran, frequently decided to leave politics. Now such decisions are so rare that when they do occur they make headline news. Witness the decision of J. C. Watts, R-Okla., -4 in 2002, and of Tim Penny, D-Minn., in 1995.

In recent years, members usually don't retire from politics but seek higher office. Most state election laws prohibit an incumbent from running for two offices at once, as Sen. Joe Lieberman, D-Conn., did in the 2000 election, for Senate and vice president. The total of voluntary quits for 2002 is 39: four deaths (two in each party) and 21 Republican and 14 Democratic resignations. Of those 35 resignations, 10 Republicans and seven Democrats are seeking higher office or have accepted appointed office.

The first interesting fact is that re-election rates for incumbents started low in the 19th century, rose slightly before the Civil War, went down again after World War II, and have remained down since then. Historically, voluntary quits have been the source of most turnover. Incumbents have always had high odds of re-election, if they sought it. The only election in which 100 percent of the incumbents who ran won was 1792. However, turnover then was 30.8 percent, because of members who chose not to run.

For proof positive that the culture of the House has changed, in the first 58 House elections voluntary quits *always exceeded* 20 percent, and averaged 33.6 percent. In the second 58 House elections voluntary quits were *less than* 20 percent every year except 1912, and averaged 9.4 percent. That is the principal factor that turned the House into the least democratic part of the federal government.

In recent history, very high re-election rates have become consistent. In the 27 elections beginning in 1950, turnover due to defeat has risen *above* 10 percent in only four years: 1958, 1964, 1966, and 1974. In the 27 prior elections, back to 1896, the defeat rate for incumbents dropped below 10 percent in only four years: 1902, 1904, 1926, and 1928. In short, most members of Congress have learned how to keep their jobs for life.

### The Reapportionment Wrinkle of Years Ending in "2"

Throughout the history of the House, total turnover has usually been highest for every decade in years that end in "2." This is a product of reapportionment, as in the upcoming election. Because some states lose representatives and almost all con-

gressmen today want to run again, reapportionment creates in those states a game of musical chairs—more incumbents than available seats.

Some incumbents get shoved into districts against other incumbents. This happened in four districts for the 2002 election. Two of those four races have ended, with one of the incumbents retiring. Also, some incumbents look at the demographics of their new districts and decide it's now time for them to retire. Of all those who run anyway, they face more voters than usual who have never heard of them. The end result is higher turnover in years ending in "2."

### Predictions for the 2002 Election

Does that mean there will be a high turnover in the 2002 election? It'll be higher than it would have been without reapportionment, but it'll remain extremely low historically. Total turnover for all reasons will remain below 13 percent. This is despite the fact that 9 percent turnover is "guaranteed" in this election.

Four incumbents will lose because they were pitted against other incumbents. Added to those, Gary Condit, D-Calif.-18, has already lost over his involvement (query the extent) with the disappearance of Chandra Levy. Jim Traficant, D-Ohio-17, will lose (if he even runs again) because of a 10-count conviction for corruption and because the Ohio legislature abolished his district, parceling it into nearby districts.

Earl Hilliard, D-Ala.-7, has already lost in his primary, because he was censured by the House for actions that would be multiple felonies in the real world, and for accepting substantial contributions after 9/11 from those with ties to terrorists. Cynthia McKinney, D-Ga.-4, may lose in her primary (to take place after this goes to press) for taking one-third of her donations after 9/11 from contributors with ties to terrorists.

So that means that eight incumbents will be gone in the fall for causes other than simple political competition. Adding 35 resignations makes the base turnover of 9 percent. I predict that normal elective defeats will claim about seven other members of the House, no more than 10, for a maximum of 4.1 percent turnover due to incumbent defeats.

What's the basis for those predictions? The two best political analysts on congressional races are Charlie Cook (Republican) and Stuart Rothenberg (Democrat). They largely agree that 20 House races now seem "competitive," meaning a win by less than 5 percent of the total vote.

Absent criminal convictions or other unusual circumstances, incumbents win 99 percent of the time whenever they outspend their challengers. This last figure comes from the research for my 1994 book on this subject, *Why Term Limits?* Almost all incumbents have a large financial lead on their challengers right now.

It's not in the mutual interests of Messrs. Cook and Rothenberg to predict extremely low turnover in Congress. If they did, the demand for their analysis of congressional races might dry up. Those gentlemen deal mostly in political factors. I deal in money. Hence my final prediction is 15 incumbents losing (3.4 percent), with an upper limit of 18 (4.1 percent).

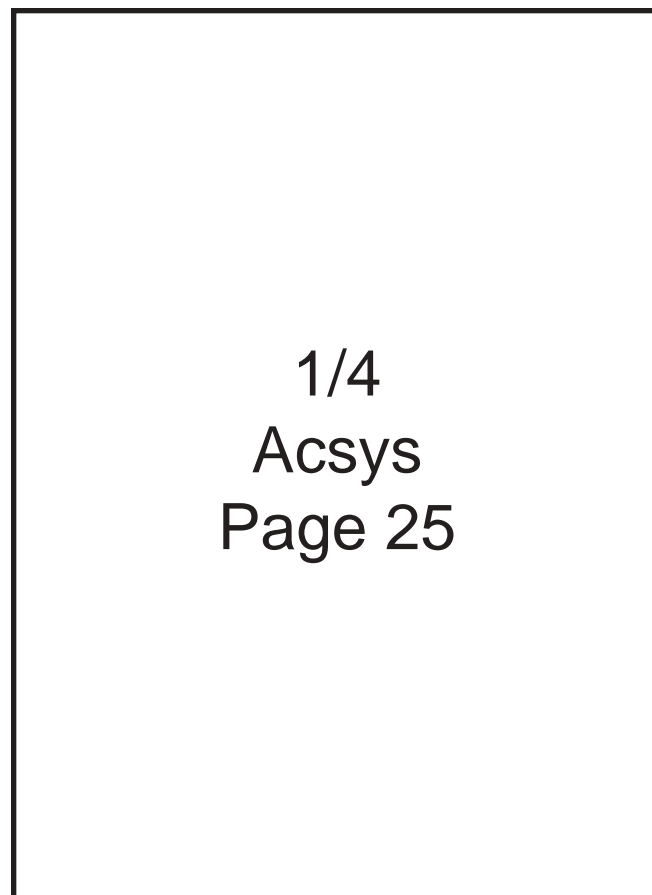
### The Sally Field Explanation: "You Like Me. You REALLY Like Me."

The usual explanation offered by re-elected incumbents is that the voters "like" what they're doing and therefore voted for them. There are 34 Senate races in 2002, with 30 incumbents running. Based on polls as this is written, it appears four of them will lose, three Democrats and one Republican. Bob Smith, R-N.H., will lose to Rep. John Sununu, R-N.H.-1, and Sununu will also defeat the Democratic nominee. The Republicans will take over the Senate—but I digress.

No Senate incumbents can be running against an incumbent, as has happened in the House. None of them face problems the likes of Reps. Condit, Hilliard, McKinney, and Traficant. All incumbent senators who lose in 2002 will do so in straight political competition.

Four incumbent losses will be 11.8 percent of the 34 Senate seats up for election. In straight competition, the comparable House rate will be 2.3 percent. (That's the maximum of 10 competitive race incumbent losses, divided by House membership.)

One of two conclusions must follow: Either the voters are less satisfied with their senators than their congressmen by a margin of about 5-1, or House members have created an even higher wall of protection for incumbents than senators have.



## Possible Reasons for the Expected Results

Here are some relevant facts. Decide for yourself whether the incumbents in the House have stacked the deck to the ceiling in their own favor.

The first factor is reapportionment. In this era of high-speed computers and detailed polling on all cross tabs of demographics, incumbents can hire gurus to predict with accuracy the voting patterns of every precinct they might gain, or lose, in reapportionment. State legislators carry out that process, with incumbent congressmen looking over their shoulders. And this year more than ever, state and federal judges are looking over *their* shoulders.

One would think the natural incentive of Democratic legislatures is to keep Democratic seats as they are, and make Republican seats more risky. Republican legislatures should be inclined to do the same to the Democrats. Those assumptions are wrong. All incumbents want easy races, meaning they expect to win by 10 percent or more. If so, they still win even if there are last-minute revelations, or special appeals by their opponents that touch a public nerve.

As a result, Democratic incumbents insist that their legislators draw their new lines even more in their favor. Republicans do the same in the states where they have the upper hand. That's done by dumping some precincts that would reliably go to the other party into other districts. Deliberately making seats "safer" for Democrats inadvertently but inexorably makes other seats "safer" for Republicans, and vice versa.

The proof of this pudding will be in the results. Political scientists define a "landslide" of Lyndon Johnson or Ronald Reagan dimensions as a race where the winner gets at least 55 percent of the votes. See for yourselves whether this year, the number of landslides in House races approaches an all-time maximum.

The second way the incumbents make themselves safe is massive fund raising. After every election it's an easy matter to compute the "1 percent threshold," the amount of campaign spending for the challenger to have about a 1 percent chance of defeating an incumbent in normal competition, i.e., not a Gary Condit situation. The 1 percent threshold rises with each election, due to increases in district sizes and inflation in campaign costs, especially the largest single expense of most campaigns—TV advertising.

Table 2 shows the 1 percent threshold through the 2000 election. Then it was \$901,000. Adding an inflation factor, when the final numbers are filed 31 December, 2002, and reported by the Federal Election Commission (FEC), it will rise to about \$945,000. Any challenger to any incumbent House member who didn't spend that amount of money will lose, unless lightning (either political or real) strikes his opponent. Table 2 shows the same information in hard numbers.

Looking just at incumbency and relative funds raised as reported by the FEC, 95 percent of all House races are clearly over—even before all primaries have been conducted. Both parties have perfected the transfer of money from candidates who face no real competition, to candidates in close races who might win with another \$100,000. You won't know who won the "money" races until months after you know who won the political races. That's a matter of timing of information. In truth, the money horse comes before the election cart.

Readers of *Contingencies* are more able than most to understand financial information about congressional races provided by the FEC. Go to and punch up the five-year summaries of House races. Divide the gross totals of money raised by the respective numbers of "incumbents" or "challengers." You'll see that in almost all races, incumbents of both parties bury their challengers in a tide of money. Incumbents win the money races by ratios of 3-1, 4-1, or more. Challengers almost always do better in the vote ratios than in the money ratios. That means they'd have a chance to win, *if* they were financially competitive. And that explains why incumbents take steps to outspend them by wide margins. The FEC website gives detailed information about individual candidates by state. You can examine results for your own representatives.

Also note the FEC data on "open seat" races. Two results will jump off the page. First, open seat races are *far* more competitive financially than incumbent races. Second, and related, the party holding the seat is *far* more likely to change in open seat races than incumbent races. A dirty little secret of congressional elections is that neither party spends competitive amounts on most of its own challengers to the other party's incumbents.

The party professionals know, better than the press and the public, that money spent against incumbents is usually wasted. The exceptions come when challengers raise substantial

**TABLE 2** Total Spending (in 000's) of Bottom Five Challengers Who Defeated Incumbents

1994	NAME	1996	NAME	1998	NAME	2000	NAME
\$108	Flanagan, M.	\$177	Kilpatrick, C.	\$ 569	Miller, G.	\$ 901	Kennedy, M.
200	Tiaht, T.	600	Maloney, J.	848	Green, M.	978	Solis, H.
227	Frisa, D.	655	Kucinich, D.	955	Holt, R.	1,063	Simmons, R.
244	Frelinghuysen, R.	686	Hulshof, K.	987	Moore, D.	1,565	Grucci, F.
265	Heineman, F.	712	Smith, A.	1,254	Inslee, J.	1,641	Ross, M.
(10 won this year.)		(10 won this year.)		(7 won this year.)		(9 won this year.)	

Information provided by the Federal Election Commission

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sums on their own and demonstrate through polls that they have a small but real chance to win. Only then does their party spend significant sums for them. That is about one race in 10. In the others, the challenger has three duties: show the flag, support the right issues, and write a gracious concession speech.

The process of shifting funds from safe members to competitive candidates of their own party was pioneered by Speaker Newt Gingrich in the 1994 election. It also included significant spending outside the campaigns. That was the “watershed” election in which the Republicans gained an astounding 56 seats. But the re-election rate of incumbents dropped to only 90 percent in that election. (I show a 9.5 percent defeat rate since I divide by House membership, rather than incumbents running.) The key was that *all* incumbents who lost were Democrats, the only time in history that one party suffered all such defeats.

That process of money-shifting is legal under federal law. Now the Democrats have learned from Gingrich, and both parties do it. The effects in 2002 should cancel each other out.

Bottom line: Only about one in 50 of the House races involving incumbents will wind up as truly competitive, meaning that the final vote margin is less than 5 percent. The Democrats won't sweep these races, nor the open-seat races. Slim though the margin is between the parties in the House, there are insufficient races the Democrats can win to close the gap. The Republicans will retain control of the House, but I digress.

#### **The Key Index to Watch as the Election Approaches**

There is one special number to watch as the election nears: Many polls ask the generic question, “Are you more inclined to vote for a Republican or a Democrat for Congress?” If the results show a statistical tie (within the margin of error), it means the Republicans will gain seats in the House.

This paradox is explained by demographic analysis. Voters who are elderly, well educated, wealthy, and/or more likely to attend religious services are more likely to vote Republican than their opposites. These groups are also more likely than their opposites to turn out and vote. Therefore, when the generic congressional question shows a tie just before the election, the Republicans will gain a few seats.

I predicted in writing a year before the upcoming election

that the Republicans will gain five to seven seats in the House. Nothing since then leads me to change that prediction.

#### **And Now the Gloomy Conclusion**

Note that this analysis of the 2002 House races has said nothing about the war on terrorism, the state of the economy, taxes, Social Security, corporate corruption, school vouchers, the Pledge of Allegiance, or any other real or imagined issues. Based on the fund-raising numbers and incumbency, none of these, nor all together, will have a dispositive effect on the control of the House, come fall.

For a political scientist who believes in fair and democratic elections, this is a grim prognosis. For a constitutional scholar who believes that House members should represent the expressed will of the people, as intended since 1787, this is a disaster. But numbers don't lie—at least not this time. Here, they speak a sad but clear truth. ●

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