

## RESEARCH NOTE



# A DIVIDED-GOVERNMENT-BASED EXPLANATION FOR THE DECLINE IN RESIGNATIONS FROM THE US SENATE, 1834-1996

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**ABSTRACT**

We note the declining number of US Senate resignations that have occurred from 1834 through to 1996. While certainly this trend is related to the rise of careerism in Congress, we analyze it from the perspective of divided government (where the channels of power are shared by both parties). The results of our analysis show that most of the resignations that do occur happen when the party of the outgoing senator will retain the seat being vacated. We link the declining number of resignations to an increase in a specific instance of divided government: namely, divided partisan control of one or both Senate seats relative to the body that fills Senate vacancies in the event of a resignation. The desire on the part of senators to resign only when their party will remain in control has remained constant over time, but the proportion of senators who could resign with this assurance has decreased.

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KEY WORDS ■ divided government ■ resignations ■ US Congress ■ US Senate

## Introduction

The US Senate experienced the resignation of two of its most senior members during the 104th Congress. Senators Robert Dole (Republican, Kansas) and Robert Packwood (Republican, Oregon) both left office before the expiration of their terms, Dole to run for president and Packwood to

run for cover. These highly publicized resignations raise an interesting question in modern American politics: why are fewer and fewer senators resigning their seats before the end of their term? In the 19th century, for example, it was quite common for senators to resign from office and not serve out their term.<sup>1</sup> Between 1834 and 1850 no less than 47 senators resigned from office, contrasted with only 13 Senate resignation in the period 1980–96.<sup>2</sup> There are undoubtedly numerous reasons for this decline. Two related causal factors are the increase in careerism in Congress and the concomitant institutionalization of the body (Polsby, 1968; Rohde et al., 1985).

The Packwood and Dole cases are interesting in that the nature of their resignations is very different. On the one hand, the Packwood case fits an intuitive model of resignations. Becoming a senator is no trivial task. Election to this office is highly competitive and requires extremely high levels of personal and financial commitment (Hinckley, 1980; Westlye, 1991; Abramowitz and Segal, 1992; Krasno, 1994). Thus, as in the Packwood case, senators do not *choose* to resign, they are *forced* to resign. In contrast, the Dole resignation is seemingly one of choice. Although Dole was seeking higher office, he could have remained in the Senate, while stepping down from his position as Majority Leader. However, he resigned his seat to dedicate himself full time to campaigning for the presidency. This decision was facilitated by the fact that Dole knew that his replacement would be a Republican, since the Governor of Kansas was also a Republican. In this way Dole's resignation from the Senate did not hurt his party. We use this insight as the basis for explaining the trend toward fewer resignations in the upper chamber of the American Congress.

Divided government has become increasingly important in the study of American government. Indeed a leading scholar in the field has gone so far as to say that divided government has the potential to become the 'organizing principle' for the study of American politics (Fiorina, 1996). Traditionally, divided government refers to the split party control of the presidency and at least one branch of Congress. However, divided government can be used more generically to refer to any partisan division of two separate offices (Brunell and Grofman, 1998). For our purposes here divided government will refer to control of a Senate seat by one party and control of either the state legislature or the governorship by another party.

Party membership is a central organizing principle in American politics. Party is an excellent predictor both of how people will vote and how elected members will behave once in the legislature (Truman, 1959; Matthews, 1960; Turner and Schneier, 1970; Rohde, 1990; Cox and McCubbins, 1993). Senators are among the most visible and highly respected members of their party. Thus, we expect that senators ought to be less willing to resign a seat when that seat will *definitely* be filled by a member from the other party.

A senator is more apt to resign by choice, for whatever reason, when the seat vacated will be filled with a like partisan. This requires that the body vested with the responsibility of filling the seat is controlled by the same

party as the resigning senator. Prior to the 17th amendment to the Constitution, senators were elected by state legislatures.<sup>3</sup> Therefore, sitting senators were able to resign without harming their party's status in the Senate if that party controlled a majority in the state legislature. Similarly, since the change from popular election of senators, a senator can resign if the governor of the state is of the same party, since vacancies are now filled by the governor. Thus, the nature of Senate resignations hinges upon a specific feature of divided government.

The data below demonstrate that the number of resignations have indeed declined between 1834 and 1996 as the literature on careerism and institutionalization suggest; however, what has remained constant is that the vast majority of these resignations occur when the body that will replace a senator is of the same party as the outgoing senator. Moreover, we show that over the same time period fewer and fewer members of the Senate *can choose* to resign in such a way that their party would continue to control the seat. That is, there has been an increase in the incidence of divided government between the party of the senator and the person who appoints a successor (i.e. a Democratic senator and a Republican governor).<sup>4</sup> Thus, the incentive to resign in such a way as to retain the seat has remained constant but the opportunity to do so has declined dramatically.

## Data

This article examines all Senate resignations occurring between 1834 and 1996.<sup>5</sup> Data were gathered on the party composition of the state legislatures and party of the governor in all states prior to the ratification of the 17th amendment in 1913.<sup>6</sup> For the period since then (1913–96), data are gathered on the party of the governor in all states, since the 17th amendment holds that the governor of a state is to appoint a person to fill the seat until a special election is held. Resignations are broken down into three categories: those that favor the party, those that favor the state, and others. Resignations that favor the party are those in which the resigning senator's party controls the appointment of a replacement. Resignations favoring the state are those in which a senator decides to leave office just prior to the seating of the next class of senators in order to give the incoming senator a seniority advantage.<sup>7</sup> This practice was discontinued in the late 1980s through a 'gentleman's agreement' among party leaders. Last are those resignations fitting neither category, which we call 'other'.

## The Findings

Table 1 provides a breakdown of the 191 resignations from the Senate that occurred between 1834 and 1996 according to the three categories

described above. The second column, listing the resignations that favored the party, represents those resignations in which the party of the resigning senator was able to appoint the successor. Specifically, in the period 1834–1912, this required that the party of the resigning senator have a majority in the state legislature. Further, since there was a constitutional provision allowing the governor to appoint a successor if the legislature was in recess, the party of the governor was used to determine whether or not a resignation favored the party in the 41 instances that this occurred. Since the ratification of the 17th amendment, resignations favoring the party can only occur if the governor and the resigning senator are of the same party. As Table 1 illustrates, this category alone accounts for 116 (about 61 percent) of the 191 total resignations in our sample.

The next column, resignations favoring the state, includes those resignations occurring between an election in November and the next session of Congress in January of the next year. The logic of counting these in a separate category is straightforward: these senators chose to leave office early in order to give their successor an edge in terms of seniority over the rest of the freshman class, which benefits their state. There is ample evidence for this categorization. On 22 December 1974, Senator Howard M. Metzenbaum (Democrat, Ohio) resigned ‘early to give his successor (John H. Glenn, Jr) a head start in seniority over other new incoming Democrats’ (*CQ Weekly Report*, 28 Dec. 1974: 3449). Likewise, on 3 January 1971, Senator George Murphy (Republican, California) resigned a day before the end of his term in favor of Senator-elect John Tuney (Democrat, California) in a move ‘hailed by Democrats and Republicans alike . . . he [Murphy] has again put the welfare of California above everything else’ (*Los Angeles Times*, 3 Jan. 1971: A1). A significant number (44) of the resignations in our sample fall into this category. It should be noted that in most instances (33 of 42), these resignations could also be put into the pro-party category. Thus, most of these resignations can also be considered pro-party, but this distinction is useful because there are instances, like the Murphy case, where other considerations enter into the equation for resigning office.

Also of interest in Table 1 are those resignation that favor neither the party nor the state. Simply put, these resignations are those in which the body replacing the outgoing senator was not of the same party, and the resignation did not occur just before the beginning of a new session of Congress. As Table 1 demonstrates, the overwhelming majority of resignations (83 percent) favor either the party of the outgoing senator or the state. Contrary to intuition, Senate resignations are typically not random affairs brought about by scandal or other misfortune. However, these type of resignations have occurred and still do occur (i.e. Bob Packwood).

Finally, the last column of Table 1 describes the *ability* of senators to resign in a pro-party fashion. This number is the percentage of senators who are of the same party as the body that determines who would fill a vacant Senate seat. Clearly there has been a marked decline in the percentage of

Table 1. Breakdown of US Senate resignations, 1834–1996

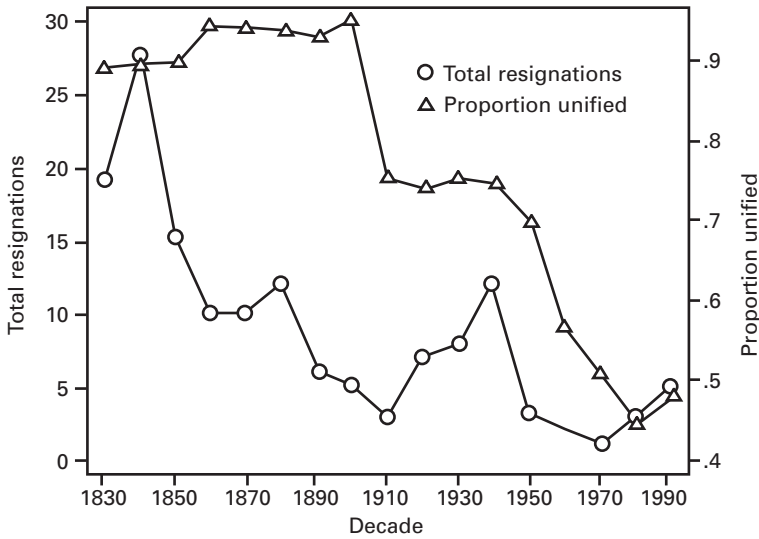
Decade	Resignation favors party	Resignation favors state	Other resignations	Total resignations	Resignations that favor party or state (%)	Senators who could resign and favor party (%)
1830s	12	0	7	19	63.2	90.0
1840s	23	0	5	28	82.1	90.4
1850s	9	0	6	15	60.0	90.6
1860s	10	0	0	10	100.0	95.3
1870s	8	0	2	10	80.0	94.8
1880s	9	0	3	12	75.0	94.6
1890s	6	0	0	6	100.0	93.5
1900s	5	0	0	5	100.0	95.6
1910s	2	1	1	4	75.0	75.4
1920s	6	2	1	9	88.9	74.6
1930s	7	2	1	10	90.0	75.6
1940s	8	4	4	16	75.0	75.1
1950s	3	3	0	6	100.0	70.3
1960s	2	4	0	6	100.0	56.8
1970s	1	20	0	21	100.0	50.8
1980s	1	5	2	8	75.0	44.4
1990s	4	0	1	5	80.0	48.3

Note: Resignations that favor the party are those in which the outgoing senator is of the same party as the controlling party in the State legislature before the 17th amendment. There are instances in which the governor appointed the new senator before the 17th amendment (when the legislature was in recess); these have been coded in accord with the party of the governor. Following the popular election of senators the variable was coded strictly by the party of the governor. Resignations that favor the state are those in which the senator resigns between the time of the election in November and the start of the next session of Congress in January. 'Other resignations' are those in which the party controlling the ability to replace the senator is from the opposite party of the resigning senator. The last column indicates the total percentage of senators who could resign in such a way that their party would retain control of the seat.

senators fitting into this category. That is, the opportunity for members to resign and be assured that the replacement would be of the same party has declined to less than half of all senators compared to over 90 percent in the period 1834–1900.

Table 1 illustrates an interesting trend. There are 48 more resignations that favor the party in the 70-year period before 1910 compared to the 80-year period after 1910. This puzzling decline in the number of these type of resignations is explained by the proposition that it is, *ceteris paribus*, more difficult for a senator to resign in such a way that his or her party will control the seat because of the increase in the specific incidence of divided government of interest here. In other words, on average, there are fewer instances of unified party control of both Senate seats and the governorship.

Evidence of the relationship between the type of divided government identified here and the ability of senators to leave office in a manner that still favors their party is depicted in Figure 1. Here we show that the opportunity structure has changed. Both the proportion of senators who are able to leave office in a such a way that party control will remain constant and



**Figure 1.** Total Senate resignations and proportion of senators who could resign in a way favorable to their party

*Note:* Total resignations are the number of senate resignations by decade (resignations favoring the state are removed). Proportion unified is the proportion of senators who could resign in such a way that their party would control the seat at least until the next election. Note the graph has been rescaled since the two variables are measured on different scales.

the total number of resignations from the Senate are graphed by decade.<sup>8</sup> The proportion of senators who could resign and still allow their party to retain the seat peaked in 1900 at over 95 percent of the senators; by the 1990s this proportion had fallen to less than 50 percent.

As Figure 1 indicates, the opportunity for senators to resign in such a way that their party still controls the seat has dramatically declined; thus the total number of resignations from the Senate has declined in a like manner. However, not all of the data fit our expectations. For example, the drop in resignations that occurred between 1840 and 1850 does not coincide with any decline in divided government. However, the 15 resignations from the Senate that occurred in the 1850s remains a significant number, given the trend in leaving office over the period covered here. This early decline in the number of resignations is more likely to be related to the increasing institutionalization and careerism in the Senate (Polsby, 1968; Rohde et al., 1985). Nonetheless, resignations from the upper chamber in the American Congress still do occur. And as the data in Table 1 show, when a member resigns it will almost assuredly be when the same party will continue to control the seat.

## Conclusion

Our starting point was the puzzling decline in the number of resignations from the US Senate. While the rise of institutionalization of Congress is undoubtedly linked to this phenomenon, we have shown that this decline is also linked to a change in the opportunity structure. Specifically, the data presented here demonstrate that senators are significantly more likely to resign when their party will continue to control that seat. Given the natural position of senators in their party – they are generally high-ranking and well-respected members of their respective political parties – this is not surprising. The incentive for senators to resign only when their party will retain control of that seat has remained constant over time. Yet the increased incidence of divided party control between senators and the body with the power to appoint a replacement (i.e. the state legislature or the governor) has resulted in a marked decrease in the number of senators who *are able to resign* with the assurance that a replacement will be from the same party. Occasionally resignations from the Senate still do occur and when they do, they remain overwhelmingly of this type, despite the fact that it is now more difficult to resign with the guarantee that the same party will retain control of the seat.

## Notes

Special thanks to Bernie Grofman for his helpful comments and to Shoshannah Victorine for her help collecting the data.

- 1 Throughout this paper, resignations mean a sitting senator leaves office before his/her term of office has expired. This should not be confused with those senators who choose not to seek re-election; that is, retire from office.
- 2 Recently there have been a number of articles addressing another, less voluntary, method of leaving office from the American Congress – death (see Maltzman et al., 1996; Wuffle et al., 1997).
- 3 The 17th amendment to the US Constitution was ratified on 8 April 1913. This changed the method of electing senators to the popular vote of the people as opposed to the legislatures in each American state.
- 4 This trend is partially related to the rise and fall in the number of American states that elect two senators from different parties, which would necessarily leave at least one senator from the opposite party of the governor (see Brunell and Grofman, 1998).
- 5 We coded all resignations from the 3rd edn of Congressional Quarterly's *Guide to Elections*, Washington, DC: Congressional Quarterly Press, 1994. We also added the two resignations of Dole and Packwood from the 104th Congress.
- 6 Data on party composition of state legislatures are from the ICPSR dataset: Partisan Division of American State Governments 1834–1985, collected by Walter Dean Burnham. Data for governors' party are from the 3rd edn of Congressional Quarterly's *Guide to Elections* (1994). These data are required since the Constitution provided that the governor could appoint a successor if the state legislature

was in recess. The state legislature could then either confirm this replacement or elect a new one (Art. 1, Section 3: US Constitution). This occurred in 41 of the 109 resignations before 1913.

- 7 This type of resignation is coded the following way. If a resignation occurred between an election in November and the next session of Congress in January, then it is state strategic.
- 8 Those resignations coded as favoring the state are omitted since this type of resignation is not influenced by divided government.

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