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5. Legislators and Legislative Careers

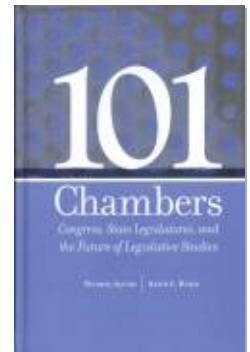
Published by

Squire, Peverill and Keith E. Hamm.

101 Chambers: Congress, State Legislatures, and the Future of Legislative Studies.

The Ohio State University Press, 2005.

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Legislators and Legislative Careers

The first four chapters focused on the structures and organization of American legislatures, paying particular attention to how they change over time and how they compare across chambers. In this chapter we turn our attention to the members of American legislatures and their political careers. The study of legislative careers revolves around three related but distinct questions: who serve, why do they serve, and what difference does it make to the process and to policy outcomes that one sort of person serves rather than another sort of person? A great deal of scholarly effort has been directed at answering the question of who serve and why they serve, not only in American legislatures (Moncrief 1999) but also in legislatures elsewhere (Patzelt 1999). Comparative analysis of these two questions using the full range of American legislatures is, of course, of considerable interest because of the large numbers of legislators and contexts in which they serve that may be examined. Indeed, as pointed out in chapters 2 and 3, American legislatures provide substantial variance on member pay, time demands, facilities, and resources, all of which help account for who serves and why they serve.

But the last of the three questions—what difference does it make who serves—is, perhaps, the most important one. The question has two aspects. First, how do careers influence a legislature's policy outputs? We might anticipate, for example, that if the composition of a legislature changes over time through increasing the number of women or minorities or members from different occupational or social groups, there should be some noticeable change in the sort of legislation that gets proposed, debated, and adopted. As we will argue in this chapter, an exclusive focus on the U.S. Congress leaves social scientists in a weak position to answer these sorts of questions in a rigorous fashion. Only the number of cases and greater variance provided by examination of state legislative chambers allows for the appropriate analyses.

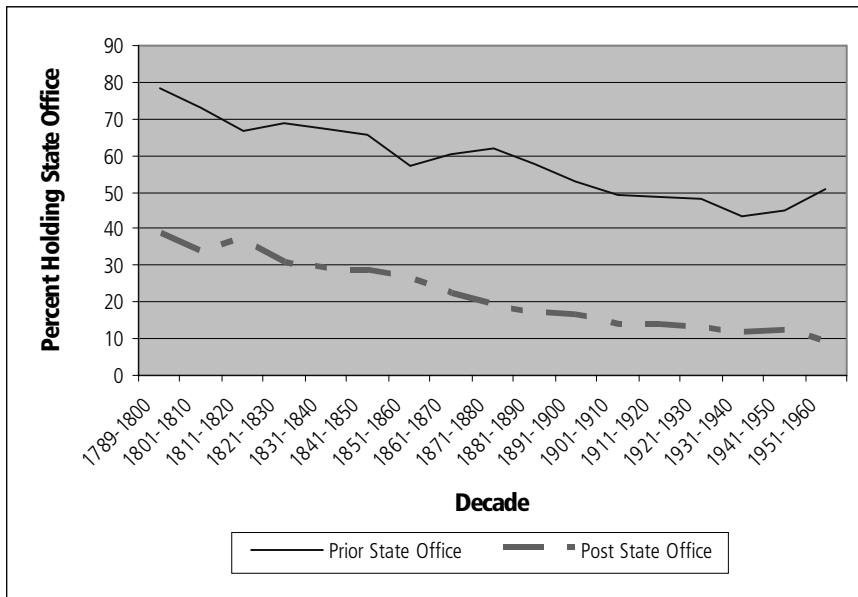
Answers to the second part of this question—how do career aspirations influence the sort of organizational structures and rules employed in legislative chambers—also require looking beyond Congress. Remember, as noted in chapters 1 and 2, the rules and procedures adopted by American legislatures are generally left to legislators to decide. This means that the organizational schemes adopted by each chamber to some degree reflect the desires of their members. And desires and schemes both can and do change over time. As we have pointed out in earlier chapters, the differences we see among Congress and state legislatures today have only emerged over time; they have evolved from institutions that once looked very similar to ones with noticeable differences today. But again, it is important to stress that the variations in organizational contexts offered by examination of some 8,000 legislators in 101 chambers provide considerably more analytical leverage for answering critical questions about legislative development than can the limited variation provided by studying 535 legislators in two chambers.

The Development of an Electoral Career Hierarchy in American Legislatures

Today, we are used to thinking of American electoral careers as following a well-established hierarchy, with lower level offices such as state legislatures serving as stepping-stones to higher level offices such as the U.S. House and Senate. Career movement is unidirectional: ambitious office holders move up the ladder; only rarely do they move back down it.

The current American political career hierarchy has been around for a long time, but not for forever. The establishment of the federal system with the ratification of the Constitution created two electoral levels: federal offices and state offices. Initially, federal level offices were not necessarily more highly valued than were state level offices. For example, although Jonathan Dayton was elected to serve as a member of the U.S. House of Representatives from New Jersey in 1788, he declined the post in order to serve instead as speaker of the New Jersey Assembly. Even into the early nineteenth century, it was not uncommon for a member of Congress to give up his seat to take a state level position. Speakers of the U.S. House often left their post to hold office back home, including as a state legislator (Polsby 1968, 149–51). The U.S. Senate was not immune from such defections. In 1792, for example, U.S. Senator Charles Carroll resigned his seat so that he could move to the Maryland state Senate (Riker 1955, 462).

The hierarchy with which we are familiar today became established in the second half of the nineteenth century. Riker (1955, 462) reported that, “from 1790 to 1849, 48 [U.S.] senators resigned to take state office; from 1850 to 1949 only eight.” A similar tale is told in figure 5–1. Between 1790 and 1960, there was a

FIGURE 5-1 Career Movement between State Office and Congress, 1789–1960

Source: Calculated from data in Bogue et al. (1976, pp. 289, 293).

steady decline in the percentage of U.S. representatives who held state office after leaving the House (Bogue, Clubb, McKibbin, and Traugott 1976, 293–94). The percentage of U.S. representatives who previously served in state office also decline over this time period (Bogue, Clubb, McKibbin, and Traugott 1976, 289–90). But at the end of the time series, almost no U.S. House members left to take a state office, while the percentage of them who held state office before moving to Washington remained fairly high.

We have two caveats to offer to our understanding of the current political career hierarchy in the United States. First, the universality of the unidirectional nature of the hierarchy has changed at the margins in those states that have term-limited state legislatures. In those states it is no longer uncommon for an upper house member to leave that chamber and move to the lower house. Second, although the unidirectional career movement from the state level to the federal level evolved to be the norm in the United States, it is not necessarily the accepted path in other democracies. Stolz (2003) identifies several federal systems where movement goes in the opposite direction—from the national to the subnational level—as well as other places where no discernible directionality emerges. Thus, it is important to keep in mind that the political career hierarchy that evolved in the United States was not the inevitable result of the adoption of a federal system.

Who Serves in American Legislatures?

Who serves is important for matters of symbolic representation and policy representation. But one potential problem is that (Jewell and Patterson 1986, 50) “one of the rather peculiar features of the American legislative systems [is] that . . . only those with relatively high occupational status have a good chance of achieving legislative membership.” The question of who serves in American legislatures focuses primarily on two sorts of characteristics: occupation and membership in underrepresented groups.

Occupational Diversity

The study of state legislators’ occupations by social scientists has a long history. Examinations of legislatures at the beginning of the twentieth century (Haynes 1900, 218–24; and Orth 1904) and a few decades later (Fox 1938; Hyneman 1940; Key 1956, 258–263; Lange 1938; McHenry 1938; and Zeller 1954, 71) revealed similar findings: lawyers and farmers were the dominant occupations, but legislators were drawn from many vocations. And, of course, there were substantial variations across the states. But the preponderance of lawyers has always merited special scrutiny. In 1900, for example, Haynes noted wryly (1900, 224),

In some quarters the notion seems to be prevalent that lawyers constitute the most corrupting element in our legislatures. In view of this opinion it is of interest to note that in the Delaware legislature of 1899 there was not a single lawyer in either house;—and yet it has been suspected that in that legislature guile was not completely unknown.¹

Farmers and Lawyers in the Legislature

Have lawyers and farmers always been relatively dominant in American legislatures? Tracking the occupations of legislators over time is difficult because of incomplete data, but from what we can gather, farmers once dominated, but over time lawyers became more prominent. Between 1635 and 1688, for example, 62 percent of Maryland Assembly members were planters, while only 7 percent were attorneys (Falb 1986, 101). Similar numbers were found in New Jersey. Between 1703 and 1776, 70 percent of Assembly members were planters, while lawyers constituted only 8 percent. But, underneath the surface in New Jersey, occupational changes were brewing. While the percentage of members who were planters was relatively constant between 1703 and 1776, the percentage of attorneys

increased from just 4 percent before 1738, to 12 percent after that year (Purvis 1980, 595).

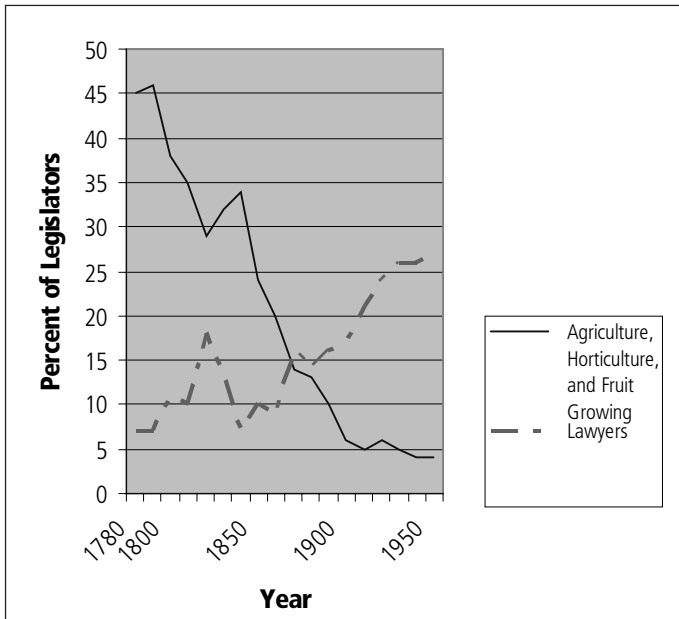
The Revolution produced significant changes in the sort of person elected to the new state legislatures. Before the war, the vast majority of those elected—planter and lawyer alike—were drawn from the wealthier strata of colonial society. According to an analysis by Main (1966, 404), following the war, “Voters were ceasing to elect only men of wealth and family. . . . Significantly, the people more and more often chose ordinary yeomen or artisans.” Thus, while those whose main source of income was derived from agriculture continued to constitute a significant proportion of state legislators, there was an important shift away from the very wealthy planters to small farmers, albeit ones who were still reasonably well-to-do.

The available evidence from the decades just before the Civil War suggests that farmers still constituted the bulk of the membership of most state legislatures. In 1850, for example, farmers comprised 57 percent of legislators in 13 southern and border states, while lawyers were just 24 percent of the membership. A decade later the figures had barely changed for both groups. The percentage of attorneys stayed at 24 percent while the percentage of farmers barely dropped to 55 percent.² But, again, buried in these aggregate numbers were harbingers of the change to come. In Arkansas, for example, the state Senate, which was composed of 79 percent farmers in 1850, was only 57 percent farmers a decade later. Over that decade lawyers increased in the membership from 8 percent to 33 percent. And by 1860, 50 percent of Kentucky state senators were attorneys, while only 18 percent were farmers. But while relatively few lawyers served in state legislatures during this time period, they dominated the leadership ranks. From 1823 to 1878, 59 percent of all lower house speakers were lawyers, and only 8 percent were farmers (Ritter and Wakelyn 1989, xi–xii).

Toward the end of the nineteenth century the shift from farmer-legislators to lawyer-legislators became even more pronounced. Even in the agricultural heartland the trend was detectable. In the decade from the mid-1880s to the mid-1890s, farmers held from less than a third to just under half of the state legislative seats in Illinois, Iowa, and Wisconsin, while lawyers held between 10 percent to 24 percent of the seats (Campbell 1980, 38). But by the first two decades of the twentieth century the tide had shifted in Indiana. There, lawyers held 36 percent of the seats in the state legislature to only 23 percent for farmers (VanderMeer 1985). But the process took longer in Wisconsin; lawyers did not overtake farmers in the legislature until around 1950 (Jewell and Patterson 1966, 109).

A more comprehensive look over time at lawyers and farmers in a single state legislature is given in figure 5–2. In Massachusetts in 1780, 45 percent of state legislators were drawn from agriculture, while only 7 percent were from the legal field. Over the next 100 years, the percentage of lawyers increased slowly, if only in fits and starts. The percentage of legislators from the agricultural sector,

FIGURE 5-2 Occupations of Massachusetts Legislators, 1780–1950



Source: Data from Davis (1951, pp. 94–95).

however, decreased with a fairly consistent rate. The two lines finally crossed in 1870. From that point on, the percentage of lawyers increased, to 27 percent by 1950, while the percentage of farmers dropped to only 4 percent.³

Interestingly, in contrast with state legislatures, law had always been the most dominant occupation in Congress. Even in the very first House of Representatives, over 40 percent of members were drawn from the legal field, while just over 10 percent made their living from agriculture. From that point farming supplied an increasingly smaller proportion of House members, while the percentage of attorneys continued to rise, comprising over 60 percent of the membership from 1830 to 1920 (Bogue, Clubb, McKibbin, and Traugott 1976, 284). Since then, law too has claimed a declining share of the House. By 2001, only 36 percent of representatives were attorneys. (The Senate still drew disproportionately from the legal field, with 59 of its members being lawyers.)

The Changes in Occupations among State Legislators across the Twentieth Century

By the early twentieth century, lawyers were overtaking farmers as the most common occupation found in state legislatures. The data presented in table 5-1

TABLE 5–1 Selected Occupations of State Legislators, 1909, 1949, and 1999, in Percent

Occupation	1909	1949	1999
Farming & Fishing	25	21	7
Law	20	18	15
Business and Services	22	26	27
Government (not legal)	4	4	17
Education	3	3	9
Retired	1	3	8
Housewife	0	2	1
Health Services	5	2	4
General Labor	1	2	1
No Occupation Listed	3	4	3
Number of Chambers	52	52	52
Number of Legislators	4,460	4,576	4,398

document that change as well as the increasing diversification of the occupations of state legislators across the last hundred years. In this table we present occupational data we gathered for 52 chambers at three points in time: 1909, 1949, and 1999.⁴ The percentage of state legislators who were lawyers actually declined during this period, although not dramatically. Beneath these aggregate numbers there was, of course, considerable variation across the states in the percentage of legislators who were lawyers. In the most recent time period 53 percent of West Virginia state delegates were attorneys compared to only one percent of representatives in North Dakota. The percentage of farmers holding legislative office also declined over time, but much more severely to 7 percent in 1999 from 25 percent 90 years earlier. This drop is not surprising given the decrease in farmers as a percentage of the nation’s population. But again there was substantial variation across the states. Most recently, almost 33 percent of lower house members in North Carolina and North Dakota were from the agricultural sector, while 14 chambers had no farmers at all among their members.

The number of members claiming full-time legislator as their occupation has increased substantially over the course of the century. Among the 52 chambers for which we have data at each point in time, only three had any members who claimed full-time status in 1909, with the Minnesota state senate leading with 5 percent of its members claiming legislator as their occupation. Only two chambers had any members listing themselves as legislators in 1949. But by 1999, most chambers had at least a few full-time legislators; some had significant proportions. The percentage of full-time legislators in the Pennsylvania House was 66 percent, and 52 percent in the state Senate called themselves full-time. It is

likely, however, that our figures underestimate the number of full-time legislators, especially in the more professionalized bodies. In Michigan, for example, before term limits, observers believed that two-thirds of the members were really full-time legislators, but only one-third of them publicly admitted it because they feared negative electoral repercussions from being labeled career politicians (Rosenthal 1989, 72; Bazar 1987, 4). Overall, those who admit to being full-time legislators are concentrated in the more professionalized legislatures.⁵ In a majority of states, however, relatively few members claim to make their living from public office.

These figures stand in great contrast to Congress. Members of the U.S. House and Senate are, by definition, professional legislators. Their prior occupations, however, have changed over time as well (Ornstein, Mann, and Malbin 2000, 20–21, 26–27). The percentage of lawyers in the House declined precipitously to 37 percent in 1999 from 57 percent in 1953. The drop in the Senate over that same time period was only from 59 percent to 55 percent. Similarly, the percentage of members from agriculture also dropped, to 5 percent from 12 percent in the House, and to 6 percent from 22 percent in the Senate. But other occupations have gained, and overall, there is greater occupational diversity in the House and Senate today than 50 years ago.

None of these changes are, of course, particularly surprising. Agriculture has been a declining part of the economy for many decades and there are far fewer farmers to run for office and far fewer farm families to vote for them. And the natural linkage between the study of law and interest and success in politics is well documented (Eulau and Sprague 1964; Schlesinger 1957), accounting for the prominent position of lawyers in American politics. But it is important to note that a wide range of occupations is represented in America's legislatures. Indeed, occupational diversity increased over the course of the twentieth century.

Member occupations matter because they have implications for the way legislatures organize and the way members behave. Occupations influence organization because they often influence structuring of the committee assignment process, where members get placed on particular committees which have jurisdiction over a subject on which the member has substantive expertise. They may impact behavior as legislators pursue policy interests motivated by their professions. Along these lines it may be useful to note that the most common prior experience of members of Congress is state legislative service. In 2001, for example, 41 percent of senators and 53 percent of representatives previously served in state legislatures.⁶ The importance of state legislatures as a congressional farm team has long been noted (see, for example, Mason 1938, 178). Indeed, 39 of the original 65 members of the U.S. House in 1789 had previously served in a state legislature (Galloway 1958, 455). From our perspective, this strong link between the two institutions suggests that they are more similar than different because they have been populated by many of the same people.

Traditionally Underrepresented Groups

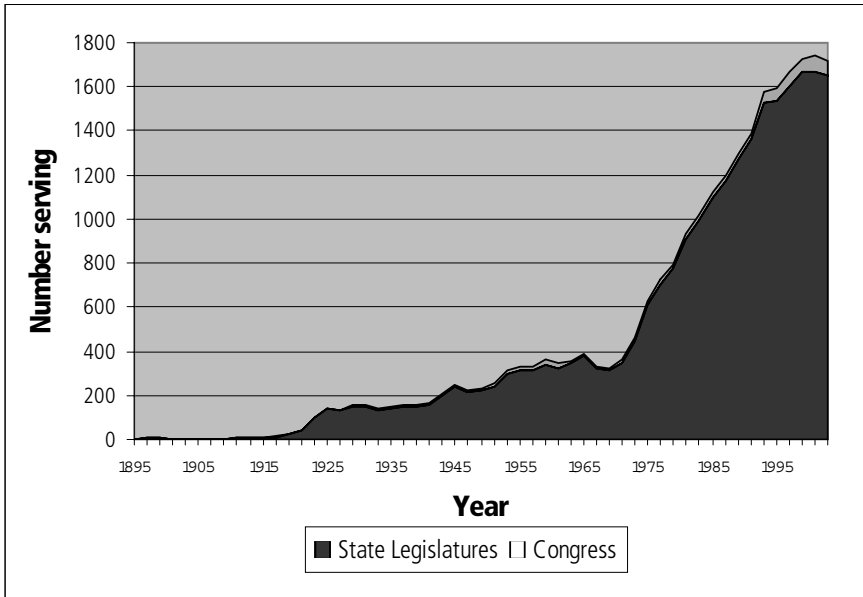
For most of American legislative history women did not serve as legislators. Perhaps the first effort by a woman to hold legislative office was made by Margaret Brent, who in 1648 claimed without success that her work as an attorney for the proprietor entitled her to a seat in the Maryland Assembly (Clarke 1943, 151). Women waited a very long time to gain entrance to Congress with the first one serving in the U.S. House in 1917 and in the Senate in 1922.⁷ The number of women serving in Congress has, of course, increased substantially since then. But their numbers are still relatively small. In 2003, 14 percent of senators and 14 percent of representatives were women.

Before a woman was first sent to Congress, a number of them had already served in state legislatures. The first women were elected to a state legislature in 1894, when Clara Cressingham, Carrie Clyde Holly, and Francis S. Klock all ran successfully as Republican candidates for the Colorado House of Representatives. The 1894 election was the first in which women were allowed to vote for the Colorado state legislature and although men outnumbered women in the state, women voters turned out at a much higher rate than did men, giving the three women candidates a significant boost at the polls.⁸ Once in office the women had an immediate impact on the institution. Decorum reportedly improved with their arrival; male legislators cleaned up their language and smoking on the floor was banned (Cox 1996, 17). When Holly successfully pushed a bill she authored to raise the age of consent through the legislature and into law her feat gained national attention (Cox 1994, 18). And Klock became the first woman to hold a leadership position when she chaired the Indians and Veterans Affairs Committee. The first woman elected to a state senate came soon afterward in 1896 when Dr. Martha Hughes Cannon won a seat in Utah. Cannon, a physician and a fourth wife in a polygamous marriage, won on a Democratic slate that defeated a Republican slate that included her husband (Cox 1994, 14).

By the time the first woman was elected to the U.S. House, women had already served in the state legislatures not only in Colorado and Utah, but also in Arizona, Idaho, Oregon, Washington, and Wyoming (Cox 1996, 329). As figure 5–3 shows, over the next several decades the number of women serving in state legislatures far outstripped the number elected to Congress. Indeed, by 1935, 139 women served as state legislators in 34 states. But clearly sexism still prevailed; contemporaneous observers noted that those numbers meant (State Government 1937, 213), “At the present, 14 states have no pretty parliamentarians among their legislators.”

The number of female legislators in the states continued to grow through the twentieth century, reaching more than 600 in 1975 and over 1,000 in 1985. By 2003, 1,648 women were state legislators, a figure representing 22 percent of all state legislative seats. Several state legislatures had large percentages of

FIGURE 5-3 Women Serving in American Legislatures, 1895–2003



women—Washington had the most at 37 percent, with two other states having more than one-third women—while in only five state legislatures—South Carolina, Alabama, Kentucky, Oklahoma, Mississippi—did women constitute a smaller percentage of the membership than they did in Congress. A milestone was reached in 1999, when 67 percent of the majority party Democrats in the Washington state Senate was female, giving women effective control of a chamber for the first time.⁹

Overall, the percentage of women in the state legislature is negatively related to legislative professionalization (Squire 1992b). But, given their numbers, it is not surprising that women were far more likely to hold leadership positions in state legislatures than in Congress. Indeed, in 2003 women chaired only two congressional committees, both in the Senate and neither one of much importance. The situation in the states was far different, with women holding many of the highest positions and numerous committee chairs, and they held them in proportion to their numbers in the legislatures (Darcy 1996; Little, Dunn, and Dean 2001; Whistler and Ellickson 1999). The election of Nancy Pelosi as the U.S. House minority leader in 2003 was noteworthy because it was the first time a woman had held a major leadership post in Congress. In contrast, women have held important positions in state legislatures for many decades, albeit in limited numbers. The first woman minority leader in a lower state house was in Montana in 1921, followed shortly by the first woman speaker in North Dakota in 1933

(Cox 1996, 334). In 2003, five women were serving as speaker in their states.¹⁰ Thus, scholars wanting to investigate the impact women have on the legislative process, or what difference it makes to have women legislators in leadership positions, have to study state legislatures, not Congress. Only the former provide the number of cases and variation necessary to investigate such questions rigorously. Indeed, the most convincing works on such questions have focused almost exclusively on women in state legislatures (e.g., Crowley 2004; Reingold, 2000; C. Rosenthal 1998b; Thomas 1994).

Similar problems confront scholars wanting to explore the impact members of various minority groups have made on legislatures and policies. The first African Americans entered the U.S House and Senate in 1870 as the result of Reconstruction politics. Over the next three decades two African Americans served in the Senate and twenty served in the House, all as Republicans and all from the South. But Jim Crow era electoral laws ended the opportunities for African Americans to serve in Congress. No African Americans held a seat in Congress after 1901 until 1935 when Oscar De Priest was elected to the House from Chicago. African Americans did not hold a second House seat until 1945.

A similar pattern is found in the state legislatures. The first African American to hold a state legislative seat appears to have been Alexander L. Twilight, who represented Burlington in the Vermont House of Representatives from 1836 to 1837 (Logan and Winston 1982, 613).¹¹ In 1866 two African Americans, Edward G. Walker and Charles L. Mitchell, were elected to the Massachusetts House of Representatives (Logan and Winston 1982, 623). Then, as in Congress, Reconstruction resulted in a large number of African Americans serving in southern state legislatures. Between 1868 and 1872, for example, 34 African Americans served in the South Carolina state legislature. Every legislative committee in that state during that time had at least one African American appointed to it and an African American even chaired a committee (Balanoff 1972). In Texas 46 African Americans served in the state legislature between 1871 and 1895 (Brewer 1935). But, again as with Congress, the end of Reconstruction and the rise of Jim Crow laws resulted in African Americans being shut out of service in southern state legislatures.

Outside of the South, African Americans entered state legislatures only gradually in the decades following the Civil War. The first African Americans were elected to the legislatures in Illinois and Ohio in the 1870s, Colorado and Rhode Island in the 1880s, and Michigan and Minnesota in the 1890s. But progress was slow and fitful. Oklahoma, for example, elected its first African American state legislator in 1909; another one was not elected until 1964. The first African American legislator in California was elected in 1918, but the legislature did not have two African Americans holding seats until 1948.

Over the last few decades the number of African Americans elected to American legislatures has grown substantially. But, although the numbers of African

Americans in the U.S. House has increased, there are still too few of them to make rigorous analysis of their influence or behavior easy. In 2003, for example, only 37 U.S. representatives were African Americans, constituting just 9 percent of the House. (There were, of course, no African Americans serving in the Senate.) In the states, 595 legislators were African American. Across state legislatures, however, the number of African American members varied substantially. In some states they made up substantial portions of the membership. More than a quarter of state legislators in Mississippi and Alabama were African American, and over 20 percent were in Georgia, Louisiana, and Maryland.¹² Having more legislatures with significant numbers of African American members and more African American legislators in total provides scholars more data and more variation on important variables with which to work. This can make a significant difference. State legislative scholars have been able, for example, to compare the backgrounds and attitudes of African American and white legislators (Button and Hedge 1996), and to explore the policy preferences of female African American legislators (Barrett 1995). Perhaps even more instructive for our purposes here, a study of African American legislators in five state legislatures by Haynie (2001) found that they are much more likely to introduce and push legislation of particular interest to the African American community than are other legislators, contrary to Swain's (1993) findings on the behavior of African Americans in Congress. The difference between the findings in the two studies may result from real differences between the two sorts of institutions, or it could be the result of one study having more and better data with which to test these important propositions.

The study of Hispanic legislators is similarly constrained by a focus on the congressional level. The first Hispanic American to serve in Congress was Romualdo Pacheco, a Republican from California who served in the U.S. House from 1877 to 1883. Only eight other Hispanics were elected to Congress over the next eight decades. Of those eight, six were sent to Washington from New Mexico, including the only two Hispanics to serve in the Senate. That Hispanics were well integrated into New Mexico's political system early on is demonstrated by their success in gaining entry to the state legislature. In 1912, over 40 percent of the lower house and 20 percent of the state senate were Hispanic, percentages that increased over the next two decades (Holmes 1967, 230).

Outside of New Mexico, Hispanics have only slowly won seats in American legislatures. In 2003, 22 Hispanics served in Congress, all in the House. At the state level the numbers were a bit more impressive: 59 Hispanic state senators and 158 lower house members (National Association of Latino Elected and Appointed Officials Education Fund 2002).¹³ Thus, for the foreseeable future the rigorous study of Hispanics in American legislatures is likely to be limited to studies at the state level.

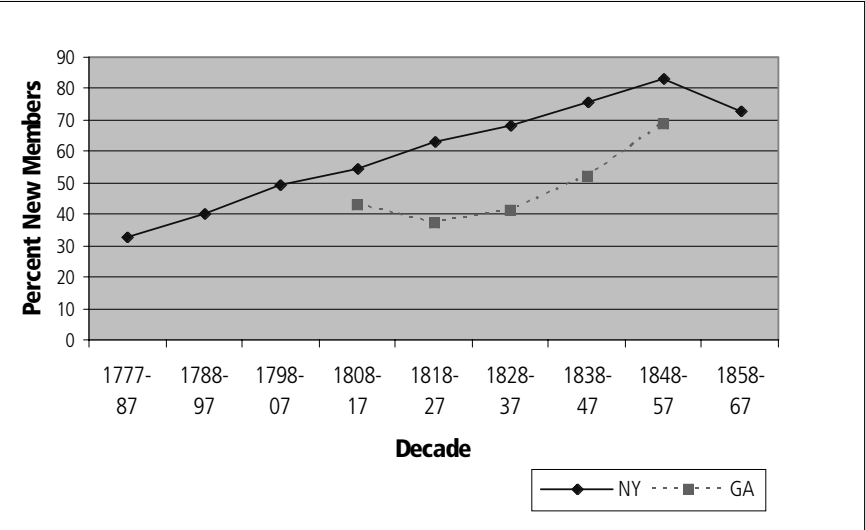
How Long Do Members Serve?

Membership turnover over time in the U.S. House of Representative has received a fair amount of scholarly attention (e.g., Brady, Buckley, and Rivers 1999; Bullock 1972, 1295–96; Epstein, Brady, Kawato, and O'Halloran 1997, 973–74; Fiorina, Rohde, and Wissel 1975, 29–33; Gilmour and Rothstein 1996, 65; Swain, Borrelli, Reed, and Evans 2000, 439–40). Although it is not yet settled as to when and why the House became a careerist body, the contours of the House career are reasonably well established. We have, for example, a good idea when voluntary retirements peaked and when members began to seek reelection on a regular basis.

We know only interesting bits and pieces about the contours of state legislative careers from a historical perspective. Over time, turnover in the colonial assemblies generally declined. Most colonial assemblies experienced very high turnover rates at the end of the seventeenth century, but these figures were dramatically lower in most assemblies by the time of the Revolution (Greene 1981). In the most extreme case, turnover in Pennsylvania dropped to a mean of 18 percent in the decade from 1766 to 1775 from a mean of 62 percent in the decade from 1696 to 1705. Many members served for more than 15 terms, even though elections were annual events (Leonard 1948a, 238). In many respects, this increasing level of membership stability is reminiscent of that experienced by the U.S. House of Representatives during the nineteenth century and may be evidence of the institutionalization of the colonial assemblies (cf. Polsby 1968). Unlike the experience in modern American legislatures, however, there is evidence that a nontrivial percentage of those elected to colonial assemblies declined the opportunity to serve (Corey 1929, 115–16; Gallay 1988, 257; Waterhouse 1986, 150–51; Weir 1969, 484).

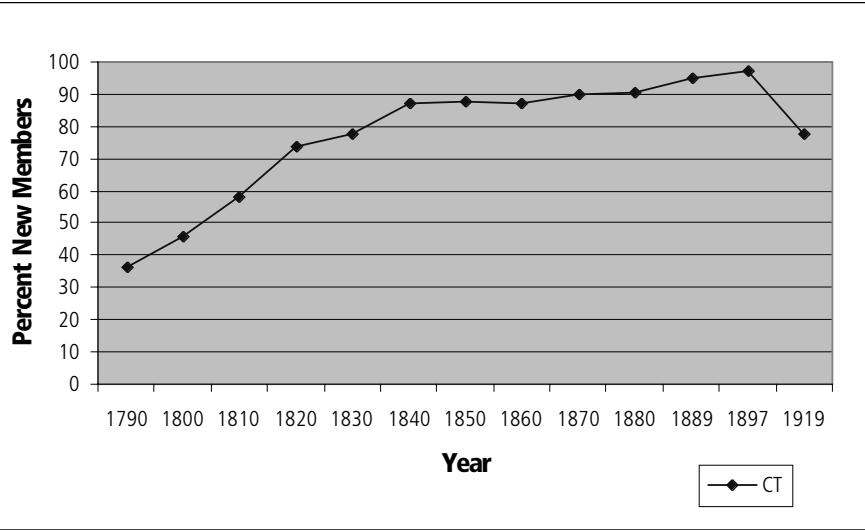
The general career pattern revealed in the early state legislatures, however, is very different from that seen over the course of the colonial experience. As figures 5–4 and 5–5 show, in Connecticut (Deming 1889; Luce 1924, 355–56), Georgia (DeBats 1990, 430) and New York (Gunn 1980, 278) legislative turnover increased dramatically over the first half of the nineteenth century. Increasing instability prevailed in other state legislatures as well. According to Levine (1977, 76), 42 percent of all members of the New Jersey state legislature between 1829 and 1844 served for only one year. In most southern states turnover was even higher. In North Carolina between 1836 and 1850, 61 percent of lower house members served only a single term, while between 1849 and 1861 59 percent of lower house members in Virginia were in office only one term (Wooster 1975, 43). Remarkably, in Arkansas between 1836 and 1861, over 93 percent of lower house members served only a single term, a level approached in Kentucky where 89 percent of lower house members from 1849 to 1859 failed to serve more than one term (Wooster 1975, 43). During the 1850s, 61 percent of lower

FIGURE 5-4 Mean Turnover Rate in Early New York and Georgia Legislatures by Decade, 1777–1867



Source: Data for New York from Gunn (1980, p. 278); data for Georgia from DeBats (1990, p. 430).

FIGURE 5-5 Turnover Rate in Connecticut House of Representatives, 1790–1919



Source: Data from Deming (1889, p. 426) and Luce (1924, pp. 355–56).

house members in Mississippi served for only one term; in the lower house in Florida the percentage was even higher, around 80 percent (Wooster 1969, 41–42). Thus, state legislatures had relatively stable memberships at the end of the eighteenth century, but the trend changed rather quickly to very high levels of turnover by the middle of the nineteenth century.

Available evidence suggests that legislative turnover rates did not begin to decline in most states until well into the twentieth century, lagging behind the trend evidenced several decades earlier in the U.S. House. Between 1886 and 1895, for example, freshmen composed 68 percent of the lower house in Illinois, 62 percent of the lower house in Iowa, and 75 percent of the lower house in Wisconsin (Campbell 1980, 31–32, 228). At the turn of the century, turnover in California hovered around 70 percent (Fisher, Bell, and Price 1973, 12).

Membership turnover in state legislatures began to decline from very high levels starting at the beginning of the twentieth century. In Indiana, for example, first-term members constituted 81 percent of the lower house in 1881, 65 percent in 1901, and 55 percent in 1921 (VanderMeer 1985, 165). A similar pattern emerged in Michigan, where the percentage of first-term members in the lower house dropped to 38 percent in 1947 from 70 percent 60 years earlier (Shull and McGuinness 1951, 473–74).¹⁴

Studies of legislative turnover across different samples of states and time periods collectively reveal that state legislative memberships became considerably more stable during the twentieth century (Hyneman 1938; Moncrief, Niemi, and Powell 2004; Niemi and Winsky 1987; Ray 1974; 1976; Rosenthal 1974; Shin and Jackson 1979). As can be seen in table 5–2, membership stability continues to vary widely across state legislatures, with some chambers still exhibiting turnover rates of the sort experienced by the U.S. House in the nineteenth century. Generally, however, turnover rates fell substantially from the 1930s through the 1980s. And a few state legislative chambers have lower turnover rates today than does the U.S. House. In general, however, state legislatures still experience greater membership instability than does either house of the U.S. Congress.

It must be noted that from a comparative perspective, state legislatures have two sources of turnover that Congress does not experience. Some state legislative chambers qualify as springboard bodies, where members have exceptional opportunities to use their current position to move to higher elective office (Squire 1988a; 1988b; 1992a). Turnover is higher than might otherwise be expected in these chambers because members regularly seize the chance to move up. Being a springboard has consequences for legislative organization and member behavior. Members of springboard legislatures make different sorts of demands on their leaders (Squire 1988b; Clucas 2001), and they also tend to be more responsive to constituents on policy preferences than are legislators in other sorts of chambers (Maestas 2000).

The other distinct source of turnover is a more obvious one: term limits. As

TABLE 5–2 Turnover in U.S. House and State Legislatures by Chamber and Decade, 1930–2000, with Highest- and Lowest-Turnover Chambers, in Percent

Chamber	1931–40	1941–50	1951–60	1961–70	1971–80	1981–90	1991–2000
U.S. House	28	25	17	17	19	12	17
Upper House	51	43	40	37	29	22	23
Lower House	59	51	45	41	32	24	25
State Chamber with Highest Turnover	94 AL (S) ^a DE (H)	99 GA (S)	98 GA (S)	84 AL (S)	72 AL (S)	40 WV (H)	43 KS (S)
State Chamber with Lowest Turnover	24 NY (S)	14 VA (S)	17 PA (S)	18 MO (S)	13 AR (S)	10 DE (S)	10 DE (S) OK (S)

Sources: U.S. House data from Davidson and Oleszek (2002, 120) and Swain, Borrelli, Reed, and Evans (2000). State legislative data from Moncrief, Niemi, and Powell (2004); Niemi and Winsky (1987); and Shin and Jackson (1979).
^aS stands for "state senate," H for state "lower house."

noted in chapter 2, limits on legislative service were in effect in 15 state legislatures in 2004.¹⁵ In states that already experienced high turnover, term limits probably do not further increase it in the aggregate. But turnover in chambers which had relatively low turnover rates has increased as limits have kicked into effect. Indeed, part of the uptick in turnover rates in the 1990s found in table 5–2 is the result of term limits forcing out members in some states (Moncrief, Niemi, and Powell 2004). How term limits change legislative organization and membership behavior is still to be sorted out. According to Carey, Niemi, and Powell (1998) limits have not changed the sort of person who gets elected, but they may reorder member policy priorities, and they appear to increase the influence of the executive branch—the governor and the bureaucracy—in legislative decision making. Another major impact is that legislators in term-limited legislatures are less obliged to focus on their constituents and more attentive to concerns beyond their districts, thus creating a “Burkean shift” in representation (Carey, Moncrief, Niemi, and Powell 2003). Indeed, term limits may turn legislatures in which they are in effect into springboard bodies, chambers organized to meet the needs of ambitious politicians en route to other offices (Powell 2000). Thus, because turnover in some states is caused by different things than in Congress, its effects may have different consequences.

Member Careers and the Internal Organization of American Legislatures

How do changes in career orientations effect changes in legislative organization? A prominent theory linking careers to internal organization is Polsby's (1968) notion of institutionalization. An institutionalized legislature (Polsby 1968, 145) is characterized by the establishment of well-defined boundaries, the growth of internal complexity, and the adoption of universalistic criteria and automated methods for internal decision making. The example used by Polsby is the modern U.S. House. Among the measures employed by Polsby to demonstrate aspects of institutionalization were mean years of member service and percentage of first-term members, years of service before becoming speaker and reason for leaving that office, the rise of a seniority rule in naming committee chairs, and expenditures for operation of the House. Although boundedness, complexity, and universalism may be manifested in other ways, clearly the focus of institutionalization is on how the body operates, particularly how it handles its work load and distributes positions of power.

The dynamic element leading to the development of an institutionalized legislature is closely related to the end result of professionalization. Polsby (1975, 297) notes that the state legislative professionalization movement was driven by the adoption of the modern U.S. House as the model to be emulated. A professionalized body is likely to be one where members look on their service as being their career; after all, service is full-time and the pay offered reflects that fact. Legislators who adopt this long-term or professional perspective mold the organization to meet their needs; that is, to institutionalize it. Discussing the changes begun in the late nineteenth century, for example, Kernell (1977, 671) observes, "Perhaps the prime reason for the transformation of the House can be found in the changing needs and incentives of congressmen." As turnover rates declined in the House and average member years of service increased, the organization evolved norms and rules, like seniority, and established a full-blown, powerful committee system (Polsby 1968; Polsby, Gallagher, and Rundquist 1969; Price 1975). Similarly, changing member career goals are important in explaining more recent organizational reform in Congress (Dodd 1986). The House restructures as the career orientation of its membership changes.

Institutionalization's general theoretical tenets have long been criticized (e.g., Cooper and Brady 1981b; Hibbing 1988; 1999; Judge 2003; Rosenthal 1996; Sisson 1973). And alternative perspectives to explain legislative evolution have surfaced. Some, such as those offered by Binder (1995; 1996) and Schickler (2001) focus on the changing needs of the majority party as the driving force behind transformations in legislative rules and procedures. Krehbiel (1991) takes a different perspective, maintaining that legislative evolution is driven by asymmetries in legislators' talents that produce asymmetries in their information.

Asymmetries in information across legislators result in the adoption of different rules and procedures that take these informational discrepancies into account. This suggests that over time legislatures become more complex organizations as resources are allocated and parliamentary rights are assigned differentially. Krehbiel's approach is compatible with organization-theory-based perspectives that focus on the explanatory roles of external stresses and internal demands in explaining legislative evolution (Cooper 1977; Cooper and Brady 1981b; Davidson and Oleszek 1976; Moncrief and Jewell 1980).

Like institutionalization, most of the competing theories offered to explain legislative evolution have been developed with the U.S. House in mind and their tests confined to that chamber. Only on rare occasion have theories attempting to explain the over-time change in legislatures been motivated by attention to other chambers, Swift's (1989) study of the transformation of the early U.S. Senate being a notable example. Thus, as is often the case, we are confronted with theories that are intended to be generalizable but are really fixated on Congress, or more specifically, the U.S. House.

A theory that holds for more than one legislature must, of course, be tested in more than one chamber. In the American context, institutionalization has been tested in several state legislatures, where evidence of solidifying institutional boundaries and increasing internal complexity has been found (Berry, Berkman, and Schneiderman 2000; Squire 1992a). But universalistic standards and automatic methods of the sort Polsby found in the House are rare in state legislative chambers (Chaffey 1970; Chaffey and Jewell 1972; Squire 1992a), as also noted in chapter 4. And, as we pointed out in chapter 1, the manner in which the colonial assemblies unfolded as organizations was remarkably similar to how the U.S. House evolved more than a century later.

These findings are, however, just hints. As we have extolled at numerous points in the text, the methodological virtues of examining 101 legislative bodies rather than just one need to be exploited. Does institutionalization unfold in different ways at different points in time in different legislatures? Are the ways that rules and procedures developed in the U.S. House similar to the ways they evolved in other chambers? Do information advantages accrue the same sorts of benefits and procedures across American legislatures? Exploring these questions across a greater range of institutions offers us the promise of generalizable theories instead of those that are constructed to fit the particulars of a single chamber.