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Term Limits and Party Loyalty

I. The term-limit debate and party-loyalty voting

Among the reasons advanced for Congressional term limits, one is more amenable to empirical proof than others: the effect of term limits on incumbents in their last term. Term limit laws will vastly increase the number in this category of legislators. Are such legislators to be desired over others? Analysis in the political science literature has attempted to answer that question in many different dimensions: conservative versus liberal voting tendencies, frequency of voting, legislative efficiency, attendance to district concerns, et al. (Herrick, Moore & Hibbing; Vanbeek; Thomas; Zupan; Lott & Davis; Lott; et al.). Many of these characteristics are grouped under the heading, "shirking." The literature has attempted to prove whether a Representative in her or his last term "shirks."

Whether or not a termed-out Representative breaks with her or his party, however, has been the subject of only two published research papers. (Figlio; Stratmann; see also brief discussion in Herrick at 219, n.4, referring to unpublished results). Far more common has been to study whether a Representative's score with one of the many rating groups, such as Americans for Democratic Action, or the American Conservative Union, changes in a final term. (See, e.g., Lott & Bronars, p. 128; Lott, table 1, p. 172, Vanbeek, Zupan.)

A priori, there are reasons both to expect increased party loyalty, and to expect the opposite, during a Member's final (anticipated) term.

> A second area of theoretical uncertainty involves party support on roll-call votes. Traditionally, congressional scholars have hypothesized that as

> electoral pressures intensify, members move away from the orthodox party line. This logic would lead us to expect that complete removal of electoral pressures allows representatives to flee back to the party line. At the same time, many members may have voted with the wishes of their party leaders for reasons such as the need for campaign assistance from the party, the desire for a formal position in the House hierarchy, or because of simple cajoling from party bigwigs. Freed from these pressures and concerns, party support may diminish as a result of the decision to retire. The results (not presented) reflect these theoretical uncertainties – party support, on average, increases about as often as it decreases subsequent to the unfastening of the electoral connection. The differences between those leaving public office and those seeking reelection were not significant.

Herrick, et al., at 219, n. 4.

The Herrick-Moore-Hibbing 1994 analysis not being available, and, by its authors' own admission, not statistically significant, two subsequent studies comprise the published work in this field. Each points, with statistical significance, in a different direction.

Figlio announces that his study is novel in trying to assess whether abiding by "party unity" differs for Members in their last term. He found that it did. He measures the date at which a Member announces formal retirement as the dividing line.[1] Alternatively,

[1] He is ambiguous, however, as to whether Members making such an announcement to seek higher office are excluded. The context suggests they were excluded, and that would

he measures as retiring only those Members who make such a formal announcement in the first nine months of their last term—to avoid the endogeneity problem that some Members will announce their retirement because they are facing likely defeat, perhaps because of their most recent votes. Using data from 1973 through 1980, Figlio reports: "Furthermore, there is evidence to suggest that retiring members vote less frequently with the majority of their party. However, these results are weaker when restricting the retirement dummy to early retirers only."[2]

There is a problem, however, with the data used for party loyalty. The Congressional Quarterly changed its method of reporting party loyalty in 1987. Prior thereto, reported party loyalty was diminished by being absent for a vote. Figlio found in his same study "that, ceteris paribus, retiring representatives participate in just over eight percentage points fewer roll calls than they did prior to their final term, and over nine percentage points less often in their final term than in the preceding term." (Id.) This phenomenon, that retiring members miss votes more often than other Members of Congress, has been strongly supported in the literature. (Lott 1990, Lott 1987, Herrick). Accordingly, Figlio's results, unless they made a correction for the tendency of retiring Members to miss votes that he did not describe in his article, are suspect.[3]

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be appropriate, as the entire hypothesis about behavior by one not facing election would differ if the candidate were, indeed, facing an election, albeit not to the same office.

[2] Id.

[3] The same vulnerability might apply to the unpublished work by Herrick, et al. Since their data were from Congresses before 1987, when Congressional Quarterly changed its

Stratmann studied data from 1983 to 1994; hence, he did not overlap Figlio. Stratmann, however, runs two regressions, one explicitly correcting for the effect of absences on the Congressional Quarterly party-unity index, and the other not. When he does not correct for absences, he reports the same result as Figlio. When he does correct for absences, he reports the opposite result. Both of Stratmann's results are statistically significant.

II. The rationale for new work

This conflict regarding the effect on party loyalty by a Member of Congress in her or his last term deserves to be resolved, if possible. Term-limits are a systemic proposal, intended to improve the system, not intended to result in more or less conservative or liberal voting. It would be difficult to convince a conservative citizen that term-limits were more desirable because they made a Member of Congress more liberal; and vice-versa. Similarly, simple consistency to a Member's earlier votes does not inherently compel admiration. To the degree, however, that both conservative and liberal citizens view as a benefit that a Representative is willing to buck party orthodoxy for what she or he believed to be right, the effect of term limits on party loyalty is a strong factor deserving of more careful analysis.

In offering additional analysis, we have one other objective. Both Figlio and Stratmann make use of regression analysis. The effect of a single Member who departs from the party-line a great deal, therefore, counts more than the effect of a single Member

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calculation of party-unity scores, the results might have not taken account of the fact that retiring Members tend not to vote as often as the average Member.

who departs to a lesser degree from the party-line. This, of course, is a perfectly appropriate way to proceed.

However, the debate over term-limits has focused not so much on whether a small number of Members might behave grossly differently when each is in her or his (known) last term, as it is on whether a large number of Members might be expected to behave differently.[4] We would like to take advantage of a new data set to perform statistical testing more appropriate to asking the latter question.

III. The data base

We arranged to have Congressional Weekly combed for announcements by House Members that they were not seeking re-election. (Throughout, when we refer to Members, it is Representatives, not Senators, who are being studied. Senators were not studied.) Members who were seeking other office were excluded; as were Members who died in office or for other reasons left before the end of their term.

The Congressional Quarterly (CQ) party-unity voting index was then assigned to each Member, in the retiring group and otherwise. The data all followed the new CQ loyalty index that was used – that is, the one that does not consider absences. The party-unity index was calculated for each calendar year, corresponding to each session of Congress. Independents are excluded from the data set; that is to say, only Democrats and Republicans were included.

[4] To pass legislation requires numbers; a yes-vote on a piece of legislation by a 51% convinced Member counts no less than a yes-vote by a 99% convinced Member.

The data were collected for the 100th through 105th Congresses: 1987-1997. Thirteen Members were in the retired cohort in the 100th Congress, twelve in the 101st, forty-nine in the 102nd, twenty-seven in the 103rd, thirty-two in the 104th, and twenty-two in the 105th. All the data are available upon request.

The collection of data from each of the two sessions of each Congress enables, at least to a limited degree, the longitudinal kind of analysis recommended by Lott & Reed, Lott & Broners, and Vanbeek. We propose to study not only whether retiring Members of Congress depart from party-unity significantly from their non-retiring colleagues, but also whether the retiring Members show a significant difference in party-unity between the first and second session of the Congress from which they retired. Figlio had a more precise measurement, based on the exact date of the announced retirement. The data collected by the Congressional Research Service did not permit us to do the same. Nevertheless, we advance the following reason why the less specific time measurement is still useful. A Member will have just won re-election at the start of the first session of a Congress. Sometime during that Congress, he or she will decide to retire, a date that almost certainly precedes, and does not coincide exactly with, the date of announcement of that retirement. Hence, if we are trying to measure at what point a Member's behavior might begin to change, we suggest it is earlier than the date Figlio has chosen. We grant that Figlio has a good point that, up until the moment of announcement, a Member might repent of a private decision to retire. However, undoing a retirement announcement is also not unprecedented. All told, therefore, a blunt measure is probably all we can attempt in any event; and that is what we do here.

IV. The method of study

Stratmann and Figlio collected more institutional data about each retiring Member than were available from the Library of Congress. With that limitation noted, we first will try to replicate the methods of those two studies, using the later data. This will take the form of a simple regression of a Member's party unity upon a constant and a dummy variable for whether the Member is retiring. This will be done for each session of each of the Congresses under study; and for both sessions of each Congress combined.

Second, the change in party-loyalty between the two sessions of the same Congress will be measured for each Member, and regressed upon the loyalty dummy. This test will approximate the longitudinal part of the study: to test whether retiring Members alter their loyalty in the Congress of their retirement, in a manner different from the average Member.

Next will come two non-parametric tests, to avoid the possible dominance of single large-effects, described above. The cohort of retiring Members will be coded as to whether each departed in the second session of his/her retiring Congress by 5% or more from his/her loyalty during the first session of that Congress. This will result in three categories: increased loyalty, about the same, and decreased loyalty. The same cells will be created for all members, retiring and non-retiring, combined. Chi-squared tests and Fisher's generalized tests will determine whether the actual distribution in the three cells significantly departs from these expected populations. We will also seek to limit the effect of outliers through quantile and robust regressions.

The purpose of this set of tests is to answer the question whether Members in their (known) last term are more likely to depart significantly from the overall party-unity

pattern, and from the pattern each such Member established during the first session of the Congress in question.

Because there may well be differing party loyalty traits between the two parties, the entire foregoing analysis will then be replicated separating Democrats from Republicans.

V. The Result

Here are the coefficients on the retirement dummy using the new measure of party loyalty that does not consider absence disloyal. (TABLE 1, TABLE 2, TABLE 3) We next explored how loyalty of retiring and non-retiring House members changed between sessions. However loyal a retiring member was, we suspected that as retirement neared, retiring members would increase their loyalty, once absences were not counted as disloyal. This turned out to be the case. The retiring members increased in their loyalty across the two sessions of the Congress in their last term significantly more than did the non-retiring members, of each party, in each Congress. This result held across the change in control of the House, with the 104th Congress, which was the first Congress with a Republican majority in the House in 50 years. (TABLE 4, TABLE 5)

All of the foregoing tests are subject to the criticism that a small number of retiring House Members whose party loyalty under went a large shift could bias the results of the regression analysis. We attempt to standardize for that effect in three ways.

First, we count the number of Members in each cohort who changed their loyalty more than 5% from first to second session. Group A represents a drop in loyalty of 5%

or more; Group B represents a change of less than 5% in either direction; Group C represents a rise in loyalty of 5% of more. The results were as follows: (TABLE 6)

Performing Chi-squared tests on these cells, we derive the conclusion that the distribution of retiring Members is statistically significantly shifted toward increased loyalty when compared with the distribution of all Members combined.[56]

The second way we seek to limit the effect of outliers is through a quantile regression. The quantile regression minimizes the sum of the absolute value of the errors rather than the squares. Holding variables "session," "Congress" and "party" constant, we regressed our retirement dummy variable against members' change in loyalty from the first to second session. This results in a coefficient of 1.5 and a t value of 5.77.

The final way we sought to minimize outliers' effect was a robust regression. Robust regressions are designed to pre-screen in order to eliminate outliers. As in the quantile regression, we held "session," "Congress" and "party" constant. The robust regression yielded a coefficient of 1.55 and a t value of 6.56.

In sum, our first method, presented in Table 6, tells us that retirees act differently than non-retirees. The chi-squared test finds that eight of the twelve party-Congress combinations are significant; Fisher's generalized test demonstrates that ten of the twelve are significant. So, we know that retirement matters, but how much? The quantile and

[5] Chi-squared results are presented in TABLE 7.

[6] Fisher's generalized test results are presented in TABLE 8.

robust regressions show that retiree unity increases by 1.5 and 1.55 points, respectively. Given that the average member increases unity by only 0.04 points, it is not surprising that these coefficients have high t values (5.77 and 6.56 respectively). We conclude therefore that retiring members of Congress shift their loyalty toward their party as they conclude their House careers.

VI. Implications

The conclusions that follow from using the new CQ data that take away the effect of absences are to weaken greatly the inference from earlier studies that retirement frees Members to be less loyal to their party. There are no statistically significant negative coefficients on the loyalty dummy for the change in loyalty, and many positive ones. The Chi-squared tests on the cells of retiring members also support this conclusion, with many statistically significant results.

The simple regressions of party loyalty upon the retiring dummy produced statistically significant coefficients in only seven of thirty-six runs: the 1st session of the 103rd Congress, both sessions of the 104th Congress for all Members combined, the first session of the 102nd Congress for Republicans, and the 1st session of the 103rd, and both sessions of the 104th Congress for Democrats.

All the signs here were negative, possibly suggesting that retirement was correlated with lowered loyalty. Each of the three types of regressions we ran echoed these results: Regressing the "retiring" dummy against "unity" scores (as opposed to intra-Congress *change* in unity), we consistently found negative coefficients (-1.96 OLS, -1.8 quantile, -1.65 robust), although they were not significant (t values of -1.78, -2.83, -

2.88 respectively). However, there is a huge causality issue regarding which we offer two hypotheses: first, it could be that disloyal Members are more likely to be retiring, everything else equal, because of the stress of being out of synch with their party; second, it could be that loyal members are less likely to retire when party leaders request that they stick around until a strong challenger can be identified to take the seat (whereas such overtures may fall on deafer ears when made to a less loyal member).

Alternatively, Members could be becoming more disloyal because they were retiring. But if that were true, one would not expect the size of their disloyalty to diminish as the date of departure approached, which is what happened.

The results from the calculations of changes in loyalty, therefore, suggest that the causality in the simple regressions is more likely in the direction that is not relevant to the propositions being tested here; namely, that higher disloyalty is associated with departure in the few significant cases that occurred because more disloyal members are more likely to retire.

From a policy perspective, the argument that term limits will produce behavior by Members that is more independent of their party (whether that is viewed as good or bad) appears discredited. The weight of the new evidence produced here is that Members become more loyal as they near planned retirement.[7]

[7] Many retiring members express an interest in moving toward careers in lobbying. A Member of Congress who is loyal to his or her party can reasonably expect a more cordial treatment upon returning to the Hill than one who was disloyal. Whereas one might suggest that a disloyal Member in the minority party might hope to curry favor with the Members of the majority party upon taking up a new career as a lobbyist, we

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believe party label is much more determinative of access. Many Washington lobbying firms, for that reason, retained retired Members of both parties, and counted on the Member from each party to lobby her or his former colleagues of the same party. None of the empirical results reported here showed a significant change with the change in party control of the House in the 104th Congress—a result that bolsters this suspicion that loyalty to one's own party is prized, whether a Member is a Democrat or a Republican.

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TABLE 1
EFFECT OF RETIREMENT ON PARTY LOYALTY, BOTH PARTIES

	Coefficient on retirement dummy	T-stat
100th- 1st Session	1.08	0.27
100th - 2nd Session	2.18	0.59
101st- 1st Session	-6.27	-1.40
101st- 2nd Session	-0.35	-0.09
102nd- 1st Session	-2.19	-1.16
102nd- 2nd Session	-0.80	-0.46
103rd- 1st Session	-5.26	-2.67*
103rd- 2nd Session	-2.84	-1.25
104th- 1st Session	-6.54	-3.01*
104th- 2nd Session	-4.47	-2.14*
105th- 1st Session	2.25	1.01
105th- 2nd Session	3.73	1.54
*=95% sig		

TABLE 2
EFFECT OF RETIREMENT ON PARTY LOYALTY, REPUBLICANS

	Coefficient on retirement dummy	T-stat
100th- 1st Session	4.11	0.66
100th - 2nd Session	3.49	0.58
101st- 1st Session	-3.64	-0.49
101st- 2nd Session	2.39	0.38
102nd- 1st Session	-7.38	-2.20*
102nd- 2nd Session	-5.01	-1.68*
103rd- 1st Session	-0.42	-0.10
103rd- 2nd Session	-1.23	-0.27
104th- 1st Session	1.27	0.75
104th- 2nd Session	2.37	1.02
105th- 1st Session	0.42	0.18
105th- 2nd Session	2.25	0.75
*=95% sig		

TABLE 3
EFFECT OF RETIREMENT ON PARTY LOYALTY, DEMOCRATS

	Coefficient on retirement dummy	T-stat
100th- 1st Session	0.81	0.17
100th - 2nd Session	3.18	0.72
101st- 1st Session	-6.21	-1.20
101st- 2nd Session	-1.01	-0.22
102nd- 1st Session	1.41	0.63
102nd- 2nd Session	2.11	0.98
103rd- 1st Session	-7.02	-2.93*
103rd- 2nd Session	-3.52	-1.27
104th- 1st Session	-9.88	-2.66*
104th- 2nd Session	-7.97	-2.33*
105th- 1st Session	4.70	1.24
105th- 2nd Session	5.43	1.39
*=95% sig		

TABLE 4
REGRESSION OF CHANGE IN PARTY LOYALTY BETWEEN SESSIONS OF A CONGRESS UPON RETIRING DUMMY, BOTH PARTIES

	Coefficient	N	t-stat
100th	1.08	411	0.79
101st	5.89	407	3.67*
102nd	1.36	402	1.89*
103rd	2.42	392	2.95*
104th	2.04	399	2.49*
105th	1.45	407	1.53
*=95% sig			

TABLE 5
REGRESSION OF CHANGE IN PARTY LOYALTY BETWEEN SESSIONS OF A CONGRESS UPON RETIRING DUMMY, BY PARTY

	GOP			Dem		
	Coefficient	N	t-stat	Coefficient	N	t-stat
100th	-0.62	166	-0.28	2.37	245	1.45
101st	6.03	159	2.17*	5.2	248	2.92*
102nd	2.37	154	1.94*	0.70	248	0.83
103rd	-0.81	156	-0.47	3.49	236	3.8*
104th	1.09	210	1.06	1.91	189	1.74*
105th	1.83	207	1.51	0.73	200	0.61
*=95% sig						

TABLE 6

	Continuing Democrats	Retiring Democrats	Continuing Republicans	Retiring Republicans
100th	**A: 25 (10.5%)** **B: 190 (79.5%)** **C: 24 (10.0%)**	**A: 0 (0%)** **B: 4 (66.7%)** **C: 2 (33.3%)**	***A: 24 (15.1%)*** ***B: 84 (52.8%)*** ***C: 51 (32.1%)***	***A: 0 (0%)*** ***B: 7 (100%)*** ***C: 0 (0%)***
101st	*A: 18 (7.4%)* *B: 185 (76.4%)* *C: 39 (16.1%)*	*A: 0 (0%)* *B: 2 (33.3%)* *C: 4 (66.7%)*	***A: 16 (10.5%)*** ***B: 84 (54.9%)*** ***C: 53 (34.6%)***	***A: 0 (0%)*** ***B: 1 (16.7%)*** ***C: 5 (83.3%)***
102nd	***A: 18 (8.3%)*** ***B: 167 (76.6%)*** ***C: 33 (15.1%)***	***A: 2 (6.7%)*** ***B: 21 (70%)*** ***C: 7 (23.3%)***	***A: 8 (5.9%)*** ***B: 84 (62.2%)*** ***C: 43 (31.9%)***	***A: 1 (5.3%)*** ***B: 9 (47.4%)*** ***C: 9 (47.4%)***
103rd	*A: 30 (14.0%)* *B: 173 (80.5%)* *C: 12 (5.6%)*	*A: 1 (4.8%)* *B: 14 (66.7%)* *C: 6 (28.6%)*	**A: 21 (14.0%)** **B: 115 (76.7%)** **C: 14 (9.3%)**	**A: 1 (16.7%)** **B: 5 (83.3%)** **C: 0 (0%)**
104th	***A: 20 (11.8%)*** ***B: 125 (73.5%)*** ***C: 25 (14.7%)***	***A: 1 (5.3%)*** ***B: 12 (63.2%)*** ***C: 6 (31.6%)***	***A: 60 (30.5%)*** ***B: 137 (69.5%)*** ***C: 0 (0%)***	***A: 2 (15.4%)*** ***B: 11 (84.6%)*** ***C: 0 (0%)***
105th	**A: 15 (8.0%)** **B: 138 (73.4%)** **C: 35 (18.6%)**	**A: 0 (0%)** **B: 9 (75.0%)** **C: 3 (25.0%)**	**A: 48 (24.4%)** **B: 146 (74.1%)** **C: 3 (1.5%)**	**A: 1 (10.0%)** **B: 9 (90.0%)** **C: 0 (0%)**
Significant chi-squared results *italicized*.	Fisher's generalized results significant at 0.05 are **bolded**.	Fisher's generalized for entire table = 0.00[8]		

[8] When members of two independent groups can fall into two or more mutually exclusive categories, the Fisher's generalized test (or Fisher-Freeman-Halton's test) can be used to determine whether the proportions of those falling into each category differs by group. Fisher's generalized test gives exact two-tailed p-values for a given frequency tables whereas the chi-square test is only an approximation. Because Fisher's generalized test (a variant of the Fisher's exact test that allows us to test tables of sizes greater than two by two) is based on exact probabilities from the hypergeometric distribution (rather than large-sample approximation like the chi-square test), it is useful in small sample situations.

TABLE 7

	Democrats	Republicans
100th	2.9	17.1*
101st	16.1*	14.2*
102nd	10.2*	16.7*
103rd	35.4*	0.5
104th	15.7*	7.7*
105th	1.5	4.6
* = Significant		

TABLE 8

	Democrats	Republicans
100th	0.233*	0.062*
101st	0.016	0.069*
102nd	0.513*	0.347*
103rd	0.003	1.000*
104th	0.163*	0.353*
105th	0.772*	0.532*