

Free Agents of the Senate: Legislative Behavior and Accountability of Appointed U.S.

Senators, 1919-1993

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Abstract:

Gubernatorial appointment of U.S. senators to fill vacancies is a relatively rare, yet significant, phenomenon in American federal legislative politics. The effect of appointment on the accountability of senators is an understudied aspect of the Senate. Theorizing accountability within the framework of principal-agent relationships, it is hypothesized that appointed senators are less accountable to their constituents than are elected senators. To analyze accountability, the voting behavior (operationalized using a NOMINATE score) between 2,912 appointed or elected senators from the 66th to 102nd Congresses (1919-1993) is compared. There is significant evidence that, controlling for party affiliation, appointed senators vote more conservatively than do elected senators. Further, this more conservative disposition of appointed senators is unexplained by differences in historical party system.

Introduction

Following the ratification of the 17th Amendment establishing direct election of U.S. senators, an individual can only become a senator in one of two ways: either they are elected by their state or are appointed by their governor. The latter route to the Senate chamber occurs infrequently. Of the thousands of individuals who have ever served as senators, only 241 were appointed by a governor to fill a vacancy (United States Senate, n.d.). Currently, five states allow senatorial vacancies to be filled only by special elections. The remaining states allow vacancies to be filled by gubernatorial appointment — in some states until the next possible special election and in the rest until the next regularly scheduled election (Congressional Research Service, 2018). The phenomenon of appointed senators raises questions about — and offers a window into — theories of electoral accountability. This paper presents a detailed quantitative analysis of close to 100 years of senate votes by both elected and appointed senators and seeks to discover any difference in the ways these two groups of senators behave as legislators. Given the enormous power a U.S. senator wields and the common enough phenomenon of appointed senators, studying how these senators operate is a crucial area for further investigation.

Literature Review

Broadly, two theories of democratic accountability exist in the literature: sanction and selection. Both theories seek to explain how democratic elections serve to mitigate the principal-agent problem. The principal-agent problem describes the dynamic whereby a client delegates authority to some other actor. In such relationships, the principal and the agent's interests do not necessarily align. Further, because of the inherent difficulty of policing actors,

confounded by information asymmetry, principals often struggle to manage actors (Mitnik 1975). As it relates to electoral and legislative studies, the principal-agent problem involves a misalignment of constituents' public interests with their representative's private interests (Mansbridge 2009). Once elected to office, a representative's personal interests likely diverge from the interests of the community they were elected to represent (e.g., a business owner elected by a liberal constituency may, personally, prefer lower corporate income taxes than her constituency generally). The sanction and selection models both attempt to explain how a democratic electorate keeps the principal and agent interests in alignment.

The sanction model of accountability, first articulated by Miller and Stokes (1963), suggests that constituents control their representatives through the threat of adverse electoral consequences for policy choices made contrary to constituent preferences. In other words, the incentive to be re-elected keeps elected officials accountable to their constituents. Given the retroactive nature of this accountability mechanism, the sanction model can be applied to any office holder regardless of the initial fit to their principal's interests. The action of this accountability takes place at re-election based on the agent's behavior in office.

The second model, selection, emphasizes the initial election of desirable types of candidates voters judge most likely to advance their preferences (Ashworth 2012). These types could center around ideology, competence, virtue, or other similar characteristics. The selection based on candidate type can help mitigate some information asymmetries in the principal-actor relation (i.e., actors are intrinsically more aware of their own actions, either actual or anticipated than their principal). This kind of electoral control lends itself to "narrative and deliberative accountability, [where] the representative explains the reasons for her actions and even (ideally) engages in two-way communication with constituents, particularly when deviating from the

constituents' preferences" (Mansbridge 2009). Interestingly, some scholarship suggests that, because of the differing frequency of elections, the Senate is more reactive to selection accountability and the House more susceptible to sanction accountability (Stimson et al. 1995).

Both models of accountability appear stressed by the phenomenon of appointed senators — but, importantly, neither is totally diminished. Selection accountability may, at first, appear non-existent in the case of appointed senators. They are not selected by the electorate, so how could they be subjected to any form of selection accountability? However, some research indicates that governors are indeed quite constrained by their state's electorate in their senatorial appointments. Governors tend to disregard candidates who share the most similar policy views, and, instead, they opt for appointees who are most ideologically aligned with the state's electorate (Cooper et al. 2016). In this way, the electorate still exercises a degree of selection control over appointed senators, despite lacking a direct vote in the matter. Acting through an elected governor, voters can still demand that a certain type of politician be appointed to fill the vacancy. Importantly, this indirect form of selection accountability weakens if the governor themselves is not subjected to sanction accountability (e.g., a lame duck governor). The extent to which selection accountability exists for appointed senators is understudied.

Sanction accountability may also be limited for appointed senators. Such senators are, of course, still subjected to reelection — oftentimes even in less than the typical six-year timeframe — but scholarship suggests they are less likely to be re-elected than their regularly elected colleagues. King (1999) distinguishes between two types of gubernatorial appointments: experienced appointees and "seat warmers." Seat warmers are the appointees with little high-level political experience selected by a governor with the intention that the appointee does not seek reelection. The majority of appointed senators are seat warmers; between 1948 and

1996, 65% of appointed senators did not seek reelection. The seat warmers who do decide to seek reelection typically face a higher-quality opponent and, correspondingly, win reelection at much lower rates than elected incumbents (King 1999; Morris and Marz 1981). Aside from typically possessing weaker credentials, appointed senators also face certain structural constraints on their success in office. Because they often fill the one left-over seat in the chamber, appointees are less likely to be assigned to the more prestigious committees. However, the "Johnson Rule" guiding committee assignments — the maxim that every senator should get one "good" committee assignment before any senator gets two "good" assignments — provides some protection for appointed senators. As such, they often can obtain decent first committee assignments (albeit rarely on the top committees like Finance or Foreign Relations), but usually are left with undesirable assignments for their secondary committeework. Further, and perhaps most importantly from a structural perspective, appointed senators often face quick turnaround times before special elections, leaving them much less time than elected senators to build a legislative record to run on (Morris and Marz 1981). All of these factors combined mean that appointed senators are less likely to seek reelection, and those who do are less likely to win it. Such a dynamic almost certainly diminishes sanction accountability. The question then becomes to what extent is it diminished?

While little scholarship exists on the precise level of decreased electoral accountability for appointed senators, the research outlined above implies that there is almost certainly some amount of decreased accountability. This study contributes to the literature by accessing if and how this decreased accountability affects legislative activity. Theoretically, given the diminished accountability mechanisms which typically mitigate the principal-agent problem, appointed senators' interests (expressed by legislative decision-making) ought to differ significantly from

their principal's preference. While this makes enough theoretical sense, the literature lacks any empirical analysis of this hypothesis as it relates specifically to the US Senate. However, the literature does explore how election versus appointment more generally impacts public officials' policymaking, specifically by analyzing appointed and elected judiciaries. Lim (2013) concludes that "the advantage of election over appointment in terms of the degree of congruence between policy outcomes and the preference of relevant constituents is only moderate. Rather, the key difference between the two systems is in the identity of the constituents whose preference is reflected in policy outcomes." In other words, elected officials only actualize constituent preferences moderately better than do appointed officials. But, the type of constituent represented differs across appointment and election. In the context of judicial politics, this difference in type means a local constituent base voting directly for a district judge, for instance, versus an appellate judge appointed by a governor representing a statewide constituency. Given that senators and governors both represent statewide constituencies, the difference in constituency type for gubernatorial appointments may take the form of the differences in the electorate in a gubernatorial election cycle versus senatorial election cycles.

Further research focuses more tightly on differences in elected versus appointed state high court justices. Appointed high court justices tend to write higher quality opinions, but elected high court justices tend to hear more cases and write more opinions — a difference the authors attribute to the unique incentive structures created by the differing modes of selection. Interestingly, the relative utility of appointed versus elected judges may also depend on the size of the state in question (Choi et al. 2010). The generalizability of this judicial political scholarship to a study of the Senate is uncertain. However, it does provide further evidence that

appointed and elected officials' interests differ, and, for that reason alone, is worthy of consideration for this study.

While the effect of appointment on a senator's legislative activity remains understudied, there is ample literature — both in American and comparative political science — on the effect of direct versus indirect selection of legislatures. As part of a series of sweeping progressive reforms around the turn of the 20th century, the 17th Amendment fundamentally altered the relationship between the electorate and the Senate by providing for the direct election of senators (Gailmard & Jenkins 2009). Post-17th Amendment legislative behavior of senators appears to diverge significantly from pre-17th Amendment legislative behavior. Because of the quirk of senatorial elections being held in three separate classes, for a brief period of time, popularly elected and state-legislature appointed senators served alongside each other. Leveraging this natural quasi-experimental setting, it is possible to glean a few key insights about the different legislative behavior of elected versus appointed senators.

Elected senators tended to sponsor more bills than their appointed colleagues (perhaps due to a similar mechanism driving elected judges to write more opinions). Most importantly for this study, post-reform senators' "partisanship corresponds to the strength of state-level party support in a way that it did not before the Seventeenth Amendment" (Meinke 2008). This finding suggests that appointed senators are less partisanly aligned with their state than elected senators. Such a finding seems to contrast (or at least complicate) the finding of Cooper et al. (2016), which suggests that appointed officials still very closely approximate their state's partisanship and ideology because of electoral constraints placed on the appointer. This study of appointed versus elected senators voting patterns may help expand on the interaction and differences between these two slightly overlapping, slightly contradicting theories. Further, a comparative

analysis of more recent reforms (at the turn of the 21st century) in the Argentine Senate bolsters Meinke's seminal work on the topic. Micozzi (2012) finds that a switch to direct election of the Argentine Senate forced senators to sponsor more bills and to become "more voter oriented." These findings further support the notion that electing senators produces different agent incentives than does appointing them. By studying voting behavior of these two different types of senators, this paper contributes to the literature's understanding of how precisely these incentives differ.

Finally, it is important to consider the element of time in this study. Given that the data analyzed stretches over about 100 years, party coalitions — and thus their incentive structures — will certainly have shifted. Given profound coalitional transformations, a Republican senator in 1920 will have a qualitatively different base of support than a Republican senator in 1980, for instance. The literature broadly articulates six eras of different party systems in America's history; three of which are relevant for this time frame (Sides et al., 2015). The 4th party system (1896-1932) began with William McKinley's rise to the presidency in 1896 and encompassed most of the Progressive Era of American history. It came to end with the formation of the New Deal coalition shortly after the Great Depression in 1932. This new era, characterized by a cleavaging of the parties along mostly economic dimensions, represents the 5th party system (1932-1968). The 5th party system experienced lower levels of national political polarization, especially during the era of post-war consensus. But with the explosion of the Civil Rights movement in the 1960s, the consensus economic politics characterizing the 5th party system gave way to a newly salient social politics. Combined with the GOP's Southern Strategy to convert white southerners into Republicans, these shifting fault lines produced the 6th party system (1968-Present), the system most political scientists agree we presently inhabit. This

system is characterized by a more politically polarized national politics than previous eras. The analysis below will investigate if any difference in appointed and elected senatorial vote behavior changes across these eras.

Research question: Do gubernatorial-appointed U.S. Senators vote differently than their regularly elected colleagues?

Hypotheses:

Hypothesis 1: In a comparison of U.S. Senators, those selected by appointment will vote differently than those selected by regular election.

Hypothesis 2: Controlling for party affiliation, in a comparison of U.S. Senators, those selected by appointment will vote differently than those selected by regular election.

Hypothesis 3: Controlling for party affiliation, in a comparison of U.S. Senators, the magnitude of the difference in vote behavior between those selected by appointment and those selected by regular election will decrease in the 4th party system compared to the other two party relevant party systems because of differing coalitional structures and a less polarized national environment in that era.

Data and Methods

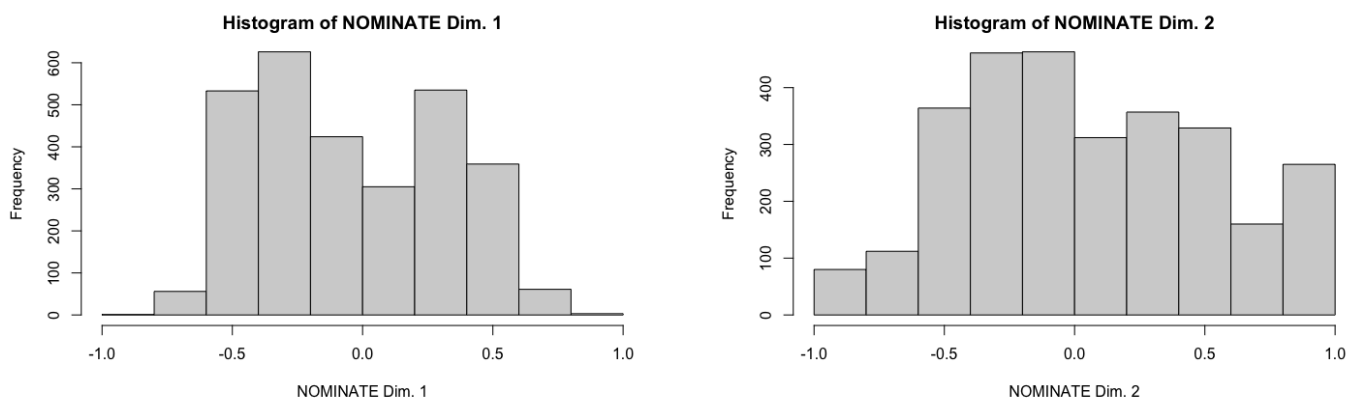
The data come from two online datasets which have been merged together to better test the hypotheses. The first is the *Database of [United States] Congressional Historical Statistics, 1789-1989* (Swift et al., 2009) which contains selected biographical information about every member of Congress from 1789 to 1989. The second dataset *Voteview: Congressional Roll-Call Votes Database* (Lewis et al., 2021) which contains NOMINATE scores for all members of Congress from 1789 to present. A NOMINATE score is calculated from roll call votes to estimate the ideological position of a political actor or institution. National-level NOMINATE scores are used in this study. The two datasets were joined on the name of each member, yielding a single dataset of both relevant biographical information and NOMINATE scores for members

of Congress from 1789 to 1989. For the purposes of this study, the data were restricted to only members of the 66th Congress and beyond. The 66th Congress was the first congress to be fully elected under post-17th Amendment conditions.

Dependent Variables

This study uses two dependent variables to estimate the ideological positions of Senators. The two variables are the two dimensions of NOMINATE score (Lewis et al., 2021). NOMINATE score dimension 1 represents a socio-economic dimension of roll call votes. NOMINATE score dimension 2 which, while a bit more complicated, represents a salient, partisan cross-cutting issue which can change depending on the era. Historically, this could include slavery, civil rights, bimetallism, or abortion politics. Both NOMINATE dimension scores range from -1 to 1 with -1 representing the most liberal ideological position and 1 representing the most conservative position. Thus, the two related dependent variables are ratio-level variables. Figure 1 visualizes the two uncontrolled dimension distributions. The data is fairly normally distributed with a bit of left skew, indicating some clustering around the center s but with an overall slightly more conservative tendency (especially on dimension 2).

Figure 1. Histograms of both NOMINATE dimensions



Independent Variable

My main independent variable for all hypotheses is method of attaining office. The *Database of [United States] Congressional Historical Statistics* codes four different methods of attaining office: regularly elected in a general election year (coded 1), elected in a special election (coded 2), elected by state legislature (coded 3), appointed by governor to fill vacancy (coded 5).

The focus of this study is a potential difference in behavior between Senators selected by an electorate and Senators selected by a governor. As such, regular elections and special elections are treated here as a single mode of selection. Values 1 (regularly elected) and 2 (specially elected) were thus collapsed into a single value of 1 standing simply for “elected.” The restriction of data to the 66th Congress and beyond removes all values of 3 (elected by state legislature) as post-17th Amendment Senators were no longer selected by state legislatures. Finally, values of 5 (appointed by governor) were recorded to 2 standing for “appointed.” Thus, the independent variable, method of attaining office, is a dichotomous nominal-level variable with possible values of elected (coded 1) and appointed (coded 2).

Table 1 shows the frequency of elected and appointed Senators after the above transformations were made to the data. In total, data was available for 2,912 relevant Senators. Unsurprisingly, the vast majority (97.21%) of Senators in the dataset were elected and only 81 Senators in the dataset (2.78%) were appointed.

Table 1. Frequency of elected and appointed Senators

	Frequency	Percent
<i>Elected</i>	2831	97.218
<i>Appointed</i>	81	2.782
Total	2912	100.000

A second, ancillary independent variable used in testing *hypothesis 3* is the historical party system. As noted in the review of the literature, the American party system has undergone two significant realignments since 1913. The first roughly began with the 73rd Congress during the formation of the New Deal coalition. The second roughly began with the 91st Congress with the collapse of that same coalition. Using these critical junctures to form the boundaries, I analyze the difference in appointed and elected senator vote behavior in light of three different congressional eras. The first represents the 4th party system from the initial congress after the 17th Amendment took full effect, with the 66th Congress, up to the first New Deal era congresses, starting with the 73rd Congress. The second represents the 5th party system (the New Deal era) from the 73rd Congress to the 90th Congress. The final era thus represents the 6th party system from the collapse of the New Deal era until the end of the dataset with the 102nd Congress.

Control Variables

To account for potential differences in behavior across parties, the party of each member in the analysis is controlled for. This is a nominal-level variable with three potential variables: Democrat, Republican, or other. A second important reason for controlling for party affiliation is

the structure of the NOMINATE variable itself. NOMINATE scores range from -1 to 1, thus simply taking an average of a subgroup of Senators, uncontrolled for party affiliation, would likely yield a mean score near zero (or slightly above). That is because, returning to the fairly normal histograms on both dimensions in Figure 1, the mean senator has a NOMINATE score near zero, or, given the slight left skew, a NOMINATE score on dimension 2 slightly above zero. If the Senate had not had roughly equal numbers of liberals and conservatives (if the skew was very strong in one direction), the mean score would be significantly positive or negative — but that finding would likely tell us much more about the slant of American politics more broadly than the difference between appointed and elected senators specifically. Thus, in this study, for mean NOMINATE scores to have much interpretability, a party-wise mean comparison will likely be required.

Analysis

Uncontrolled Comparison

Without controlling for party, does any significant difference exist between the NOMINATE scores of appointed and elected Senators? As indicated in Table 2, for dimension 1, appointed Senators' average NOMINATE score is 0.02, slightly higher than both elected average of -0.04 and the total average of the same score. For dimension 2, appointed Senators' average NOMINATE score is 0.2, again, slightly higher than both elected average of 0.01 and the total average of 0.06. Although both of these differences are quite small, the tendency of appointed scores across both dimensions to be slightly higher (that is, slightly more conservative) than elected scores is worth noting. As expected, these values all center closely around zero. All of this suggests that a mean comparison controlled by party might be a more robust method of exploring these potential differences.

Table 2. Uncontrolled comparison of mean NOMINATE scores

NOMINATE Dimension	Appointed	Elected	Total
<i>Dimension 1</i>	0.02	-0.04	-0.04
<i>Dimension 2</i>	0.2	0.01	0.06

Controlled Comparison

Taking each party separately, does any significant difference exist between the NOMINATE scores of appointed and elected Senators? Before moving to more formal method of testing for a difference in mean scores, a look at the shape of the data seems to indicate some difference exists, especially for Democrats. Figure 3 shows the distribution of both dimensions of NOMINATE scores for Democrats across method of attaining office. It should be noted that in both Figures 3 and 4, the boxplots are missing tails in some instances for appointed senators. This is a function of the small sample size of appointed senators. For dimension 1, appointed NOMINATE scores appear to be notably more conservative than elected NOMINATE scores. Interestingly, there are a number of outlier conservative Democrats — a feature which drags the elected average up, potentially minimizing the difference between elected and appointed Senators in this dimension. Similarly, for dimension 2, appointed Senators appear a bit more conservative than their elected colleagues. Again, outlier liberal appointed Democrats likely drags down the appointed average, minimizing the calculated mean difference below.

Figure 4 visualizes the distribution of both dimensions of NOMINATE scores for Republicans across method of attaining office. Here, the trend is a bit less pronounced than it was for Democrats. Nonetheless, there still appears to be some difference in means, especially in

dimension 2. Dimension 1 Republican is the only subgroup which seems to contain no detectable difference in mean score between appointed and elected Senators. Dimension 2, on the other hand, appears to support the topline finding for Democrats: appointed Senators are a bit more conservative than their elected colleagues.

Figure 3. Democratic NOMINATE scores, by method of selection

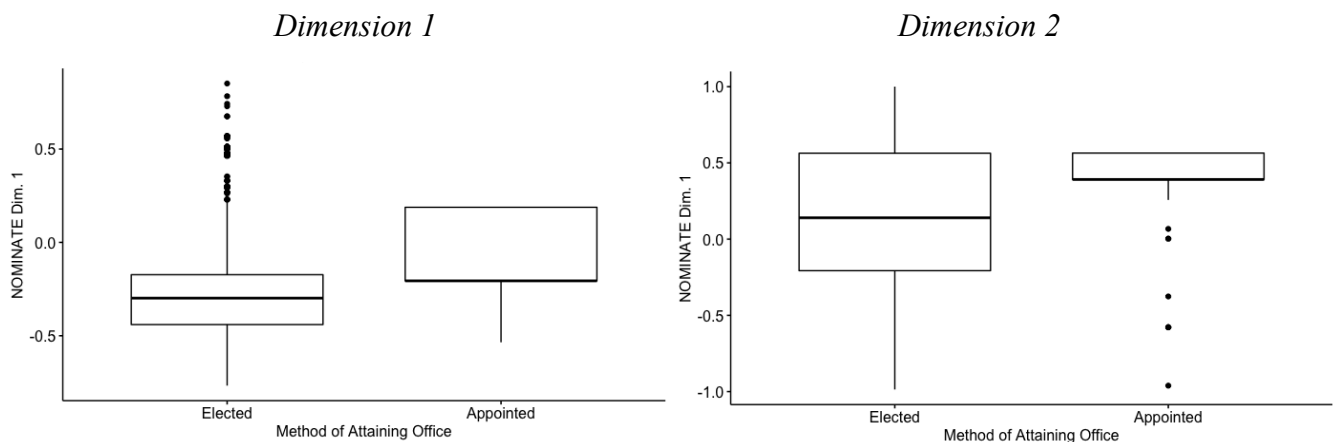
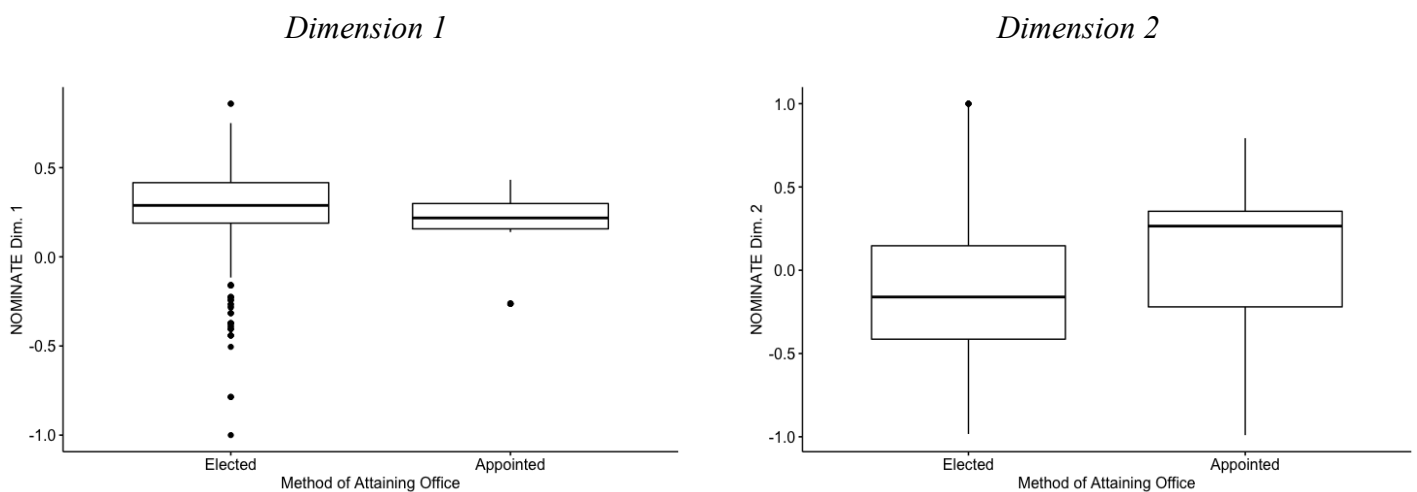


Figure 4. Republican NOMINATE scores, by method of selection



Turning to a more formal comparison of mean and significance testing, the general trends outlined above hold true. Table 3 shows the comparison of means for both dimensions of

NOMINATE scores, controlled by party. For Democrats, appointed Senators' average score is -0.08 and elected Senators' average score is -0.28 for dimension 1. Appointed Democrats are about 0.2 points more conservative than their elected colleagues. Dimension 2 holds a similar trend. Here, appointed Democrats' average score is 0.3 and elected Senators' average score is 0.17, a 0.13 point difference. Further, for Republicans, appointed Senators' average score is 0.15 and elected Senators' average score is 0.29 for dimension 1. This difference of 0.14 represents the only subgroup where appointed senators are *less* conservative than elected senators. Indeed, on dimension 2, appointed Republican's average score is 0.1 and elected Senators' average score is -0.11, a 0.12 point difference

Table 3. Comparison of mean NOMINATE scores, controlled by party

	Democrats		Republicans	
	Elected	Appointed	Elected	Appointed
<i>Dimension 1</i>	-0.28	-0.08	0.29	0.15
<i>Dimension 2</i>	0.17	0.3	-0.11	0.1

Significance Testing for Controlled Comparison

Table 4 shows the results of four two sample t-tests for each subgroup of the two dependent variables: Democrats on both dimensions 1 and 2 and Republicans on both dimensions 1 and 2. The most significant difference is for Democrats on dimension 1. This subgroup also, relatedly, contains the greatest difference in means of .2. The t-value of -5.78 (because this is a two-tailed test we can consider simply the absolute value of the t-value) exceeds the t-critical value of 2. Indeed, the p-value is 0.00, indicating that the probability two

samples would differ by this much by chance is nearly zero. Democrats on dimension 2 is a bit weaker of a difference but, nonetheless, crosses the threshold of significance. The t-value of -2.27 (again, taking the absolute value) narrowly exceeds the t-critical value of 2. The p-value is 0.02, indicating that the probability two samples would differ by this much by chance is 0.02. Both Republican group means are also significantly different. For Republicans on dimension 1, the t-value of 3.14 exceeds the t-critical value of 2. The p-value is 0.003, indicating that the probability two samples would differ by this much by chance is 0.003. Finally, for Republicans on dimension 2, the t-value of -3.04 exceeds the t-critical value of 2. The p-value is 0.004,

Table 4. Two Sample T-Test

	Mean Diff.	D.F.	T-value	P-value
<i>DEM Dim. 1</i>	0.20	48.05	-5.78	0.000
<i>GOP Dim. 1</i>	-0.14	49.17	-2.27	0.027
<i>DEM Dim. 2</i>	0.13	33.4	3.14	0.003
<i>GOP Dim. 2</i>	0.12	34.17	-3.05	0.005

indicating that the probability two samples would differ by this much by chance is 0.004.

Overall, these t-tests confirm that the differences observed above between appointed and elected Senators, for both parties, are statistically significant.

Controlled Comparison Across Historical Party Systems

Given the alignment of the two major parties has shifted significantly multiple times in American history, it is worth examining if the phenomenon of divergent vote behavior between appointed and elected senators across party systems. *Hypothesis 3* postulates that the magnitude

of the difference observed in the previous two sections can be explained by differences in party coalitions and national polarization across historical party system eras. If this is true, a noticeable pattern will be evident in NOMINATE scores broken down by party system.

Table 5 shows the difference of NOMINATE dimension 1 across the three congressional eras for appointed and elected senators, controlled by party affiliation. For a more formal analysis of group difference, two sample t-tests were performed for each subgroup. Table 6 shows the difference of NOMINATE dimension 2 across the three congressional eras for appointed and elected senators, controlled by party affiliation. Again, two sample t-tests were also performed on the subgroups of this dimension. Statistical significance for the t-tests between these subgroups of appointed and elected senators is indicated in both Table 5 and 6 as well. Overall the tables show no consistent pattern of divergence across party systems. Democrats seem to diverge more in the 5th party system (73rd - 90th Congresses), with the difference between elected and appointed senators being 0.19 points on NOMINATE dimension 1 and 0.8 points on dimension 2. However, the difference for Democrats in this era is significant only on dimension 1 and not dimension 2. For Republicans, the divergence appears strongest in the 4th party system (66th to 72nd Congresses), with the difference between elected and appointed senators being -0.24 points on NOMINATE dimension 1 and 0.21 points on dimension 2. The differences are significant on both dimensions here. Interestingly, taken as a whole, the differences indicate a slight trend towards more conservative appointed senators. Six subgroups indicate more conservative appointed senators and six subgroups indicate more liberal appointed senators. However, the subgroups which indicate more liberal appointed senators have notably smaller magnitudes than most of the subgroups which indicate conservative subgroups.

Table 5. Controlled comparison of mean NOMINATE dimension 1 scores, across congressional era

Congress. Era	Democrats			Republicans		
	Elected	Appointed	Diff.	Elected	Appointed	Diff.
66th - 72nd	-0.24	-0.26	-0.02	0.35	0.11	-0.24***
73rd - 90th	-0.26	-0.07	0.19***	0.25	0.24	-0.01
91st - 102nd	-0.35	-0.21	0.14*	0.31	0.27	-0.03

* <= .05, ** <= .01, *** <= .001

Table 6. Controlled comparison of mean NOMINATE dimension 1 scores, across congressional era

Congress. Era	Democrats			Republicans		
	Elected	Appointed	Diff.	Elected	Appointed	Diff.
66th - 72nd	0.29	0.26	-0.03	0.03	0.24	0.21**
72nd - 90th	0.23	0.31	0.08	-0.18	-0.13	0.05
90th - 102nd	0.04	0.01	-0.03*	-0.12	-0.38	0.26

* <= .05, ** <= .01, *** <= .001

Discussion

Hypothesis 1 is not strongly supported by the evidence. Without controlling for party affiliation, appointed Senators vote slightly more conservatively than their elected colleagues on dimension 1 of NOMINATE score; however, this difference is not statistically significant.

Hypotheses 2 is supported by the evidence. Controlling for party affiliation, appointed Democratic Senators vote more conservatively than do elected Democrats on both dimensions of

NOMINATE score. Similarly, appointed Republican Senators vote more conservatively than do elected Republicans on dimension 2 of NOMINATE score but *less* conservatively on dimension 1. However, both of these differences were statistically significant despite their opposite directions. This seems to suggest that, overall, the vote behavior of appointed senators differs in a meaningful way. Further, this difference tends to manifest in more conservative behavior of appointed senators. If, on average, appointed senators vote significantly differently, regardless of party, than elected senators, it follows that the accountability mechanisms (i.e. agent incentives) likely differ, too. This seems to confirm the weakened selection and sanction accountability appointed senators face, as suggested in the literature. Why do these weakened accountability mechanisms produce more conservative appointed senators? *Hypothesis 3* suggests that the coalition structure and national political environment supporting a senator and her party at a particular historical moment may hold some explanatory power in uncovering the cause of this conservative directionality.

Hypothesis 3, however, is not supported by the evidence and thus fails to explain why this difference tends in the conservative direction. While the analysis of party systems further confirms that overall more conservative disposition of appointed senators, there is no clear pattern between eras. In other words, the analysis confirms that appointed senators seem more conservative, regardless of party system, and that different party systems themselves do not seem to impact the direction or magnitude of the differences in any discernible way. If there were a clear distinction across party systems (e.g., if 73rd - 90th Congresses' differences were always less conservative than the others, as *hypothesis 3* suggests), the specific qualities of these eras could help explain what factors drive the differences in behavior between appointed and elected senators. But, because the hypothesis is rejected, it appears that party system era presents little

explanatory power for the observed conservative differences postulated in *hypothesis 2*. Perhaps, instead of a party system, the specific qualities of the appointee-senators themselves can help explain the observed conservative bias of appointed senators. For instance, perhaps appointees are more likely to be white males, or perhaps they are more likely to be wealthy. These demographics might produce a more conservative senator, especially if the principal's accountability mechanisms over such a senator are weakened — allowing them to act more in their personal interest than in their constituents. Studying these potential demographic differences would be ripe ground for future research.

Finally, it is worth noting that one potential reason for the unclear results of testing hypothesis 3 is the limited sample size. Although almost 3000 senators are included in the dataset, only 81 appointed senators are included. Splitting these few senators across three party system eras only further reduces this sample size, in some cases reducing subgroups to only a handful of appointed senators. These small sample sizes may be preventing any significant findings of historical changes in vote behavior differences. Thus, the conclusion that appointed senators are more conservative regardless of party system should be taken with some caution.

Relatedly, a key limitation of the *Database of [United States] Congressional Historical Statistics* is that it extends only to 1989. It appears clear that, within the timeframe analyzed, appointed Senators tend to vote differently than do elected Senators. That said, the generalizability of this finding to the present political world is unclear. Certainly no major structural changes (like the ratification of 17th Amendment) have occurred in the past 30 years that might affect Senatorial legitimacy and accountability. That said, it is always possible less visible shifts in national and state-level politics have produced different dynamics of

representation today. One should therefore be cautious in generalizing these findings to our present politics.

Conclusion

Regardless of the time frame limitation, these findings suggest some fundamental difference in appointed-Senator behavior and elected-Senator behavior. Returning to the model of the principal-agent relationship, the noticeably more conservative disposition of appointed Democrats than their elected colleagues, for instance, seems to indicate appointed senators are “freer agents” than elected senators. In other words, because of the diminished accountability mechanisms theorized above, appointed senators have more latitude to act outside of their principal's interests or demands. The exact extent to which appointed Senators vote behavior differs from the persuasion of their constituents could be tested by comparing these NOMINATE scores of appointed senators to corresponding state-level partisan indexes. Further, the exact forces driving this overall more conservative disposition remain unknown. The failure of *hypothesis 3* to offer a historical answer to that question presents an area for further research: What factors, other than specific dynamics of changing party systems, might explain these observed differences in appointed and elected senators’ vote behavior?

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