Climbing and Clawing Their Way to the U.S. Senate:
Political Ambition and Career Building 1880-1913

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Abstract
The importance of studying the Senate in the latter part of the 19th century, when senators were elected by state legislatures, lies in what earlier patterns of behavior can tell us about the impact of longstanding electoral arrangements and institutional rules on representation. Using a sample of senators from the 51st, 55th, 57th and 60th Congresses, this paper analyzes individual Senate behavior, from their election in state legislatures to their legislative portfolios, to estimate the extent to which Senate careers were built on different components a century ago than they are today. The findings suggest that although the electoral dynamics in state legislatures’ selections of U.S. senators were very different than the electoral environment senators face today, Senate legislative behavior in the 19th century bears striking similarities to modern day Senate behavior. The “indirect” mode of election did not succeed in insulating senators from electoral pressures generated by constituent interests in their states.

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The importance of studying the Senate in the latter part of the 19th century lies in what earlier patterns of behavior can tell us about the impact of longstanding electoral arrangements and institutional rules on representation. Prior to 1913, the basic model for state legislative selection of senators was to have state legislatures serve as intermediaries between the people and their senators. The Framers ostensibly expected that state legislators would act on behalf of voters to choose senators who would best serve the interests of the entire state, and help insulate senators from rapid swings in public opinion that might lead to detrimental national policies.

This work delves deeper into the dynamics of Senate representation at the individual level in the era leading up to the adoption of direct elections. In our current understanding of the 19th century Senate, we lacks an estimate of how responsive senators were to their constituents on economic, geographic, partisan, and ideological dimensions. With the exception of works by George Haynes (1938), David Rothman (1966), and Douglas Price (1977) few authors have systematically explored individual U.S. Senate behavior, from the perspective of responsiveness to constituent interests, in the era leading up to the adoption of direct elections.1 Price compared the career trajectories of senators in the pre- and post-Civil War era and found that the Senate began to emerge as a powerful institution as early as the 1840’s; by the 1870’s senators were serving longer terms and seeking reelection at considerably higher rates than ever before.2 Price attributes the rise in eminence of the Senate to federal patronage and the growing strength of state political parties (1977, 35). Until 1878, the Senate had almost complete dominance over the distribution of federal patronage, and Senate seats could therefore be used to filter rewards to party activists (White 1958). Moreover, the strong state level party system meant that party control of a legislature would usually guarantee a candidate of the majority party a Senate seat, although it was not as certain just who the victor would be even under majority party control.

But the congressional literature has yet to identify who comprised a senator’s reelection constituency under indirect elections. It has been assumed that senators appealed to state legislators themselves. But there was a great deal of turnover in state legislatures at that time, so senators frequently faced a different set of legislators than the group who had elected them previously when they came up for reelection. How could senators anticipate the composition

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1 For a discussion of House representation and career building during this era, see Kernell (1977).
2 Specifically, Price compares the percent of senators who sought reelection in cohorts in selected congresses from 1803 to 1885. He finds the most significant difference between the 33rd Congress (1853) cohort (27 percent) and the 49th Congress (1885) cohort (55 percent) (1977, 31).
and preferences of state legislators who had yet to be elected? Moreover, who was holding senators accountable if the state legislators who initially elected them were no longer in office?

Given that senators had a great deal of uncertainty as to the future membership of the state legislature, a winning strategy required that they appeal to an audience that was broader than the state legislature itself. In this case a senator’s winning strategy is characterized by building a legislative and political agenda that enabled him to win, and keep, a U.S. Senate seat. How did senators make use of the tools available to them to carve out successful careers? We know that the institutional rules of the Senate allowed for even greater individual power on the Senate floor than there is today. We know that there were two senators from every state, and that each senator was elected by the State legislature, typically in the House and Senate, but sometimes in joint conventions. We know that senators sat on more committees than they do today, and we know that the press gave the Senate a great deal of coverage in those days, with a majority of newspapers adopting one partisan viewpoint or another.3

On the other hand, we do not know what comprised the content of the bills and amendments that senators sponsored; we do not know the amount or extent of newspaper coverage senators individually received; and we do not even have a systematic understanding of reelection rates in the twenty years leading up to direct elections.4 Moreover, we do not know if senators from the same state worked together or competed with each other in the same ways that they do today (Baker 2000; Schiller 2000).

If we suppose that there is a link between electoral conditions (direct versus indirect) and senators’ institutional behavior, then the set of variables that explains modern day Senate behavior should differ from that which explains the behavior of U.S. senators in the 19th century. However, it may very well be that the mode of election for U.S. senators is not, and never was a major determinant of legislative behavior. Rather, variance in senators’ legislative agendas can be explained by the length of their term in office, the large size of their “district,” and sharing the state with another elected Senator, all of which have stayed constant through the history of the U.S. Senate.

3 See Kernell and Jacobson (1987) for a study of newspaper coverage of Congress and the Presidency in the 19th century.
4 The Tribune Almanac which published data on a range of political indicators, including election results for President, Governor, state officers, and House of Representatives, did not even begin to publish state by state data on Senate elections until 1878, presumably because there was little market for such information.
Research Design and Methods

To study the connection between the mode of election and individual Senate behavior between 1880-1913, I sampled 10 state delegations that varied by region, same or split-party composition, and population size. At this time, there were 45 states; 17 states (38 percent) had less than 1 million residents, 26 states (58 percent) had between 1-5 million, and 2 states (4 percent) had between 5 and 10 million. The sample distribution has 4 states with less than a million (40 percent), 5 states between 1 and 5 million (50 percent), and 1 state between 5 and 10 million (10 percent). There are 3 southern states, 2 western states, 3 northeastern states, and 2 upper Midwest farm states. The states included are: Delaware, Kentucky, Louisiana, Maryland, Nevada, North Carolina, North Dakota, Pennsylvania, Washington, and Wisconsin. Data on election returns in state legislatures was collected using yearly editions of The Tribune Almanac from 1880 to 1914, and supplementary archival newspaper articles. Using the Congressional Record Index and the Congressional Directory, I collected data on committee assignments, and public bills, private bills, and petitions sponsored by each senator from these states in the 51st (1889-1891), the 55th (1897-1898), the 57th (1901-02), and the 60th (1907-1908) Congresses. The sample includes a total of 54 different senators: 37 senators served in one Congress, 10 senators served in two Congresses, and 7 senators who served in three Congresses. The average senator was serving about 6 years at the time of each Congress. In addition to quantitative data, I also use secondary sources and newspaper articles to construct brief case studies of senators’ careers.

The analysis is constructed as follows. The first section explores the dynamics of Senate elections in state legislatures with the intent of identifying a set of variables that explains the margin of victory for winning Senate candidates. The second section examines career building in the Senate by looking at the variation in how senators constructed legislative portfolios and used their records as evidence of their responsiveness to their electoral supporters (past and future). The third section of the paper constructs a model to test for linkages between institutional behavior and electoral margins of victory (or defeat) in subsequent reelection campaigns.

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Senate Elections and Party Politics

By most accounts, Senate elections began to reflect the effects of a solidifying two party system in the latter part of the 19th century; some historians argue that the Senate was strongly partisan as early as the 1870’s (Shade et al., 1973). The increase in strong partisanship at this time also brought with it increased conflict in state legislators over choices for the U.S. Senate. As political party organizations strengthened at the state level, and voters began to associate policy platforms with parties, contests for the Senate moved outside the state legislature to a wider public audience (Rothman 1966). In many states, the public canvass and “direct primaries” emerged, which tied voters’ choices of state legislators to their subsequent votes for senators (Riker 1955, 463). When placing announcements of their candidacy in local papers, state legislature candidates would include the name of the man they favored for the U.S. Senate. For example, George A. Welch, running for the office of state senator for the 27th Legislative district of North Dakota, addressed himself to the Republican Voters of Burleigh County and stated that: "I believe that the “portion of the state known as the Missouri Slope should have a representative in the national congress and…“I specially favor the candidacy of Hon. C.B. Little for U.S. Senator.” T.D. Hughes, a candidate for the House of Representatives from the 27th North Dakota district, announced similar support: “I am for the election of C.B. Little of Bismarck for United States Senator,” he wrote, “because he is a resident of my district and his past political record for 18 years in the senate of North Dakota has amply demonstrated that he has always stood for the best interests of the Missouri Slope.”

The practice of the public canvass, as illustrated by candidates Welch and Hughes, presented a stronger public link to voters between state legislators and Senate candidates before an election. However, the canvass did not ensure complete harmony and loyalty when state legislators actually met to choose their U.S. senators. As Haynes describes them, Senate elections were “fierce contests” between parties, but they were also contests between a small set of elite politicians, often within the same party, who competed against each other in repeated Senate elections (Haynes 1906, 45). Despite the fact that legislators announced their preferences before an election, there were usually multiple candidates from the same party “running” for Senate.

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6 A systematic study of Senate elections in state legislatures during this time does not exist; Charles Stewart III and I are conducting a larger longitudinal study of Senate elections during this era.

7 Campaign Letter, George A. Welch, Bismarck Daily Tribune, February 27 1908, p. 6.

Although a party majority in the State House and Senate would often guarantee a U.S. senator of that party, it did not guarantee agreement around a single candidate because the majority party could be comprised of several factions supporting different U.S. Senate candidates. Moreover, state legislators who had professed support for a specific candidate would frequently have to abandon that candidate if it became clear he could not attract the sufficient number of votes to reach a majority.

The typical state legislature was bicameral, and the House and Senate met separately to choose a U.S. senator; in order to win the seat, the candidate had to have a majority of votes in each chamber. A candidate might win a majority in one chamber, but only a plurality in the other chamber; if there was no candidate who won a majority in both chambers the election went to a joint session where the outcome was frequently unknown until multiple ballots were cast. If no candidate secured a majority of votes, the state legislature would declare a deadlock, and the Senate seat would remain vacant until such time as the legislature could elect a majority candidate. In some cases, governors tried to appoint senators to sit during the interim, but the U.S. Senate usually denied the appointed senator a seat when the appointment was made because of deadlock in the state legislature. During the years 1891 to 1905, state legislatures were deadlocked on choices for the Senate 46 times, leaving literal vacancies in the Senate; 6 senators were refused their seats during this period either due to contested elections or a failure to qualify.9

In the electoral environment in most states during this era, men who wished to be elected to the Senate -- and reelected -- had to be political entrepreneurs, vowing to protect specific interests in their states and cultivating strong ties with state party organizations. The men who reached the U.S. Senate during this era had extensive prior experience, either in the state legislature, Congress and/or the governor’s mansion. Of the 54 senators studied here, 45 held a government post prior to being elected to the Senate. The specific distribution of prior jobs held by these men is listed below:

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### Prior Experience of Senators who served in 51st, 55th, 57th and 60th Congress

<table>
<thead>
<tr>
<th></th>
<th>St. House</th>
<th>St. Senate</th>
<th>Congress</th>
<th>Atty Gen</th>
<th>Governor</th>
<th>Judge</th>
<th>Local gov</th>
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<td>2</td>
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<td>0</td>
<td>1</td>
</tr>
<tr>
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<td>5</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Congress</td>
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<td>5</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Atty Gen</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Governor</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
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<tr>
<td>Judge</td>
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<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Local gov</td>
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<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
</tbody>
</table>

Senator Arthur Gorman (D-MD), who was first elected in 1880, served in both the Maryland House of Delegates and the Maryland State Senate, and is a typical example of a “career politician” senator of this era:

As a member of the ruling party in Maryland, Gorman was in line for the appointment to the presidency of the internal improvement company, a traditional political plum. As the current favorite of William P. Whyte [sitting senator], the leader of the dominant faction within the Democratic Party, he was the logical choice to carry out the political purposes for which canal patronage was used. From his control of the waterway, he gained the skill, experience, and personal following necessary to give him powerful influence in state politics. He used this influence to consolidate his own position in the Assembly. Domination of the legislature in turn made possible his election to the United States Senate, thus providing the springboard which launched him on his public career in national politics. 10

Senator Gorman ran for reelection three times, and he had a relatively easy time winning his seat each time, largely aided by very large Democratic majorities in both chambers of the state legislature. But such smooth sailing was not guaranteed in the contest for the other Senate seat from Maryland. In 1892, his colleague, Ephraim Wilson (D) died in office and a special election was held to fill his seat. Initially, twelve Democrats and two Republicans sought the seat, and no candidate received a majority in the Senate or the House. In a joint session, Charles Gibson (D) won the seat on the second ballot, but he had to defeat six other Democrats to do it. In the next Senate election, held in 1896, the electoral situation was different because the Republicans had gained control of the House of Delegates so the state legislature was under divided party control. In that election, George Wellington (R), a former member of Congress, defeated seven other Republicans to win the election in a joint session.

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Just two years later, Senator Wellington was actively trying to make sure another Republican was elected to replace Gorman. One newspaper compared the two senators by saying that, “The loss of the State of Maryland from Senator Gorman’s [involuntary] retirement will be greater by long odds than that of the Senator himself, and that loss will be more keenly felt if another Senator of the Wellington pattern be elected by the Legislature next winter.”

The Republicans again controlled the House of Delegates, while the Democrats controlled the Senate, and the election was thrown into a joint session, where Louis McComas (R) defeated Gorman by 15 votes. In 1902, Wellington faced reelection in a Democratic controlled Senate and House of Delegates, and chose not to run again. Gorman ran again for Wellington’s seat and won. In 1904, the Democrats controlled both chambers by a larger majority, and there was a heated contest for the Senate nomination within the Democratic legislative caucus, which could not come to agreement. On the first ballot in joint session, Isidor Raynor beat four other Democrats and the sitting incumbent Republican McComas but he did not secure a majority. A second ballot was taken, and the Democrats united behind Raynor, who beat McComas by a vote of 88-38. When Senator Gorman died in 1906, former Senator Whyte was appointed to serve out his term until 1909, after which time Senator Smith (D) was elected to fill the term until 1915. The Democrats still had control of both chambers of the legislature in 1910 and Senator Raynor was reelected. This brief case study suggests that the election results for Senate throughout this period in Maryland were a function of individual entrepreneurship and party control of the legislature.

In some cases, a candidate for the U.S. Senate could win a plurality in each chamber, but not a majority, and then go on to lose the election in the joint session, when the majority party would turn to a compromise candidate who could win a majority of the vote. That very circumstance occurred twice in 1903 in the state of Delaware when the legislature managed to fill two seats that had been vacant for two years because of deadlock. The voting started on January 20th with separate votes in the House and Senate. The election results on the first ballot for the short term seat (ending 1905) were: Senate Addicks (R)-7, Higgins (R)-3, Saulsbury (D)-7; House Addicks (R)-13, Higgins (R)-7, Saulsbury (D)-14. The election results on the first ballot for the long term seat (ending 1907) were Senate Addicks (R)-7, Du Pont (R)-3, Kenney

11 The Landmark, December 3, 1897.
12 Denton Journal, August 14, 1897.
(D)-7; House Addicks (R)-14, Du Pont (R)-7, Kenney (D)-14. (Both Saulsbury and Kenney were former U.S. Senators.) No candidate secured a majority, and Addicks actually withdrew his candidacy but his supporters kept voting for him. After many ballots in each chamber, and a shifting cast of candidates, the final vote came in joint session and was the 36th ballot on March 2: for the long term seat, the results were Allee (R) 30, Saulsbury (D) 17, Hughes (D) 1, Woodburn (D) 1, Martin (D) 1, Tunnell (D) 1 and for the short term seat, the results were Ball (R) 31, Kenney (D) 19, Hazell (D) 1, Cochran (D) 1.13 Two men who had not even been considered in the House and Senate’s separate voting were elected in the joint session with majorities. In subsequent elections, Saulsbury, Du Pont, and Kenney were each candidates; Du Pont was elected in 1906, and it took Saulsbury seven attempts as the Democratic party’s candidate to win back a Senate seat but he finally succeed in 1913.

The Maryland and Delaware cases shed light on another facet of Senate elections which is the multi-member nature of Senate delegations. States are represented by two senators who must each build separate electoral coalitions from the same geographic distribution of constituents. How did this implicit competition play out in the indirect elections era? An elite group of individuals competed for a majority of votes in the state legislature to win a Senate seat. In an age where control of the state legislature usually (but not always) guaranteed a U.S. senator from the majority party, it was beneficial to each senator to have a same party colleague. An incumbent senator would want his party to retain control of the state legislature to ensure his own reelection, and that would require supporting a candidate for senator that could draw votes during a canvass, or a direct primary, and ultimately in both chambers of the legislature. In the few cases of split party delegations (e.g. Maryland), it is clear that having an opposite party colleague is not beneficial for the precise reason that each senator views the other as an obstacle to their future reelection because of the system of indirect elections. Because senators’ reelection chances were tied to party control of the state legislature, the success of an opposite party senator never bode well for his colleague.14

13 The Tribune Almanac, 1903, p. 251.
14 This is a condition which is markedly different under the system of direct elections, where senators from the same party tend to be more vulnerable than their colleagues from split-party delegations (Schiller 2000).
However, a same party Senate colleague could pose a potential threat in terms of a future electoral opponent. Because of deadlocks, resignations, and deaths, replacements occurred more frequently than the scheduled six-year term. That meant that a senator’s state colleague could be ousted, and then return in the very next election cycle to vie for the sitting senator’s seat. In the Delaware case for example, two former senators ran for election again after being ousted in prior elections. One day a man might be your cordial Senate colleague, and the next day he might be your direct competition. Consequently, it was in the sitting senator’s political interest to try to ensure that a junior colleague who was chosen by the state legislature would come from the same party and be cooperative, but who could not develop a strong enough following within the state to pose a threat to his existing power base (Rothman 1966, 178).

It was also in the interest of senators from same-party delegations to keep policy disagreements to a minimum. Disagreement in a same-party delegation was problematic for the state party because it could dilute a party label for the senator who more closely followed the party line and more broadly, posed a threat to the regular party organization. If the two senators only disagreed on one issue, the strain could be hidden or ultimately resolved but if they disagreed on a set of issues, the unity of the delegation could rupture entirely. If that happened in same-party delegations, it could open the door for an opposite party or faction candidate to mount a successful challenge against one or both of the sitting senators.  

Within split-party delegations, the strong partisanship of the day would have made conflict over policy between same state senators inevitable. An interesting case in the sample occurred in North Dakota when a Democrat, William Roach, was elected by a majority (albeit slim) Republican legislature, on the 61st ballot in the joint session in 1893. He was in fact a compromise minority party candidate who won because the majority party was divided among five Republicans. At that time there was some division on tariff policy in the state, and so long as opinion remained divided, the Senate delegation could reflect that division with no major threat to either senator. But as opinion began to shift in the state towards a more protectionist trade position, Roach

15 This was an explicit concern of the Massachusetts Senate delegation at the turn of the century when Senators Hoar and Lodge disagreed on expansionist policies, but they kept their disagreement inside the Senate for the most part, and stayed unified in the public eye of Massachusetts so as not to divide the state Republican party. See Richard E. Welch Jr., 1966. "Opponents and Colleagues: George Frisbie Hoar and Henry Cabot Lodge, 1898-1904." The New England Quarterly 39:182-209.
appeared to be further away from the state’s interests than his Republican colleague as this 1896 North Dakota newspaper item reflects:

In a letter to the North Dakota Farmer, Mr. J.E. Phelan calls attention to the difference between the positions taken on the wool question by Senator Roach and Senator Hansbrough. A North Dakota citizen wrote to the senators on the question of free wool urging them to do what they could to secure the placing of a tariff on wool. Roach writes a letter in which he makes the remark that the free wool policy of the democracy has not injured the sheep industry of the state. He refers to the woolen mill at Grand Forks as proof of his statement. The general reader, while glad that any woolen mill in the state is a success, can't see what such a mill has to do with the success of the farmer who has sheep. Senator Hansbrough on the other hand, takes the Republican, the protective view of the matter and he can be depended upon to do what he can to secure a re-instatement of the duty on wool.16

In fact, when Senator Roach came up for reelection in 1899, the Republicans had gained more seats in the Senate and the House, and Roach lost his seat to a Republican, Porter McCumber, who served from 1899-1923; Senator Hansbrough served until 1909. Senator Roach was not only disadvantaged by partisan tides, he was also disadvantaged by comparison to the other sitting senator from the state.

Patterns in Indirect Senate Elections

From the anecdotal evidence, a more systematic examination of elections data is warranted. Below is the set of descriptive statistics about the Senate elections that occurred in the states in the sample from 1884-1913.

Descriptive Statistics about Indirect Senate Elections in 10 States 1884-1913 17

<table>
<thead>
<tr>
<th>Statistics</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elections in State Legislatures</td>
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<tr>
<td>Initial Candidates</td>
<td>457</td>
</tr>
<tr>
<td>Legislative Ballots</td>
<td>1311</td>
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<tr>
<td>Party Ballots</td>
<td>203</td>
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<tr>
<td>Repeat Challengers</td>
<td>76</td>
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<tr>
<td>Incumbents Seeking Reelection18</td>
<td>46</td>
</tr>
<tr>
<td>Incumbents Unopposed</td>
<td>5</td>
</tr>
<tr>
<td>Percent Incumbents Reelected</td>
<td>65</td>
</tr>
</tbody>
</table>

17 This is the set of elections which occurred from 1884 to 1913 in which the senators in the sample were candidates for election and/or reelection.
18 In terms of running for reelection, 46 of 54 senators sought reelection at least once, 13 senators sought reelection twice, 6 senators sought reelection three times, 6 senators sought reelection four times, and 3 senators sought reelection five times.
Democratic Candidates 242
Republican Candidates 191
Final Ballot Candidates 305
Republican Controlled Legislatures 49
Democratic Controlled Legislatures 37
Split-Party Controlled Legislatures 17
Populist (2), Silver Republican (3),
or Silver Democrat (1)Controlled Legislatures 6

Several preliminary conclusions can be drawn from the raw data. First, Senate elections were hotly contested, *as much within parties as between them*. Majority parties frequently disagreed on whom to nominate for a Senate seat, and if the legislature was under divided party control, deadlock was more likely. Second, once men reached the U.S. Senate, they tended to want to stay there, i.e., incumbent senators sought reelection with relative frequency across the states in the sample. Unfortunately for incumbent senators, state legislatures appear to have drawn from a small but consistent pool of politicians in the state when choosing senators, and these men served as a constant threat to incumbent senators over time within their own party, and of course, in the opposite party. Senators who lost their seats due to a shift in party control would frequently return to run for the seat when their party regained the majority.

The contested nature of Senate elections in this sample fluctuates over time. Figure 1 lists the average number of legislative ballots in elections across states in the years 1884-1913. It is clear that the period of 1884 through 1892 is less contentious than the period from 1893-1910, and as Haynes (1906) documents, the general level of discord in legislatures over Senate elections was a major impetus for the adoption of direct elections of senators.

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19 The raw data is available from the author on request.
20 There is a small body of literature on the impact of the 17th amendment on aggregate trends in the Senate. After direct elections were instituted, the partisan composition of the Senate shifted after 1913 towards the Democratic party and away from long a period of Republican party dominance, and senators typically had slightly longer tenures in office (Haynes 1938; Stewart 1992a, 1992b; King and Ellis 1996; Hibbing and Brandes Crook 1997).
Of primary interest here is how candidates won a Senate seat, and how they succeeded or failed to keep it, and whether their institutional behavior influences their electoral success in subsequent elections. In the first model, the dependant variable is measured as the margin of victory (how many more votes did the winning senator receive than his opponents) divided by the overall size of the legislature. Margin of victory is one way of measuring how powerful the candidate was in the state legislature; the larger the margin of victory, the more secure a senator should have been going to the Senate. I use the margin of victory for each senator in the election preceding the first Congress in the sample in which he served. The set of independent variables includes percent of seats in the legislature that were held by the senator’s party, whether the incumbent’s party controlled one or two chambers of the legislature (coded 1 or 2), the number of majority party candidates, the number of party ballots, the number of legislative ballots in the election, and shared party affiliation with the other senator (coded 1 or 0). Prior experience in government is not included in the model because such a high proportion of senators had experience, and at multiple levels of government, that separating out the effects of one prior office versus another would be difficult. This model is simply designed to identify the component variables that explain winning Senate candidacies in the era of indirect elections, and does not link institutional behavior to winning electoral margins.

The results of the model indicate that party control of the state legislature was one of
the major predictors of whether a senator would be able to retain his seat, although as one would expect, the higher the number of party ballots (showing discord within the party), the lower the margin of victory for the party’s nominee.\textsuperscript{21} (See Table 1) Sharing the same party as the other senator also increased the margin of victory. At the very least then, senators had a strong incentive to solidify their foundation within their party in the legislature, even if they could not completely control the partisan balance in the state legislature when they sought election.

Candidates for the Senate in the era of indirect elections faced stiff competition from multiple opponents within their own party, as well as opponents from the opposing party. The challenge facing candidates who did manage to get elected by their state legislature was to carve out powers within the Senate itself that would solidify their electoral base in the next election. The problem for senators was one of uncertainty – there was simply no guarantee that the same set of supporters would be sitting in the state legislature during their next reelection campaign. Rather than directing their efforts at state legislators then, senators had an incentive to serve the constituents of the state legislators directly to solidify their standing in the state house and senate districts. How they did so is the subject of the next section of the paper.

**Legislative Portfolios in the Senate**

Senators who served from 1880-1913 were faced with a balancing act - their national policy positions were delineated by their party affiliation and their electoral fate frequently rested on the strength of their party organization or faction in their home state. But they still had the job of balancing their national positions with efforts to represent local constituents from their states. The definition of local constituent could be a major industry or business in the state or at a much smaller level, an individual wishing to make a private claim against the federal government.

Unlike the modern day senator, who has a personal staff, his or her own media operation, and numerous offices in his or her home state, senators who served a century ago had few if any of these advantages to help them construct their own individual portfolio of accomplishments. Senators did have a set of tools including roll call voting, patronage, committee assignments, bill and amendment sponsorship, and the presentation of petitions to the Senate to construct their

\textsuperscript{21} In some cases, minority party candidates won or stayed in office because of the inability of the majority party to rally around a candidate, e.g. the North Dakota Senate election of 1893.
agendas. Roll call voting was heavily influenced, if not dominated, by party affiliation and the Senate displayed relatively strong party unity within each major party from 1870 through the turn of the century (Shade et al., 1973; Poole and Rosenthal 2001). Key to understanding the role of party at this juncture in the Senate’s history is to recognize that the strong ties that senators had to their state party organization translated into stronger party unity in the Senate on roll call votes. Yet senators did not cede their individual power to informal party leaders of the Senate (or the national party for that matter) the way that their colleagues in the House did during this time (Smith and Gamm 2001). The Senate party caucuses did exist, and they met to appoint informal party leaders and whips, but it was a far cry from the more formal partisan structures that were developing in the House throughout this period. For the most part, as it is in today’s Senate, senators in the late 19th century voted with their party when there was a stated party position, giving senators very little flexibility in using roll call votes to forge an individual career path.

Federal patronage went a long way to demonstrating a commitment to individual constituents in terms of jobs and funding for the state. For a long period prior to 1878, senators tightly controlled patronage, with little opposition from the White House. But in 1878 a fight erupted between President Hayes and two powerful New York senators over the Custom house in New York, which ultimately resulted in the resignation of the two senators and the assertion of presidential power over patronage (White 1958). Beginning in the 1880’s, federal patronage depended on a senator's relationship with the White House and his relationship with his Senate colleague from the state. As long as each senator from a state was guaranteed a sufficient amount of federal jobs and funds to control, conflict was minimal. In fact, Rothman (1966) notes that senators from the same-party and the same state routinely split the assignment of federal jobs. But when senators found themselves jockeying for political advantage in their home state, control over federal resources became a larger issue.

Committee assignments were for the most part controlled by parties in the Senate in the late 19th century, and were made by each party's steering committee (Canon and Stewart 2002). Moreover, for a long time, senators were only assigned to committees for a single session, so that within a Congress, they would serve on two different sets of committees. That changed in 1886, when senators were appointed to serve on committees for entire Congresses (Canon and Stewart
During the 51st Congress, the Senate had 42 Standing Committees and 11 Select committees; there were 83 senators and each senator sat on an average of 5 committees. In the 55th Congress, there were 90 senators, and there were 49 Standing Committees and 10 Select Committees; on average, each senator sat on 5 committees. In the 57th Congress, there were 88 senators, and there were 55 Standing Committees and 9 Select Committees (Delaware did not seat either of its senators in the 57th Congress due to deadlock in the state legislature) and on average each senator sat on 7 committees. In the 60th Congress, there were 92 senators, there were 55 Standing Committees and 16 Select Committees, and on average each senator sat on 7 committees.

Senators used their committee assignments in these Congresses as both national policy platforms and to serve localized constituent interests. Local newspapers took note of senators' committee assignments, especially when there was a state interest at stake, as this quote from the *Nevada State Journal* from 1906 illustrates:

> Senator Charles Dick of Ohio will continue to be chairman of the Senate committee on mines and mining. The committee assignments were made public today. Senator Nixon of Nevada, now chairman of the committee on national banks will be chairman of that on coast defense in addition. Senator Newlands of Nevada remains a member of the committee on mines and mining with Senator Nixon, so that Nevada still has two of the nine members of this important committee.22

Senators also used their work on committees as evidence of their legislative accomplishments and influence in the Senate. For example, in a long campaign stump speech in 1912, Senator Furnifold Simmons (D-NC) emphasized his power as a member of the Senate Commerce Committee:

> For a long time we did not get our part of the money the Government was spending on rivers and harbors. For over six years I have been a member of the Committee on Commerce having these appropriations in charge. I have not been asleep. We are getting our share now, and so long as I am on that committee and in the Senate I promise you we are going to get our share or there is going to be a row. In the last river and harbor bill…we got a million four hundred thousand ($1,400,000). In the Senate, out of about six million ($6,000,000) added to the House bill, North Carolina got seven hundred thousand dollars ($700,000)….Do you want these appropriations to continue, or do you want them to stop? 23

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23 Speech at Charlotte, North Carolina, September 12, 1912, see Rippy (1936, 154-155).
Senators sought out membership on a mixture of prestigious nationally focused committees and committees that dealt with their state's specific economic and geographic interests. Canon and Stewart (2002) find that on average, senators from larger states had a set of committee assignments that leaned more heavily towards national policy while smaller state senators tended to sit on more locally focused committees. For all senators, the latter part of the 19th century also brought about a rise in seniority as a factor in securing most prestigious committee assignments (Price 1977).

Senators could also use bill sponsorship and the presentation of petitions to demonstrate their legislative activism in the Senate. During the period after the Civil War, bill sponsorship had become an increasingly popular legislative activity in both the House and the Senate as a means of demonstrating attentiveness to constituency concerns (Cooper and Young 1989; Cooper and Rybicki 2002). According Cooper and Rybicki, senators used bill sponsorship to "publicize themselves for their own personal and political gain…." (198). Senators introduced public bills on both national and constituent or local issues, and private bills for pensions and general relief of individual constituents. This quote from a Nevada newspaper is typical of the kind of coverage senators could receive for their bill sponsorship:

Senator Stewart called up his resolution today calling on the Secretary of the Interior for information upon which Commissioner Stockslager based his letter to the Democratic members of the Committee on Appropriations and his various publications in the New York Herald, charging that Senator Stewart's amendment to the Sundry Civil bill in regard to the cutting of timber was designed to prevent the Government from receiving large sums of money from the Eureka and Richmond mining companies of Eureka, Nevada, and other corporations…...Senator Jones warmly advocated the resolution calling for information and declared that the law…was for the express purpose of permitting miners to supply themselves with fuel in mining regions, and that… it was essential to mining… The resolution was adopted.25

Of course if the resolution had failed, perhaps the senators would have not have attracted favorable coverage, but nonetheless, a century ago, sponsoring bills was a way of drawing attention to legislative efforts in the Senate. Notice that both senators are

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24 Cosponsorship was not practiced in the Senate during this time, and it was explicitly prohibited by a Senate ruling in 1913; however, in 1937 a senator was allowed to be named as a cosponsor of a resolution and cosponsorship was subsequently permitted (Riddick 1992: pp 233-34; Campbell 1982).

mentioned in the article, and Senator Jones is praised for agreeing with his same party colleague.

Whereas the House party leadership had begun to clamp down on unlimited bill sponsorship by thwarting members' power to bring their bills to the floor, the Senate put few roadblocks in the way of senators who wanted to go to the floor and introduce a bill (Cooper and Young 1989; Cooper and Rybicki 2002). Senators could even challenge the referral of their bills to committees if those committees were viewed as potentially unfavorable. Senators had little expectation that all their bills would pass the Senate individually, but they could use bills as evidence of their efforts to influence national policy, their advocacy for state interests, and they could try to attach or include their bills into the larger legislation that came to the Senate floor. The presentation of petitions and papers on behalf of constituents served a similar purpose in that senators could act as a direct conduit through which constituents, and state and local governments, could appeal to Congress.

Bill sponsorship serves as a good measure of responsiveness of senators to constituents because most of the bills that senators introduced at this time were individual pension or relief bills, and they were an efficient way of establishing a direct link to individual constituents. Senators could use such individually targeted legislative behavior to try to counteract the impression of elitism that indirect elections cultivated. On average, senators in this sample introduced 76 bills per Congress, consisting of essentially four types: relief (41%), pension (37%), and legislative (21%) and miscellaneous bills (1%). In earlier work on modern bill sponsorship patterns (Schiller 1995), I found that the larger the state, the greater the number of economic interests to be represented, and therefore the greater the number of bills senators sponsored. In addition, freshman status, majority party status, the number of committee assignments, and reelection also influence modern day bill sponsorship. I constructed a regression model to predict the number of bills introduced in an effort to see if the same factors that explain bill sponsorship in the modern Senate also explain it in the 19th century. This model uses committee assignments, majority party status (1 or 0), split or same party delegation (1 or 0), years in Senate (logged), state population (logged), whether the senator was in a reelection
cycle (1 or 0), the senator’s margin of victory in the prior election, and the number of bills introduced by the other senator from the state to predict bill sponsorship.\(^{26}\)

Because the sample is a cross-sectional and time series data, I ran both OLS and a Generalized Least Squares fixed effects model (using state as the group) and Table 2 presents the results of both analyses, which are similar. Much like today, the number of committee assignments, state population, and majority party status all increase the number of bills introduced by senators.\(^{27}\) Notably, margin of victory in the prior election is statistically significant, as is the size of the state legislature when it is substituted in the model for state population size. Essentially, senators’ bill sponsorship patterns appear to be responsive to the overall size of constituent demand as translated through state legislators. The levels of bill sponsorship between senators from the same state are negatively correlated which may mean that when one senator heavily used bill sponsorship to respond to constituent interests, it reduced the opportunity for the other senator to use bills in the same way.\(^{28}\)

The remaining piece of the puzzle is to establish a link between institutional behavior, as measured through bill sponsorship, and senators’ electoral margins in reelection campaigns. Are senators rewarded for bill sponsorship in terms of state legislators’ votes? The third model regresses the percent margin of victory in a subsequent election for senators in the sample on the percent incumbent party in the prior electoral cycle, majority party control in the prior electoral cycle, the number of majority party candidates, the number of party ballots, the number of legislative ballots, sharing the same party affiliation as the other senator, the number of bills introduced, and whether there was a party primary.\(^{29}\) The results are listed in Table 3 and show

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\(^{26}\)I also included an interactive term to measure the effect of a senator’s time in office and the number of years that each state had been in the Union to see if older states produced more legislatively active senators, but the variable was statistically and substantively insignificant.

\(^{27}\) In this sample, separating out the effects of party affiliation from majority status is difficult because the Republicans controlled the Senate in each of the four Congresses – a model run with each of the variables produces the same result in that Republicans (majority) introduce more bills than Democrats (minority) do. In terms of types of bills, there is a clearer pattern in that Democrats introduce more relief bills and Republicans introduce more pension bills, which is understandable because most war pension recipients lived in the North which was heavily Republican.

\(^{28}\) However being the Senior senator within a delegation did not have a statistically significant effect on bill sponsorship.

\(^{29}\) In Model 3, I had included the number of committee assignments a senator held but the coefficient was not substantively or statistically significant.
that margin of victory is still strongly determined by party factors, and that bill sponsorship does reap electoral rewards, albeit producing a somewhat small return on investment.

Table 3 about here.

For every 10 additional bills introduced, electoral margin of victory increases by 1 percent.

Again it is worth repeating that senators could not know precisely what the composition of their reelection constituency in the state legislature would be at the time of their future reelection campaign. But senators must have calculated that if they served, or appeared to serve, constituent interests through bills (e.g. individual pension or relief bills) they could attract constituent support in the home districts of the state legislators, which could produce reelection support.

**Overlap in Legislative Activity in Senate Delegations**

One remaining question that is not addressed in the quantitative models is whether we can find any evidence that same state senators overlapped in their legislative work, or if they carved out distinct legislative territory. In terms of roll call voting, senators did not have much flexibility. The parties were highly polarized in both the House and the Senate during this era, consequently senators from the same party tended to vote the same way on most bills, and senators from split parties voted against each other. It is difficult to actually compare the votes of senators from the same state in a systematic fashion for these Congresses because of high absentee rates among senators. As a preliminary test, I examined the first 105 votes cast in the 51st Congress to get an estimate of absentee rates and found that one or the other senator from a state was not present for approximately 56 percent of the roll call votes. In the 44 percent of roll call votes where both senators were present, senators from same-party states voted together 86 percent of the time. In the split-party states, senators voted against each other on 60 percent of the votes.

Given the number of committee assignments per senator, we would expect by random chance that senators from the same state would sit on at least one committee together, if not more. But senators from the same state who served in the late 19th and early 20th centuries did not sit on the same committees, with the exception of a few pairs of senators from primarily split-party delegations. In the rare cases where senators from the same state and party shared committee assignments, they were not typically the most valued or desired committees in the Senate, but were committees that were related to the senators' state's interests, e.g. Nevada’s two senators sat on the Committee on Mines and Mining, Washington State’s two senators sat on the
Fisheries Committee, and North Dakota’s two senators sat on the Committee on Agriculture and Forestry. The fact that so few pairs of senators shared committee assignments suggests that Senate leaders were maintaining the Senate’s longstanding practice of not assigning senators from the same state and the same-party to the same committee (Swift 1996; Schiller 2000) and that senators saw it to their advantage not to encroach on each other’s committee portfolios.

A content analysis of bills, amendments, and petitions presented to the Senate reveals little overlap between senators from the same state. As stated earlier, most of the bills that senators introduced were pension or relief bills – legislative bills comprised the smallest percentage of their portfolio. Senators from the same state did not overlap in their pension or relief bills at all; same state senators introduced pension and relief bills on behalf of a different set of constituents. There was some overlap between senators from the same state in their legislative bills, primarily on issues that concerned the state directly. For example, both senators from Washington state introduced bills on irrigation, and both senators from Maryland introduced a bill to build a bridge over the Potomac but again, as a percentage of legislative bills, the overlap is very small (e.g. 1 out of 10). Even if one argues that bills and petitions were senators’ most symbolic activity, the fact that same state senators chose to use these tools to serve distinct sets of constituent interests and individual companies suggests that they recognized the political necessity of building separate electoral coalitions in the state.

Implications and Future Research Directions

Exploring Senate careerism in the late 19th and early 20th centuries yields insights into the impact of institutional design on legislative representation. When we analyze modern day Senate behavior we attribute it to a combination of factors that include partisanship in the electorate, cost of campaigns, rise of national interest groups, and the pressures associated with sharing the state with another Senate colleague. We do not often think about the fact that senators are directly elected, because it has been that way for almost 100 years. Some have assumed that prior to direct elections, senators would have behaved differently because their mode of election was through state legislatures, and thus, they had a different audience who judged their record.

The findings reported here shed doubt on this supposition. The men who served in the Senate in this time period were highly ambitious, had prior government experience, and used their committee assignments, bills, and petitions to address constituent needs. Senate elections were very contentious, and hard fought within the party as much - if not more - than between
Senators could not just rely on the public nature of party campaigning in state legislative elections because there could be several factions within their state party in the legislature, and even differences within the party in the state House and state Senate. Because of the six-year term, senators would frequently outlast most of the members of the state legislator who initially voted for them. Consequently, senators had to anticipate a different electoral audience in the chambers when they came up for reelection, and that put pressure on them to construct a portfolio they could point to as evidence they were representing the state effectively. Securing state legislators’ votes was essential to getting elected, but senators also recognized the value of serving the constituents of state legislators directly through bill sponsorship and committee work. In return, senators appear to be rewarded for their legislative work in terms of increased margins of victory in the state legislature. Senators from the same state were generally advantaged by sharing the same party in the indirect elections system, but they introduced different bills, and sat on different committees, in order to cultivate distinct electoral coalitions within their party base.

Perhaps most striking is that the conditions for getting elected to the Senate in the late 19th century were mechanically different, and the environment one might argue was more contentious and uncertain than it is today, but senators’ institutional behavior looks quite similar to the modern day Senate. The results imply that the mode of elections for senators was not as important in explaining variation in legislative behavior as the other facets of the office such as term, size of district, and multiple representation of the district.

This study raises several possibilities for new avenues of research. In a related project, Charles Stewart and I are working on a broad longitudinal study of Senate elections in state legislatures to identify patterns of behavior within the legislatures across states, and identifying connections between swings in national party strength and related changes in state party strength. Another avenue of research would be to explain policy differences that emerged between the House of Representatives and the Senate during this era as a function of individual legislators’ preferences. Even though there was unified party control in frequent Congresses, the House and Senate produced bills with markedly different content, especially on tariff issues. The explanation for those differences no doubt includes differences in chamber rules, but why members of the same party disagreed over policy across chambers has not been fully explored.
References


Poole, Keith T. and Howard Rosenthal. 2001. “D-NOMINATE after 10 Years: A Comparative Update to Congress: A Political-Economic History of Roll-Call Voting.” *Legislative Studies Quarterly* XXVI:5-29


Table 1
Explaining Percent Margin of Victory in Senate Elections in State Legislatures 1885-1913
Prior Election

<table>
<thead>
<tr>
<th>Variable</th>
<th>Prior Election</th>
<th>1885-1913</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent Seats held by Senator’s Party</td>
<td>.77***</td>
<td>(.17)</td>
</tr>
<tr>
<td>Party Control of Chamber(s)</td>
<td>.09</td>
<td>(.05)</td>
</tr>
<tr>
<td>Number of Majority Party Candidates</td>
<td>-.02*</td>
<td>-.02*</td>
</tr>
<tr>
<td>Number of Party Ballots</td>
<td>-.000</td>
<td>-.001</td>
</tr>
<tr>
<td>Number of Legislative Ballots</td>
<td>-.000</td>
<td>-.003*</td>
</tr>
<tr>
<td>Shared Party Affiliation with Other Senator</td>
<td>.11</td>
<td>.16*</td>
</tr>
<tr>
<td>Constant</td>
<td>-.07</td>
<td>.33***</td>
</tr>
</tbody>
</table>

Adj R² | .42 | .28  
Prob >F | .000 | .000  
N | 73 | 74

*p<.05, **p<.01, ***p<.001

Prior Election means the election that preceded the first year that the senator is included in the sample. For example, for senators who served in the 51st Congress, the election would have occurred prior to December 3, 1889. In one case, data is available for party control of the chamber, but not the specific number of seats held by the majority party.
Table 2
Bill Sponsorship in the Senate, 51st, 55th, 57th and 60th Congresses

<table>
<thead>
<tr>
<th>Variable</th>
<th>OLS</th>
<th>GLS fixed effects (state)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Committees</td>
<td>16.7**</td>
<td>18.8**</td>
</tr>
<tr>
<td></td>
<td>(6.2)</td>
<td>(6.6)</td>
</tr>
<tr>
<td>Majority Party</td>
<td>50.0**</td>
<td>51.2*</td>
</tr>
<tr>
<td></td>
<td>(17.0)</td>
<td>(23.3)</td>
</tr>
<tr>
<td>Years in Senate</td>
<td>6.8</td>
<td>10.0</td>
</tr>
<tr>
<td></td>
<td>(9.3)</td>
<td>(10.6)</td>
</tr>
<tr>
<td>State Population</td>
<td>28.0**</td>
<td>.29</td>
</tr>
<tr>
<td></td>
<td>(8.2)</td>
<td>(19.7)</td>
</tr>
<tr>
<td>Size of State Legislature</td>
<td>.69***</td>
<td>.46</td>
</tr>
<tr>
<td></td>
<td>(.19)</td>
<td>(1.0)</td>
</tr>
<tr>
<td>Reelection Cycle</td>
<td>18.1</td>
<td>20.1</td>
</tr>
<tr>
<td></td>
<td>(18.1)</td>
<td>(18.8)</td>
</tr>
<tr>
<td>Margin of Victory in Prior Election</td>
<td>.86***</td>
<td>.80**</td>
</tr>
<tr>
<td></td>
<td>(.21)</td>
<td>(.26)</td>
</tr>
<tr>
<td>Other Senator Bills</td>
<td>-.24*</td>
<td>-.32**</td>
</tr>
<tr>
<td></td>
<td>(.10)</td>
<td>(.11)</td>
</tr>
<tr>
<td>Constant</td>
<td>-127.5**</td>
<td>-141.2**</td>
</tr>
<tr>
<td></td>
<td>(45.0)</td>
<td>(49.6)</td>
</tr>
<tr>
<td>Adj R²</td>
<td>.43</td>
<td>.30</td>
</tr>
<tr>
<td></td>
<td></td>
<td>.65</td>
</tr>
<tr>
<td></td>
<td></td>
<td>.42</td>
</tr>
<tr>
<td>Prob &gt;F</td>
<td>.000</td>
<td>.002</td>
</tr>
<tr>
<td>N</td>
<td>74</td>
<td>74</td>
</tr>
<tr>
<td>N groups</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

*p<.05, **p<.01, ***p<.001
Table 3  
Explaining Percent Margin of Victory in Senate Elections in State Legislatures 1885-1913 
Post Election\(^{31}\)

<table>
<thead>
<tr>
<th>Variable</th>
<th>Post Election 31</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior Percent Incumbent</td>
<td>.97*</td>
</tr>
<tr>
<td>Party</td>
<td>(.44)</td>
</tr>
<tr>
<td>Prior Party Control</td>
<td>.33**</td>
</tr>
<tr>
<td>of Both Chambers</td>
<td>(.16)</td>
</tr>
<tr>
<td>Number of Majority Party Candidates</td>
<td>-.15***</td>
</tr>
<tr>
<td>Party</td>
<td>-.15***</td>
</tr>
<tr>
<td>Number of Majority</td>
<td>(.03)</td>
</tr>
<tr>
<td>Party Candidates</td>
<td>(.03)</td>
</tr>
<tr>
<td>Number of Party Ballots</td>
<td>-.005</td>
</tr>
<tr>
<td>Number of Legislative Ballots</td>
<td>(.005)</td>
</tr>
<tr>
<td>Shared Party Affiliation with Other Senator</td>
<td>.06</td>
</tr>
<tr>
<td></td>
<td>(.14)</td>
</tr>
<tr>
<td>Number of Bills Introduced</td>
<td>.0012**</td>
</tr>
<tr>
<td></td>
<td>(.0006)</td>
</tr>
<tr>
<td>Primary</td>
<td>.54</td>
</tr>
<tr>
<td></td>
<td>(.31)</td>
</tr>
<tr>
<td>Constant</td>
<td>-.34</td>
</tr>
<tr>
<td></td>
<td>(.35)</td>
</tr>
<tr>
<td>Adj R(^2)</td>
<td>.50</td>
</tr>
<tr>
<td>Prob &gt;F</td>
<td>.000</td>
</tr>
<tr>
<td>N</td>
<td>51</td>
</tr>
</tbody>
</table>

*\(p<.05\), **\(p<.01\), ***\(p<.001\)

\(^{31}\) Post Election means the election that followed each Congress that the senator is included in the sample. For example, for senators who served in the 55\(^{th}\) Congress, the election would have occurred after March 2, 1899.