8.7: Chapter 55- The Advantages of Incumbency

“If solutions within the system are so impossible to find, then maybe we should change the system itself.”

—Sixteen-year-old climate activist Greta Thunberg (1)

Congressional Reelection Rates

This is a good place in the textbook to delve into the advantages of incumbency in congressional races. Remember, an **incumbent** is a current officeholder who is seeking to be reelected to that office. Incumbent congressmen have excellent odds of being reelected. This is especially true of Representatives. As the Center for Responsive Politics put it, “Few things in life are more predictable than the chances of an incumbent member of the U.S. House of Representatives winning reelection.” In the past twenty years, the lowest reelection rate for the House of Representatives was 85 percent, and the mean reelection rate is more than 94 percent. Reelection rates in the U.S. Senate are a bit lower, but still impressive. In the past twenty years, the mean reelection rate for Senators is 86 percent. (2) It is difficult to square these high reelection rates with Americans’ overall low opinion of Congress. Gallup tracking polls of Americans’ opinions of Congress over the past twenty years reveal that rarely do Americans approve above 25 percent and frequently their approval is down in the 14-20 percent range. In one recent Gallup survey, as few as 9 percent of people approved of the way Congress was handling its job. (3)

Combined with what we have learned about campaign finance, gerrymandering, and public opinion, the above information about congressional reelection rates raises an interesting set of questions.

1. How can the Congress’ approval as an institution be so low compared with the high reelection rate of Representatives and Senators?
2. What does the high reelection rate for congressional members say about the American democracy’s health? Is this a good sign or a bad sign?
3. Does the high reelection rate for congressional members indicate that Madison was correct in Federalist #10? He wrote that having a large republic with an elected legislature would “refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.”(4)

4. Why is the reelection rate for the House of Representatives normally higher than that of the Senate?

These are good questions to discuss in class or with your friends.

The Advantages of Incumbency

The high reelection rate for members of Congress may be due to several advantages that incumbents have over their challengers. You should be familiar with these advantages.

As we’ve seen in the chapter on campaign finance, incumbents often have a significant financial advantage over their challengers. Political Action Committees and wealthy individuals have numerous incentives to donate to incumbents. This has enormous implications for how a challenger might mount a campaign, since campaign commercials are expensive to produce, air time is expensive to purchase, effective websites that provide continually updated information and allow people to donate are expensive to set up and maintain, electoral consultants are expensive to hire, and so on. Sheila Krumholz from the Center for Responsive Politics said something in 2006 that is just as sobering when read today: “A challenger who spent less than a million dollars technically had zero chance of winning.” (5) More than half of House races feature one candidate spending at least $10 for every $1 spent by the challenger. We call these financially uncompetitive races. (6)

Another important factor is the power of seniority and experience. Almost invariably in campaigns that feature a congressional veteran against an upstart challenger, the incumbent stresses the importance of his seniority and
experience in Washington. This is a powerful argument, for it is certainly true that seniority in Congress results in more power, better committee assignments, and greater ability to get bills passed—or greater ability to stop unfavorable bills. All this can translate into a larger voice for the state or district being represented by the incumbent. In the unlikely event that the challenger wins, she is going to be a freshman with little experience and no seniority. Of course, all of this assumes that the incumbent’s seniority and experience is actually being used to serve his constituents, as opposed to serving his financial backers’ interests. However, most congressional members have little difficulty spotlighting their positive bills sponsorship—even if they never become law—or the bacon they’ve brought home to their state.

We’ve already talked about gerrymandering in a previous chapter, so we won’t go over the details here. Nevertheless, we need to recognize the role of gerrymandering in promoting the reelection rates of Representatives—but not Senators, for the Senate’s districts are fixed by state boundaries. Essentially what we have in recent House reapportionment schemes are majority parties in state legislatures drawing boundaries that favor members of their own party. A direct result of this is the decline of competitive House seats. Many House races are uncompetitive because of the incumbent’s financial advantages and because many districts have been gerrymandered to produce safe seats for one party or the other. A safe seat is one that is securely in the hands of one party as long as that party puts forward a reasonable candidate. Candidates in safe seats win with 67 percent or more of the vote in the district. Nine months out from the 2020 House races, the Cook Political Report listed 182 seats as solidly Democratic and 164 seats as solidly Republican. This means that roughly 80 percent of elections for seats in the House of Representatives—i.e., the people’s house—are a foregone conclusion, barring scandal or some major cataclysm. (7)

Incumbents benefit greatly from name recognition and positive media coverage. Incumbents usually enjoy a name recognition advantage over their challengers. When this is the case, the challenger has to spend considerable money—which he probably doesn’t have—trying to build up name recognition in the state or district. Any incumbent who manages to stay out of scandal is virtually guaranteed positive coverage in the local media. This is especially true of local television coverage, which tends to focus on staged events at which the incumbent appears at events such as a local conference on aging, a local pro-am golf tournament, or a construction ground-breaking for which the incumbent helped secure the funds. Rarely does local media focus on how incumbents vote on key issues and how those votes affect real people.

Representatives and senators are given allowances every year to cover their expenses. Representatives have a Members’ Representational Allowance and Senators have an Office Personnel and Office Expense Account. (8) Generally speaking, these allowances vary from one congressman to the next based on how far their district is from Washington, rent in their district, and so forth. They use this money to hire staff in both their Washington and their local district or state office. Congressional staff spend much time on constituent service, which refers to troubleshooting and problem solving for their constituents. By being in a position to solve problems for their constituents, congressional members generate positive feelings that challengers cannot. In addition, constituent-service benefits ripple through many people via word of mouth. This is an advantage for incumbents that most challengers cannot match.

Since the beginning of the republic, members of Congress have enjoyed the franking privilege, meaning that they are allowed to send mail for free to their constituents. The first Congress implemented this rule and based it on a practice that had originated in the British Parliament over a hundred years before the American Revolution. Members of Congress are never allowed to use the privilege for overt campaign literature or allowed to send such mail within ninety days of an election, but the simple ability to send direct mail touting the incumbent’s congressional activities
throughout most of their term is definitely an advantage.

What If . . . ?

The incumbent advantage is not something that can be resolved in our current system. Indeed, it wouldn’t even be considered a problem if we could be confident that our Representatives and Senators were acting in the voters’ interest instead of serving the corporations and the small sliver of the electorate that can afford to donate mounds of money to their campaigns. Incumbent congressmen have little incentive to change a system that makes it so easy for them to stay in office.

What if we thought way out of the box when it came to our legislative bodies? Two interesting possibilities come to mind. The first would center on the idea of sortition. Political writer and intellectual David Van Reybrouck spelled out this possibility in his book with the intriguing title Against Elections: The Case for Democracy. (9) Sortition refers to the drawing of lots—where we get the term lottery—and so would mean selecting our members of Congress by some sort of random process that resembled a lottery. In ancient Athens, magistrates, members of the Boule (council), and jurists were chosen via sortition. Why couldn’t we do the same for Representatives and Senators? Set some basic qualifications, allow people to indicate on their tax forms whether they would like to be eligible for the congressional lottery, and select people to fill nonrenewable terms. It would require a few supplementary changes, one of which would be a change in how congressional staff are chosen, for you’d want nonpartisan staff to help these citizen-legislators craft effective laws. Another recommended change would be to change the legal code to make interfering with the congressional lottery’s random nature a form of treason.

The second possibility would feature citizens’ assemblies and deliberative democracy. (10) A citizens’ assembly is just what it sounds like: a group of adult citizens chosen at random. What if every year we established a Citizens’ Assembly devoted to each of a few particular issues—e.g., automobile fuel standards, judicial appointments, and immigration reform this year and renewable energy, judicial appointments, and a national healthcare system next year, and so on. With the help of some nonpartisan facilitators, each Citizens’ Assembly would practice deliberative democracy, which is a nonadversarial, discussion-centric form of decision making that educates the citizens in the assembly and helps them reach decisions. More technically, political scientists Amy Gutmann and Dennis Thompson define deliberative democracy as “a form of government in which free and equal citizens and their representatives, justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are binding on all citizens but open to challenge in the future.” It has several operating principles:

1. The reason-giving requirement, which means that the assembly’s members give reasons for their actions that “should appeal to principles that individuals who are trying to find fair terms of cooperation cannot reasonably reject.”
2. The accessibility requirement, which means that “to justify imposing their will on you, your fellow citizens must give reasons that are comprehensible to you.”
3. The binding requirement, which means that the assembly is not just an intellectual exercise. It will produce decisions that are binding on their fellow citizens for a period of time.
4. The dynamic requirement, which means that the assembly “keeps open the possibility of a continuing dialogue, one in which citizens can criticize previous decisions and move ahead on the basis of that criticism.” (11)
Modern citizens’ assemblies seem to have started in British Columbia in 2004. Ireland has a citizens’ assembly that numbers among its accomplishments creating referenda in which the entire population voted in 2015 to end the ban on gay marriage and in 2016 to end the ban on abortion. Both referenda passed easily, perhaps because they were discussed and drafted by the Irish Citizens’ Assembly. (12) Citizens’ assemblies have been used in Scotland, the Netherlands, and Poland. In the United Kingdom Extinction Rebellion called for a citizens’ assembly to deal with the climate and ecological emergency. (13)

References

2. No Author, “Reelection Rates Over the Years,” *Center for Responsive Politics*. No date.

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