

Voting, Shirking, and Self-Policing in Congress*

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Abstract

A large body of research has found that legislators “ideologically shirk” prior to retirement - i.e. vote self-interestedly at the expense of their constituents. I argue to the contrary that retiring legislators and those pursuing post-Congressional careers maximize their utility by remaining faithful to voters, not by shirking, since opportunism is treated with enmity by former constituents and punished by prospective employers. I test this hypothesis using survey data on former House Representatives’ post-elective employment histories. I find no evidence of shirking. Neither retirees nor officeholders going on to other careers alter their voting patterns prior to departure.

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A quintessential principle of representative government is that election-driven legislators will be responsive to constituent demands, else they will be held accountable for their actions and forced from office (Mayhew 1974; Fenno 1978; Canes-Wrone, Brady, and Cogan 2002). U.S. Congressmen and women use a mix of strategies to satisfy voters: casework and pork barreling are two of the most common. On the floor of the House of Representatives, a regular tactic is to act as a “delegate” (Miller and Stokes 1963; Pitkin 1967) and vote the preferences of the district’s median voter (Erikson and Wright 2000). Reelection motivations encourage officeholders to align their floor records with district ideology throughout much of their political careers, but unfortunately for democratic governance, there is little incentive for *retiring* legislators to honor their constituents’ wishes in Congress. Threats of electoral sanction disappear during the last period, allowing representatives to behave opportunistically -- or “ideologically shirk” -- by casting votes that are in their own interests and against those of their constituents (Kalt and Zupan 1984). These ballots diverge markedly from what voters expect, and at their most extreme, they may even have a negative effect on the welfare of the district.¹

The standard theory of political shirking contains two primary theoretical assumptions: (1) last-period malfeasance occurs due to the absence of electoral constraints on legislators’ behavior and (2) departure from Congress is synonymous with retirement. What this theory overlooks, however, is that most exiting legislators forego retirement in favor of prestigious, well-paying public or private sector employment (Parker 2008) and that those who do retire typically return home (Fenno 1978). In this paper, I argue that anticipation of post-elective

¹ For example, when retiring representatives in farming, manufacturing, or military communities vote in ways that are economically harmful to those interests.

employment and a desire to retain the goodwill of former constituents leads to self-policing in politics and the prevention of ideological shirking. I suggest that exiting Congressmen and women refrain from last-term opportunism because it is penalized by prospective employers and ex-constituents: shirking results in fewer, less lucrative job opportunities and evokes hostility from the district. I test this argument by analyzing the relationship between last-period voting and the departure choices of former members of the U.S. House of Representatives.

Returning and Exiting Legislators: Differences in Utility Optimization

Building on the pioneering work of Robert Barro (1973), the shirking literature distinguishes the rational behavior of reelection-seeking legislators from that of departing members (see also Ferejohn 1986). The general argument is that returning politicians maximize utility (i.e. retain power) when they faithfully perform the duties of office on behalf of constituents, while exiting legislators achieve the same when they spurn voters in favor of personal gain. The key mechanism that determines rational behavior for these two types of officeholders is the electoral constraint. Politicians hoping to continue in office are at the mercy of voters once every two or six years, and those who fail to pay due consideration to constituent demands run the serious risk of electoral defeat. Thus, it is no surprise that legislators rationally choose to represent the electorate's interests in Congress. Not only do officeholders attend floor votes at high levels, they also vote their constituents' ideological preferences. Legislators from liberal-leaning states and districts overwhelmingly take liberal positions on legislation, and vice versa for conservative areas, irrespective of their personal ideologies. These behaviors signal voters that their representatives are hardworking and loyal, thereby increasing their chances of reelection.

The rational behavior of exiting legislators is different. Politicians in their last period are

neither bound by electoral constraints nor are they otherwise accountable to voters. This allows them to consume the perquisites of office without fear of reprisal. Research has shown that departing members participate in fewer-roll call votes (Lott 1990; Figlio 1995; Rothenberg and Sanders 2000), decrease the number of bills they introduce into legislation (Herrick, Moore, and Hibbing 1994), make fewer speeches in Congress (Herrick, Moore, and Hibbing 1994), and increase the number of foreign trips they take (Parker and Powers 2002).

Controversy over Ideological Voting

Scholars have identified many categories of last-period opportunism, but none has sparked more controversy in the literature than ideological shirking. As noted previously, ideological shirking exists when legislators cast votes that are inconsistent with their constituents' interests, often because their personal preferences diverge from the median voter's. One tell-tale sign that legislators are acting opportunistically is when they alter their voting behavior relative to earlier Congresses. For example, a retiring representative in a conservative district who votes more liberally in the final term than he has in previous years is ideologically shirking. A sizeable body of research has uncovered evidence of such opportunism on the part of departing representatives (Kau and Rubin 1979; Kalt and Zupan 1984; Nelson and Silberberg 1987; Zupan 1990; Figlio 1995; Rothenberg and Sanders 2000; Tien 2001; Snyder and Ting 2003). Rothenberg and Sanders (2000) determined that the variation in ideological voting was 52% greater for legislators in their final period than for continuing members, while Tien (2001) found that departing officeholders in very liberal districts voted 6 points more conservatively relative to their returning counterparts. Looking for over-time changes in individual voting records, Figlio (1995) found that retiring legislators voted 4.5 points more liberally prior to exiting than they had throughout their careers. These studies differ with respect to the amount of

shirking that occurs, but they each point to the same substantive conclusion: The last-term voting behaviors of departing officeholders stray significantly from constituent expectations.

These findings have not gone unchallenged, however, as other scholars have found no measurable differences in members' voting patterns over time (Lott 1987; VanBeek 1991; Lott and Davis 1992; Poole and Romer 1993; Poole and Rosenthal 1997; Jenkins and Nokken 2008). These researchers agree with Poole and Rosenthal's (1997, 76) bold declaration that legislators "die in their ideological boots," meaning that they enter and exit Congress with the same ideological dispositions. Two closely related theoretical arguments have been advanced to explain the apparent absence of ideological shirking. First, drawing on Lott (1987), Poole and Romer (1993) and Poole and Rosenthal (1997) suggest that representatives acquire political capital when they adopt a "brand name" (i.e., stable ideology) upon their first election to Congress. Brand names function as a sort of "Cliff's Notes" that provide cheap information about legislators (e.g., ideological preferences and related policy stances) and allow voters to make electoral decisions with little additional information. Officeholders build their images around these strategic devices, aware that a majority of their constituents do not have the time or inclination to follow their every move and will instead rely on the brand name to infer how they will vote if reelected. Brand names prove so beneficial in securing reelection, these authors contend, they remain stable even in the face of exogenous shocks, such as those brought upon by Congressional redistricting or a legislator's impending departure from Washington (Poole and Romer 1993; Poole and Rosenthal 1997).

This is a sophisticated argument, but there are limitations that undermine its application to the last-period. A foremost issue is that there is evidence legislator ideologies do not remain stable over time, contrary to what proponents of the "ideological boots" thesis assert. A growing

number of studies have determined that legislators shift ideological positions (i.e., brand names) when the benefits outweigh the costs, often in response to changes in the political climate or clear signals from the electorate. The bulk of these studies has focused on redistricting (Glazer and Robbins 1983, but see Poole 2007; Glazer and Robbins 1985; Stratmann 2000; Boatright 2004). Stratmann's (2000) analysis of ideological position-taking in the 1980s and 1990s, for instance, revealed that officeholders reacted to their reapportionment into more conservative districts by reducing the number of liberal votes they cast. Bolstering this evidence is one recent inquiry that moves past redistricting to examine the impact of an unexpected gubernatorial change -- namely, the recall of former California governor Gray Davis -- on the voting behavior of state representatives (Kousser, Lewis, and Masket 2007). These authors, too, found that brand names are not invariant, concluding that officeholders "ideologically adapted" to the new environment in order to distance themselves from the ousted governor.

One implication of these findings is that the theoretical link between political brand names and last-period voting becomes tenuous: If legislators alter their ideologies as circumstances dictate, there is no reason to expect that they will remain stable in the final term when politicians no longer have to please their constituents. Moreover, Poole, Romer, and Rosenthal do not explain what benefits brand names bring in the last-period. Although the authors point to them as mechanisms that constrain ideological shirking, there is little discussion beyond allusions to their importance in earlier Congresses (see, especially, Poole and Rosenthal 1997, 85). The problem with this reasoning is that last-term politicians no longer need to signal voters how they will act in the future, and brand names lose their usefulness. In order for brand names have the effects these authors expect, they must provide benefits that transcend Congressional service. In the next section, I suggest that anticipation of ex-post rewards

persuades legislators to keep their voting records unchanged.

The second argument for why ideological shirking may not materialize in the last term is that political markets “sort” the shirkers from the non-shirkers (Lott and Reed 1989; Bender and Lott 1996). Two key points underlie this explanation. The first proposition is that the ideological correspondence between legislators and their constituents is decisive in determining the likelihood of reelection. Extending this idea to its logical conclusion, the argument implies that voters monitor their representative’s legislative activities (e.g., speeches, floor votes) at home and in Washington for signs of present or future unfaithfulness. Second, those politicians who survive long enough electorally to voluntarily retire must have preferences that coincide with voters. Hence it does not make sense for politicians to ideologically shirk prior to exit because they would be voting against their own interests -- an incredibly irrational form of behavior indeed!

There is some empirical evidence that sorting mechanisms prevent last-period shirking (Bender and Lott 1996). However, recent research using more a more sophisticated methodology found no differences between the voting records of junior and senior officeholders, leading Rothenberg and Sanders (2000) to conclude that the electorate does not “weed out” members in the way the sorting theory predicts. On the contrary, they find evidence of ideological shirking on the part of retiring legislators, regardless of their level of seniority.

In summary, despite decades of study, there is little scholarly agreement regarding the existence and amount of ideological shirking that occurs in Congress. Nor, either, is there consensus on the mechanisms that might prevent such opportunism. The continuing controversy in the literature suggests that further theoretical and empirical work on this important issue is warranted.

How Self-Policing Prevents Shirking

This paper advances a third explanation for why politicians fail to act opportunistically during their last period. The central proposition is that retirees and legislators going on to post-elective careers are accountable for their last-period behavior, since opportunism will be met with enmity by former constituents and punished by prospective employers; hence, self-policing by legislators concerned with future earnings and the acquisition of prestigious post-elective positions or how they will be perceived by former constituents reduces last-term shirking. The existence of self-policing in politics has already been discussed by Parker (2004, 2005). Herein, a similar argument is applied to ideological shirking. One advantage of this argument is that it does not depend on imbuing the electorate with the ability to foresee last-period shirking, as the sorting hypothesis does, nor does it assume that politicians will hold a brand name simply as a matter of course. Rather, the argument rests on the idea that rational politicians gain more by *not* shirking in the last period. Specifically, proper behavior makes post-elective career oriented legislators attractive job hires and increases their future earnings far beyond what they could acquire by indulging themselves in the last-period, and it helps guarantee retiring legislators will be welcomed home and praised for their representation of district interests.

Consider first that *exiting Congress* is not necessarily synonymous with *retiring from work*. Some legislators may be retiring, but most are trading Congressional service for another position (Parker 2004, 2008). This observation implies that a majority of departing legislators are not in their last-period of employment. They may be in their final term of office holding, but they have career horizons that stretch beyond the House and Senate. These individuals can be expected to go on the job market soon after leaving Washington, where, like all employees, their

prior performance and productivity will be scrutinized by potential employers. Such legislators do not encounter prime conditions for political opportunism, therefore, since they (1) plan to continue on in their careers and (2) may be held responsible for their legislative behavior by their prospective bosses.

In order to maximize the salaries and prestige of these future positions, legislators make in-office human capital investments that they expect to cash in on following their exit from Congress (Parker 2008). For example, Congresspersons may cultivate skills that are valuable to specific industries or they might develop expertise that is coveted by a larger number of firms. Membership on certain committees, such as Armed Services or Appropriations, is particularly helpful in these regards, as is obtaining leadership roles and learning the ins-and-outs of the Federal bureaucracy. They expect that the training they receive in Congress, the skills they acquire, and the contacts they make will increase their attractiveness to potential employers, who will reward them for their abilities with larger salaries and benefits.

One important human capital investment officeholders make is in their reputations (Parker 2004, 2008). Legislators develop reputations for honesty, dedication to Congressional duties, and fidelity to voters in part because these qualities are important to future employers. After all, no firm, university, or organization wants to hire someone well-known to be dishonest, slothful, and disloyal when a more attractive alternative is available. Viewed this way, reputations may be thought of as providing both present and future rewards. A legislator may peg his ideological position to his district's median voter not only to secure reelection (an immediate benefit), but also to develop a reputation for Congressional service that may be attractive to post-office employers (a future benefit).

Representatives must pay careful attention to their reputations throughout their careers,

but especially during the final term of office. This is a pivotal moment for politicians, when employers decide whether they have the work ethic and personal character that their organization expects. Legislators worry that deviations from their previous behavior during this time will be interpreted by firms as a principal-agent problem, decreasing the salaries they are offered or even whether they are hired at all. Consequently, officeholders spend much of their last periods trying to convince potential employers that they will be worthy job associates and useful additions to the organization.

The way that politicians show employers that their work ethic is solid is by devoting themselves to their Congressional duties, especially those activities that are easily observable. One easy to monitor behavior is whether voting patterns change in the final period. Several interest groups, such as the Americans for Democratic Action, the U.S. Chamber of Commerce, and the American Conservative Union, regularly track and report such data. These publications are well known by corporations, lobbying firms, and other types of post-elective employers (Fowler 1982; Cochran 2003), and it is relatively easy for these groups to assess whether legislators have shirked prior to departure. Legislators who acquit themselves well in Congress by representing their constituents' wishes in the final term will be offered lucrative positions upon exiting, while those who behave opportunistically will suffer the consequences in terms of fewer job offers and lower salaries. Legislators know this to be true, and since post-elective salary maximization is a primary interest, they will refrain from indulging in self-interested behavior during the last period.

Of course, some politicians actually retire after leaving the Capitol, and we must also consider whether they will shirk prior to departure. These individuals are truly in their last periods, and they are accountable neither to voters nor post-elective employers. They will never

again endure the mudslinging that so often accompanies political campaigns and for which acts of opportunism may serve as prime fodder, not does it appear there are incentives for them to otherwise care what voters think of their policy positions. Furthermore, because these individuals are not actively seeking outside employment, they have little need to invest in reputations bolstering their post-elective career prospects.

Since self-policing does not seem to hold the same incentives for retirees as it does for legislators going on to other careers, we might assume that they allow personal ideologies to influence voting behavior in the last period; to the extent that these ideologies differ from those of their constituents, ideological shirking will ensue. As Fenno (1978) points out, however, a large percentage of retirees return home from Washington. Approximately 78% of the legislators in his study retired here, for example, as did about 86% of the retirees in the present analysis. Back in the district, these ex-legislators are required to face former constituents who may have at least loosely followed their actions from afar. Those who have served their districts well will likely be praised for their hard work and willingness to listen to and act on their constituents' behalf. By contrast, those who voted their personal preferences during the last term will be derided as untrustworthy, dishonest, and unfaithful representatives of the people. Since retiring officeholders undoubtedly prefer to be regarded positively rather than negatively by voters, many of whom may live in close proximity as neighbors, they may behave properly during the final term. They cast the same sorts of votes as they always had, hoping that this will ensure the goodwill and friendliness of their former constituents.

In short, there are two main reasons why shirking may not materialize during the last period. First, the fear of lost opportunities may induce post-office career bound legislators to constrain final-term opportunism; and second, fear of alienating former constituents and hope for

a gracious homecoming may encourage retiring politicians to keep their voting records unchanged. The following analysis tests these propositions.

Data

The unit of analysis for the study is ex-Representatives of the U.S. House. The data come from Parker's (2008) survey of former Congressional legislators, which took place between September and December, 2004. Three waves of the survey were mailed to members of the Association of Former Members of Congress, and 229 replies were received (45% response rate). All respondents exited Congress sometime between the 1960s and early 2000s, but they had varying levels of tenure and generally worked in different capacities. Some respondents were legislators for a decade or more, while others were only elected to a term or two. A number of them served in leadership positions. To test the representativeness of his sample, Parker compared it to the larger Congressional population of exiting legislators; no biases were found.

One of the primary purposes of the survey was to ascertain how officeholders behave after leaving Washington, and to this end the author asked respondents to detail their post-office employment histories. The author's emphasis on post-elective employment provides a unique test of the proposed theory, and I have constructed a panel dataset based on his survey respondents. Some readers might reasonably object that the size of the dataset ($n = 229$) is too small for empirical analysis, but two factors justify the use of these data. First, little additional data on the post-elective careers of former legislators exist. Prior studies have drawn almost exclusively on the Congressional Biographical Directory for this purpose, but it provides scant information about post-office employment. This survey offers the first comprehensive look at this issue, and it contains the most detailed information. Second, the small size of the dataset means that weak relationships between the variables will likely remain statistically insignificant.

Should any of the variables reach statistical significance, we can be more confident that a true relationship has been uncovered.

Variables

Ideological Voting

Two measures of ideological voting are typically used to test for the presence of last-period opportunism: Annual ratings from the Americans for Democratic Action (ADA) and Poole and Rosenthal D-Nominate scores. Both of these measures have been used to capture the ideological component of legislative voting in a single Congress or across time. Since many authors wish to examine voting behavior over successive Congresses, this makes Nominate scores and ADA ratings particularly attractive. In recent years, however, a prominent group of scholars has contended that neither measure is appropriate for time series analysis (Groseclose, Levitt, and Snyder 1999). ADA ratings have been criticized because the votes used to calculate members' scores vary by year, and D-Nominate scores have been critiqued because they force members' preferences to "change the same amount each year" (Groseclose, Levitt, and Snyder 1999, 46). To correct for these issues, Groseclose, Levitt, and Snyder (1999) have introduced "Adjusted" ADA scores, which allow scholars to test for over time changes in voting behavior without encountering the problems inherent in the Nominate scores or raw ADA ratings.

Since this study pools data from several Congresses and tests for changes in individual legislators' voting patterns over time -- two tasks for which adjusted ADA scores are ideal -- the primary dependent variable in this analysis is a member's **adjusted ADA rating in the last term**² (see also Tien 2001, who for similar reasons also uses adjusted ADA scores). I have used

² I nevertheless compared findings using adjusted-ADA scores to models using Nominate and regular ADA scores. See below.

Anderson and Habel's (2009) extension of the original Groseclose, Levitt, and Snyder (1999) data, since it covers members who departed Congress in the late 1990s and 2000s. There were a handful of survey respondents who did not appear in Anderson and Habel's dataset. For those members, I have calculated adjusted ADA ratings following the formula outlined in Groseclose, Levitt, and Snyder (1999, 36). Adjusted ADA scores are coded so that higher values indicate a more liberal voting record.

A primary independent variable in the analysis is a member's **average adjusted ADA score for the past four years**. This variable is a crucial component of the analysis because it takes into account determinants of past voting behavior and isolates those factors that bear on the last-period. It controls for repeated patterns of behavior, for instance. A person who has consistently voted as a conservative may be expected to repeat that behavior in the future; indeed the correlation with last period voting is extremely high ($r = 0.96$). Along the same lines, this measure also controls for reapportionment, shifts in party control of the House, and other events that occurred prior to the member's last Congress. *Whatever the analysis reveals in terms of the size and statistical significance of the other variables, in other words, is likely due to behavioral changes in the last-period and is probably not attributable to earlier incidents.* As with the dependent variable, higher scores are associated with more liberal voting.

I recognize that using this variable to identify changes in voting behavior deviates from earlier studies, which typically employ change scores for this purpose.³ Many researchers caution against change scores, however, because they introduces biases into the analysis and lead

³ With the change score approach, the dependent variable is measured as the difference between a legislator's last-period voting score and those of his previous period(s). Controls for previous voting patterns are omitted.

to incorrect inferences (Anderson et al. 1980; Fleiss 1986; Maxwell and Delaney 1990). Hence, they are not used herein.

Post-Elective Choices

A vast portion of the shirking literature has assumed that members who were not elected or appointed to higher office or defeated for reelection left the House because they retired from work. Scholars have bounded these departure decisions empirically, with each of the three choices represented as a dummy variable. There is rarely any consideration of post-elective career choices (for an exception, see Lott 1990).

Yet, as mentioned above, there are good reasons to include post-elective career choices in any analysis of political shirking. The main reason is that retiring politicians and those going on to post-elective careers are accountable for their in-office behavior in different ways. Legislators expecting to go on to post-elective careers are accountable to potential employers. They understand that these businesses and organizations are closely monitoring their last-period activities for signs of undesirable behavior, and they fear that changing their voting behavior at the last hour will jeopardize the number of job offers that they receive. Hence, I expect that legislators pursuing post-elective careers will vote the same way in the last period as they had throughout their tenure in office. In other words, I *do not* anticipate the relationship between post-elective employment and last-period voting to be statistically significant. Retiring politicians, by contrast, are leaving both political life and the working world behind them. They no longer have to worry whether voting the “wrong” way will anger their constituents and cost them the next election, but they do have to be concerned that they will no longer be welcome in the district. Thus, it is reasonable to expect the voting behavior of retiring legislators to remain unaltered during the last period. As with those pursuing post-elective careers, I expect the

relationship between retirement and legislators' final term adjusted ADA scores to be statistically *insignificant*.

In order to account for these possibilities, I draw on the survey data to segregate retirees from those who went on to post-elective careers. Legislators were placed into one of the following six categories based upon their responses to survey questions asking about their departure choices: **retired** or entered employment in **lobbying, education and non-profit institutions, private sector and financial institutions, public sector (government), and law firms**. Since respondents were explicitly asked about their post-Congress chronology, I am confident that these variables accurately depict the employment choices of ex-legislators.⁴ Each category has been made into a dummy variable, with **lawyers** representing the excluded category.

In addition to those who voluntarily left office for retirement or to assume post-elective positions, some members have **resigned** due to charges of corruption or other circumstance, have run for **higher office** (e.g., Senator or governor), been **appointed** to another statewide office or the Presidential administration, or been **defeated** for reelection. These variables have been used in other studies on ideological shirking, and they are included here as controls in the analysis to ensure that the models are correctly specified. These data were obtained from the Congressional Biographical Directory.

⁴ As noted, most studies code post-office careers from the Congressional Biographical Directory. Unfortunately, this directory generally categorizes those who exited for reasons other than defeat, resignation, or election or appointment to higher office as having “retired” from Congress. Thus, it is difficult if not impossible to determine from the directory whether members sought other types of employment following their departure from Washington.

Member Characteristics

The shirking literature has identified several member-specific characteristics that might explain voting behavior, not just in the last period but throughout the Congressional career. Three of the most widely used are **seniority** in Congress, **political party**, and **electoral slack**. To this list, I also add **constituency attention**. Lott's sorting hypothesis suggests that senior members should be less likely to change their voting behavior than their junior colleagues, since those with more years of service will have survived several election periods and come to hold personal ideologies that are close to those of their constituents. If correct, then this variable should be statistically significant, denoting that last-period voting behavior varies with tenure (see also Rothenberg and Sanders 2000). In terms of **political party**, Republicans should be more conservative than Democrats, given the parties' ideological stances. Democrats and Republicans are coded zero and one in the analysis, respectively. Representatives who win elections by wide margins might feel secure in their roles and be more willing to let their views influence their voting behavior. Those who have just barely captured the district vote, on the other hand, are vulnerable to political opponents and might go to great lengths to show that they are in touch with constituents. **Electoral Slack** is measured as the percentage of the district vote the incumbent received in the previous election, which was obtained from the official election statistics reported by the Clerk of the House of Representatives. Finally, politicians who provide greater levels of constituency attention might be able to off-set the ill-will that comes from voting personal preferences and be more willing to alter their voting behavior in the last-period. **Constituency attention** is the average number of days each legislator spent in his or her district in the past four years, as reported in the Report of the Clerk of the House of Representatives and the Statement of Disbursements as Compiled by the Chief Administrative Officer.

District Variables

The composition of a member's constituency will undoubtedly impact how he or she votes, since different types of districts will expect their Congressional Representatives to support varying positions. Perhaps the most important district-level predictor of voting behavior identified in the literature is **district ideology**. Representatives from liberal districts have a higher probability of casting liberal votes, of course, while those from conservative districts will likely vote conservatively. The standard measure of district ideology is used in this study; specifically, percentage of the district vote the Democratic candidate for president received in the most recent election, obtained from Almanac of American Politics and Congressional Quarterly Almanac. The Democratic candidate was chosen for ease of interpretation, and I expect a positive relationship between district ideology and the member's adjusted ADA score in the last period. According to the standard shirking argument, however, representatives whose ideological leanings diverge from their constituents are able to vote their preferences in the final period. I represent this possibility with a second order interaction term: **district ideology * political party**. If the theory is correct, we should observe a negative relationship between this variable and a member's final adjusted ADA rating.

Similarly, voters from **Southern states** have been known to elect more conservative members, regardless of that Representative's political party (Tien 2001). Thus, I expect legislators from Southern districts to cast more conservative votes. Southern districts are classified as those that are within the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia (Tien 2001). Members from these states are assigned a value of one for this variable, while all others are coded zero.

Two additional constituent variables are included as controls, following Peltzman (1984). The percentage of the population in the district that is **African American** and the percentage of the district population that is **Age 65** or older are included in the analysis to represent demographic diversity. The expectation is that officeholders who represent districts where African Americans and seniors comprise a larger share of the population will vote more liberally, since these two groups had a tendency to identify with or vote for the Democratic party (in Congressional elections) throughout the period of the study (Campbell 2003; Stanley and Niemi 2006). These percentages were calculated from figures reported in Scott Adler's online Congressional District dataset.

Analysis

Ordinary least squares regression analysis was used to examine whether exiting legislators ideologically shirk in the last period. The findings are displayed in Table 1, below. Four models were tested. The first model includes those factors expected to have the strongest effects on last period voting: prior four-year voting behavior, district ideology, electoral slack, political party, constituency attention, district demographics, and seniority. Equation 1 also includes the retirement variable, as well as variables for legislators who were atypical of their districts or who resigned, ran for higher office, were defeated for reelection, or were appointed to another position.⁵ Note that retirement has no significant impact on legislators' final roll-call votes. The second model introduces the five post-elective employment categories; as expected, these variables also have no bearing on votes cast prior to departure. Model three is confined to member and district characteristics that were statistically significant in model two, in addition to

⁵ In other models (not shown), I also included a variable for legislator's *age at exit*, which often appears in studies of ideological shirking. Including this variable did not alter my findings.

district ideology, the interaction term, and the retirement and post-elective variables.⁶ The final equation reduces the model to those variables that were significant in model three, retirement, the interaction term, and district ideology excepted. Each of these models is highly predictive of final period voting behavior, with R^2 s 0.94 or above in each instance.

Five substantive findings may be drawn from the analysis. First, the most significant influences on final term voting are member and district characteristics that are *unrelated* to departure status. Topping this list is prior voting behavior.⁷ Legislators with established voting patterns may be expected to adhere to those records in the last period. In particular, each point a member receives on the adjusted ADA index on average in the past two Congresses contributes 0.77 points to his final term score. Belonging to the Democratic party adds about 19 points to the final indexed score, while representing a Southern district decreases the same by approximately 4. Last term voting is also affected, moderately, by the percentage of seniors living in the district, with higher percentages associated with more liberal records.

One surprising result is that district ideology has no significant association with last-period voting. I suspect that one reason for this departure from earlier research is the inclusion of four year voting behavior as an explanatory variable. Prior studies have either failed to control for previous voting patterns (Tien 2001) or have limited it to the penultimate term

⁶ District ideology and the second order interaction term for atypical legislators remain in the equation due to their theoretical significance and the important role they have played in past research, despite their insignificance in models one and two.

⁷ The largest beta weights in each of the four models are assigned to four year voting behavior (not shown in Table 1). For instance, its beta weight is 0.79 in model four. The variable with the next largest beta weight is in this equation is political party, with a beta weight of 0.30.

(Rothenberg and Sanders 2000). By restricting the variable in this way, these authors may not have fully controlled the effects of prior behavior.⁸ Contrary to the shirking argument, there is also no indication of opportunism on the part of legislators who are ideologically atypical of their districts. Even in the final period, these Representatives continue to vote their constituent's preferences.

Second, there is strong evidence that self-policing by legislators prevents ideological shirking among those who are pursuing other careers. Indeed, the lure of post-elective employment and its accompanying financial rewards led the Representatives in the sample to fulfill their responsibilities to constituents by keeping their voting behavior unchanged. This finding applies to all categories of post-elective employment, and there is no evidence that legislators going into certain types of professions behave differently than anyone else. The coefficients of each of these measures is insignificant, with p-values in the general range of 0.43 - 0.85 for both models two and three.⁹ Clearly, we would have to be willing to tolerate large p-values to accept the proposition that members allow pending departure to affect roll-call votes. Barring such accession, the evidence suggests that the final voting records of those members going on to other careers are indistinguishable from those they acquired in previous Congresses.

⁸ To explore whether this is the case, I reran the analysis twice, first by excluding this variable entirely and then by replacing it with a measure of voting behavior in the second-to-last Congress (results not shown). District ideology became or approached statistical significance in the various model specifications. The overall interpretation of the results did not change, however.

⁹ The lowest p-value is for public sector/government employment (.10 in a one-tailed test, model 3). Note that this value falls far short of the conventional .05 level of significance.

Third, and perhaps most intriguing given the conclusions of some previous studies, there is evidence that retiring legislators engage in self-policing as well. Like those going on to post-elective careers, retirees remain committed to their constituents even in the last period. The coefficient of this variable is insignificant in each of the four specifications, with its lowest p-value reaching only 0.10 in a one-tailed test (model 1). The totality of the results suggests, then, that retiring legislators refrain from shirking in order to secure the friendliness of their former constituents and in the hopes they will receive accolades for their work in Congress.

Fourth, there is no indication that sorting mechanisms account for the absence of ideological shirking. As in Rothenberg and Sanders (2000), the size of the coefficient for seniority is very small and it lacks statistical significance ($p = 0.42$ in a one-tailed test, model 2). This runs counter to the sorting hypothesis, which predicts voting differences between junior and senior members. That exiting legislators with varying levels of seniority continued to vote as normal lends strong credence to the self-policing argument.

Finally, the only evidence of potential last-period shirking that this study has unearthed pertains to representatives who run for higher office or frequently return to their district. Those Representatives who campaign for higher office decrease their adjusted ADA scores by 3 points, perhaps as an appeal to the new group of potential constituents (e.g., statewide voters) whose favor they seek. With respect to district travel, increased district attention allows departing legislators to alter their final period votes in a conservative direction. This effect is negligible, however, suggesting that legislators are mindful of the magnitude of this variation. We might conclude, then, that these representatives are *just* willing to reduce their faithfulness to voters during the last-period and that at the end of the day their final votes do not radically depart from constituents' expectations.

In order to check the robustness of these findings, I also tried using logarithmic transformations of the predictor variables in order to take into account the possibility that the models are nonlinear. The substantive findings remained the same. In short, even under a variety of model specifications, I have been unable to find any evidence that exiting politicians alter their voting patterns before departure.¹⁰

Discussion and Conclusion

Many studies are devoted to ideological shirking, and to date the evidence has been mixed. Unfortunately, the ideological boots and sorting hypotheses are unable to account for the absence of last-period ideological shirking. The core proposition of the ideological boots thesis (i.e., that legislator ideologies are largely invariant) has been questioned by several recent studies, and the theory cannot explain why exiting legislators would remain ideologically stable without the possibility of future rewards. The sorting hypothesis has not been substantiated empirically in recent analyses, the present one included.

In an effort to resolve the debate over ideological shirking, this study offers several theoretical and empirical contributions to this literature. Theoretically, the article extends arguments made in earlier studies to suggest why rational politicians, free of electoral constraints, will nevertheless respect constituents and keep last-period voting behavior

¹⁰ In separate analyses (not shown), I substituted the appropriate ADA LQ and First Dimensions DW-Nominate ratings for the relevant Adjusted ADA scores. Despite their problems, I also ran the models using change scores [(Voting Behavior at time T) - (Voting Behavior at time T -1)]. Using the ADA LQ ratings produced nearly identical results, though **ran for higher office** is no longer statistically significant in any of the models. None of the substantive findings differed when the DW-Nominate ratings or change scores were used.

unchanged. The theory retains the classic economic assumption that legislators seek utility maximization, but argues that greater utility comes to those who preserve the status quo voting-wise. Legislators realize that a strong work ethic, loyalty, and a good reputation will bring greater rewards in the long term -- both personal and financial -- than the short-run utility brought by last period self-indulgence. These propositions are borne out in the analysis, as the results suggest that legislators take care to remain faithful to voters throughout their tenure in office.

Empirically, one strength of the article is that it segregates exiting legislators by type of post-elective employment. Few studies differentiate former legislators in this regard (exceptions include Lott 1990; Santos 2004). Yet, the inclusion of these variables arguably provides a more valid and precise test of political shirking than occurs through use of a measure derived from the Biographical Directory of the United States Congress. With the Biographical Directory measure, all legislators who have not gone on to other positions in government are considered to be “retired.” This makes it impossible to tell how expectations of the future impact last period behavior, let alone how individuals with different employment statuses acted. By segregating legislators with other careers from those who did retire, we can look for behavioral differences among those who chose different post-Congress paths. This approach was useful in showing that employment-seeking Representatives engage in self-policing, regardless of the type of position they obtain, as do retirees. Given these promising findings, the inclusion of these or similar variables may again prove fruitful for future research endeavors.

With regard to the larger shirking and representation literatures, the article contributes to a growing body of evidence that self-policing in legislatures provides a source of constraint on political cheating. There is some indication that concerns over “reputational capital” lead to

self-imposed restrictions on honoraria income and legislator foreign travel (Parker 2004, 2005). To this evidence, we might add the findings of this study, concluding that due to self-policing, ideological shirking is not quite the problem that some scholars contend (Figlio 1995; Rothenberg and Sanders 2000; Tien, 2001).

But, of course, this article does not purport to give the final word on last period opportunism. There are many areas where problems of self-indulgence may be manifest; for example, in the sponsorship of bills or in the amount and types of constituent services offered during the final term (Herrick, Moore, and Hibbing 1994). The results of this analysis suggest that these findings need to be revisited, to determine whether expectations of post-elective employment mitigate shirking in these arenas. And, with respect to instances where self-policing has already been observed, we may add more precision to our conclusions by considering legislators' perceptions of future earnings.

If the self-policing argument is correct -- and there is growing evidence that it is -- it might also apply to instances of foreign travel, constituent services, and other areas where last-period opportunism may be present. If this argument generalizes to other situations and we discover that politicians do not engage in political shirking, either out of concern that they will alienate former constituents or fear that they will anger prospective employers, we might have to reconsider the whole idea of a "last-period problems" in politics.

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Table 1
Explaining Last-Period Ideological Voting

Predictors	Model 1	Model 2	Model 3	Model 4
Constant	15.24*** ^a (2.28) ^b	12.92* (1.84)	15.09** (2.84)	16.09** (3.16)
Average Adjusted ADA Score (Past 4 Years)	0.77** (18.62)	0.77** (17.96)	0.77** (18.55)	0.77** (19.19)
Average District Travel in Days (Past 4 Years)	-0.02* (-2.17)	-0.02* (-1.98)	-0.02* (-1.90)	-0.02* (-2.05)
District Ideology	0.02 (0.25)	0.03 (0.27)	-0.01 (-0.13)	-0.02 (-0.22)
Electoral Slack	0.01 (0.11)	0.02 (0.32)		
Political Party	-15.48* (-1.78)	-15.29* (-1.74)	-18.81** (-2.39)	-19.48** (-2.51)
District Ideology*Political Party	0.05 (0.26)	0.04 (0.22)	0.12 (0.69)	0.14 (0.82)
Southern States	-4.13* (-2.03)	-4.05* (-1.95)	-4.01* (-2.14)	-4.00* (-2.20)
African American	-0.01 (-0.07)	-0.01 (-0.01)		
Age 65	0.39** (2.21)	0.39* (2.13)	0.39** (2.22)	0.40** (2.28)
Seniority	-0.04 (-0.35)	-0.02 (-0.22)		
Defeated for Reelection	0.39 (0.21)	0.53 (0.29)		
Ran for Higher Office	-3.59* (-1.78)	-3.58* (-1.74)	-3.40* (-1.90)	-3.29* (-1.87)
Resigned	-4.98 (-1.41)	-5.07 (-1.39)		
Appointed to Another Office	7.04 (0.77)	4.99 (0.52)		
Retired	-3.44 (-1.27)	-2.28 (-0.73)	-2.20 (-0.75)	-2.99 (-1.18)

Entered Lobbying		0.96 (0.45)	0.38 (0.19)	
Entered Non-Profit/ Education		1.96 (0.79)	1.72 (0.71)	
Entered Private Sector		0.82 (0.31)	0.55 (0.22)	
Entered Public Sector/ Government		3.34 (1.28)	3.21 (1.31)	
R	0.97	0.97	0.97	0.97
R²	0.94	0.95	0.94	0.94
Number of Cases	137	137	137	137

a. Unstandardized regression coefficients

b. T-Values

*. Value is significant at $p < 0.05$ level in a one-tailed test

**. Value is significant at $p < 0.01$ level in a one-tailed test

Appendix Data Sources

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