

Does the United States Supreme Court decision on *Citizens United v. the Federal Election Commission* affect the voluntary departure of United States Senators?



Hypothesis

The Supreme Court decision to recognize associations as persons and allow them to use unlimited funds as political speech will increase the number of Senators who choose to voluntarily depart from Congress in anticipation of a contentious election, therefore there should be a difference in the rate of departure and the departure profile of Senators.

Method

The research spreadsheet covers the 108th Congress-113th Congress within the time frame of January 1st, 2002 to the current 2013 Congress. The sample set is made up of 600 different entries - 100 Senators for each of the six Congresses. The data was organized into the categories: Senator, Party, Voluntary Departure from Congress, Year of Voluntary Departure, Senate Years of Service, Numbers of Years in the Senate, and Last Reelection Margin. All of the information entered is public, and the statistics can be found reported through multiple online sources. The information on voluntary departure from Congress and the year of departure were found at <http://www.rollcall.com/politics/casualtylist.html>. Subtract the Senator's retirement year from their year of birth to find their age at the time of retirement. The years of service in the Senate and their birth year came from <http://bioguide.congress.gov/biosearch/biosearch.asp>. The data on each Senator's last reelection win margin came from the Wikipedia page "United States Senate elections" or http://en.wikipedia.org/wiki/United_States_Senate_elections, for the years 2002, 2004, 2006, 2008, 2010, 2012. Calculate the win margin by subtracting the runner-up's percentage of the vote from the winning Senator's percentage.

About the *Citizens United vs. Federal Election Commission* decision

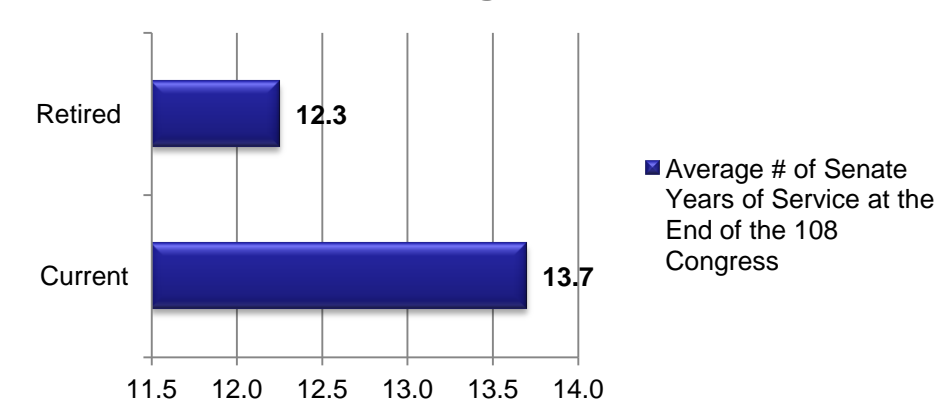
- Decided January 21, 2010
- Strikes down prohibitions on independent expenditures and electioneering communications for corporations and unions by stating that the previous restrictions violated the First Amendment's protection of free speech.
- The First Amendment protects *associations* of individuals as well as individual speakers, and the First Amendment does not allow prohibitions of speech based on the identity of the speaker.
- As established in *Buckley v. Valeo*, spending money is essential to disseminating speech, so limiting a corporation's ability to spend money is unconstitutional because it limits the ability of its members to associate effectively and to speak on political issues.
- Removes the previous ban on associations using their treasury funds for direct advocacy.
- Organizations are free to call on others to vote for or against specific candidates.

Works Cited:

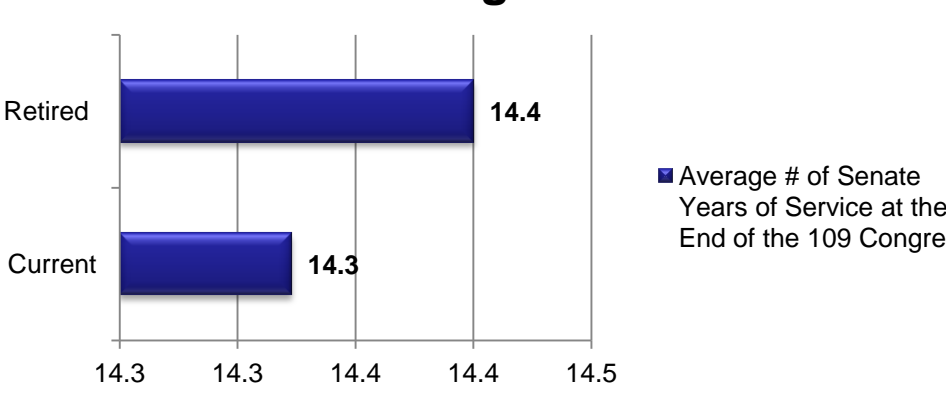
-Bernstein, Jeffrey L. and Wolak, Jennifer. *Political Research Quarterly*. "A Bicameral Perspective on Legislative Retirement: The Case of the Senate". Sage Publications. <http://prq.sagepub.com/content/55/2/375>. May 2002.
-Wolak, Jennifer. *Legislative Studies Quarterly*, XXXII. "Strategic Retirements: The Influence of Public Preferences on Voluntary Departures from Congress". University of Colorado at Boulder. May 2007. p. 285-308.

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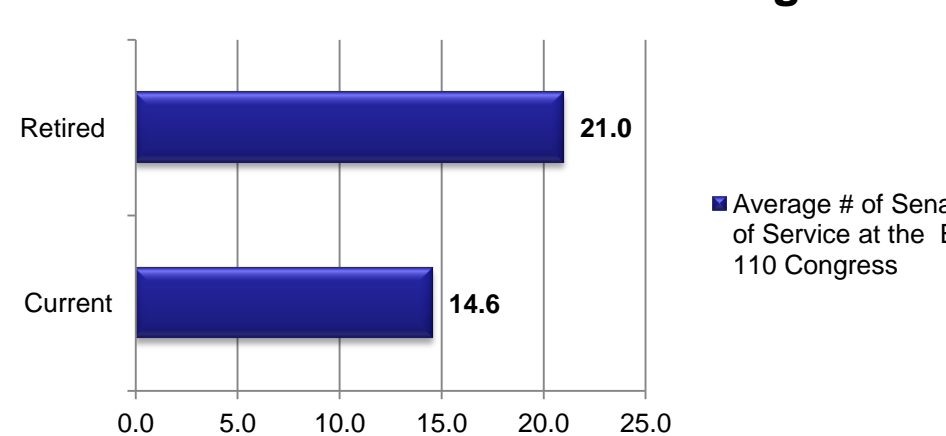
Average # of Senate Years of Service at the End of the 108 Congress



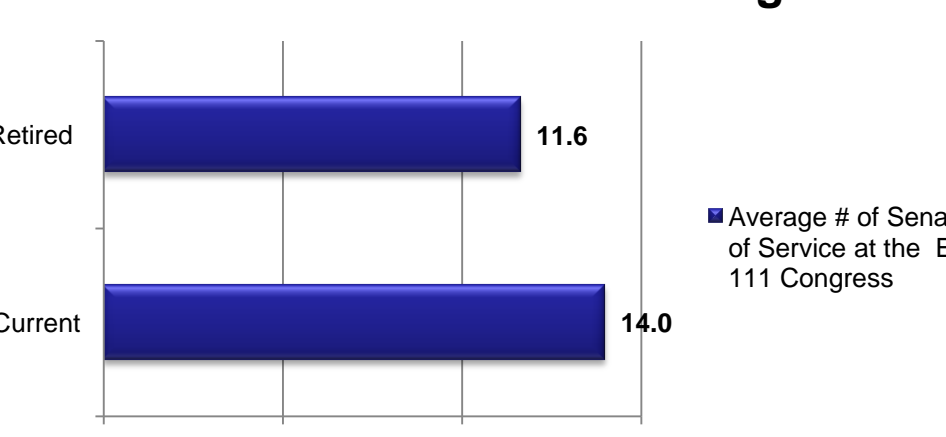
Average # of Senate Years of Service at the End of the 109 Congress



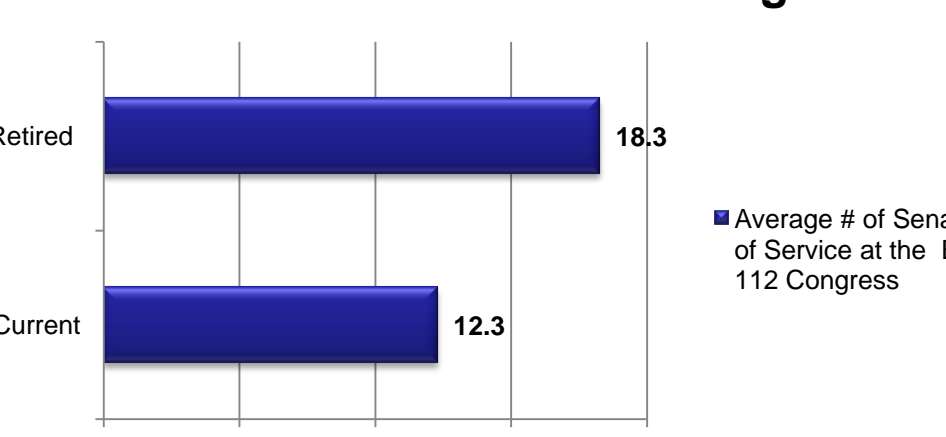
Average # of Senate Years of Service at the End of the 110 Congress



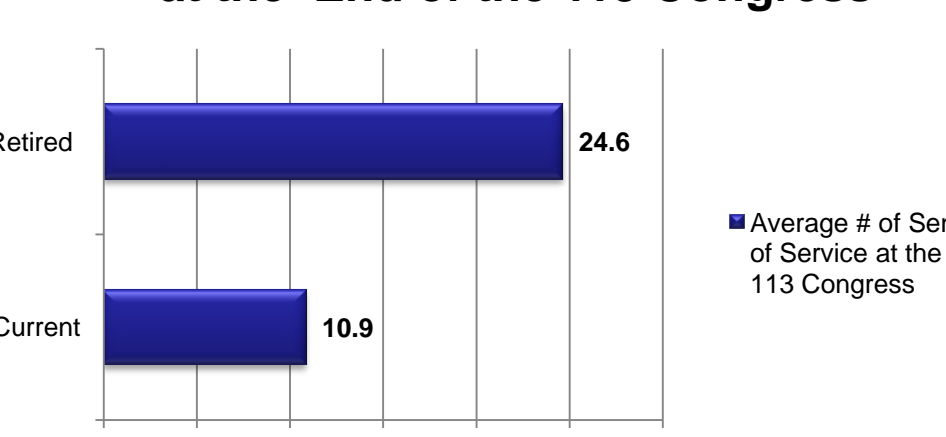
Average # of Senate Years of Service at the End of the 111 Congress



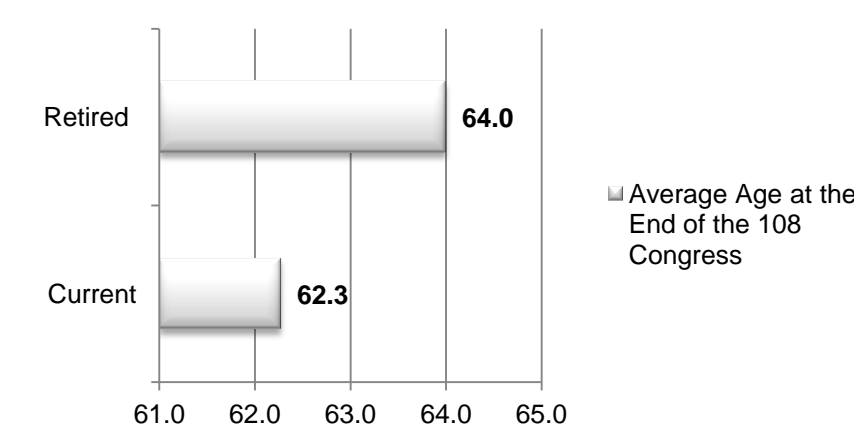
Average # of Senate Years of Service at the End of the 112 Congress



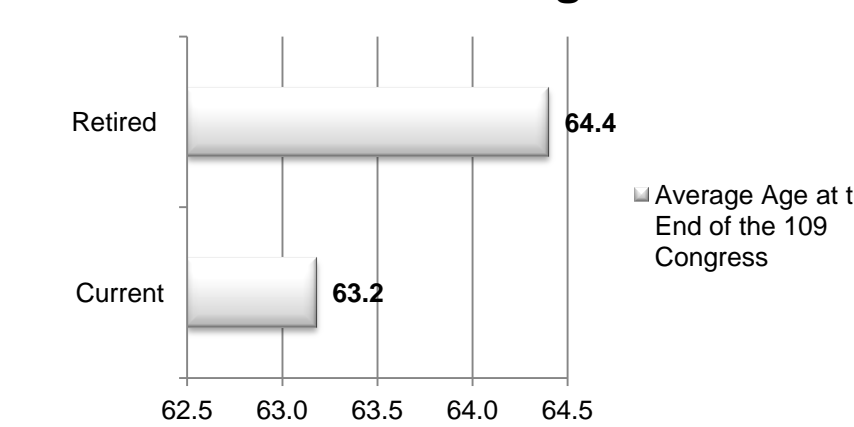
Average # of Senate Years of Service at the End of the 113 Congress



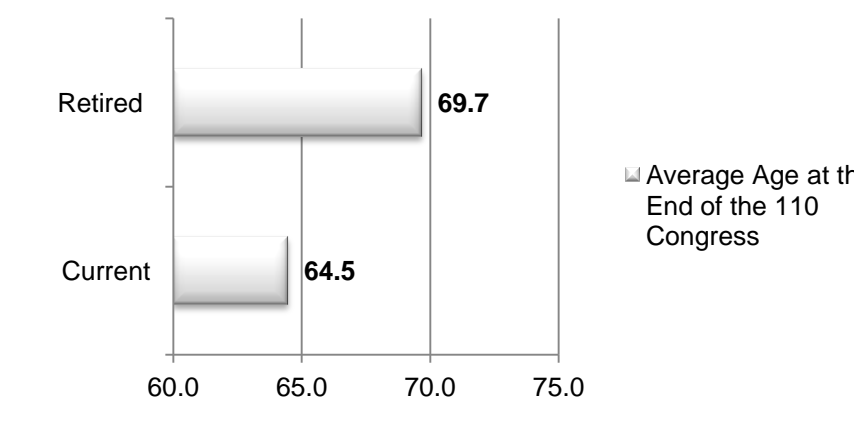
Average Age at the End of the 108 Congress



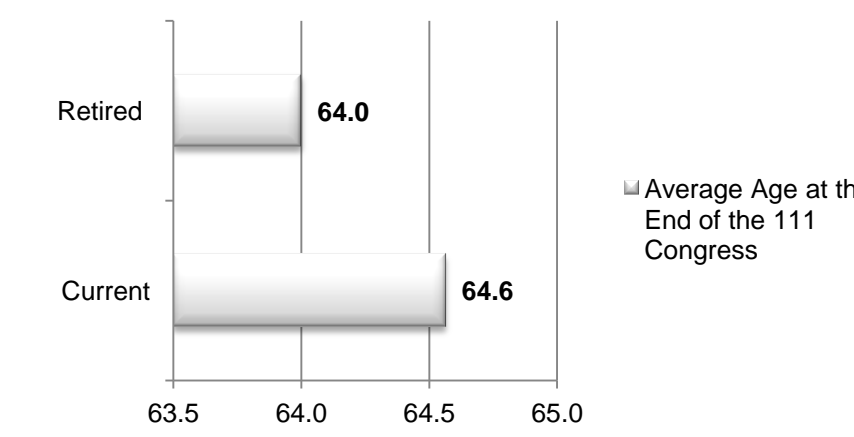
Average Age at the End of the 109 Congress



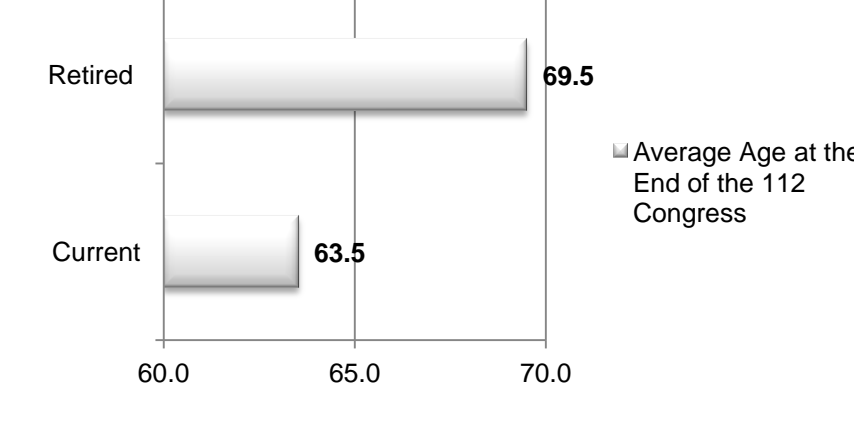
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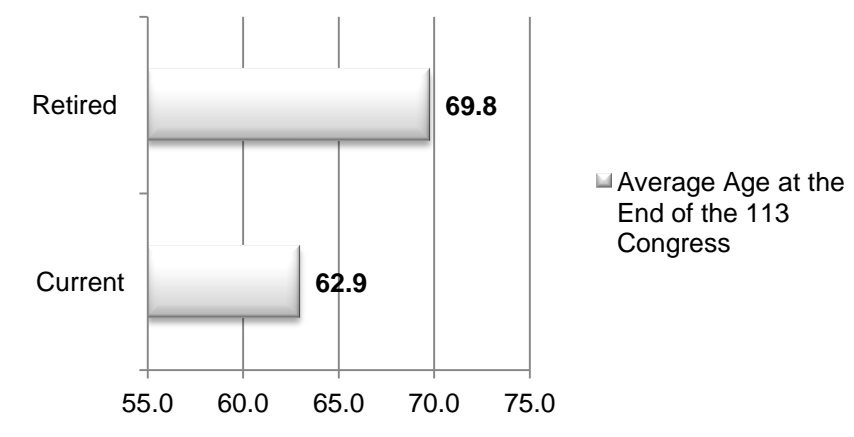
Average Age at the End of the 111 Congress



Average Age at the End of the 112 Congress



Average Age at the End of the 113 Congress



Why do Senator's Voluntarily Depart?

Resignation

- Scandal



- Unsatisfied with job



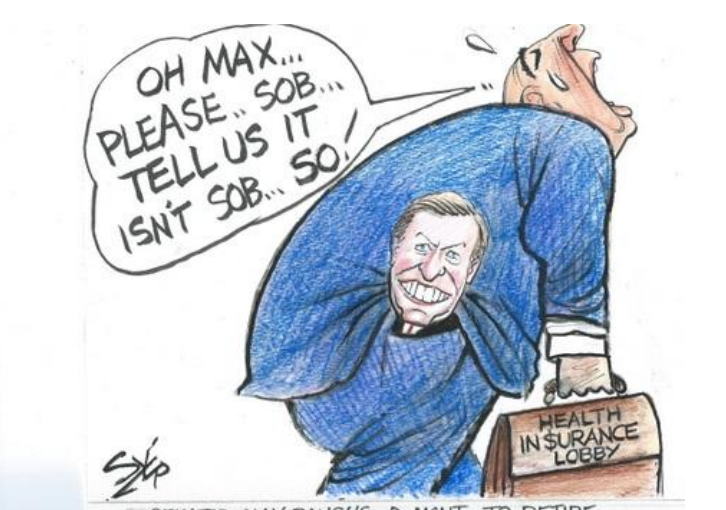
- Higher office

Retirement

- Anticipation of a loss



- Better job



-Classic retirement

Pre-Citizens United Departures:

108 Congress

Ernest Hollings, Don Nickles, John Breaux, Bob Graham, Ben Nighthorse Campbell, Peter Fitzgerald, John Edwards, Zell Miller

109 Congress

Paul Sarbanes, Jim Jeffords, Bill Frist, Jon Corzine, Mark Dayton

110 Congress

Pete Domenici, John Warner, Trent Lott, Larry Craig, Wayne Allard, Chuck Hagel, Barack Obama

Post-Citizen United Departures:

111 Congress

Joe Biden, Chris Dodd, Kit Bond, Byron Dorgan, Judd Gregg, Jim Bunning, George Voinovich, Evan Bayh, Hillary Clinton, Mel Martinez, Ken Salazar, Roland Burris, Carte Goodwin, George LeMieux, Paul G. Kirk, Ted Kaufman

112 Congress

Jeff Bingaman, Kent Conrad, Herb Kohl, Joe Lieberman, Daniel Akaka, Kay Bailey Hutchison, Olympia Snowe, Jon Kyl, John Ensign, Ben Nelson, Jim DeMint, Jim Webb

113 Congress

Max Baucus, Carl Levin, Tom Harkin, Jay Rockefeller, Tim Johnson, Saxby Chambliss, Mike Johanns, John Kerry

Conclusion

The rate of departure has increased after 2010, which suggests that elections are more competitive. With more Senators departing from Congress, we will likely see the years of service decline. This will also make for less career Senators. However, there was not a significant difference in the age of non-departing Senators which suggest that, although elections have become more competitive, incumbents still retain the advantage. Another finding that stood out was that the retirement rate only slightly rose but the number of resignations greatly increased. This is partly due to the 2008 presidential party change and the appointments that followed, but there are also Senators that are cutting short their service to the public in order to work for private business. If the trends from my research continue, it can be expected that more Senators will be resigning and that more incumbents will be beat out than in the pre-Citizens United period.