Member Background: Implications for Incivility in the U.S. Congress

Aimee Arvayo

Northern Illinois University

University Honors Program Capstone Project

Fall 2016
Abstract

Politicians often receive criticism regarding their uncivil conduct as elected officials. There is no exception for members of the U.S. Congress. Instances in which elected officials act inappropriately while performing the official duties of their elected offices constitute acts of incivility, the phenomenon this research aims to study. This research investigates whether certain background qualities, specifically the procurement of a law degree, state legislative experience and gender, influence U.S. Congress members’ likelihood of being implicated in uncivil acts. Upon reviewing the historical databases for both the New York Times and the Washington Post using keywords relating to incivility, the researcher reviewed members of Congress whom have been implicated in at least one act of incivility as published in these major periodicals while performing the duties of his or her elected office. The researcher noted the background characteristics of each implicated member, and its randomly selected non-implicated matched pair, from the Biographical Directory of the United States Congress. This information was included in the analysis to determine whether these background qualities predict incivility.
Member Background: Implications for Incivility in the U.S. Congress

Many U.S. citizens are fond of disparaging the American political system, with clear majorities being particularly critical of elected politicians. Polling groups and media outlets regularly conduct public opinion polls which show dismal job-approval ratings for politicians in the United States. Congress most often has a lower approval rating than that of the president (Dennis 1981). When interpreting these ratings, many pundits criticize the lack of bipartisan compromise in the legislative arena. Media outlets often focus on the lack of productivity of Congress and stalemate on certain legislative priorities, which led to the shutdown of the U.S. national government in 2013 over an annual budget impasse. But, what causes stalemate in Congress? A body of academics argues that the level of incivility of members in Congress is an important part of the story.

What exactly is civility or incivility? To know what civility is, it is first helpful to know what it is not. Schraufnagel (2005) posits a distinction between partisan conflict and civility when measuring conflict in the U.S. Congress. Partisan conflict refers to the ideological differences members have on policy-related issues. This usually refers to differences in the policy preferences of members from the two major parties. Civility, according to Schraufnagel, is the “product of interpersonal relationships and individual personalities, which is independent of partisan disagreement over public policy” (217).

There are plenty of examples of incivility since the country’s inception. In 1804, Aaron Burr shot and killed Alexander Hamilton. In 1856, Preston Brooks from South Carolina beat Charles Sumner from Massachusetts on the Senate floor with a cane. During the 1950s, Wisconsin Senator Joseph McCarthy leveled scathing personal attacks toward individuals he accused of being communists or communist sympathizers (Shea and Sproveri 2012). Since the
1980s, academics and media have noticed a marked decrease in civility among members of Congress (Uslaner 1993; Schraufnagel 2005). Although more modern examples of incivility may not involve death or physical abuse, incivility is still an issue, such as the instance of Representative Joe Wilson (R-SC) shouting, “You lie!” to President Barack Obama while he was addressing a joint session of Congress in 2009 (Shea and Sproveri 2012).

Shea and Sproveri (2012) write that periods of political incivility are dangerous for democracy. During these periods, tension grows among members of Congress which when paired with high levels of partisanship, leads to low legislative productivity (Dodd and Schraufnagel 2012). Periods of incivility in Congress can also leave citizens with a bad taste in their mouths. People may be turned off by the nature of the political discourse and thus lose faith in the political process as a whole. This negative public sentiment can create ill will, spurring public incivility and a general distrust of government (Shea and Sproveri 2012). Dionne (1991) goes as far to say that “a nation that hates politics will no longer thrive as a democracy” (355). If incivility is linked with decreased democratic legitimacy in the United States, it is worth considering the implications of civility (or lack thereof).

To aid our understanding of the implications of incivility, exercised by members of Congress, this research will investigate the backgrounds of members who have been implicated in uncivil acts. In particular, the research will test a series of hypotheses related to the educational and legislative backgrounds of implicated members. Each implicated member will be paired with another member of Congress from his or her same chamber, in the same Congress, and from his or her same party. This will hold constant any chamber, time period, and/or partisan effects on uncivil member behavior.
Theoretical Analysis

The study of member incivility in Congress is still in its infancy. Although research has shown that incivility has been present throughout history, research on the topic as it pertains to the U.S. Congress did not gain traction until the late 20th century (Shea and Sproveri 2012).

Scholars have pointed to the importance of studying incivility in Congress. Burdett Loomis (2000) argues that there is a growing distrust and incivility in society as a whole: “In a society that incarcerates more and more of its citizens, that encourages litigation for resolving disputes, and that builds increasing numbers of gated communities, there is little sense that trust will grow much stronger in the short term” (8). Eric Uslaner (1993) agrees, arguing in his seminal work that Congress has become less civil because it represents a society which has become less civil. Uslaner (2000) notes: “Senators obstruct. Representatives can’t block legislation so easily, so they make a lot of noise instead. Legislators, like young children, only create a scene when they can’t get their way” (34). The utility of incivility for members creates concern because lack of compromise, brought about by acts of incivility, creates gridlock and makes passing legislation more difficult (Uslaner 2000). Schraufnagel (2005) agrees, arguing that incivility can cause delay in Congress’s completion of its duties.

Few scholars have gone about measuring levels of incivility in the U.S. Congress. Uslaner (2000) found that a less trusting citizenry is very strongly correlated to high levels of incivility in Congress. By measuring the deviations in ideology of both parties in both chambers of Congress of the 80th through the 105th Congresses, Uslaner observed an increase in ideological difference since the 89th Congress that accompanied an increase in negative feelings about the future of the nation by the citizenry. In his conclusions, Uslaner commented on the importance
of the level of societal incivility in explaining the increasing incivility in Congress: “a trusting citizenry will not tolerate a Congress that seeks to divide the nation against itself” (51).

Schraufnagel (2005) measured incivility by reviewing stories about contentious personality-related conflicts within Congress in stories in the Washington Post and New York Times, noting mentions of the terms comity, civility and rancor in Congress-related articles. An average of the articles per year which included these terms was used to create a score of personality-based conflict in each biennial Congress. Three political scientists also reviewed the congressional summaries provided in the Congressional Quarterly Almanac, rating each Congress, from 1977 to 2000, on a seven-point scale judging its level of incivility, comity, and rancor (219). Schraufnagel found that incivility is likely to influence policy negatively and separately from partisan conflict.

Dodd and Schraufnagel (2012) also measured incivility using the Washington Post and New York Times articles, hypothesizing that a larger number of articles written about congressional incivility would indicate a greater level of incivility in Congress. They studied articles which discussed the breaking of norms and instances of personality conflict. These instances in articles were used to calculate an average level of incivility in each Congress. Dodd and Schraufnagel found that both high and low levels of conflict in Congress inhibit the passage of landmark laws, and moderate levels of conflict encourage the passage of landmark legislation.

Background measurements for members of the U.S. Congress are far sparser in peer-reviewed literature. The Congressional Biography Directory (CLERKWEB) can be used to measure member background, measuring each member’s education (e.g., obtaining a law degree) and legislative experience (e.g., holding a state legislature seat). These background measures can be noted upon reviewing each member’s biography. According to this proposal’s
hypothesis, members with a law degree and/or prior state legislative experience would be less likely to be implicated in uncivil acts.

There is still much to investigate regarding the levels of incivility in Congress. Prior research has focused on explaining the phenomenon of incivility more generally. Informed by the aforementioned research, this research will explore how the background of members relates to incivility in the U.S. Congress. This research will investigate aspects of the backgrounds of members whom have been implicated in uncivil acts. As noted, background considerations for implicated members will include completion of law school and state legislative experience, deeming both a law degree and state legislative experience as “high quality” backgrounds. Every member’s gender will be noted, as well. Each implicated member will be paired with another member from the same chamber, Congress, and party to control for these alternative explanations. I expect to find that the background quality of members whom have been implicated in uncivil acts will be lower than the background qualities of non-implicated members. I also expect to find that female members of Congress will be less likely to be implicated in uncivil acts as compared to their male counterparts since scholarly literature has shown that women in legislatures are typically less egocentric and belligerent than men (Page and Shapiro 1992, 95; Welch and Hibbing 1992, 202).

Research Design

This research design aims to study the implications of the quality of member background on the level of incivility among members of the U.S. Congress. Prior research has shown that high levels of incivility lead to lack of compromise among legislatures (Uslaner 2000). Lack of compromise creates gridlock and leads to difficulties in Congress performing its responsibilities, the most important of these responsibilities being the deliberation and passage of legislation.
(Schraufnagel 2005). Considering the increasing levels of gridlock and policy stagnation within the U.S. Congress in recent years, studying the qualities of members of Congress which could reveal information about subsequent gridlock in Congress is undoubtedly valuable.

In order to perform this analysis, a qualitative method of analysis is needed. The units of analysis in this study are individual members of the U.S. Congress whom served at some point in the periods of the 45th Congress through the 113th Congress, corresponding to the years 1877 to 2014. A time series design will be used.

**Measuring member incivility**

In order to best analyze the level of member incivility, the research bases the levels of incivility among members of the U.S. Congress on articles which cite members performing uncivil acts while performing official Congressional business during their tenures. These articles were pulled from the *New York Times* and the *Washington Post* from the time period of the Congresses studied. When searching for articles on the historical databases for both the *Times* and the *Post*, terms associated with incivility in prior research were used (Schraufnagel 2005; Dodd and Schraufnagel 2012). Examples of terms marked as indicators for implication in uncivil acts include the following: “contempt,” “hot-headed,” “impertinence,” and “incivility”. In addition to a search of these terms, the search included the more general terms of “Congress”, “House of Representatives”, and “Senate”. These searches were limited to articles written about the 45th Congress through the 113th Congress. Member incivility was measured according to a dichotomous dependent variable design. Based on the presence (or lack thereof) of documented instances of incivility among particular members of the U.S. Congress, each member was coded as either “implicated” or “non-implicated”.
This method directly measured specific terms associated with civility and incivility. It provides for a generalizable, standardized process by which members are evaluated based on descriptions of them among newspaper articles during their tenures as members of the U.S. Congress. This process can be replicated for members of different Congresses with differing party control and still yield valid evaluations of the implications of members in uncivil acts. Resulting articles which come up in the search within the historical databases of the *Times* and the *Post* follow a consistent procedure which allows for other researchers to enter the same terms used in this research within the same timeframe to yield the same articles from which this research chose to analyze member incivility more in depth.

Potential limitations to this design choice include the possibility that terms not used in this research could also reveal acts of member incivility or that the terms chosen in this research as indicating member incivility do not accurately portray the implication of members in uncivil acts, thus lacking internal validity. The terms used have been chosen from prior articles which show significant associations between the terms and levels of incivility among members of Congress (Schraufnagel 2005; Dodd and Schraufnagel 2012). However, the possibility that other terms would better predict member incivility cannot be overlooked. In terms of the reliability of the research, there is some room for interpretation among the articles chosen as showing implication of members in uncivil acts since many articles were ruled out based on the judged absence of an implication of a member of Congress in uncivil acts. Although this research may consider a certain article as a good example of an implication of a member in uncivil acts, another researcher may have a different perspective.
Measuring member background

The proposed member background measurements are more straightforward than the dependent variable measurement design described earlier. To measure member background, this research used the biographies of members of the U.S. Congress in the Biographical Directory of the United States Congress (CLERKWEB). This directory is found on the website on the Office of the Clerk of the U.S. House of Representatives, as seen in Figure 1. As of the time of this writing, the website for the page is: bioguide.congress.gov. The Biographical Directory of the United States Congress includes information about members of Congress since 1774. Each member’s biography gives a description of the member which includes the member’s education and prior occupations, as Figure 2 shows.

![Biographical Directory of the United States Congress (CLERKWEB) landing page](image)

*Figure 1. Biographical Directory of the United States Congress (CLERKWEB) landing page*
CLAY, Henry, (1777 - 1852)

Senate Years of Service: 1806-1807; 1810-1811; 1831-1842; 1849-1852
Party: Democratic Republican; National Republican; Whig

Figure 2. Example biography of Henry Clay

From these profiles, this research noted information on the presence, or lack thereof, of two aspects of a member’s background: law degree and state legislative experience. Regarding the procurement of a law degree, mentions in biographies of “studied law”, “admitted to the bar”, and “J.D.” were noted as the member having a law degree. If these terms were not mentioned in the biography, it was noted that the member did not obtain a law degree. State legislative experience was noted based on the mention of an individual being a member of the state or territorial “house of representatives”, “senate”, “house of delegates”, or “assembly”. If these terms were absent from the member’s biography, it was noted that the member did not have state legislative experience. The research also noted the gender of members of Congress. Although is this an aspect of a member’s identity that cannot be chosen, this research noted such differences to inspect if gender predicted levels of incivility in addition to members’ backgrounds.

This proposed research has considerable reliability in that using the same set of criteria yield consistent results if the same time period is studied through observation of the biographies of members of Congress in the Biographical Directory of the United States Congress.
This research assumed that the procurement of a law degree and state legislative experience would be negatively associated with implication of members in uncivil acts while performing Congressional duties due to prior research finding that both educated individuals and individuals with state legislative experience are less likely to be implicated in uncivil acts (Dodd, Schraufnagel, and Von Hagel 2010). If only one of the aforementioned background qualities was present, it was still assumed that those members would be less likely to have been implicated in uncivil acts. I also assumed that female members of Congress would be less likely to be implicated in uncivil acts as compared to their male counterparts, based on prior research which revealed this association (Dodd, Schraufnagel, and Von Hagel 2010).

**Controlling for additional explanations**

This research used a random matched-pair analysis. Each implicated member studied was matched with a non-implicated member from his or her same chamber, Congress, and party. All non-implicated members of Congress were randomly selected based on a process of selecting matched-pair members in the resultant searches by multiples of four. In the case of members of the House, the first ten multiples of four were used (4, 14, 24, 34, 44, 54, 64, 74, 84, 94). Due to the smaller size of the Senate, members of the Senate were selected using only the first four multiples of four (4, 14, 24, 34). If a member chosen as a matched-pair in the search was either implicated or already used as a non-implicated matched-pair, the next member whom had not already been used in the data analysis was chosen (e.g., if the 34th and 35th members were implicated, the 36th member was used as the non-implicated matched pair). This procedure of ensuring random selection of non-implicated matched pairs accounted for potential alternative explanations for the level of incivility in the U.S. Congress.
Method of analysis

This research used logistic regression to analyze the data. Considering the dependent variable was dichotomous in nature, with only “implicated” or “non-implicated” as possible outcomes, logistic regression offered the best manner to analyze this kind of dependent variable. Since this proposed research did not yield normally distributed data (binary data does not follow the standard normal distribution), other regression methods which require normal distributions were not suitable for this research design.

Results

The data for this study included 798 subjects. Each of these subjects was a member of Congress between the 45th and 113th Congress. Half of these members (399) were implicated and the other half (399) were non-implicated members whom were randomly paired based on the implicated member’s party, Congress, and chamber. Of the members included in the research, 68% procured a law degree. A smaller percentage, 44%, of the sample included members whom had state legislative experience. Only 2% of the sample were female members of Congress. These statistics appear in Table 1.

Table 1.

<table>
<thead>
<tr>
<th>Variable Name</th>
<th>Descriptive Statistics</th>
<th></th>
<th></th>
<th>Stand. Dev.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Min. Value</td>
<td>Max. Value</td>
<td>Mean Value</td>
<td></td>
</tr>
<tr>
<td>Implicated Members</td>
<td>0</td>
<td>1</td>
<td>.5</td>
<td>.50</td>
</tr>
<tr>
<td>Lawyers</td>
<td>0</td>
<td>1</td>
<td>.68</td>
<td>.47</td>
</tr>
<tr>
<td>State Legislators</td>
<td>0</td>
<td>1</td>
<td>.44</td>
<td>.50</td>
</tr>
<tr>
<td>Females</td>
<td>0</td>
<td>1</td>
<td>.02</td>
<td>.14</td>
</tr>
<tr>
<td>n = 798</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The most significant relationship with incivility proved to be the procurement of a law degree. Members of Congress who had procured a law degree, per the logistic regression, are 14% more likely to have been implicated in uncivil acts during their tenures as members of
Congress. Of the members whom were not implicated, 62% had procured a law degree. However, 75% of members who were implicated had obtained a law degree. Table 2 shows these statistics. This finding runs counter to the expected hypothesis that having a law degree would improve a member’s understanding of social norms and what would constitute inappropriate behavior while performing official Congressional duties. The association is statistically significant with a p-value less than .001. Considering that individuals with law degrees make up the majority of the sample, regardless of implication in incivility, the results of the analysis do suggest that most members of Congress have an education in jurisprudence. This aside, the association between procurement of a law degree and incivility is worth noting.

Table 2.

<table>
<thead>
<tr>
<th>Variable Name</th>
<th>Law Degree Effects</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No Law Degree</td>
<td>Law Degree</td>
<td>Total</td>
<td></td>
</tr>
<tr>
<td>Non-implicated Members</td>
<td>153</td>
<td>246</td>
<td>399</td>
<td></td>
</tr>
<tr>
<td></td>
<td>38%</td>
<td>62%</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Implicated Members</td>
<td>100</td>
<td>299</td>
<td>399</td>
<td></td>
</tr>
<tr>
<td></td>
<td>25%</td>
<td>75%</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

n = 798; r = .14; p < .001

Another independent variable of this analysis, state legislative experience, did not yield as significant an association. According to the logistic regression, members of Congress who have prior state legislative experience are 5% more likely to be implicated in uncivil acts during their tenure as non-implicated members. This association also runs counter to the hypothesis which predicted that members with state legislative experience would be less likely to be implicated in incivility. It is important to note, however, that this association is not statistically significant, with a p-value of .14. The data for this variable is presented in Table 3.
Table 3.  

<table>
<thead>
<tr>
<th>Variable Name</th>
<th>No State Legislature Experience</th>
<th>State Legislature Experience</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-implicated Members</td>
<td>233</td>
<td>166</td>
<td>399</td>
</tr>
<tr>
<td></td>
<td>58%</td>
<td>42%</td>
<td>100%</td>
</tr>
<tr>
<td>Implicated Members</td>
<td>212</td>
<td>187</td>
<td>399</td>
</tr>
<tr>
<td></td>
<td>53%</td>
<td>47%</td>
<td>100%</td>
</tr>
</tbody>
</table>

n = 798; r = .05; p < .14

The analysis also measured the effect of gender on members’ implication in uncivil acts. During the data collection process, female members of Congress were labeled as “1” and male members of Congress were labeled as “0”. The regression analysis shows that female members of Congress are 6% less likely to have been implicated in incivility. This finding is not statistically significant with a p-value of .09. However, it is important to note the small size of the female subset of the sample. Of the 798 subjects in the sample, only 17 were female. If the sample had more female subjects, it possible this finding would have been statistically significant. Table 4 reveals the data from the analysis.

Table 4.  

<table>
<thead>
<tr>
<th>Variable Name</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-implicated Members</td>
<td>387</td>
<td>12</td>
<td>399</td>
</tr>
<tr>
<td></td>
<td>97%</td>
<td>3%</td>
<td>100%</td>
</tr>
<tr>
<td>Implicated Members</td>
<td>394</td>
<td>5</td>
<td>399</td>
</tr>
<tr>
<td></td>
<td>99%</td>
<td>1%</td>
<td>100%</td>
</tr>
</tbody>
</table>

n = 798; r = -.06; p < .09

Although the relationship between gender and implication is weak (r = -.06), it does follow the expected relationship set forth in the hypothesis. Simply by virtue of being a female, female members have a 39% probability of being implicated. Male members of Congress, on the other hand, have a 53% probability of being implicated. Table 5 shows these probabilities.
Table 5.  

<table>
<thead>
<tr>
<th>Variable Name</th>
<th>Probability of Being Implicated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>.53</td>
</tr>
<tr>
<td>Female</td>
<td>.39</td>
</tr>
</tbody>
</table>

\( n = 798 \)

Logistic regression was used to analyze the data. The information from the analysis is presented in Table 6.

Table 6.  

<table>
<thead>
<tr>
<th>Variable Name</th>
<th>Predicted Probability of Being Implicated, Logit Data</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Log Coefficient</td>
</tr>
<tr>
<td>Female</td>
<td>-.57</td>
</tr>
<tr>
<td>Law Degree</td>
<td>.57</td>
</tr>
<tr>
<td>State Legislator</td>
<td>.16</td>
</tr>
<tr>
<td>Constant</td>
<td>-.45</td>
</tr>
</tbody>
</table>

\( n = 798; \text{LR chi}^2 (3) = 18.69; p > \text{chi}^2 = .0003; \text{pseudo r}^2 = .0169 \)

**Limitations**

As with any analysis, this research has limitations. It is important for other researchers to consider these limitations for subsequent research measuring the variables measured in this study. If other researchers conceive of ways of improving this research design to yield more substantial results, such improvements should be made.

**Research Design**

A limitation of this measurement design is that it may be possible that other aspects of member background not listed in this research proposal may affect the level of member incivility. It is also possible that these overlooked background categories may more significantly affect member background quality than the background aspects (procurement of a law degree, state legislative experience, gender) that this research considers. Subsequent research should bear this in mind.
Another limitation of the research design is that the method of selecting newspaper articles showcasing acts of incivility performed by members of Congress may exclude certain uncivil acts due to a non-comprehensive set of keywords included in the searches of the newspaper historical databases. Although the researchers reviewing the articles had a set of words indicating incivility in their searches in the *New York Times* and *Washington Post* historical databases, it is possible that other words not included in the search criteria also indicate incivility.

**Female sample size**

The issue with the generalizability of the finding that females are less likely to engage in incivility results from the small sample of females the data contains. This merely results from the population of the study. Considering this analysis began with articles cited about members of the 45th Congress in the year 1877, there were simply no women serving in Congress for a large subset of the years analyzed in this study. Apart from the exclusion of women from Congress in earlier eras, women have never served in either chamber of Congress in as great of numbers as men, even in the modern era. With this consideration in mind, future research may aim to measure incivility while controlling for eras of Congress. An analysis of more recent eras of Congress (e.g., post-Cold War) may yield a larger proportion of female representatives in the analysis.

**Conclusion**

Upon the completion of this study, there is evidence to suggest measuring the causes of civility may not be as intuitive as was once thought. Although there was evidence to suggest female members of Congress are less likely to be implicated than their male counterparts, the other aspects of the hypothesis were not proven. Experience, in both educational jurisprudence
and state legislatures, is associated with being implicated in uncivil acts while performing Congressional duties. This runs counter to the conventional wisdom that such individuals’ experience would inform their actions in such a manner as to act more appropriately and to follow social norms. More research must be done to determine whether this in fact is the trend: that lawyers and former state legislators are more likely to be uncivil during their time as elected members of Congress. If such a trend is proven, the research may come to show that such a finding is due to the nature of individuals becoming foolhardier in their public behavior as they advance and make a career through politics.

Although the relationship between implication and female members of Congress is not statistically significant, it bears significance in that it reveals a relationship between gender and implication likelihood. Future research should focus on narrowing this relationship so that such analysis of it can provide a statistically significant finding.
References


Uslaner, Eric M. 2000. Is the Senate More Civil than the House? In B.A. Loomis (Ed.), 
