

## INTERESTS VERSUS IDEOLOGY IN THE RATIFICATION OF THE 16TH AND 17TH AMENDMENTS

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The ideology of Progressivism that peaked in the early years of the 20th century brought with it the 16th amendment, which allowed the federal government to tax incomes, and the 17th amendment, which mandated direct elections of Senators. Both were ratified in 1913. The 16th amendment provided the financing for government to expand its scope, and the 17th amendment created more democratic accountability, which both were goals of the Progressive movement. An examination of House and Senate voting on these amendments suggests that those opposed to the amendments voted against them based on interests rather than ideology.

The 16th and 17th amendments to the US Constitution, both ratified in 1913, were a part of the Progressive movement's agenda to make federal government policy more responsive to the economic well-being of its citizens. In the 19th century the role of government was limited mainly to the protection of individual rights and the defense of national interests, but toward the end of that century there was an increasing demand from citizens to expand the role of government so that government would look out for the economic interests of its citizens in addition to just protecting their rights.<sup>1</sup> The 16th amendment, which allowed a federal income tax, was a way to provide revenues to finance the Progressive agenda. The 17th amendment, which required the direct election of Senators, was a way to make government more accountable to the people, and therefore more responsive to the economic well-being of the masses rather than the nation's elite. Both amendments were a part of the Progressive ideology. This paper examines whether opposition to the amendments went along ideological lines, or whether those who opposed the amendments did so in support of their more narrow self-interests.

The Progressive Era, which dates from approximately the beginning of the 20th century until the start of World War I, brought with it a number of reforms intended to restrict the influence of those with significant economic power, in order to enhance the economic well-being of the larger number of citizens with

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<sup>1</sup> Anderson and Hill (1980) note the Supreme Court decisions that enabled government to broaden its role in the economy, starting with *Munn v. Illinois* in 1877, and Higgs (1987) documents the change in ideology that occurred around the turn of the 20th century and led to an increasing governmental presence in individuals' economic affairs.

more modest means. The increased antitrust activity under the leadership of President Teddy Roosevelt obviously was intended to curb the influence of those with concentrated economic power for the benefit of those who believed they were being exploited by the trusts. The Food and Drug Act in 1906, the creation of the Federal Reserve in 1913, and the establishment of the Federal Trade Commission in 1914 are other major manifestations of the government's expanded role as the guardian of the economic well-being of its citizens in addition to being the protector of their rights. The 16th and 17th amendments were an integral part of this Progressive agenda.

With the Progressive ideology envisioning an expanded role for the federal government in the economic lives of the nation's citizens, the 16th amendment enabling income taxation played the obvious role of providing revenues to fund the expansion of government. However, one well-recognized potential problem with expanding the scope of government is that government tends to provide benefits for those with political power. The Progressive solution to this problem was to make the government more directly accountable to the voters, so that public policy will respond more to the demands of the masses of voters rather than to the economic elite. The 17th amendment was intended to do this by mandating that Senators be elected directly by the voters rather than chosen by the state legislatures.

The purpose of this paper is to examine whether the Congressional voting on these amendments took place more along ideological lines, or more along the lines of the narrow interests of the states that the congressmen represented. Both amendments enjoyed widespread support, as Constitutional amendments must to be ratified. Both amendments did have some opposition, however, and this paper examines whether the opposition was organized along ideological lines, in which case those opposed to the Progressive agenda should oppose both amendments, or along interest group lines, in which case different groups would oppose the two amendments depending upon their particular interests. The paper finds that opposition to the amendments was along interest group lines rather than ideological lines. This conclusion is consistent with the more general notion that legislative voting is influenced more by interests than ideology.<sup>2</sup> Before examining the voting on the amendments, the next two sections review some of the issues behind both amendments and further explain their roles as a part of the Progressive agenda.

## 1. THE 16TH AMENDMENT

The 16th amendment, which allowed the federal government to collect income taxes, is one of the most far-reaching Constitutional amendments. Beyond a

<sup>2</sup>Kau and Rubin (1979) were the first to address this question in an empirical framework, and concluded that ideology was an important determinant of Congressional voting behavior. Kalt and Zupan (1984) offered supporting evidence, but Peltzman (1984) dissented. These early contributions have sparked an ongoing debate on the influence of interests versus ideology.

doubt, the federal government could not have grown the way it has in the 20th century without the ability to tax incomes. Indeed, the revenue-raising potential of the income tax was one of several issues raised in the debate over its passage. Edwin Seligman (1914, p. 627), a professor at Columbia, argued that rejecting the income tax “. . . would be almost equivalent to advocating national suicide. At all events, it amounts to a deliberate decision to put the national government at an enormous disadvantage at the very time when no possible advantage can be safely neglected. To withhold from the government of the United States a power which is possessed by the smallest of its competitors would be a monstrous folly.”

The revenue-raising potential of the income tax was a key issue related to the Progressive agenda. In the 1880s the federal budget was consistently in surplus, but after 1890 it remained roughly balanced. If new agencies like the Food and Drug Administration and the Federal Trade Commission were going to be created and funded, the federal government needed to find a source of additional revenues. In addition to the revenue issue, two distributional issues loomed large in the debate as well. One was the relative merits of income tax revenues versus tariff revenues, which provided the bulk of US government revenues prior to the passage of the 16th Amendment. Because the US Constitution prohibits taxes on exports, the less industrial states had long felt that tariffs fell unjustly on them. Agricultural states tended to import manufactured goods on which tariffs were paid, but exported their agricultural commodities to industrial states which, especially in the case of cotton, would then use the agricultural products as raw materials for manufactured goods which would then be exported duty-free. This was one of the issues that divided the northern and southern states prior to the Civil War.

A second and related distributional issue regarded how the burden of taxes fell across income classes. Seligman (1914, p. 642) argued that income taxation would “. . . tend to redress existing inequalities” by making the tax system more closely correspond with the ability to pay principle of taxation.<sup>3</sup> In recommending passage of the 16th Amendment, Seligman (1914, p. 628) notes, “The pending constitutional amendment, even though it does not go as far as some might think wise, is not only legally defensible and politically innocuous, but it is above all, economically sound. It is therefore from every point of view eminently desirable.”<sup>4</sup> The issue between the southern and northern states mentioned in the last paragraph had to do with taxing importers versus exporters, but because incomes were generally higher in the north also, an income tax would hit the more industrialized northern states harder precisely

<sup>3</sup> Seligman discusses the ability to pay principle most extensively in his first chapter.

<sup>4</sup> The first edition of Seligman's book was published in 1911, prior to the passage of the 16th Amendment. The second edition leaves most of the first edition unchanged, but does append material discussing the amendment. Looking at the income tax today that has been enabled entirely by the 16th Amendment, one must wonder how much further than the current system Seligman would have liked to have seen the powers granted by the 16th Amendment expanded.

because of their higher incomes. From a distributional point of view, poor states would benefit relative to wealthy ones if the income tax were adopted.

The differential regional impacts of the income tax also manifested themselves in party differences. The Republican party, the party of Lincoln, found its strength in the northern states, while the Democratic party was dominant in the southern states. Thus, the income tax found a natural base of support in the Democratic party,<sup>5</sup> and Democratic President Grover Cleveland moved to establish a federal income tax in the 1890s, but the Supreme Court, in a narrow 5–4 decision, declared it unconstitutional in 1895. The Republicans, who had dominated the White House since Lincoln's election,<sup>6</sup> regarded the protective tariff as the keystone of the Republican economic program, but in 1909, William Howard Taft, believing that tariffs had been pushed to high, supported a constitutional amendment to allow an income tax. Despite President Taft's support, many Republicans remained opposed, so the issue was divided to a degree along party lines as well as regional lines.<sup>7</sup>

The income tax did pick up some support from Republicans after being an issue that was pushed originally by Democrats, and found support in the South and West, but opposition in the North. Thus, while one can see the income tax as a part of the Progressive agenda to expand the scope of government, there were also clearly identifiable regional and political interests with regard to the issue.<sup>8</sup> The issue was divisive to be sure, but it was a cornerstone of the Progressive agenda. As economic historian Robert Higgs (1987, p. 112) says, "More than anything else, tax policy brought political factions directly into the distributional struggle, and here the Progressives achieved their most pregnant triumph: the Sixteenth Amendment to the Constitution."

## 2. THE 17TH AMENDMENT

The 17th amendment, which mandated the direct election of senators, was a major step in the continual broadening of the representativeness of federal elections that began almost as soon as the Constitution was written. The original Constitution specified direct elections only for members of the House of Representatives. Senators were chosen by their state legislatures, and the president was to be chosen by an electoral college. The Constitution specifies that the states decide how their members of the electoral college are chosen, and

<sup>5</sup> Buenker (1985, pp. 122–123) reports that the Democratic party viewed wealthy bondholders as the main targets of an income tax.

<sup>6</sup> Cleveland was the only 19th century Democratic president to be elected after the Civil War.

<sup>7</sup> Any constitutional amendment must have substantial support to make it through the approval process, but Republican sentiment against Taft was strong enough that, after hand-picking Taft as his successor to the White House, Teddy Roosevelt challenged Taft for the Republican nomination in 1912. When Taft got the nomination, Roosevelt ran as a third party candidate, splitting the Republican vote and allowing Woodrow Wilson to become only the second Democratic president since the Civil War.

<sup>8</sup> Waltman (1985, pp. 16–17) discusses the relationship between Progressivism and the income tax, but also notes that interest groups were influential with regard to tax policy

while at first electors were commonly chosen by their state legislatures, states increasingly went to direct voting to select electors. By the 1830s only one state (South Carolina) did not have direct voting for electors.<sup>9</sup>

The idea that government officials should be more directly accountable to the people through the use of popular elections has been a recurring theme in American politics. Andrew Jackson, whose presidential terms ran from 1829 to 1837, wanted more democratic representation because he believed that otherwise the government would be run for the benefits of the nation's elite and would ignore the interests of most Americans.<sup>10</sup> Jackson's ideas on democracy surfaced again in the Populist movement in the late 1800s. The Populists were primarily agricultural interests who wanted to take control of the government from the economic elites who they believed dictated public policy, and in Jacksonian fashion they believed that more accountability through direct democratic elections was the way to do this.<sup>11</sup>

The Populist movement was all but replaced by Progressivism in the 1890s. Progressivism accepted the Populist notion that the nation's economic elites had too much power, but extended the set of aggrieved parties from agricultural interests to the nation as a whole. Trusts were oppressing factory workers as well as farmers, and big banking interests were as hard on small businesses as they were on small farms. The solution, both Populists and Progressives agreed, was more government control of economic activity, and as already noted, the Progressive agenda was advanced substantially in the first two decades of the 20th century.<sup>12</sup> Increased government control over the economy brought with it the threat that government power might fall under the control of the economic elite, and the way to prevent that was to allow voters more direct oversight over their government. Thus, the 17th amendment, which transferred the power to select US Senators from the state legislatures to the electorate as a whole was a key part of the Progressive strategy. This change was intended to make the Senate accountable to the majority of Americans rather than to the elite group of politicians in the state legislatures.

Prior to the 17th amendment almost half of the states had direct voting for their US Senators (Kenny and Rush, 1990). In those states, candidates who won the popular elections were then appointed by their state legislators to serve in the US Senate. Those states that had direct elections for Senators introduced them only a few years prior to the 17th amendment, often as a way to limit fighting within the state legislatures regarding who would be picked as the state's Senators. Of course, democratic representation had been increasing in other ways too. The 15th amendment, ratified in 1870, prohibited states from denying

<sup>9</sup> Information on methods of selecting electors is found in the Bureau of the Census, *Historical Statistics of the United States from Colonial Times to 1970*, vol. 2, pp. 1071–1072.

<sup>10</sup> This idea is expressed in Ketcham (1984, p. 141) with regard to the founding of Jackson's Democratic party. See also Schlesinger (1945, pp. 10–12).

<sup>11</sup> See Hicks (1931) and McMath (1993) for detailed descriptions of the Populist movement.

<sup>12</sup> Hofstadter (1969) discusses this era in more detail.

people the right to vote based on their race, and the 19th amendment, ratified in 1920, extended the right to vote to women. The direct election of senators, coupled with other Constitutional amendments and laws that extended the franchise made the United States increasingly democratic.

The authors of the Constitution deliberately did not create a more democratic form of selecting the nation's officials because they were concerned about the possibility that, given the power, a democratic majority could overrun individual freedoms just as surely as a monarch. Tocqueville (1835) expressed similar concerns in his treatise on American democracy. He was worried about the tyranny of the majority, and concerned that frequent elections make legislators too responsive to majority opinion. By 1900 the fear was that indirect election had led to undue influence by corporations and indifference to popular demands (US Senate, p. 45). The solution, partly embodied in the 17th amendment, was to make the government more directly accountable to the general public. If the government's role is extended to looking out for the economic well-being of its citizens, the right to vote becomes increasingly important, because the government will respond to the interests of those who are able to hold it accountable.

When public policies contain a large distributive component, the right to vote entails the ability to make a claim on the economic benefits that government has to offer. The interest group theory of government, well-understood today, was already well-recognized at the turn of the century.<sup>13</sup> The 16th amendment helped provide the financing to carry out the Progressive agenda, and the 17th amendment made the federal government more directly accountable to the general population rather than to the political elites who made up the state legislatures, and who were viewed as unduly influenced by corporate interests.<sup>14</sup>

### 3. PASSAGE OF THE AMENDMENTS

The 16th amendment had been discussed since a federal income tax was declared unconstitutional in 1895, and both the House and the Senate approved the constitutional amendment in 1909. It then went to the states where, after four years, the 36 states needed to approve the amendment had done so. The 17th amendment to require direct election of senators was first approved in the House in 1894, and was approved again in 1898, 1902, and in 1911, but was consistently opposed by the Senate. After passage of the 1911 resolution in the House, the Senate considered the issue and passed their own amendment in 1911. There was some difference in wording, but finally the House approved the Senate version in 1912, and by 1913 the 36 states necessary for ratification had approved the amendment.

Thus, one can see that although both amendments became effective in 1913 they were not simultaneously considered and approved. Nevertheless, the

<sup>13</sup> See Hughes (1977) and Holcombe (1992) for evidence that distributive activities of governments were important and well-recognized even before the Civil War.

<sup>14</sup> Campbell (1995, pp. 60–61) discusses the idea in more detail

previous sections suggested that there were well-defined interests among the states both for and against the amendments, so it is reasonable to consider whether the opposition to the amendments was ideological, based primarily on opposition to the Progressive agenda, or whether the opposition was driven more by special interests that created differences among the states.

#### 4. IDEOLOGY VERSUS INTERESTS IN THE 16TH AND 17TH AMENDMENTS

Because Constitutional amendments require a two-thirds approval of both houses of Congress and approval of three-quarters of the states to be ratified, both the 16th and 17th amendments enjoyed widespread support, as would have to be the case for any Constitutional amendment. Nevertheless, the votes were not unanimous, and dissenters could have opposed the amendments either on ideological grounds, because they wanted to slow the Progressive movement, or because they viewed that one or the other amendment was not in their own interest for some reason. If the opposition was mainly ideological opposition to the Progressive agenda, then those who opposed the 16th amendment should also have opposed the 17th amendment, while if special interests were underlying the opposition, those who favored one amendment might oppose the other.

In order to examine the issue in more detail, this section considers the votes made by the House, the Senate, and the states, in the process of ratifying the amendments. Because the votes did not occur at exactly the same time for the amendments, the same individuals were not necessarily voting for or against the amendments, so this analysis examines the votes of the state delegations in the House and Senate, and looks at the states that ratified the amendments to put them in force. The House and Senate votes are different in character from the state ratification votes because everyone in the House or Senate chamber votes the amendment up or down at the same time, whereas once it leaves Congress, states have an unlimited amount of time to vote to ratify, so can gauge the responses of other states to decide what action to take. Some state legislatures might be anxious to make a statement by voting to ratify early, whereas other states might put off the vote because of more pressing state issues, and once three-quarters of the states have voted to ratify, any action a state takes at that point is irrelevant to the passage of the amendment.

The final amendments were considered three times by each state. The state's House delegation considered them, the state's Senate delegation considered them, and the state's own legislature considered them. If state interests were the overriding concern on the amendments, then state votes should be consistent across these three votes. If anti-Progressive ideology was the key factor in negative votes, then one should see consistency across the House votes on both the 16th and 17th amendments, across Senate votes on the amendments, and across state ratification decisions. Because of the differences in state ratification votes when compared to House and Senate votes, the House and Senate votes will be considered first.

5. HOUSE AND SENATE VOTES

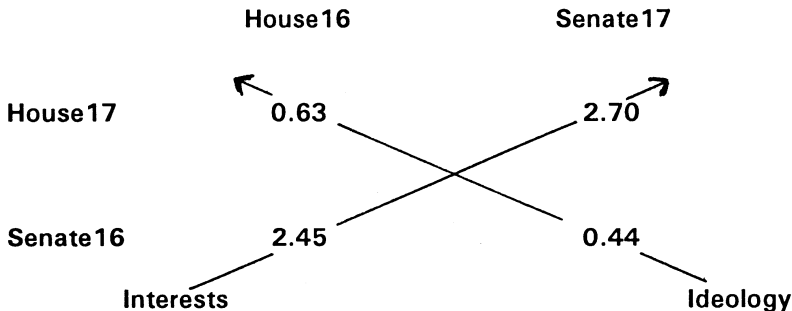
Table 1 summarizes the relationships among the House and Senate votes for the 16th and 17th amendments. OLS regressions were run to find out how closely correlated the state delegation's votes on each amendment were. The variables House16, Senate16, House17, and Senate17 are the percentage of a state's delegation that supported the amendment. With two Senators per state, the Senate variables could take on values of 0, 50, or 100, but with House delegations of different sizes there were more possibilities. The entries in the table are the *t*-statistics from the regression coefficients when one variable is used as an independent variable in a regression and the other is used as the dependent variable. For example, in a regression of the form  $\text{House16} = \alpha + \beta\text{House17} + \epsilon$ , the *t*-statistic on  $\beta$  is 0.63.

The entries in Table 1 are arranged so that two competing hypotheses about the votes are represented by the two diagonals. The diagonal including the upper left entry and the lower right entry show how closely the House votes on each amendment and the Senate votes on each amendment are correlated, under the hypothesis that opposition to the Progressive agenda was responsible for the votes against the amendments. If the voting on the amendments amounted to a referendum on the Progressive agenda, those states voting against one amendment should also vote against the other, producing a significant relationship. However, the *t*-statistics on that diagonal are 0.63 and 0.44, showing that there is not a statistically significant relationship. In both the House and the Senate, a state's voting record on one amendment was not correlated with its voting record on the other. This casts doubt on the notion that opponents voted against the amendments for ideological reasons.

The diagonal composed of the lower left entry and the upper right shows the degree of correlation among state delegations on House and Senate votes for the

TABLE 1 INTERESTS VERSUS IDEOLOGY IN THE HOUSE AND SENATE VOTES FOR THE 16TH AND 17TH AMENDMENTS

(Table entries are *t*-statistics from regressions using the column variable as the independent variable and the row variable as the dependent variable.)



16th amendment and House and Senate votes for the 17th amendment. Those *t*-statistics are 2.45 and 2.70, showing a strong correlation between the House votes and the Senate votes on each amendment. If a state's House delegation voted one way on an amendment, its Senate delegation on the same amendment is closely correlated, suggesting that the state took a consistent position on each amendment, both in the House and the Senate. Thus, state interests appear to be important in the House and Senate votes for the amendments.

The results in Table 1 show the strong correlation between House and Senate votes on the individual amendments, but show no correlation between House votes on the two amendments or Senate votes on the two amendments, which supports the notion that it was state interests, not the Progressive ideology, that explains the voting record. The voting patterns show that state delegations in the House and Senate held similar views on each amendment, but that they did not view the two amendments the same way.

#### 6. STATE RATIFICATION

After approval by two-thirds of both houses, the amendments required ratification by three-quarters of the states, or 36 states. The variables *State16* and *State17* are given the value of 1 if the state was among the first 36 to ratify the amendment and 0 if not. The logic behind this is that once the amendment has been approved by 36 states, any action taken by the remaining states is irrelevant. This lumps states that took no action or voted for the amendments after they were ratified by the necessary 36 states in with states that explicitly voted against the amendments,<sup>15</sup> and does not consider differences in state agendas that might have delayed actions in some states. What it does measure is the actual state votes that caused the amendments to be added to the Constitution.

These variables representing state ratification votes were run in regressions like those reported above for House and Senate votes, and the results are summarized in Table 2, along with the results already reported in Table 1. Looking first at the 16th amendment, Table 1 shows that the correlation between the House and Senate votes for the 16th amendment was significant at better than the 0.05 level, as already noted. However, the states that had the weakest congressional support for the 16th amendment were not closely correlated with the states that were not among the first 36 to ratify. The *t*-statistics showing the correlation between *Senate16* and *State16*, and between *House16* and *State16* show that there is not a statistically significant relationship. The results for the 17th amendment are different. There is a significant correlation among House, Senate, and state ratification decisions regardless of how they are compared.

<sup>15</sup> Four states (Rhode Island, Connecticut, Utah, and Florida) voted against ratification of the 16th amendment, and two states (Utah and Delaware) voted against ratification of the 17th amendment.

TABLE 2 CORRELATIONS AMONG HOUSE, SENATE, AND STATE VOTES FOR THE 16TH AND 17TH AMENDMENTS

Dependent variable	Independent variable	<i>t</i> -statistic	<i>R</i> <sup>2</sup>
16th Amendment			
Senate16	House16	2.45	0.12
House 16	State16	0.51	0.06
Senate 16	State16	0.18	0.00
17th Amendment			
House17	Senate17	2.70	0.14
House17	State17	2.21	0.10
Senate17	State17	2.62	0.14
Both Amendments			
State16	State17	1.35	0.04
House16	House17	0.63	0.01
Senate16	Senate17	0.44	0.00

The bottom third of Table 1 shows the correlations within the same decision-making group for votes on both amendments. If legislators viewed these two amendments as a part of the Progressive agenda, then the House votes on both issues should be correlated, the Senate votes should be correlated, and the state ratification decisions should be correlated. The highest correlation occurs with the state ratification votes, where regressing State17 on State16 yields a *t*-statistic of 1.35, which is not even significant at the 0.10 level. The *t*-statistic when House17 is regressed on House16 is 0.63, and when Senate17 is regressed on Senate16 is 0.44, as earlier noted in Table 1, showing that in neither house were the state delegation votes on one amendment correlated with the delegation votes on the other. This provides further evidence that the Progressive ideology was not the driving force behind those who did not support the amendments.<sup>16</sup>

#### 7. THE INTERESTS AND THE AMENDMENTS

If state interests were paramount in determining congressional support for the amendments, then one ought to be able to find some areas of common interests among both the supporting and opposing states. Both amendments have obvious features which would create groups of supporting and opposing states. With regard to the 16th amendment, states with lower per capita incomes would gain relative to those with higher per capita incomes, dividing states along income lines. With regard to the 17th amendment, many states had already

<sup>16</sup> A reviewer suggested looking at the first 12, and the first 18 states to ratify, in addition to the first 36. This produced lower levels of significance in all cases. Note that the timing of ratification votes is dependent not only on a state's political support for an amendment, but also on the timing of state legislative sessions, and perhaps other items on the agenda. Thus, the exact order of state ratification votes may be affected by many things other than their evaluations of the amendments.

adopted direct election for their own senators, creating a natural constituency for a constitutional amendment requiring all states to elect their senators directly.

Table 3 provides an idea of the states that supported and opposed the 16th amendment. Because constitutional amendments require supermajority support at every level to be ratified, any amendment that was ratified must have had much more support than opposition, and therefore more severe criteria were used for identifying strongly supporting states than for identifying strongly opposing states. Table 3 lists as strongly supporting states all of those states that had 100 percent support from both their House and Senate delegations, and that were among the first 36 states to ratify the 16th amendment. Twelve states qualify as strongly supporting. State per capita income figures are not available for this time period, but if one thinks of the more industrialized northeast as leading the nation in per capita income, none of the strongly supporting states fall into that category. Those that are east of the Mississippi River are in the South.

Strongly opposing states in Table 3 consist of all states which 50 percent or less of both their House and Senate delegations vote in favor of the amendment. Five states fall into the strongly opposing group. All of the strongly supporting states were also among the first 36 to ratify the 16th amendment. However, all but one (Connecticut) of the strongly opposing states also were among the first 36 to ratify. As noted in Table 2, the House and Senate votes on the 16th amendments were not closely correlated with the state ratification decisions.

TABLE 3 STATES SUPPORTING AND OPPOSING THE 16TH AMENDMENT

(Parentheses give percent of house delegation in favor, percent of senate delegation in favor, and state ratification)

Strongly supporting States	
California	(100, 100, 1)
Idaho	(100, 100, 1)
Louisiana	(100, 100, 1)
Minnesota	(100, 100, 1)
Mississippi	(100, 100, 1)
Missouri	(100, 100, 1)
Montana	(100, 100, 1)
North Dakota	(100, 100, 1)
Oregon	(100, 100, 1)
South Dakota	(100, 100, 1)
Tennessee	(100, 100, 1)
Wyoming	(100, 100, 1)
Strongly opposing States	
Connecticut	(40, 0, 0)
Delaware	(0, 50, 1)
Maryland	(50, 50, 1)
South Carolina	(43, 50, 1)
Washington	(50, 50, 1)

The simple regression results reported in Table 1 might not indicate the relationship between the 16th and 17th amendments if other variables omitted from those regressions also had an influence. Thus, it is reasonable to search for a more complete specification. To examine the issue in more detail, an index of support for the amendments was created by adding the percentage of a state's House delegation voting for the amendment to the percentage of a state's Senate delegation voting for. Support scores ranged from a low of 50 for Delaware to a high of 200 for all of those states listed as strong supporters in Table 3. This variable, called SUP16 was then used as a dependent variable in a regression that included all of the states to try to differentiate interest from ideological voting.

In the case of the 16th amendment, one can reasonably suspect that the level of income a state had might influence its support for an amendment allowing an income tax. Although per capita income figures for states were not available at the time, the original national income accounts data reported state income back to 1929, and it is likely that the wealthiest states in 1929, that would have been hardest hit by the income tax, also ranked high less than 20 years before. PCINC represents a state's per capita income in 1929.<sup>17</sup> In addition, because the main alternative to income tax revenues was tariff revenues, the amount of tariff revenues collected by state in 1914, TARIFF, was included in the regression. Because the Progressive agenda was pushed as an alternative ideology, it may also be that those unable to read, and thus be persuaded, would be less influenced by the Progressive ideology, the illiteracy rate, ILLIT, was also included.<sup>18</sup> As Hofstadter (1969, p. 187) noted, America's newspapers were solidly behind the Progressive ideology, making literacy a factor. In addition, literacy tests required to qualify to vote in some states may also make literacy a factor. The regression yielded

$$\text{SUP16} = 253.9 - 0.11\text{PCINC} + 0.25\text{TARIFF} - 2.18\text{ILLIT} - 0.06\text{SUP17} + \varepsilon.$$

(2.90)                      (1.03)                      (1.72)                      (0.45)

$$R^2 = 0.17 \quad (t\text{-statistics in parentheses})$$

The results show that per capita income has a strong negative effect on SUP16, and that ILLIT is significant at better than the 10 percent level. The tariff variable was not significant. The key point, however, is that the variable that should pick up ideological interests, SUP17, is not significant, as in the earlier regressions, reaffirming the lack of correlation between states supporting the 16th amendment and states supporting the 17th amendment. A number of

<sup>17</sup> Data from *Historical Statistics of the United States from Colonial Times to 1970*, vol. 1, pp. 243–245. While state income statistics were not kept in 1913, Simon Kuznets reconstructed estimates of state per capita incomes for 1900 and 1920. Lawrence Kenny supplied us with rough estimates of 1910 state income by interpolating the 1900 and 1920 data, and we used this income variable both along with the other variables in the regressions that follow and by itself to try to explain SUP16, but it never was statistically significant. Run as the lone independent variable against SUP16, for example, the *t*-statistic on the income variable was  $-0.84$ .

<sup>18</sup> The illiteracy rate is from the *U.S. Statistical Abstract*, 1918 ed., p. 69.

other specifications and combinations of independent variables were tried, and in no case was SUP17 ever statistically significant in a regression with SUP16 as the dependent variable.<sup>19</sup> The lack of a relationship between SUP16 and SUP17 suggests that the voting on these two amendments was not based on ideological grounds, and the significance of the income variable, as a variable representing state interests, suggests that interests rather than ideology motivated the Congressional voting on these amendments.

A similar analysis can be done of states supporting and opposing the 17th amendment. Table 4 is designed like Table 3, with strong supporters being those states with unanimous support in both the House and Senate, and that were among the first 36 to ratify. Strongly opposing states are those with a 50 percent or less approval rate in both the House and Senate. Because some states already had direct election of Senators, those states are identified in the Table with an asterisk. A comparison of Tables 3 and 4 shows that the 17th amendment had fewer strongly supporting states and more strongly opposing states. Of the six strongly supporting states, all except Wyoming already were selecting their Senators by direct election, but none of the nine strongly opposing states were.

TABLE 4 STATES SUPPORTING AND OPPOSING THE 17TH AMENDMENT

(Parentheses give percent of house delegation in favor, percent of senate delegation in favor, and state ratification)

Strongly supporting States	
Colorado	(100, 100, 1)*
Montana	(100, 100, 1)*
Nebraska	(100, 100, 1)*
North Dakota	(100, 100, 1)*
Oregon	(100, 100, 1)*
Wyoming	(100, 100, 1)
Strongly opposing States	
Alabama	(33, 0, 0)
Florida	(0, 50, 0)
Georgia	(0, 0, 0)
Louisiana	(43, 50, 1)
Mississippi	(0, 0, 0)
New Hampshire	(50, 0, 1)
New York	(43, 50, 1)
Rhode Island	(50, 0, 0)
Vermont	(0, 0, 1)

\*Indicates States that had direct elections for Senators prior to 1913.

<sup>19</sup> All of the variables used in the regression below, evaluating the 17th amendment were also tried as independent variables in the SUP16 regression, but regardless of the combination of independent variables, SUP17 was never significant. The finding that SUP17 is not correlated with SUP16 is quite robust to specification changes, reinforcing the main conclusion that interests, not ideology, determined the voting pattern.

All of the strongly supporting states were among the first 36 to ratify the 17th amendment (by definition), but less than half of the strongly opposing states were among the first 36. This is consistent with the evidence in Table 2 showing a strong correlation between House and Senate votes and the state decision to ratify the 17th amendment.

A regression equation similar to the one above was estimated to try to explain support for the 17th amendment, using independent variables to represent the interests of states on the direct election issue. A binary variable, **DIRECT** was assigned the value of 1 for those states already selecting their Senators by direct election and 0 otherwise. Two demographic variables were included to reflect the degree to which the state has a concentrated population, making a statewide campaign more reasonable to undertake. **URBAN** reflects the percentage of the population living in urban areas in 1910, and **POPMAN** represents the percentage of the population employed in manufacturing in 1914. Two variables were included to more directly represent political interests. The former Confederate states, **CONFED**, were identified with a binary variable, because they were solidly Democratic, so the state representatives could safely support direct election without fear that their party would lose representation. **PRES** is the percentage of the population that voted in the 1912 presidential election, with the idea that more politically active states would be more interested in direct representation.<sup>20</sup> The regression result is

$$\begin{aligned} \text{SUP17} = & -8.28 + 40.0\text{DIRECT} + 1.66\text{URBAN} - 1028\text{POPMAN} \\ & (2.54) \qquad (2.56) \qquad (3.65) \\ & + 59.7\text{CONFED} + 2.13\text{PRES} - 0.06\text{SUP16} + \varepsilon. \\ & (1.63) \qquad (3.10) \qquad (0.46) \\ R^2 = & 0.59 \qquad (t\text{-statistics in parentheses}) \end{aligned}$$

This equation has much more explanatory power than the previous one, and indicates several reasons why support for the 17th amendment varied across states. As one would expect, states that already used **DIRECT** elections were more likely to support the 17th amendment. The percent of the population living in **URBAN** areas also is positively correlated with support for the 17th amendment, which is reasonable because more concentrated populations would make state-wide campaigning easier to undertake. The percentage of the population employed in manufacturing, **POPMAN**, is positively correlated with **URBAN**, but after taking account of **URBAN**, **POPMAN** is negatively related to support for the 17th amendment. After the Civil War the South was solidly Democratic, meaning that the Democratic party in Southern states did not have

<sup>20</sup> Direct election states are identified in Kenny and Rush (1990). **URBAN** and **POPMAN** are from the *Statistical Abstract*, 1918 edition, and **PRES** is from *Historical Statistics of the United States*.

to worry that it would lose representation in the Senate as a result of direct elections. The positive sign, significant at the 0.10 level, indicates this. Voters would be more likely to support direct election of Senators in states where voter turnout is better, and this is reflected in PRES, the turnout in the 1912 presidential election, which is positively correlated with SUP17. The only variable in the equation that is not statistically significant is SUP16.

The key finding in the regression is that while many variables reflecting state interests are correlated with SUP17, there is no relationship between support for the 17th amendment and support for the 16th. To check the robustness of this result, a number of different specifications were run using different combinations of these variables, and other variables not reported in the above equation. The area of a state, its population density, the illiteracy rate (used in the 16th amendment regression) were tried in different combinations to see if the results were robust. In both the 16th amendment regressions and the 17th amendment regressions, support for the other amendment was never statistically significant, but variables representing state interests were. This reinforces the conclusion that interests, not ideology, explains the voting record on both amendments.

## 8. CONCLUSION

This analysis shows that state interests were more important than Progressive ideology in determining congressional votes on the 16th and 17th amendments. One would certainly not want to conclude from this that the Progressive movement was irrelevant to the passage of the two amendments, for several reasons. First, both amendments were clearly a part of the Progressive agenda to expand the scope of government, and their support has its roots in the Progressive movement. Second, both amendments received strong support throughout the United States, as any successful constitutional amendment must to garner two-thirds support in the House and Senate followed by the approval of three-quarters of the states. Because of the substantial support that both amendments received, the failure to turn up evidence on ideology in the voting record is really evidence that there was no organized ideological opposition to this part of the Progressive agenda. The amendments were widely supported, but not unanimously supported, and it is worthwhile to consider what factors might lead to support or opposition for the amendments.

If those who opposed the amendments did so because of their opposition to the Progressive agenda, then there should have been a close correlation between House votes on the 16th and 17th amendments, Senate votes on the 16th and 17th amendments, and state ratification decisions on the two amendments. There was not, implying that opposition to the amendments was not based on ideological factors. If opposition was more based on state interests, then the House and Senate votes on the same amendments should have been closely correlated, and there was a highly significant correlation between House and

Senate votes on both the 16th and 17th amendments, suggesting that state interests played a key role in the decision not to support an amendment.

Buchanan and Tullock (1962) made the important distinction between constitutional and post-constitutional decision-making, and there has been a substantial body of literature since that time arguing that interest group politics tends to dominate legislative decision-making.<sup>21</sup> The evidence presented here on the 16th and 17th amendments shows that interest group politics also plays an important role in constitutional decision-making.

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<sup>21</sup> See, for examples, McCormick and Tollison (1981), Weingast, Shepsle, and Johnsen (1981), and Holcombe (1985).

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