How the most disliked — and elected — profession is disappearing from politics

Ana Swanson   January 19, 2016

Republican U.S. presidential candidates before the start of the Fox Business Network Republican presidential candidates debate January 14, 2016. REUTERS/Chris Keane

Yet American politics is actually full of lawyers. New research that looks at more than 200 years of historical data by Nick Robinson, a lecturer in law at Yale, shows that lawyers have had an impressive influence on politics. In total, more than half of all presidents, vice presidents and members of Congress in U.S. history had a background in law.

It makes you wonder whether, all told, lawyers have had a larger influence on American society through political offices than they have in courtrooms.

Thinking of higher office

Have you ever considered running for office? If so, you are in the minority – unless you are a lawyer. Only about 5 percent of Americans have ever thought about running for elected office, according to [a 2002 survey](). Yet according to another survey [Robinson cites](), 58 percent of lawyers have considered the idea.

Yet, Robinson's data shows that the influence of lawyers in politics is on the decline – even though lawyers make up a greater percentage of the U.S. population today than ever before.

Lawyers dominated politics in the 1800s, making up 80 percent of the U.S. Congress at mid-century. In 1890, about 1 out of every 265 lawyers in the U.S. were current members of Congress, Robinson says, citing data from the American Bar Association.

Fewer and fewer lawyers on the Hill

The percentage of Congressional members that are lawyers has been continuously dropping since the 1960s.

Period	Percentage
1789-90	52.6%
1849-50	Highest: 79.5%
1909-10	71.3%
1965-66	57.5%
2015-16	Lowest: 36.5%
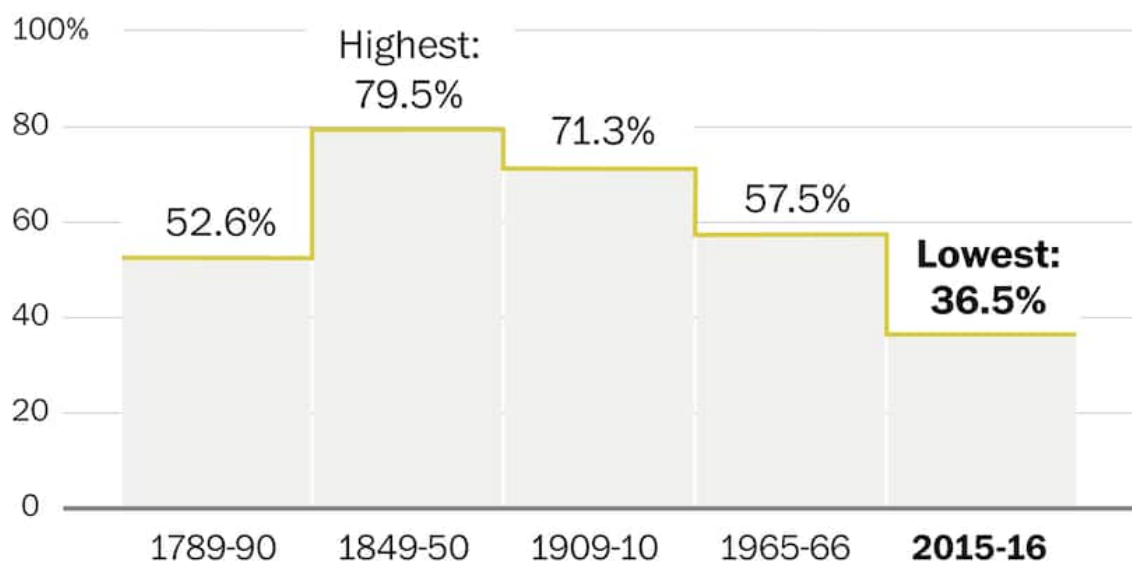
Source: CQ Press, Nicholas Robinson

STEPHANIE STAMM/THE WASHINGTON POST

When Alexis de Toqueville, the French thinker who captured an iconic

portrait of early America, visited the U.S. in the early 19th Century, he described lawyers as a kind of political aristocracy. "In America there are no nobles or men of letters and the people is apt to mistrust the wealthy; lawyers consequently form the highest political class," he wrote.

Lawyers rose to the top in American politics for several reasons, says Robinson. They have a clear affinity for making laws, and voters often value their skills in rhetoric and argument, as well as their preoccupation with justice.

Lawyers also tend to earn more and come from more elite family backgrounds – giving them the resources to pay for high-priced law schools and political campaigns. The South appears to have produced the greatest proportion of lawyer/politicians, while the West has produced the least, as the map below shows:

Map 1: Percent of Congressional Delegation (1945-2015) that are Lawyers[61]

Nicholas Robinson, "The Declining Dominance of Lawyers in U.S. Federal Politics"
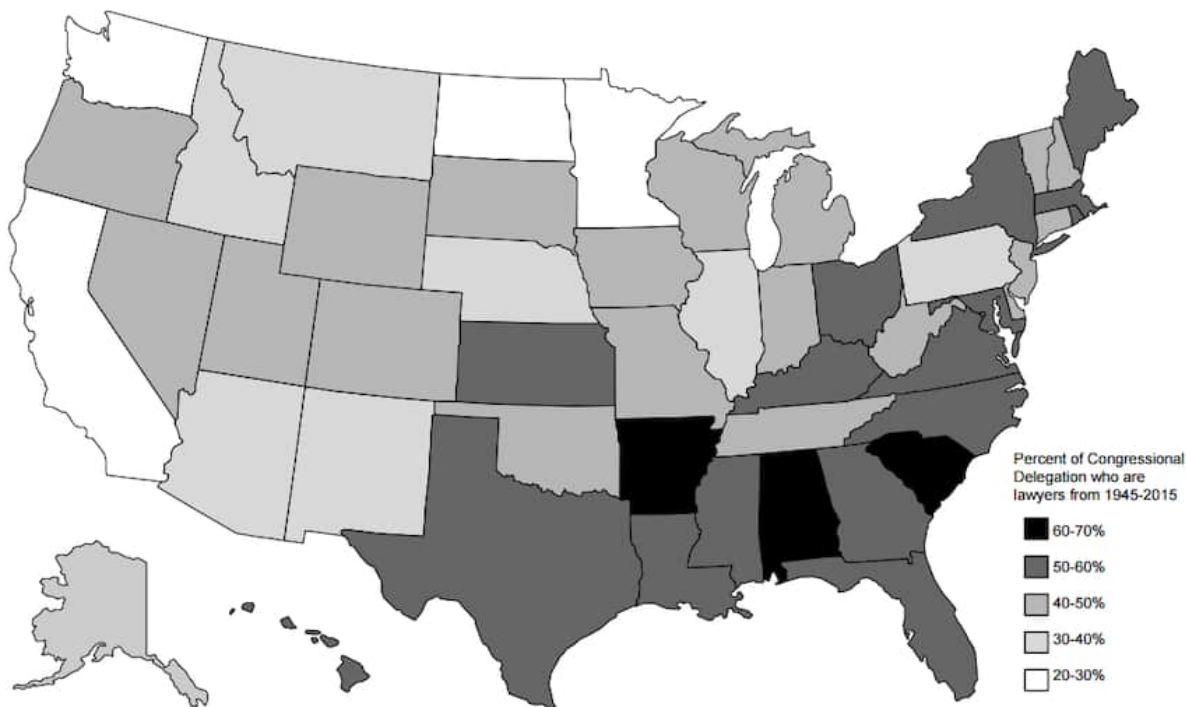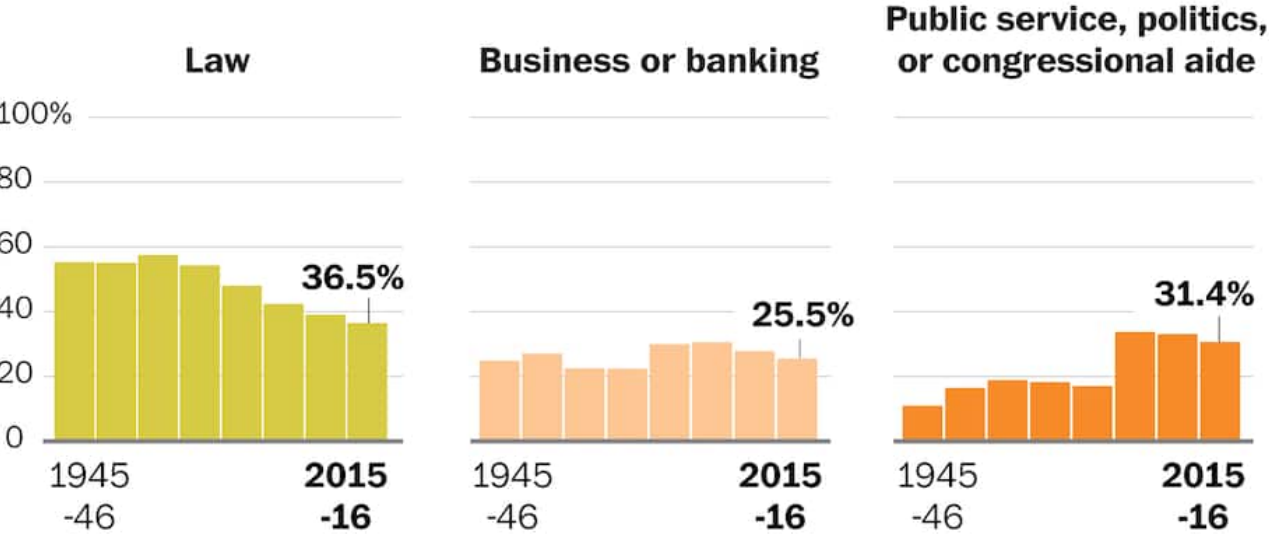
While lawyers are still a huge part of American politics today, their influence has faded somewhat. By the 1960s, lawyers held fewer than 60 percent of Congressional seats. In 2015, fewer than 40 percent of Congressional members were lawyers.

Today, 1 out of every 6,000 lawyers is a current member of Congress, Robinson writes -- 95 percent less common than a century ago.

The reason for the change, Robinson says, is partly the rise of a professionalized political class after World War II. After the war, a permanent political class began to form in Washington -- people who work as political aides or in civil society organizations, many with the intention of making a career in politics. Today, those dreaming of a political post might intern on Capitol Hill or enroll in public policy school instead of law school.

Previous occupations of politicians

More public service sector workers are jumping into the politics nowadays compared to years past.

Law	Business or banking	Public service, politics, or congressional aide
36.5%	25.5%	31.4%
1945-46 → 2015-16	1945-46 → 2015-16	1945-46 → 2015-16

Source: CQ Press, Nicholas Robinson   STEPHANIE STAMM/THE WASHINGTON POST

The story is also one of greater specialization in many professions, says Robinson. There has also been a decline in the number of Fortune 500 CEOs who are lawyers, for example, since more people today go to business school.

Finally, the historic decline of lawyer/politicians probably also stems from changes in the legal profession, the paper argues. After World War II, all lawyers were required to get a post-graduate degree, which raised the barrier to becoming a lawyer. And corporate law swelled as a profession, offering lawyers a path far more lucrative than Congress.

Robinson doesn't weigh in on whether the dominance and then decline of lawyers is good or bad for American politics. But he says that many in the legal field believe that lawyers exert a positive impact on the political system, and lament the general decline in the civic-mindedness of their profession.

Yet perhaps lawyers have had negative effects on politics as well, says Robinson. For one, the success of lawyers in politics might have made Congress less diverse. Law has long been dominated by white men; until the 1970s, fewer than one-tenth of those enrolled in graduate law programs in the U.S. were women. Breaking into a gateway industry like law may be just another hurdle for women and minorities in getting into Congress.

Indeed, Robinson's analysis shows that women make up a lower percentage of the lawyers in Congress than they do Congressional members overall, though the trend doesn't hold for minorities.

The prevalence of lawyers in Congress might also mean that politicians end up being significantly wealthier than the average American, Robinson writes, since it's usually those with elite family backgrounds who can afford law school.
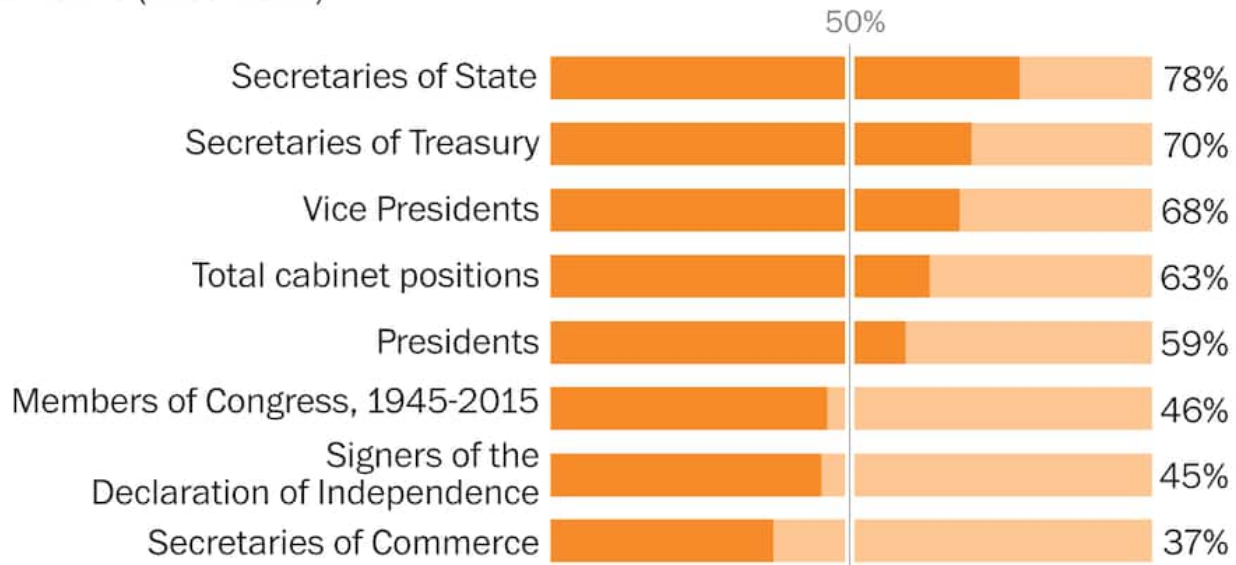
On the other hand, the decline of lawyers in politics might mean that law and the judiciary become less politicized in the years to come, since the legal profession will attract fewer people with express political views.

Robinson points out that it's becoming more unusual today for people to move from a judicial bench to a Congressional position to the Supreme

Court -- career moves that were not so odd a generation or two ago. "There might be other forces that are increasing politicization of the judiciary, but this is one force that is decreasing it," he says.

Lawyers to politicians

Percentage of lawyers among different bodies of federal government officials (1789-2015)

	50%	
Secretaries of State		78%
Secretaries of Treasury		70%
Vice Presidents		68%
Total cabinet positions		63%
Presidents		59%
Members of Congress, 1945-2015		46%
Signers of the Declaration of Independence		45%
Secretaries of Commerce		37%

Source: CQ Press, Nicholas Robinson   STEPHANIE STAMM/THE WASHINGTON POST

The broadest and most interesting question that Robinson's research poses is whether the prevalence of lawyers in American politics has shaped our political system -- and if so, how.

Robinson's work suggests some small differences in the voting records of lawyer and non-lawyer congressional members. On most votes, there isn't a discernible difference between lawyers and non-lawyers.

However, votes that expressly related to the legal system may be different. Robinson's analysis shows that lawyer/lawmakers were more likely to support funding the Legal Services Corporation, an organization that funds civil legal aid programs, than congressional members who were not lawyers.

Beyond specific legislation, the particular views and values of lawyers likely have had a substantial influence on U.S. politics, though the precise effects

are difficult to quantify. "My hunch is that it does matter, but it probably matters in more subtle ways," Robinson says.

After all, voters seem to think that a candidate's professional background says something important about what he or she would bring to office. For lawyers, this can be a good thing or a bad thing, Robinson says.

"They can be seen as insiders… But they also have this reputation that they can be the representatives for the little guy, or they can be out there making Americans safe by locking up the bad guys. And I certainly think that resonates in political campaigns," he says.

"I think it comes down to, what kind of expertise are we looking for?"

[How to predict the future better than anyone else](#)

[Surreal photos show the afterlives of America's once-great movie theaters](#)

[Why men should also worry about waiting too long to have kids](#)