

**Testimony before the Select Committee on the Modernization of Congress
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**“Improving the Efficiency, Equity, and Legitimacy of Law-Making and Oversight through
New Forms of Constituent Engagement”**

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Chairman Kilmer, Vice-Chairman Timmons, and Members of the Select Committee: thank you for this opportunity to testify.

Staff capacity and the information problem

According to recent Congressional Management Foundation research¹, “In the past few decades, under both parties, House and Senate leadership have either implemented strategies or allowed conditions to evolve that diminish the ability of individual Senators and Representatives to deeply consider and influence public policy.” For example, since the 1990s, Congress has eliminated the Office of Technology Assessment, made considerable cuts to the Congressional Research Service and the General Accountability Office, and has kept the budget for individual office staff static, even as the demands for constituent communication and policy research have increased due to technological advances and growing constituencies. According to Members’ own assessment, “Congress seems to have reached a point where senior staffers are concerned whether the Legislative Branch has the intellectual infrastructure to study, deliberate and decide serious questions of public policy.”

This is not because the quality of staff is decreasing. The issue is that Congress is receiving unprecedented amounts of communication and outside pressure while fewer congressional staff are being asked to do more and more. This results in Congressional offices voting on policies with much less confidence that it will have true substantive support from constituents, aggravating the trust deficit between citizens and legislators, demonstrated in part by historically low congressional approval ratings².

¹ Goldschmidt, Kathy. 2017. *State of the Congress: Staff Perspectives on Institutional Capacity in the House and Senate*. Congressional Management Foundation.
http://www.congressfoundation.org/storage/documents/CMF_Pubs/cmf-state-of-the-congress.pdf

² <https://news.gallup.com/poll/162362/americans-down-congress-own-representative.aspx>

The low approval rating is driven by the disconnect between legislators and the full range of their constituents. Accumulating research suggests that Congressional offices have a surprisingly poor sense of what their broader constituency thinks – even about major issues³. Offices know what interest groups and activists think because that is who contacts them. As a result, policy tends to be much more responsive to people with the time, money, and know-how to press their interests, than to the broader public⁴. Responding to these problems, however, presents a major challenge for elected officials. It is too expensive to run district level polls on a large number of issues, to say nothing of the fact that many respondents will not have thought enough about many issues to offer meaningful opinions. So, representatives face a dilemma: they can focus on the most informed, engaged, and organized constituents. Those people, however, also tend to be the most polarized, directly invested, and privileged. Or representatives can expend lots of resources trying to figure out what the less informed and less engaged think about various issues. But this has been a difficult, expensive, and uncertain undertaking given the resource constraints mentioned above.

All of this diminishes the fundamental principles at the core of our civic activity, such as political equality; representation of, and consent by, the people; informed deliberation; and distributed and limited power. “There are just too many people, too much communication, too much pressure, and too many crises for Senators and Representatives to manage without some serious rethinking of congressional operations and capacity.⁵”

One straightforward solution would be for Congress to directly allocate more resources to itself in order to close this gap. While we support such an expansion there is another important way to help close this gap: *amending rules to more easily allow Congress to leverage the resources of non-partisan, civil society collaborators, particularly those working in deliberative constituent engagement, a uniquely valuable field within the broader universe of civic engagement.*

The Value of Deliberative Constituent Engagement

My colleagues and I have been facilitating deliberative constituent engagement for over a decade now. We have tested a variety of different technologies and formats, from citizen-to-citizen forums to Deliberative Town Halls, but all are built around four key principles⁶:

³ Hertel-Fernandez, Alexander, Matto Mildemberger, and Leah C. Stokes. “Legislative staff and representation in congress.” *American Political Science Review* 113.1 (2019): 1-18.

⁴ Gilens, Martin. *Affluence and influence: Economic inequality and political power in America*. Princeton University Press, 2012.

⁵ Goldschmidt, Kathy. 2017. *State of the Congress: Staff Perspectives on Institutional Capacity in the House and Senate*. Congressional Management Foundation.

⁶ Neblo, Michael A., Kevin M. Esterling, and David MJ Lazer. *Politics with the People: Building a directly representative democracy*. Vol. 555. Cambridge University Press, 2018.

1. *Recruiting a cross section of constituents that authentically represents the district.* This ensures that the participants are not confined to echo chambers that reinforce their existing views. Moreover, it helps overcome the self-selection problem to give members exposure to what a cross-section of their whole district thinks – not just the usual suspects. Involving a more representative sample also effectively means greater equity and inclusion.
2. *Focusing the session on a single topic.* Discussing a single topic for an extended period of time ensures that both elected officials and constituents move beyond talking points to more substantive and nuanced discussion.
3. *Providing balanced, factual background material on the topic prior to the event.* Providing such information ensures that all constituents can feel empowered to participate effectively, and can offer reasons based on a common body of evidence.
4. *Having a neutral third party host and moderate the event.* Independent, third party moderators reassure constituents that elected officials are not just getting softball questions teeing up scripted responses. We found that constituents value such assured authenticity very highly, and reward members for it well beyond any advantages that might follow from staff being able to tightly control the script.

Of these, we believe that the first —*representativeness* — is the most important. Candidly, the problems that have made it impossible for offices to achieve such a cross-section are only getting worse, and have made our work more difficult as well. But what we still see is: if authentically invited, a broader group of people join, participate constructively, and have their views on the issue and their sense of efficacy as citizens change. We’ve conducted a large series of these deliberative constituent engagements in 2006, 2007, 2019, and 2020. Here is what we have learned:

- **It’s harder than ever to get a representative cross-section, but intentionality does help.** As has been seen with polling recently, some sub-populations are far more averse than others to participating in civic engagement efforts, particularly ones that are seen (fairly or not) as partisan. However, when offered an invitation to participate in a meaningful way, such as a Deliberative Town Hall with Members or Deliberative Forums with other citizens (to be reported on to Members), we still see more participation from these groups than for traditional town halls or even voting. This intentionality in recruitment increases the difficulty and cost of the overall effort, typically making it prohibitive for an office to handle on its own — which is, again, where collaboration with outside, non-partisan civil society groups could help.
 - **Gains in trust and approval from constituents after participating in a deliberative constituent engagement are still significant, but lessen as an issue becomes more polarized.** This points to the usefulness of using deliberative constituent engagement around emerging issues that have not yet become the subject of partisan signaling from
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elites. Deliberative constituent engagement offers the opportunity to hear from constituents on issues after they've had a chance to learn a bit about an issue but before the issue is framed entirely by media and partisans. This is key, because research shows that ideology is not necessarily a good proxy for public opinion on issues after people have been able to live under a policy change.

- **Constituents still see these online Deliberative Town Halls as very important for democracy, and want Members of Congress to do more of them.** In our earliest round of Deliberative Town Halls over a decade ago, when such an online experience was much more novel, 95% of participants said the engagements were “very valuable for democracy,” and 97% said they would participate in another⁷. In our more recent series, in 2019 and 2020, the percentages of participants who reported finding the Deliberative Town Halls valuable were slightly lower (85-90%), but still much higher than traditional tele-town halls or other outreach efforts.
- **Offices found these engagements useful in providing insights about how their constituents prioritized competing concerns at play in complex issues, and used these sessions to inform both messaging and legislative action.** Exit interviews with congressional offices that participated in Online Deliberative Town Halls focused on COVID-19 in 2020 have revealed the utility of these forums for offices. One office observed that constituents' feedback in the town hall early in the pandemic framed their thinking on how to approach the crisis (balancing people's health and their economic security *equally*) from that point on. Another office reported that their decision to support a particular piece of COVID aid legislation was driven in part by comments from constituents in the Online Deliberative Town Hall that conveyed constituents' interest in prioritizing both public health and economic relief as well as their frustration with partisan gridlock. Finally, other offices said hearing what resonated with constituents helped them sharpen their messaging.

Going Forward

1. It is difficult to overstate the value of finding ways to engage a more representative group of constituents. Bringing heretofore neglected voices into the policy process improves efficiency by incorporating much more lived and local experience into decision-making; it improves equity by reaching groups of people who do not have the resources to make their voices heard; and it improves legitimacy by more tightly linking policy to the people who will have to live under it.

2. More responsive and recursive policymaking is possible and practical. We learned from offices who participated that these Deliberative Town Halls, and the analysis of pre- and post-survey data we provided them, had a direct impact on both their communications and legislative

⁷ Neblo, Michael A., Kevin M. Esterling, Ryan P. Kennedy, David MJ Lazer, and Anand E. Sokhey. “Who wants to deliberate—and why?” *American Political Science Review* 104, no. 3 (2010): 566-583.

activity. However, again, due to capacity issues, most offices did not have the bandwidth to close the loop and *communicate back* to their entire district about how citizens' input affected their decisions. Going forward, our team will integrate this into our process⁸ — in collaboration with the participating office, we will show the participants how their input affected decision making and legislative action, and measure the effect this has on their sense of whether the government is responsive to people like them.

3. Deliberative constituent engagement can't start too soon. A major report⁹ by Educating for American Democracy recently concluded that the neglect of civic education is one of the main contributors to the currently polarized and dysfunctional state of our politics. In the coming months, C2C will be extending its work to create opportunities to conduct Deliberative Town Halls with high school students in their local civics classes -- helping members and their newly enfranchised constituents have a positive and substantive experience in democratic engagement.

4. Finally, Deliberative Town Halls (or related methods) could be used not only in a consultative way to support policymaking, but also in an oversight mode, to support accountability during and after the implementation process. Requiring or encouraging deliberative engagement methods might be an innovative and effective way to improve the fidelity of legislative implementation and oversight.

Conclusion

We began by noting the problem of capacity within congressional offices, and how grievously this impacts their ability to engage meaningfully with constituents and craft responsive policy. These are immense burdens the institution is placing on the shoulders of smart, driven, but also increasingly young, inexperienced, and underpaid staffers. We would strongly advocate not only Congress investing more in its own capacity to do deliberative constituent engagement, which advances both engagement with and trust in the institution as well as better policy, but that *it make the necessary changes in rules and practice to allow itself to benefit from the resources available from outside collaborators*. Doing so would achieve numerous goals for individual Members and Congress as a whole: elevating local participation, efficiency, diversity and equity; increasing trust in the institution; promoting more responsive policy; ameliorating polarization, and increasing both perceived and actual accountability for policy. We know from our previous experience with the Select Committee that these are all goals that its membership, as well as the vast majority of other Members beyond the Committee, hold dear, and which have motivated them to devote themselves to public service.

⁸ <https://connectingtocongress.org/initiative-about>

⁹ Educating for American Democracy (EAD). 2021. "Educating for American Democracy: Excellence in History and Civics for All Learners." iCivics, March 2, 2021. www.educatingforamericandemocracy.org