

Cambridge University Press

978-0-521-76540-4 - Constituency Representation in Congress: The View from Capitol Hill

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Excerpt

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The Unanswered Question of Legislative Perceptions

In his influential study of House members in their districts, Richard Fenno asked: “What does the representative see when he or she goes home to look at the represented?” He then followed this question by asking about the effects of a legislator’s view of his district: “How does what he or she sees affect his or her representational activity? What can we learn, from this perspective, about the nature, the quality, and the problem of representation in this country?”¹ Although Fenno posed these questions from the district vantage point and explored the ways in which members interact with constituents when they are in the district, he also called attention to the importance of considering how members see their constituents from Washington, D.C. Legislators spend the majority of their time in Washington, where they make countless decisions about what actions to take or not to take, and they do this with their constituents “in mind.” As a result, the questions Fenno posed when examining legislators in their districts can be restated in terms of legislators in Washington: When a representative considers how to best represent the interests of his district in the policy-making process, who does he see back in the district? Furthermore, how does his view of the district influence his representational activity? This book argues that legislative perceptions of constituents are at the heart of the answers to these questions.

The congressional literature has devoted much attention to issues of constituency representation. As part of this tradition, an earlier generation of scholars highlighted the importance of legislative

¹ Fenno (1978, 233).

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perceptions by calling attention to legislators' general image of the district (Dexter 1957), their beliefs about the "state of nature" in their district (Fiorina 1974), and their stylized characterizations of the district (e.g., Fenno 1978; Kingdon 1967; Miller and Stokes 1963). These scholars argued that understanding how legislators and their staff see the district is essential to understanding legislators' voting decisions, their political priorities, and their campaign strategies.

However, as the congressional literature expanded, attention to legislative perception surprisingly did not. Instead, the literature began to focus largely on explaining congressional representation in terms of responsiveness to the median district preference. As Jewell (1983, 321) writes: "there is an intermediate variable – the legislator's perception of constituency opinion – that assumes so much importance in policy responsiveness that it should be dealt with squarely; in fact, it is a logical place to begin." Or as Fenno (2006, 11) says when looking back on his experiences traveling with legislators:

The insight I drew from my experiences was this: that the constituency an elected representative represents is, to an important degree, the constituency in the mind's eye of the representative. In the study of representation, therefore, *perception matters a lot*. From this view, a "constituency" becomes more complex than a set of census statistics – more even than the data in the pioneering *Almanac of American Politics*. A constituency is, to an important degree, what the elected representative thinks it is.

As he did thirty years ago, Fenno reminds us of the central challenge facing students of representation. To consider any question about congressional representation, we first need to identify what is in "the mind's eye" of the representative when he legislates, and to explain why he sees what he does. However, there is little guidance about how to proceed in this important area of inquiry. This book takes up the challenge of seeing the district as the legislator does by proposing a theory of legislative perception rooted in the cognitive processes by which individuals use information to assess the world around them and then examining the impact of these perceptions on how Members of Congress represent their constituents.

Perception, therefore, refers to how legislators see their districts. This definition is consistent with both the psychology literature and congressional scholars' references to legislators' mental pictures of their districts. Legislative perceptions of constituents are *not* conscious decisions about how to act, but rather they reflect legislators' views of who comprises the constituency with respect to specific policy issues. Put differently,

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perceptions of the district are what legislators see in their mind's eyes when they look at their districts. These perceptions, however, are neither a perfect nor a representative reflection of the constituents actually in their districts. Moreover, the cognitive processes that structure how legislative perceptions of constituents are formed are not politically neutral. Rather, perceptions have the effect of systematically biasing which constituents are seen – and which are not seen – by legislators as they attend to policy on Capitol Hill. These flawed perceptions affect legislative behavior because legislators are more likely to act on behalf of those constituents they perceive in the district.

How legislators perceive the constituents in their district has both normative and substantive implications for constituency representation in Congress. First, legislative perceptions can be evaluated in terms of the normative ideals about representative democracy, which suggest that legislators should at least be aware of the constituents they represent. As John Stuart Mill (1861) espoused, the representative should “make present” in the legislative body the range of constituency views and interests evident among the citizens. Evidence that certain constituents are systematically less likely to be seen by legislators than others makes Mill's admonition hard to implement for basic reasons that he did not anticipate. Simply put, a representative's democratic intentions may not be enough to ensure constituency representation. If the cognitive mechanisms of representation create distortions and biases, then legislators will fall short of this democratic ideal without noticing it. Second, the importance of legislative perceptions also can be assessed in light of their impact on legislative activity on Capitol Hill. Flawed perceptions of the constituency may affect the daily decisions legislators and their staff make about what positions to take and how to allocate their time and energy in the policy-making process on behalf of their district.

Two important policy issues, health policy and natural resources policy, are the substantive focus of the empirical investigation of legislative perceptions of their constituents. Both of these issues are prominent in the contemporary national political dialogue, and Congress has played an important role in shaping them. Health policy and natural resources policy also encompass a range of specific issues including high-profile federal programs like Medicare, contentious proposals like oil exploration on protected lands in Alaska, and technical programs like physician payment formulas or scientific standards for clean air. These policy areas make up a significant part of the congressional agenda, raising issues on

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which legislators frequently must act on behalf of their constituents. By examining legislative perceptions and constituency representation in the context of these two important areas, this study both sheds light on two of the major policy issues of the day and also situates legislative perceptions in the real world of Capitol Hill. In sum, understanding legislators' perceptions of their constituents may change both our positive theories of legislative behavior and our normative assessments of the quality of political representation afforded citizens.

TWO PRIMARY QUESTIONS

The first of two key questions addressed throughout this book is: What factors affect how legislators perceive their districts? With approximately 700,000 citizens in each U.S. House district and a wide-ranging congressional agenda, it is unrealistic to expect legislative offices to see the interests of all constituent on every issue taken up on Capitol Hill. Furthermore, the cognitive psychology literature tells us that it is unrealistic to expect legislative offices to see a neutral or representative subset of all the constituents in the district. The development of an information-based theory of legislative perception, therefore, provides a foundation from which to examine why legislators systematically perceive some constituents over others.

The second question goes to the policy-relevant consequences of the cognitive processes identified: How do perceptions of their districts shape legislators' behavior on Capitol Hill? We need to know which constituents legislators see – and which they fail to see – in order to explain their behavior. The overarching concern is that flawed perceptions affect legislators' decisions about the actions they take in Congress in the name of their constituents. There are numerous ways in which legislators act on behalf of their districts, and this book focuses on bill sponsorship, participation, and voting. The biases in legislative perceptions of their constituents shape these behaviors in ways that cannot be explained solely by party politics, institutional structure, or electoral calculations. Rather, rational choice approaches should incorporate complementary insights from psychological approaches to sufficiently account for legislators' actions. The systematic impact of legislative perceptions on legislative behavior provides evidence that biases in perception become biases in representation. Overall, these two questions constitute the core focus of this book and provide a proverbial “roadmap” of the theoretical discussions and empirical analyses to follow.

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Explaining Legislative Perceptions: The Accessibility Heuristic

To answer the first question of who is seen by legislators when they look at their districts, the theory of legislative perception developed here focuses on how individuals use information when assessing the interests of constituents in the district. As a general matter, the congressional environment is characterized by time pressure, multiple sources of information, and competing expectations, all of which lead legislators to act in a boundedly rational manner, or as “cognitive misers” to use Simon’s (1985) phrase, in order to fulfill their responsibilities (e.g., Bianco 1994; Fiorina 1974; Jones 2001; Kingdon 1989; R. Smith 1984). Just as individuals use cognitive shortcuts, or heuristics, to simplify their environment when using information and making decisions, legislators are subject to the same cognitive limitations and employ efficiency-gaining shortcuts (see Jones 1994; Jones and Baumgartner 2005; Kingdon 1977; Matthews and Stimson 1975).

This book argues that the use of cognitive heuristics informs constituency representation in politically consequential ways. In order to make decisions that reflect their constituents, legislators and their staff must first assess the interests of their constituency. Legislators do not conduct exhaustive information searches about constituents in the district when making these judgments, nor do they approximate a process of random sampling to infer what constituents want. Rather, legislators and their staff rely on the information that comes to mind most easily. This notion of information accessibility is rooted in the cognitive psychology literature where scholars long have examined individuals’ propensity to conduct truncated information searches and to rely on accessible information when making judgments (e.g., Higgins et al. 1977; Markus and Zajonc 1985; Tversky and Kahneman 1973, 1974). Reliance on accessible information is generally considered to be an efficient adaptation to complex environments such as Capitol Hill, but scholars also note that it can result in flawed and biased assessments if certain types of information are systematically more (or less) accessible than others (e.g., Kahneman and Tversky 1973; Nisbett and Ross 1980).

This perceptual framework is adapted from the psychology literature to the congressional context and is used to examine the likelihood that a legislative office will see specified constituents in the district. The data provide strong evidence that information about constituents that is more accessible shapes legislative perceptions of the district. On the other hand, when information is systematically less accessible, legislators are

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less likely to perceive those constituents, and the result is an incomplete and biased view of the district. The impact of the accessibility heuristic on Capitol Hill is illustrated by the finding that information about sub-constituencies who have more resources or who are more active in contacting the legislative office is more accessible than information about other relevant constituents. As a result, resource-rich and active constituents are significantly more likely to shape legislative perceptions of the district.

In short, legislators and their staff do not see all, or even a large percentage, of the relevant constituents to whom the issue at hand is important. This ultimately can lead to many constituents' interests going unrepresented. The incompleteness of perceptions is especially striking when one considers that legislators' awareness of the relevant interests in the district is a very low threshold for constituency representation. The criteria for providing representation here is not whether legislators take costly political action, but rather whether legislators can identify that certain issues are relevant to certain constituents.

That resource-rich constituents are more likely to be perceived by legislators is democratically discouraging because it reveals that some constituents are favored over others when it comes to being represented by their elected legislator. The evidence here suggests that when resource-rich constituents expend their financial resources, they gain "mental access" to their legislator. This notion of mental access draws on the fact that contributions increase the accessibility of information about constituents, and more accessible information is more influential when legislators consider the interests of their district. Mental access provides a prominent place in legislators' image of the district they represent. An important implication, then, is that money influences congressional representation in a more subtle, and arguably more insidious, way than often assumed in conventional stories of vote buying in Congress. Moreover, the notion of mental access helps to reconcile the popular belief that money matters in congressional politics with the mixed evidence in the political science literature of such influence (e.g., Grenzke 1989; Hall and Wayman 1990; Wawro 2001; Wright 1985, 1996).

The finding that active constituents are more likely to be perceived by legislators can be assessed in light of the competing interpretations of the role of citizen-initiated contact. On the one hand, this finding appears normatively less troublesome than the finding concerning resource-rich constituents. A representative democratic political system requires that constituents participate in their government, and constituents who are

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active are simply fulfilling their civic responsibility. As a result, information heuristics that advantage constituents who participate, and disadvantage those who do not, seem consistent with democratic norms. Accordingly, the fact that control of the congressional-constituency relationship is located, at least in part, in the hands of constituents is desirable. On the other hand, the fact that active constituents are favored in congressional representation raises significant normative concerns if the literature on bias in citizen participation is taken into account. Concluding that active constituents should be more prominent in legislators' perceptions of their district ignores the host of undemocratic barriers to participation in American politics, including inequalities in political resources and political mobilization (e.g., Kollman 1998; Rosenstone and Hansen 1993; Schattschneider 1960; Verba, Scholzman, and Brady 1995). If some constituents are systematically less likely to participate by contacting their legislator, then the relationship between constituent activity and legislative perception of constituents in the district is plagued by an underlying bias that weakens constituency representation. In fact, the bias of mobilization raises normative concerns that are arguably similar to those raised when considering the influence of money on legislative perceptions.

Explaining Legislative Behavior: The Effects of Perceptions

The second question focuses on the impact of legislative perceptions on legislators' actions on behalf of their constituents. Legislators are sent to Congress by the voters to represent their interests, and legislators consistently call attention to the need to represent their constituents in Washington. This is evident in the advice they receive when beginning their careers and first confront the challenges of representing their constituency. One House member interviewed recounts the advice his mentor gave him when he first came to Capitol Hill concerning the importance of acting on behalf of the constituents in the district: "He said to remember that no one else represents your district. . . . They elected you. You're their voice."² Another House member highlights similar advice he received from a trusted advisor to focus on taking actions for the district, or as he put it, "you're in the representation business."³ These comments underscore the importance of constituency representation to

² Personal interview with author.

³ Personal interview with author.

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Members of Congress, as well as hint at the challenges of representing multiple constituency interests within a district.

Scholars, too, recognize the incentives that drive constituency representation and incorporate them in their theories of legislative behavior. As Mayhew (1974) famously argues, Members of Congress have good reason to be attentive to the interests of their constituents because of the strong electoral connection. Mayhew's logic has had a powerful effect on the study of legislative behavior and has led congressional scholars to conclude that "constituents matter." In recent scholarship, political scientists reach this conclusion largely by relying on theories of legislative behavior informed by traditions in economics and spend little time looking to psychology for explanations (but see Jones 1994, 2001; Jones and Baumgartner 2005; Kathlene 1994). This book takes the psychology of representation seriously in order to explore a distinct and important mechanism by which "constituents matter" for legislative activity – perceptions.

This is not to say, however, that rational choice explanations for legislative behavior are dismissed, but rather that strategic behavior is considered alongside cognitive psychology-based arguments, including in the analyses presented in Chapters 5, 6, and 7. The inclusion of both psychological and rational choice theories highlights the possibilities to bridge these distinct approaches (see also Bianco 1998; Kinder 1993; Quattrone and Tversky 1988; Turner 2000). As scholars have noted, a psychological approach is valuable to political scientists when used "to supplement (rather than supplant) explanations at other levels,"⁴ since "being integrated with cognitive science"⁵ can improve upon the plausibility of pure rational choice theory. A key implication of this research is that legislators' perceptions of their district set the stage for later strategic decisions that rational legislators make. Consequently, attention to perceptions is logically consistent with rational choice models of legislative behavior. Psychological and rational choice approaches to legislative behavior are not mutually exclusive, and ignoring either approach leads to an incomplete understanding of legislative behavior.

As Fenno (2006, 205) writes, "the politicians' perception of the constituency is crucial" for understanding different types of legislative behavior. Legislators' decisions in Washington about how to represent constituents in the district are determined by the constituents they see,

⁴ Kanwisher (1989, 673).

⁵ Turner (2000, 279).

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and do not see, in their district. One venue in which perceptions can affect legislative behavior is participation in the committee and floor debate of a bill. Before legislation can come before the House for a floor vote, legislators can participate in the committee markup, committee hearings, and floor debate by asking questions and making statements to express the interests and concerns of their constituents (Evans 1991b; Hall 1987, 1996). Participation in the policy debate allows a legislator to demonstrate to his constituents that he is aware of their interest in the issue and provides tangible evidence of constituency representation. It also affects whether he will influence legislation in tangible ways that promote their interests (Hall 1992).

However, legislators do not participate on behalf of all interested constituents in their districts. Legislators are more likely to participate on behalf of constituents whom they see when they look at their districts and are unlikely to voice the interests of those relevant constituents they do not see. This relationship between perception and participation persists even when alternate explanations are taken into account, including institutional, electoral, and partisan considerations. Which constituents legislators perceive in the district, therefore, directly affects how legislators participate in the policy-making process by stifling the concerns of unseen constituents and amplifying the concerns of those constituents with mental access to the legislator.

Legislative perceptions not only clarify which constituents a legislator sees when looking at the district but also capture a legislator's overall image of the district he represents. Perceptions of the district as a whole vary along two important dimensions, completeness and balance, such that some legislators perceive a much more diverse district than other legislators. Variation in these overall district perceptions affects legislative activity, including the introduction of legislation on health policy and natural resources policy, as well as the votes cast on these issues. Introducing bills requires an investment of a legislator's time and resources, but it also demonstrates a legislator's attentiveness to issues of interest to constituents (e.g., Fenno 1973; Hall 1996; Schiller 1995; Sulkin 2005). Legislators who perceive a more complete district – that is, who see a greater number of relevant constituents in their district – sponsor more legislation in these two policy areas than those who do not. Additionally, legislators who see constituents on both sides of the policy debate in their district are more likely to introduce legislation on that issue. This finding is consistent with the psychology-based theory of representation put forth here but is counterintuitive when viewed

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through the lens of an incentive-based logic (e.g., Arnold 1990; Fiorina 1974; Hall 1996). Legislators who see competing constituency interests might be expected to be less active in order to avoid alienating part of their district, but in fact, these legislators sponsor more legislation than their colleagues. In short, legislators do not shy away from the challenge of representing a complex district.

Legislative perceptions of the totality of the district also affect legislators' votes. Voting records are visible and heavily studied summaries of the actions a legislator takes on behalf of his constituents on Capitol Hill. The collection of votes a legislator casts on health or natural resources legislation, therefore, should reflect the collection of constituency interests a legislator perceives in his district on those issues. But conventional theories do not tell us how legislators will navigate votes when representing a diverse constituency. In fact, legislators who perceive a balanced district with constituents on both sides of the issue have a more moderate voting record than their colleagues who see constituents on only one side of the policy debate. This is especially striking when considering that the moderating effect of a balanced district perception exists even when controlling for the potential effects of party, institution, and electoral politics. When looking at issue-specific roll-call voting records, then, legislators are quite responsive to their districts as they perceive them, not simply how the political scientist measures them.

Taken as a whole, this book provides unique evidence of the relationship between legislative perceptions and legislative behavior. Legislators are responsive to the district they see and act in ways that represent their perception of constituency interests. On the one hand, this is good news for constituency representation in Congress. The adage that "constituents matter" for legislative behavior can be rephrased as "perceived constituents matter." On the other hand, legislative perceptions are flawed and favor active and resource-rich subconstituencies at the expense of equally relevant subconstituencies who lack these political and monetary resources. Moreover, these biases are amplified through legislators' actions. Legislators are more likely to see the subset of advantaged constituents in the district and their actions reflect this perception. This is not to say that legislators consciously choose to act on behalf of active and resource-rich subconstituencies. Rather, legislators act in good faith on behalf of the district they see, but the district they see is a misperception of the collection of relevant constituent interests in their district. Consequently, inequalities make their way into congressional representation not through outright favoritism or unethical dealings,