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Members of Congress Are Politicians, Not Experts

> I have one goal today, and that is accurate information, accurate information that can help Americans understand what they should do about the coronavirus, and accurate information to help Members of Congress decide what else we ought to be doing about the coronavirus.
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> – US Senator Lamar Alexander, in the hearing "An Emerging Disease Threat: How the U.S. Is Responding to COVID-19, the Novel Coronavirus," held on March 3, 2020, by the Committee on Health, Education, Labor, and Pensions.

In March 2020, Congress faced the looming threat of the coronavirus spreading to the United States. At that point, members of Congress did not yet foresee the massive impact it would have on public health, the economy, and cultural norms. However, they did realize their need for one thing to sort out what, if anything, they had to do: information. Congress began to collect information on what would soon be named COVID-19 through congressional committee hearings. In the 2019 calendar year, only two hearings mentioned the word "coronavirus." In 2020, this number increased to five hearings in January, thirty-nine hearings in February, and over fifty hearings in the first two weeks of March. By March 2020, Congress was dedicating frequent, full hearings exclusively to the topic of coronavirus response and preparedness.

The Senate Committee on Health, Education, Labor, and Pensions, for example, held a hearing in early March on the emerging threat of COVID-19 and how the United States should prepare to respond. On March 3, 2020, the chairman of the committee at the time, Lamar Alexander, opened the hearing with the above quote, revealing his intention to gather information to help Congress decide how to react to the pandemic.

While at the time, Congress did not believe that the coronavirus would carry a high risk to the United States – during that hearing, Chairman Alexander even stated that he believed "most people in the United States are at low risk" – the committee called a panel of witnesses to inform

them about the possible impact coronavirus might have on public health and the global economy. They called four witnesses to testify that day: Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases at the National Institutes of Health; Dr. Stephen Hahn, Commissioner of the US Food and Drug Administration; Dr. Robert Kadlec, Assistant Secretary for Preparedness and Response at the Department of Health and Human Services; and Dr. Anne Schuchat, Principal Deputy Director of the Centers for Disease Control and Prevention.

Chairman Alexander emphasized the importance of these four witnesses in providing information at the committee hearing:

> The first goal of the hearing is to provide the American people with accurate information. Today's witnesses are respected professionals who have a lot of experience in what we're talking about today and know what they are doing, and I want to take a moment to emphasize their backgrounds . . . The reason I go through that is because if we're looking for accurate information, these four ought to be able to provide it. Now, in addition to getting accurate information for the American people, we want it ourselves to know what else we should be doing to limit the damage of the coronavirus to the American people and the American economy.[1]

The chairman specifically highlighted the witnesses' cumulative experience in the country's responses to the Ebola outbreak in Africa, biological threats, other epidemics and flu pandemics, and in healthcare administration and management. Chairman Alexander stressed how these witnesses' firsthand experiences were paramount in providing information to Congress and the American public, which in turn would form the basis for how members of Congress would shape policy.

Indeed, the contrast between the expertise of the four witnesses at this hearing and that of members of Congress cannot be overstated. Members of Congress are politicians – they are not scientists, healthcare professionals, or experts in public health – yet they are responsible for enacting legislation that responds to issues and situations requiring such expertise. They must search for and rely on other individuals to provide information and guidance within highly politicized, complex environments.

Members of Congress are under time constraints and constant pressure to make decisions that have important and potentially far-reaching consequences. Information ranks as one of the members' most important and necessary resources as they fulfill their legislative responsibilities, and various groups and individuals compete to provide information from their own perspectives with the aim of influencing legislators.

The flow of information has a high potential to shape both legislation and new policies. For instance, in the early days of congressional discussions about COVID-19, conflicting opinions abounded on how to

prioritize prevention efforts, especially regarding vaccine development, mask mandates, and lockdowns. These opinions were largely divided along party lines, with no shortage of individuals able to provide and amplify their perspectives on the stage of Capitol Hill. *Whom* Congress selected to provide information, and *why* Congress selected those witnesses, would substantially shape the trajectory of policy response.

To that end we ask: From whom do members of Congress seek information, and how does the content of that information vary by the identity of those providing information? How do partisan politics or institutional conditions affect information acquisition? The answers to these questions are paramount to understanding the role of information in legislative institutions and how members enact effective policies.

This book advances our understanding about the roles of information and external witnesses in shaping public policy and political discourse. Understanding how institutional features and partisan-driven incentives influence the quality and diversity of information Congress acquires benefits the American public by revealing potential ways to increase representation and improve lawmaking.

Our key theoretical insight focuses on how partisan incentives determine when committees seek witnesses who can provide analytical input to policy decisions. On the one hand, members of Congress are politicians who respond to political forces. On the other hand, they must make policies and laws that solve real problems. This responsibility is held in tension with the politicized, partisan environment of Congress; members have a serious policymaking role they must perform while pushed by political forces.

Committee hearings and the process of inviting witnesses present a unique setting to examine this tension. While there are various avenues through which committees can collect information, hearings reveal the specific witnesses and information that members of Congress intentionally select to consider and then convey to other members, interest groups, the media, and voters. As committees form policies and legitimize their decisions to other members and external observers, various factors – such as polarization or divided government – can affect whom committees invite to testify.

In other words, witness testimony in hearings is a product of the committee's selective search for information. This is the information that committees have consciously chosen to find and publicly consider to advance their goals. Therefore, we can leverage the material contained in witness invitations and testimonies to examine how partisan incentives affect the information-seeking behavior of Congress and the testimony provided in hearings.

As hearings are public in nature, committees use them and witness invitations to further their political goals such as promoting partisan agendas. Under certain conditions, however, committees are more likely to seek out witnesses who can provide information relevant for policymaking. We present a theoretical framework incorporating how partisan incentives within three categories of institutional conditions – committee intent, interbranch relations, and committees' internal capacities – can affect whom committees choose to provide external information. These conditions grant the incentives and abilities for primary actors in committee proceedings to conduct relatively in-depth searches for information.

We present the most comprehensive analysis, to date, of the information flow between Congress and external groups. Marshaling extensive new data on witnesses and witness testimonies that span 1960 to 2018, we use a new methodological approach to quantify the quality of information that witnesses present. We examine whom Congress invites to provide information and the conditions under which committees turn to certain types of witnesses more often than others.

Our argument yields testable predictions regarding how these conditions affect the information that committees search for and receive. We use our extensive data throughout the book to provide empirical evidence. In doing so, this book answers a central question that bridges research on congressional policymaking, interest group politics, legislative organization, and text-as-data methodology: From whom does Congress seek information, and what drives this information search?

1.1 COMMITTEE HEARINGS AND STRATEGIC INFORMATION FLOWS

The congressional committee stage is a critical time during which information is sought and acquired in Congress. Since Woodrow Wilson's declaration in 1884 that "Congressional government is committee government," congressional scholars have placed committee systems at the center of studies of legislative organization. This central importance makes the committee stage a prime market for exchanges of information.

The importance of hearings during the committee stage is noted in both academic literature and contemporary examples. Members of Congress themselves believe that committee hearings provide an efficient way to gather information, publicly establish positions, and exert influence.

Recent examples demonstrate this. In September 2023, the Senate Judiciary Committee held hearings on the best way to govern artificial

intelligence. The hearings were in conjunction with consideration of a bipartisan bill that would deny artificial intelligence companies immunity from user content that violates federal law. At the end of one of these hearings, Senator Richard Blumenthal (D-CT), then Chair of the Subcommittee on Privacy, Technology, and the Law, spoke directly about how information in witness testimonies was useful in developing a framework for the legislation they were considering:

> It is so helpful to us. I can go down our framework and tie the proposals to specific comments made by Sam Altman or others who have testified before, and we will enrich and expand our framework with the insights that you have given us. So I want to thank all of our witnesses and again, look forward to continuing our bipartisan approach here.[2]

The next example is from a February 2023 hearing on children's online safety, as Senator Dick Durbin (D-IL) noted:

> We'll hear from an outstanding panel of witnesses about the challenges to protecting kids online and the steps we in the Senate and this committee can take to help. I want to thank our witnesses, Kristen Bride and Emma Lembke, who've been personally impacted by this issue. They speak on behalf of many others and they advocate for change to help spare others what they and their families have gone through.[3]

Here, Senator Durban is making clear that the input from the witnesses provides information on why the committee should take action and how they could potentially do so.

As these examples demonstrate, committee hearings are explicitly designed so members can receive external input through witness testimonies. They serve a dual role within the tension between making policy and responding to political forces: They allow committees to search for and receive information necessary for efficient policymaking and, because committee hearings are formal and public, committees are able to control the narrative of this information flow in pursuit of political goals.

While this setting ostensibly allows audiences – such as the media, interest groups, legislators who are not committee members, and other stakeholders – to observe the information flow among external witnesses and committee members, the public nature of a hearing also incentivizes members to use hearings strategically to advance their goals. A committee's choice of witnesses they invite to testify is a prime example of this strategy. In Chapter 2, we detail the witness invitation process and how committees hold hearings; we also outline the theoretical context explaining our focus on witnesses to study the strategic role of information in the legislative process.

1.2 HEARING WITNESSES AND TESTIMONIES

To fully understand the informational dynamics in hearings and witness testimonies, it is crucial to identify the types of witnesses who are invited to speak and the types of information they present. In Chapter 3, we provide a detailed explanation of how we constructed our dataset on hearings and witnesses. Our data harness the full names, organizational affiliations, testimony content, and other witness characteristics of 731,810 witnesses who appeared in 74,077 published hearings of the House, Senate, and joint standing committees from 1961 through 2018. This is the most comprehensive collection of data to date concerning those who provide external information to Congress.

This comprehensive dataset allows us to present new descriptive trends showing that certain types of witnesses (e.g., bureaucrats) are more frequently called to testify compared to other types of witnesses (e.g., representatives of nonprofits) and that the composition of witness pools varies by committees or issues. In general, it provides a fuller picture of the groups and individuals who are invited to deliver their views and opinions to members of Congress.

These descriptive patterns show witnesses' various affiliations, which represent meaningful differences in the amounts and types of information that witnesses provide. In Chapter 4, we define and explain the concept of *analytical information* – the amount of falsifiable statements about policies under consideration. We measure the amount of analytical information present in witness testimonies using a new methodological approach that combines (1) dictionary methods using information-seeking statements from a supervised learning method and (2) keywords related to cognitive orientation. We measure and validate the amount of falsifiable statements about the policy under consideration – analytical information – that occur in each witness's testimony.

Through measuring the amount of analytical information present in witness testimonies, we reveal two aspects of witness invitations: They expose *whom* committees select as witnesses, and they have substantial implications for the types of information committees ultimately *receive* from witnesses. This is because, all else equal, the amount of analytical information offered varies by the type of witness. For instance, we find that witnesses who are bureaucrats and those from think tanks and research institutions tend to give testimonies with the highest proportions of analytical information. On the other hand, witnesses who are individual citizens without organizational affiliations and those who represent religious institutions tend to give testimonies with lower

proportions of analytical information; instead, they provide more anecdotal or experiential information.

Furthermore, witnesses provide differing amounts of analytical testimony depending on the institutional context. For example, witness testimonies tend to include a greater proportion of analytical information when more members of Congress attend and speak during the hearing. On the other end of the spectrum, witnesses tend to provide less analytical information as the ideological polarization within a committee grows, indicating that greater polarization leads to more partisan hearings at the expense of true analytical fact-finding.

Also, we go beyond our measure of analytical information to examine the amount of information from scientific and academic sources provided to Congress – information that is backed by research evidence. Using examples of climate change hearings held in the House during recent Congresses, we find that the types of witnesses who provide higher levels of analytical information also cite more research evidence in their testimonies. Bureaucrats and individuals associated with think thanks and academic institutions, in particular, use this type of information extensively in their testimonies. Thus, when these witnesses are invited to speak, members of Congress receive large amounts of research-based evidence.

1.3 ROLE OF PARTISAN INCENTIVES

The descriptive patterns in Chapters 3 and 4 illustrate how the witnesses who testify in committees can vary and how levels of analytical information differ across witness types. This implies that invitees shape the type of information committee members are offered during hearings. Therefore, we investigate how those who testify in legislative hearings are chosen.

The key to understanding this matter lies in the tension that members of Congress face as lawmakers: They shoulder the serious responsibility of making the nation's policies while facing political forces that incentivize them to pursue political goals with their policymaking. For instance, addressing the COVID-19 pandemic was more complex than simply choosing policies from a menu of options; it involved consideration of how each possible path aligned with various political goals. Imposing lockdowns might prevent spread of the virus but could harm economic growth extensively. Mandating vaccinations for federal workers was likely to reduce hospitalizations due to COVID-19 but could erode support in public health and government officials among those hesitant on vaccination.

Support for any possible path, and consideration of its tradeoffs, can be bolstered or weakened by the information that Congress receives and conveys. And each path is replete with political considerations, the strongest of which lie along *partisan lines*. We argue that partisan-driven incentives can affect the choices of who committees summon to supply external information. As hearings are public, committees use hearings and witness invitations to further their political goals, such as promoting partisan agendas. Under certain conditions, however, committees are more likely to seek witnesses who can provide analytical information.

We begin Chapter 5 by examining the *intent* a committee may have for holding a legislative hearing and how this affects the committee's witness selection. The main distinction of a committee's intent in a hearing is whether there is a bill attached to the hearing (referral hearing) or the hearing is exploratory in nature (nonreferral hearing). In a nonreferral hearing, the chair and committee have not yet advanced a public position with a bill and have the political flexibility and incentive to seek *analytical information* from experts.

In contrast, a referral hearing is anchored to a specific piece of legislation, so committee members are more likely to learn about and disseminate *political information*. Committees can broadcast the views of groups affected by the legislation hoping to garner support for, and gauge the viability of, the bill under consideration. Members elicit information from specific witnesses to assist the majority party delegation with the eventual passage of that bill.

The findings from our extensive dataset point to committees pursuing and obtaining relatively more information from witnesses who provide the most analytical information at the development stages of the policymaking process. This contrasts with the later stages when a specific bill and its corresponding partisan goal are at hand. Furthermore, the varying types of witnesses who speak at referral and nonreferral hearings provide evidence that committee chairs strategically choose the identities of witnesses and the types of information the hearing will generate.

In Chapter 6, we examine a second category of partisan incentives that shapes the information committees seek: the interbranch relationship between Congress and executive agencies. Given the informational advantage that executive agencies possess, we focus on how the political forces surrounding the relationship between the legislative and executive branches manifest in the information-seeking behavior of committees.

We argue that when the preferences between the legislative and executive branches diverge – which is most salient during divided government – committees are less likely to seek information from bureaucrats. By strategically adjusting the frequency of bureaucrats' appearances in

legislative hearings under divided government, committees can control input from the executive branch. However, this leaves committees in a dilemma: While limiting input from the executive branch could keep policy outcomes closer to the committee's preferences, the lack of bureaucratic input in policymaking causes an informational void that could lead to inferior policy outcomes for the majority party in Congress.

Using our extensive data on witnesses and a series of regression analyses, we show how committees overcome this problem. Under divided government, committees substitute for bureaucratic input by shifting to two types of witnesses whose testimonies also include a high degree of analytical information: (1) congressional support agencies, such as the Congressional Research Service or Congressional Budget Office, and (2) witnesses from research organizations, such as affiliates of think tanks and academics.

This link between divided government and the invitation rates of bureaucrats sheds light on a new mechanism that explains how divided government affects interbranch relationships through information transmission. A partisan divide between the legislative and executive branches may result in more than the commonly understood barriers to enacting legislation. The divide may also hold implications for the amount of input – information – from the executive branch that Congress incorporates in the formulation of legislation. A partisan divide may, therefore, have significant consequences on the content of bills as well as their implementation by executive agencies.

In Chapter 7, we address how the internal resources of Congress affect the quantity and quality of information that committees receive. Recently, scholars have revealed that the decreasing number of policy and committee staff along with a lack of internal resources has weakened congressional capacity so seriously that Congress is unable to fulfill its institutional duty effectively. One of the most critical factors in this trend is the diminished (or eliminated) role of congressional support agencies, such as the Congressional Budget Office and the Office of Technology Assessment. Scholars have expressed concern that Congress's lack of internal sources of expertise could increase the power of lobbyists and outside groups to influence legislators.

We focus on how the internal capacity of Congress – determined, in part, by the partisan incentives of congressional party leaders – affects how members are informed through the channel of committee witnesses. Our methodological approach takes advantage of a shock to congressional capacity in 1995 when the newly elected House Republican majority downsized the government through their "Contract with America" platform. As part of this downsizing, the Office of Technology

Assessment (OTA) was eliminated. Consequently, committees suffered an immediate reduction in internal information and the absence of a group of OTA staffers who liaised between committees and the scientific community.

Using a difference-in-differences research design, we show that congressional committees that relied most heavily on internally produced information suffered a drastic drop in the number of technical and scientific witnesses they could invite after the OTA's elimination. Our evidence suggests that those committees did not compensate for this loss of information through external witnesses. The partisan-motivated cuts to congressional capacity resulted in a void of technical and scientific witnesses testifying before Congress. These results highlight the importance of strong congressional capacity to bring research-based witnesses to hearings. Without this form of resource and support, the ability and incentive of legislators to identify and process key scientific and technical information decrease significantly.

1.4 BROADER IMPORTANCE OF "HEARINGS ON THE HILL"

This book makes three notable contributions. We present the most comprehensive database to date on congressional committee hearings and witnesses who appear before them. Our data greatly expand the time spans of hearings and witnesses covered in previous research while providing novel and valuable data, such as types of witnesses and their individual affiliations. Additionally, our results fill a knowledge gap by empirically demonstrating the effect of partisan considerations on how often, to whom, and why legislators rely on outsiders for information.

More generally, this book advances an understanding of how external groups influence legislators through providing information at congressional hearings, an important venue for congressional deliberation. By revealing which external groups are invited, the conditions driving these invitations, and how the type of information delivered varies by group affiliations, this book highlights one crucial way in which external groups can shape legislative processes.

We conclude the book by discussing the broader implications of Congress's selections of witnesses on the study of legislative politics and policy outcomes for the country more generally. While legislators are tasked with the ever-important job of making and passing policy to address wide-ranging concerns, they are politicians rather than substantive experts. To make well-informed policies, they must rely on the expertise of others.