The Unbroken Branch:

Who Congress Hears and How it Listens

Maya Kornberg

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Abstract

Modern scholarship on Congress tells a story of deliberative degeneration (Mann and Ornstein 2006, Connor and Oppenheimer 1993.) My thesis focuses on Congressional committees as the focal point for Congressional learning and deliberation. I ask who Congress hears from and how listening to different perspectives affects committee members. The dissertation relies on an original dataset about committee hearings. I focused on a representative sample of four committees (Senate Foreign Relations, Senate Commerce, House Agriculture, and House Science) and used sentiment analysis and language analysis software to analyze a sample of over 700 transcripts of witness testimony from the 112th, 113th and 114th Congresses. I also constructed a dataset of the professional sectors of the witnesses who testified during this period. Finally, I conducted 53 interviews with Congresspeople, witnesses, staff, and other relevant actors. Drawing on this diverse data, I present a theory of the different types of witnesses who testify, hearings Congress holds, and the distinct effects that different hearings have on Congresspeople. My data reveals that Congress hears diverse and analytical testimony and that Congressional committee hearings are in fact still educational and deliberative (under the right circumstances.)

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Introduction

There is an old saying that Congresspeople are like the mouth of the Mississippi river, a mile wide and an inch deep. That is to say, they lack depth and expertise. Though this is an age-old saying, the underlying distaste for legislators is as relevant as ever to contemporary American politics. The last decade has seen a rise in disapproval of politicians and disillusionment with the quality of political institutions. A 2017 Pew poll found that only 18% of respondents trust the American government at least most of the time. This represents an all-time low since the Pew poll started asking that question in 1958 (Pew 2017). At the same time, there is evidence that Congress is dysfunctional. It faces unbridled partisan polarization and legislative gridlock and scholars contend that Congressional expertise and deliberation are declining (Connor and Oppenheimer 1993, Polsby 2004) . We are also told that misinformation permeates every facet of American political culture and Congresspeople operate only in echo-chambers that parrot their views back to them (regardless of whether they are true). In this context, I ask whether there is good reason for Americans' low opinion of their legislators and their government. I focus on legislators' core task. Do the legislative process and committee hearings enable Congresspeople to learn and gain an expertise deeper than one inch? I also examine the types of information Congress is exposed to. How analytical, diverse, and balanced are the perspectives they hear?

My thesis focuses on Congressional committees as both the center of Congressional decline and the major public platform in which outside witnesses in different fields come to inform Congresspeople on specific issues. I ask who Congress hears from and how listening to different perspectives affects committee members. Based on the information gathered about a sample of four Congressional committees, I present a theory of the different types of witnesses

who testify, hearings Congress holds, and the distinct effects that different hearings have on Congresspeople.

Part One defines the research problem and describes the methods. In the first chapter, I explore the history of committees in the context of increasing partisan polarization and decline of deliberation. I survey the relevant literature as it relates to the core functions of committees as conduits between Congresspeople and external sources of information: committees as deliberative platforms, as educational tools, and as theatrical stages. The second chapter describes the data and research design for the ensuing analysis of committees.

Part Two explores the perspectives Congress hears. Chapter Three explains the witness selection process based on interviews with staff and witnesses. Chapter Four presents data on various witness characteristics including the language used in testimony, witness professions, and the extent to which the witness panels represent diverse perspectives. Chapter Five collates the information gleaned from the previous two chapters and offers an original typology of the main types of witnesses who testify before Congressional committees.

Part Three asks how Congresspeople listen to the expert testimony. It builds on the data introduced in Part Two by advancing a typology of the four main types of committee hearings: deliberative, theatrical, educational, and informal. Table 1.1 below presents the theoretical framework developed in Part Two and Part Three. Each chapter in Part Three is dedicated to a different type of hearing, relying on specific examples as well as interview data in order to discern the effects that witness testimony has on Congresspeople in each of the four types of hearings.

Both Part Two and Part Three draw on an original dataset I compiled about Congressional committee hearings. I used sentiment analysis and language analysis software to

analyze a sample of over 700 transcripts of witness testimony from the 112th, 113th and 114th Congresses. I constructed a dataset of the professions of witnesses who testified during this period. Finally, I conducted 53 interviews with Congresspeople, witnesses, staff, and other relevant actors. As a whole, the quantitative and qualitative datasets allow for a comprehensive exploration of who committees hear and how they listen.

Part Four considers the implications of this study for committees in Congress and committees in other legislatures. Chapter Ten explores the implications of my findings for American committees. Chapter Eleven takes a comparative approach, explaining the ways in which American committees are distinct, as well as the commonalities they share with committees in other legislatures. It illustrates the applicability of my study and its conclusions to other committee systems.

My thesis argues that Congress is not in fact as defunct and defective as previous scholarship or popular opinion polls have claimed. My data shows that Congress hears diverse and analytical testimony and that it still practices genuine learning and deliberation (under the right circumstances). In 2006, Mann and Ornstein published the book *The Broken Branch,* in which they made a compelling case for why Congress is 'broken' as a rule-making and functioning institution of governance. In contrast and based on my empirical research, I argue that Congress is *not* broken. Its core, the Congressional committees, are still functioning, even though they have been weakened by recent developments. When the body is weakened, one must not abandon hope and declare it dead, but rather focus on strengthening the core.

Table 1.1: Theoretical Framework

Type of Hearings	Criteria for Typology	Types of Witnesses	Types of Effects
Deliberative	Variety of perspectives, Opportunity for critique and interaction, Divergence of opinion	All	Legitimization, Collaboration
Theatrical	"Known quantity" witnesses, Statements not questions, Publicity	Labeled expert, Spokesperson	Voicing views
Educational	Sphere of facts, Unlabeled witnesses	Unlabeled expert, Personal storyteller, Spokesperson	Learning, Staff education,
Informal	A "hearing-like" meeting that is outside of the bounds of formal public hearings	Personal storyteller, Spokesperson, Unlabeled expert	Connection, Committee collective, Learning

Part 1: Research Puzzle and Methods

"This book rests on a simple assumption and conveys a simple theme. The assumption is that congressional committees matter."

-Richard Fenno, "Congressmen in Committees"

Chapter 1

Literature Review

Part 1: Congressional Development and Congressional Committees

I. Committee History and Congressional Decline

My research focuses on committees as a cause and a cure for Congressional degeneration. The following section explains how the history of the decline of Congressional committees is fundamental to the decrease in deliberation and learning and the increase in polarization and political gridlock. Grounded in this history, my study will explore whether committees today still engage in learning and deliberation.

Committees have been essential institutions in Congress since its inception, and as Polsby underlined in his seminal article '*The Institutionalization of the US House of Representatives*,' they formed organically as Congress itself institutionalized (Polsby 1968). Polsby stresses that institutionalization led to decentralization of power and incentivized a larger number of legislators to be active participants in the crafting of policies. Schickler and Rubin (2016) note that there is scant research on committees in the early Congress and therefore still a thin understanding of their early development. What is known is that committees were first introduced into Congress at the end of the eighteenth century. Until the 1790s, each piece of

legislation was considered by the entire chamber. Then, Congress created a strikingly large number of temporary committees. Between 1789 and 1817, the House and Senate each created more than two thousand temporary select committees. Typically, a temporary committee was created each time a new bill was introduced. Finally, in the early nineteenth century, Congress created a number of permanent standing committees. They were created as a means for specialization and expertise as well as to cope with an increasing workload (Cooper 1970). Schickler's history of committees (2011) explains that committees then expanded as new committees were created to tackle emerging policy issues. Schickler and Rubin (2016) also note that the early committees were marked by high turnover and suggest that they only later became the specializing expert bodies they are today.

Congressional committees are also important in their capacity as the major bipartisan institution in Congress. Their significance as a bipartisan body has been noted in previous studies of Congress. In an analysis of Congressional gridlock, Binder (2003) writes that "if members were given the chance to develop reasonable compromises at the committee level, there would be fewer challenges to the leadership, the Rules committee, and during floor consideration….because more partisan deliberations in committee reduce the likelihood of bill passage, encouraging policy compromise would probably bolster legislative performance" (Binder 2003, p. 128). Binder's comment emphasizes the importance of committees as bipartisan spaces in the legislative process.

A Century of Reform

Over the course of the last two centuries, as the Congress changed and developed, so too did its committees. For the purpose of this study, my survey of committee history originates at the beginning of the 20th century, when a dramatic shift in the power and function of committees

began. I espouse Skowronek and Orren's (2016) ontology, noting a number of critical "displacements" and emphasizing the "creative syncretism" of the American Congress. Skowronek and Orren (2016) write that "political development tracks successive alterations of the arrangements that maintain the status quo. To create something new in politics is, in the nature of things, to displace institutions…….displacements accumulate over time, magnifying distances and departures from points of origin" (Skowronek and Orren 2016, p. 29). The discussion below tracks a number of key "displacements" that have shaped the American Congress. My analysis sees Congress as a "creatively syncretic" organization. Berk and Galvan (2009) termed the concept "creative syncretism." They explain that "all institutions are syncretic, that is, they are composed of an indeterminate number of features, which are decomposable and recombinable in unpredictable ways" (Berk and Galvan 2009, p. 543). They go on to contend that "action within institutions is always potentially creative, that is, actors draw on a wide variety of cultural and institutional resources to create novel combinations." Skowronek and Orren echo this point, writing that "the many rules that organize institutional relationships….have always been riddled with operational ambiguities"(Skowronek and Orren 2016, p. 35). Adopting this approach to Congress as an institution, the following historical analysis describes the critical displacements that led the institutional norms of the contemporary Congress.

The first half of the 20th century was marked by the strengthening of committees and deepening of their expertise. The first "displacement" to affect committees was the 1910 so called "Cannon revolt" that cut the power of the Speaker. Schickler and Rubin (2016) write, "often referred to as a 'czar,' the Speaker in 1890–1910 was seen as the undisputed House leader, using his committee assignment and floor-recognition powers, as well as his control of

the House Rules Committee, to control the flow of legislation" (Schickler and Rubin 2016, p. 265). Many Congresspeople became increasingly frustrated with this usurpation of power. In early 1910, Representative Oscar Underwood is quoted as saying, "we are fighting a system, and that system is the system that enables the Speaker, by the power vested in him, to thwart and overthrow the will of the majority membership of this House" (National Archives). In 1910, the Speaker was Republican Joseph Cannon. When Cannon's own party began to divide and he refused their calls for reform, Republican Congresspeople joined with the Democratic minority to overthrow him. As a result of this upheaval and the Democrats taking back the House in 1911, the Speaker lost his power over committee assignments. This gave rise to the seniority system, in which committee chairmanship was decided by the seniority of the member rather than the preference of the Speaker. Polsby et al. (1969) identify 1910-11 as a critical turning point, after which seniority prescribed chairmanship. This change gave committees greater autonomy, as power filtered down from the party leadership directly into the hands of committees.

The second important "displacement" was the 1946 Legislative Reorganization Act (LRA). The LRA, spearheaded by minority member James Wadsworth, represented a bipartisan effort to improve Congress. Schickler and Rubin (2016) contend that it may have resulted from the push to combat the growth in the presidential power during World War II and the New Deal. Among its many provisions, the LRA introduced several important changes to Congressional committees. The Legislative Reorganization Act cut down the number of committees and clarified committee jurisdictions. It also supplied each committee with its own professional staff. These changes to the organization, number, and staff support of committees allowed them to gain greater specialization and expertise.

While the 1910 and 1946 reforms bolstered committee power and specialization, the next set of "displacements" achieved the opposite goal. During the era of Democratic party reform and under the leadership of Carl Albert and Tip O'Neil, several rules changed, with important consequences for bipartisanship and committee learning. First, committee leaders became less autonomous when the subcommittee and minority committee members were emboldened. The 1970 Legislative Reorganization Act empowered the minority, allowing them to hire staff and call witnesses. It also required committees to set regular meeting days, allowing for more members to add items to the agenda. This reduced the power of the majority chairman. In addition, subcommittee chairs were no longer appointed by chairmen therefore gained a degree of independence. The Subcommittee Bill of Rights, passed in 1973, also gave subcommittee chairmen the right to hire staff and organize hearings. The devolution of power within committees directly disempowered committee chairmen.

Second, the seniority system that had once dictated committee assignments was undermined as party leadership gained influence over assignment. This change resulted partly from pressure to reform imposed by the "class of 74," the large group of freshman Congresspeople elected in the aftermath of the Watergate scandal. John A. Lawrence, a longtime congressional staffer and academic, explains that these freshman lawmakers had a clear interest in overhauling the seniority system so that they could gain standing in the chamber (Lawrence 2018). These changes to committees went hand in hand with a strengthening of party leadership and increased party cohesion. The Speaker was empowered to appoint the head of the Rules Committee and could refer more than one bill to a committee. In addition, the steering committees were established. Run by the party leadership, the steering committees decided who would chair and who would be assigned to each committee. These steering committees include

the party leader and other prominent party members and continue to dictate assignment to this day. As a result of these changes, chairs became more dependent on the party to determine their position and therefore more prone to partisanship. As the post-Cannon revolt seniority system waned, party leaders won back some of their pre-revolt powers.

After decades of Democratic control, the Republican party retook control of the House of Representatives in 1994 and the trends that started under Democratic reform intensified. In 1995, Newt Gingrich became the Republican Speaker of the House. Polsby describes Newt Gingrich as "a self-identified bomb thrower, (the) leader of a group that believed his colleagues had been too acquiescent to their minority status and needed to pursue a strategy of overt obstreperousness" (Polsby 2004, p. 126). Newt Gingrich had long been identified with this type of tactic. In 1978, he addressed a group of Republican lawmakers in Atlanta, saying "one of the great problems we have in the Republican party is that we don't encourage you to be nasty." He went on to explain that repairing the party could be achieved by "raising hell" instead of being nice.[1] When he became Speaker, he was intent on carrying out his plan by dismantling committees and norms of bipartisanship. He doubled the number of votes that the party speaker had on the steering committee, further solidifying the Speaker's grip on chairman selection. Fenno highlights the extent of the additional wide sweeping changes, writing that "the new Speaker abolished some committees and subcommittees, appointed the committee chairmen, extracted loyalty pledges from committee leaders, controlled committee staff, selected committee members, created and staffed ad hoc task forces to circumvent committees, established committee priorities and time

[1] This story is taken from the October 17, 2018 *Atlantic* article, "The Man Who Broke Politics." In it, McKay Coppins explains in great detail Gingrich's past and the ramifications of his political career.

lines, and monitored committee compliance" (Polsby 2004, p. 142). This laundry list of procedural changes altered the House of Representatives in powerful ways.

Effects of Reforms

The procedure for bill passage changed dramatically as a result of the aforementioned reforms during the second half of the 20th century. Instead of bills passing gradually through subcommittees and committees and then being referred to the chamber for voting, bills began to be pushed down from the leadership into the committees and then forced quickly back to the chamber with few hearings, a pattern that continues today. This pattern is demonstrated by the dramatic shrinkage in the number of committee hearings over the past several decades. According to a Brookings Institution report, during the 93rd Congress (1973-1974) committees and subcommittees held a total of 5,888 meetings. By the 108th Congress (2003-2004), this number declined to 2,135 meetings (Brookings). As Mann and Ornstein (2006) explain, "major bills that in the past would have required weeks of hearings and days of markups are now often reviewed in days of hearings and with little or no visible time spent by the committee on systematic analysis of the legislation…much of the action now takes place behind closed doors, with bills…..put together by a small group of leadership staff" (Mann and Ornstein 2006, p. 170). A former Democratic Congressman who served in Congress from 1989-2017,[2] recalled that "before the change in 94, for 50 years the chairmen ran things. The Speaker gave them direction, but the chairmen were really powerful. And when Gingrich came in, he took all the power to the Speaker's office. (Gingrich) told the chairmen…what bills he wanted and in many instances gave

[2] Note that throughout the thesis, each mention of an interview is footnoted with the number of the interviewee on the list in Appendix A. In addition, the footnote provides the interviewee type, as the list in Appendix A is divided into 6 different interviewee types. See Appendix A for more information on each person interviewed, as well as sample interview questions.

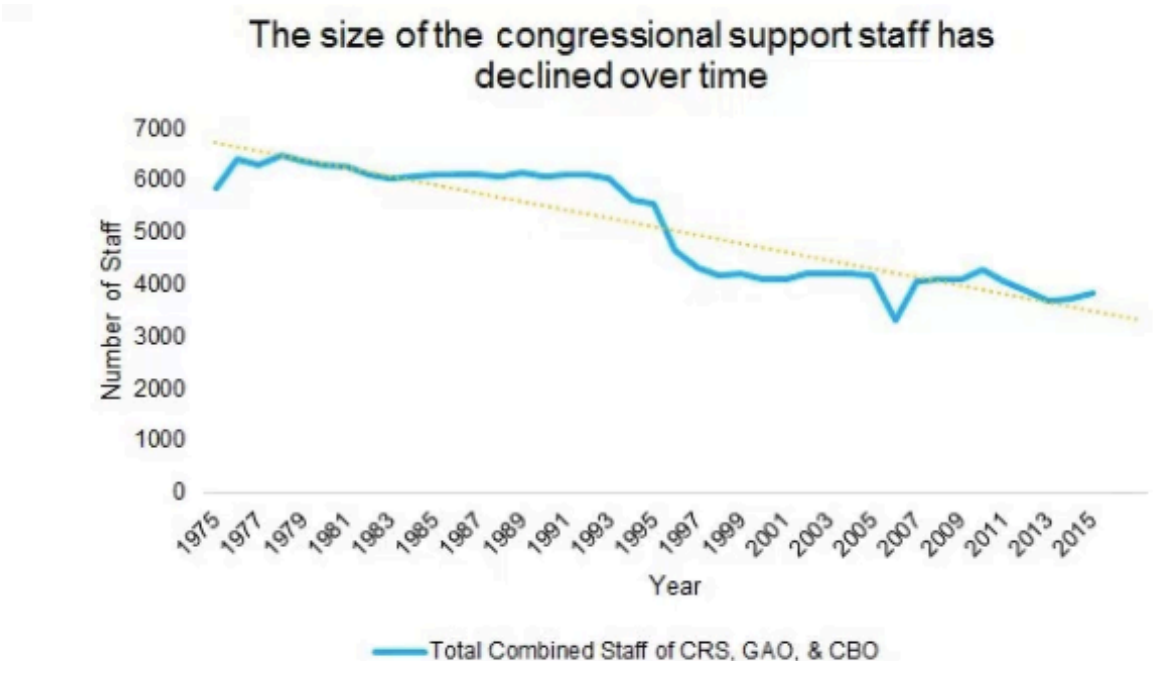
the specifics of what he wanted in the bills. And so, it changed rather dramatically. Power was pulled up into the speakership. It had been that way under people in the far distant past, but it hadn't been that way for probably 25 years. And so the change in the power structure by taking it away from the chairmen really made the committees almost irrelevant."[3] The former Congressman went on to explain that Democrats kept these changes in place when they finally retook the House in 2006. He said, "when we retook the House in 2006, because at that point most people had only been under the Republicans and that's the way it was done, they said f**k'em. We will do it that way too. And we did it exactly the same way."[4] The Congressman's reflection is a vivid indication of both the partisan strife in Congress and the continued decline in the power of committee chairmen.

The changes instituted under Republican leadership had ramifications for committee learning. As party leadership consolidated power, committees continued to lose their autonomy, their power, and their place as a platform for Congresspeople to gain specialization and expertise. Fenno argued in *Congressmen in Committees* that the greater the autonomy of a committee, defined as relative influence of the committee members, the more it will emphasize expertise (Fenno 1973). It would follow that the loss of committee autonomy would result in a loss of expertise. Furthermore, many committees were simply abolished under the 1970 Legislative Reorganization Act, directly impairing Congresspeople's ability to specialize in those topics. In addition, committee staff was reduced by one third and subcommittees were forbidden from hiring staff. Instead, staff people were hired only by the chairman (who was appointed by the Speaker). These changes in staffing procedures meant that Congresspeople no longer had a

[3] Congressperson 12
[4] Congressman 12

strong network of staff to help them gather information and specialize. The centralization of staff hiring led to higher turnover and a potentially less diverse group, both of which make for a less comprehensive specializing body. The graph below[5] emphasizes the marked decline in the size of Congressional support staff over the past four decades. Gingrich also defunded legislative services that helped committees specialize, such as the Office of Technology Assessment. As one Democratic Congresswoman who served in the House at the time of Gingrich's takeover recalled in an interview with me, "during the Gingrich era, he took the gavel as Speaker. He was I think really quite cunning in terms of eliminating long time organizations inside Congress that did a great deal of the research."[6] As a result of this loss of resources, the learning function of committees declined (Polsby 2004).

Figure 1.1: Congressional Support Staff



[5] The graph is taken from the Brooking Institution's "Vital Statistics on Congress" report. The full dataset can be accessed at: https://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/

[6] Congressperson 1

Source: The Brookings Institution's "Vital Statistics on Congress"

The changes in Congress also had a notable impact on bipartisanship. As Polsby explains, committees were once run by bipartisan coalitions. He describes the scene as, "sharply restrained partisanship that had evolved into a subculture grounded in a bipartisan consensus. It is difficult to overestimate the power of this subculture to shape the attitudes of participants toward the political process" (Polsby 2004, p. 119). He writes that some particularly bipartisan committees "took great pride in delivering to the floor proposals that had bipartisan cooperation in framing legislation" (Polsby 2004, p. 125). This changed when power shifted into the hands of party leadership as a result of the 1970s reforms.

It is important to underline that some of the scholarly nostalgia for the bipartisanship of this period contains a racialized component. The bipartisanship described was a result of a consensus about segregation and race relations (King and Smith 2005). In the New Deal era preceding the 1970s reforms, President Roosevelt and Congressional leadership agreed to sidestep addressing race issues in exchange for Southern support of the New Deal (Katznelson et al. 1993). With the start of the Civil Rights movement and the signing of the Civil Rights Act of 1964, there began a process of political realignment. The Democratic party lost a good deal of conservative Southern support (Haidt 2013). The composition of chairmen also changed during this time period. Whereas in the mid 1960s, 13 out of 20 committee chairmen were Southern, by 1980 only five chairmen were from the South (Polsby 1968). This compositional change was likely a result of continued Democratic control of the House, together with the Democratic loss of the South. These political processes form part of the explanation for the period of bipartisan committee relations, followed by one of partisan strife.

The combination of these racialized changes, together with the reforms of the 1970s and Gingrich era reforms, created a noxious environment for bipartisanship. Lawrence (2018)

identifies the 1970s as the beginning of the decline of bipartisanship in his book about Congressional reform. He writes that "the large Democratic majority won in the aftermath of Vietnam and Watergate…created an unwarranted sense of confidence in.. hegemony, which contributed to the failure to recognize the GOP threat" (Lawrence 2018, p. 8). Others place the bulk of the blame on Newt Gingrich's speakership in 1995. Newt Gingrich harmed bipartisanship significantly by encouraging freshman Republican Representatives not to bring their families with them to Washington. Before that time, most Congresspeople brought their families and were likely to send their children to the same schools, have spouses who knew and were friendly with one another, and attend the same social gatherings. This personal interaction influenced political interaction. In Haidt's investigation of the power of social contact across party lines in Washington, he explains that "intuitions come first, so anything we can do to cultivate more positive social connections will alter intuitions and thus, downstream, reasoning and behavior" (Haidt 2013, p. 363). Once people's families and personal life were no longer in Washington, there were fewer such opportunities to "cultivate more positive social connections" outside working hours, and therefore less bipartisan goodwill during working hours.

The Senate

The Senate also underwent major changes over the century. Schickler and Rubin (2016) explain that while many scholars treat the early 20th century Senate as "mirroring the House's development" (Schickler and Rubin 2016, p. 266), there is evidence to suggest that party leadership in the early 20th century Senate was less consolidated than in the House. They cite the fact that the first mention of an official Senate "majority leader" was only in 1913. They go on to characterize the Senate of the first half of the century as an increasingly decentralized chamber in which parties struggled to maintain control of their members as internal divisions grew.

As a result of too many committee assignments and a rising workload, deliberation in the Senate declined during the second half of the 20th century(Connor and Oppenheimer 1993). According to a Brookings Institution report, the number of hours the Senate spent in session rose from 1,462 during the 80th Congress (1947-48) to 2,352 during the 91st Congress (1969-70) (Brookings.) This trend was so apparent that the Senate decided to reform its committee system. The Stevenson committee attempted reduce committees and consolidate assignments, but Mann and Ornstein explain, "and so there was modest progress but no fundamental change: the underlying pressure to spread power and resources continues largely unabated" (Mann and Ornstein 2006, p. 83). The fact that Senators are spread thinly across committees and burdened with a heavy legislative workload has a direct effect on their ability to learn in committees. Without the necessary time and resources, they cannot specialize in their committee's topic.

Moreover, the explosive rise of filibustering in the Senate during the 1960s and 1970s had detrimental effects on the quality and quantity of legislation, and bruised bipartisanship. The term 'filibuster' refers to an obstructive attempt to delay or block bills, amendments, or other measures through prolonged speeches or debates. As Binder and Smith (1997) explain, the filibuster was first introduced into the Senate in 1837, and "today….a minority of the Senate can still exploit the right of extended debate to prevent a majority from casting a vote….even the threat of a filibuster by a single senator is often powerful enough to thwart a time-constrained majority from pursuing portions of its legislative agenda" (Binder and Smith 1997, p.2). The only antidote to filibusters is rule 22, which was adopted in 1917 and permits the supermajority to end a debate by invoking cloture. Binder and Smith (1997) track the number of filibusters per Congress from 1789 to 1989 and find a marked increase in filibustering starting in the late 1960s and 70s. They write that filibustering rose to unparalleled levels at this time and identify a

number of possible reasons for this trend. First, they explain that the increasing number of bills introduced created more targets for filibustering. Indeed, the number of recorded votes in the Senate rose from 248 in the 80th Congress (1947-8) to 667 in the 91st Congress (1969-70) (Brookings). Second, the Senate was under increasing time constraints as its workload rose. In order to alleviate some pressure, Majority Leader Mike Mansfield introduced the "two track" system, which made it easier for the minority to filibuster bills without bringing the Senate to a complete halt. Under this system, the Senate could have more than one bill pending on the floor and therefore move past filibustered measures. As a result, filibustering increased rapidly, and the quantity of legislation passed fell dramatically. Binder and Smith (1997) write " by making filibusters more tolerable and less costly to the filibustering senators…tracking also seems to have sparked an increase in filibustering" (Binder and Smith 1997, p. 15). Scholars therefore classify filibustering as both a result of partisanship and as a fuel that continues to drive it. It encourages members to adhere to party lines in votes and quash legislation put forward by the opposing party.

Bipartisanship also declined as regional divisions became barriers to collaboration. This was a result of a fall in Southern Democratic membership. Regional divides compounded party divisions in the Senate and further exacerbated partisan strife. By 1982, Senator Joe Biden said of the Senate, "there's much less civility than when I came here ten years ago. There aren't as many nice people as there were before. Ten years ago, you didn't have people calling each other sons of bitches and voting to get at each other. As you break down social amenities one by one, it starts expanding geometrically" (Mann and Ornstein 2006, p. 80).

Today, the Senate committees are also characterized by much of the same dependency on the leadership and legislative impotence as House committees. In an interview with me, a senior

Democratic Senator explained, "when it comes to the authority of committee chairs in the House…and in the Senate, it is all in the hands of Speaker and the Republican leader as to whether a matter is going to move from the committee to the floor and the committee chairs in their day were powerful enough to really put pressure on a leader to bring a measure before them…not so much anymore. Unless that leader feels he is about to lose his own caucus, they can just stop things from happening."[7] The Senator's assessment underscores the power shift away from committee chairs and committees and towards party leadership.

The Cause and the Cure

The history of changes in rules that disempowered committees over the latter part of the last century is a story of regression in Congressional deliberation, learning, and bipartisan relations. Studies examining trends across both chambers further emphasize the deleterious effects of reforms. Connor and Oppenheimer document a precipitous fall in the time spent deliberating (Connor and Oppenheimer 1993). They compared three Congresses, the 68th (1923-1925), 84th (1955-1957), and 96th (1979-1981), and showed that the hours spent debating each bill on the floor dropped. They also looked at attendance for division votes (in which members receive no prior notice) as an indication of attendance at debates and found very low turnout as well as fewer Speakers in attendance. Their study points to a marked decline in deliberation after the reforms in the early 1970s. Mann and Ornstein studied the decline of Congress as an institution in several different pieces and argue that deliberation has declined in both chambers over the past two decades as a result of more committee assignments, a rise in filibustering, and a number of other changes (Mann and Ornstein 2006).

[7] Senator 1

Many scholars have also identified increased polarization in both chambers following the reforms. In their seminal book *Ideology and Congress*, Poole and Rosenthal (2007) define polarization on the basis of two different but related characteristics. They explain that "for parties to be polarized, they must be far apart on policy issues, and the party members must be tightly clustered around the party mean" (Poole and Rosenthal 2007, p. 105). In an analysis of roll call voting that extends back to 1789, they show that the extremely high levels of polarization in Congress in the twenty-first century are similar to those during and immediately after the Civil War. Their analysis shows that polarization has been increasing steadily since the 1970s, the era of reform, and that Congress is dividing more and more along party lines.

There is also some evidence that rising polarization in Congress is responsible for legislative gridlock. McCarty, Poole, and Rosenthal show that Congress enacted the large majority of important measures during the least polarized periods (McCarty, Poole, and Rosenthal 2008). They plot data on significant legislative enactments taken from Mayhew's 1991 study against polarization scores, and show that the ten least polarized terms produced 16 enactments per term whereas the ten more polarized produced little more than ten. They show that polarization is at least partly to blame for the fact that Congress is not legislating. Furthermore, they argue that Congress is not responsive to new social and economic issues. Binder (2003) builds on Mayhew's work on legislative output and develops a new assessment of gridlock that looks beyond legislative output to a more comprehensive measure of the Congressional agenda. She codes the legislative content of *New York Times* editorials on Congress between 1947 and 2000 and creates a measure with a numerator of failed agenda items and denominator of total agenda items. Her findings support the conventional wisdom that there is an upward trend in gridlock in recent Congresses. She finds further that divided governments

yield more gridlock and that partisan polarization is indeed an indicator of stalemate. Scholarship thus points to a connection between polarization, which rose as a result of the late 20th century reforms, and a malfunctioning legislative branch.

Having identified the changes to Congressional committees in the 20th century as one reason for Congressional decline in learning, deliberation, and effective legislating, it is logical to ask the question "is Congress broken?" in the context of committees. Committees are the primary bipartisan institution in Congress and they are the beating heart of Congressional learning and deliberation. Consequently, it makes sense to explore who today's Congress hears and how it listens in the context of committees.

II. Congressional Committee Research

There is a rich literature on committees in the United States Congress. My research adds to the classic work by examining committees in their modern form. Much of the classic literature on committee assignments comes from the era before committees underwent the dramatic changes explained in the previous section. Schickler and Rubin (2016) write that there "may have been an underinvestment in careful studies of committee processes that could speak to contemporary debates about the purposes of the standing committee system" (Schickler and Rubin 2016, p. 276). My work examines committees in the present day, exploring contemporary committee members' motivations as well as how committees deviate from the chamber as a whole. I also adopt a deliberative rather than classically rational choice approach, setting my study apart from most modern scholarship on Congress. Furthermore, whereas previous work focused on internal workings of committees, I investigate the external actors who shape committee proceedings.

One important aspect of research on American committees is the committee assignment process and the motivations driving assignment requests. In each chamber, each party has panels that decide committee assignments by secret ballot (the Democratic and Republican Steering Committees, the Republican Committee on Committees for Senate Republicans, and the Steering and Outreach Committees for Senate Democrats). After approval by the party caucuses, the lists are voted on by the House and Senate. There are of course many criteria guiding committee assignment including expertise, constituent interests, loyalty to the party, seniority, electoral concerns and more. In an analysis of six House committees, Fenno argues that members of committees are primarily motivated by, "getting reelected, making good public policy, and securing influence within the chamber" (Fenno 1973, p. 1). Shepsle's landmark piece *The Giant Jigsaw Puzzle* expanded upon Fenno's theories about the psychological motivations behind requests for assignment and created a model for how party leadership decides on committee placements (Shepsle 1978). Cox and McCubbins further investigated assignment and showed that party loyalty played a part in committee assignment (Cox and McCubbins 2007). They tracked the assignment of members of Congress between the 80th and 100th Congresses. They used an independent variable of "party loyalty," defined by the number of previous Congresses in which the member voted with his party, and a dependent variable of the transfer to a new committee in the next Congress. Their results indicate a statistically significant relationship between party loyalty and committee assignment. This finding is not surprising given the aforementioned link between party leadership and committee assignments. The priority given to the various criteria has changed as a result of the Democratic and Republican era reforms. The impact of party loyalty on committee assignments and the resulting partisanship is perhaps even

more pronounced today as a result of the reforms to the committee system over the past few decades.

I build on previous work by looking at committees in the present day and exploring some of the major ramifications of committee assignments and the power of party leadership. As Quirk and Bendix explain, "research on deliberation needs to…catch up with developments in Congress….We need to come to grips with deliberation in a partisan Congress" (Quirk and Bendix 2011, p. 569). Indeed, the landmark works by Polsby, Shepsle, Fenno, and other titans of American political science are nearly half a century old. The literature is outdated and needs a modern-day addendum that takes into account the dramatic changes to partisanship, deliberation, racial polarization, and the nature of committees over the past several decades.

The debate about the representativeness of committees is also central to legislative scholarship, and my work adds to this enduring puzzle. The distributivist theory leads some scholars (Shepsle and Weingast 1987, Mayhew 1974) to the assertion that committees are "preference outliers." Mayhew (1974) conceptualized legislators as "single-minded seekers of reelection" and reasoned that committee members are only there to further their constituents' interests. Distributivists therefore view committees as homogenous groups who work as a committee to further a shared political goal. Others have used empirical studies to prove that committees are not preference outliers. In his competing narrative of committee function, Krehbiel used interest group ratings of member roll call votes to show that the mean and median values of liberalism/conservatism for House committee members in 1985-6 did not vary significantly from the chamber as a whole (Krehbiel 1992). Later, Poole and Rosenthal (2007) used their DWNominate method to further investigate committee member preferences. In an analysis of committees during and after the 80th Congress (1947-48), they found that committees

reflected the preferences of the chamber on the whole. However, Poole and Rosenthal also found that present day committee members may be less polarized in their voting than Congress as a whole. They found that "minority party committee members tend to support the committee's position and to make spatial voting "errors" in doing so" (Poole and Rosenthal 2007, p. 271). They report that Republicans on a committee are eight percent more likely to vote with Democrats than non-committee Republicans. They attribute this to an information effect, explaining that committee members have more information than non-committee members and so "can more accurately map the outcome of committee-related roll call into their basic beliefs" (Poole and Rosenthal 2007, p. 268). However, Poole and Rosenthal do not explore sufficiently the underlying causes that might explain why having more information changes political behavior. My research investigates in greater detail how and why the information shared in committees affects committee members. Moreover, Poole and Rosenthal's analysis points out that the number of "outlier committees" (committees that differ from the chamber) rose significantly after the 85th Congress, which was the beginning of the forty-year period of Democratic control of the House. This suggests that the reforms may have altered committees and their effects on members. I investigate the issue of committees' political behavior following these decades of change.

In addition, my work breaks with purely rational choice-based models that dominate the literature on Congress. As Quirk and Bendix explain, the rise of rational choice literature rendered deliberation an "impossibility theorem" (Quirk and Bendix 2011, p. 553). Key thinkers such as David Mayhew saw Congresspeople as solely interested in reelection. When rational choice theorists such as Krehbiel became interested in deliberation later on, it was still approached from a rational choice perspective as games of incomplete information. However, I

ground my project in deliberative democracy theory. Deliberative democracy theory places the emphasis on deliberation rather than vote-winning. I pursue that line of reasoning. My project is grounded in the assumption that politicians cannot simply be viewed as rational actors making cold calculations about votes. The picture is far more complex. As Tetlock explains, "cognitive theorists have challenged the notion that rationality - high quality cognitive functioning - is a prerequisite for success, or even survival in world politics. Just as one does not need to be a grand master to win a chess tournament….so one does not need to be an exemplar of rational decision making to manage security policies" (Tetlock 1998, p. 875). Tetlock emphasizes that one cannot distill political calculations to rational decision-making. Furthermore, Tetlock explains that politics "is ultimately the product of the thoughts, feelings, and actions of human beings" (Tetlock 1998, p. 868). Politicians are human beings and as such, they are sometimes motivated by irrational thoughts, feelings, and cognitive biases. Therefore, they should be viewed as more than the sum of rational decision-making.

Moreover, rational choice theory tends towards universalism and my project assumes a more nuanced approach. As Green and Shapiro (1994) reason in their landmark critique of rational choice entitled *Pathologies of Rational Choice Theory: A Critique of Applications in Political Science*, "the weaknesses of rational choice scholarship are rooted in the characteristic aspiration of rational choice theorists to come up with universal theories of politics….empirical research has become theory driven rather than problem driven, designed more to save or vindicate some variant of rational choice theory rather than to account for any specific set of political phenomena" (Green and Shapiro 1994, p. 6). Aldrich and Shepsle (2000) echo this point, writing "most rational choice theories of politics hold ambition in high regard, for ambition is but another way to label maximizing behavior. These theories, however, are less

satisfactory when addressing the singularly important behavior of someone other than a 'representative' politician" (Aldrich and Shepsle 2000, p. 15). They go on to explain that "no single individual may be representative of (or represented by) any objective function" (Aldrich and Shepsle 2000, p. 16). I thus eschew a rational choice approach in favor of one that is problem driven and acknowledges the idiosyncrasies that form politicians and political events.

Lastly, the literature on committees has in the past focused largely on the internal mechanisms (Evans 2011) instead of on committees as outward facing organizations. As noted earlier, much of the previous literature pertains to the members themselves, exploring their motivations, interactions, and voting patterns. However, committees are also the primary public platform for communication between Congress and outside sources of information. Surely, Congresspeople are shaped by interactions with external actors behind closed doors, but committees serve an important function as a public forum for such engagement. My study thus focuses on the outward facing side of committees, investigating who comes to speak to committee members and how hearings are used as a public platform. In so doing, my study fills a gap in the literature.

I focus on the three major external functions of committees: as a deliberative platform, as an educational tool, and as a theatrical stage. The choice of these functions is grounded in previous literature that has recognized committees as the focal point for these three tasks that involve interaction with external actors and sources of information (Maass 1983, Krehbiel 1992, Bessette 1997, Simson 2010). Committees are where outside voices enter the deliberation process. They are where outside information educates Congresspeople on specialized topics. Finally, committees act as a stage for both Congresspeople and external witnesses to shape public debate.

Part 2: Committee Functions

I. Committees as a Deliberative Platform

Scholars have long identified committees as the locus for Congressional deliberation. Though some studies have relied on floor debates to analyze deliberation (Conner and Oppenheimer 1993), as Quirk and Bendix (2011) point out, this view is simplistic because floor debates are short and come too late in the game. Committees are where the brunt of deliberating takes place. Woodrow Wilson explained "the House virtually both deliberates and legislates in small section. It delegates not only its legislative but also its deliberative functions to standing committees" (Bessette 1997, p. 43). Maass's "deliberation model" of Congress places committees at the center of Congressional discussion (Maass 1983). Bessette's in-depth study of deliberation in Congress again placed committees at the center of Congressional deliberation. He writes "by design it is in committees and subcommittees that the most detailed and extensive policy deliberation occurs within Congress. The committee and subcommittee structure of the House and Senate is an institutional device intended to solve the fundamental deliberative problem that faces a finite legislative body entrusted with hundreds of...issues. It is within the committees that…true subject matter expertise can be developed" (Bessette 1997, p. 156). In addition, Polsby's emphasis on Congressional institutions as a platform for empowering a greater number of voices suggests that committees are a logical focus for a study of deliberative democracy in Congress (Polsby 1968). Previous scholarship therefore points to deliberation as a core function of committees.

A. Deliberative Theory

After identifying deliberation as one of the key purposes of committees, it is important to define deliberation. There is a rich literature of normative political theory on deliberative democracy. As opposed to other theories of democracy, deliberative democracy places emphasis on the deliberative process rather than on votes or on special interests. It argues that participation in political judgments should be as widespread as possible. Theorists dating from Plato have grappled with questions concerning pluralism and differentiated societies. I will therefore not attempt to present an exhaustive account of the abundant literature on deliberation theory. Rather, I will survey some key works relevant to my study of Congressional deliberation. Though these theories are not operational, they provide an important theoretical basis for empirical work.

Hannah Arendt is one of the major political theorists to deal with the question of different opinions. Arendt's theory of plurality argues that plurality and working in groups is central to action and that the validity of political judgment lies in our ability to think from the standpoint of others. She explains that one person's action receives significance insofar as it is surrounded by and shaped by the actions of others. She writes "the political realm rises directly out of acting together, the sharing of words and deeds….the polis, properly speaking, is not the city state in its physical location; it is the organization of the people as it arises out of the acting and speaking together" (Arendt 2013, p. 198). Her words place emphasis on interaction with different perspectives as a core feature of political culture.

Deliberative democracy takes as a given that society is differentiated and attempts to reconcile democracy and difference. Deliberative democracy theory divides into different schools of thought, but deliberative democrats are united by certain basic ideas. They believe that the legitimacy of a political decision depends on the extent to which citizens affected by the

decision can partake in the discussion and influence the outcome. Deliberative democrats distinguish between deliberation and mere discussion and believe in the power of deliberation to transform opinions. Cohen explains that deliberation resorts to reason while discussion may be restricted to a mere pooling of information (Cohen 1998). Smith similarly points out that unlike other forms of interaction, deliberation involves "reasoning together" (Smith 1989). As Dryzek and Braithwaite write, "deliberation induces individuals to think through their interests and reflect upon their preferences, becoming amenable to changing the latter in light of persuasion from other participants" (Dryzek and Braithwaite 2000, p.242). These scholars make it clear that deliberation is more active and interactive than simple discussion. It therefore wields more power to change opinions.

Though deliberative democrats are united by some basic beliefs, there are various normative conceptions of deliberation. My work uses the German theorist Jurgen Habermas's conception of deliberation. Habermas contends that actors must be open to persuasion by better arguments and find reasoned consensus through reflective dialogue (Habermas 1984). For Habermas, rationality is based on how we acquire and use knowledge rather than simply the possession of knowledge. In his theory of communicative action, Habermas explains that language inherently requires its speakers to orient themselves towards reaching an understanding that leads to the best possible arguments and increases the legitimacy of decisions. Speakers engage in "communicative action" when they address each other in this way. His criteria for "ideal speech" are that no one competent to make a contribution has been excluded, all participants are allowed to question assertions, and everyone is free to express themselves without any coercion. Of these criteria, my study focuses on the participatory requirement. I

focus on how committees interact with external experts. I ask whether committees are hearing from the full spectrum of possible contributions in making their decisions.

B. Effects of Deliberation

Deliberation is thus a social concept insofar as it relates to one's ability to reason in social fora. Though deliberation also contains an individualistic component, my study takes up a fundamentally social conception of deliberative democracy, as espoused by Young and other scholars. Central to this conception is the value placed on difference. Young explains that deliberation transforms preferences in three ways (Young 1996). This theoretical work is further supported by work in social psychology. Based on Young's theoretical framework and social psychology research, I propose the following three possible effects of committee deliberation.

- **Effect 1 - Exposing Partiality:** First, deliberation may lead to legitimization of other opinions by exposing the subjectivity of one's own opinions. Young explains that confrontation with perspectives teaches the "partiality of my own." This is supported by Monteith's Self-Regulation of Prejudice Model, which shows the processes that people who are not prejudiced go through. The Self-Regulation of Prejudice Model explains that when people are aware they are stereotyping, they feel guilty, because this is at odds with their standards of behavior. They then pause and rethink their response (Higgins 1987). This underscores the power of confrontation with other opinions in exposing one's own partiality and bias.
- **Effect 2 - Understanding the Other Side:** Second, deliberation leads to a more comprehensive understanding of other points of view, which can in turn result in rethinking one's own position, legitimizing other perspectives, and potential collaboration. Young conceives of "understanding" the other not as necessarily transcending differences, but rather

as “a successful expression of experience and perspectives, so that other social positions can learn” (Young 1996, p. 128). Young explains that “through listening across difference each position can come to understand something about the ways proposals and claims affect others differently situated…participants gain a wider picture of the social processes in which experience is embedded” (Young 1996, p. 128). The most obvious effect of such understanding is the social learning that Young references. Participants learn about and gain a deeper understanding of different positions.

This deeper understanding may prompt a reassessment of one’s own position. Research in social psychology shows the profoundly different effects of exposure to like-minded perspectives versus different positions. Levendusky (2013) found that showing people like-minded media made them more extreme and more certain in their views. It also caused them to delegitimize and mistrust the other side. Garret et al. (2014) further reaffirmed the ability of exposure to pro-attitudinal information to strengthen opinions. As such these are examples of “implicit attitudes.” As Greenwald and Banaji (1995) explain, implicit attitudes are stimulated outside of one’s conscious awareness. Yet another study on racial attitudes found that white people with racist beliefs showed even more racial prejudice after speaking to others with racial prejudice. On the other hand, white people with low levels of racial prejudice exhibited even less prejudice after speaking to other white people with low levels of prejudice (Sunstein 2009). In addition to intensifying positions, interaction with only like-minded perspectives leads to the wrong conclusions. Tetlock explains that “groupthink” occurs when “intense social pressures toward uniformity and in-group loyalty within decision-making groups can build to the point where they seriously interfere with both cognitive efficiency and moral judgment” (Tetlock 1979, p. 1314). Janis (1972) traced poor political decision-making cases (Bay of Pigs, escalation

of Vietnam war) and showed that the policymakers formed cohesive groups that inhibited independent judgment. Tetlock expanded on Janis' analysis and found that policymakers in groupthink situations evaluated the group they identified with more positively relative to policymakers in non-groupthink situations. The work on groupthink (Tetlock 1979, Janis 1972) illustrates that monolithic groups endanger not only moderation but also the quality of the decisions themselves.

On the other hand, there is work showing that exposure to conflicting people and perspectives holds the potential to sway positions. Hsee's work shows that joint evaluation of two different options causes people to reverse previous decisions. Simply viewing two pieces of information side by side changes people's decisions (Hsee et al. 1999). There is also social psychology research on group dynamics that again reaffirms the power of exposure to diversity. Sunstein collected tens of thousands of judicial votes from federal judges who were on three-person panels that were either all Democrat, all Republican, or mixed. He found that sitting on a mixed panel makes a great difference in how people vote. While Democrats and Republicans have a 41 % difference in voting on gay rights issues overall, Democrats on an all-Democrat panel and Republicans on an all-Republican panel show an 86 % difference (Sunstein 2009). This suggests that seeing and understanding different positions may change one's opinion.

In addition to affecting one's positions, understanding the other side may also serve to legitimize and destigmatize the other. Scholars have identified the tendency to view those who agree with us as a coherent "in group" and those who disagree as a homogeneous out group (Janoff-Bulman and Werther 2008). Mackie's work on attitude polarization also showed that group attitudes shift towards the position of the "in group" (those with shared beliefs) (Mackie 1984). There is a vast literature on in group - out group relations in social psychology (Al

Ramiah and Hewstone 2013, Sherif 1966). The literature shows that the in group versus out group binary leads to delegitimization of the out group and negative perceptions of them as untrustworthy, uncooperative, and other negative stereotypes. Though some of the work on this topic concentrated on groups embroiled in ethnic conflicts, scholars contend that these tendencies and biases extend to human interaction in groups more broadly. Research further shows that the way to combat this bias is through exposure to the other. Kawakami et al. (2005) showed that people who were trained to make counter-stereotypic gender associations were less likely to display gender stereotyping when choosing job candidates. Dasgupta and Rivera and Blair et al. (2006) further illustrated that exposure to counter-stereotypic exemplars decreases bias.

Finally, learning where others are situated may also reveal new opportunities for collaboration, by shedding light on possible common ground. When one better understands where one's counterpart stands, one might discover shared goals or interests.

- **Effect 3 - Collective Problem Solving:** Third, deliberation can lead to an approach of collective problem solving that changes the social experience itself. Young explains that the fact that the group is engaged in collective problem solving and the understanding that others have a right to challenge your claims "requires such expressed claims to appeal across difference, to presume a lack of understanding to be bridged" (Young 1996, p. 128). Young's analysis underlines the importance of a sense of collective effort in changing the social experience.

Social psychology research shows that collective cooperation and superordinate goals are key social components to overcoming intergroup conflict (Gaertner et al 1990, Gaertner et al 1999, Pettigrew and Tropp 2006). In Gaertner et al's 1999 experiment, partisan groups deliberated about ways to reduce the federal budget deficit. The research showed that interaction

across groups, both through open discussion and through exchange of information about each group's preferences, led to an atmosphere of collective decision making. Committee deliberations similarly necessitate "collective problem solving" in which both sides have to cooperate towards a shared goal of learning about an issue and passing a law. Mann and Ornstein write, "an increase in deliberation might well relieve some of the inefficiencies of the legislative process....by developing consensus and giving minority its say, the 'losers' may be more willing to accept the outcome and may be less likely to engage in direct and indirect obstruction" (Mann and Ornstein 2006). In essence, they are describing a "collective problem solving" situation in which cooperation helps overcome intergroup conflict.

This theory of the three possible effects of deliberation is grounded in previous theoretical and empirical work. In their expansive review of theoretical and empirical research on deliberation, Delli Carpini et al. (2004) conclude that, "research drawn from social psychology….provides substantial (if partial and inconsistent) evidence that deliberation can lead to some of the individual and collective benefits postulated by democratic theorists" (Delli Carpini et al. 2004, p. 336). This summary acts as further confirmation of the value gained by connecting theoretical work on deliberation and empirical research in social psychology. My work employs this strategy, building a theory of the possible effects of deliberation based on literature in social psychology and deliberation. Nevertheless, this theory is neither absolute nor unbending. I advance it only with a profound acknowledgement of its position as a partial theory rather a complete set of truths.

C. Previous Operationalizations of Deliberation

Deliberation can be analyzed from theoretical, psychological, empirical, and countless other standpoints. I situate my own empirical exploration within the context of the existing literature on operationalizing deliberation. Perhaps the study most directly relevant to my own work is Steiner et al.'s application of Habermasian deliberation to analysis of legislative debates (Steiner et al. 2004). They select representative debates on key policy issues from 52 different debates between 1970 and 1990 in several legislatures (United States, Germany, United Kingdom, Switzerland) and hand code them for Habermas's requirement for ideal speech. They create a "Discourse Quality Index" to guide coding that measures participation, logical justification of assertions, arguments as an appeal to the common good, respect for others, and openness to be convinced by better arguments. In general, they find low quality of discourse in the American Congress. Interestingly, it scores particularly low on the "justification" dimension relative to parliamentary committees. They also compare more and less polarized issues. In the United States, they choose debates on crime prevention and rights of the disabled as a less polarized issues and minimum wage and "partial birth" abortion as examples of polarizing issues. These debates span the Bush and Clinton presidencies. They find higher quality deliberation and more respect for less polarized issues. However, Steiner et al.'s study looked these measures only in relation to the members themselves and only in the context of floor debates in the American Congress. They even note in their conclusion that their unit of analysis limits the scope of their findings. They did not sufficiently address the role of external actors and did not examine Congressional committees, the deliberative platform in which voices outside the committee's membership are voiced. In investigating deliberation in the Congressional context, it is important to explore the role of external actors and committee hearings, both of which Steiner et al. omit.

My work expands the operationalization of deliberation. In their survey piece on Congressional deliberation, Quirk and Bendix (2011) note that this is an area that needs to be further researched. They explain that deliberation has yet to be fully fleshed out, measured, or defined and remains a largely murky concept (Quirk and Bendix 2011). They stress the need to take a more comprehensive approach, exploring the conditions under which deliberation occurs. Schickler and Rubin (2016) further reinforces this point, writing "that committee deliberations are… difficult to measure systematically" and so there is a need for new datasets and fresh approaches that are "not dictated by the easy availability of data" (Schickler and Rubin 2016, p. 276). Investigating the involvement of a full range of external voices is an important criterion for deliberation that has been largely left out of previous literature.

In addition to Steiner et al.'s study (2004), the research on deliberation in the American Congress has also measured deliberation by looking at the speech of Congresspeople themselves. Granstaff (1999) explored the logical validity of arguments on foreign policy in Congress, based on a list of ten logical fallacies, and again found low quality of argument. Mucciaroni and Quirk (2006) focused on the opposing sides' empirical claims in Congress. They analyzed welfare reform, estate tax repeal, and telecommunications in the 1990s. They identified the most central issues and the key claims, and compared the claims with available evidence (policy research, government reports, and other sources). They then gave each claim an accuracy score. They found low levels of informational accuracy in Congress. Again, this work concentrates on the speech of Congresspeople themselves. I explore deliberation from the vantage point of outside testimony, broadening the operationalization of deliberation, and advancing the more comprehensive approach that Quirk and Bendix advise.

Within deliberative democracy theory there is also a large discussion on public deliberation (Cohen 1998). There is an entire related body of literature on deliberative polling (Fishkin and Luskin 1999, Fishkin 2003, Mansbridge 2010). The deliberative polling process begins with polling a random sample of individuals on policy issues. Then the individuals receive briefing materials and have the chance to speak with competing experts and are polled again. Fishkin argues that the change in opinion between the two polls is both more illustrative of public opinion when the public is informed and more representative (Fishkin 1999; Fishkin 2003). Furthermore, there has been work that shows that when deliberation takes place, it has the power to change American policy opinions. One American study on public deliberation that is particularly relevant to my own is Barabas's study of how deliberation affects policy opinions (Barabas 2004). Barabas studied the effects of a forum on social security in Arizona. More than 408 citizens gathered to deliberate social security reform. They heard from experts about the facts and potential benefits of the program and deliberated about policy options. Before the forum, they had received balanced briefing materials. Barabas measured the political knowledge and opinions before and after the forum and found that deliberation leads to moderation of opinions and increased political knowledge. He emphasizes that the encouragement to keep an open mind, one of his criteria for differentiating between deliberation and mere discussion, played a large part in this change. He writes that "without the encouragement to soften their views, merely talking about Social Security does not help respondents with strong views update their opinions. The encouragement to keep an open mind that citizens received at the deliberative forum enabled them to relax their prior opinions so that opinion change was possible if citizens encountered precise (i.e. consensual) messages" (Barabas 2004, p. 698). This suggests the presence of the "understanding the other side" effect discussed in the previous section. My work

deals with deliberation in the context of political elites rather than the public at large, but still draws on the literature in both. Just as the participants in Fishkin and Barabas's work were influenced by deliberation and interaction with external sources of information, Congresspeople can also be shaped in similar ways. My study explores this possibility.

II. Committees as Information Gathering Platforms

The second external capacity in which committees act is as an educational tool, a forum in which Congresspeople imbibe new information. Work on Congress has recognized committees as the center of Congressional learning and information gathering. Simson's Oxford MSc thesis compiled citations of social science research for bills passed in the 112th Congress (Simson 2010). Simson performed a document search for citations for social science research in written text bills, transcripts of committee hearings, written testimony submitted to committees, reports submitted by committees, transcripts of floor debates, and extensions. She found that even though references to research were scant, they were mostly made in the information gathering stage of committees. While written testimony in committees included 96 references to social science research, and transcripts of committee hearings included 14 references, there were only two references made in floor debates and only 20 in House and Senate reports. Clearly, research on information gathering in policymaking should focus on committees as the primary bodies that engage with research.

A. Effects of Information Gathering

The most obvious effect of information gathering is to educate Congresspeople about different topics. In hearings, experts may explain the science behind space exploration or the

biotechnology of crops. Hearings like these give Congresspeople important technical information that allows them to gain expertise and specialize in the committee's topics.

Technical information also presents facts that politicians with different value systems can agree upon. In a political world that is inherently driven by competing values, facts provide an important space to find common ground. That is not to say that politicians can agree on all facts. Certainly, on polarizing issues such as climate change or abortion rights, they disagree on many facts. However, areas in which they can agree on facts lend themselves to educational hearings. In his study on the use of research in welfare legislation, former House committee staffer and academic Ron Haskins notes that "it is not so much that values persist in the face of disconfirming facts; rather, they exist in a different epistemological sphere than mere facts. Facts are only mildly relevant to the fundamental questions of welfare policy: What is a decent provision; what level of inequality in wealth and income should society tolerate; should public benefits be contingent on personal behavior" (Haskins 1991, p. 630). As Haskins explains, there is no way to use facts to reconcile competing value systems. The question of what level of inequality is tolerable represents a value question. However, in the epistemological sphere of facts, people with competing and even polarized value systems can agree.

Social psychology research by Van der Linden (2015) further underscores the power of agreement. His team showed in a series of experiments that the degree of expert consensus influences the extent to which people are convinced by an argument. This is grounded in earlier evolutionary biology research that showed that humans have evolved to respond to consensus (Condradt and Roper 2005). Van der Linden's study contends that people are motivated by "consensus cues" and evidence is less threatening when it is presented as a consensus agreement among experts. Van der Linden's findings connect to Haskins dichotomy of facts for agreement

and values for disagreement. Technical information on which there is some level of consensus (both in the external world of experts and internally within the committee) may penetrate and educate legislators more effectively.

There is evidence to suggest that information presented by experts is particularly persuasive. Mannes et al (2014) developed the "theory of select crowds" based on work showing that people value the opinion of multiple experts more than that of one expert. By this logic, committee hearings in which Congresspeople hear from a number of different subject matter experts stand to influence their opinions. Esterling's research on lobbyists supports this premise. He found based on survey data that both neutral and ideologically slanted lobbyists gained more access if they had technical expertise (Esterling 2009).

B. Previous Work on Information Gathering

Scholars have long explored how information can shape policy decisions in Congress. One of the core debates in the literature is between distributivism and informational theory. As noted earlier, distributive theories of politics (Mayhew 1974, Shepsle 1979) hold that Congress is primarily motivated by calculations of gains and losses, or put more simply, who gets what at whose expense. In contrast, Krehbiel's informational theory argues that Congress is motivated by gathering information. Krehbiel's information model of Congress includes the heterogeneity principle that "committee specialists from opposite sides of a policy spectrum are collectively more informative than specialists from only one side of the spectrum" (Krehbiel 1992, p. 84). Krehbiel explains that "two informed opinions are better than one" (Krehbiel 1992, p. 84). He predicts that heterogeneous committees enhance informational efficiency. I espouse Krehbiel's

informational theory, approaching Congress with the belief that one of the drivers of committee work is information gathering.

Others have expanded this debate further to look at the impact of information on Congresspeople. Landy, Roberts, and Thomas looked at the quality of debate on environmental policy in the 1970s and 80s (Landy, Roberts, Thomas 1990). They used a normative unstructured framework to assess how media coverage, Environmental Protection Agency (EPA) statements, and Congressional debates informed policymakers. They wanted to know whether Congress was given sufficient understanding of the substantive environmental issues. They concluded that environmental policies were directly damaged by distorted evidence. This core debate is left unresolved. I join other scholars who have built on Krehbiel's premise and look at the ways in which Congress is shaped by information gathering.

In addition, there is a large body of work on evidence-based policymaking in Congress and other legislatures. Evidence-based policymaking and political science are largely separate fields. My project contributes to both bodies of literature. Many studies of evidence-based policymaking focus on the main "gaps in evidence" or the imbalance between demand and supply (Boaz 2008, Botterill and Hindmoor 2012), whereas others explore the cognitive barriers policymakers face when engaging with evidence (Cairney 2012, Sabatier 2014). Oliver's systematic review of 145 studies on the barriers and facilitators to the use of evidence in policymaking collated the rich evidence-based policymaking literature on why or why not research is consulted. She found that the biggest challenges to research uptake were poor access to good quality research and lack of timely output, and the biggest facilitators were collaboration with researchers and timely output. She notes that, "because most studies do not go into the content of the facilitators and barriers they identified, we know little about when, why and how

the identified barriers and facilitators come into play in the use of evidence in policymaking" (Oliver 2014, p. 9). My research would fill one of the gaps Oliver identifies by examining the results of exposure to evidence in committees. I take an in-depth look at the types of information Congresspeople are exposed to by investigating witnesses who come to testify. Perhaps the work on Congressional information gathering most similar to my own is the study by Lewallen et al., which analyzed the "purpose" and "stance" of Congressional committee hearings from 1970 to 2008, based on summaries from the Congressional Information Service and Policy Agendas Project. The "purpose" was coded as addressing a problem, policy solution, or implementation. The "stance" was either "positional," indicating that only one perspective is heard, or "exploratory," indicating that both sides are heard and new information shared. Lewallen et al. find that committee hearings are increasingly positional and less solution-focused. I go beyond their work both in the data I rely on and in the scope of my question. Whereas they rely only on summaries of testimony to indicate information and tell a descriptive story of how hearings are changing, I rely on a more comprehensive body of data[8] (a large dataset of hearing transcripts) and look at the repercussions of exposure to different information in the present Congress.

Lastly, my work focuses on information gathering and learning from an organizational perspective. I look at committees as a group setting. Much of the classical work on Congressional learning focuses on individual legislators as the unit of analysis. Many academics (Weiss 1986, Whiteman 1995, Nutley and Walter 1972) have noted the need for new studies to look at how Congresspeople learn from an organizational perspective. By examining committees rather than personal offices, I advance this organizational learning approach.

[8] I will explain my data in greater detail in Chapter Two. It should also be noted that I was not able to access the dataset in Lewallen's study.

III. Committees as a Theatrical Stage

The last external function committees serve is as a public stage. As a juncture between Congress and the external world, committee hearings are a platform for both Congresspeople and witnesses to present ideas in the public sphere. Almost all hearings are part of the public record. Sometimes, Congresspeople use this opportunity to make a statement for the record, or to appear in public making a certain argument or asking a witness a question. Likewise, think tank experts, public officials, and other witnesses can also use their public testimony as a platform to get their ideas out to the public.

For this reason, many scholars of Congress have used the recurrent metaphor of a "theater" or a "stage" to describe committee hearings. Woodrow Wilson described the growing power of committees relative to the chamber as a shift of "the theatre of debate upon legislation from the floor of Congress to the privacy of the committee-rooms" (Wilson 1885, para. 82). Bessette's work on the core functions of committees identified them as a stage for debate to be shaped publicly. He juxtaposes "political" and "deliberative" explanations for Congressional processes, asserting that the "political explanation" for committee hearings is "to publicize issues in order to mobilize support outside of Congress" (Bessette 1997, p. 152). Bessette's work underscores the importance of committees' theatrical role in the academic study of committees.

Since the introduction of television cameras into the chamber floor and committee rooms, the theatrical element is even more pronounced. Today all committee hearings (aside from classified hearings) are recorded and televised. Televising of committee hearings is not new. It was first authorized by the 1970 Legislative Reorganization Act. Beginning in the late 1970s, television cameras were increasingly brought into the House floor and the committee hearings.

The Senate followed shortly thereafter, allowing televised proceedings in 1986. Through television and media, the scope of the hearings can extend beyond the walls of the committee room and all of the way into the homes of the constituents.

A. Effects of a Theatrical Stage

The public element of this type of committee function leads to different potential effects from the previous two functions. The theatrical element may lead to a less natural committee conversation. Implicit in the aforementioned discussion of deliberation and learning is the notion that the discussion is not staged. If every move is pre-ordained, then there may be less space for the change of opinion that the deliberative hearings can yield. Indeed Steiner et al.'s (2004) exploration of the quality of deliberation in various legislatures found that discourse in non-public legislative arenas was far more deliberative than discourse in public legislative arenas. Non-public discourse displayed much higher levels of justification and respect. This suggests that public forums stand to limit deliberation.

Congresspeople may use the theatrical hearing to communicate with the public and this stands to have distinct effects on committee members. Bessette writes that public hearings may serve in "generating public support for bills, embarrassing the administration, or promoting the visibility, or perhaps election prospects of committee members" (Bessette 1997, p. 156). Again, the capacity to use hearings to this end was bolstered by the introduction of television cameras. Polsby writes of how in the early days of CSPAN coverage of the House, Newt Gingrich and others would give speeches to an empty chamber, just to get on camera and gain publicity. He writes, "to an untutored television spectator, wild allegations delivered to an empty House were indistinguishable from the real business of Congress. From the point of view of Gingrich and his

colleagues, this offered a free gift of publicity" (Polsby 2004, p. 127). This story illustrates the manipulation of cameras for political gain. A former Congressman, who served in the House of Representatives for thirty years, underscored this point, recalling that he would come in a few minutes before his scheduled five-minute questioning time and make a speech. He said he wanted to "get my television time."[9] This shows that Congresspeople may use hearings as publicity stunts. A staffer for a Congresswoman on the Agriculture Committee explained "members like to clip the questions, looking for that crisp soundbite that they can use on social media platforms,"[10] further underscoring the staged element. Yet another former Congressman spoke of the weight he attached to televised hearings as a result of viewership. He said that when he chaired hearings on popular topics picked up by the media like sports, he would get much more visibility and that is why those hearings were important. The Senate tells the same story. In an interview with me, a senior Democratic Senator admitted, "we play to the cameras. We are all sensitive to the fact that even though the chambers are empty and the galleries sparsely populated, it's going out over CSPAN. Someone someplace suffering from insomnia is watching the speech."[11] These examples make clear that Congresspeople use hearings to play to the camera, but how does the theatrical function of hearings affect the members themselves? Though Bessette and others have identified theatrics as a core function of committees, there is a dearth of work exploring in a more comprehensive way how theatrical hearings are put together and how they affect members. I look at this question in greater detail.

[9] Congressman 12
[10] Personal Staffer 7
[11] Senator 1

Theater may indeed inhibit genuine discussion and sincere learning, as Congresspeople's major motivation is to make their point rather than listen to information provided. Nevertheless, my research explores the effects theatrical hearings may have on members.

Part 3: Conclusion

In conclusion, my thesis draws on a diverse body of literature in several fields concerning committees in today's Congress. Resting upon the rich work on the history and evolution of Congress and committees (Skowronek and Orren 2016, Schickler and Rubin 2016, Polsby 2004, Cox and McCubbins 2007, Krehbiel 1992, Mayhew 1974, Mann and Ornstein 2006, Fenno 1973), my thesis explores the three external functions of committees: as a deliberative platform, as an educational tool, and as a theatrical stage. I use literature in deliberative theory (Arendt 2013, Habermas 1984, Young 1996), empirical work on deliberation (Steiner et al. 2004, Fishkin 1999, Barabas 2004), and social psychology (Tetlock 1979, Sunstein 2009, Montieth et al 2010) to build a theory on how committees deliberate. I rely on literature on political information gathering (Lewallen 2016, Cairney 2016, Whiteman 1995) to assess how committees educate members. Finally, I use previous work on the public element of committee work (Polsby 2004, Bessette 1997, Steiner et al. 2004) to evaluate committees as a theatrical stage. Though the literature on these topics is rich, my study fills several important gaps. Previous studies have not operationalized and measured these core external functions in Congress today. In the next section of Part One, I present the research design employed in this study.

Chapter 2

Research Design

I. Operationalization of Committee Functions

In exploring committees' capacity to foster deliberation and learning, I focus on the three external functions of committees: as a deliberative platform, as an informational tool, and as a theatrical stage. These are the three ways in which committees bring in outside voices and shape their outward image. I ask what types of voices committees hear from in each of these settings and what effects this has on Congresspeople.

I chose to operationalize the different functions of committees as different types of hearings. I focus on committee hearings for a number of reasons. First of all, Bessette identifies hearings as "an essential element of committee deliberation" (Bessette, 1997, p. 156), a platform for learning, and stages for publicly shaping debate. As Lascher explains, "committee hearings provide unparalleled opportunities for 'detailed and extensive policy deliberation,' including the possibility of having outside witnesses present to testify and be cross-examined, and the ability to summarize and critique relevant reports and other types of information (see also Muir 1982). Nor should it be assumed without compelling evidence that the nature of committee discussion is strongly correlated with the nature of floor discussion, and that therefore assessment of floor deliberation can stand in for committee discussion" (Lascher 1996, p. 508). In addition, in Esterling's study (2009) of expert access to Congress two of the four measures involve access to hearings (in writing and giving testimony). Therefore, hearings are a suitable place to explore these three committee functions.

I also focus on hearings because they are the only publicly recorded and open source of data. All proceedings are transcribed and accessible. While there are doubtless other interactions and backroom deals that shape Congressional behavior, committees are the major public platform. When asked where to locate a study of legislative processes in Congress, a former Congressman and committee chairman who served in the Congress for nearly thirty years, further emphasized this point. He explained that one should go to committee hearings because they are all recorded and the other behind the scenes work is naturally impossible to track.[12] Therefore, hearings are a logical place to concentrate.

II. Selection of Committees

There are 21 permanent committees in the Senate and 20 in the House of Representatives. Each committee holds weekly meetings, resulting in thousands of hearings every Congressional term. Due to the large number of committees, I selected a representative sample of four committees: the Senate Commerce, Science and Transportation, Senate Foreign Relations, House Science and House Agriculture Committees. I employ a "most similar" design, choosing committees that are similar on a number of important parameters.

First, I chose four committees that lie in the middle of the Groseclose and Stewart (1998, 1999) ranking of House and Senate committees (a ranking of the desirability of committee assignments). They are neither the most desirable nor the least desirable committees. As noted in the discussion on committee assignment, committee desirability is important in shaping committees. The reason to exclude the least desirable committees on the list is to avoid "minor" committees. Shepsle (1978) looked at how committees differ in regard to hearing and meetings

[12] Congressperson 12

and concluded that committees vary in the depth of their expertise, and that many of the "minor" committees are fairly inexpert bodies because turnover is high, members are juggling other committee assignments simultaneously, and there are many freshmen who will leave at the earliest opportunity. In choosing four committees from the center of the list, I also choose committees that are comparable. In the House, the Agriculture Committee is ranked eleventh, and the Science Committee is ranked seventeenth out of twenty-three committees. In the Senate, the Foreign Relations Committee is ranked third and the Commerce Committee is ranked eighth out of nineteen committees. On the top of the lists of the House and Senate are the Ways and Means, Rules and Appropriations Committees. I chose to exclude these committees because my question calls for a focus on committees that have substantive hearings. The three aforementioned committees have many budgetary or oversight hearings rather than hearings to help the members specialize. Another reason I left out the most desirable or least desirable committees is to account for the change in participation stemming from committee desirability. Members on "A" committees may attend more hearings and therefore the hearings stand to have a greater effect. Choosing committees of comparable desirability accounts for this possible confounder.

In addition, I chose committees that were not overwhelmingly partisan. In order to investigate the effects of deliberation, it is necessary to look at committees that deliberate. In many cases, overpoweringly partisan committees descend to a complete standstill. Though there may be other ways of handling the issue of varying partisanship, focusing on committees that are not on either extreme of the spectrum yields a sample of comparable and operational committees. I assessed partisanship based on Deering and Smith's (1997) categorization of levels of "perceived conflict" of committees. Deering and Smith define committee conflict as "the degree

to which concerned outsiders see their interests as competing or compatible with each other" (Deering and Smith 1997, p. 93) They also explain that the "salience" of the topic is important. They base their own categorization on interviews with members and staff. Three of my four committees, House Agriculture, House Science, and Senate Commerce are categorized as "medium perceived conflict" and "medium salience" committees (see Table 2.1 below). They rate all "foreign policy" committees as "high perceived conflict." However, in my own preliminary conversations with staff, they described the Senate Judiciary, Finance, Appropriations, and Budget as the most contentious Senate committees and described Senate Foreign Relations as a relatively bipartisan committee. Both the minority and majority Senate Foreign Relations Committee staff that I interviewed emphasized the bipartisan nature of most of the topics the committee handles as well as the collegial way in which it is run. In addition, as noted earlier, I aimed for a dataset that represented different major policy areas. Foreign affairs was too large a topic to exclude. Though the partisanship still varies among the committees I chose, they are not the most contentious committees.

Table 2.1: Perceived Conflict of Committees

Perceived Conflict	High Salience Issues	Medium Salience Issues	Low Salience Issues
High	Appropriations, Foreign Policy, Judiciary, Labor, Budget, House Commerce,	House Resources, Senate Resources, Finance, Ways and Means, Government Operations	House Administration, Rules

Medium	Senate Commerce	Banking, Public Words, Science, Agriculture	
Low	Armed Services		Small Business, Senate Rules and Administration, Veterans Affairs, Post Office, Merchant Marine

Source: Christopher Deering and Steven Smith, *Committees in Congress,* 1997.

Though the committees are similar on these two major parameters, the sample also represents some important variation. First, the committees represent both chambers, allowing for evaluation of differences across chambers. Aldrich and Rohde (2009) call attention to the differences in committee procedures and processes between the House and Senate, another important distinction I make in my own analysis. Second, the committees represent different subject matter. This allows me to explore how dynamics change by topic. The four topics of the committees represent different policy areas. This also helps account for any selection bias arising from the topic itself.

I also acknowledge the racial and gender breakdown of these committees. These characteristics may affect the way in which Congresspeople interact with witnesses as well as the types of witnesses that come before the committee. Table 2.2 presents data on the racial and gender breakdown of the four committees in the sample in comparison to the entire Congress. Like Congress as a whole, the four committees in the sample are predominantly white and male.

As illustrated in Table 2.2, this is a structural issue extending beyond the bounds of my study. Women and minorities are chronically underrepresented in Congress. The 114th Congress had only three black Senators and only twenty female Senators. Less than 20 % of the House of Representatives was female. In addition, women and minorities are even more markedly underrepresented in powerful roles within the legislature. Gertzog's book *Congressional Women* describes the underrepresentation of women as Congressional committee chairs as well as members of coveted committees. He explains that even when they are placed on committees, female legislators are usually constricted to "women's issues" such as health and education, rather than agriculture, science, or trade issues. The same trends have been identified in legislative committees around the world, from Europe to Latin America (Murray and Senac 2018, Heath et al. 2005). However, Table 2.2 shows that there is some variation in the race and gender breakdown of the committees. Notably, House Science and House Agriculture Committees have significantly more non-white members. Senate Foreign Relations has many fewer women members.

Table 2.2: Gender and Race Breakdown of Committees Relative to the 114th Congress

Body	Total members	Number of women	Number of non-white members
Senate Commerce Committee	27	8	2

Senate Foreign Relations Committee	21	1	2
House Science Committee	38	7	5
House Agriculture	46	8	8
114th Congress	541(including 6 non-voting)	109	91

Source: Individual committee websites and Pew Institute 114th Congress statistics (accessible at: http://www.pewresearch.org/fact-tank/2015/01/12/114th-congress-is-most-diverse-ever/)

I also took into account the difference in electoral motivations between the four committees. In House committees, every member is up for reelection at the end of every session. However, Senate committees vary in the number of their members that are coming to the end of their six-year term in any given Congressional session. Nonetheless, there is not a large variation in the number of Senators up for reelection at the end of 114th Congress in the two Senate committees in my sample. The Senate Foreign Relations Committee included 5 members out of 21 who were up for reelection (24 %). The Senate Commerce Committee included 7 out of 27 members who were up for reelection (26%). Though there is some variation, the similarity in the number of Senators up for reelection on the two committees suggests that they are comparable on this dimension as well.

Finally, I chose committees on which at least one of the members overlaps with another committee I have chosen so that I have the option of comparing the same legislator's behavior in different committees. This allows for inter-committee variation that may help account for selection bias.

III. Data

I collect both qualitative and quantitative data on committee hearings. In employing a mixed method design, I heed the recommendation of previous work (Quirk and Bendix 2011, Pierson 2007), which called for a new approach to the analysis of political behavior in Congress. In his article on the relegation of qualitative research in the American politics subfield, Paul Pierson reflects, "in arguing that Americanists pay a price for this marginalization of qualitative research, I wish to emphasize that the price is borne by both the quantitative 'core' and the qualitative 'periphery.' Each suffers from a lack of sustained interaction with the other" (Pierson 2007, p. 146). My study takes a step in overcoming this subfield-wide problem by employing both qualitative and quantitative data. My work creates a dialogue between both types of data. Quirk and Bendix also note the need to use mixed-methods to study deliberation. They write that "the wide range of approaches reflects the apparently severe tradeoffs that exist between incorporating substantive information about policy issues in assessments of deliberation, on the one hand, and both economizing on research resources (permitting larger numbers of observations) and minimizing the potential for political bias or other subjective influences, on the other" (Quirk and Bendix 2011, p. 568). My measurements of deliberation will extend beyond earlier work both in looking at a different set of data (outside witness testimony) and in incorporating thorough exploration with a large number of observations.

A. Quantitative Data

My quantitative dataset pertains to the witnesses who testify in hearings. First, I study the language employed by witnesses and how this language compares among panels. I used the public hearing transcripts from the full committee hearings of the four committees. In order to retrieve hundreds of different transcripts, I used Python for web scraping, a data mining technique that allows the researcher to extract large amounts of data from websites and save it to a computer or database. It is important to note that there is some variation in the number of testimonies collected from each committee. This difference is a result of the disparity in the number of hearings committees hold and the number of pieces of witness testimony they make accessible on their websites. All in all, I constructed a dataset of all 738 pieces of witness testimony (individual transcripts of a given witness' testimony) from full committee hearings for the past Congressional term (114^{th}) as well as some of the transcripts from the 113^{th} and 112^{th} Congresses. Evans (2011) notes the need for more research using such committee public records in his survey piece on committees. My work follows his recommendation. I chose to focus mostly on full committee rather than subcommittee hearings to enable comparison across committees. Each of the four committees in my sample has a different subcommittee structure, but they all meet for full committee hearings, allowing for an inter-committee comparison of full committee hearings.

These transcripts were then analyzed with sentiment analysis, a technique for computationally identifying and quantifying sentiment expressed in a piece of written text. Automated text analysis methods have been used by scholars of Congress to increase the scope of data on legislatures (Laver and Garry 2000, Quinn et al. 2010, Benoit et al. 2016). In "How to

Analyze Political Attention with Minimal Assumptions and Costs" Quinn et al. (2010) analyze 118,000 Congressional speeches (approximately 73,000,000 words). The paper explains that human-human or human-computer intercoder reliability is around 70-90% whereas the automated approach they suggest is 100% reliable and replicable. Any extrapolations based on methods that are 100% reliable will doubtless be more forceful. In conducting my own sentiment analysis, I used the "dictionary method," which uses a dictionary of positive and negative words to compute sentiment scores. I used Hu and Liu's opinion lexicon of 6,800 positive and negative words (see Appendix C for full list of words) and looked for the proportion of positive and negatively charged words in each testimony. While automated text analysis methods have been used to analyze Congressional proceedings in the past, such an investigation of the witness testimony on a large scale has not been done before. Therefore, my work contributes to and helps advance the relatively new field of text analysis of Congress.

Sentiment analysis allows me to measure the extent to which Congresspeople hear expert testimony that is overwhelmingly positive or negative versus balanced on any given piece of legislation. I classify hearings that include both laudatory and disapproving testimonies as more balanced than hearings that do not. This work goes beyond the coding by Lewallen et al. (2016) of "positional" vs. "exploratory" hearings because their hand-coded dataset relies on words in summaries of the hearings. Their "exploratory" words are "discusses, explanation of, analysis of, views on, briefing on, status of, and differing (or conflicting) views on." Their "positional" words are "objections to, need for, importance of, preference for, negative impact of, charged inadequacy of, and disagreement with." My dataset advances beyond existing research in this area by using automated methods with extensive dictionaries to sift through the text itself for more comprehensive results.

I create a dataset of "balance" scores to capture the extent to which the witness panel was positive versus negative about the issue at hand. Each hearing receives a "balance" score between 0 and 1. The score is the number of testimonies with a value above 1 for the ratio of positive to negative testimony, divided by the total number of testimonies. My final dataset of "balance" scores comprises 290 hearings, which I compare across committees and subject matter.

As a test of my method, I took a sample of testimony from several witnesses from a House of Representatives Judiciary Committee hearing on gun laws. I read the testimony and categorized it as either for or against stricter gun control. There were three testimonies in favor of stricter gun control that came from Sergeant Walter Staples of Metropolitan D.C. Police Department, Dennis Henigan of Handgun Control Inc, and Bob Scully of the National Association of Police Organizations. There were three testimonies against stricter gun control legislation that came from Lieutenant Dennis Tueller of the Salt Lake City Police Department, Law Professor Daniel D. Polsby of Northwestern University, and Officer Steve Rodriguez of the Albuquerque Police Department. Table 2.3 below summarizes the results from the sentiment analysis on these testimonies:

Table 2.3: Sentiment Analysis of Gun Control Debate

	Proportion of positive words	Proportion of negative words	Policy position on additional gun control	Ratio of proportion of positive to negative words
pro1	0.02243211	0.02007084	pro	1.117646795
pro2	0.01673228	0.02007084	pro	0.833661172
pro3	0.03061224	0.02857143	pro	1.071428346

con1	0.02622951	0.02903981	con	0.903225951
con2	0.01853998	0.02819621	con	0.65753447
con3	0.01318155	0.03175554	con	0.4150945

Source: Original sentiment analysis conducted for the purpose of this study, using data from the House Judiciary Committee website.

The results demonstrate the accuracy of the method. The testimonies in favor of additional gun control (pro1-3) have a higher average ratio of positive to negative words (1.007) than the average of the testimonies against gun control (0.658), as shown by the ratio column on the right of Table 2.3. Thus, I am able to reliably distinguish between testimonies in favor versus those against a certain policy. The six testimonies together make up one hearing. In this case, the hearing contains two pieces of testimony with a ratio of positive to negative words above 1. The hearing would receive a score of 2/6 or 0.33.

In addition to sentiment analysis, I used Language Inquiry and Word Count (LIWC) software to assess the transcripts of witness testimonies. LIWC is computerized text analysis software developed by Tausczik and Pennebacker (2015) that uses the dictionary method to assess the analytical language and authenticity of the written testimony. In addition to these two variables, I used the software to parse out the number of instances of words conveying certainty, tentativeness, and insight. As with the sentiment analysis, this software has not been used previously in this way in the context of Congressional committees. I also used positive and negative emotion scores from LIWC for cross validation of my sentiment analysis. Given the limitations of sentiment analysis to encapsulate the full meaning of a text, cross validation with an additional dictionary helps establish the accuracy of categorization as positive or negative testimony.

Lastly, I created a dataset for witness professions. Using the witness lists from the committee websites, I classified witnesses' professions. For each committee during the 114th Congress, I counted the number of witnesses from academia, the private sector, non-profit organizations (including think tanks and charitable organizations), lobbies/associations, and witnesses who do not fall under any of these categories (classified as "other"). This data on witnesses, along with staff and witness interviews (explained in greater detail below) was used to construct a typology of witnesses. There has been no such previous analysis of witness professions.

B. Qualitative Data

I relied on content analysis of full hearing transcripts and interviews with Senators, Congresspeople, witnesses, and staff in order to classify hearing types and effects. Interviews were used as an exploratory as well as process tracing tool.

Content Analysis: As noted in the earlier section, the transcripts of full committee hearings are publicly accessible. I read and hand coded the transcripts in order to identify sample hearings. Schreier (2012) explains that qualitative content analysis "is a method for describing the meaning of qualitative material in a systematic way…it is done by classifying material as instances of the categories of a coding frame" (Schreier 2012, p.1). Using criteria explained in greater detail in Part Three, I systematically located examples of the different types of hearings. Schreier warns of the two major pitfalls of qualitative content analysis. The first is the reliability of the instrument. She explains "in assessing the reliability of your coding frame, you are looking at the consistency of the coding….you can do this by comparing coding across persons or across points in time" (Schreier 2012, p.167). Inter-coder reliability tests would be the most accurate

assessment, but due to the time intensive nature of the analysis, I was not able to acquire another assessment of the transcripts. Nevertheless, I assessed intra-coder reliability by analyzing each transcript multiple times. The second is validity. Schreier explains that a coding frame is valid when "the categories adequately represent the concepts under study"(Schreier 2012, p. 189). As described in Part Three, I ground my coding frame in previous work in order to bolster its validity as a measurement tool.

Interview Sample: I used purposive non-random sampling (King, Keohane, and Verba 1994) for my interviews, actively constructing it rather than relying on random selection. Mosley (2013) defines purposive sampling as "a form of non- random sampling that involves selecting elements of a population according to specific characteristics deemed relevant to the analysis." As King, Keohane, and Verba explain "when we are able to focus on only a small number of observations, we should rarely resort to random selection of observations. Usually selection must be done in an intentional fashion" (King, Keohane, and Verba 1994, p. 139). I aimed for a sample frame that is representative in the sense that it includes both parties and diverse geographic districts, different types of witnesses, and different committees and subject matter. There were three main categories of interviewees: members of committees, committee staff, and witnesses who have testified before committees. I chose to keep interviewee identities anonymous in writing this dissertation. As Mosley (2013) explains, participants may be less forthcoming if they do not believe their responses are anonymous.

The data unavoidably suffered a degree of response bias. Notably, Republican members were much less responsive than Democrats. One possible reason for this is that Republicans represented a majority of both chambers. The opposition party may have a more natural interest in speaking to researchers and press to lament the situation, whereas the party in power may fear

implicating itself. Nevertheless, my sample included a Republican Senator, 6 Republican Congresspeople who sit on the House Science and House Agriculture Committees (including two members who have been on both committees), 8 Republican staff, and 5 witnesses invited to testify by the majority. Second, Senators were difficult to reach. My experience was in line with that of other scholars of American politics, who also rarely get access to sitting Senators. Nevertheless, I interviewed one Republican and one Democratic Senator. In total, I interviewed 53 people, including 2 Senators, 16 Congresspeople, 15 committee staff, 8 personal staff, 9 witnesses, and 3 people who work for lobbies or other external organizations. The sample included both Republican and Democratic staff on every committee, witnesses from every committee, and committee members from both parties.

The committee staff sample was diverse in several important ways. It included both full committee and subcommittee staff. The respondents ranged in seniority. Several of the staffers I interviewed had worked on their committees for over a decade and were able to speak to the difference in committee procedures under different chairmen and ranking members. Most importantly, I spoke to both sides of every committee. Hearing from minority and majority staff was crucially important because they are hired separately and function largely independently. Therefore, both groups had to be interviewed in order to paint a full picture of the committee procedures. In addition, I spoke to several staffers who served on committees outside of my sample in order to get a sense of the generality of my findings. I spoke to staff on the Senate Health, Education, Labor, and Pensions Committee, the House Ways and Means Committee, and House Energy and Commerce Committee.

The witnesses represented different professions and partisan affiliations. They came from Brookings, the National Institute of Health, Johns Hopkins University, the University of

California at Berkeley, the Georgia Institute of Technology, the Internet Association (a tech lobby), and a hunger non-profit. Of the 9 witnesses interviewed, 5 were invited by the majority and 4 by the minority.

The sample of Congresspeople included both women and men, several non-white members, and represented 12 states and 17 different Congressional districts. The sample also included the only PhD scientist in Congress, the first woman and first person of color to serve as ranking member of the Science Committee, and the only non-voting member of the Agriculture Committee (representing the Virgin Islands). The two Senators interviewed each served in Congress for nearly four decades and one of them is a senior member of the Democratic Senate leadership. One of the Senators had also previously served in the House and was uniquely placed to speak to the comparison between the House and the Senate. The sample also included the former chairman of the Agriculture Committee, two former chairmen of committees not included in the sample, former two-time chairman of the Foreign Relations Committee, and the current ranking member and vice ranking member of the Science Committee. Lastly, I spoke to a handful of Congresspeople who served on committees outside of my sample. Again, this allowed me to assess the scope of my findings.

The personal staff interviews were important for several reasons. First, they are used as a proxy for members. This helps account for response bias in the Senate. I spoke to 5 personal staffers for Senators and they were able to speak about their bosses' work. Using staff as proxy is a technique that has been used by other academics seeking access to information about elites. Cammett (2013) explains that proxy interviews can shed light on aspects of the situation that elites may be reluctant to address. Proxy interviews have also been used by academics studying the American Congress. Hall (1996) explains that "the actor in congressional decision making is

no longer the member but his enterprise, an organization of 20 to 120 agendas for which the members serves as principal" (Hall 1996, p. 28). In fact, in his own research Hall chose to focus exclusively on staff interviews in studying Congresspeople in committees, a testament to the power of staff interviews. He interviewed more than two hundred professional committee and subcommittee staff and largely based his conclusions on these in-depth interviews.

Another important reason I use staff interviews is to account for social desirability bias, or the tendency of respondents to answer questions in a way that will be viewed positively by others. Social desirability bias may lead respondents to overreport good behavior and underreport bad behavior. The responses of the personal staffers who work for Congresspeople may be less biased in this way because they are not shaped by reelection concerns. Committee staff interviews (particularly those with the minority staff) accomplished the same goal. While majority staff may have an interest in overemphasizing the positive ways in which they run the committee, the minority staff are not biased in this way.

Lastly, I interviewed several actors who do not fall into the three major categories. These interviews shed light on other significant aspects of hearing procedures. I spoke to a lobbyist for the auto industry about the involvement of lobbies in the hearing process. I also interviewed Congressional Relations staffers at a leading neoconservative think tank and at the National Science Foundation. These staffers explained their involvement in positioning their witnesses to testify and preparing them for testimony, as well as their relationship with the committee staff.

Use of Interviews: The interviews were semi-structured and meant both as an exploratory tool to gain a deeper understanding of the mechanics driving committee hearings, as well a process tracing tool.

As an exploratory tool, the in-depth interviews with staff and witnesses supplemented the hearing attendance as a way to gain insight into the major trends. Given the extent to which the witness selection and hearing planning process is informal and variable, conversations with staff and other relevant actors helped clarify the procedures. I ground my exploration in Fenno's "soak and poke" method for studying Congress. In his landmark book *Home Style*, published in 1978, Fenno presents a theory on the relationship between Congresspeople and their constituents. His research method was noteworthy for its deductive reasoning. He spent eight years accompanying a number of Congressmen as they went about their business and inferred larger trends based on his in-depth experience. He writes, "rather than assume I already knew what was interesting, I remained prepared to find interesting questions emerging in the course of the experience. The research method was largely one of soaking and poking-or just hanging around" (Fenno 1978, p. xiv). Similarly, I soaked myself in the committee atmosphere by attending and watching hearings and speaking to as many of the actors as possible. I spent several months in Washington attending hearings and roundtables and interviewing the actors involved. I also watched many more hearings online, to get a sense of the hearing dynamics in the four committees in my sample. These inferences are then triangulated with other data to piece together a full picture of the witnesses, hearings, and effects. I join many other scholars of the American Congress who have appreciated Fenno's method in the decades since his work was first published. Aldrich and Shepsle write, "how does a scholar come to terms with a strategic shift of gears, a new way of seeing one's way through from status quo to desired result…If the question is bold and challenging, the answer is as modest as its main practitioner: soaking and poking" (Aldrich and Shepsle 2000, p. 20). Hall used "soaking and poking" in his own research on committees. He writes of his "soaking and poking'' that "if such an experience does not

provide what normally gets labeled as data, it certainly improves the ability of the researcher to do better in the (unscientific) social-scientific enterprise of moving from results to interpretations. And in the end, of course, interpretations are what count"(Hall 1996, p. 28).

The interview sample I compiled is therefore a contribution to the literature in and of itself. Since Fenno's landmark work in the 1970s, and even Hall's more recent use of interview-based research on Congress, scholars of Congress have increasingly turned towards large N quantitative studies. There is dearth of contemporary work on the American Congress that relies on interview data and employs a qualitative methodology. In fact, in Pierson's critique of the "marginalization" of qualitative research in the study American politics (Pierson 2007), he notes that a staggering less than six percent of articles in the three leading American politics journals employ qualitative methods (based on data from the period 2000-2005). Evans's survey piece on Congressional committee research (2011) makes this same point. He writes, "the scholarly literature on committees has been transformed from the rich descriptive treatments of Fenno, Jones, and their contemporaries, to the more rigorous, model-driven, research …empirically, they have reduced their reliance on interviews, the personal observation of legislators at work, and case analysis, and made greater use of…quantitative data, especially vote-based measures of member preferences" (Evans 2011, p. 415). Pierson echoes this very same point, writing, "qualitative 'classics' of the Congress literature, such as Fenno (1978), Fiorina (1977), and Mayhew (1974), are still venerated, but their research practices are not emulated. The deployment of sophisticated techniques for analyzing roll calls has dominated scholarly discussion" (Pierson 2007, p. 149). The size, diversity, and stature of my sample and the resulting conclusions of my work are consequently unique in the current landscape of

contemporary American political science. (See Appendix A for more information on the interview sample).

IV. Classification

A. Classifying Witnesses

The interviews with witnesses, staff, and Congresspeople unearthed patterns in the ways in which witnesses are selected and the types of witnesses who testify. These trends are presented in the Chapter Three. I also used the information on the witnesses' professions, and the Linguistic Inquiry and Word Count (LIWC) analysis and sentiment analysis of the testimony to present general conclusions about who the witnesses are and how they vary by committee. These conclusions are described in Chapter Four. I collated these different types of data in order to construct a typology of witnesses, presented in Chapter Five. This witness typology is then used in classifying hearings in Part Three.

B. Classifying Hearings

The different types of hearings are based on the core external functions of committees. In addition, I added an "informal" hearing type to account for the various hearing-like meetings that occur outside of formal committee hearings. I base this on Hall's (1996) classification of the two major "modes of participation" in Congressional committees-formal and informal participation. He explains "much of the committees' decision-making activity takes place in formal committee sessions…at the same time, much of a committee's decision-making activity occurs informally-outside the context of an official markup" (Hall 1996, p. 27). He emphasizes that outside of the "glare of the committee room" the work is nonpublic, without journalists, records, etc. and that it is important to distinguish theoretically between formal and informal participation because they

may have distinct causes and effects. In public meetings Congresspeople may be motivated by garnering public support from voters or colleagues, unlike in informal gatherings.

I draw on the work of previous scholars (Lascher 1996, Habermas 1984, Young 1996) in designing criteria for different types of hearings. The criteria rely on data from sentiment analysis "balance" scores, and content analysis of the transcripts.

C. Classifying Effect

The effects are based on qualitative data for a number of reasons. Scholars of elite political behavior have operationalized effects in different ways. One straightforward way is to look at changes in voting behavior. Voting is a natural extension of Congressional committee deliberation. Committees were set up to follow a process whereby new legislation is first sent to the relevant committee after it is introduced. The committee then discusses, revises, and votes on the bill. Then it is sent to the floor for voting.

Changes in voting as a direct result of committee hearings, however, are rare for two major reasons. First, many of the hearings over the past two Congresses do not link directly to a piece of legislation. Though the aforementioned classical committee process sees bills referred to committees, today many of the hearings pertain to topics that the committee chairman or staff see as relevant for other reasons. On the Science Committee, the majority staff explained to me that they might choose topics they think will be "hot topics" this year or things that need to be reviewed.[13] On the Senate Foreign Relations Committee, the majority staff explained that some hearings are planned months in advance and many hearings are "reactive" as current events unfold. He highlighted that "it's actually very rare to have a hearing on an actual draft bill. It's

[13] Committee Staffer 1

more you had a hearing on a topic and that topic is, one, that you're going to do legislation on."[14] These hearings may link to a general subject area that involves other legislation, or they may even aim to set the ground for a specific piece of legislation, but they are not about one specific bill. For this reason, it is difficult to say that any one hearing directly changed a specific vote, even if a series of hearings and witnesses inform and open Congresspeople's minds and even eventually lead them to be more open to changing their votes.

Secondly, even when a hearing does pertain to a specific piece of legislation, it is still difficult to link voting behavior to these hearings. For example, during the 114th Congress the Agriculture Committee had around 20 hearings on SNAP and heard from over 80 witnesses. After all these hearings, they only voted on one piece of legislation years later. The Congresspeople and staff I spoke to on the committee were hesitant to say that these hearings had a direct impact on voting. This caution in drawing a direct connection stems from the fact that voting is affected by so many other factors such as party, geography, etc. One junior Democratic Congressman explained, "like a lot of other committees and there have been a bunch of times where I know I personally would rather have voted with the Republicans and where I would have thought, geez, you know, some of these Republicans are going to have to agree with me. It's just so obvious. And they…but there's this thing of not being disloyal to your chairman or your ranking member…despite the collegiality and the friendship… the hyper partisanship still shows up in the voting patterns."[15] The Congressman's assessment points to a possible dissonance between beliefs and voting patterns, even though his view of "hyper partisanship" may be exaggerated as a newly minted member of Congress.

[14] Committee Staffer 9
[15] Congressperson 2

Furthermore, preliminary analysis of hearings and voting patterns shows that the design necessary to infer causation would not yield results. Using the committee websites, I located pieces of legislation referred to the four committees during the 114th Congress and tried to connect them to votes. In conducting the analysis, I only looked for pieces of legislation referred to the committee because on other legislation it would be difficult to draw a causal arrow between a given hearing and that vote. My analysis was conducted at the hearing level because otherwise there would be various endogeneity problems. Perhaps certain committee members are more receptive to information or other things caused them to change their minds. I therefore focused on the hearing level because everyone who attended the same hearing received this same treatment, regardless of other factors, thereby controlling for confounders. This analysis yields few data points for several reasons. First, in many cases there will not be a roll call vote. Many bills are passed by voice vote and these could not be included. Second, when I searched for the legislation referred to committees for hearings, I found that there are not many pieces of legislation even linked to these committees. This is likely because of the current devolution of committee power in the legislative system. In the end, of the list of legislation referred to each committee, I was left with only one piece of legislation in each committee that could be directly linked to a vote for the 114th Congress: in the Foreign Relations Committee, the North Korea Sanctions and Enhancement Policy Act of 2016; in the Science Committee, the STEM Education Act of 2015; in the Agriculture Committee, the Commodity End User Relief Act; in the Commerce Committee, there were no direct links. It is impossible to draw any conclusions from a sample with so few votes. This preliminary analysis is illustrative of the limitation of restricting analysis of effects to vote tallying, and consequently reaffirms my decision to extend analysis beyond vote counts.

I argue that reducing effects to changes in voting behavior is both difficult to measure and does not capture the full picture of how hearings affect members. Pierson (2007) explains that focusing on easily quantifiable measures such as roll call voting risks misrepresenting the true substance of political events. He writes, "much of the meaning of politics is lost when the actual content and partisan valence of political struggles is squeezed out of analysis….studies that rest with counting sheer volumes…may illuminate some issues yet miss other equally or more important aspects of political change" (Pierson 2007, p.160). Pierson urges scholars to be sensitive to context, to delve deeper into substantive issues, and to examine the political process in its entirety rather than boiling down the entire story to one moment in time-voting. Hall reiterates this point, asserting that "majoritarian voting tells us only part of what we need to know. Again, the distinction that bears emphasizing is between revealed preferences and revealed intensities. Votes capture the former, not the latter. But members who wish to affect specific outcomes have much more to invest than their votes. Their legislative time and energy, staff effort, and political capital" (Hall 1996, p. 6). Hall's compelling assertion indicates that distilling political behavior to voting risks missing the other "investments" politicians make aside from voting. Even politicians themselves lament overly simplistic academic analysis of their work. In an interview with me, a former Congressman and committee chairman explained that "you will never understand who a Congressman is or why he did it if you look only at voting statistics."[16] He went on to argue that only a deeper exploration of the stories behind voting trends, will tell the whole story of Congress. He said that political scientists miss out in looking only at voting trends because "political scientists do not have access to the stories of who we are

[16] Congressperson 12

and what shapes us."[17] I will follow the Congressman's recommendation in taking a more holistic approach. A full picture includes a more comprehensive exploration of changes to political behavior including the way in which hearings affect Congresspeople's perception of opposing perspectives and understanding of legislative issues, as well as their interaction with other members. In this way, I heed Pierson's warning that scholars must broaden the scope of effects beyond the sheer number of votes and thoroughly examine the entire political context. I will look at specific instances of vote change as one type of effect, but increase the scope to look at other possible effects as well.

Employing the soak and poke method, I set out with a number of guiding propositions for what effects the various hearings might have, but I also remained open to unearthing additional effects. My initial ideas are based on the effects suggested by the literature. See below the guiding propositions:

Guiding Propositions

Guiding Proposition 1: Deliberative hearings lead to legitimization of other views

This proposition is based on the first two possible effects of deliberation considered in Chapter One. Effect 1 explains that by exposing the partiality of one's own view, deliberation may lead to the legitimization of others. Effect 2 describes how deliberation may lead to a more comprehensive understanding of other perspectives. This in turn may bring legitimization and de-stigmatization of other opinions. Effects 1 and 2 are grounded in Young's theoretical work on deliberation (1996) as well as work in social psychology (Montieth 2010, Sunstein 2009, Dasgupta and Rivera 2006).

Guiding Proposition 2: Hearings can be used as a place for Congresspeople to learn

[17] Congressperson 12

This is based on the capacity of educational hearings to inform and teach Congresspeople on specialized or technical topics. The literature on information processing in Congress supports this claim (Krehbiel 1992, Haskins 1991, Lewallen 2016, Esterling 2009, Bessette 1997).

Guiding Proposition 3: The collective nature of hearings can foster positive social relations between committee members

This is based on the literature in social psychology and deliberation (Young 1996, Haidt 2013, Gaertner et al 1990, Sunstein 2009, Mann and Ornstein 2006). Young's third pathway of transformation is that collective problem solving transforms the social experience itself. Work in social psychology identifies such collective efforts as a key ingredient for building bonds and overcoming conflict. Committee hearings are both collective and bipartisan in nature. Therefore, I posit that they may help engender positive relations across party lines. Hearings indeed also have the potential to further provoke negative relations insofar as they provide yet another platform for behavior, good or bad. However, I will explore specifically their capacity to foster positive relations.

I use a combination of content analysis and interviews to classify effects. In his piece on Congressional deliberation, Lascher (1996) recommends that in order to test whether deliberation causes cognitive change, "students of deliberation could draw on the subjective, ex post facto evaluations of lawmakers themselves. That is, lawmakers could be asked a series of general and specific questions about how much they learned from policy discussions about an issue, and about how their views changed over time. Responses indicating substantial learning and major changes in view could be taken as signs of the cognitive benefits of deliberation" (Lascher 1996, p. 514). He goes on to suggest that in order to test whether deliberation increases the legitimacy

of decisions, it is necessary to again speak to Congresspeople and assess whether they "accepted decisions more readily when decisions met deliberative standards" (Lascher 1996, p. 515). This is particularly relevant to my first guiding proposition, but more broadly applicable to my study of the effects of other similarly intangible concepts such as collective social interaction and learning.

I use interviews for process tracing. Process tracing is a research method for outlining causal mechanisms within a single case. Beach and Pedersen (2013) write that "studying causal mechanisms with process-tracing methods enables the researcher to make strong within-case inferences about the causal process whereby outcomes are produced" (Beach and Pederson 2013, p. 2). They go on to distinguish between three types of process tracing: theory building, theory testing, and explaining the outcome. I employ theory testing process tracing. Beach and Pederson explain that in theory testing process tracing, "a causal mechanism is hypothesized to be present in a population of cases of a phenomenon……the goal is to evaluate whether evidence shows that the hypothesized causal mechanism linking X and Y was present and functioned as theorized" (Beach and Pedersen 2013, p. 11). I test my three guiding propositions in the context of committee hearings, aiming to shed light on the causal processes at play. It is important to note that I am not arguing that these causal mechanisms are necessary, but rather sufficient conditions. There may be multiple phenomena that lead to the same result, but I argue that the exposure to a certain kind of witness panel is sufficient to have some effect.

I first used content analysis to locate recent examples of each hearing type (deliberative, educational, theatrical, and informal). The criteria for this classification of type of hearing were based on literature in the field. I then asked interviewees about these specific examples to test my guiding propositions. I tested the guiding proposition that deliberative hearings lead committee

members to realize the partiality of their own views within a wider picture and therefore become more open to legitimizing the other. This meant testing the sub-process that exposure to a balanced panel and questioning leads to a realization of partiality and a greater understanding of the other side, and then that this realization leads to greater legitimization of the other. I tested the principle that educational hearings are used to learn by exploring subjective assessments of Congresspeople, staff, and witnesses as to how different hearings shaped learning. I also explored the causal chain by which the collective nature of committee hearings leads to collective problem solving. This may be particularly relevant to informal hearings as a more relaxed and social setting for interaction. Exploring the difference between formal and informal hearing types may further shed light on this causal chain.

Interviews give more information about the motives of the actors and the decision-making sequences. In addition to questions specific to the aforementioned causal chains, I asked more open-ended questions meant to illuminate other possible effects and dynamics. I then triangulated interview responses from Congresspeople with responses by other participants (staff and witnesses) as well as content analysis of the hearings and other public statement or media articles when possible.

V. Potential Challenges

The first possible counterargument I face relates to causality. Critics may argue that the effects that the data uncovers are not a result of the three guiding principles. There are many other factors that may affect one Congressperson's legitimization of another, capacity to learn, or social relations. Perhaps some Congresspeople are born with personalities or raised in circumstances that make them more amenable to legitimizing another. Perhaps they met with

other external actors who influenced them as they grappled with an issue. These are real possibilities, but there is no way to gather this private data on every Congressperson. I rely on hearings because the information is publicly accessible. I try to account for as many possible differences by creating a sample of interviewees that encapsulate different parties, ages, geographic regions, topic interests, etc. A diverse sample can help account for some individual differences between Congresspeople. In addition, my research does not claim causality. My findings are better characterized as a plausibility probe. I aim to show that my three guiding propositions are plausible in the context of committee hearings.

The guiding propositions themselves may elicit challenges. For example, guiding proposition 1, that deliberative hearings lead to legitimization of other views, is based on a substantial body of work on the power of confrontation with different views. However, some may argue that my theory does not sufficiently address other contradictory theories and pieces of research. The theory of motivated reasoning posits that people process information in a way that confirms their previous beliefs while rejecting anything that contradicts their beliefs (Kunda 1990; Kraft, Taber and Lodge 2015; Taber and Lodge 2016). This may lead one to believe that exposure to opposing views would not open politicians to compromise. However, most of these studies focus on the individual rather than group problem solving. As discussed in Chapter One, an emphasis on a "collective" group effort stands to transform the experience itself. Another theory that seemingly contradicts my guiding propositions is the "backfire effect." Nyhan et al. (2012) showed that when politicians saw corrections to mock news, not only did it fail to decrease misperception, but in some cases, it even strengthened misperceptions. He termed this tendency the "backfire effect." His team found that the more conservative the group, the less effective the corrections were. They hypothesized that because people who are less ideologically

extreme are less threatened by corrective information, they will not react in defense. However, Nyhan et al.'s study, as with the previously mentioned experiments on motivated reasoning, simply presented subjects with raw information. The participants read pieces of paper rather than listening to people. My study examines how politicians are affected by live testimony. The work on intergroup contact presented in Chapter One suggests that there might in fact be a difference in how subjects digest information when they are sitting across from another person. I do not refute or ignore the large body of work suggesting that exposure to conflicting information only strengthens people's beliefs. Rather, because this research was conducted with individuals rather than groups, presenting participants with information to read rather than exposing them to live testimony, I argue that its findings are not as applicable to the context of my own study.

Some may also argue that certain committee topics are naturally more partisan, and this creates a bias. Though I chose four different broad policy areas, each committee handles a myriad of issues of varying contentiousness. For example, within the Science Committee there are different subcommittees with different dynamics. On the research and technology subcommittee, the majority and minority members engage in some dialogue beyond the official procedure relating to at least some hearings. By contrast, the minority staff of the climate subcommittee said that they do not have any relationship with the other side and only get the standard one-week notice ahead of hearings. Partisan topics may lead to more theatrical hearings, whereas bipartisan topic focus may lead to more educational and deliberative hearings. The discussion is not meant to suggest that all committees conduct the same types of hearings. Rather, in choosing committees with different subject matter and histories, I hoped to tease out what types of hearings take place under different conditions.

Another possible counterargument is that my design may fall victim to selection bias. Because it is a small N study and the observations as well as the committees themselves are intentionally selected, it may fall pretty to what King, Keohane, and Verba (1994) refer to as "selection on the explanatory variable." They explain that selection on the explanatory variable leads to situations with no variation in the explanatory variable. Some may argue that the most similar design I employed in choosing committees constricts variation in the resulting types of witness panels, hearings, and effects on committee members. Though the sample committees were chosen because they are similar on the two parameters of partisanship and desirability, they still vary in topic, chamber, and membership. This variation helps account for selection bias. I also chose certain case hearings to look at in greater depth and some may argue that this selection could suffer the same bias. In my choice of hearing examples, I searched for examples of types of hearings based on predetermined classifications. I then used interviews about these hearings as well as hearings more broadly in order to assess the effects of these hearings on Congresspeople. I relied on a set of criteria explained in greater detail in Chapter Four for selecting the hearings. These were drawn from the past several Congressional sessions, based on the data available, rather than hand-selected as examples that fit the argument. I looked for as many examples as possible across different topics and committees.

Yet another possible criticism of the interview data is that it is still tainted by social desirability bias. As noted earlier, I interviewed staff as well as politicians in order to account for the inherent bias in the words of a public figure up for reelection. Nevertheless, it could be argued that the staff and witnesses may also want to overemphasize positive actions. In order to account for this, my sample included both majority and minority staff and witnesses invited by both sides. The interviews indeed presented variation in the ways the different sides portrayed

their stories, and the interviews also showed that the staff were not afraid to speak candidly about their strategizing.

I try to address as many confounders as I can. Unlike much of contemporary scholarship on Congress, my study is distinct in its reliance on a large body of primary interviews. Like Fenno and other American political scientists before me, I soak myself in the data. I analyze transcripts using sentiment analysis and conduct content analysis. I interview actors involved in the process. I attempt to uncover the dynamics at play. I set out with guiding principles, but these are not hypotheses set in stone. The effects that the study presents are largely based on subjective perceptions of Congresspeople and other players in the room. They are therefore presented as plausible effects rather comprehensive lists.

In summary, this chapter has laid out the design of my study, explaining how I will employ both quantitative and qualitative methods to analyze a unique dataset and addressing some potential challenges. Part Two will begin to examine this data in exploring who Congress hears.

Part 2: Who Does Congress Hear?

"the offender a measure is brought under examination, the greater diversity in the situation of those who are to examine it, the less must be the danger of those errors which flow from want of due deliberation."

-Alexander Hamilton

"A popular government without popular information, or the means of acquiring it, it is perhaps but a prologue to a farce, or a tragedy, or perhaps both."

-James Madison

In Part Two, I investigate the voices Congressional committees hear. How are witness panels and hearings set up? Who are the witnesses who testify and why are they selected? Does the witness panel represent a spectrum of different perspectives? What professional sectors do witnesses come from and what language do they use? These issues form a key starting point for the broader investigation of the external functions of Congressional committees. Chapter Three explains how witness panels are constructed in the different committees. Chapter Four explores the general trends that characterize the witnesses coming to testify, based on original data about the witnesses' professions, the language they use, and how their stance relates to the other witnesses on the panel. Chapter Five presents a typology of witnesses based on the wider understanding of how witnesses are selected and who they are. This typology is important in order to understand the types of hearings and the effects they have on Congresspeople, both of which are explained in Part Three.

Chapter 3

Witness Selection

The first step in setting up a committee hearing is putting together the witness panel. Understanding the mechanics driving this process is essential to fully grasping how Congress operates in hearings and how committee members are affected by the testimony.

I. The Rules

I collected data on witness selection through extensive conversations with committee staff and witnesses. I spoke to both majority and minority staff on all four committees, affording two different viewpoints on the process. In addition, I interviewed staff on different subcommittees in several of the committees. This allowed me to gauge the variation between full committee and subcommittee procedures as well as between different subcommittees. I also spoke to both former and current staffers (who have served on the committees for varying lengths of time) to get a sense of how the process has changed over time. Lastly, I interviewed witnesses who testified before each of the four committees about how they were approached and prepared for the testimony. This served as verification of the staff interviews and added an additional perspective.

As I embarked on my quest to uncover the process of witness selection, I was struck first and foremost by the unsystematic nature of the procedures. The conversations highlighted that although there are formal rules, in reality the process is largely informal and varies by committee and time period.

At the start of the Congressional term, the first order of business is to set the agenda and decide what hearings will take place. The agenda is officially in the hands of the majority. They have full control over hearing topics and timings. That said, when the majority and minority are on good terms, there are instances in which the minority has some impact on the agenda. A minority staffer on the Commerce Committee described how in recent years, minority and majority staff on the Commerce Committee work relatively well with together, and as a result, occasionally the minority suggests a hearing topic and the majority follows their recommendation.[18] Staff on other committees shared similar accounts, recalling instances of the minority influencing hearings when there was a collaborative environment in the committee as a whole. In some cases, these were stories about recent collaboration, and in other cases staff told stories from previous terms. Nevertheless, despite isolated incidents of minority influence, the agenda remains almost entirely in the hands of the majority.

The topics that the majority chooses vary by committee, chairman[19], and time period. A majority staffer on the Science Committee explained that they usually have hearings on agencies under their jurisdiction, the budget, bills that need reauthorization, and lastly, what the staffer referred to as the "unknown." She explained, "there's sort of the kind of unknown. Either it's that we think this is going to be a hot topic in science for this year so something we need to look at. And then there are the things that just happen....for example, we have some cyber security

[18] Committee Staffer 5

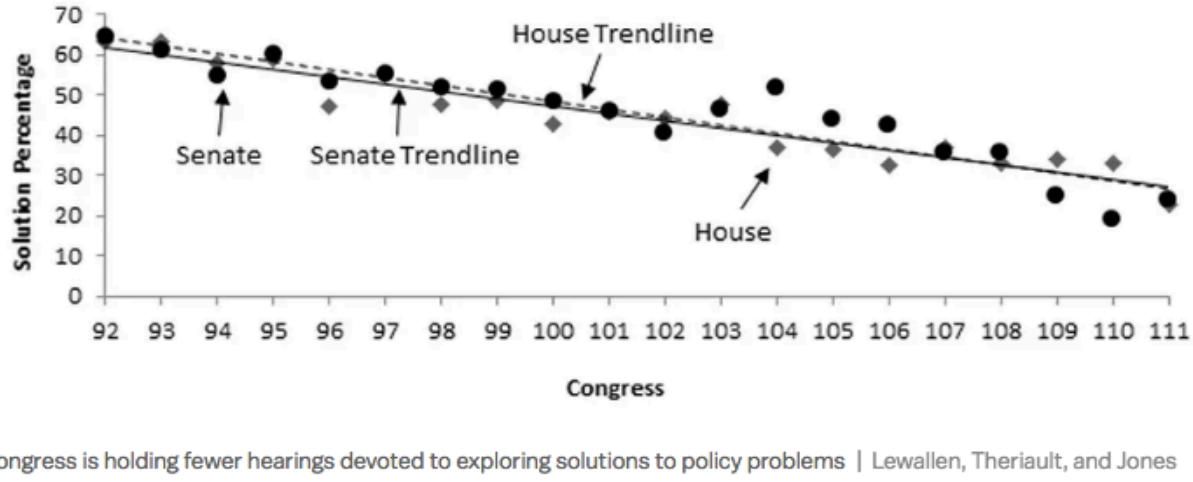
[19] I use "chairmen" in this thesis only because during the time period of my study, all four committees in my sample are chaired by men. There are women who do chair committees, but it should also be noted that women are dramatically underrepresented as chairs. In the 115th Congress (2017-19) only 2 House committees and 1 Senate committee are chaired by women (out of a total of 21 House committees and 17 Senate committees). In the 114th Congress (2015-17) women chaired only 1 House committee and 1 Senate committee. As noted earlier, there is evidence of systemic discrimination against women in deciding committee chairmanship.

jurisdiction. Suddenly, well we have to have a hearing on that."[20] When I posed the same question to a majority staffer on the Foreign Relations Committee, he characterized their planning as a "combination of strategic planning and reactive planning."[21] Some of the hearings are put together quickly as a reaction to a pressing event and others are planned months in advance.

The majority staffer on the Foreign Relations Committee also explained that only a small number of the hearings are about legislation, remarking "you would think, 'okay, the standard process is we're going to move a bill and therefore, let's do a hearing on it,'(but) almost never."[22] This fits with an overall historical trend of a decline in hearings linked to specific pieces of legislation.

[20] Committee Staffer 1
[21] Committee Staffer 9
[22] Committee Staffer 9

Figure 3.1: Hearings on Policy Solutions, 92nd to 111th Congress[23]



Source: Lewallen et al. "The Senate's disastrous process for crafting the AHCA fits a historic pattern", *Vox,* June 21, 2017.

Figure 3.1 above draws on a dataset from a study by Lewallen et al. (2016) that analyzed 22,000 hearings starting in the 1970s and showed a dramatic drop in the number of hearings dedicated to policy solutions. Lewallen's study demonstrated that two thirds of hearings in the 1970s were dedicated to policy solutions, whereas only one third of hearings in recent Congressional terms focused on policy solutions. The decline in the number of hearings is in line with the general trends discussed in Chapter One: a degeneration of Congressional deliberation and a restructuring of the legislative process over the past several decades. Scholars of American politics (Mann and Ornstein 2008, Polsby 2004) have noted that instead of laws originating in committees and passing to the chamber, bills are now pushed down from the party leadership, hurried through committees, and taken straight to the floor for voting. The decline in

[23] This graph is taken from a June 2017 article by Jonathan Lewallen, Sean Theriault and Bryan Jones in *Vox*. The graph in the article is based on the same dataset employed in the 2016 Lewallen et al study. The full article can be accessed here: https://www.vox.com/the-big-idea/2017/6/21/15843352/senate-hearings-secrecy-ahca-debate-stealtho

hearings on legislative topics makes sense in this context. Interviews with staff confirm this shift in the way committee hearings are used.

Once the hearing topic is decided, the staff decide on witnesses to invite. The official rules of the House and Senate entitle the minority to one witness. The number of witnesses that the majority invites changes, but averages around 3 to 4 witnesses. These remain the official rules, but the interviews showed that in reality the numbers largely depend on the personal relationships of the majority and minority staff. When relationships stay positive, majority and minority staff may put together a joint list. On the Senate side, the Commerce Committee and Foreign Relations Committee interviewees said this was standard. A senior staffer on the Commerce Committee shared that this happens regularly on their committee because of their longstanding relationships with each other and their shared understanding of what "types" of witnesses certain topics call for. The staffer reflected that approximately half of the time they create a joint list, usually for hearings on less contentious issues. He added that even when they disagree, they try to "disagree without being disagreeable."[24] On the Foreign Relations Committee, a minority staffer explained, "the minority can always invite their own witness and the majority can invite their own witness, and sometimes, we will agree to a third consensus candidate…. The majority could come back to us and say, we want two witnesses, you can have one, they could. But because for so long, this committee worked on parity, they're unlikely to do that, because when we're in the majority again, we could make life difficult for them by doing the same thing."[25] The staffer's comments depict a long standing and pervasive culture of

[24] Committee Staffer 5
[25] Committee Staffer 2

collaboration in the Foreign Relations Committee, an environment in which the official rules are overshadowed by informal traditions of cooperation.

The Commerce and Foreign Relations Committees in the Senate are two committees in which joint lists are standard, but interviews revealed that the two House committees also have joint lists for certain non-partisan hearings. A veteran Agriculture Committee staffer explained, joint lists can happen, "if it's something where we can all agree and the data is fairly uniform."[26] Witnesses on the Science Committee echoed this idea. For example, in September 2017, the Science Committee had a hearing on the solar eclipse over the United States. Several interviewees identified this as a bipartisan hearing. The Congressional relations staffer of the National Science Foundation (who was previously a staffer on the Science Committee) even comically referred to this hearing as a "love fest."[27] The majority staffer explained the process of constructing a joint list for the eclipse hearing, saying "I talked to my minority counterpart and I told her who I was thinking for witnesses. And she said, 'What do you think will be good?' I said, 'Well, I'm kind of thinking education base.' So, she went out and found an education person. So sometimes it's done that way."[28] This example shows that joint lists have the potential to be on the one hand more diverse, and on the other hand cohesive. I heard several stories across different committees of the majority deciding on categories or types of witnesses, and sending the list over to the minority for suggestions.

In the absence of personal staff relationships, the formal rules assume a greater weight. A minority staffer on the Science Committee Subcommittee on Energy and Environment stressed that his subcommittee is less collegial in relation to the other Science Committee subcommittees.

[26] Committee Staffer 7
[27] Interviewee 1
[28] Committee Staffer 1

He described how in his subcommittee, the minority stick to their one allotted witness and they do not work together to form a joint list. He told me that in the previous Congressional term there was "absolutely no coordination…if we had a hearing on Thursday, they would let us know two weeks before at 4:59."[29] This last point about timing highlights another way in which relationships affect rules. In this case, the minority and majority had no relationship, so the minority got the minimum official notice for the hearing. In cases where the minority is more involved in the planning, the minority staff may get more notice and therefore more time to plan.

One of the most significant factors in staff relationships is the chairman because he controls the hiring process. This obviously also influences the types of witnesses invited. As the two-time chairman of the Foreign Relations Committee explained, "the power of chairman comes from determining how the time of the committee will be spent. Who will be heard, what subjects will be heard, what witnesses will be called."[30] The chairman accomplishes these goals through his staff and the chairman has full power to hire staff and to determine the number and professional background of his staff. A staffer on the Agriculture Committee explained that the chairman is given a budget and he can choose to hire either a few senior staffers or a larger number of junior staffers. The staffer explained that whereas Chairman Lucas (2011-2015) kept many of the staff, Chairman Conaway (2015-present) laid off two thirds of the staff.[31] This had grave consequences for relationships and witness lists. Another Agriculture Committee staffer, who has worked in the majority and then the minority, explained that she used to have a personal relationship with members of the other staff, and she recalled how this broke down when a

[29] Committee Staffer 4
[30] Senator 2
[31] Committee Staffer 12

different chairman drastically changed the staff.[32] Staff on different committees told similar stories. One longtime staffer who has worked on both majority and minority staff of the Science Committee for over a decade, told me in detail about her personal relationship with her counterpart. She said that when she was in the minority, her relationship with her majority counterpart enabled her to shape witness panels from the minority. She described how this process then remained the same when she transitioned from the majority to the minority because of their collaborative relationship. This changed, however, when the new chairman brought in different staff who she did not know, and the bipartisan process disintegrated.[33]

Different chairmen also have unique styles and distinct relationships with their subcommittee chairmen and ranking members. For example, the majority staff of the Science Committee shared that Chairman Lamar Smith is very involved and reviews every hearing and witness list. Some chairmen may take a more hands-off approach and assume a less direct role in witness selection. A majority staffer on the Foreign Relations Committee said of Chairman Corker, "he's like a CEO by nature, so he actually…gives the staff a lot of room to run, you know. Or a lot of rope…just don't hang yourself with it."[34] This statement is illustrative of the consequences that chairmanship style has for staff selection of witnesses and hearings. Another difference is the relationship of the chairman to the subcommittee chairmen. The degree of autonomy that the subcommittee chairmen maintain in suggesting hearings or selecting witnesses varies from committee to committee and chairman to chairman.

A further illustration of the power of the chairman can be found in a comparison of positional balance scores on the Foreign Relations Committee between the 113th and 114th

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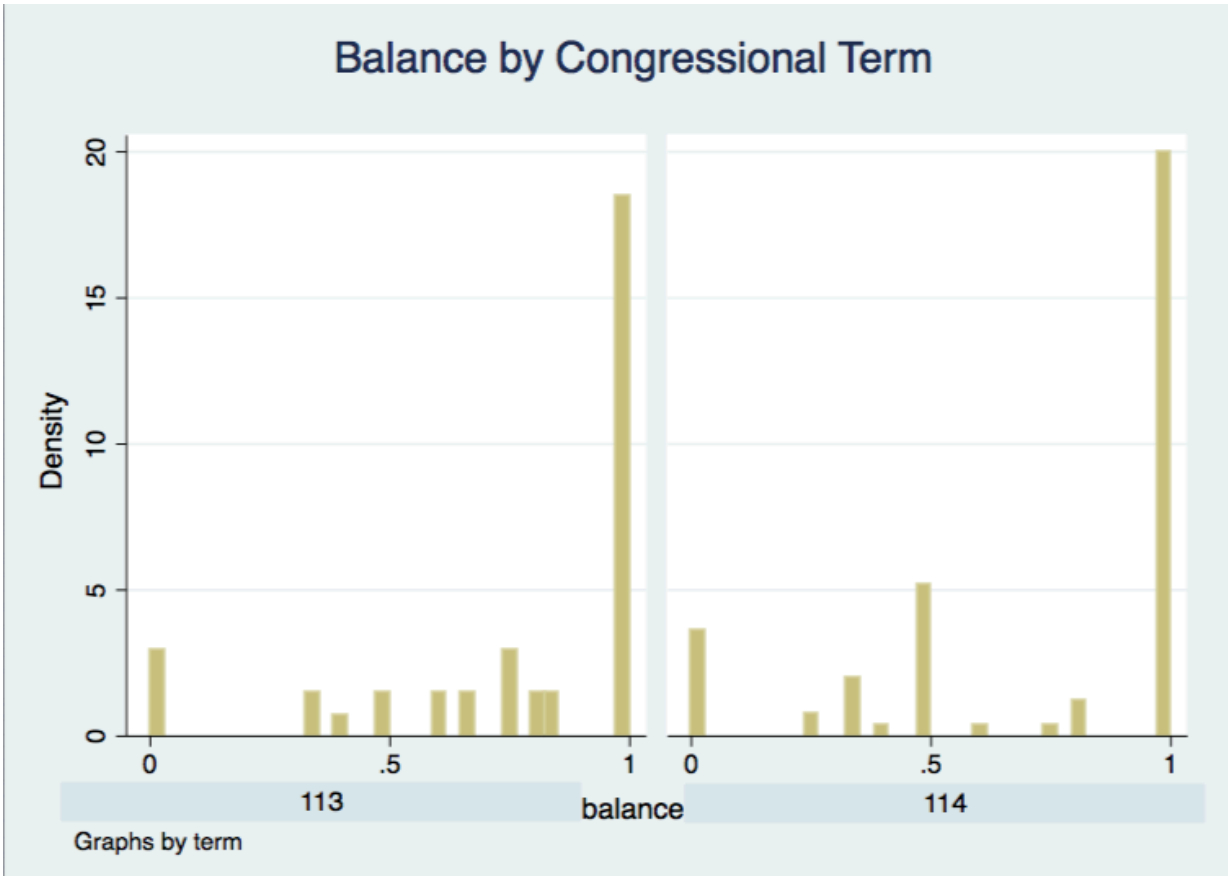
[32] Committee Staffer 7
[33] Committee Staffer 3
[34] Committee Staffer 9

Congresses. As referenced in Chapter Two, the "balance scores" use sentiment analysis to measure the witnesses' testimony in relation to the other witnesses on the panel. In the Foreign Relations Committee, though the chairmanship changed parties from Menendez to Corker, the average balance score remained relatively similar in both terms (0.78 in the 113th Congress and 0.74 in the 114th Congress). In addition, the histograms in Figure 3.2 below show that the distribution of balance scores for Foreign Relations Committee hearings remained similar between the 113th and 114th Congressional terms. This is an indication that both sides are represented in hearings, regardless of party control of the chairmanship. The staff of the Foreign Relations Committee chalked this up to Menendez and Corker's similar chairmanship styles, good relationship with each other, and their reliance on mostly the same staffers.

Figure 3.2: Balance in Senate Foreign Relations Committee in 113th and 114th Congress



Source: Original dataset of "balance" scores constructed for the purpose of this study

II. The Selection

The interviews with witnesses and staff illustrated a number of criteria for selecting witnesses. First, long-standing personal relationships with witnesses factor significantly into selection. In several cases, witnesses said that they knew the staff prior to the hearing and had even been invited on multiple occasions. Several of the staff members I spoke to have worked in their committee for decades and gotten to know the professional community in their field very well. A longtime staffer on the Nutrition Subcommittee of the Agriculture Committee shared that in the world of nutrition policy "it's a small community" and she either knows most of the relevant actors or knows someone who can connect her.[35] A minority staffer on the Science Committee echoed this, explaining "It's all about relationships and negotiating and trying to understand….there is a finite world of people on which they (the staff) can draw from."[36] This confirms Whiteman's work (1995) on Congressional communication, in which he argues that Congressional "information networks" are both narrow in the sense that they are skewed and deep because staff are well connected and well informed about the policy community in their field. The importance of personal relationships between policy professionals and staff create a bias towards witnesses who are based in and around Washington. Committees do not cover the cost of travel to Washington, so it is easier to find someone willing to come from Georgetown than from Palo Alto. All of the staffers who I spoke to stressed that their committees do not pay for witnesses to come testify. Though sometimes lobbying groups step in to cover the cost of travel (one scientist I spoke to explained that a science lobbying group paid for his flight from

[35] Committee Staffer 7
[36] Committee Staffer 4

California to Washington), these financial considerations can indeed distort the pool of witnesses that are drawn from.

The parochial interests of the chairman and ranking minority member also affect witness selection. There may be a number of reasons why these interests would shape witness selection including reelection concerns, fundraising connections, or personal proclivities. Staff explained that they might first look for someone who has the expertise or perspective they want, and who also comes from their chairman or ranking member's district or alma mater. A senior minority staffer on the Science Committee explained that her ranking member, Daniel Lipinski, prefers witnesses from his home state of Illinois or his alma mater institutions (Duke and Stanford). Therefore, she will first try to find someone from this area or from these universities, who also has the necessary expertise or perspective.[37] On the Commerce Committee, the minority staff shared similar accounts. A staffer explained that if there is a hearing that relates in some way to Florida, for example, they will try to invite a witness from Florida (the state of the ranking minority member, Senator Bill Nelson).[38]

Second, the witnesses are selected for their subject matter expertise. If the topic pertains to a government agency, the committee staff will typically invite representatives of that agency. When administration officials are invited, they are usually on a separate panel. In such cases, there would be one government panel and one panel of stakeholders. In addition to government representatives, staff also seek out other types of professional expertise. A minority staffer on the Science Committee spoke of wanting to fill in "gaps of expertise" in the witness list in order to provide the necessary information to the members. She explained the importance of inviting

[37] Committee Staffer 3
[38] Committee Staffer 5

people who can accurately inform Congresspeople about the different dimensions of the issue, based on their specialized knowledge of the field.[39] For example, in October 2017, the Science Committee had a hearing on quantum physics, in which they invited experts on quantum physics to inform the Congresspeople about the state of the field. The Foreign Relations Committee had a hearing on ISIS in June 2017, in which they heard from Dr. Dan Byman, a Georgetown Professor and Senior Fellow at the Brookings Institution who studies terror.

In addition to expertise, sometimes staffers seek out a particular perspective. Once witnesses are invited, they put together written and oral testimony on their own. As a result, staff pre-select witnesses based on prior knowledge of their perspectives. A Commerce Committee staffer explained, "when you select a witness you know what they are going to say, what side they are going to take."[40] Staff did admit that they occasionally have a conversation with the witnesses about the scope of the hearing and the members' interests. However, they never tell them what assessment to present or what side to take. Consequently, if the staff want a certain perspective, they must pre-select for witnesses who already share this outlook. Conversations with staff shed light on several examples of this type of selection. A majority staffer on the Science Committee explained that she tries to "tell a story" and selects witnesses who can together paint a picture of that story.[41] Her allusion to "telling a story" implies that she wants the information conveyed in a certain way. A staffer on the Agriculture Committee spoke of the construction of the 23 hearings with over 80 witnesses on the subject of SNAP in the past two congresses. She explained that because SNAP is controversial, "you want to make sure that you

[39] Committee Staffer 3
[40] Committee Staffer 5
[41] Committee Staffer 1

have got your voice."[42] Each side wants to tell their story and voice their concerns, and so they will invite people who can articulate those concerns.

This calculus fluctuates based on whether the staff is choosing the list together or separately. If the minority and majority are not working in collaboration, the minority may feel more compelled to invite someone who can either rebut or balance the witnesses invited by the majority. In the case of the Science Committee's Energy and Environment Subcommittee, the staffer explained that the majority will bring in several witnesses to make distinct points on an issue, and for his one witness he will look for a generalist who is able to rebut the different points made by the majority witnesses.[43] Other minority staff echoed the notion of bringing in witnesses to offset the majority witnesses. In the Commerce Committee, the minority staffer described a conscious decision to "balance" out the majority witness list, saying that if the majority invites certain professional types such as industry representatives, the minority might seek "balance" by inviting stakeholders who represent the public interest.[44] Yet another calculation is the opinion of the witness and the zeal with which they convey it. The minority staff on the Science Committee's Subcommittee on Energy and Environment gave the example of a hearing on climate change in March 2017, in which the majority invited Dr. Judith Curry, Dr. John Christy, and Dr. Roger Pielke Jr., three climate change skeptics. The minority staffer explained, "we thought to ourselves, if you are going to bring in these three people, we are not going to have a serious discussion about climate change. So, we're going to bring in the loudest and most prolific person we can think of and that was Michael Mann. That was a deliberate choice by us because

[42] Committee Staffer 7
[43] Committee Staffer 4
[44] Committee Staffer 5

you have to fight fire with fire."[45] This is an example in which the minority's choice of witness was based not only on professional expertise of the witness, but also on his public association with a partisan issue and reputation as an ardent advocate for the issue.

III. Note on Lobbies

Lobbies stand to affect witness panels in myriad ways. As noted in Chapter Two, my data collection focuses on hearings because they are public information. It is difficult to identify and quantify the many subtle ways in which lobbyists are involved, because it is done behind closed doors. The difficulty of quantifying the effect of lobbying has been noted by other scholars of lobbying in Congress. In her survey piece on lobbying, Leech observes the problem of accurately gauging lobby effects and explains that too often it is seen as a simple tit for tat interaction (Leech 2010). Despite the difficulties in distilling the effects of lobbies, I used interviews insofar as possible in order to shed light on some of the ways in which lobbies shape witness selection and interactions between Congresspoeple and witnesses. In my own data collection, I reached out to many lobbying organizations in an effort to find out more about the way in which they influence witness selection. None of the organizations responded to my queries. I was, however, able to interview a leading lobbyist for the auto industry, who previously worked on the Commerce Committee.

In addition, I asked staff and lawmakers about the lobbying influence when possible. Several interesting effects emerged. First, though lobbies may not select the witnesses, in many cases they have personal relationships with the staff. In some cases, as with the interviewee who went from working on the Commerce Committee to work for an auto lobby, the lobbyists are the

[45] Committee Staffer 4

staff. A Republican Congressman on the Science Committee remarked, "lobbyists get a bad name, but they are vital. Most of them have experience working on a committee or working on the Hill and so they get it in terms of making sure we get information."[46] His reference to their work on the committee and their expertise demonstrates how deeply intertwined the committee staff, the professional community, and the lobbyists remain. As noted earlier, staff are biased towards selecting witnesses they know. Second, the lobbyist for the auto industry explained that if there is a witness testifying on behalf of an auto company, he conducts what he termed "murder board type prep." He explained that he will grill them with possible question to prepare them for the hearing because "you want to make sure the witness won't get any curve balls."[47] He is uniquely positioned to do this because his experience on the committee allows him to say, "of 27 these are going to be the 7 either vested in the issue or have conflict with issue or witnesses." This type of preparation is tremendously helpful in crafting effective testimony. Third, the personal staff shared that lobbyists may reach out with suggestions for questions to ask witnesses. The personal staffers will write suggested questions for their bosses, and so if they take the lobbyists suggestions into account, this has the potential to elicit a different type of testimony. One Congressman on the Science Committee remarked that in some climate change hearings you see members reading "statements prepared by lobbyists."[48] Though this is only one Congressman's assessment of others' statements, it speaks to the influence of lobbies on the statements of the Congresspeople themselves. Fourth, lobbyists may share information with members throughout the hearing process that sways their interaction with a given topic or witness panel. Yet another member of the Science Committee explained that lobbyists help him

[46] Congressperson 14
[47] Interviewee 3
[48] Congressperson 16

to "make the connection with the Midwest or a program that is important to me…(in) filling in more information."[49] Though this reflection should be approached with the understanding that this Congressman himself may be receiving financial support from such lobbies, his comment still shows that lobby information stands to influence his interaction with witnesses during the hearing. The power of lobbyists' information has been well documented by scholars of American interest group politics. DeGregorgio's research (1997) proved the value of information as a resource for lobbyists. One lobbyist she interviewed remarked, "information has always been valuable to the members. It's amazing sometimes the things you can tell them that they are not familiar with. Outsiders provide a different perspective and a useful perspective" (DeGregorgio 1997, p.107). Esterling's research (2009) also argued that lobbyists with more technical expertise are given greater access, suggesting that Congresspeople value and learn from the information they provide. In conclusion, though the full effect of lobbyists remains difficult to pinpoint, data from interviews showed four important ways in which lobbyists influence witness testimony. Lobbyists may suggest witnesses to committee staff, prepare witnesses to testify, send proposed questions to ask witnesses, and share information with committee members that may color their interactions with witnesses.

IV. Conclusion

In conclusion, this chapter set the scene, describing how committee hearings are constructed. Relying on extensive interviews with staff, Congresspeople, witnesses, and lobbyists, I identified the patterns characterizing hearing construction and witness selection. Interview data illustrated the importance of the personalities and the personal bonds of the

[49] Congressperson 14

committee staff and committee leadership. In addition, both the partisan and technical background of witnesses play a role in decisions to invite them. I also uncovered several ways in which lobbies are embedded in this process.

This in-depth analysis of how hearings are constructed is a noteworthy contribution to the literature on the American Congress. I add to the aforementioned work by Lewallen et al. by addressing how the procedures work today, in light of the loss of committee power over legislation and the decline in bipartisanship. Polsby (1968), Fenno (1973), Shepsle (1978), Krehbiel (1992), Hall (1996), and the other landmark literature on committee procedures are outdated. In fact, Shepsle ends his book *The Giant Jigsaw Puzzle* with the assumption that committees actively shape policy as a result of the processes he discusses. Because the hearing construction process is largely informal and highly variable, it may be less attractive for the large N quantitative analyses that now dominate the contemporary scholarship on Congress. Indeed, the only way to parse out this convoluted process is through qualitative research techniques, and studies relying on such methods are few and far between. Therefore, this study fills an important gap in the understanding of how hearings are constructed in the contemporary Congress, in the context of historical trends of decline in Congressional deliberation, bipartisanship, and the loss of committee power.

Chapter 4

Who are the Witnesses?

With an understanding of how witness panels are created, this section surveys some basic trends in what kinds of voices the four committees in the sample hear from. I gathered data on the witnesses, their professional backgrounds, the language they use when addressing committees, and how they compare to the other witnesses on their panel.

I. Professional Backgrounds

An important first feature of the witnesses is their professional sector. I looked at the professions of all of the witnesses who testified in full committee hearings in all four committees. While there has been research addressing witness testimony (Lewallen et al. 2016, Esterling 2009), there is a dearth of comparative work on the professional breakdown. The work of Lewallen et al. (2016) points to the decline in the overall number of witnesses testifying before committees over the past four decades. The authors argue that the declining number of witnesses shows that Congresspeople are exposed to fewer sources of information. My analysis of the professions of the witnesses explores precisely what sources of information Congresspeople hear.

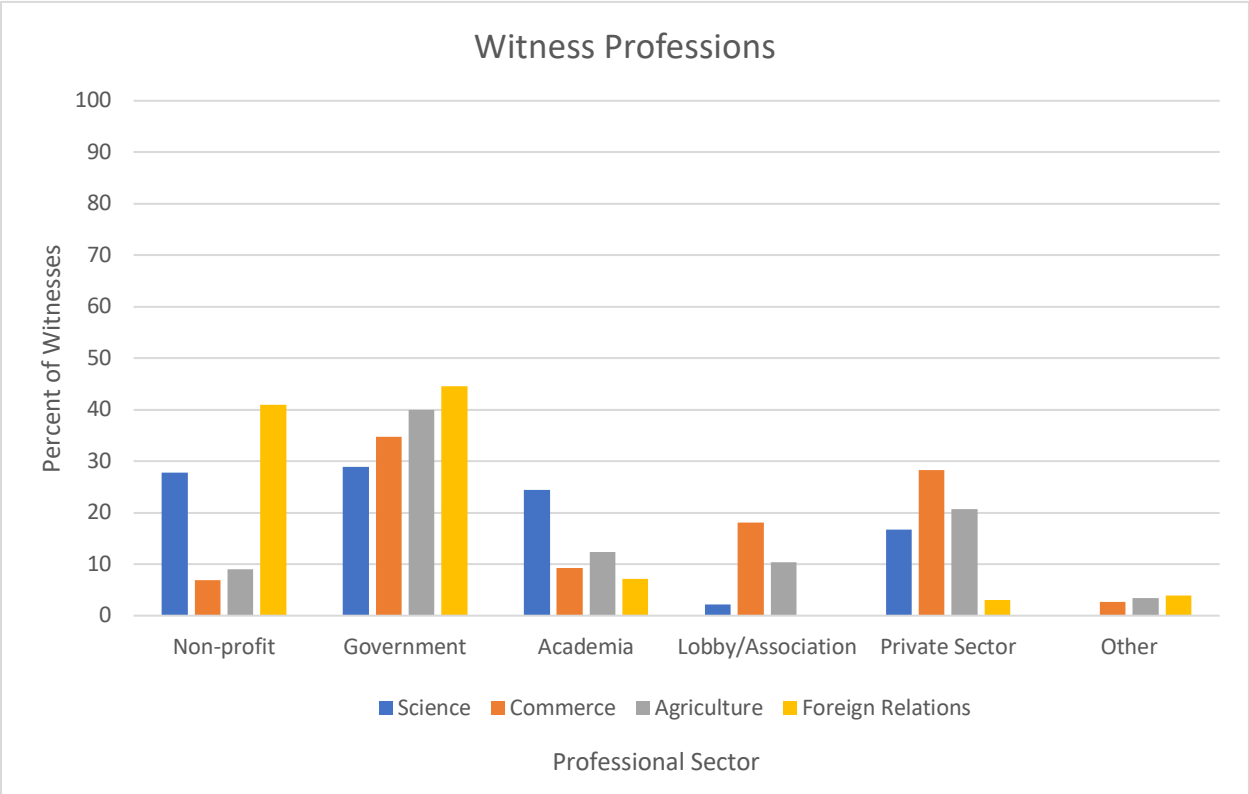
The professional classification itself proved straightforward, as all of the information about the witnesses' professions is accessible on the committee websites. When professional association was plainly obvious (e.g. State Department witnesses as government officials or Professors as academics), I could easily place the witnesses into categories. In cases where categories were not immediately apparent, I researched the organizations and, in some cases, how these organizations are funded. It is important to note that my data does not include

subcommittee hearings (in line with the rest of the transcript data that also relies on full committee testimony). In addition, because my study is about the legislative role of committees, I chose to focus only on substantive hearings, and excluded nomination hearings from the sample. This allowed for a more representative sample of the witnesses who are invited in order to inform committee members rather than be vetted.

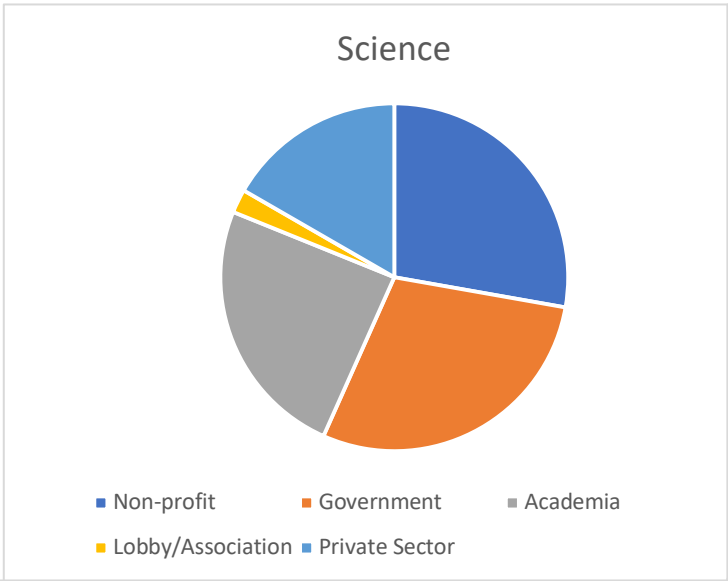
Below are pie charts showing the professional breakdown for each committee as well as a graph showing, for the 114th Congress, the percent of each committee's witness list, represented by each professional sector.[50]

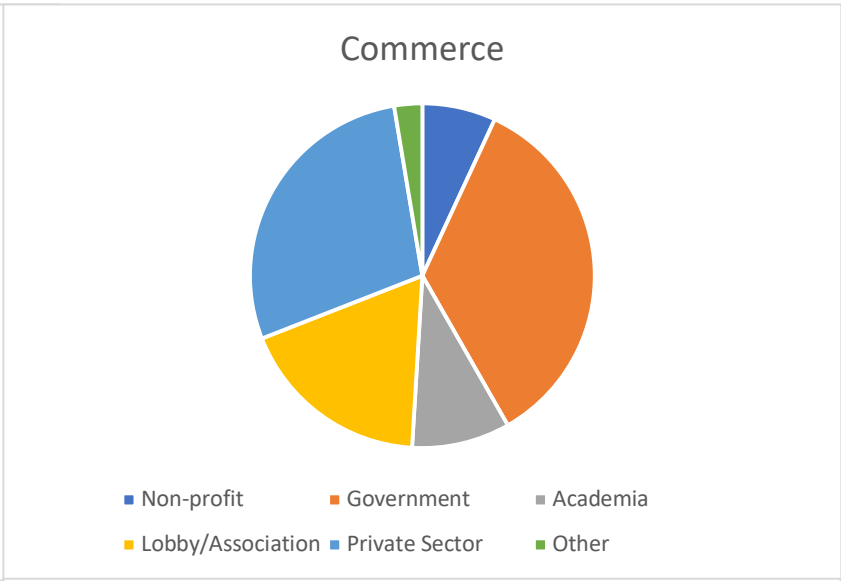
[50] All of the data presented in Figures 4.1-4.5 draws on an original dataset created by the author.

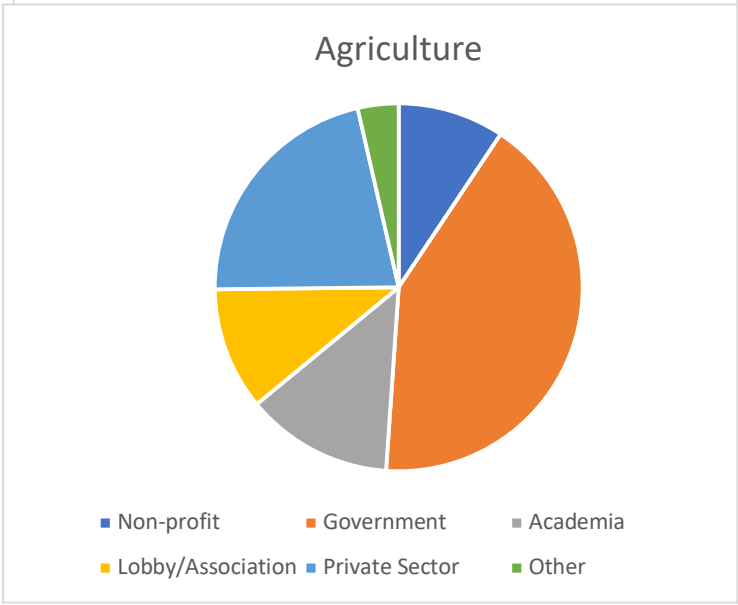
Figure 4.1: Witness Professions

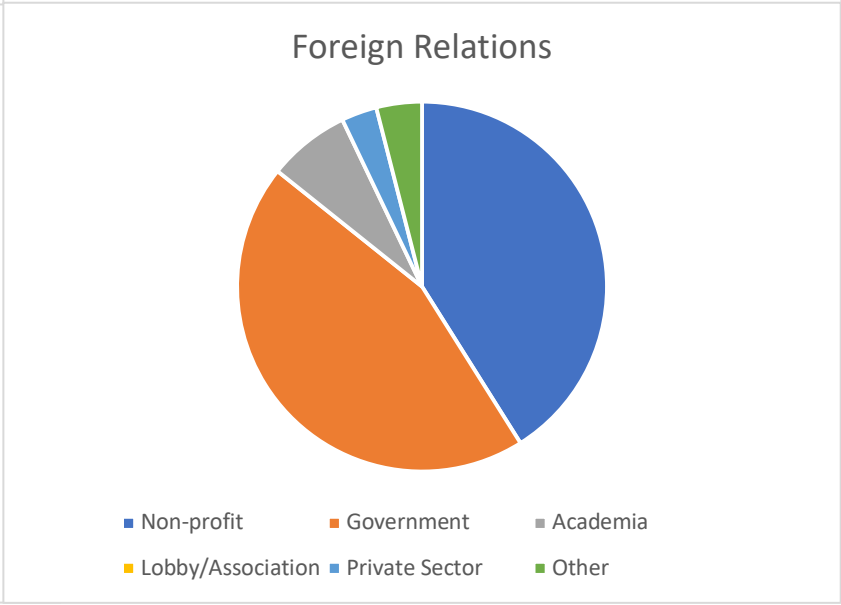


Figures 4.2-4.5: Professional Breakdown of Witnesses in Science, Commerce, Agriculture, and Science Committees









The graphs emphasize the pronounced variance in the professional sectors between the four committees. Some of the divergences are expected given the differences in the subject matter specialization of the committees. The Science Committee hears from the most academics, with 24% of its witnesses coming from academia (compared to 8-12% in the other three committees). This is reasonable to expect given their jurisdiction over the National Science Foundation and their specialization in scientific topics. On the other hand, nearly one third of the Commerce Committee witnesses come from the private sector, compared to 3-20% in the other committees. This is also natural in view of their subject area.

Predictably, all of the committees heard from a large number of government witnesses. The agencies these witnesses represented varied based on the agencies under the committee's jurisdiction. The Foreign Relations Committee heard from the State Department, the Commerce Committee heard from many port authorities, the Science Committee heard from the National Science Foundation, and the Agriculture Committee heard from the Department of Agriculture, but all the committees heard from between 29- 42% government witnesses. This holds true despite the fact that this dataset did not include hearings about nominations to government positions, focusing only on hearings on substantive issues. The predominance of government witnesses is not surprising, given the responsibility of committees as oversight mechanisms, as well as the large number of hearings involving legislation about government agencies.

The non-profit category included think tanks and charitable organizations. There was also variation in the types of non-profits the witnesses represented, which is not accounted for in the graphs. For example, the Foreign Relations Committee heard from more think tank experts from a range of different think tanks. This may be another reason why they have a relatively low

number of academic witnesses. They draw on think tanks rather than academia for their subject matter expertise.

The witnesses in the "other" category were not listed with a profession or organization. Some were listed with previous professions such as retired members of the military and others simply with the name of their town. This suggests that these witnesses were likely to share their personal stories, rather than professional expertise. The "other" category included witnesses such as writers, recipients of food assistance, a plaintiff in a law suit, and former National Aeronautics and Space Administration (NASA) astronauts and airline captains. This category included only a handful of witnesses (2-4%) for each committee.

Another striking finding is that the Commerce and Agriculture Committees heard from many witnesses who spoke on behalf of an association or lobby, whereas the Foreign Relations and Science Committees had almost none of these witnesses. These types of witnesses can represent an entire sector. An auto industry lobbyist referred to association witnesses as "ambassadors for companies without having to put a company name on it."[51] The findings regarding lobbies contribute to the literature on lobbies in Congress, most notably Esterling's in-depth study (2009) on the effects of lobbyists on Congressional policymaking. His work used case studies of environmental and educational legislation to argue that lobbyists and interest groups can lead to better informed policies. My findings add to his work by showing the presence of lobbyists and associations in the additional policy areas of commerce and agriculture. This also builds on the findings explained in Chapter Three regarding how lobbies affect hearings, suggesting that they may be more influential in certain policy areas or

[51] Interviewee 3

committees. This and the other differences in professional breakdown may have implications for the types of testimony given and therefore the type of hearing and its effects on Congresspeople.

II. LIWC Analysis

A second component of the witness voice is the language that witnesses employ. I analyzed the witness testimony using Linguistic Inquiry and Word Count (LIWC) language analysis software. This computerized text analysis software assesses different psychological dimensions of text. It relies on a set of dictionaries that were created and honed over years by Tausczik and Pennebacker and their team to identify the various emotions and social styles contained in a given piece of written text. The dictionaries were developed using judges to categorize and cross validate text (Pennebacker and Tausczik 2010). Like other computerized text analysis software, LIWC is not perfect. It ignores irony, sarcasm, idioms, and context. Still, it is useful in making sense of a large volume of texts and has been used widely by academics in fields of social psychology, health, and political science (Owens and Wedeking 2011, Corley and Wedeking 2014, Resnik et al. 2013, Settle 2016, Crabtree et al. 2018).

I tested all of the witness testimonies from the 114th Congress from my four-committee sample on two LIWC dimensions: analytical language and authenticity. The sample of text that I tested comprised 738 pieces of written testimony drawn from the four committees during this Congressional term. The testimony was taken from each committee's website. All of the testimony was separated by committee and analyzed on the two LIWC dimensions. The first dimension, analytical language, captures the degree to which speakers employ language that suggests formal, logical, and hierarchical thinking patterns. People who score low on this dimension are likely to use a more narrative style, focused on the present. Authenticity refers to

the honesty of the speakers. The LIWC manual states that these summary variables are "derived from previously published findings from our lab and converted to percentiles based on standardized scores from large comparison samples" (Pennebacker 2015). However, it should be noted that the explanation ends there and the creators of LIWC acknowledge that the summary metrics are the only "non-transparent dimension" of the software.

In order to further understand the results, I look at them in context of the average scores of different types of written information presented in the LIWC manual. The manual explains that the sample comprises writings of over 80,000 writers from the United States, Australia, England, Canada, and New Zealand. Table 4.1 below presents the average analytic and authenticity scores for the LIWC sample of blog writing, expressive writing, novels, natural speech, *New York Times* articles, and twitter posts. These are distinct forms of written information and hence they present a useful comparison.

Table 4.1: LIWC Analysis of Different Types of Written Language

Category	Blogs	Expressive Writing	Novels	Natural Speech	New York Times	Twitter
Analytic	49.89	44.88	70.33	18.43	92.57	61.94
Authentic	60.93	76.01	21.56	61.32	24.84	50.39

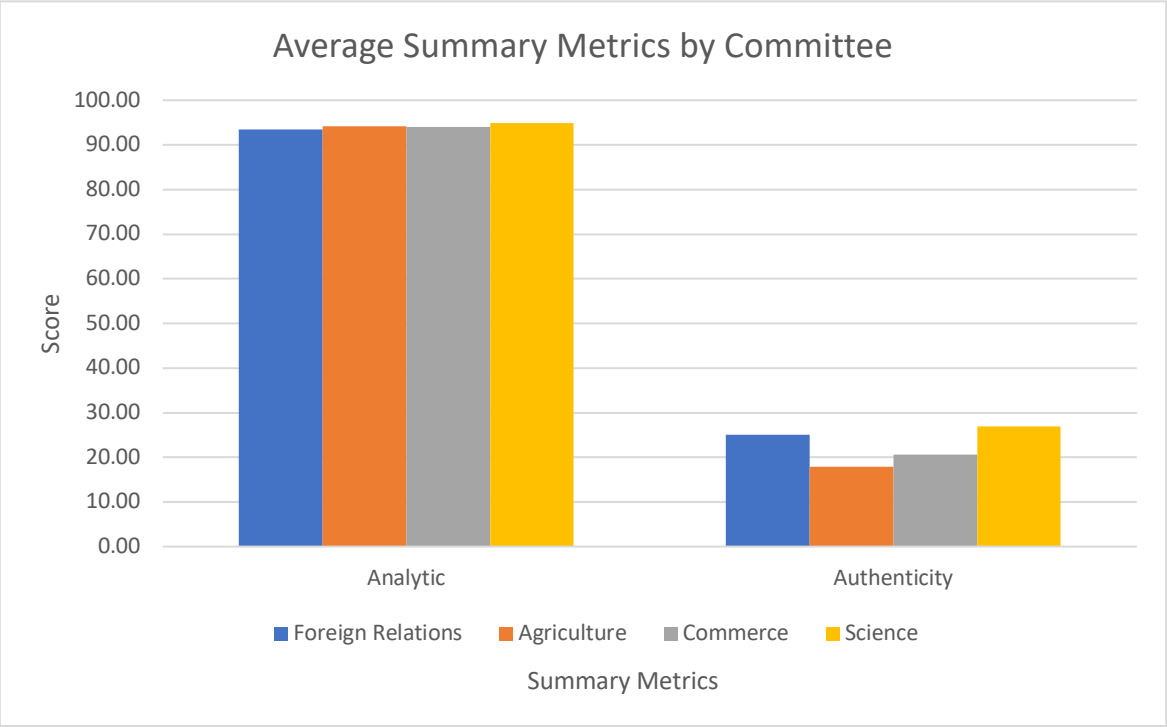
Source: James W. Pennebaker, Ryan L. Boyd, Kayla Jordan, and Kate Blackburn, "The Development of Psychometric Properties of LIWC2015," The University of Texas at Austin.

The results of the LIWC analysis, summarized in the Figure 4.6 below, are on a scale of 1-100 (low to high). [52] These are summary scores constructed by the LIWC rather than raw

[52] The graph is based on an original dataset constructed by the author.

instances of word usage. Interestingly, there is little variation between committees on any of these metrics.

Figure 4.6: LIWC Analysis Summary Metrics



Source: Original dataset of LIWC scores constructed for the purpose of this study

All of the committees receive high analytic language scores, suggesting that the witnesses are in fact presenting analytical and logical takes. The levels for all of the committees are similar to analytical language in *New York Times* articles. This is an important finding in the context of the wider debate as to the information presented to Congressional committees (Weiss 1989, Whiteman 1995, Simson 2010). In the next chapter, I will explore in greater detail the degree to which Congress people listen to witnesses and how they are affected by this information. Nonetheless, the high analytical scores of the testimony are noteworthy in and of themselves. They contradict the argument that Congress does not access quality analysis (Lewallen 2016,

Oliver 2014, Simson 2010). They point instead to highly logical and analytical information presented to Congress.

Another surprising finding is that the committees all receive low authenticity scores, implying that the witnesses may not be speaking honestly and openly. This may also be due to the formal nature of hearings. In an official setting, speakers are perhaps less likely to use personal language. One witness I spoke to pointed to the formalized character of hearings as a handicap for authentic communication. Another former Science Committee staffer echoed this same sentiment, explaining that the witnesses who stood out to her during her decade on the committee were those scientists who "answer questions directly and speak to you like a human."[53] In fact, the authenticity scores mirror novels and *New York Times*, rather than the less formalized and more free flowing language employed in natural speech or blog writing.

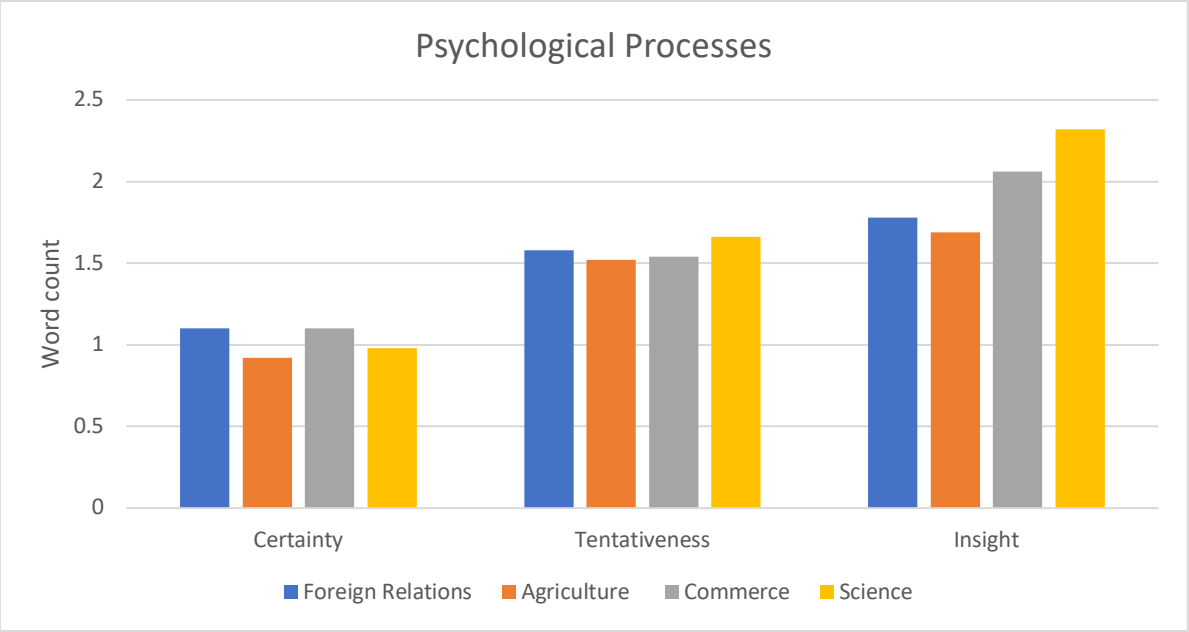
In addition to the summary variables for the psychological dimensions, I explored linguistic characteristics further by using LIWC word counts of specific psychological processes. LIWC has specialized dictionaries for words conveying certainty (i.e. always, never), tentativeness (i.e. maybe, fairly, perhaps) and insight (i.e. think, how). These same indicators were used by Owens and Wedeking (2011) in their analysis of the complexity of U.S. Supreme Court opinions between 1983 and 2007. I use these word counts as additional evidence about the complexity and certainty of witness testimony. Certainty and tentativeness are of particular interest in witness testimony because scholars have identified them as a deciding factor in the use of evidence in policymaking. In his study of the use of evidence in British policymaking, Stevens (2011) identifies "uncertainty" as a major reason that policymakers eschew academic research. He explained that policymakers were averse to uncertainty and preferred information in which

[53] Interviewee 1

the bottom line was clear. He writes that civil servants are taught to communicate with their superiors through "killer charts," constructed, "by choosing data carefully and by restricting the number of cases and categories that were shown. The policy implications of the data should be immediately apparent from the graph alone" (Stevens 2011, p. 243). A Congressman I interviewed, who had previously worked as a physicist, echoed this point, explaining "typical scientific presentation presents data and then conclusion. As politicians, we have to lead with the conclusion."[54] His statement underscores the dissonance between lengthy academic explanations and pithy political presentations. Hyder et al. (2010) conducted a cross national study in Argentina, Egypt, Iran, Oman, and Malawi, that confirmed Stevens findings. Using data from 83 interviews with policymakers in these countries, the researchers discovered that the poor packaging and communication of research were major impediments to its uptake. Several of the interviewees explained that researchers should be taught to convey complex information in a clearer and more concise way, even when such a distillation of laborious and lengthy studies may seem irreverent and painful. Given these findings with regard to the importance of the levels of certainty and complexity used to convey information, I take a closer look at these aspects of witness testimony.

[54] Congressperson 16

Figure 4.7: LIWC Analysis of Psychological Processes



Source: Original dataset of LIWC scores constructed for the purpose of this study

The results (summarized in Figure 4.7 above)[55] show that the Science Committee has the highest level of tentative language and the second lowest level of certainty. This may seem surprising, as some would expect that scientific facts be conveyed with high levels of certainty. By contrast, the Commerce Committee has the highest level of certainty (tied with Foreign Relations) and a correspondingly low level of tentativeness. These two scores are logical inverses of each other. In addition, the Science Committee has the highest level of insightful language, and a correspondingly high analytical score.

The professional breakdown of these committees may also help explain some of the linguistic variation. For example, the Science Committee heard from the largest number of academics. One academic witness who I spoke to lamented the confusion regarding what type of language to use.[56] He stressed that academics communicate with a different tone and demeanor

[55] The graph is based on an original dataset constructed by the author.
[56] Witness 6

than politicians, and so what they say may be lost in translation. A Congressman on the Science Committee and former physicist explained that as a scientist, he goes through the scientific references in the written testimony in great detail and is able to understand the professional academic jargon of the academic witnesses much better than his nonacademic colleagues. He lamented that though he can understand the scientists' "buzz words," they do not simplify in order to make their explanations more accessible.[57] These comments call attention to the unique communication style of academics. Given that the scientific method is grounded in questioning and casting doubt, it makes sense that its advocates speak using tentative and uncertain language. On the other hand, the committee with the highest proportion of private sector witnesses also received the highest certainty score. The difference in professional culture was further underscored in an interview with the aforementioned former scientist and member of the Science Committee. He said of hearings, "unlike in science where you say how say 'how do I get to the truth?', it's much more like law where you say, 'how do I convince the jury?'"[58] Convincing the jury entails speaking with certainty. Private sector witnesses, adept at selling their ideas, may indeed appear more self-assured than academics, trained as cautious truth-seekers.

III. Balance

Witnesses testify on a panel with other witnesses, and so in order to assess the voice Congress hears, it is also necessary to step back and look at the panel as a whole. The conversations with staff illustrate the importance placed on the witnesses as a group and the "balance" of the panel. The inclusive "voice" that Congress hears is the amalgamation of the

[57] Congressperson 16
[58] Congressperson 16

witnesses on the panel. In order to examine this mixture of witness voices, I use sentiment analysis balance scores. As indicated in Chapter Two, the balance scores are given at the hearing level. I first used a dictionary of positive and negative words to score each individual witness testimony transcript. Then I scored each hearing based on the number of predominantly positive transcripts (those with more positive than negative words) divided by the total number of testimonies in that hearing. The method of constructing "balance scores" is novel in and of itself and has not been used before to characterize committee hearings. The final dataset consists of 199 hearings conducted in the four committees during the 114th Congress, 67 hearings from the Foreign Relations and Science Committees from the 113th Congress, and 24 hearings from the Senate Foreign Relations Committee from the 112th Congress. Each hearing included 1-9 witnesses, averaging around 3 witnesses per hearing. The "balance" scores allow me to see how the witnesses compare to one another. They help to answer the question: are Congresspeople really hearing the "balance" of perspectives that the staff seek in their selection?

The results shed light on a number of interesting trends in balance scores. Table 4.2 below presents summary statistics for balance scores by committee.

Table 4.2: Committee Balance Scores

Average balance (all committees)	0.82
Science Committee average balance	0.80
Foreign Relations Committee average balance	0.74

Agriculture Committee average balance	0.95
Commerce Committee average balance	0.87
Average number of witnesses	3.2

Source: Original "balance score" dataset constructed for this study

The average balance score for all four committees for the 114th Congress was quite high, at 0.82. This is a high score on the balance score spectrum because a score of 1 would signify that all the witnesses spoke in favor of the issue at hand. If the hearings were perfectly balanced, one would expect a 0.5 balance score. As referenced in Chapter Two, the presence of positive sentiment is taken as indication that the testimony is supportive or in agreement with the legislation discussed. A testimony with primarily negative sentiment indicates that a speaker is opposed to an issue. An average balance score of 0.84 indicates that Congress is hearing more from witnesses with a positive perspective on a given issue. This makes sense given the aforementioned trends in the witness selection. The official rules of both chambers dictate that the majority controls the hearing agenda and invites all but one witness. As a result, it would follow that the majority chooses topics that they want to support. Even taking into account the practice of "joint lists," the skew towards witnesses who support a given policy makes sense. Nevertheless, the balance score is under 1, illustrating that on average there is at least part of the panel that has an opposing view. This suggests that there is at least some range of perspectives in the hearings.

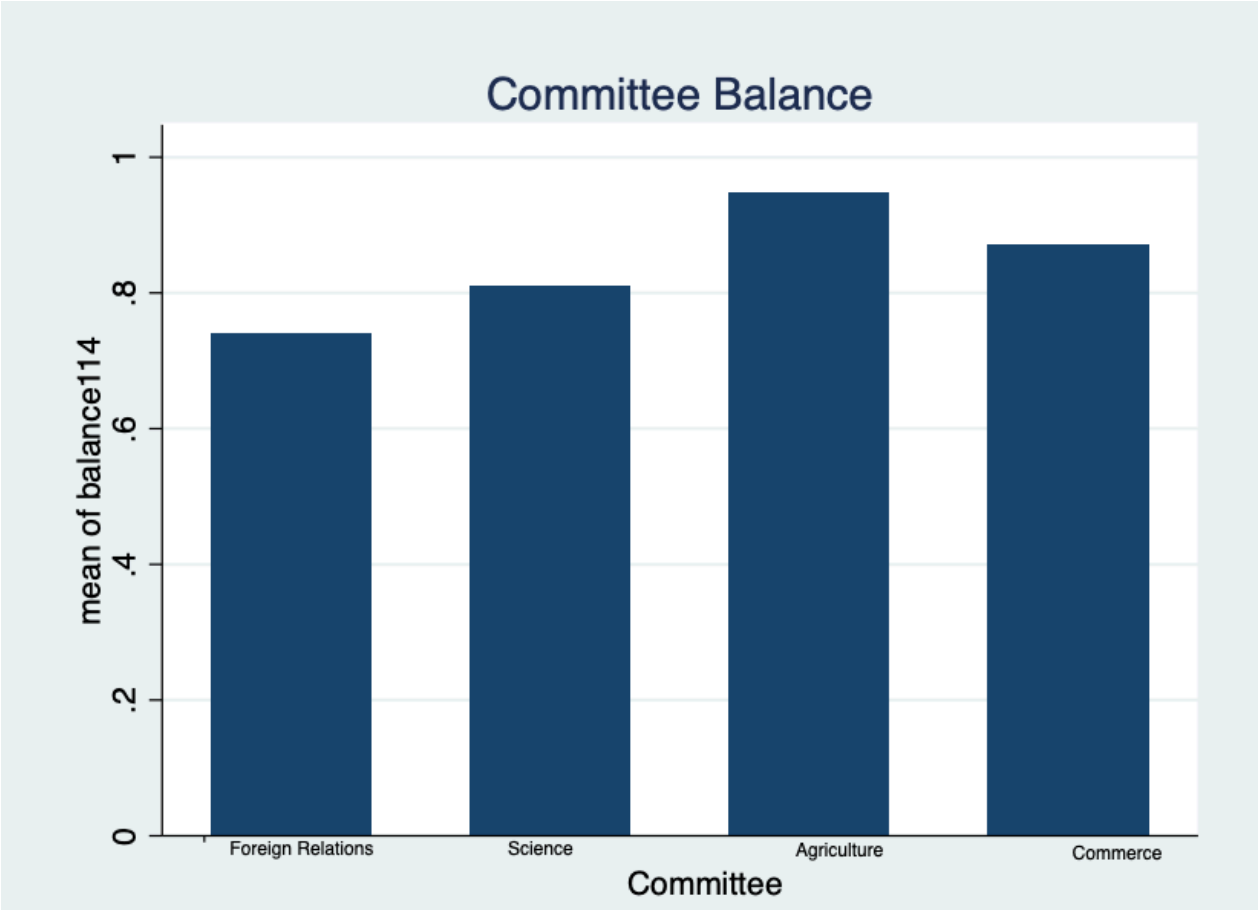
As a robustness check, I also used the LIWC (Linguistic Inquiry and Word Count) average positive and negative emotion scores. These two scores represent raw incidence of word

usage based on the LIWC dictionary of positive and negative words. This is a different dictionary from the Liu and Hu dictionary I used in my own sentiment analysis and so this additional dictionary is useful in cross validating my results. I took the proportion of the average incidence of positive words divided by the average incidence of negative words for the entire set of witness testimonies for each committee. The average LIWC scores are given on a committee level rather than for each group of witness statements in a hearing, and therefore they may be slightly less accurate. Still, the results confirm the same overall breakdown. As with my own balance scores, the Agriculture Committee had the highest proportion of positive to negative words (3.24), followed by the Commerce Committee (2.97), and the Science Committee (2.22), and the Foreign Relations Committee had the lowest proportion of positive to negative words (1.79). These findings corroborate the order of the ranking of the committees by my balance scores, as well as the skewing towards positive emotion. Even the most proportional score (the Foreign Relations Committee) had nearly twice as many positive words as negative words.

Figure 4.8 below summarizes the balance scores for the committees.[59] The graph shows that there is a variation between committees, though it is not large. The variation is

[59] Figures 4.8-4.12 are based on an original dataset constructed by the author.

Figure 4.8: Committee Balance



statistically significant at a 95% confidence interval.[60] There are a number of possible reasons for the variation.

One of the possible reasons for the variation in balance score across committees is the dynamic of the chair and staff alluded to earlier. As noted in Chapter Three, the culture of the committee shapes the selection of witnesses and the resulting balance of the panel. The relationship between the chairman and the ranking member molds the relationship between their staffs. As a senior Democratic Congressman explained, "the nature and character of the expert witnesses is often reflective of the… the nature and character of the committee. If it's not an

[60] In statistical terminology, a 95% confidence interval means one can be 95% certain the true value lies within this range.

ideological or a very partisan committee, you'll tend to have more nonpartisan witnesses."[61] In interviews, the staff on the Foreign Relations Committee referred to the extensive collaboration between minority and majority staff on the committee as well as the positive relationship between the chairman and ranking member. They indeed have the most balanced score. On the other hand, the Science and Agriculture Committees, in which staff complained of poor relationships and high staff turnover, have less balanced scores. Moreover, the two most contentious issues in the Science Committee, climate change and oversight of the Environmental Protection Agency (EPA), both fall under the jurisdiction of the Energy and Environment Subcommittee. As mentioned earlier, on this subcommittee, staff relations are especially weak and there is hardly any collaboration.

The importance of the chairman and ranking member is further demonstrated by an assessment of the DWNominate scores of the chair and ranking member of each of the four sample committees. This metric, devised by Poole and Rosenthal, gives each member of Congress a composite score by averaging her roll call voting history, ranging from -1 (very liberal) to 1 (very conservative). I chose to compare the chairman and ranking member DWNominate scores because they can be taken as an indication of the overall committee and staff dynamics. As described earlier, the chairman and ranking member hire the staff and set the tone for the hearings.

Table 4.3 below shows that the average DWNominate scores of the chairman and ranking member follow the same rank order as the balance scores. This suggests that perhaps chairmen and ranking members whose average score is closer to 0 (the center of the liberal to conservative scale) lead their committees in creating more balanced panels. One possible reason

[61] Congressperson 3

is that there may be more "joint lists" if the two sides are more easily able to find common ground, and "joint lists" have the potential to be more varied. The example of Chairmen Corker and Menendez mentioned earlier demonstrates how similar chairmanship styles and a collegial relationship between chairman and ranking member lead to similar balance scores even when the chairmanship changes hands. Indeed, polarization levels and personal collegiality may go hand in hand. Scholars of Congress point to a parallel decline in both spheres over the past several decades (Mann and Ornstein 2006, Haidt 2013, Polsby 2004), writing of a deterioration in cross party relationships between chairmen and ranking members as well as rising polarization in Congress as a whole. These DWNominate scores illustrate how the partisanship of the chairman, ranking member and their respective staffs may affect the balance of witness panels. This finding is significant because my study thus connects the deterioration noted by previous scholars and highlighted by the interviews in my own research to the balance of committee hearings in a unique way.

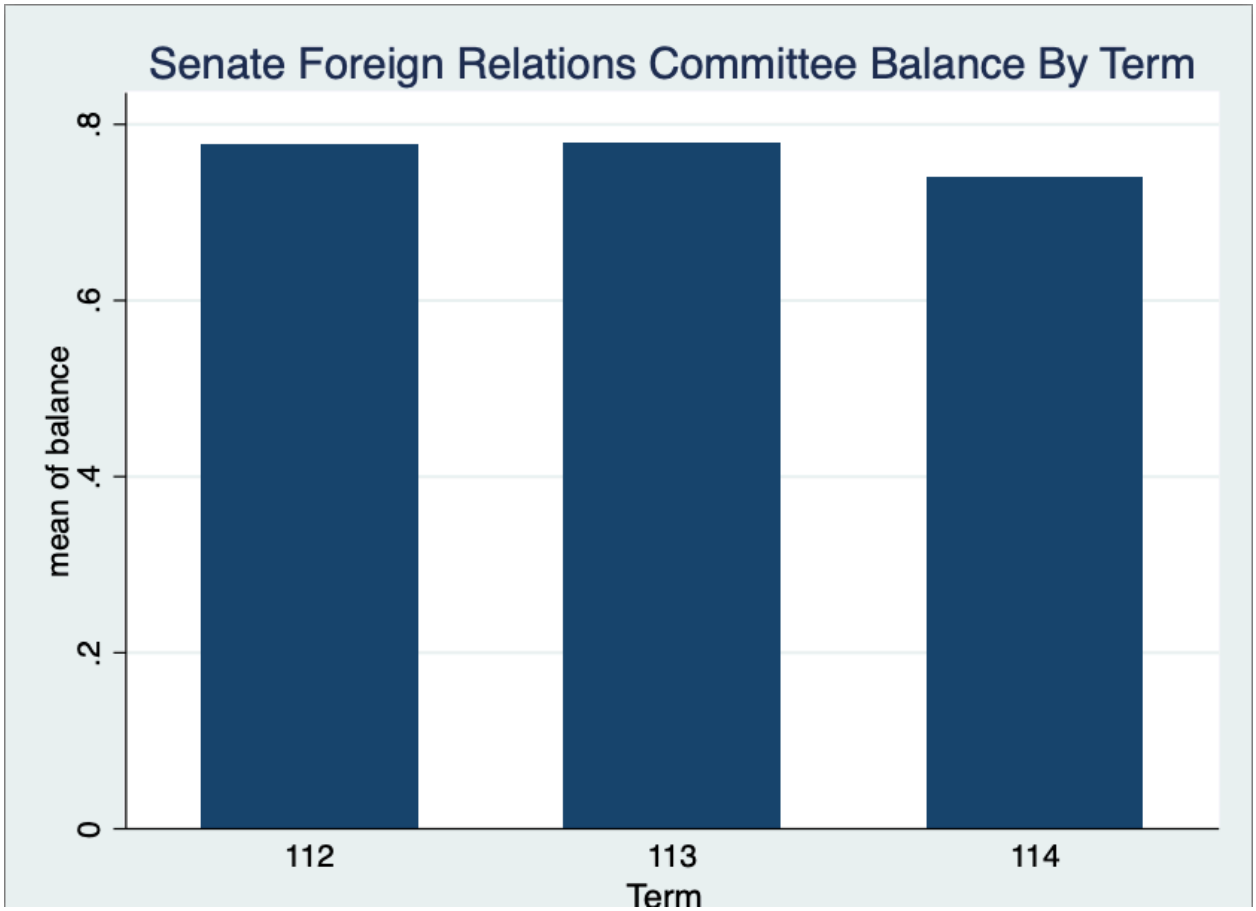
Table 4.3: DWNominate Scores Versus Balance Scores

Committee	Average DWNominate (Chair and Ranking Member)	Balance Score	Partisan Ranking (Balance Score and Average DWNominate)
Agriculture	0.221	0.95	1
Commerce	0.108	0.87	2
Science	-0.0335	0.80	3
Foreign Relations	0.03	0.74	4

Source: DWNominate scores are taken from voteview.com database and balance scores are taken from the original balance score dataset constructed for this study.

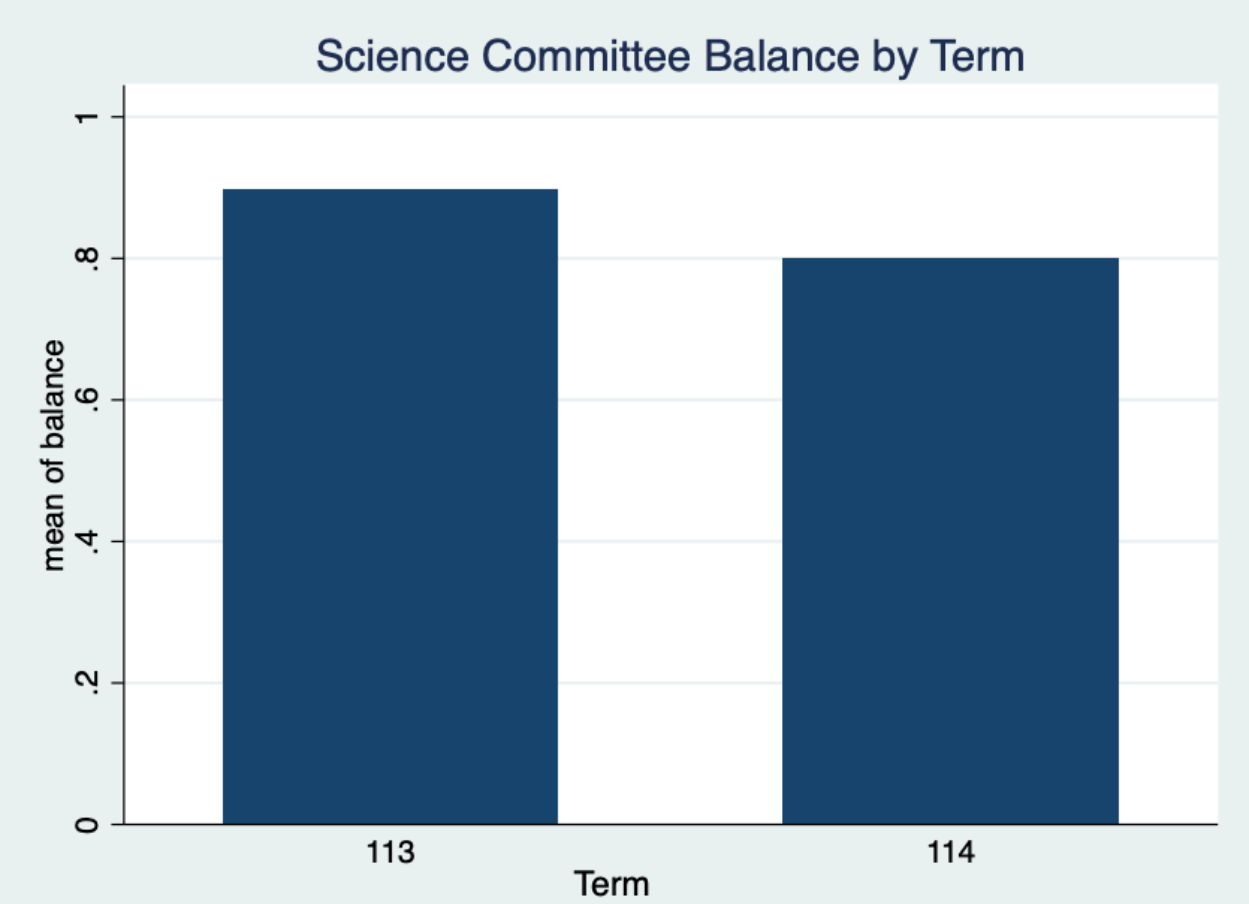
The combined effect of the chairmanship and partisan dynamics is further evidenced by an intra committee comparison across different terms. I examined how the balance score of the Senate Foreign Relations Committee varied across three terms (the 112th, 113th, and 114th Congresses.) Figure 4.9 below shows that there is a very small difference in balance between terms. As noted earlier, the average balance for the Senate Foreign Relations Committee during the 113th Congress was 0.78 and fell to 0.74 during the 114th Congress, as the committee leadership changed hands from Democratic Bob Menendez to Republican Bob Corker. Interestingly, average balance for the 112th Congress was identical to the balance score for the 113th Congress. The Democrats maintained control of the committee for both of these terms, but John Kerry was chairman during the 112th Congress and Bob Menendez was chairman during the 113th Congress. This suggests that the partisan ideology and party of the chairman may have a greater effect than the individual idiosyncrasies of any given chairman.

Figure 4.9: Senate Foreign Relations Committee Balance by Term



However, chairmen and staff are not the only reason behind the variation in balance scores. This is clearly evidenced by an examination of the average Science Committee balance scores during the 113th and 114th Congresses. The committee was chaired by Lamar Smith during both congressional terms. As explained in Chapter Three, dramatic changes to staff normally occur when the chairmanship changes hands. This suggests that the committee maintained the same staff under the same chairman for both terms. Nevertheless, even when committee and chairmanship are held constant, the balance varies between the two terms, suggesting that there are other issues affecting the balance of the witness panel.

Figure 4.10: Science Committee Balance by Term

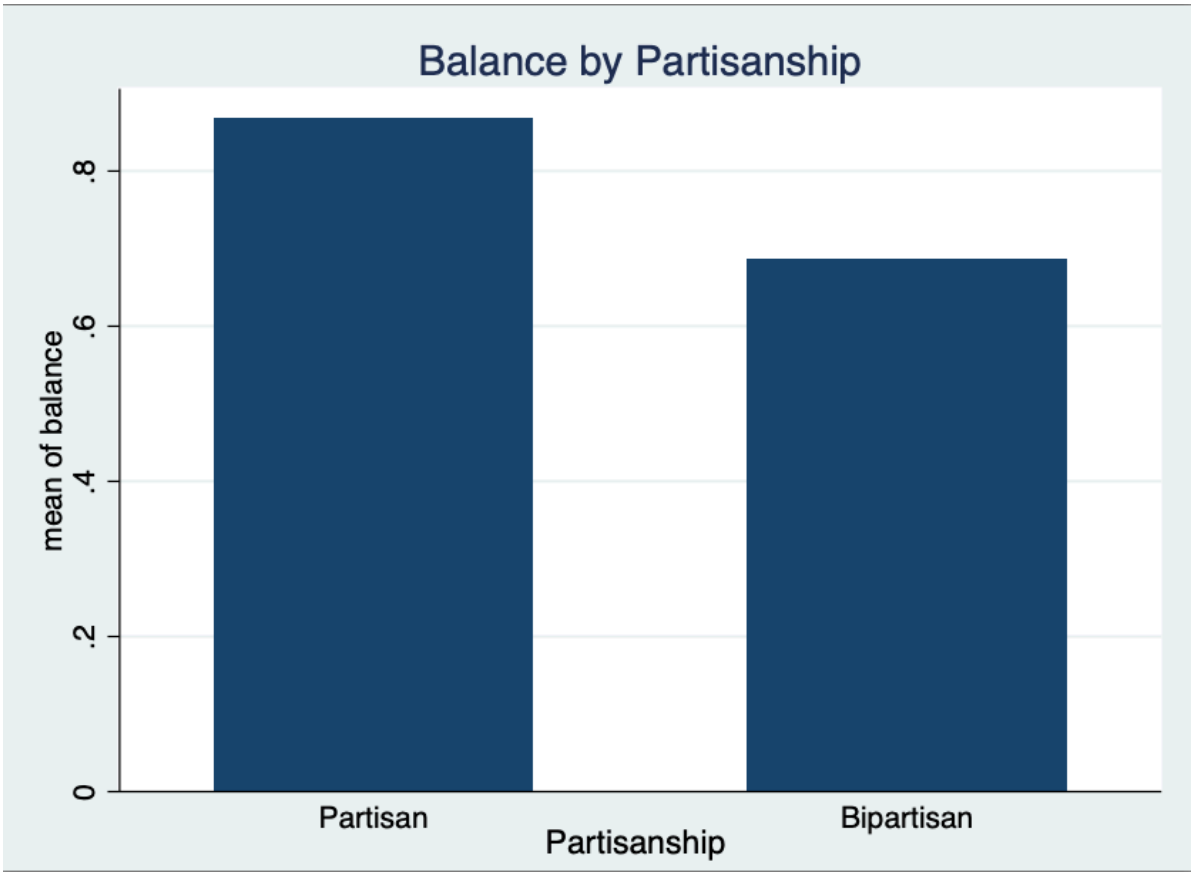


One possible additional reason for the variation among committees is the professional consensus on the issues that the committee handles. For example, the Agriculture Committee receives the least balanced average score of 0.95, whereas the Foreign Relations Committee received the most balanced average score of 0.74. The Agriculture Committee also had a large proportion of their hearings on the SNAP program. Conversations with staff underscored that nearly all of the witnesses who testified on SNAP testified in favor of the program. The staff explained that this is not necessarily because SNAP is a bipartisan issue (in fact many Republicans want to cut or reduce it), but rather because of the overwhelming support of the professional community specializing in SNAP. In contrast, the Foreign Relations Committee had a sizeable number of hearings on the Iran Nuclear Agreement. Topics such as the Iran Nuclear

Agreement saw professionals on both sides of the argument, unlike the professional community relevant to the SNAP hearings. This comparative example demonstrates how the professional community in a given area may affect the balance of the panels. It may not be the case that one committee is always more balanced than another, but rather that the issues it handled in the given Congressional term has a particular professional consensus.

In addition to the professional opinions on issues, the degree of bipartisanship of the issues themselves may produce variation in balance. A substantial portion of the Science Committee hearings were on two contentious topics: the Paris Climate Agreement and oversight of the EPA. The Science Committee had a Republican majority during the 114th Congress and both of these issues are associated with the actions of a Democratic administration. Furthermore, the staff, witnesses, and Congresspeople agreed that climate change is the most contentious issue the committee grapples with and as a result the hearings were less collaborative.

Figure 4.11: Hearing Balance by Partisanship

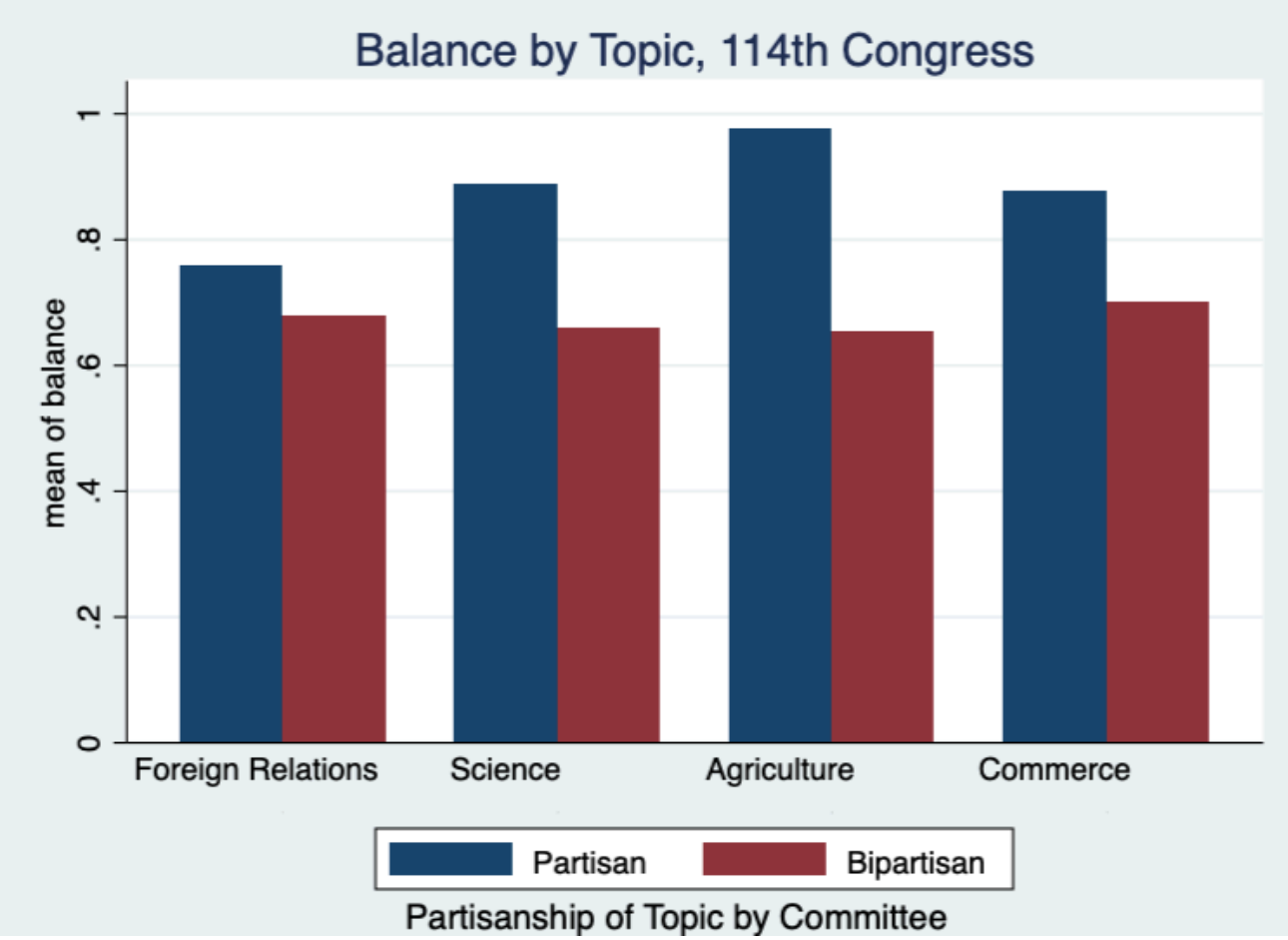


The importance of the bipartisanship of the topics themselves is further evidenced by an intra-committee comparison based on issues. In order to investigate the effect of topics, I compared the balance of hearings on clearly bipartisan topics to hearings in general. I relied on voting data as well as information gleaned from staff interviews to identify bipartisan topics in each committee. For the Science Committee, the bipartisan topics were those in which there was a good deal of voting across party lines, such as fossil fuels, research, water pollution, and space exploration. For the Senate Foreign Relations Committee, bipartisan topics were those in which parties came together to pass bipartisan legislation (Iran, North Korea, human trafficking and sexual abuse). In the Agriculture Committee, interviews with staff and members from both

parties confirmed that SNAP was the contentious issue of the 114th Congress. It was also the issue on which the committee held the largest number of hearings. Therefore, I chose topics that interviewees described as less partisan, such as an exploration of how to make better use of food waste, agriculture and national security, and agriculture and energy. For the Commerce Committee, I similarly chose topics that interviewees described as bipartisan, such as the possibility of developing self-driving cars and improving cyber security.

Figure 4.11 above shows that bipartisan topics have "balance" scores closer to 0.5 (perfectly balanced) than hearings in general during the 114th Congress. The inter-committee comparison also helps account for potential selection bias deriving from the choice of committees. I show that regardless of committee, hearings on bipartisan topics yield more balanced panels. Figure 4.12 below demonstrates that this trend holds true for the four committees during the 114th Congress. Within each committee, the bipartisan hearing panels are more balanced than the average hearing of the committee.

Figure 4.12: Hearing Balance by Topic, 114th Congress



In summary, the balance score results indicate that there is some, albeit a relatively small, degree of balance on witness panels. This balance varies by committee, which may be in part explained by the trends in hearing craft and committee culture that the committee staff described. The balance also correlates with the bipartisanship of the topic, with bipartisan topics generating more balanced panels. Taken together, the balance scores tell the story of how the witnesses on a panel compare to one another, an important component of assessing the voice Congress hears.

IV. Conclusion

This chapter answered the question: who does Congress hear in committees? I used a variety of different methods including language analysis and examination of witness backgrounds to examine this question from various angles. The data presented is all original, collected and analyzed entirely for the purpose of the study. This data on witness professions and the nature of hearing construction and witness testimony has never been collated in this way. The novel data is therefore a contribution to the literature in and of itself.

A second important contribution to the literature is my use of both LIWC (Linguistic Inquiry and Word Count) and sentiment analysis software to analyze the sentiment and psychological dimensions of witness testimony. This a new application of these methods of text analysis. Academics have used these techniques to analyze political communication, but they have not been previously applied either to Congressional committees in general or to witness testimony in particular. This chapter also introduces a new method for analyzing whether committees are hearing a diverse set of opinions on the witness panel, a question left unanswered by previous work on the topic. The technique of using sentiment analysis of transcripts to construct "balance" score is an original method and therefore an important contribution to the literature on committees in Congress.

This chapter has uncovered several interesting characteristics of the witnesses who come to testify. In light of work in evidence-based policymaking on the lack of access to good quality research by policymakers (Lewallen 2016, Oliver 2014, Simson 2010), the high number of academic and think tank researchers who come to speak and the analytical language used would suggest that there is indeed access to quality research. Contrary to the narrative of entirely partisan information distorting Congress, my study finds that witness panels exhibit some degree

of balance, especially in committees with positive relationships between majority and minority factions and for topics that are bipartisan and include a diversity of professional opinions. These findings are central to understanding the nature of information presented in committees in Congress today.

Moreover, the difference in the types of people who speak to committees may explain why committees are or are not preference outliers (Poole and Rosenthal 2007, Krehbiel 1992). As noted in Chapter One, the debate about preference outliers asks whether committees reflect the policy preferences of the chamber as a whole. Krehbiel (1992) argued that committees do not vary significantly from the chamber as a whole. Poole and Rosenthal (2007) later showed that committee members are more likely to vote across party lines than the chamber as a whole. My work shows that the four committees hear from different groups of professionals and that the balance of perspectives they hear fluctuates. This divergence in the information presented to committees may be one possible explanation for preference outliers.

Chapter 5

Typology of Witnesses

Drawing on the information from Chapters Three and Four about the ways in which witnesses are chosen and the characteristic language, professions, and balance of witnesses, this chapter presents a theoretical framework of the witnesses that committees hear. This typology of witnesses will then be used to classify the types of hearings. It is important to note that these are Weberian ideal types, useful for theoretical purposes, and in reality, some witnesses can be a combination of more than one type. Such labeling based on ethnographic research harks back to Fenno's *Congressmen in Committees,* in which he used extensive interviews to categorize committee member goals (classified as reelection, influence, and good public policy). These broad categories form a map to understanding a convoluted system. They are based on the recurring themes in the respondents answers when posed the same question. Similarly, the typology presented in this chapter is based on themes from interviews with actors and data about witnesses. Just as Fenno's ethnographic research presented a series of categories for member motivation, the information from Chapters Three and Four is used to categorize witnesses. Just as Fenno's labels provided a tool for future researchers to understand committee members, the typology in this chapter aims to make sense of committee witnesses. No such typology exists to describe the witnesses who testify before committees.

I. Note on Defining Expertise

Before fleshing out the definitions of the next two types of witnesses, described as different types of experts, it is important to define the term "expert." Several interviewees

stressed that they see some witnesses as more "expert" than others and explained how they judge the "credibility" of witnesses. A Democratic Congressman on the Agriculture Committee remarked that "anybody can be deemed an expert… So, just because someone's deemed an expert doesn't really necessarily mean that they're experts."[62] His comments point to the murkiness of the concept of expertise and the potential dissonance between perception of expertise and genuine knowledge. He went on to explain the elements he looks at when determining the credibility of a witness, saying "you're looking at what they're saying. You're looking at their expertise. You're looking at their intelligence. You're looking at how they kind of articulate themselves. You're looking at their demeanor basically when it comes to certain questions that are being asked towards them, be by one side or the other and how far they push back, whether or not, they push back. Like I said, it's a number of elements that you look at in determining someone's credibility."[63] A senior Democratic Congressman used words like "objective" and "dispassionate" to describe useful witnesses.[64] Because the term "expert" is loaded, and the definition is imprecise, I am defining expert based on the staff's perception of expertise. As described in Chapter Three, one of the motivations guiding staff invitations of witnesses is specialized knowledge of a given subject or field. Therefore, I define expert as anyone invited by the staff to share from their specialized knowledge of an issue.

II. Types of Witnesses

1. "Labeled" Expert-This type of expert is known to publicly embody a certain view on an issue and is recruited by the staff because they want that specific viewpoint represented. As

[62] Congressperson 6
[63] Congressperson 6
[64] Congressperson 3

noted earlier, staff sometimes choose witnesses to represent a particular perspective or "tell a story" in the way they want it told. Because the witnesses write their own testimony, they are vetted before the formal invitation and the staff must rely largely on the brand the witness represents. Perhaps the witness has worked for a political administration, donated to a campaign, or is well known publicly for supporting a certain perspective on an issue. A staff member on the Science Committee explained that in her preparatory conversation with witnesses she wants to make sure they "serve our purpose."[65] A Middle East expert at the Brookings Institution explained that when staff approach her to testify, "there is something they are looking for you to provide." She characterized their approach as, "we need someone who can do x - can you?"[66] I heard similar stories across professional disciplines. One "labeled witness," publicly known as a climate change skeptic, explained that the staffers she speaks to are definitely familiar with her blog, where she writes many pieces about the uncertainty of climate science. She said when they approach her to testify, "they want to know what my ideas would be and if they like those ideas, they invite me to the hearing. I've never not been invited to a hearing after it being suggested there was one…they are pretty familiar with my point of view after reading my blog."[67] She went on to explain that her testimony does in fact mirror other pieces she has written on her blog or elsewhere. Her comments illustrate that she is invited precisely because of her public association with a certain perspective the staff want to represent. As noted in the earlier discussion on selection, the witnesses are not guided as to what to say after they are invited. Consequently, if the staff want a certain perspective to be heard, they need to select someone who they know will have this perspective from the outset. The aforementioned choice of Michael

[65] Committee Staffer 3
[66] Witness 3
[67] Witness 8

Mann as the "loudest and most prolific person we can think of" is another illustration of this type of thinking.

The labeling is also picked up on by the committee members themselves. A former Congressman who served in the Congress for nearly thirty years, recalled, "if they (the witnesses) come from the Heritage Institute, I know where they are coming from. They don't like social programs. They want to get rid of Medicare. Anything that came out of their mouth, I said 'I understand but you do not have an alternative.'"[68] Another longtime Senator, who served in Congress for over thirty years, reiterated this, saying "you already know what the Heritage Institute will have to say."[69] These statements reaffirms the significance of "labeling" experts.

The tendency to invite labeled experts may indeed have implications for expertise in hearings. If the guiding question is "we need someone who can do x - can you?", rather than "are you the foremost expert in x?", then it is plausible that sometimes staff may compromise expertise in favor of perspective. However, interviews also made clear that being labeled does not necessarily mean one is not the foremost expert on a topic. Consequently, one cannot say definitively that searching for experts with labels would dilute the quality of expertise as a rule.

2. "Unlabeled" Expert- These experts are not associated with a specific ideology. They have not worked in previous political administrations or made significant donations to political campaigns. They are specialists sharing from their expertise. As explained in the previous section, the staff seek out pure expertise in their selection. The staff explained that sometimes

[68] Congressperson 12
[69] Senator 1

they specifically want an expert who is not publicly associated with a party or perspective. They told me they specifically seek this out so that the members will listen to them more openly.

Professional background assumes great weight in labeling. A "label" derives largely from the current and former professional affiliations of the witness, and certain organizations and sectors are more readily labeled. This is evident from information about professional backgrounds and the discussions with witnesses and staff referred to in the previous sections. For example, the aforementioned Congressman was quick to assert that the Heritage Institute think tank is associated with a certain ideology and consequently its witnesses are branded. On the other hand, an academic witness from Johns Hopkins University explained that the University reminds faculty who are called to testify that they should not appear as though they are lobbying for a certain policy on behalf of the University.[70] This is not to say that academic experts never have a label. In the previously mentioned case of the climate change hearing, all three of the majority witnesses were either current or former academics. The comments of the minority staff indicated that they were publicly known as climate change skeptics and therefore labeled. In addition, academic experts can be labeled by virtue of their previous employment by a political administration or partisan cause. Nonetheless, universities and the academics representing those universities are less easily labeled than experts coming from partisan think tanks. This is noteworthy because of the difference in professional breakdown by committee discussed in Chapter Four. Whereas the Science Committee has more academic experts, the Foreign Relations Committee hears from many more think tank experts.

In addition to professional field, certain topics may be more difficult to label. For example, an expert on terror, who works in both think tank and academic settings, stated that

[70] Witness 6

terror is a topic that is less prone to partisan divides.[71] He explained that the professional community is united and that the disagreement is more bureaucratic than political.[72] Indeed less politically contentious topics may be more likely to have experts who are unassociated with a partisan ideology. That said, the "unlabeled" category is not assigned based on broad professional sectors or topics. In categorizing unlabeled witnesses, I assign to this category only those witnesses who I cannot label. After researching the witnesses' current and former professional activities, public statements, political affiliations, and campaign donations, I consider experts "unlabeled" only when none of this information links them to a label.

3. Personal Storyteller- Many hearings include a witness who comes to share a personal story of how a policy has affected her. As noted in the discussion on witness selection, staff select for certain types of perspectives. They explained that they seek out this type of witness in order to humanize a given issue. A former Republican staffer on the Agriculture Committee spoke of the witness selection for the SNAP hearings series, saying "there is the human component. We can talk about at a higher-level perspective how things impact SNAP recipients, but maybe we should hear from an actual SNAP recipient….You will see a number of people who testified as current recipients or as former recipients."[73] The staffer stressed that this was a deliberate move in order to incorporate this type of perspective. She explained further that there may be a stereotype amongst some members that SNAP recipients are lazy but putting a face to the issue helps elucidate the nuances of the experience. Indeed, a Congresswoman on the Agriculture Committee who attended these hearings recalled an example of a witness who was a WNBA star

[71] Witness 4
[72] Witness 4
[73] Committee Staffer 12

was raised on food stamps. She remembered that a Congressman pressed her about why her family was on food assistance, insinuating her mother could have been working harder. According to coverage of the hearing he said, "Why are parents having children, multiple children, if they can't have the responsibility to take care of them?" The witness responded that they were abandoned by her father, explaining "my mom obviously didn't intend to be a single parent. My father left." The Congressman was taken aback.[74] The Congresswoman recalled this example when asked if she could remember a specific example of a witness who affected her.[75] This shows that the perspective of a personal storyteller is not only a purposeful staff decision, but holds the potential to shape a policy debate in a different way.

Frequently, personal storytellers tell stories of trauma meant to raise awareness about an issue. A Commerce Committee staffer told the story of a "gut wrenching" witness at a hearing about legislation meant to limit trafficking on the internet. The witness was the mother of a teenager who was trafficked on the internet and brutally murdered. The staffer explained, "That's an example of a hearing where you really want someone who can show the human (side) and the impact."[76] Another witness on the same panel, who spoke on behalf of the tech industry lobby, recalled that she was so moved by this testimony that she felt a need to acknowledge it in her own testimony.[77] This witness's reaction is strong confirmation of the influence of personal stories. In yet another example, I asked the long-time Republican member and former chairman of the Agriculture Committee to recall a witness who was exceptionally influential for him. He remembered, "In 2015, the House Judiciary Committee, which I chair, held a hearing on

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[74] This exchange is taken from an article about the hearing published by *The Hill.* It is accessible at: https://thehill.com/regulation/258241-hoops-star-defends-food-stamp-program
[75] Congressperson 5
[76] Committee Staffer 5
[77] Witness 7

'Planned Parenthood Exposed: Examining the Horrific Abortion Practices at the Nation's Largest Abortion Provider.' We heard from Gianna Jessen whose mother was seven and a half months pregnant when she went to Planned Parenthood to have an abortion. Ms. Jenson survived that attempted late-term abortion and is now an outspoken advocate on pro-life matters. Her testimony was extremely moving and impactful. While it was an emotional story to hear, her testimony underscored exactly why the hearing was being held that day."[78] The Congressman's comments emphasize the power of personal storytellers.

Examples from the Senate reflect the same pattern. A senior Democratic Senator and former member of the Foreign Relations Committee, Science Committee, and Agriculture Committee explained that the six most important words in any speaking engagement are "let me tell you a story." He went on to share several examples over his thirty years in politics, of personal stories that shaped the legislative process. One particularly poignant example was from his battle to reform prison conditions year ago. He explained that two witnesses testified about their traumatic experience in prison, saying "they both talked about being back in that experience and what they saw. And really, I think (it) changed a lot of minds among the members of the committee when they heard about it."[79]

My conclusions regarding the power of the personal narrative typified by the preceding examples reinforce findings of previous scholarly work. Schick (1991) explains that policy narratives connect "ordinary knowledge" of daily experiences to policy relevant implications. Touhy (2019) writes in her analysis of the narrative form in welfare policy that "anecdotes are pervasive in political speech…an anecdote invites the audience to identify with the characters it

[78] Congressperson 13
[79] Senator 1

portrays, and often with the narrator who positions himself or herself within the story, to experience the world in which the characters live" (Touhy 2019, p.5). Likewise, "personal storytellers" are invited in order to bridge this gap between daily experience and policy and make the subjects of the hearing more relatable. Previous scholarship has also situated such anecdotal speech in American political life. In her analysis of rhetoric in Congressional welfare reform hearings from the 102nd, 103rd, and 104th Congresses (1992-6), Gring-Premble (2001) identifies anecdotal narratives as key to shaping the discussion of President Bill Clinton's Personal Responsibility and Work Opportunity Reconciliation Act. Touhy (2019) similarly locates anecdotal stories in President Barack Obama's discourse about the Affordable Care Act. She writes "to enable the more privileged members of his audience to identify with characters whose situation was more precarious, Obama invited his audiences into the narratives"(Touhy 2019, p. 15). She goes on to explain that he highlighted individual stories in order to achieve this goal, speaking about the experience of his own mother, of a small business owner who sought to provide coverage for his employees, or a boy whose mother died because she did not have insurance. The "personal storyteller" type that this typology introduces builds on such earlier scholarship about the power and prevalence of personal stories in American politics.

However, the professional breakdown of the various committees suggests that though personal storyteller witnesses may be powerful, they may be a rarity in recent Congressional hearings. During the 114th Congress, only a handful of witnesses came before the committees who were listed on the witness list without a current professional affiliation, but rather with their former professions, or involvement with a certain issue. These are the witnesses who are likely there to tell personal stories. Of course, there may be witnesses who are invited for their professional expertise who weave personal experience into their testimony. For example, I heard

one account of a journalist covering ISIS who came to speak to the Foreign Relations Committee based on personal stories of close interactions with the group. However, stories as personal as that of the journalist remain uncharacteristic of the professional testimony before Congress. There are a number of potential reasons for the lack of "personal storytellers." As referenced in Chapter Three, staff selecting witnesses appear to place emphasis on expertise, power to convey a perspective, as well as their own networks and those of the chairman. It stands to reason then that the mother of a sex trafficking victim or a recipient of food stamps will not factor high on their list both because they may not already know them and because staff may instead prefer either a subject matter expert or someone to promote a certain brand.

The dearth of personal storytellers in committee hearings is one possible reason that the testimony receives such low "authenticity" scores across the various committees. This dimension of LIWC (Linguistic Inquiry and Word Count) looks for personal language that may be more present in personal accounts rather than technical assessments.

4. Spokesperson- This type of witness comes to voice the perspective of a stakeholder group or cause. A spokesperson can speak on behalf of a lobby or association, such one witness who spoke on behalf of the Internet Association at sex trafficking hearings at the Commerce Committee, or the spokespeople for the Fresh Produce Association at Agriculture Committee hearings. As noted in Chapter Four, one lobbyist explained that the benefit of association witnesses is that they "are ambassadors for companies without having to put a company name on it."[80] A spokesperson can also speak on behalf of a cause. For example, witnesses from certain non-profit or private sector organizations may come to impress upon the Congresspeople the

[80] Interviewee 3

significance of acting on an issue. Conversations with committee staff on all four committees underscored the importance of representing the concerns of relevant stakeholder groups at the witness table.

In summary, this chapter has offered a typology of the major categories of witnesses who come to testify. Following in the tradition of Fenno's labeling of member motivations, the categories offered in this chapter are a general framework. There indeed may be witnesses who fall between the cracks, or witnesses who represent more than one category. It is not intended as gospel, but rather as an analytical tool.

Summary and Significance of Part Two

Part Two explored several patterns that characterize Congressional committee witnesses. I answered the first part of the thesis question: who does Congress hear? First, I shed light on the process of choosing witnesses. I showed how susceptible formal rules are to informal factors. The particular individuals involved play a huge role in shaping the process, and the relationship of the majority and minority staff has the potential to change the ways in which the witness lists are constructed and to change the people on the list. The chairman wields a lot of power over who is on the staff and what types of hearings they put together. Second, I found that there were several recurrent themes in the selection itself, including the professional perspective, partisan perspective, personal perspective, and geographical location that the witnesses come from. Third, I used language analysis and professional data to identify noteworthy attributes of witnesses. Whereas the language used did not vary greatly by committee, the professional backgrounds of the witnesses varied dramatically between committees. Finally, analysis of balance scores showed that there is some diversity in perspectives among the witnesses on any given panel, though the degree of divergence varies by committee.

Part Two ends with a presentation of a novel typology of witnesses derived from the patterns typifying the witness selection and who the witnesses are. This typology is another contribution to the literature on deliberation and learning in the American Congress and Congressional committees. I have discussed the various ways in which scholarship has expanded and deepened our knowledge of the information Congress hears and the ways Congresspeople interact with it. Though this literature is rich, it lacks a systematic framework for analyzing the witness testimony, such as the one presented in this chapter. Armed with the typology developed

here, Part Three will look at the types of hearings resulting from the witness selections and how they affect Congresspeople.

Part 3: How Congress Listens

The Four Types of Congressional Hearings

"Wisdom is the reward you get for a lifetime of listening when you would rather have talked."

-Mark Twain

"Tell me and I forget. Teach me and I remember. Involve me and I learn."

-Benjamin Franklin

"Politics is a battle of ideas; in the course of a healthy debate, we'll prioritize different goals, and the different means of reaching them. But without some common baseline of facts; without a willingness to admit new information, and concede that your opponent is making a fair point, and that science and reason matter, we'll keep talking past each other, making common ground and compromise impossible."

-President Barack Obama, Farewell Address, January 11, 2017

Part Three presents my theoretical framework for the various types of hearings and their effects on committee members. Part Two presented the data on sentiment analysis, language, and professions and culminated in the presentation of a typology of witnesses. Part Three draws on the witness typology in the previous section in the development of a typology of hearings and effects. I define ideal types of hearings and give examples of hearings in the recent Congressional terms that fit these types. My definitions of hearing types are based on the major external functions of committees, as identified in the existing scholarly literature and explained in Chapter One. While committees serve internal purposes such as oversight and revision of bills,

they also represent a major connection between Congress and outside sources of information. I focus on the external functions of committees as (a) deliberative platforms in which a spectrum of voices enter the debate, as (b) educational tools to gather outside information, and as (c) theatrical stages to shape public discussion.

Operationalizing these functions as hearing types allows me to categorize and assess the effects of the external functions. As explained in Chapter Two, I have also included a fourth type of hearing, the "informal hearing," to account for the informal meetings that Hall (1996) and others have identified as another important venue for interaction of Congress with outside sources of information. Based partly on previous literature, I have set criteria for the classification of hearings into the various types. Lascher (1996) observed that there was little in the way of systemic empirical work on the effects of deliberation in Congress, and he consequently wrote on how to empirically test deliberation. I credit his work for recognizing the need for criteria for different types of Congressional discussion, and I have taken his criteria as a starting point for developing my own. The data I have used for classification on the basis of these criteria are explained for each example. I determined the effects of hearings on committee members from 53 interviews with Congresspeople, committee and personal staff, and witnesses, and triangulated with analysis of transcripts of the hearings and in some cases external information or political statements by the committee members.

It is important to note that the hearing types that I identify represent ideal types, defined on the basis of the Weberian concept of an ideal model for systematic classification of an existing situation. As with the witness typology in Chapter Five, many hearings may be a mix of two or even three types. Ideal types are presented and explored for theoretical purposes. The same caveat applies to the effects of the hearings. Table 6.1 below duplicates Table 1.1, the core

theoretical framework of the study as introduced in the opening of the thesis. It summarizes the types of hearings, criteria for categorization, and witness and effect types.

Table 6.1: Theoretical Framework

Types of Hearings	Criteria for Typology	Types of Witnesses	Types of Effects
Deliberative	Variety of perspectives, Opportunity for critique and interaction, Divergence of opinion	All	Legitimization, Collaboration
Theatrical	"Known quantity" witnesses, Statements not questions, Publicity	Labeled expert, Spokesperson	Voicing views
Educational	Sphere of facts, Unlabeled witnesses	Unlabeled expert, Personal storyteller, Spokesperson	Learning, Staff education,
Informal	A "hearing-like" meeting that is outside of the bounds of formal public hearings	Personal storyteller, Spokesperson, Unlabeled expert	Connection, Committee collective, Learning

Part Three is divided into four chapters, each centered on a different type of hearing: deliberative, theatrical, educational, and informal. For each type of hearing, I first explain the criteria for classification. I then use content analysis of certain examples of hearings to explicate the application of these criteria. The discussion of effects relies largely on interview data.

Collectively, the four sections give substance to the table above and explain my theoretical framework.

Chapter 6

Deliberative Hearings

Chapter One explained that deliberation is one of the major functions of committees. Congress delegates its deliberative activities to its committees. Part One also described the decline in deliberation over the past several decades. This history begs the question: are there still any deliberative hearings in Congressional committees? Do committees still serve a deliberative purpose in the contemporary Congress? This chapter aims to answer these questions. It also investigates the effects of deliberative hearings. I set out to explore my first guiding proposition: deliberative hearings cause legitimization of other views.

In order to examine Congressional deliberation, I locate examples of deliberative hearings in the four sample committees in the 113th, 114th and 115th Congresses. Though other hearings may include elements of deliberation, I identify four different examples in which deliberation played a central role. I then show how each example exhibits elements of the three effects of deliberation discussed in Chapter One. In addition, interview data reveals how deliberative hearings can lead to greater collaboration between members.

In addition to the four fully developed examples, I also present two other deliberative hearings. These examples are intended to further illustrate what deliberative hearings might look like across different subjects.

I. Criteria

I present three criteria for selecting deliberative hearings, the first two of which are based on Lascher's (1996) indicators for Congressional deliberation.

A. Variety of perspectives

Lascher argues that deliberative "hearings include participants with a variety of perspectives. Evidence of exclusion of certain views (e.g., those of people adversely affected by legislation) would lead to a lower assessment" (Lascher 1996, p. 509). I base my assessment of whether a "variety of perspectives" are represented on sentiment analysis data. Hearings with both positively and negatively charged testimonies are categorized as displaying a variety of perspectives. The examples chosen in this chapter are hearings that received balance scores between 0.5 and 0.7, indicating that they included a near even split of positively and negatively charged text. I also look for balance in witness profession as well as type, where possible. A "variety of perspectives" should ideally include different witness types and categories.

B. Opportunity for critique and interaction among participants

Lascher writes that in deliberative hearings "participants are able to critique each other's arguments and respond to such criticism" (Lascher 1996, p. 509). I operationalize this factor by examining and assessing the level of questioning during the hearing. By questioning witnesses, members can better digest the information presented to them. As one Congresswoman explained, "with good questioning you can get folks to flesh out their views."[81] Questioning also allows the members to see what other members think about a topic and collaborate.

Lascher also explains that in a deliberative hearing "legislators and others show signs of responding to arguments (e.g. referring back to points made earlier in the hearing)" (Lascher 1996, p. 509). To evaluate this criterion, I conducted content analysis of hearing transcripts. I also watched video recordings of the full hearing when possible. I coded transcripts for the

[81] Congressperson 4

following: reference to earlier points made by witnesses, reference to earlier points made by other Congresspeople, inquisitive questioning, and purposeful inclusion of more than one witness. This coding scheme is grounded in Lascher's explanation.

I define inquisitive questions as questions that seek new information. Questioning is only categorized as inquisitive when the Congresspeople do not ask yes or no questions or questions with clear agendas such as "wouldn't you agree that…" This assessment is based on a thorough reading of the transcript. Purposeful inclusion of more than one witness entails explicitly posing questions to multiple witnesses. In order for a hearing to be categorized as deliberative, a critical mass of speakers displaying one or more of the aforementioned deliberative characteristics is required. This is not to say that there cannot be one or two speakers who do not follow the pattern. Rather, it should be clear that the majority of speakers exhibit deliberative discourse. As explained in Chapter Two, each transcript was coded several times to assess reliability. Lascher (1996) also suggests that an additional way to assess deliberation is to ask participants whether they felt they had the opportunity for genuine questioning. Therefore, I also asked respondents for such opportunities in the hearings.

C. Divergence of opinion/values

In addition to Lascher's two criteria, I added a further stipulation. I differentiated between deliberative hearings and educational information-gathering hearings on the basis of the subject matter. I defined purely "educational" hearings as those on technical topics. On the other hand, deliberative hearings are those in which there is some divergence that cannot be completely accounted for on the basis of facts. They would fall into what Haskins characterizes as the "epistemological sphere" outside the bounds of mere information. This is not to say that

facts are not presented in these hearings. Indeed, these hearings can be full of facts, but they must also include some disagreement in the epistemological sphere of values and opinions.

II. Case studies of deliberative hearings

Based on these criteria, I present the following four examples of deliberative hearings. The examples span different topics and committees and include: a hearing on US foreign policy in Turkey, a hearing on the privatization of the space industry, a hearing on food stamps, and a hearing on cybersecurity. After describing each case, I then explain the effects this hearing appeared to have on members.

These examples all include a diverse witness panel. They all have balance scores between 0.5 and 0.7. As described in Chapter Two, balance scores are an original method for capturing the diversity of perspectives on a given panel. I relied on sentiment analysis to identify which witnesses' testimony was predominantly positive or predominantly negative on the issue discussed at the hearing. Each hearing then received a balance score that accounts for the balance of witnesses who were positive about an issue and witnesses who were negative. A balance score between 0.5 and 0.7 illustrates that the hearing is relatively balanced (0.5 would signify perfect balance.) The examples also include a diversity of witness types on the panels and meet the criteria for opportunity for critique and divergence of opinion.

1. The Turkey Hearing

- Balance Score: 0.5

The first deliberative hearing comes from the Senate Foreign Relations Committee. On September 6, 2017, the Senate Foreign Relations Committee holds the hearing "Priorities and

Challenges in the U.S. Turkey Relationship." The chairman introduces this hearing as an exploration of challenges and ways forward in the American relationship with Turkey. The hearing comes after a series of repressive steps by the regime following a failed coup, continuing fighting in neighboring Syria, and the possibility that Turkey recently purchased weapons from Russia. The hearing goes beyond the epistemological sphere of fact because it presents different opinions about American foreign policy in Turkey. Indeed, a close reading of the testimonies shows that there is a divergence of opinion between the two witnesses. Dr. Cook recommends stronger demands of Turkey, whereas Dr. Sloat calls for "softer" diplomatic moves.

The first witness, Dr. Steven Cook, Senior Fellow for Middle East and Africa Studies, Council on Foreign Relations, is an unlabeled expert. He is not associated with a particular administration or party and works at a nonpartisan think tank. In an interview with me, the minority staff underscored this in saying, "well, that was an interesting hearing…since it's a Republican President, you would think that the Republican party would put up witnesses that would back up or reaffirm the trajectory of foreign policy of the executive branch. In this case, they picked a witness, Steven Cook, who's been kind of overtly… you know, you just have to read his body of work to know what his views are. So, that one struck me as weird that they picked him."[82] This example highlights that Dr. Cook is not necessarily seen as parroting the Republican party line.

The second witness, Dr. Amanda Sloat, Fellow for Democracy in Hard Places Initiative, Harvard Kennedy School, is a "labeled expert." Her label derives first and foremost from her service under the Obama Administration. The staffer who recruited her explains, "it was not difficult in the sense of (Dr. Sloat), the most recent former Obama administration official, who

[82] Committee Staffer 2

had responsibility in the State Department for the Turkey relationship, so we knew that she would be well-informed on all the topics related to Turkey, and articulate both thinking about how we want to position the Democrats and like a responsible, responsive, like progressive foreign policy platform, that she would be able to articulate both the reasons that we need to maintain a working relationship with Turkey, and concerns about how dynamics inside Turkey could both destabilize Turkey and impact the relationship, and that she would be well-informed on all the specific little aspects."[83] The way in which the Senator and Dr. Cook engage with Dr. Sloat is further testament to how she is branded by her professional past. Senator Markey and Senator Cardin reference the fact that she is a former State Department official. Dr. Cook even critiques one of her responses as too diplomatic, adding that this diplomacy may be related to her service at the State Department. Dr. Sloat herself also references her work in the Obama Administration and her involvement in the administration's decisions.

Content analysis of the hearing transcript shows deliberative discourse. Every Senator who engages in questioning displays some element of deliberative discourse. Senator Cardin begins by stating that he agrees with Sloat's final conclusion, a clear indication that he listened to her statement. He then references Cook's four main suggestions, saying "thank you for your four suggestions. I think they are all ones we should be considering." He then proceeds to ask a question about one of the suggestions. He also refers to another proposal of Dr. Cook on arms sales as an "interesting proposal." Senator Merkley poses inquisitive questions about Erdogan and civil society and seeks to include Dr. Sloat after Dr. Cook has answered. Senator Gardner begins by saying to Dr. Cook, "I am struck by a couple of things in your testimony today." He then goes on to quote segments of Dr. Cook's written testimony and asks him to further flesh it

[83] Committee Staffer 2

out. Senator Murphy asks Dr. Sloat inquisitive questions about US forces. Senator Risch turns to Dr. Cook and makes specific reference to recommendations in his testimony. Senator Kaine asks an inquisitive question about Kurds and includes both witnesses. Senator Cook also references the witnesses' allusion to American interests. Senator Corker ends by saying "thank you for offering your expertise today and helping us as we think through this difficult relationship." This comment further emphasizes the deliberative nature of the hearing.

- **Effects:**

After showing that this hearing meets the criteria for a deliberative hearing, I now turn to the effects on members. First, analysis of the way the committee hearing occurred suggests signs of effect 3, collective problem solving. As Young explains, the understanding that others have a right to challenge your claims requires speakers "to appeal across difference, to presume a lack of understanding to be bridged, thus transforming the experience itself" (Young 1996, p. 128). The minority is always officially entitled to at least one witness. Thus, inherent in hearings is the expectation among committee members that other members have a right to challenge each other's claims. There is a general presumption that differences of opinion will emerge or be restated. The majority staffer on the Senate Foreign Relations Committee, involved in the preparation for this hearing, articulated how intrinsic difference is, saying "if you have two witnesses who say the same thing then that is not really an effective hearing. You need diversity at witness table."[84] This comment underscores the staff's understanding of the importance of diversity. In the hearing on Turkey, after asking Dr. Sloat a question, Senator Cardin, naturally and almost under his breath, says "that's a good point" as she lays out her response. This response suggests his appreciation for hearing another point of view.

[84] Committee Staffer 9

2. The Space Hearing

- Balance Score: 0.66

The second case is taken from the House Science Committee. On April 10 2013, the House Science Committee holds the hearing "Threats from Space: A Review of Private Sector Efforts to Track and Mitigate Asteroids and Meteors, Part II." This hearing includes a great deal of technical educational information, but it also involves a debate on government versus private sector involvement in industry. The issue at hand is the role of the private sector in the space program. This issue has been historically partisan, with Democrats favoring government-run programs and Republicans in support of privatization.

All of the witnesses in this hearing are unlabeled experts. However, they represent a mix of professional sectors, including two different government organizations, NASA and the National Academies. The first witness is Dr. Ed Lu, Chairman and CEO of the B612 Foundation. Dr. Ed Lu is an unlabeled expert, speaking as a scientist and head of a nonpartisan space foundation. There is no record of political involvement or campaign donations by Dr. Lu on the FECC. The second witness is Dr. Donald Yeomans, Manager of the Near Earth Objects Program Office at the Jet Propulsion Laboratory. Dr. Yeomans is an unlabeled expert. He is not associated with political ideologies and there is no record of campaign donations. The third witness is Dr. Michael A'Hearn, Vice-Chair of the Committee to Review Near-Earth Object Surveys and Hazard Mitigation Strategies at the National Research Council. Dr. A'Hearn is yet another unlabeled expert with no connection to political organizations or campaign donations.

The hearing displays several elements of deliberative discourse. The chairman asks questions on the urgent priorities needed to detect asteroids and on other scientific issues. Ms.

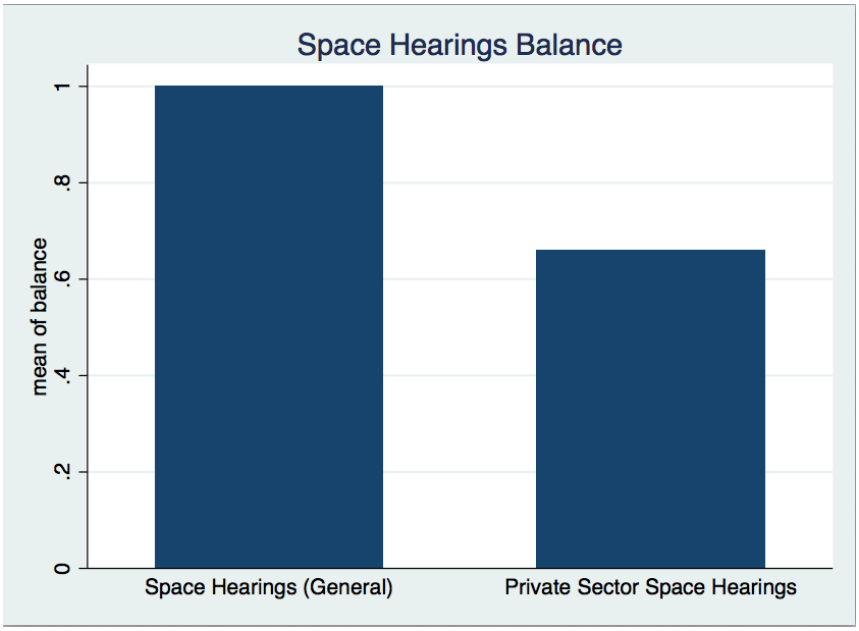
Johnson, Ms. Bonamici, Mr. Stewart, and Mr. Posey all ask inquisitive questions about international engagement, cost, preparedness, and other topics. Mr. Hall even says, "I ought to write a book of questions this because I have so many questions." Ms. Esty asks several inquisitive questions about data sharing and plans for fundraising and development. She also asks about prospects for restructuring financial support from the government to include more private sector organizations. Mr. Rohrabacher references his colleague Mr. Hall, and agrees with his recommendation for international support. Ms. Bonamici and Mr. Posey also reference specific points made in the testimony. The discourse in this hearing shows that many of the Congresspeople display deliberative rhetoric.

- **Effects:**

This hearing exhibits some evidence of effect 1, deliberation leading to legitimization by exposing the subjectivity of one's own view. Young's first pathway to deliberative transformation is that listening to opposing opinions and arguments allows such acknowledgement of partiality (Young 1996). A Democratic Congresswoman on the Science Committee said that listening to the witnesses with opposing views made her think to herself "'is that my own ideological baggage that I think this way?"[85] This type of thinking reflects what Young refers to as "confrontation with difference" which exposes the partiality of one's own view and therefore exposing one's experience as subjective.

[85] Congressperson 4

Figure 6.1: Hearing Balance, Science Committee Space Hearings



The same Congresswoman rationalized that listening to the witnesses and attending hearings on the space program made her more open to privatization. She explained that she had been a long-time proponent of an entirely government-run program, but the witness testimony on private sector involvement in the space exploration changed her perspective on the space program. The Congresswoman's change of heart about the space program demonstrates effect 2, that deliberation may result in deeper understanding of the other side and reassessment of one's own view. Figure 6.1 above[86] further emphasizes this effect. It compares the average balance score for the Science Committee hearing on private sector involvement in space exploration to hearings on space as a whole. There is a statistically significant difference between the two average balance scores and the hearings on private sector space exploration are more balanced on average. This suggests a possible connection between attending a deliberative hearing with a "balanced" score and reassessing one's view.

3. The SNAP Hearing

[86] The graph is drawn from the "balance" score dataset constructed for the purpose of this study.

- Balance Score: 0.66

The third example is a hearing about the Supplemental Nutrition Assistance Program (SNAP). On January 12, 2016 the Agriculture Committee holds the hearing, "Past, Present, and Future of SNAP: Addressing Special Populations." SNAP is part of a wider value debate on social welfare. This hearing was about the needs of "special populations" such as the elderly or veterans. The question of how much the government should be involved in assisting the needy is a question of value. It transcends the raw facts on how many people need assistance and how much this costs. Several of the interviewees, including staff and Congresspeople from both parties on the committee stressed that SNAP is an exceptionally partisan issue.

The witness panel includes a mix of types of experts as well as professions. The first witness, Ms. Abby Liebman is President and CEO of Mazon: A Jewish Response to Hunger. Ms. Liebman is an unlabeled expert because she comes to share expert information on hunger problems faced by veteran families. Mazon is a nonprofit that works to combat hunger in the United States. The next witness, Ms. Erika Tebbens, is a personal storyteller, coming to share her experience as a SNAP recipient and a spouse of a military veteran. She is followed by Mr. Vinsen Faris, Executive Director of Meals-on-Wheels of Johnson and Ellis Counties. Mr. Vinsen is a spokesperson who comes to share specialized knowledge of a particular program that helps elderly Americans receive food. Finally, the committee hears from Mr. Eric Schneidewind, President elect, AARP. Mr Schneidewind is a spokesperson on behalf of an organization dedicated to fighting for elderly Americans.

The hearing discourse was full of examples of deliberative speech. The chairwoman begins by asking the witnesses a series of inquisitive questions, saying she is "curious" to learn more. Ms. Adams references a specific statistic on veterans from Ms. Liebman's testimony and

asks inquisitive questions. Mr. Conaway references previous points from Ms. Faris' testimony, including a specific case of a 92-year-old woman in the Meals-on-Wheels program and then asks questions. Mr. McGovern goes on to mention specific points from Mr. Schneidewind's and Ms. Liebman's testimonies. He also references a point made by his colleague Ms. Adams. Mr. Thompson, Mr. Benishek, Mr. Grisham, and Mr. Yoho all ask questions seeking more information about previously mentioned programs or groups. Ms. Delbene asks the witnesses to elaborate on the previously mentioned ABAWD cliff. Mr. Gibbs again asks for elaboration on military families' costs and other issues. Ms. Kirkpatrick asks questions about chains of command and streamline, and then Mr. Crawford refers directly to questions made by Mrs. Kirkpatrick before him. He then goes on to ask inquisitive questions of Ms. Tebbens. Mr. Benishek asks about SNAP and VA and then purposely includes Mr. Faris and Mr. Schneidewind. The critical mass of Congresspeople who ask inquisitive questions, reference previous points made in the discussion, or include another witness, renders this a deliberative hearing.

- **Effects:**

There is indication of all three effects of deliberation in this hearing. After engaging with Ms. Tebbens, Congressman Crawford asks, "Madam Chair, I ask that you might consider maybe a joint hearing with this Subcommittee and Armed Services to address nutritional issues that have been brought up in this hearing." This shows that the hearing moved him to the extent that he wants to learn more.

Perhaps the most striking example of the effect of this hearing is personified by Republican Congressman Ted Yoho. The Congressman's behavior in the hearing and statements in an interview I conducted several months after the hearing reveal signs of Young's three

pathways to deliberative transformation. Congressman Yoho seemed so affected by Ms. Tebbens experience as a veteran family on SNAP that he asked, "why aren't we paying veterans more." Interestingly, two other people in the room that day independently recounted that they were struck by his statements. A long-time staffer on the nutrition subcommittee told me she remembered this as an example of someone moved to reassess their own position based on testimony.[87] In an interview with me, Ms. Liebman's deputy at Mazon, who was also there that day with his boss, echoed this view.[88] He independently identified this same exchange as evidence that Congressman Yoho was moved by the testimony.

Their surprise may stem from Yoho's previous voting record and public statements about SNAP. In 2013, he voted to cut food stamps by $40 billion.[89] In public statements, he stressed that SNAP should be temporary and the importance of across the board budget cuts.[90] Yoho's behavior in the hearing may not indicate he necessarily changed his mind, but it shows that it is plausible he engaged with information shared by minority witnesses and gained a more comprehensive understanding of another viewpoint. In an interview with me, Congressman Yoho explained, "I think the more that you can get together and hear somebody else's perspective of why they're arguing a certain way or fighting for a certain thing kind of makes you think, you know what, I didn't think of that."[91] The Congressman's statement suggests that he appreciates the fact that others have different views and that listening to them leads him to

[87] Committee Staffer 7
[88] Witness 5
[89] Statistic taken from voting record for HR3102, accessible at http://clerk.house.gov/evs/2013/roll476.xml
[90] Based on a September 24 2013 article by WUFT news (a local Florida new network) entitled, "Congressman Yoho Speaks about Food Stamps Program." The article is accessible at: https://www.wuft.org/news/2013/09/24/yoho-3/
[91] Congressperson 9

realize new angles that he had not previously considered. The statement indicates effect 1, "understanding the partiality of your view." When I asked specifically about the SNAP veterans hearing, he explained, "that was an eyeopener for me because we've got too many people on that that are serving this country. So, what that tells me is we need to pay more and there should be some form of assistance to get these people through that."[92] Given the Congressman's question in the hearing regarding treatment of veterans, his statement would indicate that the hearing gave him a more thorough grasp of the opinions on the issue, effect 2. Young writes, "through listening across difference each position can come to understand something about the ways proposals and claims affect others differently situated…participants gain a wider picture of the social processes in which experience is embedded" (Young 1996, p. 128). Finally, when asked about the purpose of hearings in general, the Congressman showed appreciation for effect 3, collective problem solving. He remarked, "the Democrats were lining up on the floor, they had the same talking points, 'we will not accept one calorie taken off a plate' and 'we're over here' ….that's what happens when you don't have interaction. Part of these are divided, there's a dichotomy up here and it's Republicans versus Democrats or vice versa. Whereas in the committee …. you can have a diversification of ideas, but you also have that interaction to where you see the other side of the story."[93] His comments reaffirm his appreciation for a setting in which both sides have a right to be heard.

4. The Cybersecurity Hearing

- Balance: 0.66

[92] Congressperson 9
[93] Congressperson 9

The final example of a deliberative hearing is a Science Committee hearing on cybersecurity. On June 15, 2017, the House Science Committee holds the hearing, "Bolstering the Government's Cybersecurity: Lessons Learned from WannaCry." After the WannaCry ransomware attack and in the lead-up to the NIST Cybersecurity Framework, Assessment and Auditing Act (H.R. 1224), the committee held a series of hearings. The bill directs the National Institute of Standards and Technology (NIST) to conduct audits and evaluate whether federal agencies are complying with the NIST cybersecurity framework. The bill was a partisan issue. It was authored by Republican Ralph Abraham and supported by all Republican members. Every Democratic member except for Daniel Lipinski voted against the bill. They argued that NIST lacked the expertise and funding necessary for audits.

The witness panel exhibits professional balance, with witnesses both supporting and opposing the proposed bill. The first witness is Dr. Salim Neino, Executive Officer at Kryptos Logic. Dr. Neino is an unlabeled expert who comes to share information on the attack and how it was stopped by Kryptos Logic. Next, the committee hears from Dr. Charles Romine, Director of the Information Technology Laboratory at the National Institute of Standards and Technology. Dr. Romine is a spokesperson on behalf of NIST who gives details on NIST framework and its applications. His testimony is followed by Mr. Gregory Touhill, Retired Brigadier General of the US AirForce and Adjunct Professor of Cybersecurity at Carnegie Mellon University. Mr. Touhill is a labeled expert as a result of his service as Chief Information Security Officer under Obama Administration. The last witness is Mr. Hugh Thompson, Chief Technology Officer at Symantec. Mr. Thompson speaks as an unlabeled expert, imparting his expert understanding of cyber.

The hearing discourse reveals examples of inquisitive questioning and reference to earlier points. Chairman LaHood asks Dr. Neino and Mr. Thompson inquisitive questions. He then

references points from General Touhill's written testimony and asks him questions. Mr. Beyer then begins his questioning by saying "Mr. Neino, based on your testimony, you should be a doctor. It's filled with really interesting things." He goes on summarize Mr. Neino's main points and asks him to elaborate further. Mr. Abraham references points from Mr. Thompson and Mr. Romine's testimony and asks inquisitive questions. Mr. Lipinski seeks more information, asking all of the witnesses for their opinions on the human factors in cyber security. Ms. Esty references specific points made by Mr. Thompson and Mr. Neino. Mr Palmer cites and asks about data Mr. Neino presented, requesting further elaboration. He then refers to examples given by General Touhill and again presses for more. Chairman LaHood ends by again referencing Romine's written testimony. Mr. Beyer asks more inquisitive questions. He says to General Touhill "you made the really interesting case…how do we operationalize that?" He continues to Mr. Neino, saying "you had one very intriguing, or many intriguing lines in your testimony." He quotes a line to him and asks him to expand. He then includes Mr. Thompson. Mr. Beyer and others engage in deliberative discourse in this hearing.

- **Effects:**

The cyber hearing contains several examples of legitimization. Congresswoman Esty begins her remarks by saying "this has been very enlightening and extremely helpful," a verbal sign of an appreciation for the new vantage points and information gained in the hearing.

Perhaps the most compelling sign of the effect of this hearing is a conversation with a senior Democratic Congressman on the committee about how the hearing caused him to change his vote. He said,

> "the new cybersecurity in federal government bill is coming up next week. I think on the bill that's going to be coming to the floor next week, the federal

> government and cybersecurity which was where I was the only Democrat who supported the bill when it came to the markup. That was a very - that's sort of a hearing in a topic I remember because it was a big divide between Democrats and Republicans. So, I really wanted to learn sort of, and especially get from NIST their perspective on expanding this role and to hear from other witnesses about what they thought about that and how difficult that was going to be for NIST to expand their roles. So, it's actually a hearing that I remember something about and sort of wanting to explore those and actually hear what they were talking about. . So, I think that sort of…it convinced me enough that, okay, I could support the bill going through committee even though I had reservations about it."[94]

The Congressman explains that he "really wanted to learn" because this was an issue with a divergence of opinions and that the witness panel "convinced" him he should support the bill. This is a powerful indication of the capacity of witness testimony to legitimize opposing perspectives.

III. Further effects of deliberative hearings

The examples of deliberative hearings demonstrate the application of the deliberation criteria to hearings and illustrate how such hearings might influence committee members. In addition to the effects traceable to specific hearings, interview data illuminated the more general effects of deliberative hearings. Interviews with Senators, Congresspeople, and staff illustrated

[94] Congressperson 8

that the resulting legitimization discussed in the previous examples applies to deliberative hearings in general. Interviews also revealed the additional effect of collaboration.

1. *Legitimization*

Interviewees from both sides of the aisle referred to the capacity of hearings with diverse panels to help them understand the other side, appreciate the full spectrum of opinions on an issue, and even reassess their own view. A senior Democratic Congressman explained that "expert testimony tends to give you…(opportunity) to consider, or at least understand, the opposing point of view or… consider the steps you need to take in mitigation. You might hear one of the majority experts make a point, you think, wow that… I hadn't thought about that, that makes a lot of sense. So, then you can go to the minority expert and say, do you agree, do you not agree?"[95] This quotation demonstrates that the testimony helps the Congressman gain a wider picture of the spectrum of opinions on a topic and how they relate to each other. On the other side of the aisle, a Republican Congressman, a member of the Science Committee and former member of the Agriculture Committee, echoed this reaction. He said, "what I've learned in this job is that there are a lot of different perspectives and it's my responsibility to hear."[96] He went on to say that in hearings, "it happens almost all the time where I'm listening to different perspectives and piecing them together."[97] A Senator said the same of Senate hearings. He explained that in hearings he thought of "new aspects of the problem or I realized who was for and who was against this. What sectors of our society that I might not of thought had an interest

[95] Congressperson 3
[96] Congressperson 14
[97] Congressperson 14

in this or had something to say about it."[98] These remarks are all indicative of the ways in which hearings broaden and deepen Congresspeople's understanding of different opinions on an issue.

Sometimes, Congresspeople even told me of instances where listening helped them to understand new elements of arguments they had wholeheartedly opposed. The Democratic vice-ranking member of the Science Committee (a major proponent of fighting climate change) told me that even though he completely disagreed with climate change skeptics who came to speak at the hearings, he saw that "at least they had coherent arguments" and this added some legitimacy to some of their positions.[99] This statement is particularly meaningful because in one of the climate change hearings, this Congressman engaged with a climate change skeptic on the witness panel, asking her to clarify her points. He was one of few Democrats in this hearing who questioned the Republican witness, and when I spoke to the witness herself, she shared that she felt he was genuinely trying to understand her rather than asking a "gotcha question."[100] Their interaction signals that the Congressman was trying to understand her argument, even if he did not necessarily agree. The Congressman shared, "I really do try to listen carefully…they all opened my mind."[101] This climate change example is a testament to his statement.

There were also stories of confrontation with an opposing viewpoint leading to a reassessment of one's own. A senior Democratic Congressman ruminated, "I think genuine witnesses are useful no matter what point of view they share. And often, I'll listen to a majority expert and it will help me …to test my own opinion."[102] This statement is reminiscent of the aforementioned Congressman's reflection on the NIST hearings, illustrating that this effect can

[98] Senator 2
[99] Congressperson 2
[100] Witness 8
[101] Congressperson 2
[102] Congressperson 2

be more widely applicable to hearings in general. All of the above examples demonstrate that the "legitimization" effect may extend beyond the four specific examples in this chapter and apply to deliberative hearings in general.

2. *Collaboration*

Sometimes, through the discussion and questioning in a hearing, Congresspeople see new opportunities for collaboration because of their newfound understanding of their fellow members. Questioning occurs in every hearing, but because the questioning in deliberative hearings is more genuine and extensive, these hearings may present the greatest potential for collaboration. Several Congresspeople explained that the questioning and overall interaction between committee members and witnesses during hearings helps them to understand where their colleagues stand and therefore where their views might overlap. A freshman Democratic Congressman on the Agriculture Committee said hearings, "give me a good understanding based on the questions that they asked of any witness of what's important for them in their district."[103] He then explained that this has positive legislative consequences because as a freshman member he can understand where his colleagues stand and, that just as beneficial as what these experts say, is to "hear the questions from the members."[104] A senior Democratic Congressman on the Science Committee reflected that hearings are useful because they help him understand "the other side." He said that hearings allow him, "to know what they (the other side) are thinking and get their perspective on something, especially something that I'm very interested in. And if I know there's resistance to something that I would like to do and I'd like to see in a piece of

[103] Congressperson 3
[104] Congressperson 6

legislation to listen to a witness- listening to the questions to witnesses from Republicans gives me a better sense of what their objections are."[105] His reflection demonstrates that listening to and understanding the other side through questioning can help to bridge areas of disagreement.

On the Senate side, the same trend emerges. The conversation and increased understanding pave the way for cooperation. As the two-time chairman of the Senate Foreign Relations Committee explained, hearings act as a "way of illuminating where everyone stands."[106] A senior Democratic Senator and former member of the Foreign Relations Committee shared a similar account from the Senate. He explained that for him the most valuable aspect of committee hearings is hearing his colleagues ask questions. He went on to share a story of a major piece of legislation that he discussed with two Republican colleagues and was able to advance as a result of a hearing. He said, "that exchange was taking place at a committee hearing that was stacked against me. But at the end of it, there was a conversation."[107] This comment exemplifies the collaborative potential of hearings. By the same token, a personal staffer for another Senator on the Senate Foreign Relations Committee explained that as a result of attending a hearing about the position for "women's issues" within the State Department, her boss was able to see which other members cared about this issue and then she could work together with them to protect this position.[108] Yet another personal staffer for a Democratic Senator on the Foreign Relations Committee told a story of a bipartisan bill to create a Senate Select Committee on Cyber. He explained that during the hearings his boss noticed that "Senator Gardner was vocal about cyber. He would ask questions in Fall 2016 and in January we

[105] Congressperson 8
[106] Senator 2
[107] Senator 1
[108] Personal Staffer 5

introduced bill for a select committee on cyber. That bill came out of seeing him question cyber issues and seeing he was interested in it."[109] This example again shows the potential for collaboration as a result of questioning.

IV. Additional Examples of Deliberative Hearings:

The following are further examples of deliberative hearings. They are not analyzed in depth as with the hearings in the preceding sections, and they were not referenced in interviews I conducted. They are included here in order to further flesh out what deliberative hearings may look like. They focus on different topics than the four preceding hearings, indicating that deliberative hearings can span a wide range of topics.

1. "Zero Stars: How Gagging Honest Reviews Harms Consumers and the Economy", Senate Committee on Commerce, Science, and Transportation, November 4, 2015. This was a hearing about the so-called gag clauses that forbid negative reviews and their effects on consumers and the internet ecosystem. The hearing had a balance of different types of testimony and witness professions at the witness table and featured elements of deliberative discourse. The debate surrounding the gag clause goes beyond facts to include a value judgment about the relative importance of consumers versus business promotion. The hearing featured a diverse witness panel including Adam Medros, Senior Vice President of TripAdvisor, Robert Atkinson, President of the Information Technology and Innovation Foundation (and former member of the Obama Administration), Jennifer Kulas, the plaintiff in a case involving the gag clause, Eric Goldman, a Santa Clara University Law Professor, and Ira Rheingold, the Executive Director of a consumer advocacy group. This panel therefore features different witness types (spokespeople,

[109] Personal Staffer 8

a labeled expert, a personal storyteller, and an unlabeled expert.) The questioning also featured examples of deliberative speech.

- Balance Score: 0.6

2. "Crisis in Egypt", Senate Foreign Relations Committee, July 25, 2013. This hearing was held a few weeks after the Egyptian coup d'état that overthrew President Mohamed Morsi. The hearing was called in order to explore how American policy should respond to the coup. The committee heard from three experts: Daniel Kurtzer, a Professor at Princeton University (who held positions in the Clinton and Bush administrations), Dennis Ross, counselor at the Washington Institute for Near East Policy (who also held positions in the Clinton and Bush administrations), and Dr. Michele Dunn, Vice President of the Atlantic Council. The first two witnesses are labeled by virtue of their connection to political administrations. The witnesses also diverge in their opinions on the degree to which US military and economic assistance to Egypt should be affected by the coup. The ensuing discussion featured inquisitive questioning, inclusion of multiple witnesses, and references to earlier points.

- Balance: 0.67

V. Summary and discussion of deliberative hearings

My exploration of deliberative hearings has revealed a number of important points. First, it shows that there is still true deliberation going on in Congress, even if the incidence is lower and effects are subtle. The six examples display the wide range of topics on which committees can deliberate. Committees, Congress's central deliberative bodies, are not yet completely broken down. Second, I found evidence of my second guiding proposition, that deliberative

hearings can lead to legitimization of different points of view. Deliberative hearings led Congresspeople to acknowledge that others have the right to challenge their claims, to realize their own ideological baggage, to understand the full range of perspectives on an issue, and ultimately to reassess their opinions in some cases. I argue that even if the effects of deliberative hearings do not lead to changes in votes in the current hyperpolarized Congress, there may still be effects. As discussed in Chapter Two, voting behavior does not tell the whole story. Nevertheless, I even found several instances of Congresspeople changing their vote on an issue as a result of these effects of hearings. I also unearthed an additional effect of collaboration. As a result of the inquisitive questioning that occurs in deliberative hearings, Congresspeople were able to see what their colleagues thought about a certain issue and locate potential partners for future collaborative efforts.

Some may argue that the criteria set for deliberative hearings could be even more comprehensive, to include additional criteria necessary for the sort of ideal speech Jurgen Habermas advocates. In the most relevant study that attempted to apply Habermas's criteria to parliamentary speech, Steiner et al. (2004) operationalized Habermas's conception of deliberation by developing the "Discourse Quality Index," which measured participation level, content of justification, and respect (this last component is assessed by looking at statements made about other groups and reactions to counterarguments). The "Discourse Quality Index" did not measure all of the elements of Habermas's criteria, and the authors noted that this was in part because they are impossible to quantify. Like Steiner et al's study, my design operationalizes all those elements that can be measured.

Another possible counterargument to my analysis is that the characterization of witness types is insufficiently rigorous. This aspect of the "variety of perspectives" criterion may prove

elusive. Indeed, some witnesses may fall into more than one category. One such example would be a spokesperson who comes to share a combination of her personal story and her specialized expert knowledge. However, the question of whether a panel exhibits any variation at all, or instead simply includes only expert professors or only political pundits is still answerable in most cases. A variety of witness types can still be a criterion for a "variety of perspectives." Such variety is clearly illustrated by the examples described above. In the hearing of the Foreign Relations Committee on Turkey, there were two think tank experts with differing perspectives, one of whom was labeled by her association with previous administrations, and one of whom was not labeled. In the Agriculture Committee hearing on food stamps, there was a personal storyteller, spokespeople, and an unlabeled expert. In both of these examples the types of witnesses are different, but in both cases, there is variety, which brings to light a range of perspectives.

Finally, some may argue that the evidence for the legitimization and collaboration effects is not sufficient to prove a causal relationship between deliberative hearings and the proposed effects. Interview data is inevitably tainted by nostalgia and bias. I tried to account for this bias by triangulating interviews with other public statements (as with the example of Congressman Yoho and the SNAP hearing), voting data (as with the example from the space hearing and the cybersecurity hearing), or other interviews from other actors who were in the room (as with the witness from Mazon and the nutrition staffer in the SNAP hearing or the witness in the climate change hearings). Moreover, this is an exercise in illuminating some of the subtler effects of deliberative hearings in a hyperpolarized Congress. This chapter is important because it suggests that even in a polarized Congress with disempowered committees and partisan votes, we can still find deliberative hearings and there is evidence to suggest they do affect members. Taken

together, the six examples and ensuing discussion revealed various aspects of committee deliberation. As a whole, the findings in this chapter underscore the continued power of deliberative hearings.

Chapter 7

Theatrical Hearings

Chapter Seven is about theater. The theatrical hearing type, in many ways the inverse of the deliberative hearing of Chapter Six, operationalizes the theatrical function of hearings. Hearings can serve as a public display of perspectives. As one staffer on the Senate Foreign Relations Committee explained, "part of the point of having a hearing is to articulate a policy argument to the American people. So, you'll hear Senators a lot like say to these witnesses, 'Can you like say in simple English to the American people, why do we have thousands of soldiers deployed to a country that hates us and shouts 'death to America?' or something like that."[110] As she explains, hearings are one of the major public platforms in which Congress shows its work to the American people. Another academic who testified before the Science Committee said that the hearings are "very staged and stage-managed in a way that someone has to help you know how to do that."[111] As noted in Chapter One, all official hearings (besides intelligence committee hearings) are public and televised. All hearings are also entered into the Congressional record. The recording and media presence further highlights the theatrical element. One witness, who has experience testifying before committees, characterized hearings as "an environment that has an element of performance to it particularly now that this is all televised."[112]

The combination of television and politicians who are ultimately acting in the public eye leads to an element of theater in all hearings. Even the aforementioned deliberative examples

[110] Committee Staffer 2
[111] Witness 6
[112] Witness 1

were televised, public, and certainly had some element of show. However, the categorization of theatrical hearings as an ideal type refers to hearings in which the theatrical element is predominant. The witnesses, the interaction with the witnesses, and ultimately the effect on the Congresspeople derives from the desire to put on a show rather than to deliberate or to learn.

The chapter follows the same organization as Chapter Six. It begins with the description of the criteria for classifying hearings in which the driving force is theater. It then presents two such examples, a hearing on the Iran Nuclear Agreement and a hearing on climate change, and discusses the effects such hearings might have on Congresspeople. As explained in Chapter One, the theatrical element of hearings stands to inhibit the effects of genuine learning and deliberation. Nevertheless, the two examples presented below demonstrate one major effect that the amplification of voices can have. Finally, it describes two additional examples of theatrical oversight hearings, a nomination hearing for Mike Pompeo as Secretary of State, and an oversight hearing of the Environmental Protection Agency (EPA). As in Chapter Six, these examples were not analyzed with the same rigor, but they illustrate how theatrical hearings occur in the context of oversight.

I. Criteria

Below are three original criteria for evaluating whether a hearing's function is primarily theatrical. As noted in Chapter One, unlike deliberation in committees, there is a dearth of work focused on the theatrical element of hearings. If the previous chapter relied primarily on previous literature as a starting point, this set of criteria is completely original. As in the deliberative case, the criteria below are assessed based on the witness typology and the data on witnesses from Part Two, as well as other publicly available information about hearings.

A. "Known quantities" at the witness table

If the purpose of the hearing is to make a certain statement publicly, then the witnesses who come to testify will likely be people publicly associated with the perspective of interest. "Labeled" experts are the most likely witness types at these hearings. One staffer explained that if they want to tell a story they will "pick witnesses that we think will kind of help shape it in the way that we want to shape it."[113] A theatrical hearing is a public display of one or multiple stories about a certain issue and so each side will choose an advocate to make their point.

To assess this claim, I take an in-depth look at who are the witnesses. I use the definition of a "labeled expert" delineated in Chapter Five, an expert "known to publicly represent a view on an issue." I search for witness association with certain ideologies. For example, if they made campaign donations to either party, this would be an indication of ideology. Donations are a reflection of complex calculations and an amalgamation of motivations, and for this reason they cannot be taken as the sole indicator of ideology. Rather, campaign donations will be one of several indicators of association with an ideology. If the witnesses work for or speak on behalf of a group, this would be another indication of public association with a perspective.

B. Statements not questions

In these hearings, Congresspeople utilize discussion time to publicize their positions on the issue at hand, rather than asking inquisitive questions. To assess this, I look for long statements of position, "lead on" questions designed to prod witnesses to make a specific point, and statements that something is "for the record." In addition, I look to see whether they seek the opinions of multiple witnesses in their questions. Unlike "deliberative" hearings, in which

[113] Committee Staffer 1

questions clearly and genuinely seek out more information and show reference and engagement with other points made in the discussion, in "theatrical" hearings Congresspeople will be looking to make their own point known rather than seeking out and engaging with others' perspectives.

C. Publicity

It is only worth staging a show if someone is watching. While all hearings are recorded and have an element of the aforementioned theatrics, in certain hearings performance is the dominant element. For example, in the Fall of 2017, the Senate Foreign Relations Committee held a hearing on the Authorization of the Use of Force Bill. Two administration witnesses, Secretary of Defense James Mattis and Secretary of State Rex Tillerson, sat at the witness stand. They were surrounded by dozens of cameras, overflowing out onto the adjacent corridor. One by one the Senators made statements, noting that they were "for the record." Across from them, in the audience, sat protestors with neon yellow jackets with the words "Free Iran." Behind the "Free Iran" protestors sat a further group of protestors dressed in bright pink, representing the organization "code pink." The rest of the space was filled with eager spectators who came to see the show. The next day, the Senate Commerce Committee had a hearing on Native American Subsistence rights. At the witness panel sat scientists and spokespeople for the Native American communities affected by this legislation. There were few people in the audience and no protestors. Although the hearing was recorded by the official Congressional recording service, there was hardly any media presence. The Senators asked more exploratory questions. The marked difference between these two hearings is clear. The AUMF would be categorized as a theatrical hearing whereas the subsistence rights hearing would not.

Whether or not a hearing draws cameras and protestors may depend on the subject matter or the witnesses testifying. I categorize hearings as theatrical only when there is evidence of an audience, both inside the committee room and in the media.

II. Case studies of theatrical hearings

1. The Iran Hearing

On July 14, 2016, the Senate Foreign Relations Committee conducts the hearing "The Iran Nuclear Agreement: One Year Later," Senate Foreign Relations Committee. The issue of the Iran Nuclear Agreement is both partisan and theatrical. An Iran expert and Senior Fellow at the Brookings Institution shared her experience testifying about Iran in Congress, recalling "the kind of public manifestation of almost like a kabuki theatre that serves a political purpose."[114] She went on to describe the general atmosphere of the Iran debate, "it is a kinda of, particularly over the course of the past few years, it's been a very polarized issue. It has been one (with)…very clearly defined polls of debate and so typically what you find is that each side is looking for most strenuous proponent of their perspective. This was such a partisan (issue)…both sides really engage in a really well-orchestrated public campaign to promote either up or down on the deal…I mean there is a lot of lobbying on all kinds of issues, but I don't know that you can look at any other foreign policy issue and see that same degree of orchestration of opinion…a lot of it is focused in this case on the Hill because of the Iran Nuclear Review Act."[115] This statement is a powerful testament of the contentiousness surrounding this topic.

[114] Witness 1
[115] Witness 1

Two labeled experts testify at the hearing. The first is Mark Dubowitz, Director of the Federation for Defense of Democracy. Mark Dubowitz is the head of a neoconservative think tank that one Iran expert described, saying "it's a think tank, but it's a think tank with a particular perspective as opposed to others."[116] Mark Dubowitz has also donated to Republican political campaigns. Throughout the lead up to the Iran Nuclear Agreement, he testified before Congress and appeared publicly on numerous occasions, always with the same mantra against the nuclear agreement. He is therefore "labeled" publicly as a proponent of this stance. He is followed by another labeled expert, Richard Nephew, Scholar at Columbia University School for International and Public Affairs. Richard Nephew is associated with two liberal institutions, as a fellow at Brookings Institution and as Program Director for the Center on Economic Statecraft, Sanctions, and Energy Markets at the School of International and Public Affairs at Columbia University. He has donated to Democratic campaigns. He has worked on sanctions policy in different capacities for over a decade and is publicly "labeled" as a supporter of the Iran nuclear agreement.

The hearing discourse features numerous examples of "statements not questions." Senators Risch, Markey, Perdue, and Coons all begin their interventions with lengthy statements of their position on the issue. Senator Coons begins by saying "I continue to call for Congress to," a clear indication he wanted his stance to be heard. Senator Menendez asks a series of yes or no leading questions of Mr. Dubowitz, all underscoring Iran's continued nuclear involvement. He also starts his testimony by saying he wanted "submit for the record" a report on Iran's behavior. This speaks to a concern for what is on the public record and a desire to prove a point.

[116] Witness 1

The hearing also meets the publicity criterion. It is clear from the video recording that the hearing draws a substantial crowd. In addition, Chairman Bob Corker ends the hearing by saying "Thank you to the folks out here from Camp Liberty." Camp Liberty was a camp under rocket attack in Iraq in 2016. The fact that Chairman Corker uses the opportunity of this hearing to make a statement about an unrelated issue indicates the use of this hearing as a public platform.

- **Effects:**

Voicing Views

The main effect of the theatrical hearing is what I term "voicing views." Sometimes, even if an argument is well known, a witness can frame it in a particularly compelling way that then gets picked up by members of Congress. It may then shape the way they speak about the issue on future occasions. One of the experts who testified claimed that hearings are a "high profile document for the record that gets more widely circulated and more heft."[117] She said it is a "higher impact product compared to a blog post or a journal article."[118] Many of the interviewees spoke of the prevalence of the same voices who echo the same arguments. An Iran expert who has testified before Congress numerous times explained, "you'd get the same voices coming back because people know what they're going to say."[119] This repetition affects the rhetoric and framing of that issue in Congress in subtle ways. A Georgetown Professor, who has testified before the Foreign Relations Committee, explained that hearings "can inform staff thinking and argumentation as they are designing what their members should say or do. Like you are giving ammunition to people to use for what they would probably otherwise do."[120] The Professor is

[117] Witness 3
[118] Witness 3
[119] Witness 1
[120] Witness 4

likely referring to the way in which members adopt the arguments of witnesses to accomplish their political goals. These comments show that the witnesses themselves regard their effect on Congresspeople in this way.

This effect is clearly demonstrated in the Iran hearing. A Senior Fellow at the Brookings Institution and Middle East expert, with experience of testifying before Congress, explained that Mark Dubowitz's Iran testimony has had such an impact on Congresspeople's framing of the Iran issue. She gave him as an example of an expert who has shaped Congressional discourse on the Iran debate, saying "he will usually have one or two clear logically structured arguments that are targeted to a particular policy outcome and convey it in a compelling way, and those arguments get picked up and repeated by members of Congress."[121] This assessment was reaffirmed by a personal staffer for a Senator on the Foreign Relations Committee, who attended the Iran hearings. He explained, "Dubowitz and his organization provide the intellectual firepower for what Republicans argue up here, so it helps you understand where their policies are coming from."[122] In the July 2016 hearing, Senator Gardner referenced testimony given by Mark Dubowitz on Iranian cryptocurrencies at an earlier hearing. This reference to statements made months earlier may be a further indication that Dubowitz's voice has remained salient in the debate.

2. The Climate Hearing

On March 29, 2017 the House Science Committee holds the hearing, "Climate Science: Assumptions, Policy Implications, and the Scientific Method." When I spoke to people involved

[121] Witness 3
[122] Personal Staffer 8

in the Science Committee, whether staff or Congresspeople, again and again they pointed to this hearing as an example of an especially contentious and theatrical hearing. They also emphasized that climate change is a particularly divisive and partisan topic. One even said that on the Science Committee "there is climate change and then there is everything else,"[123] indicating that the topic of climate change inevitably leads to a more contentious hearing.

The committee hears from four different labeled experts. Dr. Judith Curry, President, Climate Forecast Applications Network; Professor Emeritus, Georgia Institute of Technology. Dr. Curry is a "labeled expert." She is known to question the reliability of the science proving climate change. She has an active blog promoting her views and even testified five times before Congress prior to this hearing. As noted in Part Two, Dr. Curry herself acknowledges that she is invited because they know her as a climate change skeptic. Dr. Curry is followed by Dr. John Christy, Professor and Director of the Earth System Science Center at the University of Alabama at Huntsville and Alabama's State Climatologist. Dr. Christy is a "labeled expert." Like Dr. Curry, he is a public figure in the debate about climate change. *The New York Times* even ran an entire article about him in 2014, detailing his work as a climate change skeptic.[124] The third witness is the "labeled" expert with the opposing view. Dr. Michael Mann is Distinguished Professor of Atmospheric Science at Pennsylvania State University and Director of the Earth System Science Center (ESSC) at Pennsylvania State University. Dr. Mann is a "labeled expert." He is known as an advocate for fighting climate change. As noted in Part Two, the minority staff explained that they chose him as "the loudest and most prolific person we can think of." Next on the witness stand is Dr. Roger Pielke Jr., Professor of Environmental Studies Department,

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[123] Committee Staffer 4

[124] On July 15 2014, *The New York Times* published the article "Though Scorned by Colleagues, a Climate Change Skeptic is Unbowed," in which Michael Wines details Dr. Christy's beliefs.

University of Colorado. Dr. Pielke is another "labeled expert." Like Dr. Curry, he has a public blog advertising his skepticism about climate change.

This hearing features countless examples of "statements not questions." Many of the Democratic members begin their questioning with lengthy statements about the prevalence of scientists who believe in global warming, citing specific pieces of research or data, or explaining how climate change affects their states. Several of them begin by pointing out their own credentials as scientists and engineers. Likewise, many of the Republican members start by citing data about the uncertainty regarding global warming or the bias of the world of science against those who think otherwise. Ms. Johnson, Ms. Bonamici, Mr. Bera, Mr. Tonko, Mr. Rohrabacher, Mr. Higgins, Mr. Takano, Mr. LaHood, and Mr. Webster all submit documents and reports for the record. This implies that they are using the hearing to publicly portray a certain perspective. Almost all of the Democratic members direct their questions towards the minority witness (Dr. Mann) and nearly all of the Republican member direct their questions at the majority witnesses. This suggests that they seek to bear out their own opinions rather than understand the other side.

When the Congresspeople do pose questions to the opposing side's witness, they are largely "lead on questions." For example, Ms. Esty asks the witnesses if they would agree with a series of questions. In an interview with me, Ms. Esty described the interaction as follows, "So it got very contentious. And I pressed the majority witnesses. And I said, 'Well, does anyone here on the panel believe, do you believe human behavior is contributing to climate change?' And they all said yes. And I said, 'So do you think there are, are there observable changes to climate?' And they basically all voted yes. 'Is human behavior contributing towards the rate of change?' And all said yes. So, and do we have enough, but they said not as much. And I said,

'is it a measurable, is it a significant contribution?' And they all said yes. So, this actually got written up because HuffPost or something covered it because I really kind of made them say it."[125] This is strong confirmation that Ms. Esty's intent in questioning was to make a point rather than ask a question. In the hearing, fellow Democratic member Mr. Foster, also asks witnesses similar questions, prodding them about whether they agree that funding cuts are a bad idea and climate is a problem. Similarly, Republican member Mr. Higgins asks the minority witness only about his affiliation with the organizations, "union of concerned scientists" and "climate accountability institute." Republican member Mr. Loudermilk asks Dr. Mann the loaded question, "we could say you are a denier of natural change Do you believe that we truly understand what creates the weather?" Again, these are not inquisitive questions, but rather they are meant to brand the witness.

The sheer number of media articles written about this hearing is clear proof of its publicity. The Washington Post, Bloomberg News, Scientific American, the Huffington Post, the Seattle Times, the Guardian, the Verge, the National Review, the Society for Environmental Journalists, and a number of other news outlets all covered this hearing. The headlines included "the latest theatrical House 'Science' committee hearing" (the Guardian), "Unbalanced climate-change hearing proves pointless" (the Washington Post), and "Republicans held a fake inquiry on climate change to attack the only credible scientist in the room" (the Verge). This is a testament to how public this hearing was. Indeed, one of the headlines even dubs it a theatrical hearing.

- **Effects:**

Voicing Views

[125] Congressperson 4

The hearing also demonstrates the "voicing views" effect. When I spoke to Professor Curry, she told me that she thought her testimony directly impacted an opinion piece that Congressman Lamar Smith wrote in The Washington Post, entitled "Overheated Rhetoric on Climate Change Hurts the Economy."[126] She explained that "he was clearly influenced by my testimony," because "the points he was making were consistent with (the points I was making)."[127] In fact, Congressman Smith's op-ed even referenced "recent expert testimony before the House Committee on Science, Space, and Technology" to confirm points he makes in the piece. This example again highlights how Congresspeople can directly adopt the argumentation of expert witnesses.

III. Additional examples of theatrical hearings

In addition to the examples demonstrating the "voicing views" effect, below are two examples of theatrical oversight hearings. As in Chapter Six, these examples are not analyzed in depth, but rather meant to illuminate additional aspects of the "theatrical hearing" type. The two examples meet all the criteria for a theatrical hearing. They were both covered by the media. Videos recordings show committee rooms packed with spectators, cameras, and in the case of the nomination hearing for Mike Pompeo, even an interruption by a shouting protestor. They both feature "statements not questions" and "known quantities at the witness table." Thus, they can both be categorized as "theatrical hearings." However, unlike the previous two examples, which

[126] The Op-ed by Chairman Smith is accessible at: https://www.washingtonpost.com/opinions/lamar-smith-overheated-rhetoric-on-climate-change-hurts-the-economy/2013/05/19/32cb6d94-bda4-11e2-97d4-a479289a31f9_story.html?utm_term=.3b7d3a6976f5
[127] Witness 8

both pertain to substantive legislative issues, the hearings below both relate to oversight. They show that "theatrical hearings" may also be prevalent in these types of hearings.

1. Nomination hearing for Mike Pompeo, April 12, 2018, Senate Foreign Relations Committee. This hearing is just one of many examples "theatrical" nomination hearings. Though nominations hearings were originally intended as an internal check on the executive branch, recent examples show that rather than pointing inwards at the institutions and nominees they check, these hearings can be equally intended as a political stunt to shape public image. They provide an opportunity to make a political statement in front of many viewers at home. According to NBC News, 20.4 million people tuned into watch the infamous Brett Kavanaugh Supreme Court nominations hearings.[128] Moreover, Chang's (2017) analysis[129] of cabinet confirmation votes shows that cabinet confirmations are passing by slimmer margins than they had been several decades ago, suggesting increasingly partisan votes. The publicity and partisanship of today's nominations creates incentives to turn nominations hearings into theatrical displays.

2. "Examining the Scientific and Operational Integrity of EPA's IRIS Program", September 6, 2017, House Science Committee. This hearing on the Integrated Risk Information System (IRIS) at the Environmental Protection Agency (EPA) is one of 9 hearings that the Republican controlled Science Committee held about the Democratic controlled Environmental Protection

[128] The viewership figures are taken from an NBC news story about eh Kavanaugh hearings. The full story is accessible at: https://www.nbcnews.com/pop-culture/tv/more-20-million-viewers-watched-kavanaugh-hearing-tv-n914946

[129] Vox contributor Alvin Chang collated data from Senate.gov to show trends in confirmation votes. The full article is accessible at: https://www.vox.com/policy-and-politics/2017/2/7/14523808/trump-cabinet-partisan-confirmation

Agency during the 113th and 114th Congresses. In addition to oversight of nominations, the committees are tasked with oversight of executive agencies. During periods of divided government, these hearings can be used towards a political end. This hearing is just one example of this inclination.

The IRIS program is the arm of the EPA that assesses health effects of exposure to environmental contaminants. The chemical industry therefore has an incentive to push back against some of its assessments when they are pointed at chemicals they produce. The minority staffer for the Subcommittee on Energy and Environment described this hearing as an "assault" that was "clearly not an actual examination of the IRIS program." He explained how in "the IRIS hearing it was pretty straightforward given not just how they've treated the EPA, but the IRIS program specifically…We know that the way they've treated the IRIS program in the past is very industry friendly and we assume that they would do is they would bring in people critical of the program… We know who the people in chemical industry who are particularly critical are."[130] He went on to explain that the minority witness, Thomas Burke of Johns Hopkins University, was someone they knew could combat the industry perspective. This example demonstrates that beneath the veneer of an oversight hearing lies a motivation to publicly condemn an executive agency run by the opposing party. Indeed, other staffers across all four committees noted that such oversight hearings with members of executive agencies are often a show of force, a public muscle flexing exercise rather than a purely investigative endeavor.

[130] Committee Staffer 4

IV. Summary and discussion of theatrical hearings

This chapter focused on the theatrical function of hearings. The two core examples discussed, a hearing on the Iran Nuclear Agreement and a climate change hearing, both typify committee theater in legislative hearings. The two additional examples of theatrical oversight hearings demonstrate that members can also use such oversight hearings as a stage. Though they are meant as internal checks on the executive branch, they are targeted at the viewers at home, used as a platform to stir a partisan battle in public.

As noted at the beginning of the chapter, television cameras and recordings have dramatically changed committees, yet there is a need for more academic work to help classify the theatrical element of hearings and explain its effects on Congresspeople. This chapter fills this gap by introducing a set of criteria to classify theatrical hearings. The example hearings further flesh out how these criteria may be applied.

Of the three major external functions of committees, that of a theatrical stage is perhaps most intended to shape outside debate rather than to influence the internal workings of Congress. However, the investigation of theatrical hearings revealed the effect of "voicing views." I found that in hearings in which the central element is theatrical performance, it might be more difficult to cultivate deliberation, but there is still an effect upon the Congresspeople. The arguments or framing used by the labeled experts is sometimes assumed by the Congresspeople themselves. The repetition of arguments voiced by labeled experts may be a subtle effect. Nevertheless, it contributes to shaping the legislative behavior of committee members. This finding may seem surprising given the ways in which theater supposedly inhibits other positive effects on Congresspeople.

Some may argue that the ideas that filter into hearings did not necessarily find their way into Congressional rhetoric through hearings. After all, they are spread through other publications and forms of media by the same labeled experts. However, as the aforementioned expert described, the hearings go hand in hand with other tools used in a wider campaign to spread ideas. Their exact contribution might be difficult to pinpoint, but this chapter is a clear indication of their overall effect.

Chapter 8

Educational Hearings

This chapter explores one of the central questions of this thesis: Are Congresspeople learning? The educational hearing type derives from the information gathering function of committees. After presenting the criteria for selecting the two example hearings in this chapter, I explore how hearings may serve as a space for Congresspeople to learn. The core examples in this chapter, a hearing on science, technology, engineering and math (STEM) education and a hearing on genetic engineering, are both taken from the Science Committee, which may have a natural propensity for education, an issue discussed at greater length later on. I also present an additional example from the Commerce Committee to demonstrate that educational hearings extend beyond the Science Committee.

I. Criteria

As with the previous hearing types, the criteria for this type of hearing are grounded in the literature and rely on data about the witnesses and hearing discourse.

A. Sphere of facts

The educational hearing remains in the sphere of facts. As Haskins explains in his article on welfare policy, questions, such as what level of inequality is tolerable, are value-driven (Haskins 1991). On the other hand, the number of people on food stamps and the amount of money the government spends on food stamps are facts. Of course, even on technical topics such as climate science, the disagreement on facts is arguably value-driven. For this reason, my classification of the hearing is not based on "fact-checking" the witness testimony, but rather on

the subject matter discussed. Based on conversations with staff and on research on the discussion topics, I can assess whether the hearing was intended as an information- and fact-gathering effort to inform Congresspeople, or as a discussion of divergent values or opinions. The former would be categorized as an educational hearing.

B. "Unlabeled" witnesses

In these hearings, the witnesses are not identified as representing a particular ideology. In order to present hard facts untarnished by value judgments, it is important to bring figures who are not publicly connected to an argument in the sphere of values. In the educational hearings, witnesses are invited to speak simply to share specialized information from their area of expertise. The evaluation of this criterion is based on the typology introduced in Part Two.

II. Case studies of educational hearings

1. The STEM Hearing

On July 26, 2017, the House Science Committee holds the hearing "STEM and Computer Science Education: Preparing the 21st Century Workforce." Both the staff and Congresspeople on the Science Committee underscored that STEM education is not a contentious subject. The hearings on STEM did not pertain to a specific piece of legislation, but rather were meant to inform Congresspeople about the broader issue.

The hearing called on four witnesses. The first witness is Mr. James Brown, Director STEM Education Coalition. Mr. Brown is a spokesperson for STEM. An engineer by training, Mr. Brown previously worked for the American Chemical Society. Next is Mr. Pat Yongpradit, Chief Academic Officer, Code.org. Mr. Yongpradit is a spokesperson on behalf of his organization, invited to share his specialized information with committee members. He is

followed by Dr. A Paul Alivisatos, Executive Vice Chancellor and Provost of the University of California, Berkeley. Dr. Alivisatos is an unlabeled expert with no political association, speaking as an expert from a University perspective. The last witness is Ms. Dee Mooney, Executive Director, Micron Technology Foundation. Ms. Mooney is a spokesperson presenting specialized information based on her experience promoting STEM education at the Micron Technology Foundation.

- **Effects:**

Learning

The STEM hearing provides evidence for the guiding proposition, that Congresspeople can learn in hearings. A Democratic Congressman on the Science Committee reflected on the Science Committee STEM hearings, saying, "it's just interesting to me in the fact that I was a Professor… How do we do a better job in STEM education? And it's not really…most of it is not legislative. But it's interesting to hear people (talking) about what works, what doesn't work, to hear about sort of success stories and what seems to be working. And in that way, I think yeah, those are actually just really more informative for members who just are interested in a topic and want to learn about it."[131] The Congressman's statements are a testament to the genuine desire to learn in the STEM hearings.

2. The Science and Ethics Hearing

The second example hearing is also taken from the Science Committee. On June 16, 2015, the House Science Committee hold the hearing "The Science and Ethics of Genetically Engineered Human DNA". Congressman Foster, the only PhD scientist in Congress and the

[131] Congressperson 8

person who came to the chairman with the idea for the hearing, gave this hearing as an example "both sides behaved pretty well" because it was not a "tribal issue."[132] This hearing remained in the sphere of facts for a number of reasons. The witnesses were brought to share specialized information about their scientific areas, and there was no clear divergence in the values they attached to it. When I asked Dr. Kahn, one of the witnesses, if he felt there was more than one partisan or political perspective on the witness panel, he stressed that there were "no politics at all. And we sort of figured, and rightly, that there'll be plenty of that from the members."[133] Dr. Doudna confirmed this assessment, saying in an interview that she felt the Congresspeople were there to learn.

The committee hears from a series of unlabeled experts including:

a. Dr. Victor Dzau, President, Institute of Medicine, the National Academy of Sciences.

b. Dr. Jennifer Doudna, Professor of Biochemistry and Molecular Biology, University of California Berkeley.

c. Dr. Elizabeth McNally, Professor of Genetic Medicine, Northwestern University.

d. Dr. Jeffrey Kahn, Professor of Bioethics and Public Policy, Johns Hopkins University.

All of the witnesses who appeared at this hearing were unlabeled experts. None of them is associated with a partisan cause or a particular campaign issue. The majority staffer who I interviewed took me step by step through the selection process: "so I could say we tried to get somebody who can get sort of the big picture usually to start off. And Dr. Dzau, we chose him because he's at the Institute of Medicine. And we often have national academies. ….Then we needed somebody who's a really strong subject matter expert. I mean not only expert but

[132] Congressperson 16
[133] Witness 6

somebody who can communicate it well. In this case, it's really complicated science. Dr. Doudna is one of the actual discoverers of the technology. And she also happens to be a fantastic communicator. So, then Dr. McNally was actually the minority witness. And so, she's working on the neonatal research and using gene-editing for neonatal purposes and childhood diseases. So, she was minority witness but again it was part of the minority trying to fill in a hole to tell the whole story. And that's a story we wanted to tell but we knew that probably the minority wouldn't want to tell that story." She especially stressed her desire to find an unlabeled expert, explaining that "we had to have an ethicist because we wanted to tell that part of the story. My biggest trouble of finding an ethicist was finding one that would be A, well respected, B, not seen as partisan and those are really my two requirements, and C, have some expertise in this area. And so, we came to Dr. Kahn. There were some bio ethicists who've been recommended, and I looked at their bios and they have advisers in the Obama administration. I thought well, our members might see that and say, 'No, I can't listen to this person because they're partisan.' Same if they worked in the Bush administration, 'Oh well, George W. Bush that's partisan.' So, I had to find somebody, Dr. Kahn has not worked for either administration. He was on FDA advisory committees related to it and he was available."[134] From the detailed explanation of the staffer, it is clear that the witnesses were specifically sought out for their expertise rather than their brand.

- **Effects:**

Learning

When asked about the aforementioned genetics hearing, Dr. Kahn emphasized the learning that took place. He said, "I remember very clearly actually, as we talked about it with

[134] Committee Staffer 1

the other (witnesses) who were there, it was more inquisitive and thoughtful in many respects than I think we all expected."[135] He went on to explain, "I think their questions which were not just sort of one off and move on, made it seem like they were actually learning." He stressed that the tendency towards inquisitive questioning was not partisan and extended across the aisle, adding "it wasn't like, you know, you're a friend of the Democrats, you're a friend of the Republicans, it was a little more about, you know, you are an academic, you work in a science area, I'm a friend of science, I'm going to ask you a friendly question…versus, you know, people like you are not to be trusted and therefore, what should we be doing to make sure that people like you don't perform in bad ways. I think it was much more bipartisan than I expected."[136] His assessment was corroborated by his colleague, Dr. Doudna, who sat on the same witness panel. She reflected that the hearing was driven by "information seeking" and that she was "pleasantly surprised (that the questions) were truly inquisitive." She also emphasized that she did not "detect any partisan aspect to the questioning."[137]

Dr. Kahn told me that he thinks the impetus for the hearing was that a group in China had tried to genetically modify human embryos using research that sidestepped strict rules of scientific investigation. The research had supposedly been rejected from reputable scientific journals, because of the "controversial nature of the research itself." In this context, Kahn said that he and the other witnesses had agreed that the worst thing that could happen was for Congress to do something "rashly and preemptively." He remarked, "I mean I think if I had to say, how do we move the needle at all, and I think people felt like they understood more and felt more confident, you know, that the scientific community was likely to behave well." In fact, he

[135] Witness 6
[136] Witness 6
[137] Witness 9

made several references to the increased understanding and learning about the technical topic and what actually goes on in genetic research. He referenced it as "education to the extent that this is not the wild west and we don't need you to start making up laws as if it is the wild west."[138] His description illustrates that the hearing was educational to the extent that it educated members of the committee about research in a specialized field of science with which they were previously unfamiliar. Again, his evaluation was confirmed by Dr. Doudna. She underscored her impression that there was real interest in learning about the science and technology.

III. Additional example of educational hearings:

The preceding examples both come from the Science Committee. The example below, taken from the Commerce Committee, demonstrates that this type is not restricted to the Science Committee. As in Chapter 6, it was not delved into in detail with interviewees. It is included to illustrate the breadth of educational hearings.

1. "Hands Off: The Future of Self Driving Cars", March 15, 2016, Senate Commerce Committee. This hearing was framed as an exploration of innovation in autonomous vehicles. The committee heard from a series of private sector and academic witnesses who work in this field, none of which are publicly associated with a partisan brand or political campaign. Moreover, this hearing remains in the "sphere of facts," sticking to technical information about the technological advancements, rather than value driven assessments.

IV. Effects of educational hearings

[138] Witness 6

1. *Learning*

In addition to the signs of learning in the two examples above, I found evidence across the board in support of my guiding proposition, that when used as an information-gathering platform, hearings can be a place of learning. Many of the Congresspeople interviewed emphasized how much they learn in hearings. One Congresswoman on the Science Committee explained, "I'm there to learn. They are the experts and so I tend to use my time asking questions to try to learn in helping us to sort through these difficult questions."[139] Another first term Congressman excitedly shared, "so I'm 67 and at a point you realize you've heard the same jokes again and again. I'm just amazed at how much I have learned in the 39 months I've been here. It's like going to college all over again."[140] Yet another Congresswoman on the Agriculture Committee said she feels that expert testimony adds nuance to her thinking, enabling her and her staff to delve deeper into subjects they may not have learned about in the past.[141] A former Republican Senator, who served in the Senate for nearly four decades and chaired the Foreign Relations Committee twice reflected, "I'm certain I learned a great deal (in hearings)……..(they are) an educational and illuminating experience without any doubt."[142] These affirmations of learning may seem to come as a surprise to some. As discussed in Chapter One, the literature on Congress focuses on the decline of learning and specialization. Therefore, the discovery that there is indeed learning is an important contribution to the understanding of the contemporary Congress.

[139] Congressperson 4
[140] Congressperson 2
[141] Congressperson 5
[142] Senator 2

Interview data suggests that learning is greatest for topics where expert witnesses share new information with committee members. One witness explained that an expert who brings in new information, or collates information in an original way, can be an especially effective teacher. A Democratic Congresswoman on the Agriculture Committee said that new data is important because it helps her shape positions on issues where she did not previously have a clear stand. She explained, "because I am not a farmer or a livestock owner, I don't have an opinion in a lot of instances."[143] For this reason, the data shared resonated with her most. She also said she has been influenced by commodities experts because it is a policy area that requires technical expertise and which she knew little about before she came to Congress. A Republican member of her committee agreed with this assessment, explaining that expert testimony is "much better than I can get from reading an article. It is really helpful in complex topics…they try their best to make it understandable."[144] A Democratic Congressman on the Science Committee said, "a lot of times…..you know what a hearing's going to be about. The main issues are things that I've already thought about, talked to staff about. Sometimes things come up that are sort of outside of the…or tangential to it that's sort of just interesting, that sort of can be illuminating. I sort of think that's where it is more likely to have something come up and someone to say, 'Oh, that's interesting.' "[145] A Republican Congressman also said, "many times I haven't made up my mind and they can help me make up my mind."[146] In many technical areas in which Congresspeople do not have expertise, much of the information shared is new and often

[143] Congressperson 4
[144] Congressperson 14
[145] Congressperson 8
[146] Congressperson 14

instructive. Hearings on these technical issues in the "sphere of facts" therefore serve to facilitate learning.

Furthermore, Congresspeople and staff reported that learning is greatest with unlabeled witnesses. A Republican member of the Science and Agriculture Committees said that "for someone where we don't know where they are coming from, there is a freshness to it."[147] He went on to explain that he learns most from people to whom he has not previously been exposed. In addition to the "freshness" of new information from new people, other lawmakers and staff highlighted the educational value of hearing "objective" information from experts untarnished by partisan agendas who are not spouting the same well-known mantras. One personal staffer on the Foreign Relations Committee referenced the case of labeled Iran expert Mark Dubowitz, saying, "people like Dubowitz, his organization has a clear ideology. I see someone like him as someone trying to advance a specific policy agenda and republicans use him for those ends, whereas when you have someone from a nonpartisan think tank or university, they can often give you more objective analysis than someone like that."[148] The staffer's reflection emphasizes the power of labeling.

On occasion, an idea for legislation emerges in a hearing. I heard from staff of the Foreign Relations Committee how Ambassador Shapiro's idea in a hearing to create an escrow account for Palestinians was then incorporated into the Taylor Force Act. The staff of a Republican Congresswoman on the Science Committee told me that data that was explained in a hearing underscored the importance of city infrastructure and directly led to the "smart city" bill they are working on. A staff of a Senator on the Foreign Relations Committee said that if their

[147] Congressperson 14
[148] Personal Staffer 8

team is thinking of a new piece of legislation, they will use the hearing to flesh out the ideas by seeking out expert opinions. These stories all point to the use of hearings to get ideas for and hash out the specifics of legislation.

Though these interviews come from all four committees, it is important to note that the differences between the committees may result in a greater propensity for learning on some committees. Chapter Four explained that the Science Committee hears from the highest proportion of witnesses from academia. Chapter Five observed that certain professional sectors, such as academia, may be more likely to produce unlabeled witnesses. This implies that the committee with the most academic witnesses, may also have a tendency towards educational hearings. Moreover, one of the two criteria for educational hearings is that they pertain to technical topics in the "sphere of facts." Though the Science Committee was also the site of theatrical hearings on climate change and deliberative hearings on cyber security and privatization of the space industry, its subject matter specialization lends itself to hearings on topics with a great deal of technical detail. Indeed, the two examples in this chapter come from the Science Committee. This is not to say that educational hearings are limited to the Science Committee. On the contrary, the above discussion draws on interview data that spans all four committees in my sample. Nevertheless, this is a valuable caveat in regard to the implications of the findings.

2. Staff education

No less important than committee member learning, the personal staff of the Congresspeople (who attend more frequently than their bosses!) told me that they come to the hearings to learn, and this in turn affects their work for their respective Congresspeople. This effect reaffirms previous work about the significance of staff in the study of Congressional

learning. Hall explains, "much of what the members do in person is prefigured by the options and information that staffers supply…The study of legislative participation, then, must extend not only to the member but to the enterprise"(Hall 1996, p. 28). The staff reflected on how important hearings can be in teaching them about topics. A personal staffer on the Agriculture Committee said, "Some of these witnesses have very narrow expertise. They bring that technical expertise that I would not get somewhere else."[149] The other staffers' interviews confirmed this observation, each underscoring how they learn from hearings. Another personal staffer spoke of the copious work involved in combing through the written testimony in order to prepare his boss for the hearing.

The information that staffers learn affects Congresspeople in several ways. First, the staffers learn in order to inform their boss. One personal staffer on the Science Committee said, "what matters more than what he (the Congressman) hears from the witnesses is what I hear from the witnesses because he is relying on me to pay closer attention because it is my job to advise him."[150] A Democratic Congressman on the Science Committee underscored the importance of staff learning. In his opinion, staff briefings are one of the most effective learning tools because the staff in attendance learn and shape their boss's behavior. Both he and Dr. Doudna, the witness in the genetic editing hearing, referenced a staff briefing that arose as a result of that hearing. They both spoke of the importance of this briefing, citing its ability to educate staff, who would then inform the members.[151] Weiss's in-depth study of committee staff dynamics (1989) uncovered a similar trend. She writes, "staff know that their bosses do not want to be taken by surprise. If new evidence becomes public of which she is not aware, and if that

[149] Personal Staffer 7
[150] Personal Staffer 1
[151] Congressperson 16 and Witness 9

evidence is cited to support the opposition's argument, there are going to be complaints about staff work" (Weiss 1989, p. 418). Weiss' account highlights the importance staff place on obtaining information to inform their bosses. One of the staffers she interviewed remarked, "one of the cardinal rules of any good staff person is: Don't make your Senator look like a dope" (Weiss 1989, p. 418). Weiss' study confirms the conclusion drawn from my own interviews- staffers use hearings to learn because they need to inform their bosses.

Second, staffers sit behind their members and take notes for them during the hearing. As one staffer explained, Congresspeople will frequently come in and out of a given hearing. Sometimes they are even on multiple committee meetings at the same time. In fact, staffers shared with me that every committee wants to have hearings in the morning Tuesday to Thursday because many Congresspeople fly home for the rest of the week. Consequently, hearings often overlap. Normally, the staff will attend the hearings and take notes if their bosses cannot. A personal staffer on the Foreign Relations Committee described how when his boss returns to a hearing, he will sit behind him and inform him about what the witnesses said as well as what questions have been asked. The two-time Chairman of the Foreign Relations Committee further underscored significance of staff involvement during a hearing, saying "most members have pretty able staff who sit right behind them in the hearing."[152]

Third, the staff are responsible for preparing questions and preparatory memos for the hearings. In preparing questions and memos, they will rely on a bank of prior knowledge informed by the hearings they attend. While their bosses may not attend all of the hearings, and most probably do not read the memo compiled by committee staff, the personal staffers are the ones who absorb all this information. On the Foreign Relations Committee, where committee

[152] Senator 2

staff send all of the member offices a detailed research report compiled by the Congressional Research Service ahead of each hearing, a personal staffer explained that his boss hardly ever even sees this report. However, he relies on the report in crafting his own preparatory memo.[153] The questions and preparatory memo have enormous potential in shaping committee members' behavior during hearings. A staffer on the Agriculture Committee said he believed at least half of the time his boss uses the pre-prepared questions he crafts for her.[154] This further was highlighted by the remarks of the two-time chairman of the Foreign Relations Committee. He said, "I want to indicate the staff plays a very important role in all this because good staff members prepare the member they serve for the hearing. They are likely to suggest a number of questions that the member might ask, where the member might not of thought of asking those questions or even what they are talking about….(the) background material and preparatory sheets... may have triggered the members interest."[155] His comments serve as powerful affirmation of significance of staff preparation and proposed questions.

Fourth, lawmakers will rely on staff to follow up about the information shared in the hearing when they want to dig deeper. A personal staffer on the Agriculture committee explained that his boss will frequently be struck by a statistic she hears in a hearing and ask him to investigate further and present her with more research. He said, "every 3 hearings she hears a statistic and tells me to dig in deeper."[156] Another staffer on the Foreign Relations Committee explained that if his boss liked a witness, he may ask him to set up a follow up meeting in order to learn more and then report back to him. He gave the example of a witness who testified about

[153] Personal Staffer 8
[154] Personal Staffer 7
[155] Senator 2
[156] Personal Staffer 7

the human rights implications of the Authorization of the Use of Force Bill. Following her testimony, the Senator asked the staffer to meet with her to gather "more information and more analysis that we can then give to him."[157] He described it as a "feedback loop."

Lastly, staff influence legislative negotiations. A senior Democratic Senator who served in the House and the Senate explained that he relies heavily on his staff to talk to other staffers "and explore whether there is room for agreement."[158] His legislative director, seated across from us during the interview, interjected to further explain that she seeks out common ground with other staff and "brings the issues where no agreement is reached to the members so that they can make a final decision."[159] This underscores the power of the staff. If the staff are the ones who strike the deals, then what they learn in hearings matters for legislation.

V. Summary and discussion of educational hearings

My analysis of educational hearings confirms that Congresspeople and their staffs are indeed informed by the testimonies of witnesses. This verifies my second guiding proposition, that hearings can serve as a place for Congresspeople to learn. Congresspeople shared stories of learning from the witnesses, particularly in hearings on technical topics in which witnesses presented new information. When Congresspeople are not able to attend an entire hearing, as is often the case during a busy week on Capitol Hill, what their staffers learn from witnesses is also very important. Previous scholarship concludes that Congresspeople should be viewed as CEOs of a team rather than as individual actors (Hall 1996, Weiss 1989). I confirm this perspective in my investigation. Congresspeople have entire staffs involved in their legislative activities.

[157] Personal Staffer 8
[158] Senator 1
[159] Taken from same interview with Senator 1

Therefore, learning by staff from witnesses stands to shape the political behavior of the team as a whole.

Some may argue that learning varies by topic, and by the personalities of the committee member and staffers. The preceding discussion of variation in learning by committee topic speaks to this point. My conclusions are not meant to suggest that there is exclusively one way in which Congresspeople learn, but rather to affirm that relevant actors perceive that learning is going on. Perceptions are subjective and should be taken as such. Nevertheless, the belief of witnesses, staff, and Congresspeople that learning is going on provides some evidence of learning in committee rooms. Learning is of course difficult to measure, and Congresspeople can learn outside of committee hearings as well. My study does not seek to identify all the ways in which Congresspeople learn. Rather, this chapter focused on learning in committee hearings as one form of Congressional learning, and its findings reaffirm the prevalence of learning in the contemporary Congress. This is a noteworthy finding in the face of the widespread disbelief that there is any learning or expertise in Congress.

Chapter 9

Informal Hearings

This fourth and final type of hearing accounts for the less formal hearing-like gatherings. I base this type on Hall's classification of the two major "modes of participation" in Congressional committees - formal and informal participation. As noted in Chapter Two, he explains that "much of the committees' decision-making activity takes place in formal committee sessions…at the same time, much of a committee's decision-making activity occurs informally - outside the context of an official markup" (Hall 1996, p. 27) He describes how public forums may yield a different type of participation. If indeed the presence of cameras motivates behavior bent on garnering public support from voters or colleagues, the absence of cameras in informal gatherings stands to achieve the opposite effect. One Congresswoman, who attended an Agriculture Committee listening tour, contrasted her experience on the tour with a formal hearing saying thus: "I found in the listening tour the questions are really just questions, versus the hearings that are soundbites."[160] Her perception highlights the potential difference between formal and publicized hearings versus interactions that are away from the cameras and from regimented speaking times of formal committee hearings.

Therefore, I present and investigate informal hearings as a distinct type, allowing for a more comprehensive exploration of their effects. Unlike the example hearings in the preceding chapters, the examples presented below do not detail the backgrounds of the witnesses or the specifics of the language used. Many informal hearings are off the record and this information proves harder to access. The analysis of the examples and the effects of informal hearings is

[160] Congressperson 5

therefore largely based on extensive interviews with participants as well attendance of the hearings themselves.

I. Criteria

The criteria for informal hearings are broader than the aforementioned types. They will include those hearings that do not fall into the category of formal hearings.

II. Case studies of informal hearings

1. Science Committee Roundtables

In addition to formal hearings, both the minority and majority staff will sometimes set up roundtable meetings. These meetings are off the record. There are no television cameras or reporters. Unlike the formal hearings, Congresspeople sit around one table with the witnesses and engage in a free-flowing back and forth. They sit together with food, a demarcation of a social gathering. This scene is very dissimilar from formal hearings in which the seating is assigned and Congresspeople are divided, Democrats sit on one side and Republicans on the other. The Congresspeople are restricted to regimented discussion time. There is no food or casualness involved in such formal hearings.

The Science Committee is one committee to hold bipartisan roundtables. I attended an October 26th, 2017 roundtable on cyber. In addition to attending and taking notes, I was then able to interview participants about their experiences. Interviews with staff and Congresspeople on other committees revealed that other committees in both chambers of Congress sporadically hold such informal roundtables.

2. Agriculture Committee Farm Bill Listening Tour

Another example of informal hearings is the 2017 Agriculture Committee listening tour. As the name suggests, the committee members traveled around the country listening to different perspectives on the farm bill. Unlike formal hearings in which there are a handful of witnesses on a panel with regimented time, many of these meetings are set up as "open mic" sessions where people can come in and voice their concerns on the farm bill. I was able to interview several Congresspeople who attended the roundtable about their experiences. Other committees also on hold the occasional "field hearing" outside of Washington, or even engage in similar tours to hear from constituents.

III. Effects of informal hearings

1. *Personal connection*

Congresspeople seemed to connect more and be affected by witnesses testimony containing a personal tone. First, Congresspeople connected to witnesses with whom they could relate personally. For example, one Congresswoman took more interest in female witnesses, another Congressman connected to those witnesses who attended the same universities as he had, and a third Congressman paid close attention to local farmers from his district in Northern California. One Democratic Congresswoman on the Science Committee told a story about how, when she invited a witness from her district, she tried to "humanize" her witness before the Republican chairman by introducing her as a classmate of his daughter's at Yale. She explained that if she could make him relate to her as someone who was like his daughter, maybe he would afford her the same respect and listen as intently as he would to his own daughter.[161]

[161] Congressperson 4

Secondly, Congresspeople were moved by testimony from "personal storytellers" who shared personal experiences during a hearing. I ended almost every interview by asking Congresspeople to recall a story of a witness who they found particularly influential. Interestingly, almost every interviewee cited a witness who came to tell their personal story. They told me of the mother of the sex trafficking victim, the WNBA star on food stamps, the North Korean defectors who escaped horrors to tell about their trauma, the journalist who lived with ISIS, the farmers who talk about the livelihoods, and the list continues. The fact that upon reflecting, many of the Congresspeople cited interlocutors who were personal storytellers is a testament to the distinct effect of this type of testimony.

Though personal storytellers may appear in different types of hearings, informal hearings in particular, hold the potential to stimulate personal connections with witnesses. A Republican Congressman on the Agriculture Committee described the difference between the formal hearings in the committee and the listening tour, saying the formal hearing "is very regimented. You get five minutes to ask questions, to try to get a response and, so you're limited. And you're limited in how many people can participate. The listening sessions…was neat because there's 200-300 people in a room that could go up to a microphone and they would just ask questions, so we could hear from them what was of interest for the next farm bill. So, we had a lot more input, I think it was a lot more open."[162] A Democratic Congressman on the Agriculture Committee further emphasized this difference. He explained that the listening tour was less formal or structured and consequently there was more of a chance to hear from the average farmer. This type of listening, he stressed, is informative in a very different way from the formal hearings. A Democratic Congresswoman on the Agriculture Committee said of the people who spoke in the

[162] Congressperson 9

listening tour, "they aren't experts. They are actually people in the community farming or insurance for farmers businesses. They are actually people practicing, not experts from think tanks. There isn't the ability to stage it as much because pretty much anyone in the community can speak for a certain time. It isn't as if the chairman is getting three people providing data or information the way he likes and then providing one or two for minority staff position."[163] Her statement highlights the more personal and authentic climate of the listening tour. In the Science Committee, another Congressman said similar things about the roundtables. He explained, "the roundtables are good in that you get much more of a give and take. The lack of formality I think is very helpful. So, in that way, they can be very valuable."[164] These comments demonstrate how informal hearings may lead to a more open and personable interaction between Congresspeople and witnesses.

This is consistent with work in social psychology that identifies empathy as a key indicator of the results of social interactions in group settings. Batson et al. (1997) found that encouraging empathy towards members of stigmatized groups (a woman with AIDS or a homeless man) improved attitudes towards that group in general. Similarly, personal storytellers and personal connections may induce more empathy towards the speaker or group. This empathy may then affect attitudes towards that group. Keen (2011) breaks down the notion of empathy further based on the height of the "empathy wall" one needs to overcome. She distinguishes between "bounded" empathy that appeals to fellow members of one's group with shared experiences, "broadcast" empathy that traverses a higher wall by appealing to an even larger more diverse group, and "ambassadorial" empathy that overcomes the highest wall by

[163] Congressperson 5
[164] Congressperson 8

communicating to those with completely different experiences. This categorization would suggest that it may be easiest to evoke empathy in people who share common experiences, further reinforcing the aforementioned partiality of Congresspeople towards those witnesses with whom they could personally identify.

2. *Committee collective*

My exploration of informal hearings presents more evidence for the third proposition guiding my empirical research, that the collective nature of hearings fosters improved social relations between committee members. The interviews showed that the experience of being on a committee and attending hearings can shape bipartisan interaction. While not all of the members know each other well or attend all the hearings, I heard many stories of how committee membership facilitated bipartisan relationships between members. A Democratic Congressman on the Science Committee told me that when Chairman Smith began his tenure as chairman, he decided to approach him and get to know him and his legislative interests better. As a result, they have formed a friendship and been able to work together on the committee on issues of interest.[165] This even had implications for the hearings themselves. Recently, the Chairman and the Congressman agreed that the Congressman would withdraw an amendment he suggested to a bill and in return Smith would have a hearing on the topic. The Congressman credited his relationship with Smith for his success on the committee. There was also the story of the two Congresswomen, a Republican and a Democrat, who sit on two committees together (Science and Transportation) and as a result they are cosponsoring each other's bills.[166] In the Senate, a

[165] Congressperson 8
[166] Personal Staffer 2

two-time chairman of the Foreign Relations Committee, a Republican Senator from Indiana, spoke of how the committee led to a friendship with then Democratic Senator Barack Obama. He explained that Barack Obama was a junior Senator on the Foreign Relations Committee while he was Chairman. He said, "very frequently when the committee met and there were lots of things going on, members disappeared and Barack Obama and I as Chairman were the only members left….One time, I congratulated Barack on being there until the end and raising his questions. And he reciprocated by saying, 'I know you go to Russia every August, I'd like to go with you this year,' which he did. We had a remarkable trip together."[167] The two maintain a friendship across party lines to this day.

In the current climate of polarization and the breakdown of bipartisan coalitions, these stories may in fact prove to be isolated incidents rather than testament to larger change. However, numerous scholars argue (Haidt 2013, Mann and Ornstein 2006) that it is partly loss of personal relationships that are to blame for decline in bipartisanship in lawmaking. This work is largely anecdotal, based on the stories that Congresspeople have told and researchers have relayed about how Capitol Hill changed over the past several decades. My interviews reaffirm the importance of personal relationships, and many of the interviewees referred directly to the degradation in relations that Mann and Ornstein describe in *The Broken Branch* (2006). A Republican member of the committee echoed this same point, saying of the Agriculture Committee listening tour, "you know what else was neat about it? Is (that) you have Republicans and Democrats coming together, members of Congress…..The neat part was, we're there with Republicans and Democrats and we just were creating that camaraderie that you don't

[167] Senator 2

have up here that they got rid of when Newt Gingrich told everybody to go home."[168] As explained in Chapter One, in 1995, Newt Gingrich, then Speaker of the House, encouraged freshman Republican representatives not to bring their families with them to Washington. Before that time, most Congress people brought their families and were likely to send their children to the same schools, have spouses who knew and were friendly with one another, and attend the same social gatherings. Many scholars have pointed to 1995 as a watershed moment in the disintegration of cross-party relationships. A personal staffer for the Ranking Member of the Science Committee, who has worked in different roles in the House for nearly three decades, recalled an especially vitriolic anecdote. He said that in 1995 he was working for a freshman Democratic Congressman who asked for a television in his office. Though he had been in his office requesting the television for months, Republicans would not give him the television until the last possible moment. It was "out of spite" the staffer recalled.[169]

Couched in the historical context of the breakdown of social relations and the declining opportunities for informal interactions, the informal hearings create an environment that allows Congresspeople to cultivate relationships with one another. A Democratic Congresswoman on the Agriculture Committee said of the listening tour, "I think that really brings members closer together because it isn't really us talking. It's us listening and asking questions. Not asking questions that are really statements. Members can ask questions that are really just trying to drive a point in that they want to get done…Members are much more willing to listen."[170] A former staffer on the House Commerce Committee reinforced this point, recollecting that Congressional delegation ("codel") trips that bring together Congresspeople and their families outside of

[168] Congressperson 9
[169] Taken from interview with Congressperson 15
[170] Congressperson 5

Washington are useful because they recreate the bipartisan group setting that used to exist in Washington.[171] This was reaffirmed by a current Democratic Congressman on the Science Committee. He told two stories of his ability to connect with Republican members on "codel" trips. "It's a way to talk to the individual members," he explained. [172] In the Senate, one senior Democratic Senator reflected on the power of informal interactions, remarking, "there is a lot that happens off the record if Congresspeople really do talk to one another,"[173] demonstrating this trend pertains to both chambers.

As referenced in Chapter One, social psychologist Jonathan Haidt identifies the lack of cross-party friendships as part of the reason behind the partisan battles in Washington. Other work in social psychology (Turner and Hewstone 2007) has further demonstrated the importance of shared activities that create intimacy to reducing prejudice against out groups. By the same reasoning, committees' capacity to connect in the listening tours, roundtables, and other informal gatherings could cultivate the positive social interactions necessary to build trust and change intuition and behavior.

There are signs that even Congresspeople themselves have picked up on the importance of such gatherings. One Democratic Congresswoman on the Science Committee told me of an interesting tradition, the "bipartisan buddy dinner" system set up by a group of Congresspeople. These dinners are for members only (no staff and no media) and each member has to invite a "buddy" from across the aisle to attend with them. She was in fact invited to a dinner by the Republican chair of her committee and has since been a participant.[174] These dinners have a

[171] Committee Staffer 11
[172] Congressperson 16
[173] Senator 1
[174] Congressperson 4

similar effect, creating personal friendships between members. On the other side of the aisle, a personal staffer for a Republican member of the Agriculture Committee spoke about the office's monthly coffee dates with Democratic members. He said that every month they invite a different Democratic member for an informal coffee and discussion. This is a deliberate tradition meant to foster social relations across the aisle. When I asked where they meet the members they decide to invite, he explained that they often meet at the notorious weekly prayer breakfasts. These bipartisan Christian prayer meetings are yet another opportunity for Congresspeople to meet people across the aisle.

3. *Learning*

The informal environment of this type of hearing also has implications for learning. In an interview with me, one Republican Congressman, the former subcommittee chair of the House Energy Committee Subcommittee on Oversight and Investigations, said that the informal meetings were "informational. Members were there just to question. The idea of having it off the record was so members would not be posturing. So, 'this person is here just to teach, go ahead and ask questions.'…idea was just informational. Getting background so you can proceed to the hearing."[175] He went on to give the example of an informal hearing on concussions that they set up after members complained that they did not even understand the language of the issue. Dr. Doudna, the witness who testified in the formal genetic hearing, reflected on the differences between the formalized hearing and an informal Capitol Hill briefing on the same subject. She explained that the informal briefing gave her more time to go into details of her research and more facetime with policymakers, both crucial elements in productive learning experiences. Yet

[175] Congressperson 11

another confirmation of the educational capacity of informal meetings came from a Republican Congressman serving on the Science Committee. He said that in informal roundtables, "there is opportunity to go deeper. There isn't the five minute limitation or follow up so it's a different level of learning in those meetings….Maybe even not knowing the right questions to ask until you get into the discussion and start learning."[176] His observation demonstrates how the informal element of these meetings may facilitate a different type of learning in which questions are not strategic or premeditated, but rather a genuine and natural extension of the conversation.

IV. Summary and discussion of informal hearings

Informal hearings are perhaps the most difficult to analyze because they are off the record. While Hall (1996) identified the importance of "informal participation," the literature has left informal committee meetings largely unexplored. In addition, the data on informal social interaction between politicians of different parties and how it shapes their behavior is sparse and mostly anecdotal. It may be argued that my exploration of informal hearings and their effects is not as methodical as my study of the formal hearing types. Indeed, there are not well-defined criteria for informal hearings, and there is a difference between a listening tour outside of Congress and a breakfast roundtable in the Science Committee room. Nevertheless, my discussion of informal hearings is meant to augment the limited literature on this topic and reveal general trends about behavior when meetings move out of the public spotlight. My findings showed that the more casual and relaxed atmosphere of these meetings is especially conducive to fostering social relations. The fact that these meetings are largely off the record also leads to a different type of learning. Congresspeople may be able to engage in organic questioning and

[176] Congressperson 14

learning even more openly than in formal hearings because there is no posturing. Moreover, the power of the personal was even more pronounced in informal hearings. Interview data revealed how Congresspeople were touched by personal storytellers.

Summary and Significance of Part Three

Part Three presents a theoretical framework for the different types of Congressional committee hearings and their effects on Congresspeople. I found evidence to support the three preliminary guiding propositions about the effects of committee deliberation and hearings identified in Chapter Two.

First, content analysis of hearing transcripts and conversations with Congresspeople about deliberative hearings affirm that confrontation with opposing views at the witness table may lead individual committee members to recognize the partiality of their views on a particular topic; to a deeper understanding of a full spectrum of opinions; and ultimately, to the legitimization of other perspectives, sometimes even reconsideration of one's own perspective. Consequently, the data confirm the first guiding proposition, that deliberative hearings can lead to legitimization of views. Second, data analysis of educational hearings confirmed the second guiding proposition that Congresspeople and their staff learn in hearings. Third, data on informal hearings showed how the collective element of hearings fosters improved social relations between members and potentially greater understanding of opposition members' views, confirming the third guiding proposition (the collective nature of hearings can foster positive social relations between committee members).

I discovered several additional effects. The exchange of ideas and questions in deliberative hearings may lead to future collaboration. Theatrical hearings propagate and amplify certain arguments that may be picked up by members. The atmosphere and setup of informal hearings are particularly conducive to personal connections to witnesses.

Variation Across Chambers, Topics, Committees:

The hearing typology introduced in this section spans different committees in both chambers. The typology was created based on conversations with lawmakers and staff in both chambers, and the conclusions drawn do span both chambers. The similarities between the chambers were underscored in an interview with a senior Democratic Senator who has served on three of the four committees in my sample (the Senate Foreign Relations, House Science, and House Agriculture Committees). He served in the House for fifteen years and in the Senate for over twenty years. When asked about the difference between chambers, he stressed that the "committee experiences are really across a wide spectrum" that spans both chambers.[177] Other interviewees with experience working in or testifying before the two chambers reiterated the resemblance of committee experiences in both chambers. They also reaffirmed the resemblance between committees in the same chamber. I asked one Republican Congressman who served on both the Science and Agriculture Committees if he could speak to the differences in his experiences on the two committees and he responded, "I would think it would be similar… (it) just depends on subject."[178] These comments highlight the similarity across chambers.

Nevertheless, research revealed several notable distinctions between Senate and House hearings. Due to the disparity in the sizes of the two chambers, members of the Senate are required to sit on more committees. The aforementioned senior Senator with experience in both chambers remarked, "when I was one of 435 in the House, I had a couple committees…and I could keep up with it. When I got over here (the Senate) the whole world changed." He went on to explain that in the Senate he was on many more committees and "I quickly realized, I can't

[177] Senator 1
[178] Congressperson 14

keep up with all this."[179] The workload clearly matters. Another Senator, the two-time chairman of the Senate Foreign Relations Committee, explained, "sometimes members will come make an appearance at the beginning for the opening statement and leave even before you get to their questions…. particularly if the committee is very active and some members say, 'I'm devoting a lot of time to this committee, but I have other things on my agenda to do.'"[180] Learning may be less pronounced if Senators cannot attend the hearings. Indeed, this conclusion reaffirms the narrative of Senators being spread too thin that was alluded to in Chapter One. This is further illustrated by the example of the House Ways and Means Committee. Members of this committee are not on any other House committees. A staffer on the House Ways and Means Committee confirmed that members of this committee attend most hearings and are engaged in the work.[181] This is doubtless also a consequence of the power and desirability of the committee. Nonetheless, members are able to attend every hearing in its entirety and engage because they do not have conflicting hearings at the same time. This may have implications for the incidence of the aforementioned hearing effects. Additionally, because Senators are overextended, staff education may take on greater weight.

Another structural difference between the chambers is the turnover in committee members and the voting rules. Senators serve six-year terms and the average tenure of Senators is longer than that of the average Representative. According to a study conducted by the Congressional Research Service, from the first Congress all the way to the 115th Congress, the Senate maintained a longer average tenure per member than the House (Congressional Research Service 2019). Senators serve longer, and they also have a much harder time passing legislation

[179] Senator 1
[180] Senator 2
[181] Committee Staffer 15

without working across the aisle. As Binder points out in her study of majority-minority relations in the House, the minority has greater power in the Senate as a result of the filibuster and other procedures (Binder 1997). In the House, Binder explains that rules inherited from the past empower the majority. Rules such as the Hastert Rule, which brings bills to a floor vote only if the majority will support them, grant the majority enormous power to shape policy in the House of Representatives. As a result, the majority party in the House may have less of an incentive to work with the minority compared to their counterparts in the Senate. Consequently, the House may have fewer deliberative hearings. As explained in Part Two, when the staff on both sides work together on a joint list, there is a higher likelihood of a diverse and balanced panel, featuring different witness types and points of view. A stronger minority voice and more work across the aisle may mean more deliberative hearings in the Senate.

This conclusion regarding the greater capacity for deliberative hearings confirms Steiner et al.'s (2004) findings in their comparative analysis of parliamentary deliberation. They find that "second chambers" display higher levels of deliberative speech across the world. They attribute this to "institutional provisions as well as norms of civility" (Steiner et al. 2004, p. 125). The study quotes a Senator Pell from Rhode Island as saying, "the Senate has a long and established tradition of deliberation precisely because its rules and procedures for legislating such difficult issues with thorough and adequate review" (Steiner et al. 2004, p. 126). The Senator's reflection and Steiner et al.'s conclusion about deliberative speech further stress the Senate's propensity towards deliberation.

Lastly, the nature of the topic affects the incidence of the types of hearings. As described in Part Two, bipartisan topics have a tendency to yield more panels with a "balance" score of closer to 0.5 (perfectly balanced). A more balanced score was one of the criteria for deliberative

hearings. It would therefore stand to reason that bipartisan topics would lead to more deliberative hearings. This conclusion is reaffirmed by Steiner et al.'s (2004) conclusion regarding polarizing issues and quality of deliberation. They write, "when legislators agree on policy fundamentals, it should be easier to engage in an open-minded deliberation than when there is sharp disagreement on an issue" (Steiner et al. 2004, p. 131). As noted in Chapter One, Steiner et al. compare Congressional debates on polarizing issues (partial birth abortion and minimum wage) to non-polarizing issues (crime prevention and disability rights). They find that less polarizing issues lead to higher levels of respect and sophisticated justification in speech. They conclude that there is a negative correlation between the degree to which an issue is polarizing and quality of deliberation. My findings similarly draw a connection between the partisanship of the issue and a core feature of deliberative hearings. "Balance scores" are a central criterion for deliberative hearings.

Several Congresspeople observed that bipartisan hearings are more probable for subjects on which there is no existing piece of legislation being discussed or imminent legislation. One member of the Science Committee said, "if you are talking about the far future, you can act in a much more bipartisan way. When you are talking about next year's budget or tribal issues like climate change, you immediately go into parties."[182] Another member of the committee similarly commented that he was much more likely to gain the more comprehensive understanding of views on an issue that deliberative hearings bring in a "non-legislative hearings where there's not a piece of legislation already out there or that has been talked about."[183] The Congressmen's analyses point to a propensity for bipartisanship in dealing with non-legislative issues.

[182] Congressperson 16
[183] Congressperson 8

Partisanship arises more easily when the topic at hand is a tangible piece of legislation or a matter in which contemporary battle lines are already drawn clearly. This is further supported by research suggesting a greater potential for the minority to influence the majority opinion in cases in which the discussion is not aimed at reaching a specific decision (Smith et al 1996). The occurrence of non-legislative hearings and more "balanced" topics spans all four committees. Though the committees varied in balance score averages, every committee has a mixed bag of more and less partisan issues to discuss and legislative and non-legislative hearings.

Given the differences between the chambers and topics, one must approach the scope of the findings with caution. The study relies on a representative sample of committees in order to draw wider conclusions about committees. The inter-committee comparison across topics and chambers may partly account for the selection bias discussed in Part One by showing important variation within the sample. My findings are used to construct a general typology of witnesses committees hear from and hearings committees hold. The typology is not meant to suggest that these types occur at the same frequency in all committee in both chambers. Rather, the typology represents a Weberian classification and acknowledges differences across chambers and topics.

Taken together, the discussion of types of hearings, witnesses, and effects allows for a cohesive theoretical treatment of how Congress interacts with outside voices as it deliberates, learns, and conveys its own messaging to the public. The findings are important, firstly, because they show that Congress is deliberating and learning. For decades, Congressional deliberation has been declining (Connor and Oppenheimer 1991, Mann and Ornstein 2006, Hall 1996) and partisan polarization has been intensifying (Poole and Rosenthal 2007, Mayhew 1991, Binder 2003). The literature has raised doubt as to whether Congress is even deliberating at all and whether Congresspeople use hearings to educate themselves. Rational choice models and their

proponents tended to focus, in their studies of Congress, on reelection rather than deliberation and learning. My work reaffirms the occurrence and importance of deliberation in Congressional transactions. My findings on educational hearings also show that Congress is learning. In the current climate of tension and misinformation in Washington, the effect of hearings in the education of Congresspeople has important legislative implications.

Part 4: American Committees in the World

This thesis asks who Congress hears from in committees and how this affects members. Focusing on a representative sample of four committees, I constructed a diverse dataset, comprising over 700 pieces of witness testimony, an original dataset of witness professions, and 53 interviews with Senators, Congresspeople, staff, and witnesses.

In summary, Part Two answered the question: who does Congress hear? I devised an original method for measuring the "balance" of witness panels using sentiment analysis and employed this to construct a dataset of "balance scores" for 290 hearings. I also used LIWC (Linguistic Inquiry and Word Count) software to analyze the extent to which testimony was analytic and authentic. I used this data, as well as the data on witness professions and in-depth interviews with staff, to create a typology of witnesses committees hear from. I argue that the main types of witnesses Congress hears from are labeled experts, unlabeled experts, spokespeople, and personal storytellers. Experts are labeled by virtue of their public association with a partisan cause or organization. Spokespeople represent a stakeholder group or lobby. Personal storytellers tell their own personal stories of trauma or triumph.

I then used these witness types, along with criteria laid out by previous literature, to construct a full typology of hearing, witnesses, and effects on members, presented in Part Three. The types of hearings stem from the major functions of committees as deliberative, educational, and theatrical platforms. The analysis in Part Three reaffirms the influence of external sources of expertise to shape a discussion. Contrary to the notion that Congresspeople are unaffected by testimony, my work confirms social psychology research by Mannes et al. (2015) and others demonstrating the power of a group of different experts in sculpting people's opinions.

Part Four builds on the findings described in the preceding sections in presenting lessons that can be drawn from this study. Chapter Ten focuses on implications of this study for American committees in the contemporary Congress. Couched in the historical narrative of the degradation of committees following the 1970s reforms, Parts Two and Three underscored the ways in which committees still shape their members and showed that committees still deliberate, educate, and bond their members. Nevertheless, committees today operate in the context of the historic changes to committees and the power they are allotted. Based on my empirical research, Chapter Ten asks how committees may continue to evolve in this context. Chapter Eleven then extends further, exploring my study in comparative perspective. It considers the ways in which this study and its conclusions apply to other committees in legislatures.

Chapter 10

Legislation Not Lamentation: Implications for Congressional Committees

This study of Congressional committees began with an exploration of the deterioration of Congressional committees over the past several decades. Committees have lost power and become more polarized, and deliberation has suffered. Chapter One tracked a series of critical displacements that made committees what they are today. However, I have argued that committees are not yet completely broken. Rather, they continue to transform as a "creatively syncretic" institution, one in which change is fluid and idiosyncrasies are constant. Skowronek and Orren (2016) explain that certain changes forge particular pathways, and these ultimately "lock in" certain policy reforms. They refer to this as "path dependence" and explain, "as displacement addresses the question of 'what's new' in the development of American government and politics, path dependence considers 'what's durable'…. As artifacts of political discretion, public policies are particularly vulnerable to the shifting currents of the day. Their persistence is indicative of their own formative effects, that is, of their success in having changed politics in ways that reinforce demands for their continued operation" (Skowronek and Orren 2016, p. 32). Parts Two and Three have shown that though the changes to committees over the past decades were durable, they were not fatal.

I argue that though the displacements of the late 20th century forged a certain path, this is not unalterable. Chapter One pointed to the cyclicality rather than exceptionality of patterns characterizing committees today, suggesting parallels between Congress today and Congress before the 1910 revolution that changed committees. Since the dawn of the 20th century,

Congress has indeed witnessed a gradual ebb and flow of the power and specialization of committees. Espousing the notion of "creative syncretism", Chapter Ten suggests that committees can continue to evolve just as they have over the last century.

Building on the research introduced in the previous chapters, as well as earlier scholarship, this chapter explores ways to further improve their function as the central legislative organ of America's chief legislative body. In an interview, a senior Senator recalled that when he chaired a Senate subcommittee, he would begin every hearing by reminding the members that the hearings were about "legislation not lamentation."[184] There has been much literature lamenting the decline of committees and the downfall of Congressional institutions. In contrast, I offer a reaffirmation of continued committee power as well as a forward-looking discussion of ways that committees could continue to evolve to better serve Congress today. My findings have implications for four major areas: the chairmanship, the staff, the nature of hearings, and committee jurisdictions.

I. Strengthening the Chairmanship

My study has underscored the vital importance of the chairman and ranking member in shaping witness panels and hearings. Chapter One also drew attention to the declining power of chairmen. A recent study by Wiseman and Volden (2017) also points to their declining effectiveness. The study defines "effectiveness" as success in moving bills through the legislative process. They found that the average chairman in the 113th Congress (2013-14) was about half as effective as the average chairman in the 93rd Congress (1973-74). The following suggestions regarding selection of the chairman and ranking member and the staff who support

[184] Senator 1

them all relate to rebuilding the power and effectiveness of committee leaders. The suggestions encourage an overall shift in power from the hands of party leaders and outside lobbies, back to the committees, chairmen, and most importantly the individual members.

A. Restoring Seniority

Part One explained that one of the major changes to committees in the 1970s was the breakdown of the seniority system. Prior to the change, between 1910 and the 1970s, seniority had been used to decide committee assignment and chairmanship. After the change, party leadership had more power in deciding committee leadership and chairmen were weakened. In his history of committees (2011), Schickler writes, "the seniority system afforded committee leaders with a measure of independence because it made it unlikely that their position would be challenged due to disloyalty or idiosyncratic behavior" (Schickler 2011, p. 729). Schickler's assessment highlights the problem with linking committee leaders more directly to party leadership. Indeed, the end of the seniority system coincided with the shift in power away from committees and towards parties. Schickler writes, "many scholars in the conditional party government tradition have traced the decline of seniority to the increased cohesion of the majority party and polarization of the two parties (see Rhode 1991, Aldrich and Rohde 2009)" (Schickler 2011, p. 733).

Restoring the seniority system by adopting Mo Udall's proposal that members elect the leader from among the three most senior members may combat polarization and return power to committee leaders. In the 1960s, Democratic Representative Mo Udall suggested that each party elect its top member (chairman or ranking member) on each committee from the three most senior members by secret ballot. A return to seniority would reverse the trend of dissolution of committee leaders' power and consolidation of power in the hands of party leaders. By

incorporating election rather than clear-cut seniority, the members would have more of a say in who leads them. This would further transfer power from the hands of committee leadership to individual members. As part of the power shift to party leaders described, individual members of Congress have lost power. One longtime Democratic Congressman and former committee chairman, who served in Congress for over three decades, explained in an interview that during his years in Congress individual members became less and less important as party leaders gained control, decided votes, chairs, and other important issues. He said, "it used to be… chairmen had a lot of say," but this changed as party leadership and the lobbies who worked with them gained power.[185] Elections would combat this trend by placing some power back in the hands of members themselves. Elections also help account for one of major drawbacks of seniority, the suppression of new voices. Opponents of seniority argue that it disadvantages newer younger members. Elections give younger members some power in deciding who will lead them.

In addition, incentivizing long-term membership of committees by rewarding seniority can help reduce partisan warfare in committees. In *Power of the Purse*, Fenno's in-depth study of the Appropriations Committee (1966), he argued that committees are less susceptible to internal conflict if membership is stable. This makes sense, given the shared culture and comradery that develops through joint committee experiences. In an interview with me, a two-time Republican Chairman of the Senate Foreign Relations Committee said of his relationships with Ranking Members, "I had very good relationships with Joe Biden during the period of time that he served and with Kerry. I think in both cases there was both a mutual feeling of trust and beyond that of friendship and this was tremendously important in getting the job done….rest of world looks to this committee as representing American sentiment. It can't be 9 to 8. It's got to be 17 to zero.

[185] Congressperson 12

There has to be a united front. We've got to work very hard to make this come about. And that (feeling) was shared by both Kerry and Biden."[186] The Senator's words indicate a shared sense of committee responsibility that crossed party lines in the Senate Foreign Relations Committee. Shared values and a shared committee culture may be more likely when members from both sides spend years on the committee together, amassing shared experiences and a greater sense of responsibility for the committee's success.

Working across party lines may also be more likely under a seniority system because the committee leaders from both parties are strengthened relative to the party leadership. Schickler writes of the time period following the end of the seniority system, "committee leaders increasingly see themselves as members of partisan teams competing for power and policy (Lee 2009), with a marked reduction in cooperation between committee chairmen and ranking minority members (Rohde 1991)" (Schickler 2011, p. 734). Releasing Chairmen and Ranking Members from the shackles of their polarized parties, frees them to work with each other. The aforementioned former Chairman of the Senate Foreign Relations Committee told a story of working with Ranking Member John Kerry on arms control legislation. He remarked that he, "had to work very closely with John Kerry knowing that the leadership in my own party was going to oppose this."[187] The Senator's story underscores the importance of bipartisan relationships in empowering committee leaders relative to their party leaders.

B. Diversifying Voices

Part Two called attention to discrimination against groups such as women, who are underrepresented as committee chairs. As a result of systemic discrimination, women and

[186] Senator 2
[187] Senator 2

minorities are underrepresented in Congress. Moreover, when they do win seats, it is much more difficult for them to acquire leadership roles. According to the Congressional Research Service, from the 1st to the 115th Congress, only 20 women chaired a House committee and only 13 women have chaired Senate committees (Congressional Research Service 2018). During this same period, only 19 African-Americans have chaired a House Committee and only one African-American has chaired a Senate Committee. Women and minorities are usually newer members than their white male counterparts and consequently the seniority system described above may adversely affect such groups. It was only in 1978 that the first woman was ever elected to the Senate (without her husband having served).[188] Bathroom facilities for women in the Senate were only provided in 1992. By contrast, there are countless men who have been in office for decades and would therefore be preferenced in the seniority election system. One possible way to counteract this would be to guarantee that one minority member or woman would be on the three-person ballot for chairmanship.

Empowering women and minorities as committee chairs may have a direct effect on witness panels and hearings. As explained in Part Two, chairmen have great power in hiring staff, preferencing witnesses from their own towns, institutions, or circles, and choosing hearing topics. Perhaps the panels would look slightly different if they were not assembled by white men. In an interview, the first woman and first African-American Ranking Member of the Science Committee explained that she makes a point of representing women and minorities as minority witnesses.[189] That is not to say that women necessarily pick female witnesses or that minorities choose minority witnesses. In fact, even if one made an effort, in many fields these same groups

[188] In 1978, Nancy Kassebaum was elected to the Senate from Kansas, making her the first woman in American history to be elected to the Senate without her husband having served.
[189] Congressperson 15

are underrepresented in expert roles. Nevertheless, when not only white male voices design the stage, it is reasonable to imagine that members will hear a more representative set of voices in hearing panels.

II. Bolstering the Support

The preceding chapters emphasized time and again the centrality of the staff, both personal and committee. This section focuses on ways to improve committee staff, both in the types of people hired and the professional norms.

A. Turnover and Professionalism

Part Two explained the catastrophic consequences of staff turnover and poor staff relationships. Staff told stories of working with the other side productively until a new chairman would come and hire a completely new staff, and collaboration would grind to a halt. On the Republican side, chairmanships turn over more quickly because of the GOP's self-imposed term limits. Republicans can only serve up to three consecutive terms in leadership. This means there is an even greater potential for staff turnover. New staff may lead to fewer joint lists and less balanced panels. Part Two recounted stories of how positive, long standing staff relationships lead staffers to share hearing topics well in advance and choose witnesses together, making for more diverse and coherent panels. New hiring strategies may also mean more junior and less knowledgeable staff. One staffer on the Agriculture Committee explained that each chairman is free to decide how to allocate the budget, and a chairman might prefer several junior staffers at the expense of one seasoned staffer. The damage resulting from the loss of staff knowledge was evidenced by the reflection of the ranking member of the Science Committee. In an interview, the ranking member compared her relationship with Chairman Ralph Hall to her relationship

with Chairman Lamar Smith, saying, "we had a much (better) understanding because he (Chairman Hall) would take the time to discuss issues before…he would be responsive towards questions. It is very clear that a conservative and a so called liberal are not going to be together on many things, but working together we can come to an agreement on what we can live with and with Ralph Hall we were able to do that, but with Lamar there are times he gives me the impression he doesn't know what is in some of the deals. I don't know whether this is driven by him or his staff. The staff has totally turned over since he has been there, so he does not have much institutional knowledge from the staff."[190] Indeed, a staffer on the Science Committee verified that Smith fired an unusually large number of staff when he became chairman. The Congresswoman's reflection, though only her own evaluation, calls attention to the detrimental effects of turnover. When staff leave, the chairman loses a real asset in the institutional knowledge and expertise that they accumulate, and this can even be detrimental to the chairman's relationship with the ranking member.

Table 10.1 below, taken from Whiteman's (1995) book on Congressional communication, shows the educational background and professional experience of staffers in the 99th Congress (1985-86). It highlights the staffers' lack of experience across both chambers. The average years of experience in their current position was only 3.3, and a large number of staffers had very little experience in policy before joining. The data also suggests that this lack of experience is even more pronounced in House than in the Senate.

Table 10.1: Staff Characteristics

Characteristics of Personal and Committee Staff, By Chamber and Type of Staff (in percent)

[190] Congressperson 15

	House Personal (n=48)	House Committee (n=15)	Senate Personal (n=31)	Senate Committee (n=13)	Total (n=107)
Education					
High School	4	0	0	0	2
BA	56	27	20	8	36
MA	19	18	20	23	20
Law	15	36	47	46	30
M.D.	0	18	0	8	3
PhD	6	0	13	15	9
Background in Policy Area					
None	83	31	67	23	64
Work only	13	31	13	46	19
Education only	2	8	3	0	3
Both	2	31	17	31	14
Mean Age	31	37.5	31.5	36	32.6
Mean Years of Experience in Current Position	2.9	5.4	3.5	2.5	3.3
Mean Years of Experience in Congress	4.4	6.9	4.6	3.5	4.7

Source: David Whiteman, *Communication in Congress: Members, Staff, and the Search for Information,* 1995.

In order to mitigate the dangers of staff turnover, each party could hire a number of staffers who can be retained past the tenure of the chairman. The chair and ranking member

would still be given a part of the budget to hire some of their own staff, but the committee would allot a number of positions for expert, long term staffers. Polsby's analysis of committees (1971) explains it best. He writes, "unswerving loyalty to the chairman is seldom enough to produce technically advanced criticism of executive proposals, sophisticated insight into alternatives, or sensitive awareness of emerging problems in the world. Yet these are what Congress needs" (Polsby 1971, p. 12). Polsby's argument makes the case for prioritizing professional expertise and experience over the chairman's selection. Creating a number of permanent professional posts on each committee would go a long way towards creating the "sophisticated insight" committees need.

In addition to hiring permanent staff, committees could follow Polsby's recommendation to create outside advisory boards. Polsby suggested that outside advisory groups may advise the chairman on technical matters. I would go further in recommending that such outside panels have regular meetings with committee staff (both majority and minority) to advise them about witness selection. The board would therefore serve not only the chairman, but the minority as well, and both sides would decide together which experts should sit on the panel. The advisory board for each committee would be composed of experts in that field, and it would outlive a single chairman's term.

Such an advisory board would mitigate bias, educate staff, and strengthen professionalism. Part Two described the bias created when staffers choose witnesses they know. An outside panel would act as a check to mitigate this bias by introducing new ideas for witnesses and hearings. The advisory board could also help educate staff and professionalize the process. In interviews, expert witnesses underscored their drive to effect policy change and the importance of their interactions with staff in accomplishing this goal. Dr. Doudna, the genetics

expert who testified in the educational hearing discussed in Part Three, explained that the hearing led to another briefing with Congressional staff, where she and others explained their research in more depth than they could in a five-minute testimony. Advisory boards might consider similar bipartisan briefings to help educate the staff so that they have a comprehensive understanding in selecting hearing topics and witnesses. This would further professionalize the hearing process. Of course, not all experts would take the time to join such an effort, but many of the expert witnesses I interviewed emphasized what an honor it is to testify. A Senior Fellow at Brookings with experience testifying on foreign affairs issues explained that testimony is a way for her to get her research and name out.[191] Membership of the advisory board could be marketed similarly as an honor and a way to share one's work. The advisory boards, along with the permanent staff, would improve the quality of committee staff and allow for the "sophisticated insight" committees need.

Scholars have long noted the problems with Congressional staffing, but they mostly focused on the quantity rather than the quality of staff and information. Lewallen et al. (2016) argued that the falling numbers of committee staff are partly responsible for the decay of Congressional committees. He suggested that committees be given a larger budget to hire more support staff. To be sure, similar suggestions have been made for repairing other countries' committee systems. Hazan (1998) recommended that the Israeli Knesset committees hire a larger committee staff in order to provide the technical expertise committees need. I argue, however, that quantity is not enough. The examples cited above show that hiring a larger number of new junior staff may not be as effective as investing in the professional quality and longevity of staff.

[191] Witness 3

B. Preparing and Priming

Part Two explained in great detail the process of recruiting witnesses and preparing for the hearing. In addition to the preparation of the witnesses, the committee staff also prepare the members. In the committees I investigated, the committee staff on both sides give preparatory materials to members. Standard materials are briefings on the subject matter and proposed questions. Each committee does this slightly differently, which may affect the tone of the hearing. For example, though most committees have each side send different materials to their members, on the Senate Foreign Relations Committee, the staff ask the Congressional Research Service (CRS) to prepare one report to send to all the members before each hearing. Because the questions they ask of CRS can skew the report, both staffs agree on the question before they make the request of CRS.[192] Sending a joint report may help set a similar tone on both sides. On the other hand, in the Science Committee the briefing materials rate the hearings as partisan or nonpartisan. This type of rating primes members for a discussion beforehand, dividing them further if the rating is partisan. The briefing materials can be very influential because, as referenced in Part Three, the personal staff use them in preparing briefings and questions for their members. I recommend that committees follow the Senate Foreign Relations Committee example and adopt a policy of joint briefing materials, drawing on the expert knowledge of the CRS.

In addition, the staff can change the ways in which they hold briefings before the hearing. One former committee staffer on the House Energy and Commerce Committee explained that on his committee, the majority staff hosted a bipartisan staff meeting for the entire staff (personal and committee) before hearings about what to expect. They shared information about the topics

[192] Committee Staffer 9

and witnesses in order to align expectations. He described the meeting as a "sort of olive branch."[193] Such a gesture of peace and joint preparation may set a more communal tone for the hearing itself. This type of meeting occurs in other committees, but it is not an official rule. Part Two described stories of minority staff not even getting notice of the hearing topic until shortly before the hearing. Committees could adopt mandatory bipartisan staff briefings before each hearing.

III. Making Hearings Count

A. Topics and Types

My research explores the purpose of committee hearings today. Committees have ceded legislative power to party leaders. Hearings are no longer devoted to policy solutions to the extent they once were. As noted in Part Two, Lewallen et al (2016) found that the percent of hearings about policy solutions fell from 60 % during the 92nd Congress to approximately 30 % in the 111th Congress. This dramatic fall in legislative hearings is taken by many to signal the downfall of committees. I argue that my research proves otherwise. Though I concede that the loss of committee autonomy and the decline of the power of committee chairs have had negative consequences for committee effectiveness, my findings show that committees today do deliberate, educate, and bond their members. Perhaps committees have simply taken on a new function, as framers and discussants of ideas, rather than manufacturers of legislation.

The typology of hearings I construct shows that different topics lead to different types of hearings, with distinct effects. Legislative topics with tangible consequences in the near term are less likely to yield balanced panels. The reflection of the Congressman shared in Part Three

[193] Committee Staffer 13

captured this well. To reiterate, he said, "if you are talking about the far future, you can act in a much more bipartisan way. When you are talking about next year's budget…you immediately go into parties."[194] As noted in Part Three, balanced panels are a core criterion for deliberative hearings. Therefore, legislative topics may produce less deliberative hearings. If committees are having fewer hearings on legislative topics, this may leave them with more time for deliberative hearings, which may serve to encourage legitimization and collaboration.

Bipartisan topics also lead to more deliberative hearings. As shown in Part Three, across all four committees in the sample, hearings on bipartisan topics had balance scores closer to 0.5 (perfectly balanced) than hearings in general. Again, more balanced panels mean more potential for deliberative hearings. Though today's politics are rife with partisan battle lines, there are still countless topics on any committee that are more bipartisan. A Georgetown professor and expert on terror, with experience testifying on foreign affairs, he told me in an interview a story of a hearing that surprised him. He recounted how a Republican Congressman from Indiana "lectured me about how we need to treat Muslim communities better in the US, something I firmly agreed with."[195] He used this story as an example of how terror is a bipartisan topic in which, "there isn't a neat, Republicans believe x and Democrats believe y." Committees can discuss many similarly bipartisan topics.

Moreover, my research illustrates the educational consequences of hearings on technical topics. One of the central purposes of committees is to educate members and teach them about specialized subjects. One of the criteria for an educational hearing is that the topic remains in the "sphere of facts," dealing with matters that are technical rather than value driven. Interviews with

[194] Congressperson 16
[195] Witness 4

staff and lawmakers alike emphasized that these are more bipartisan hearings in which "both sides behave well." The educational hearing examples discussed in Part Three, STEM science and genetic engineering, both took place in the Science Committee, but other committees have similar hearings. If one of the purposes of committees is to teach members, and these technical bipartisan hearings educate members as well their staff (as shown in Part Three), I argue that committees are accomplishing this purpose when they devote themselves to the "sphere of facts" and hear from unlabeled technical experts.

Committees could embrace their newfound role by holding more hearings on non-legislative, bipartisan, or technical topics that may produce deliberative or educational hearings. Some may argue that this is accepting defeat. What good is deliberating and educating if committees are not passing laws? The answer is that Congress cannot pass quality legislation without educating itself about the issues. Congress cannot overcome the gridlock preventing it from passing laws without learning to legitimize the other side, a type of learning enabled by deliberative hearings. Therefore, focusing on issues in which committees can deliberate and educate does not render them less powerful. Rather, it may prove to be a better use of their current activity in today's Congress.

B. The Calendar

Scheduling concerns may seem insignificant, but hearing schedules are of great consequence. While Senators and Representatives used to live in Washington, nowadays they live in their home states and commute to work in Washington. As a result, the de facto schedule runs from Tuesday morning to Thursday afternoon every week, termed the "Tuesday to Thursday club." Consequently, committees almost always all schedule their hearings Tuesday morning or afternoon, Wednesday morning or afternoon, or Thursday morning. Hearings overlap

and members have too much to do in too little time. This change in working schedules began in the 1990s and scholars have already identified this as a problem and have come up with various solutions to address it. In *The Broken Branch* (2006), Mann and Ornstein suggested a two weeks on, two weeks off schedule. They wrote, "that kind of schedule change may sound trivial-it is not. If members were at the Capitol for extended periods…they would interact with each other more frequently and more directly, including across party line, developing interpersonal relationships…full weeks spent in Washington would provide Congress with more opportunities to do extending legislating-more time to have real debate or discussion…. more opportunities to do real hearings" (Mann and Ornstein 2006, p. 232). In a *New York Times* opinion piece (2014), Ornstein later called for a schedule of three full weeks in Washington (Monday to Friday) and one week off. While I agree with their assessment of the advantages of full weeks in Washington, in reality this schedule would be difficult to adhere to. The spouses and children of Congresspeople now live permanently in their home states rather than in Washington. Congresspeople may not want to spend half of every month away from them. The endless need to campaign locally and fundraise is yet another incentive for politicians to spend more time away from Washington. Moreover, jet planes and increasingly low flying costs render regular commutes more feasible. Schedules need to adapt to the modern age of travel and technology.

Committee hearing schedules could change in three important ways. First, instead of three full weeks in Washington, adding just one or two more full days in Washington every month (either on a Monday or a Friday). may prove even easier to accommodate than Mann and Ornstein's recommendation. Adding one day a week for two weeks still gives Congresspeople at least one work day each week to devote to spending time with family, voters, and fundraising. It would also make a big difference to hearing scheduling. Even one more day of work (two slots

for hearings in the morning and afternoon) could go a long way towards avoiding scheduling overlap. Adding only two days rather than the burdensome full weeks would suffice, because committees could supplement this with different types of hearings outside of Washington.

One way to solve the scheduling problem would be to hold more "field hearings" outside of Washington. Committees already hold such hearings on occasion. They travel to a different state to speak to local stakeholders or visit a particular facility. Examples include Agriculture Committee field hearings with farmers in different states, and a Commerce Committee field hearing on cybersecurity at Dakota State University. At the beginning of each session, committee staff could take stock of where in the country members live and schedule one field hearing a month that is a travelable distance for at least some of the members. The locations would change every month to account for the different home regions of members. Rather than traveling all the way to Washington, they can travel a shorter distance for a hearing.

As explained in Part Three, trips outside of Washington may actually prove more effective than Washington hearings in bonding members and drawing attention to local voices. Outside of the echo chambers of Washington party politics, members are freer to socialize and see different sides of one another. A Democratic Congressman on the Science Committee joked that on one uniquely isolated educational expedition, he was in a submarine under the North Pole with a prominent Republican Congressman and they had lots of time to bond and talk. Part Three also explained that hearings outside of Washington can amplify local and personal accounts from stakeholders. Committees do not pay for witnesses to travel to Washington, so if the committee travels to them, it may hear from a wider array of voices. Given the current state of resentment and mistrust towards Washington, such interactions may also serve to improve American faith in institutions.

Lastly, committees could also begin holding some "video hearings" that Congresspeople can take part in regardless of their location. In the age of the internet and modern technology, much of today's business world has already retooled so it is not location-specific. Many companies hold phone or video meetings in which an employee from India and an employee from California can join and discuss their work as if they were not separated by oceans and time zones. Congress should adapt to this new business model. Committees may have been founded at a time when men would ride in their horse-drawn carriages to attend hearings, but they live in and must adjust to today's world. With video hearings, witnesses could testify, and members could all join and ask questions as they do in regular hearings. The only difference would be that members would be free to spend that week in their districts and tune in for a few hours rather than flying in for several days. An additional benefit of such hearings is that witnesses would not need to travel to Washington. As mentioned, committees do not pay for witnesses to travel, and so sparing them the burden of traveling across the country may attract witnesses who would not otherwise have taken the time. As with the field hearings, Washington could hear more of America's voices.

C. Take Out the Cameras (or at least some of them)

My research described the process by which cameras turned hearings into public stages. The "theatrical hearing" is a public show for all to watch. While I argue that these theatrical hearings do have some effect on members, notably what I term "voicing views," where Congresspeople adopt the rhetoric or framing espoused by the witnesses in theatrical hearings, such displays inhibit genuine learning and deliberation. My criteria for theatrical hearings - labeled witnesses, making statements rather than asking questions, and acting for public consumption - all indicate that these hearings lack the searching questions, strictly technical

experts, and engagement with content rather than voters that are necessary for a deliberative or educational hearing. Though the "voicing views" effect is important in shaping the arguments of legislators, I argue that these hearings are not as beneficial as deliberative, educational, or informal hearings.

Removing cameras from at least some hearings may reduce the number of "theatrical" hearings because members would have a smaller audience. It would be difficult to stop televising all hearings, because there is a strong argument for cameras increasing transparency, accountability, and public access to Congress. Certainly, my research would not have been possible were it not for public records of hearings. A Senior Democratic Senator took this stand, saying "I would err in favor of more public access to what we do, even though I do believe there is a theatrical aspect to the floor and at the meetings."[196] His comment illustrates the theatrical consequence of cameras and the tradeoff between public access and genuine discussion. I suggest that committees cut down on the number of televised hearings, without eliminating them completely. They now televise every single hearing, and instead they could televise only a portion while still giving the public access.

Moreover, committees could also hold more "informal" hearings that are completely off the record. Even if television cameras are removed, hearing transcripts are still public record. As illustrated in Part Three, committees can also hold informal roundtables with experts or other such events that are both off the record and less formal. My research showed the effects of these meetings in building relationships between members, facilitating learning, and fostering a personal connection between members and witnesses. Part of this is likely a result of the fact that these are closed door meetings, unlike the regular open sessions. The only committee in which

[196] Senator 1

all hearings are off the record is the Intelligence Committee, and this may be one of the reasons it is known to be a bipartisan committee. A senior Democratic member of the Intelligence Committee reflected, "(the) Intelligence Committee is kind of a different animal because most of our hearings are classified closed session…the committee has historically been very non-partisan."[197] Similarly, off-the-record meetings could create an environment where posturing is less necessary, and connection is more accessible. Committees already plan these informal events sporadically, and because they are off the record it is hard to quantify exactly how often they take place. Still, these meetings are neither institutionalized nor frequent. Committees could go further in institutionalizing the informal, off-the-record meeting as an antidote to the formalities and theatrics of formal hearings.

IV. New Committees for New Problems

A. Reorganizing Committee Jurisdictions

My research has continually emphasized that Congress is a "creatively syncretic" institution that changes with the times and members who inhabit its chambers. Committees were first introduced to Congress in the late 18th century, and they have changed dramatically since. The first House had over 200 committees and select committees and each committee was used only for a single piece of legislation. By 1809, the House had created nine standing committee. Committees continued to change, expand to encompass new policy problems, and become increasingly entrenched in the years that followed. The 20th century saw two major Legislative Reorganization Acts, both of which acted as major "displacements" that altered the course of committee evolution. The 1946 Legislative Reorganization Act made a number of changes

[197] Congressperson 3

including cutting the number of committees. Schickler writes of the act that, "by creating a smaller set of committees with wider jurisdictions, the Act bolstered the influence of committee chairmen" (Schickler 2011, p. 728). The 1970 Legislative Reorganization Act again remodeled the committee system, trimming the number of committees, empowering subcommittee chairmen, and holding chairs to clearly delineated rules. As evidenced by their history, committees shift as a result of need to tackle new policy problems.

Congress could benefit from another remodeling of committee jurisdictions. The policy problems of today are a world away from those of 1970, when the internet did not exist, and the country was in the midst of a bloody war. Perhaps most notably, there is no single committee focused on tech issues such as cyber threats, regulation of tech industry, and issues of privacy and information sharing on the internet, even though the relative growth of this sector is hard to ignore. A comparison between the agriculture and tech sectors is compelling evidence of the misalignment of committee focus. In 1870, nearly half of the American population worked in agriculture. Today less than two percent of Americans work in agriculture (according to the Bureau of Labor Statistics.)[198] Still, both chambers maintain permanent agriculture committees. Over the past decades the number of Americans employed in the tech industry has grown astronomically, and yet there is no committee devoted to this sector.

As a result, matters of cyber and technology fall between the cracks. During the time period of my study, all four of the committees in the sample held hearings on cyber. Even the Agriculture Committee held a hearing in July 2018 about cryptocurrencies. The proliferation of cyber hearings is a testament to the fact that no one committee is accountable for tackling this

[198] Data is taken from the "Employment by Major Industry Report" accessible at: https://www.bls.gov/emp/tables/employment-by-major-industry-sector.htm

issue. A further example was the recent joint Senate hearing about Facebook. Senators from the Commerce and Intelligence Committee questioned senior Facebook officials, but struggled to pass effective legislation to regulate the issue. In the case of tech and cyber issues, too many cooks are spoiling the broth. A number of Senators have taken note of this and created an ad hoc cyber committee. This may be a good start in consolidating the effort, but it lacks the strength of a select committee. The creation of a permanent select committee on internet and technology policy in the Senate and in the House could go further in tackling this problem. Cyber and technology issues are just one illustrative example of the shortfalls of the current committee organization, an indication of the need to rethink modern committee jurisdictions in light of contemporary problems.

V. Conclusion

I began this exploration of committees in Congress by identifying them as the culprit and the cure for Congressional dysfunction. This chapter has explored key areas for committee reform that stem from my research. Devolving power from party leadership to committee leadership by adopting Udall's seniority-vote system would empower committees by increasing their effectiveness and reducing partisan warfare. Raising the number of women and minorities serving as chairs would further expand the number of voices Congress hears. Hiring permanent staff and creating an expert advisory council would professionalize committees and give them the support they require. Changing the rules that dictate the briefing materials and meetings committee staff hold would further strengthen committees by creating a more bipartisan atmosphere. Focusing on the topics that generate deliberative and educational hearings would allow committees to make the most of their hearing time in today's Congress. Changing the

calendar to add work days in Washington as well as more field and video hearings would ensure Congresspeople can be present and engage in hearings. Removing cameras and increasing the number of off the record informal hearings would enhance genuine discussion and learning. Finally, Congress should once again reconsider its committee jurisdictions in light of today's policy problems. These possibilities for improvement are all outgrowths of this work's in-depth exploration of the voices Congress hears in committee and how it hears them.

The list of possible changes suggests that there is a long road ahead in optimizing committee work. This road entails changing rules and breaking the mold of certain arcane committee practices. A senior Democratic Senator explained "the only way to get back to Senate as I know it is to change rules perspectivally, no matter who is in control in 2021."[199] This Senator has served in Congress (both in the House and Senate) since the 1980s and seen committees and rules change. His words stress the need for Congress to further reform so it can get back to effectively legislating rather than lamenting its own ineffectiveness. His comment also suggest that Congress is not static and certain reforms are not irreversible. This chapter's suggestions point to directions for future development.

[199] Senator 1

Chapter 11

Committees: A Comparative Perspective

The past ten chapters were devoted to American committees. This chapter presents my work in comparative perspective. Drawing on legislative studies scholarship, this chapter points out the power, specialization, and deliberative capacity of American committees relative to their counterparts. It then describes the commonalities between American and other committees and the applicability of my study to other committee systems.

I. The Distinctiveness of American Committees: Committee Power

My research underscored the enduring power of Congressional committees in shaping their members. As noted in the previous chapters, the literature on Congress (Polsby 2004, Mann and Ornstein 2006) has focused on the ways in which committees today are less powerful than they were several decades ago, whereas my work draws attention to the power they still wield today. A comparative analysis further highlights the relative power of American committees. In his comparative analysis of different committee systems, Shaw (1979) writes, "it should be emphasized….that the committee system in the American Congress is not only the strongest system in the present study; it is by far the strongest. It might in fact be argued that the American committee system is in some ways a deviant case" (Shaw 1979, p. 227). A comparative analysis demonstrates that committees in Congress are still more powerful than committees in parliamentary systems as well as committees in other presidential systems.

A. Parliamentary Systems

Part of the reason American committees are powerful is that the systems is presidential rather than parliamentary. As Lijphart (1992) breaks it down, presidential systems are unique in that the head of government is popularly elected, not dependent on the confidence of the legislature, and the head of government is a single person rather than a collective. In addition, Lijphart notes that in many presidential systems the head of government and his cabinet cannot be members of the legislature. These major distinctions set presidential systems apart from parliamentary ones. There are also differences among parliamentary systems. Shaw divides political systems into presidential systems, continental parliamentary systems (the French model), and Westminster (the British model) parliamentary systems. He differentiates between the two parliamentary systems on the basis of the relationship between the legislature and the executive. He classifies them as follows: "constitutional systems based on the Westminster model presuppose that political executives will operate within the legislature and lead it…constitutional systems based on the Paris model presuppose a range of 'parallel' executive-legislative relationships tending to fall at various points between 'fusion' and 'separation'" (Shaw 1979, p. 399).

These constitutional differences influence committee strength because of the relative power of executives in the legislature. Shaw clarifies that Westminster model countries have weaker committees than continental systems because the executive has greater control within the legislature. A comparison of the French and British committee systems bears out this point. The British legislature is a "chamber oriented" institution according to Norton (1998). He explains that the British committees are ad-hoc, cropping up only in relation to a specific bill and dependent on the executive. He writes, "the ad hoc nature of standing committees serves the purposes of the government - wary of informed scrutiny by specialist committees-successive

governments have blocked moves to provide for a greater degree of (committee) institutionalization" (Norton 1998, p. 144). His assessment makes clear the connection between executive control and weak committees in the Westminster system. By contrast, the French National Assembly separates the executive from the legislature. Presidential systems, in which the executive has least control in the legislature, yield the strongest committees.

In addition to executive control, party control leads to a difference in presidential versus parliamentary systems. In systems where parties have greater power within the legislature, committees have less power. Olson (1980) writes, "parties and committees are …contradictory and even mutually exclusive means of internal organization (in a legislature.) The importance of each is inversely proportional to the other" (Olson 1980, p. 269). Jewell and Patterson (1977) echo this point, writing "where committees are strong and independent, party leadership is weak" (Jewell and Patterson 1977, p. 203). In presidential systems, the executive and the legislature may be held by different parties, and the legislature is not necessarily governed by a coalition. These two components lead to lower levels of party control. Shaw points out that even in Italy, a parliamentary system where committees have the unique power to pass legislation without referring it back to the chamber, party control has hampered the development of the same level of committee autonomy evident in the United States. In his study of the Italian legislature, D'Onforio (1979) further highlights this point. He writes, "Italian deputies and Senators are above all party men…and they do not tend to put committee work above party considerations" (D'Onforio 1979, p. 415). Table 11.1 below, taken from Shaw's book, illustrates the patterns deriving from the type of political system, degree of party control, and committee importance. Shaw defines importance as the "ability of the official committees in legislatures to influence or determine the outputs of the legislature and the polity" (Shaw 1979, p. 384). Table 11.1 suggests

a negative correlation between parliamentary systems with single party control and committee importance. Committees are most important in presidential systems with no party control.

Table 11.1: Legislature and Committee Characteristics

Country	Type of system	Party Control	Rank Order of Committee Strength/importance
United States	Presidential	Absence	1
Italy	Parliamentary (continental)	Absence	2
West Germany	Parliamentary (continental)	Absence	3
Philippines	Presidential	Absence	4
Canada	Parliamentary (Westminster)	Single Party Control	5
Britain	Parliamentary (Westminster)	Single Party Control	6
India	Parliamentary (Westminster)	Single Party Control	7
Japan	Parliamentary (Westminster)	Single Party Control	8

Source: Malcolm Shaw's Concluding chapter in *Committees in legislatures: A Comparative Analysis* (1979) that compares the legislatures studied in the book.

My work contributes to this overall conclusion about the inter-play between parties and committees by highlighting trends in this dynamic in the American Congress. The narrative

espoused by the longtime Congresspeople and Senators I interviewed as well as the literature on Congress identifies the centralization of power by party leaders as the reason for the decline of power of committees. This historical trend is in keeping with the argument that parties and committees are competing sources of power within a legislature. My findings regarding the dynamics of the chair, ranking member, and committee staff, further underscore the back-and-forth between party and committee power. Chapter Three explained that the greater the effect of party allegiances in guiding staff behavior, the less staff work together as a committee to create hearings and witness panels. Chapter Four showed that the closer the chair and ranking member are on the party ideology ranking DWNominate, the more "balanced" the panels are in their committees. These findings reaffirm the argument that parties and committees gain and lose power at the expense of one another.

B. Presidential Systems

I argue that even though American committees have lost power relative to parties, they are still a relatively powerful legislative institution in Congress. Having already demonstrated the power of committees in presidential legislatures relative to parliamentary legislatures, a comparison with other presidential systems further underscores the power of American committees. Presidential systems in Latin America present the most natural comparison because most of them are directly or loosely modeled on the United States system. In his survey of research on committees, Martin (2014) contends, "empirical tests using…presidential systems in Latin America can likely reveal much more about the validity of theories of congressional committees" (Martin 2014, p. 365). Martin's conclusion indicates Latin American presidentialism represents the most fitting comparison.

Even though Latin American legislatures are fashioned after the American Congress, committees are characterized by low levels of policy power due to high turnover and low motivation. In the 1970s, Payne (1971) wrote of Colombian committees that they were devoted to "acrimonious debates scarcely connected to policy matters" or "boring rubber stamp sessions." He concluded, "Colombian committees are not policy-making bodies….their members do not wish to make policy" (Payne 1971, p. 181). The ineffectiveness of Latin American committees is partially explained by the high turnover within legislatures. In the aforementioned Colombian Congress of the 1970s, only 20 percent of members served consecutive terms. High turnover in Latin America is partly a result of informal norms and partly a result of term limits. For example, in Costa Rica members of the legislature cannot even serve more than one two-year term. My research highlighted the value of tenure in gaining power and autonomy as a committee chairman. This is further reinforced by Wiseman and Volden's (2017) finding that the effectiveness of American committee chairmen in advancing policy increases the more terms they serve. Though this study pertains only to committee chairs, the power of the chair is important in deciding the power of the committee. Moreover, the study illustrates the general significance of tenure, which may apply to members as whole. Higher turnover of members and chairmen in Latin America may lead to less effective committees. By contrast, American legislators have long tenures and this may contribute to the relative power of committees in the system.

Another reason for committee weakness is member motivation. Shaw (1998) points out that in Latin American countries politicians may see the legislature as a "staging post" for a larger political career and therefore they may be less motivated to engage in committee work. Doubtless this may also be connected to the short tenure of Latin American politicians. The

combination of short tenure and low motivation may prove particularly destructive for committees. Fenno's study of American committees (1966) stresses the significance of viewing committee work as a way to advance one's own electoral and legislative agenda. He argues that American committees serve this function. If Latin American politicians view committee work and even legislative work in general as insignificant in achieving their electoral and political goals, it would follow that the committees that they belong to would suffer as a result. These examples show that even in comparison to other presidential systems, American committees are more powerful.

The Chilean committee system, the major outlier in Latin America, is both more powerful and more similar to American committee system than other Latin American legislatures, further underscoring the comparative power of the American committee system. In Agor's study of committees in the Chilean Senate (1970) in the 1970s, he conducted interviews with staff and Senators about committee norms and work. He concluded that Chilean committees were seen by Senators as a powerful tool to achieve policy goals. Like American committees and unlike other Latin American countries, Chilean committees feature high levels of continuity of members and members perceive committee assignments and work as important to advancing their agenda. One interviewee told Agor, "the real Senate work is done here in committees…this is where you get to know each other, and prove your ability" (Agor 1970, p.44). Another remarked, "In committees you see the real man - this is where you talk about the interests of Chile" (Agor 1970, p. 44). Agor's study also used surveys to show that party politics and partisanship guides committee work less than it shapes Senate work in general. Those familiar with Chile's tumultuous history may point out that studies of Chilean democracy before the dictatorship may not be as relevant to contemporary post-dictatorship Chilean legislative politics.

However, Carey's (2002) study of the Chilean Congress in the 1990s confirms Agor's findings from the 1970s. Carey finds a low rate of membership turnover and reaffirms the importance of committees to the legislative process. He writes, "most of the substantive policymaking work of Congress is conducted in the committees…the Chilean Congress is highly professionalized…its committee system is accumulating substantial expertise" (Carey 2002, p. 238). Like the American system, the Chilean system is also older and more entrenched than its Latin American counterparts. Chile gained independence in 1810, drafted a constitution in 1833. Carey shows that Chile's entrenched committee system withstood the dictatorship era. The fact that the Chilean system mirrors the American set-up and is also the most powerful in the region suggests the inherent power of the American committee structure.

Yet even the Chilean committees, the most powerful in the region, are less powerful than the American system they are patterned after. The executive still exercises more control in Chile than it does in the American system. For example, the American Congress has greater power in determining the budget than the Chilean Congress and in fact Congressional committees oversee this process. Araya (2015) writes, "among presidential systems, scholars view the US federal budget as being jointly determined by President and Congress…by contrast, they claim that in most of Latin America the power of the purse is strongly biased towards the executive….Chile is an extreme executive-based model of budget elaboration" (Araya 2015, p. 215). As noted earlier, the strength of the executive relative to the legislature is negatively associated with the strength of committees. In Chile, Congress and its committees are weaker relative to the executive in their ability to control the budget and other policy issues. This emphasizes that American committees are more powerful even than their doppelganger.

II. The Distinctiveness of American Committees: Committee Specialization and Deliberation

My study also accentuated the continued capacity of committees to instruct their members about specialized topics and to deliberate. This is an important and potentially surprising finding in the context of the literature on American committees. In *The Broken Branch,* Mann and Ornstein (2006) argue powerfully that deliberation in Congress has deteriorated. They explain legislators are spread too thin. Connor and Oppenheimer (1970) cite a marked decrease in the amount of time spent debating bill on the floor as a sign of deliberative decline. Lewallen et al. (2016) track the fall in the number of witnesses committees hear and the "exploratory" hearings they hold. My work runs counter to this narrative. My study underscores the deliberation and learning that occurs in contemporary Congressional committees. Analyzed in comparative perspective, the deliberative and specialized nature of American committees is even more pronounced.

The first sign of relative specialization is the sheer number of permanent standing committees in the American Congress and the relatively small membership. The French National Assembly has only six committees and the German Bundestag contains only about ten committees. The U.S. House of Representatives, on the other hand, has 20 committees, and the Senate is made of 21 committees. The large number of committees allows for greater subject matter specialization. Moreover, the greater the number of committees, the smaller the membership. Whereas committees in the French National Assembly contain 72-144 members, committees in the U.S. House of Representatives have about 40 members, and committees in the U.S. Senate consist of only approximately 20 members. The size of committees has ramifications

for the ability of members to specialize. Large committees in France are "too large and too unwieldy for the development of genuine expertise" (Safran 1991, p. 170).

In addition to the greater number of committees, American committees also contain more subcommittees than other committee systems, further deepening their specialization. In total, the House and Senate have hundreds of subcommittees. By contrast, most European legislatures have far fewer subcommittees. Germany has only 16 subcommittees, Austria only has 13, Belgium has less than 5 and the United Kingdom employs a measly 4 subcommittees. Greece, Iceland, Ireland, Norway, Denmark, France and Sweden have no subcommittees at all. Table 11.2 presents Mattson and Strom's full list of subcommittees in European legislatures. Mattson and Strom (1995) write, "while obviously subcommittees play a very important role in Congress…their role in West European parliaments appears to be more limited" (Mattson and Strom 1995, p. 274). This analysis indicates that subcommittees are both less common and less potent outside the United States.

Table 11.2: Number of Subcommittees by Country

Legislature	Subcommittees (number)
Austria	Neither mandated nor prohibited, but exist (13)
Belgium	Neither mandated nor prohibited, but exist (<5)
Denmark	Neither mandated nor prohibited, but none exist
Finland	Neither mandated nor prohibited, but exist (9)

France	Neither mandated nor prohibited, but none exist
Germany	Neither mandated nor prohibited, but exist (16)
Greece	Neither mandated nor prohibited, but none exist
Iceland	Neither mandated nor prohibited, but none exist
Italy	Mandated
Netherlands	Neither mandated nor prohibited, but exist(1)
Norway	Neither mandated nor prohibited, but none exist
Portugal	Neither mandated nor prohibited, but exist
Spain	Mandated
Sweden	Neither mandated nor prohibited, but none exist
UK	Neither mandated nor prohibited, but exist(4)

Source: Ingvar Mattson and Kaare Strøm "Parliamentary committees", *Parliaments and majority rule in Western Europe,* Ed. H. Döring, 1995.

Subcommittees aid specialization by allowing for an extra layer of depth. Previous scholarship has highlighted the increased specialization that comes with narrower focus. Mattson and Strom identify subcommittees as a form of "internal differentiation" employed by committees and highlight that the smaller size and narrower the jurisdiction of subcommittees, the more specialized they become. Goodwin (1962) writes in his study of American

subcommittees that one of the major uses of subcommittees is, "growing and shifting specialization of legislative activities as the range and complication of governmental concerns extend to new frontiers" (Goodwin 1962, p. 596). Goodwin further observes that there is a tendency to create more subcommittees when committee work "involves a great deal of detail" or is technical. My research draws attention to the differences between subcommittees and full committee dynamics. Firstly, a greater number of subcommittees translates into more hearings and my work drew attention to the high volume of quality information presented at hearings. In addition, subcommittees have a narrower focus and can therefore specialize further. In an interview with a member of the House Agriculture Commodities Subcommittee, she spoke of the expertise she gained by attending educational hearings on commodities, highlighting that many of the new members did not possess this knowledge prior to the assignment. These instructive hearings occurred at the subcommittee level and therefore the members of this subcommittee were able to deepen their knowledge of commodities further than members of the Agriculture Committee at large.

Yet another issue affecting specialization is the tenure of committee members and committees. In their analysis of the Argentine Congress, Jones et al. (2002) utilize data on committee membership between 1983-85 to compare the tenure of American and Argentine politicians. They find that Argentine politicians have a much shorter half-life than American politicians. As a result, they argue that Argentine politicians are less able to specialize. As noted earlier, the turnover rate in Latin America in general is high, inhibiting the power of committees to specialize.

In addition to turnover in members, some legislatures also see high turnover of committees themselves. Many legislatures employ "ad-hoc" or temporary committees. In the

British and Indian systems, a new committee is created for nearly every new bill. This procedure stands in stark contrast to the relatively stable and permanent committees in the American Congress. Shaw (1998) writes, "one reason that the Ways and Means Committee in the US House of Representatives and the Public Accounts Committee in the British House of Commons are so important is that they have been around since 1795 and 1861 respectively" (Shaw 1998, p. 238). The short shelf life of committees themselves means constant turnover of members. My research highlighted the significance of tenure in committees in gaining depth and expertise. In interviews with members of the four committees, again and again they reiterated the ways in which hearings can educate them about issues. The longer one is on such a committee, the greater the body of knowledge a member can build. Therefore, the high turnover in committees inhibits learning.

Finally, American committees are uniquely placed to deliberate. The autonomy that the committees continue to wield may free them from party dynamics that hinder committee deliberation. In their study of deliberation in Switzerland, Germany, the United Kingdom, and the United States, Steiner et al. (2004) conclude that the American presidential system is more deliberative than the parliamentary systems in the study. In their analysis of how deliberative the speech in these chambers is , they find that the United States scores highest on the "respect" dimension. They write, "party cohesion is generally higher in parliamentary systems. This makes it less important for members of one party to develop relationships with members of another party, hence removing the important incentive for respectful and constructive dialogues" (Steiner et al. 2004, p. 122). Though their analysis focuses on floor debates rather than committees in particular, if presidential systems are in fact more naturally prone to deliberation, and committees are the center of Congressional deliberation, it stands to reason that

Congressional committees may be more deliberative than their parliamentary counterparts. Indeed, the committees members interviewed in my study reiterated the "constructive dialogue" and respectful relationship that can be observed in committees. My study thus reaffirms the deliberative power of Congress and its committees in its different operationalization of deliberation. Cast in comparative perspective, Congressional committees may appear even more deliberative.

III. Committee Commonalities

The preceding section highlighted the distinctiveness of the American committee system. American committees are more powerful, more specialized, and more deliberative than committees in other legislatures. Nevertheless, American committees and committees in other legislatures share important purposes and procedures. Therefore, the findings unearthed in this research can apply to the broader study of committees as legislative institutions.

A. Purpose and Procedure

Legislative committees are ubiquitous and many of them share important purposes and procedures. The universality of committees as a core legislative institution renders my study of American committees applicable to these same institutions in other countries. Lees and Shaw (1979) open their book on committees with the following definition: "a committee is a body to which some task has been referred or committed by some other person or body…There is inherent in the notion of a committee some idea of a derived…nature…it acts on behalf of or with responsibility to another body" (Lees and Shaw 1979, p. 3). Based on this loose definition, many of the world's legislative bodies contain committees. Longley and Davidson (1998) write,

"committees figure significantly on all continents and in most countries of the world, increasingly serving as the main organising centre of both legislation and parliamentary oversight of government" (Longley and Davidson 1998, p. 2). Mattson and Strom echo this point, writing, "committees are part and parcel of the way most complex organizations work. Legislatures are no exception in this sense and committees have indeed become the main focal points of many representative assemblies" (Mattson and Strom 1995, p. 249).These legislative scholars identify committees as a core feature of legislatures around the world.

Committees are not only a global phenomenon, but also share the same purposes. First, committees serve a legislative purpose in revising and debating about (and in the case of Italy even independently passing) legislation. The earlier discussion of committee power emphasized that the extent to which committee wield legislative power differs considerably by country. Nonetheless, legislation is a core feature of most committee systems. Committees also have investigative, oversight, and "housekeeping" (decisions on rules and procedures) functions in many legislatures, either through standing committees or special committees. These core purposes guide most committees.

Additionally, committees in other legislatures share the same external functions of education, deliberation, and stages that American committees display. Committees function as a specializing institution within legislatures. Mattson and Strom (1995) identify "information acquisition" as a core purpose of committees in Europe. Edelman and Zelinker (1973) write that Israeli Knesset committees considerably impact policy in matters of detail. Agor argues that Chilean Senate committees are governed by "norms of expertise, specialization" (Agor 1970, p. 32). In addition to education, committees function as deliberative platforms for outside voices to enter the conversation. Shaw writes, "committees can enhance participation on the part of

citizens, interest groups, political executives, and civil servants. This occurs when written or oral evidence is contributed to committees…committee members often obtain useful information and insights" (Shaw 1979, p. 427). My study espouses the Habermasian conception of deliberation as "participation by all." In this sense, Shaw's description illustrates that other committee systems also serve as deliberative platforms. Finally, many committees hold public and recorded meetings with potential for theatrics.

Committees also share important procedures. Though procedures for selecting a chairman vary significantly in different countries, committees are led by a chairperson. In addition, most committees hold meetings such as hearing and roundtables. Many of these meetings include external witness testimony. Like the American Congress, committees in other countries thus function as a window to outside sources of information. Agor writes of Chilean Senate committees, "experts, interest groups, and ministers and their staff are cited to give testimony. One of the chief tasks of the committee is to determine what the facts actually are before it can act" (Agor 1970, p. 46). He elaborates further, writing that committees bring in outside experts such as professors to give assessments about important issues such as finance and "cross-check" evidence. Indeed, legislative committees around the world share similar purposes and procedures for obtaining information.

B. Lessons for Committees

The similarity in function and procedure renders my work applicable to committees outside the United States. The following section delineates lessons that can be drawn from my research for committees in other legislatures.

1. Who Legislatures Hear

My work offers data about how witnesses are recruited to testify, and the information Congress hears from witnesses. It puts forward a typology of the types of witnesses who testify before committees. Other committees also call on external witnesses to testify in hearings. Therefore, my findings regarding how witnesses are selected, who they are, and what information they communicate may be relevant to other committees.

First, analysis reveals similarities in the effects of different witness selection procedures. Chapter Three illuminated the procedures for organizing hearings and inviting witnesses. It deconstructed the ways in which staff value expertise, connection to the district, and relationship to a specific issue in selecting witnesses. In their analysis of evidence reported to legislative committees in the United Kingdom, Denmark, and the Netherlands, Helboe et al. (2015) illustrate how different procedures for calling witnesses affect the composition of witnesses and evidence presented. Similar to my own analysis, their data consists of documents sent to committees and written and oral witness testimony. They compare situations where access is closed (witnesses must be directly invited by the committee) to instances where access is open (everyone can reply and "evidence giving is initiated by the external actors themselves"). The American committee system functions by closed access procedures under which witnesses must be invited by the committee. In Dutch committees, on the other hand, citizens can petition committees to come and speak to them about an issue. Helboe et al. find that when access is open, interest groups make up a larger proportion of the witnesses. Interestingly, they also find that experts constitute a larger share of witnesses when access is closed. They also find that when access is closed there is a greater diversity of evidence, whereas when access is open a smaller group of actors account for a larger percentage of the evidence submitted. One reason for this

divergence is that in open systems, certain actors may have a particular interest in an issue and therefore make a concerted effort to send more evidence to the committee.

The conclusions regarding the impact of committee staff involvement in the evidence offered to committees endorse my own findings about staff procedures. Helboe et al. found that when staff invite witnesses, there are more experts. Similarly, American committee staff spoke of the importance they attach to selecting subject matter specialists. Helboe et al. argue that when witnesses are invited by staff, the composition of testimony is more diverse. Similarly, interviews with American committee staff underscored the types of "balance" they aim to achieve on a panel and how this varies. Helboe et al's research and study suggests that staff can play similar roles in other committee systems.

Furthermore, the methods used in my study for evaluating witness language can be employed in future studies of committees in other legislatures. The research of Helboe et al. demonstrates that transcripts of witness testimony remain the appropriate place to explore the information politicians hear in committees outside the United States. Nevertheless, sentiment analysis and LIWC (Linguistic Inquiry and Word Count) software have yet to be utilized to assess witness testimony outside the United States. Steiner et al. (2004) hand-coded language of floor debates, but their work did not focus on committees, nor did it employ computerized software. In their piece *Text as Data*, Grimmer and Stewart write of automated methods, "there are vast stacks of texts that can now be analyzed efficiently using automated text analysis…part of the utility of these texts is that they will provide new data to test long-standing theories. But the new texts can also suggest new ideas, concepts, and processes previously undiscovered" (Grimmer and Stewart 2013, p. 294). Employing automated methods to analyze witness testimony in other committee legislatures may reveal undiscovered processes and investigate

long standing theories. Moreover, the original method of "balance scores" constructed through sentiment analysis that was employed by this study can be applied to other committee hearings. This would allow for a more thorough examination of the diversity of views represented in hearings in other legislatures. Additionally, it could pave the way for more comparative work examining American committees in a global context, an area currently lacking.

Finally, my broad typology of the types of witnesses who testify before committees may apply to other countries as well. As described earlier, from Chile to the Netherlands, committees across the globe use hearings to hear from external witnesses. There is evidence to suggest that they call on similar types of witnesses. Helboe et al.'s study found that the most involved actors in the Netherlands were the Confederation of Netherlands Industry and Employers, Utrecht University, and the Local Government Association. In the United Kingdom, the most involved actors included the Local Government Association, the Department for Business, Innovation and Skills, and other governmental departments. In Denmark, committees heard often from the Association for Elderly, the Public and Commercial Services Union, the Denmark Disabled People Organization, the Danish Bankers Association, and Travelling Workers for Fair Taxes. Chapter Four explained that the four committees in this study heard primarily from academics, associations, lobbies, private sector organizations, non-profits, and government organizations. Similarly, in Denmark, the United Kingdom, and the Netherlands, committees heard from academics, associations, non-profits, and government organizations. These examples suggest that there is overlap in the sectors witnesses come from. Given the connection between profession and witness, it may follow that the same typology would apply. For example, the "spokesperson" witness represents a stakeholder group or association. The large number of interest groups and

association testifying before these three legislatures implies there may be "spokespeople" witnesses.

The typology is rendered more relevant by the fact that staff in American and other committees may select witnesses for parallel reasons. Helboe et al write, "committees prefer to engage with external stakeholders who are knowledgeable about the issue and with those who can contribute new knowledge or new perspectives" (Helboe et al. 2015, p. 411). This is reminiscent of discussion with American committee staff about their inclination towards subject matter experts who are recruited for their expertise rather than their label. That is not to say that the precise typology of labeled and unlabeled expert, spokesperson, and personal storyteller is perfectly applicable to other contexts. To be sure more research is necessary to explore in more detail the witnesses who committees in other legislatures hear. However, trends in witness professions and witness selection uncovered by previous research indicates that the typology introduced in Chapter Five may provide a useful basis for analyzing other committee systems.

2.Types of Hearings

The correspondence in committee function and witnesses across legislatures points to potential similarity in types of hearings. Chapter One identified the main external functions of American committees as deliberation, education, and theatrics. It described that American committees are where outside voices enter Congressional deliberation, where experts instruct members, and where member and witnesses act in the public eye. This chapter gave details of how other committees serve similar functions. In the same way, they educate members by providing specialized information, they function as a deliberative platform where bills and issues are discussed, and in many cases, hearings are public and therefore prone to theatrics. As

described in Chapter Two, my study operationalized different functions as different types of hearings. It follows, then, that if committees have similar functions they may adhere to the same typology. Therefore, the criteria used to classify different hearings types may be used as a basis for similar classification in other legislatures.

Theatrical hearings may represent a particularly interesting case because of the proliferation of public committee hearings around the world. Italy, Germany, Canada, the United Kingdom, Japan, France, Belgium, Sweden all allow hearings accessible to the public, and the list continues. Mattson and Strom note that these numbers are on the rise. Table 11.3, taken largely from Mattson and Strom's work, emphasizes the global reach of public hearings. One should note that their analysis is dated and the numbers of legislatures with public hearings may be even greater today. They write, "the number of public hearings has risen in parliaments where they have long been permitted. In Germany, for instance, hearings were exceptional until the 1970s and since then their number has increased. The same goes for Italy, where the 1971 reform of Assembly regulations allowed more American-style hearings" (Mattson and Strom 1995, p. 294). The study of public hearings has become increasingly relevant as their numbers increase. Yet there is a dearth of academic literature addressing how the change in hearing publicity may affect committee members.

Table 11.3: Open/Closed Hearings by Country

Legislature	Types of Hearings
Belgium	Open
Canada	Open
Denmark	Open to committee members and certain MPs
Finland	Closed

France	Open
Germany	Open
Greece	Open
Iceland	Closed
Ireland	Open
Italy	Open
Japan	Open
Norway	Closed
Netherlands	Open
Portugal	Open to all MPs and sometimes open to mass media (when considering legislation)
Spain	Open
Sweden	Open
Switzerland	Closed
UK	Open

Source: Source: Ingvar Mattson and Kaare Strøm "Parliamentary committees", *Parliaments and majority rule in Western Europe,* Ed. H. Döring, 1995.

In legislatures in which hearings are public, there is a potential for theatrical hearings. As Chapter Seven explained, there is no use putting on a show if there is no audience. Indeed "publicity" is one of the criteria this study uses in classifying theatrical hearings. Solomon (2015) writes of public hearings in the German Bundestag, "public hearings are supposed to generate publicity and inform the public. In practice this means that they must create an audience to fulfill their intended function" (Solomon 2015, p. 20). This suggests that the "publicity" criteria may lead to theatrical hearings in other committees as well. Therefore, Chapter Seven's

discussion of theatrical hearings and their effects may prove relevant to at least a portion of the growing number of public hearings. If other committees make similar use of theatrical hearings, perhaps the "voicing views" effect whereby theatrical hearings shape Congressional rhetoric on an issue would apply to other cases.

Furthermore, Chapter Ten's discussion of how to address camera coverage may prove relevant to other legislatures with public hearings. Chapter Ten observed that removing cameras limits the audience and therefore stands to decrease the number of theatrical hearings and improve committee function. As the number of public hearings around the world continues to rise, this cautionary observation may also apply to other legislatures. Steiner et al.'s work (2004) that showed the constraints that publicity places on deliberation was conducted in major European legislatures, suggesting that this extends beyond the halls of Congress. Mattson and Strom (1995) similarly contend that there is a relationship between strong legislative committees and private hearings in European parliaments. The conclusions reached by these authors are a testament to the ways in which theatrical hearings, arising from increased publicity, may inhibit deliberation and weaken committee function. Thus, other legislatures may also benefit from removing some of their cameras.

3. Types of Effects

Because other committees may mirror American committees in function, types of witnesses and hearings, it is logical that there may be some overlap in the study of the resulting effects. Work by scholars of other committee systems introduces evidence to suggest my three guiding propositions about the effects of American committee hearings may hold true for other committee systems as well. Previous work offers data indicating the "legitimization",

"committee collective" and "learning" effects extend to other committees in other legislatures. However, the other effects introduced in Part Three may indeed be applicable as well. More research is needed to assess this.

Legitimization/Collaboration

My first guiding proposition was that deliberative hearings can lead to legitimization of other views. I drew on Young's theory that deliberation leads to exposure of one's own partiality and lends a more comprehensive understanding of different perspectives. Chapter Six focused on deliberative hearings and their effects. It confirmed through public documents and interviews that deliberative hearings have "legitimization" effects. It also unearthed the "collaboration effect" whereby deliberative hearings lead to collaboration between members. This remains the only such study of legitimization in committee hearings. There exists no analogous research in the context of other legislatures. However, previous work on the ways in which committees stand to shape political behavior suggests that there is reason to believe legitimization might occur in other legislatures as well. In Rush's study of Canadian committees (1979), he found that partisanship decreases when the committees heard outside evidence. He writes, "eighty two percent of respondents said there was some degree of internal specialization in committees that resulted in cooperation between members of opposing parties" (Rush 1979, p. 228). Rush's conclusion suggests that listening to different views stands to change the way members approach an issue. It is through "specialization" that behavior shifts. This is reminiscent of American examples presented in Chapter Six. Moreover, interaction with outside evidence led to collaboration between members, as with the American examples. Rush's investigation of Canadian committees is used as one of Shaw's eight examples of committee systems. In Shaw's

conclusion, he notes that seven of his eight examples (all but Japan) exhibit a parallel pattern whereby committees shape in some way how members regard the opposing side. This is not to say that there is clear evidence proving deliberative hearings lead to legitimization and collaboration in other legislatures. Rather, this discussion is meant to highlight research indicating there is potential to find these effects. Future research is needed to analyze this in greater depth.

Committee collective

The third guiding proposition I set out with was that the collective nature of committee hearings can foster positive social relations between members. Chapter Nine presented data confirming this guiding proposition and indicating that this is perhaps most pronounced in informal hearings. Evidence from committee systems in other countries proves that committees may improve relations between members, and that is most pronounced in informal hearings. The Chilean Senate committees are perhaps the most noteworthy example. In the Chilean Senate, committees are small, and sessions are mostly off-the-record. One of the Senators interviewed in Agor's study remarked, "there is still partisanship, but a lower degree of it. It's easier to overcome in committees…one thing I've observed with some experience here is that the longer you stay, the more you tend to identify with a solution. A new Senator arrives with strong partisan feelings; he isn't attached to the committee work. After a few years, he becomes less partisan, more mature; he begins to reason, and the committee becomes a meeting of friends" (Agor 1970, p. 43). The Senator's reflection points to the positive social effects of committee membership. He explains that "attachment to committee work" dilutes partisan sentiment and encourages friendly interactions. Agor explains that in personal conversations committee

members use first names and the familiar Spanish "tu" instead of the more formal "usted." This parrots similar stories of American committees shared in Chapter Nine. Furthermore, Agor's study suggests that positive social interactions are even more likely in situations resembling "informal hearings." He writes, "there is no public gallery or press recording every comment. As a result, dialogue is free and open, resembling more a club get-together than a formal committee meeting" (Agor 1970, p. 43). This characterization emphasizes not only the effect of non-public hearings, but also the marked informal and collegial feel, similar to American informal hearings. A staffer interviewed in the study said, "If senators know what they are saying will not go out of the room, they work a lot better together" (Agor 1970, p. 43). This assessment implies that constructive relationships between members are more likely in these informal off the record meetings.

Learning

Since committees in other legislatures share the core function of member education, the "learning" effect of educational hearings may apply to other committees. Chapter Eight defended my second guiding proposition, that American committee hearings can educate committee members. Studies of other committee systems submit evidence suggesting this may hold true beyond American borders. Solomon's exploration of committee hearings in the German Bundestag suggests that hearings are used to reduce "informational asymmetries" (Solomon 2015). Hazan (2001) writes that members of German committees are "inclined to respect expert opinion" (Hazan 2001, p. 30). when outside experts impart specialized knowledge. Shaw writes in his comparative analysis of eight committee systems around the world that, "committee discussions get down to the specifics….committee members who go into these details bring a

degree of expertise to the process, and long service on committees enhances their specialist capacities" (Shaw 1979, p. 421). These accounts hint at a possible parallel between the capacities of American committees and committees in other legislatures to instruct their members.

3. Staffing

Though staffing procedures vary, most committees in legislatures hire committee staff. My research on American committees underscores the crucial importance of staff in recruiting witnesses and setting up hearings. American committees have more staff than most other systems. Strom write that in some European legislatures committees are limited to a single secretary and in others they have to borrow staff from cabinet. Previous work has focused largely on expanding the size of staff. Hazan (1998) recommends the Knesset "increase the budget, staff, and outside assistance available to committees" (Hazan 1998, p. 180). He writes, "In order for committees to be able to asses a proposed bill, they must not be forced to rely on the government for information…the only way to achieve this is to enhance committee staffs" (Hazan 1998, p. 180). Hazan also explains that individual Israeli committee members cited enhanced staff as a major way to boost their power and effectiveness on committees. Though Hazan's discussion stresses the need for reforming staffing procedures, he concentrates on staff size.

I argue that the same lessons discussed in Chapter Ten, namely the hiring of permanent expert staff and the use of an outside advisory board of experts, apply to other committees as well. Quality is more important than quantity. In Shaw's comparison of eight different committee systems, he points out that the Japanese Diet has the largest committee staff apart from the United States, and yet it is the weakest committee system in the study. He discerns that

though the staff is large in number, they are divided in loyalty. The staff are loaned to the committee from other ministries and secretariats. The Japanese example illustrates that staff size only goes so far. This same pattern can be discerned in Chile. One of the Senators interviewed in Agor's study remarked, "staff and special experts cited to appear centre the theme of a discussion, and this obliges a more thorough study" (Agor 1970, p. 43). As evidenced by my research on American committees, the experience, expertise, and allegiances of staff are tremendously consequential in shaping committee dynamics. Therefore, the same suggestions regarding the permanence of staff and outside experts may prove useful to other committees.

4. Jurisdictions

Chapter Ten described the importance of committee jurisdictions in the American context. The discussion of jurisdiction culminated in the suggestion that committee jurisdictions be reassessed and recalibrated to match contemporary policy problems. Analysis of committees in other countries has similarly drawn attention to the importance of committee jurisdiction to effective committee function. Mattson and Strom write of European legislative committees, "expertise acquisition is also facilitated if the scope of the committee's jurisdiction is narrow and well-defined" (Mattson and Strom 1995, p. 270). This underscores the importance of jurisdiction in other committee systems.

To be sure, other scholars have also put forward comparable recommendations to redraw committee jurisdictions in other countries. In his study of committees in the Israeli Knesset, Hazan recommends that committee jurisdictions be redrawn. He writes, "there is no ideal jurisdictional approach, nor one that would hermetically seal important policy areas in separate committees, but that should not absolve objective assessment of the Knesset from recommending

jurisdictional shifts where they are compelling. There is a fine line between a beneficial division of committees on the one hand, and a destructive fragmentation of attention, resources, and responsibilities on the other" (Hazan 2001, p. 89). Hazan's depiction of the balance between fragmentation of attention and productive division reiterates Chapter Ten's discussion of American committees. The example of cyber and tech policy exposed the inability to develop the necessary knowledge base and legislate about an issue that falls through the committee cracks.

III. Conclusion

This chapter examined my work and its applications in a comparative setting. It underscored the power of American committees as well as their deliberative and educational capacities. Embedded in the narrative of the decline of American committees, my work maintains that committees continue to be powerful legislative institutions and reaffirms their ability to deliberate and educate members in the contemporary Congress. Viewed in comparative perspective, American committees appear all the more powerful, deliberative, and educational. This chapter established that American committees are more powerful than parliamentary committees and even than other presidential committee systems. It demonstrated that American committees are more specialized and potentially more deliberative than other committee systems. These comparisons further strengthen my argument and findings regarding American committees.

This chapter also highlighted the ways in which my study and findings are applicable to other committee systems. Committees in the United States other countries share many of the same purposes, functions, and procedures. These parallels make my study of American committees relevant to other committee systems. My work presents a theory about the types of

committee witnesses, hearings, and effects and this chapter has outlined the ways in which this can be applied to other countries. This chapter has also emphasized the relevance of committee issues in staffing and jurisdiction discussed in Chapter Ten to other countries. Hazan (2001) warns, "restructuring a committee system based on another country's committee framework will not necessarily improve it. Structural committee alteration cannot overcome the particular makeup of the political environment" (Hazan 2001, p. 82). Heeding Hazan's words of caution, I acknowledge that research and reform in other countries cannot and should not be entirely shaped by the American example. I do not claim a "one size fits all approach" or advocate for facsimiles of my study. Rather, this chapter outlined some aspects of my method, theory, and findings that may prove relevant in approaching other committee systems.

Conclusion

In summary, this thesis offers a counter narrative about an institution plagued by both academic cynicism and popular distrust. Through its exploration of the voices Congress hears in committee hearings and the ways it listens, my research showed the ways in which Congress is not yet a broken legislative institution. This study found that in its committees, Congress hears diverse and analytical information and still learns and deliberates. Chapter Eleven's comparative take further highlighted the deliberative and specializing capacity of American committees in comparison to legislative committees in other countries.

The thesis contributes to the literature in several ways. Firstly, it offers a novel methodology. As noted in Chapter Two, contemporary work on American Congress tends to rely on large quantitative datasets. The size, stature, and diversity of my interview sample and the conclusions I was able to draw from this type of data are unique in the current landscape of American political science scholarship. Interviews allowed me to shed light on the subtle ways in which committee hearings shape social interactions, educate members, and legitimize difference perspectives in a way that strict reliance on large N datasets could not. Interview data also revealed the ways in which staff and committee leaders select witnesses and the ways in which informal hearings affect members. This information is also new and hard to reach by quantitative study. My quantitative dataset is unique because sentiment analysis and LIWC (Linguistic Inquiry and Word Count) have never been used to analyze witness testimony in the same way. In addition, the "balance" scores I created using sentiment analysis measure an aspect of testimony that was previously difficult to quantify.

Furthermore, the theory resulting from my work adds to the study of Congress and contemporary committees through its comprehensive typology of hearings. This is a significant

contribution to understanding the inner workings of present-day committees. Evans writes, "stepped-up research about decision-making in committee would help scholars understand the process through which the policy preferences of legislators are formed, which is a critical conceptual and empirical gap in the recent research about congress" (Evans 2011, p. 419). This work fills that gap.

My findings show that the institution of committees, although steadily losing power over the past several decades, continues to affect political behavior. The literature on Congress and American political development has long grappled with the question of how actors shape institutions and institutions shape actors. From research on the motivation of Congresspeople themselves (Hall 1996, Mayhew 1974) to broader models of how committees shape behavior (Fenno 1973, Shepsle 1978, Krehbiel 1992), the literature on the development of political behavior is vast. Shepsle and Fenno created models for committee assignment and behavior in the 1970s. At that time, Shepsle referred to Congressional "policy innovation" and the expansion of Congressional resources. My work sheds light on how committees continue to function in an era of policy stagnation. Krehbiel and Mayhew's research focused on rational political motives such winning reelection or acquiring information that guide politicians in seeking committee assignments and using committees. Whereas they emphasize Congresspeople's shaping of committees, my study suggests that Congresspeople still stand to be influenced by committee hearings. My study adds to mostly outdated literature and confirms the notion that committees are not simply a tool for fully formed politicians, but formative of the politicians themselves.

The thesis ends in Part Four by drawing conclusions about the implications of my findings for American committees and the application of my findings to the study of committees

in other legislatures. Chapters Ten and Eleven thus mark yet another way in which my research can contribute to American committees and the study of committees as a legislative institution.

Some may argue against my theories, supposing that reforms and Congressional gridlock have caused fundamental changes. They may point to the "displacements" over the last fifty years as sources of irreversible impairment of Congress. They may claim that Congress is not in fact "unbroken" as I argue, but rather only partially functional in those portions I focus on. While there remains an undeniable need for additional work to examine a broader range of committees, Chapter Two detailed my methodical choice of a representative sample of committees as well as the breadth and depth of my data. My work is not meant to discount the changes to committees over the past several decades, but rather to explain how they function as a result of the transformation described in Chapter One. My findings suggest that Congress has retained its functional core in the face of these changes.

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Appendix A - Interview Reference List

Below is a comprehensive list of the people interviewed in the study. They are divided into categories (Congresspeople, Senators, committee staff, personal staff, witnesses, and other relevant actors) and numbered in chronological order of the date the interview was conducted. For each participant, the date, location, method of interview, and other relevant information about the participant herself is also listed.

Congresspeople

- Congressperson 1: in person interview conducted on March 28 2016. Washington D.C. Democratic Congresswoman from Northern California and a member of the House Committee on Energy and Commerce. She has served in Congress for nearly thirty years.
- Congressperson 2: in person interview conducted on October 3 2017. Washington D.C. Democratic Congressman from Virginia and the Vice Ranking Member of the Science Committee.
- Congressperson 3: in person interview conducted on October 12 2017. Washington D.C. Senior Democratic Congressman from Southern California. The Congressman is the Ranking Member of the House Intelligence Committee and has previously served on the House Foreign Affairs Committee.
- Congressperson 4: in person interview conducted on October 12 2017. Washington D.C. Democratic Congresswoman from Connecticut and member of House Science Committee.

- Congressperson 5: in person interview conducted on October 24 2017. Washington D.C. Democratic Congresswoman from the Virgin Islands and a non-voting member of the House Agriculture Committee.
- Congressperson 6: in person interview conducted on October 25 2017. Washington D.C. Junior Democratic Congressman from Northern California and a member of the House Agriculture Committee.
- Congressperson 7: in person interview conducted on October 26 2017. Washington D.C. Former Republican Congressman from California (1979-1991).
- Congressperson 8: in person interview conducted on November 1 2017. Washington D.C. Democratic Congressman from Illinois. The Congressman is a member of the Science Committee and Ranking Member of the Research and Technology Subcommittee.
- Congressperson 9: in person interview conducted on November 3 2018. Washington D.C. Republican Congressman from Florida and member of the House Agriculture Committee.
- Congressperson 10: interview conducted via email during November 2017. Republican Congressman from Kansas. The Congressman is a member of House Agriculture and House Science Committees.
- Congressperson 11: in person interview conducted on March 9 2018. Oxford. Former Republican Congressman (2003-2017) from Pennsylvania and former chairman of the House Energy and Commerce Committee.

- Congressperson 12: in person interview conducted on March 9 2018. Oxford. Former Democratic Congressman (1989-2017) from Washington and former chairman of the House Ethics Committee.
- Congressperson 13: interview conducted via email during June 2018. Republican Congressman from Virginia and former Chairman of the House Agriculture Committee.
- Congressperson 14: in person interview conducted on July 14 2018. Washington D.C. Republican Congressman from Illinois. The Congressman is a member of the House Science Committee and a former member of the House Agriculture Committee.
- Congressperson 15: in person interview conducted on July 24 2018. Washington D.C. Democratic Congresswoman from Texas. The Congresswoman is the Ranking Member of the House Science Committee.
- Congressperson 16: in person interview conducted on July 25 2018. Washington D.C. Democratic Congressman from Illinois. The Congressman is a member of the House Science Committee and the only PhD scientist in the House of Representatives.

Senators

- Senator 1: in person interview conducted on July 17 2018. Washington D.C. Senior Senator who served on the House Science, House Agriculture, and Senate Foreign Relations Committees. He served in the House of Representatives for over a decade and has served in the Senate for more than two decades.

- Senator 2: in person interview conducted on July 19 2018. Washington D.C. Former Republican Senator from Indiana who served in the Senate for over thirty years. The Senator was chairman of the Senate Foreign Relations Committee twice (1985-87, 2003-7).

Committee Staff

- Committee Staffer 1: in person interview conducted on October 2 2017. Washington D.C. Republican Staff Director for the House Science Committee Subcommittee on Research and Technology.
- Committee Staffer 2: in person interview conducted on October 6 2017. Washington D.C. Senior Democratic staff on the Senate Foreign Relations Committee. The Democratic staff on this committee is organized by regional expertise and this staffer specializes in the Middle East.
- Committee Staffer 3: in person interview conducted on October 13 2017. Washington D.C. Democratic Staff Director on the House Science Committee Subcommittee for Research and Technology. The staffer is a PhD scientist herself and has served on the committee for nearly two decades (both in the majority and in the minority).

- Committee Staffer 4: in person interview conducted on October 13 2017. Washington D.C. Democratic staff on the House Science Committee Subcommittee for Energy and Environment.
- Committee Staffer 5: in person interview conducted on October 13 2017. Washington D.C. Deputy Democratic Staff Director for the Senate Commerce Committee.
- Committee Staffer 6: in person interview conducted on October 13 2017. Washington D.C. Democratic subcommittee staff on the Senate Commerce Committee Subcommittee on Aviation.
- Committee Staffer 7: in person interview conducted on October 24 2017. Washington D.C. Democratic Staff Director on the House Agriculture Committee Nutrition Subcommittee.
- Committee Staffer 8: in person interview conducted on October 24 2017. Washington D.C. Democratic staffer on the House Agriculture Committee Biotechnology Subcommittee.
- Committee Staffer 9: in person interview conducted on November 2 2017. Washington D.C. Senior Republican staffer for Senator Bob Corker/Senate Foreign Relations Committee and a former Middle East staffer on the Senate Foreign Relations Committee.
- Committee staffer 10: in person interview conducted on November 3 2017. Washington D.C. Former personal staffer for Senator Chris Coons, a member of the Senate Foreign Relations Committee. The staffer worked for Coons when he was Subcommittee Chairman of the African Affairs Subcommittee. (On the Senate

Foreign Relations Committee, personal staff of subcommittee chairmen play a big role in organizing subcommittee hearings.)

- Committee staffer 11: phone interview conducted on November 7 2017. Former Republican Chief of Staff and General Counsel for House Energy and Commerce Committee (1995-2001).
- Committee staffer 12: in person interview conducted on November 8 2017. Washington D.C. Former Republican staffer on the House Agriculture Committee (2009-2016). While on the committee, the staffer specialized in nutrition issues.
- Committee Staffer 13: in person interview conducted June 12 2018. Oxford. Former staffer on the House Energy and Commerce Committee.
- Committee Staffer 14: in person interview conducted July 11 2018. Washington D.C. Democratic staffer on the Senate Health, Education, Labor, Pension Committee.
- Committee Staffer 15: in person interview conducted July 19 2018. Washington D.C. Republican staffer on the House Ways and Means Committee.

Personal Staff

- Personal staffer 1: in person interview conducted on October 17 2017. Washington D.C. Personal staffer for a Democratic Congressperson from Illinois who serves on the Science Committee.
- Personal staffer 2: in person interview conducted on October 23 2017. Washington D.C. Personal staffer for a Republican Congressperson who serves as a member of the Science Committee as chair of the Subcommittee for Research and Technology.

- Personal staffer 3: in person interview conducted on November 1 2017. Washington D.C. Personal staffer for a Republican Congressperson from Illinois who serves on the Science Committee.
- Personal staffer 4: in person interview conducted on November 7 2017. Washington D.C. Personal staffer for a senior Democratic Senator on the Senate Foreign Relations Committee. The staffer is charged with the foreign policy portfolio and committee work of the Senator.
- Personal staffer 5: in person interview conducted on November 9 2017. Washington D.C. Personal staffer for a Senator from New Hampshire who serves on the Senate Foreign Relations Committee. The staffer is charged with the Senator's foreign policy portfolio. (This personal staffer was interviewed together with personal staffer 4 and shares a similar role.)
- Personal staffer 6: in person interview conducted on November 9 2017. Washington D.C. Personal staffer for a Senator from New Hampshire who serves on the Senate Foreign Relations Committee. The staffer is charged with the Senator's foreign policy portfolio.
- Personal staffer 7: in person interview conducted on July 10 2018. Washington D.C. Staffer is a personal staffer for a Democratic Congresswoman who serves on the Agriculture Committee.
- Personal staffer 8: in person interview conducted on July 16 2018. Washington D.C. Personal staffer for a Democratic Senator on the Senate Foreign Relations Committee.

Witnesses

- Witness 1: in person interview conducted on October 4, 2017. Washington D.C. The witness is an Iran expert and Senior Fellow at the Brookings Institution who has testified about foreign affairs issues before both chambers of Congress.
- Witness 2: in person interview conducted on October 9, 2017. New York. The witness is a scientist and the former Director of the National Institutes of Health and the National Cancer Institute. He has rich experience testifying before Congress on biological science issues.
- Witness 3: in person interview conducted on October 19 2017. Washington D.C. The witness is a Middle East Expert and Senior Fellow at the Brookings Institution. Previously, she served as Deputy Assistant Secretary of State for Near Eastern Affairs from November of 2009 to January 2012, coordinating U.S. policy in the Middle East during the Arab uprisings. She has testified before several Congressional committees, including the Senate Foreign Relations Committee.
- Witness 4: in person interview conducted on October 19 2017. Washington D.C. The witness is a Professor at Georgetown University and Senior Fellow at the Brookings Institution. He is a terrorism expert who has testified before several Congressional committees including the Senate Foreign Relations Committee.
- Witness 5: in person interview conducted on October 25, 2017. Washington D.C. The witness is Vice President of Mazon, a hunger relief non-profit organization. He and his boss both testified before the House Agriculture Committee about SNAP in 2016 and 2017.

- Witness 6: in person interview conducted on October 27 2017. Washington D.C. The witness is a Professor of Bioethics and Public Policy and Director of Johns Hopkins Bioethics Institute. He has testified before Congress several times, including at a House Science Committee hearing on genetic editing.
- Witness 7: in person interview conducted on November 3 2017. Washington D.C. The witness testified before the Senate Commerce Committee as General Counsel of the Internet Association (an association of tech companies including Google, Facebook, Amazon, and others).
- Witness 8: phone interview conducted on May 23 2018. The witness is the President of the Climate Forecast Applications Network and Professor Emeritus at the Georgia Institute of Technology. She before the House Science Committee several times about climate change.
- Witness 9: phone interview conducted on June 13 2018. The witness is a Professor of Biochemistry at the University of California Berkeley and a genetic editing expert. She testified about genetic editing before the House Science Committee in 2015.

Other

- Interviewee 1: in person interview conducted on October 16 2017. Washington D.C. Interviewee is the senior legislative affairs specialist for National Science Foundation. She also previously worked for the House Science Committee for ten years.
- Interviewee 2: in person interview conducted on November 1 2017. Washington D.C. Interviewee is a Congressional relations staffer at a prominent neoconservative think tank. Experts from said think thank testify regularly before Congress.

- Interviewee 3: in person interview conducted on July 12 2018. Washington D.C. Interviewee is a senior executive at a leading auto lobby. He was formerly a senior Republican staffer on the Senate Commerce Committee.

Appendix B - Interview Questions

Please see below sample questions for various types of interviewees. Though the script of interviews differed significantly based on the committee, time period, specific position of the interviewee, and other factors, these sample interviews give a sense of the types of questions posed to interviewees.

I. Interview with Congressperson

1. As ranking member of a subcommittee, what goes into your thinking in recommending witnesses and engagement with minority staff. And more broadly, how much power do you think the minority has in shaping what goes on in the committee?
2. In general, how are you affected by the witnesses who come to testify? Are you affected differently by majority and minority witnesses?
3. I know there are pre-prepared questions. How often do you stick to that in asking questions and how do questions help illuminate things you perhaps did not know before?
4. How often does testimony make you reassess your position?
5. Are there any examples of witnesses who made you understand things differently? Or subjects where this is more prevalent?
6. I know that a topic that you are interested in now is small business innovation research. I had a chance to sit down with a lead Republican staffer and she told me you suggested an amendment to the bill and there was then a negotiation with Chairman Smith in which you agreed to withdraw the amendment in exchange for a

hearing. I would be interested in how often this type of negotiation happens and how you use hearing platforms as a chance to get your voice out?

7. Follow up questions on his reference to his relationship with Chairman Smith-is your relationship with him as a result of being a part of the committee or did you have a relationship prior? Have you seen your dynamic with him is different from previous chairmen?
8. In terms of this example with small business innovation of using the hearing as a platform to voice your agenda, is this a rarity? More generally, did the hearings earlier this year on Small Business Innovation Research and the witnesses you listened to influence your approach to the topic?
9. Moving on to another topic, Cyber and NIST, you have had several hearings, would you say those hearings changed your approach to that issue in general?
10. That position was informed by information taken from witnesses? (on deciding to vote against his party and support the Republican bill)
11. Just last week you had a roundtable on cyber. I attended and was struck by the difference in dynamic between the formal hearings and the roundtables. I was interested in your perspective on how the roundtables might affect you?
12. The last major area I wanted to talk about were the STEM hearings. In terms of dynamics we discussed earlier, how did these differ for this topic? Earlier you mentioned that there is more room for informative hearings on issues that there is not legislation on yet. Would this be the case for an issue like STEM?
13. Follow up-have you found these hearings informative?

14. As someone who has been on the committee for many years under different chairmen, in general how do you think being on the committee and attending these hearings has shaped your interaction with other Republican and Democratic members?
15. How have you seen the committee dynamics evolve over your time here?

II. Interview with Witness

1. How were you approached to testify?
2. Was there any preparation with you before (the hearing)? How did you decide what to put in the testimony?
3. Were you consciously partisan in your testimony?
4. How did you feel you compared to other witnesses on the panel?
5. Did you feel you influenced any of the members? Did you feel in their questioning that they were genuinely inquisitive and listening?
6. Did this vary by party?
7. Was there follow up after hearing?
8. Is there an example of an experience testifying that either went especially well or not well?
9. How has testifying before the Senate Foreign Relations Committee differed from experiences before other committees?

III. Interview with minority staff of Senate Foreign Relations Committee

1. Could you describe the mechanics of setting up hearings and inviting witnesses?

2. What is the preparation of the witnesses like?
3. How do the majority and minority staff interact in putting together the hearing?
4. Is there a conscious decision to find balance on the panel? If so, what kind of balance?
5. Can you walk me through what this process looked like for the recent hearing on Turkey-US relations?
6. What about the process for the numerous Iran hearings during last Congress?
7. How has this process changed over time and under different chairmen?
8. How do you think the hearings shape the way members view their position relative to others?
9. How do you think hearings shape the collective work together of the committee?
10. Is there an example that stands out to you of a piece of witness testimony that influenced members?

Appendix C: Hu and Liu Dictionary words used for Construction of Balance Scores

Positive words

abound
abounds
abundance
abundant
accessable
accessible
acclaim
acclaimed
acclamation
accolade
accolades
accommodative
accomodative
accomplish
accomplished
accomplishment
accomplishments
accurate
accurately
achievable
achievement
achievements
achievible
acumen
adaptable
adaptive
adequate
adjustable
admirable
admirably
admiration
admire
admirer
admiring
admiringly
adorable
adore
adored
adorer
adoring
adoringly
adroit
adroitly

adulate
adulation
adulatory
advanced
advantage
advantageous
advantageously
advantages
adventuresome
adventurous
advocate
advocated
advocates
affability
affable
affably
affectation
affection
affectionate
affinity
affirm
affirmation
affirmative
affluence
affluent
afford
affordable
affordably
afordable
agile
agilely
agility
agreeable
agreeableness
agreeably
all-around
alluring
alluringly
altruistic
altruistically
amaze
amazed
amazement
amazes
amazing
amazingly
ambitious
ambitiously
ameliorate
amenable
amenity
amiability
amiabily
amiable
amicability
amicable
amicably
amity
ample
amply
amuse
amusing
amusingly
angel
angelic
apotheosis
appeal
appealing
applaud
appreciable
appreciate
appreciated
appreciates
appreciative
appreciatively
appropriate
approval
approve
ardent
ardently
ardor
articulate
aspiration
aspirations
aspire
assurance
assurances
assure
assuredly
assuring
astonish
astonished
astonishing
astonishingly
astonishment
astound
astounded
astounding
astoundingly
astutely
attentive
attraction
attractive
attractively
attune
audible
audibly
auspicious
authentic
authoritative
autonomous
available
aver
avid
avidly
award
awarded
awards
awe
awed
awesome
awesomely
awesomeness
awestruck
awsome
backbone
balanced
bargain
beauteous
beautiful
beautifullly
beautifully
beautify
beauty
beckon
beckoned
beckoning
beckons
believable
believeable
beloved
benefactor
beneficent
beneficial
beneficially
beneficiary
benefit
benefits
benevolence
benevolent
benifits
best
best-known
best-performing
best-selling
better
better-known
better-than-expected
beutifully
blameless
bless
blessing
bliss
blissful
blissfully
blithe
blockbuster
bloom
blossom
bolster
bonny
bonus
bonuses
boom
booming
boost
boundless
bountiful
brainiest
brainy
brand-new
brave
bravery
bravo
breakthrough
breakthroughs
breathlessness
breathtaking
breathtakingly
breeze
bright
brighten
brighter
brightest
brilliance
brilliances
brilliant
brilliantly
brisk
brotherly
bullish
buoyant
cajole
calm
calming
calmness
capability
capable
capably
captivate
captivating
carefree
cashback
cashbacks
catchy
celebrate
celebrated
celebration
celebratory
champ
champion
charisma
charismatic
charitable
charm
charming
charmingly
chaste
cheaper
cheapest
cheer
cheerful
cheery
cherish
cherished
cherub
chic
chivalrous
chivalry
civility
civilize
clarity
classic
classy
clean
cleaner

cleanest
cleanliness
cleanly
clear
clear-cut
cleared
clearer
clearly
clears
clever
cleverly
cohere
coherence
coherent
cohesive
colorful
comely
comfort
comfortable
comfortably
comforting
comfy
commend
commendable
commendably
commitment
commodious
compact
compactly
compassion
compassionate
compatible
competitive
complement
complementary
complemented
complements
compliant
compliment
complimentary
comprehensive
conciliate
conciliatory
concise
confidence
confident
congenial
congratulate
congratulation
congratulations
congratulatory
conscientious
considerate
consistent
consistently
constructive
consummate
contentment
continuity
contrasty
contribution
convenience
convenient
conveniently
convience
convienient
convient
convincing
convincingly
cool
coolest
cooperative
cooperatively
cornerstone
correct
correctly
cost-effective
cost-saving
counter-attack
counter-attacks
courage
courageous
courageously
courageousness
courteous
courtly
covenant
cozy
creative
credence
credible
crisp
crisper
cure
cure-all
cushy
cute
cuteness
danke
danken
daring
daringly
darling
dashing
dauntless
dawn
dazzle
dazzled
dazzling
dead-cheap
dead-on
decency
decent
decisive
decisiveness
dedicated
defeat
defeated
defeating
defeats
defender
deference
deft
deginified
delectable
delicacy
delicate
delicious
delight
delighted
delightful
delightfully
delightfulness
dependable
dependably
deservedly
deserving
desirable
desiring
desirous
destiny
detachable
devout
dexterous
dexterously
dextrous
dignified
dignify
dignity
diligence
diligent
diligently
diplomatic
dirt-cheap
distinction
distinctive
distinguished
diversified
divine
divinely
dominate
dominated
dominates
dote
dotingly
doubtless
dreamland
dumbfounded
dumbfounding
dummy-proof
durable
dynamic
eager
eagerly
eagerness
earnest
earnestly
earnestness
ease
eased
eases
easier
easiest
easiness
easing
easy
easy-to-use
easygoing
ebullience
ebullient
ebulliently
ecenomical
economical
ecstasies
ecstasy
ecstatic
ecstatically
edify
educated
effective
effectively
effectiveness
effectual
efficacious
efficient
efficiently
effortless
effortlessly
effusion
effusive
effusively
effusiveness
elan
elate
elated
elatedly
elation
electrify
elegance
elegant
elegantly
elevate
elite
eloquence
eloquent
eloquently
embolden
eminence
eminent
empathize
empathy
empower
empowerment
enchant
enchanted
enchanting
enchantingly
encourage
encouragement
encouraging
encouragingly
endear
endearing
endorse
endorsed
endorsement
endorses
endorsing
energetic
energize
energy-efficient
energy-saving
engaging
engrossing
enhance
enhanced
enhancement
enhances
enjoy
enjoyable
enjoyably
enjoyed
enjoying
enjoyment
enjoys
enlighten
enlightenment
enliven
ennoble
enough
enrapt
enrapture
enraptured
enrich
enrichment
enterprising
entertain
entertaining
entertains
enthral
enthrall
enthralled
enthuse
enthusiasm
enthusiast
enthusiastic
enthusiastically
entice
enticed
enticing
enticingly
entranced
entrancing
entrust
enviable
enviably
envious
enviously
enviousness
envy
equitable
ergonomical
err-free
erudite
ethical
eulogize
euphoria
euphoric
euphorically
evaluative

evenly
eventful
everlasting
evocative
exalt
exaltation
exalted
exaltedly
exalting
exaltingly
examplar
examplary
excallent
exceed
exceeded
exceeding
exceedingly
exceeds
excel
exceled
excelent
excellant
excelled
excellence
excellency
excellent
excellently
excels
exceptional
exceptionally
excite
excited
excitedly
excitedness
excitement
excites
exciting
excitingly
exellent
exemplar
exemplary
exhilarate
exhilarating
exhilaratingly
exhilaration
exonerate
expansive
expeditiously
expertly
exquisite
exquisitely
extol
extoll
extraordinarily
extraordinary
exuberance
exuberant
exuberantly
exult
exultant
exultation
exultingly
eye-catch
eye-catching
eyecatch
eyecatching
fabulous
fabulously
facilitate
fair
fairly
fairness
faith
faithful
faithfully
faithfulness
fame
famed
famous
famously
fancier
fancinating
fancy
fanfare
fans
fantastic
fantastically
fascinate
fascinating
fascinatingly
fascination
fashionable
fashionably
fast
fast-growing
fast-paced
faster
fastest
fastest-growing
faultless
fav
fave
favor
favorable
favored
favorite
favorited
favour
fearless
fearlessly
feasible
feasibly
feat
feature-rich
fecilitous
feisty
felicitate
felicitous
felicity
fertile
fervent
fervently
fervid
fervidly
fervor
festive
fidelity
fiery
fine
fine-looking
finely
finer
finest
firmer
first-class
first-in-class
first-rate
flashy
flatter
flattering
flatteringly
flawless
flawlessly
flexibility
flexible
flourish
flourishing
fluent
flutter
fond
fondly
fondness
foolproof
foremost
foresight
formidable
fortitude
fortuitous
fortuitously
fortunate
fortunately
fortune
fragrant
free
freed
freedom
freedoms
fresh
fresher
freshest
friendliness
friendly
frolic
frugal
fruitful
ftw
fulfillment
fun
futurestic
futuristic
gaiety
gaily
gain
gained
gainful
gainfully
gaining
gains
gallant
gallantly
galore
geekier
geeky
gem
gems
generosity
generous
generously
genial
genius
gentle
gentlest
genuine
gifted
glad
gladden
gladly
gladness
glamorous
glee
gleeful
gleefully
glimmer
glimmering
glisten
glistening
glitter
glitz
glorify
glorious
gloriously
glory
glow
glowing
glowingly
god-given
god-send
godlike
godsend
gold
golden
good
goodly
goodness
goodwill
goood
gooood
gorgeous
gorgeously
grace
graceful
gracefully
gracious
graciously
graciousness
grand
grandeur
grateful
gratefully
gratification
gratified
gratifies
gratify
gratifying
gratifyingly
gratitude
great
greatest
greatness
grin
groundbreaking
guarantee
guidance
guiltless
gumption
gush
gusto
gutsy
hail
halcyon
hale
hallmark
hallmarks
hallowed
handier
handily
hands-down
handsome
handsomely
handy
happier
happily
happiness
happy
hard-working
hardier
hardy
harmless
harmonious
harmoniously
harmonize
harmony
headway
heal
healthful
healthy
hearten
heartening
heartfelt
heartily
heartwarming
heaven
heavenly
helped
helpful
helping
hero
heroic
heroically
heroine

heroize
heros
high-quality
high-spirited
hilarious
holy
homage
honest
honesty
honor
honorable
honored
honoring
hooray
hopeful
hospitable
hot
hotcake
hotcakes
hottest
hug
humane
humble
humility
humor
humorous
humorously
humour
humourous
ideal
idealize
ideally
idol
idolize
idolized
idyllic
illuminate
illuminati
illuminating
illumine
illustrious
ilu
imaculate
imaginative
immaculate
immaculately
immense
impartial
impartiality
impartially
impassioned
impeccable
impeccably
important
impress
impressed
impresses
impressive
impressively
impressiveness
improve
improved
improvement
improvements
improves
improving
incredible
incredibly
indebted
individualized
indulgence
indulgent
industrious
inestimable
inestimably
inexpensive
infallibility
infallible
infallibly
influential
ingenious
ingeniously
ingenuity
ingenuous
ingenuously
innocuous
innovation
innovative
inpressed
insightful
insightfully
inspiration
inspirational
inspire
inspiring
instantly
instructive
instrumental
integral
integrated
intelligence
intelligent
intelligible
interesting
interests
intimacy
intimate
intricate
intrigue
intriguing
intriguingly
intuitive
invaluable
invaluablely
inventive
invigorate
invigorating
invincibility
invincible
inviolable
inviolate
invulnerable
irreplaceable
irreproachable
irresistible
irresistibly
issue-free
jaw-droping
jaw-dropping
jollify
jolly
jovial
joy
joyful
joyfully
joyous
joyously
jubilant
jubilantly
jubilate
jubilation
jubiliant
judicious
justly
keen
keenly
keenness
kid-friendly
kindliness
kindly
kindness
knowledgeable
kudos
large-capacity
laud
laudable
laudably
lavish
lavishly
law-abiding
lawful
lawfully
lead
leading
leads
lean
led
legendary
leverage
levity
liberate
liberation
liberty
lifesaver
light-hearted
lighter
likable
like
liked
likes
liking
lionhearted
lively
logical
long-lasting
lovable
lovably
love
loved
loveliness
lovely
lover
loves
loving
low-cost
low-price
low-priced
low-risk
lower-priced
loyal
loyalty
lucid
lucidly
luck
luckier
luckiest
luckiness
lucky
lucrative
luminous
lush
luster
lustrous
luxuriant
luxuriate
luxurious
luxuriously
luxury
lyrical
magic
magical
magnanimous
magnanimously
magnificence
magnificent
magnificently
majestic
majesty
manageable
maneuverable
marvel
marveled
marvelled
marvellous
marvelous
marvelously
marvelousness
marvels
master
masterful
masterfully
masterpiece
masterpieces
masters
mastery
matchless
mature
maturely
maturity
meaningful
memorable
merciful
mercifully
mercy
merit
meritorious
merrily
merriment
merriness
merry
mesmerize
mesmerized
mesmerizes
mesmerizing
mesmerizingly
meticulous
meticulously
mightily
mighty
mind-blowing
miracle
miracles
miraculous
miraculously
miraculousness
modern
modest
modesty
momentous
monumental
monumentally
morality
motivated
multi-purpose
navigable
neat
neatest
neatly
nice
nicely
nicer
nicest
nifty
nimble
noble
nobly
noiseless
non-violence
non-violent
notably
noteworthy
nourish
nourishing
nourishment
novelty
nurturing
oasis
obsession
obsessions
obtainable

openly
openness
optimal
optimism
optimistic
opulent
orderly
originality
outdo
outdone
outperform
outperformed
outperforming
outperforms
outshine
outshone
outsmart
outstanding
outstandingly
outstrip
outwit
ovation
overjoyed
overtake
overtaken
overtakes
overtaking
overtook
overture
pain-free
painless
painlessly
palatial
pamper
pampered
pamperedly
pamperedness
pampers
panoramic
paradise
paramount
pardon
passion
passionate
passionately
patience
patient
patiently
patriot
patriotic
peace
peaceable
peaceful
peacefully
peacekeepers
peach
peerless
pep
pepped
pepping
peppy
peps
perfect
perfection
perfectly
permissible
perseverance
persevere
personages
personalized
phenomenal
phenomenally
picturesque
piety
pinnacle
playful
playfully
pleasant
pleasantly
pleased
pleases
pleasing
pleasingly
pleasurable
pleasurably
pleasure
plentiful
pluses
plush
plusses
poetic
poeticize
poignant
poise
poised
polished
polite
politeness
popular
portable
posh
positive
positively
positives
powerful
powerfully
praise
praiseworthy
praising
pre-eminent
precious
precise
precisely
preeminent
prefer
preferable
preferably
prefered
preferes
preferring
prefers
premier
prestige
prestigious
prettily
pretty
priceless
pride
principled
privilege
privileged
prize
proactive
problem-free
problem-solver
prodigious
prodigiously
prodigy
productive
productively
proficient
proficiently
profound
profoundly
profuse
profusion
progress
progressive
prolific
prominence
prominent
promise
promised
promises
promising
promoter
prompt
promptly
proper
properly
propitious
propitiously
pros
prosper
prosperity
prosperous
prospros
protect
protection
protective
proud
proven
proves
providence
proving
prowess
prudence
prudent
prudently
punctual
pure
purify
purposeful
quaint
qualified
qualify
quicker
quiet
quieter
radiance
radiant
rapid
rapport
rapt
rapture
raptureous
raptureously
rapturous
rapturously
rational
razor-sharp
reachable
readable
readily
ready
reaffirm
reaffirmation
realistic
realizable
reasonable
reasonably
reasoned
reassurance
reassure
receptive
reclaim
recomend
recommend
recommendatio
n
recommendatio
ns
recommended
reconcile
reconciliation
record-setting
recover
recovery
rectification
rectify
rectifying
redeem
redeeming
redemption
refine
refined
refinement
reform
reformed
reforming
reforms
refresh
refreshed
refreshing
refund
refunded
regal
regally
regard
rejoice
rejoicing
rejoicingly
rejuvenate
rejuvenated
rejuvenating
relaxed
relent
reliable
reliably
relief
relish
remarkable
remarkably
remedy
remission
remunerate
renaissance
renewed
renown
renowned
replaceable
reputable
reputation
resilient
resolute
resound
resounding
resourceful
resourcefulness
respect
respectable
respectful
respectfully
respite
resplendent
responsibly
responsive
restful
restored
restructure
restructured
restructuring
retractable
revel
revelation
revere
reverence
reverent
reverently
revitalize
revival
revive
revives
revolutionary
revolutionize
revolutionized
revolutionizes
reward
rewarding
rewardingly

rich
richer
richly
richness
right
righten
righteous
righteously
righteousness
rightful
rightfully
rightly
rightness
risk-free
robust
rock-star
rock-stars
rockstar
rockstars
romantic
romantically
romanticize
roomier
roomy
rosy
safe
safely
sagacity
sagely
saint
saintliness
saintly
salutary
salute
sane
satisfactorily
satisfactory
satisfied
satisfies
satisfy
satisfying
satisified
saver
savings
savior
savvy
scenic
seamless
seasoned
secure
securely
selective
self-determination
self-respect
self-satisfaction
self-sufficiency
self-sufficient
sensation
sensational
sensationally
sensations
sensible
sensibly
sensitive
serene
serenity
sexy
sharp
sharper
sharpest
shimmering
shimmeringly
shine
shiny
significant
silent
simpler
simplest
simplified
simplifies
simplify
simplifying
sincere
sincerely
sincerity
skill
skilled
skillful
skillfully
slammin
sleek
slick
smart
smarter
smartest
smartly
smile
smiles
smiling
smilingly
smitten
smooth
smoother
smoothes
smoothest
smoothly
snappy
snazzy
sociable
soft
softer
solace
solicitous
solicitously
solid
solidarity
soothe
soothingly
sophisticated
soulful
soundly
soundness
spacious
sparkle
sparkling
spectacular
spectacularly
speedily
speedy
spellbind
spellbinding
spellbindingly
spellbound
spirited
spiritual
splendid
splendidly
splendor
spontaneous
sporty
spotless
sprightly
stability
stabilize
stable
stainless
standout
state-of-the-art
stately
statuesque
staunch
staunchly
staunchness
steadfast
steadfastly
steadfastness
steadiest
steadiness
steady
stellar
stellarly
stimulate
stimulates
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stimulative
stirringly
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straightforward
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strikingly
striving
strong
stronger
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stunningly
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suavely
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sufficiently
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superb
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superiority
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supporter
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supportive
supports
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supurbly
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surreal
survival
survivor
sustainability
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sweetheart
sweetly
sweetness
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swiftness
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thumb-up
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tidy
time-honored
timely
tingle
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titillatingly
togetherness
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toll-free
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top-notch
top-quality
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toughest
traction
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tranquility
transparent
treasure
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triumphant

triumphantly
trivially
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trumpet
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trustingly
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trusty
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truthfully
truthfulness
twinkly
ultra-crisp
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unassailable
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uncomplicated
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undaunted
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undisputed
unencumbered
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unfettered
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unity
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unparalleled
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unquestionably
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unrestricted
unrivaled
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uphold
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upliftment
upscale
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useable
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user-replaceable
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valor
valuable
variety
venerate
verifiable
veritable
versatile
versatility
vibrant
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victory
viewable
vigilance
vigilant
virtue
virtuous
virtuously
visionary
vivacious
vivid
vouch
vouchsafe
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warmer
warmhearted
warmly
warmth
wealthy
welcome
well
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well-made
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well-mannered
well-positioned
well-received
well-regarded
well-rounded
well-run
well-wishers
wellbeing
whoa
wholeheartedly
wholesome
whooa
whoooa
wieldy
willing
willingly
willingness
win
windfall
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winner
winners
winning
wins
wisdom
wise
wisely
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wondrous
woo
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workable
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works
world-famous
worth
worth-while
worthiness
worthwhile
worthy
wow
wowed
wowing
wows
yay
youthful
zeal
zenith
zest
zippy

Negative Words

abnormal
abolish
abominable
abominably
abominate
abomination
abort
aborted
aborts
abrade
abrasive
abrupt
abruptly
abscond
absence
absent-minded
absentee
absurd
absurdity
absurdly
absurdness
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abuses
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abysmally
abyss
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accursed
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accusingly
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acerbically
ache
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aches
achey
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adamantly
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agonizingly
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ailment
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altercation
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angrily

angriness
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anguish
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assult
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attacks
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audaciously
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audiciously
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aversion
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awfully
awfulness
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awkwardness
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babble
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backwoods
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badly
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banishment
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bastards
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bedlamite
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blindingly
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blockhead
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bloodthirsty
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blunder
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blunders
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blurring
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breaking
breaks
breakup
breakups
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brimstone

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browbeat
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buckle
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bulkyness
bull****
bull----
bullies
bullshit
bullshyt
bully
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byzantine
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deviousness
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diatribes
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dictator
dictatorial
die
die-hard
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difficult
difficulties
difficulty
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doubtfully
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downcast
downer

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downsides
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downturns
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dragoon
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drains
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drawback
drawbacks
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drop-outs
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dropouts
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dull
dullard
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dumps
dunce
dungeon
dungeons
dupe
dust
dusty
dwindling
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earsplitting
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eccentricity
effigy
effrontery
egocentric
egomania
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elimination
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emergency
emphatic
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emptiness
encroach
encroachment
endanger
enemies
enemy
enervate
enfeeble
enflame
engulf
enjoin
enmity
enrage
enraged
enraging
enslave
entangle
entanglement
entrap
entrapment
envious
enviously
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zealous
zealously
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