

# Congress' Wicked Problem

## Seeking Knowledge Inside the Information Tsunami

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### Executive Summary

The lack of shared expert knowledge capacity in the U.S. Congress has created a critical weakness in our democratic process. Along with bipartisan cooperation, many contemporary and urgent questions before our legislators require nuance, genuine deliberation and expert judgment. Congress, however, is missing adequate means for this purpose and depends on outdated and in some cases antiquated systems of information referral, sorting, communicating, and convening.

Congress is held in record low esteem by the public today. Its failings have been widely analyzed and a multitude of root causes have been identified. This paper does not put forward a simple recipe to fix these ailments, but argues that the absence of basic knowledge management in our legislature is a critical weakness. Congress struggles to make policy on complex issues while it equally lacks the wherewithal to effectively compete on substance in today's 24 hour news cycle. This paper points out that Congress is not so much venal and corrupt as it is incapacitated and obsolete. And, **in its present state, it cannot serve the needs of American democracy in the 21<sup>st</sup> Century.**

The audience for this paper is those who are working in the open government, civic technology and transparency movements as well as other foundations, think tanks and academic entities. It is also for individuals inside and outside of government who desire background about Congress' current institutional dilemmas, including lack of expertise.

It was not always such: less than 20 years ago, Congress operated one of the world's premier scientific advisory bodies. It maintained an extensive network of shared expert staff--individuals and entities that comprised deep pools of both subject matter and legislative process expertise. Importantly, most of these human resources worked for Congress as a whole and provided symmetrical access and assistance to staff and Members tasked with complex policy decision-making. Before 1995, committee staffs were also larger and more often shared. Joint hearings between committees and between the House and Senate were more common as well. While this former system stands in stark contrast to the one that exists today, it also offers encouragement that we can rebuild an expert knowledge system for Congress--one with even greater capabilities-- by harnessing the technology tools now at hand.

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This paper distinguishes between information and knowledge: Members of Congress and their staff do not lack access to information. Yet information backed by financial interests and high-decibel advocacy is disproportionately represented. Most importantly, they lack the institutional wisdom that can be built via a deliberate system that feeds broadly inclusive information through defined processes of review, context, comparison and evaluation of the implications for the nation as a whole. Concurrently, Congress also needs more expert judgment available to it during the policymaking process, which, for the purposes of this paper, means a focus on development of knowledge.

Today's challenges are especially evident when U.S. national interests have global implications. Not only is Congress notoriously fixated on domestic issues, its ability to understand complex issues in context – and understand second and third order implications – is compromised. We have seen this failure in recent years with lack of action on vital interests that connect us as a nation – such as roads, bridges, power grids and other critical infrastructure. It has also shown up in debates over enforcement of intellectual property rights online, and the limits of military power in Afghanistan. While various factors, well beyond the scope of this paper, stymie forward movement on complex, long term issues, I argue below that the depleted shared knowledge system of Congress is a large part of the problem.

Specifically, knowledge asymmetry within Congress creates an uneven playing field and obstructs forward movement on policy. In the context of this paper, knowledge asymmetry refers to the uneven distribution of trusted quality expertise inside the institution, which hinders the ability of policymakers to see aligned interests and distorts the policy process. A good example of this is the disparity between subject matter information provided to committees versus personal staff in DC and back home in the state or district. Committees on Capitol Hill receive the lion's share of expertise.

Congressional staff are disaggregated. Take a typical House member. His or her DC based staff work at the center of the largest policy eco-system in the world. Staff back home, however, have much more direct interaction with constituents, yet receive far less substantive policy assistance. This pattern continues despite the facts that globalization has blended local and national policy concerns and that today members spend considerably more time at home.

Two vital legislative processes deserve attention as well. Authorization and appropriations cycles form the bedrock of Congress' workplan. A distorting knowledge asymmetry today is the imbalance between them. Authorization hearings, for example, are where members engage in discussion, bring ideas to the table and deliberate on policy substance. Ideally, they examine assumptions, make tradeoffs, set parameters, review subject matter and set policy. Appropriations is the process where members allocate money. Authorization, in general, has atrophied considerably over the past decades, with far more institutional and outside bandwidth devoted to appropriations.

Fundamentally, this paper looks at asymmetry in two subsets: expert knowledge provision and expert knowledge sharing.

- Knowledge provision: Who is providing knowledge during the policy process? What are the distinctions between sentiment (polling, petitions) and substance (peer reviewed, credible data), self-interest and "big picture national outcomes?" A good example of the problem is the inability of Congress to make use of distributed constituent expertise because of a lack of institutionally useful or structured relationships between academic/expert entities and congressional offices.

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- Knowledge sharing: Is the existing system working? Are there new forms of accessible, system-wide, inclusive and trusted knowledge sharing arrangements that could facilitate understanding of complex issues? For example, between House and Senate, committee and committee, committee staff and personal staff, member and constituent.

Meanwhile, Congress' focus on information that addresses the here and now is driven by the most influential information providers to member offices. These are typically politically-oriented groups, advocacy organizations and lobbyists that operate on electoral and budget cycle timelines. Deliberative functions necessary for healthy governance are the casualties of this accelerated pace: comparative macro and micro-analysis, forecasting, context, and institutional memory all go lacking in today's decision-making environment.

This is not a call to eliminate lobbying. Petitioning your government is, after all, part of the Constitution. As retired Representative Lee Hamilton (D-IN) points out, lobbying is part of the normal deliberative process. He notes that Members of Congress have a responsibility to listen to lobbyists and that they are an important component of the public discussion. "*Our challenge*" he says "*is not to shut it down but to make sure it's a balanced dialogue.*"<sup>2</sup>

Ultimately, the political and partisan character of information in our contemporary Congress is not balanced, especially within the ongoing process of policymaking. This current condition contrasts with the broader vision and inclusive capacity of Congress from previous decades, a capacity that provided credible knowledge and bridge building to support the compromises necessary for most policymaking. The issues raised in this paper must be addressed for the policymaking process to get back on track.

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<sup>2</sup> Hamilton, Lee "How Congress Works and Why You Should Care" Bloomington, Indiana University Press 2004

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## ***Drowning in a Sea of Noise***

*"K Street likes to see us burn out. Then they can pick us off for twice the public service salary. They get everything we know and it's still a deal."*

(current Senate committee staffer)

Two characteristics of the communications revolution have impacted legislative bodies everywhere: the evolution of the World Wide Web and the ease of access to information made possible by the Internet. The U.S. Congress is no exception. In 2009, member offices received from 500 to over 1000 percent more mail than at the beginning of the decade.<sup>1</sup> Responding effectively to routine constituent requests is a tremendous challenge. A parallel and even more comprehensive problem, however, is Congress' inability to handle issues that require a system wide baseline of subject matter expertise.

This knowledge asymmetry is most obvious between committees and personal members' staffs based on Capitol Hill and outside of Washington, DC in states and districts across the USA. While committees are deep pools of knowledge, the institution is neither supported nor staffed to offer standing opportunities for knowledge sharing, expert engagement, or to facilitate the expert participation in governance that can occur. Finding basic topical information is not a problem on Capitol Hill. Indeed, offices are overwhelmed with the noise of incoming information, including from constituents, non-profit advocacy, fact-sheets, lobbying and commercially sponsored analysis.

In parallel, often young and inexperienced staff resort to search engines and Wikipedia on a daily basis to develop basic understandings of issues in the face of this information tsunami. Insufficient institutional knowledge and insufficient policy staff create a double impasse for evidence based decision-making and exacerbate the knowledge asymmetry.

### **The Nature of Asymmetry**

"Information asymmetry" is most commonly found in the realm of market transactions where one party has better information, and therefore more power, than the other. For example, the seller of a product typically has more information about it than a buyer. While there are apt comparisons between Congress and this market systems model, the nature of the problem in Congress is one of imbalance both inside and outside of the institution itself. Inside, the institution fails to provide adequate standard, shared expertise for common good outcomes.

Outside, the asymmetry in types of information provided to Congress is caused by an imbalance in American civic life where high quality knowledge providers lack the ways or incentives to initiate or engage by means of their expertise with the legislative branch.

For example, as elected leaders, members of Congress must continually make tradeoffs, yet they often lack access to contextually appropriate data, as well as the staff to interpret it and the technology to turn it into a comprehensive and compelling description.

A bill is introduced. If a Member is to invest political capital in this piece of legislation, he or she needs to know a number of things: when it was first introduced, (for example, is it from a prior Congress?) how the circumstances have changed, what the source of the language was, what the best data driven estimates of its impact are, what policy tradeoffs are required, what stakeholders exist in Congress (this could be members or staff), whether or not the Senate working on something similar, and so on. Individual political needs assessments are also often missing, i.e. how a bill or issue is received in the district, timing, how it impacts the district, who its credible validators are, real time or rapid response expertise, polling, and a checklist of

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organized community groups (opinions for or against).

Those outside Capitol Hill continually lambaste Congress for partisanship, yet also fail to help members and their staff to identify acceptable tradeoffs or opportunities to work together through knowledge sharing. The cause of this might be ignorance about congressional ethics rules, which include restrictions about how members and staff may solicit expert help. No such restrictions exist for universities or colleges taking the initiative.

An enduring problem for scarce policy staff in Congress is sorting and filtering timely and credible knowledge. This means subject matter expertise that is both relevant to their district and useful in their noisy and time-pressed environment. The most adept information providers regularly contribute to the problem of asymmetry as they often stress narrow partisan perspectives that do not lend themselves to the kind of strategic and integrated “big picture” analysis required.

Overall, two specific types of knowledge are lacking: **context** (institutional memory, issue history, including cross-cutting committee collaboration, and forecasting) and **expertise** (timely comparative judgment based on credible, peer reviewed sources). Congress’ inability to assess, analyze and synthesize or usefully integrate the implications of decisions (like legislative proposals or votes cast) is

creating congestion, sub-optimal and even dysfunctional outcomes. The recent public outcry and abrupt congressional flip on the Stop Online Piracy Act (SOPA) is a good example (see box). Another example of discrepancy between mass popular input and inadequate outcome is the Genocide Prevention Act, passed by Congress in 2007. The American anti-genocide movement is bipartisan, deeply committed and millions strong. While the sentiment behind the act was irreproachable, peacekeeping and diplomacy continue to be chronically underfunded by Congress

and even genocide prevention missions lack simple logistical items like helicopters.

New media is adding to this dilemma. Perhaps the best example of an overwhelming humanitarian call to action spurred on by social media is the video *Kony 2012* — the video is controversial on the facts, but its reach impressive. It appealed to a global audience to recognize and apprehend the murderous Ugandan rebel leader Joseph Kony. Despite millions of views and millions of newly aware constituents, the actual policy results are as yet unclear, unfounded, and/or minimal. Indeed,

a recent survey points out how today’s technology results in activists feeling satisfied about their advocacy, but remaining dis-connected to the policy making needs of members of Congress. In contrast,

### **SOPA and PIPA – a failure of congressional process**

In January, 2012 The Stop Online Piracy Act (SOPA) in the House and the Protect Intellectual Property Act (PIPA) in the Senate were withdrawn after immense popular opposition. While people may agree or disagree about the legislation, and whether its failure is good or bad, an equally important question is what was the process that yielded legislative language that served such a narrow slice of the interested parties in the first place?

Much of the legislation’s post-mortem media coverage framed the defeat as the old guard recording industry vs. new upstart Google. Yet this binary framing does not explain the participation of millions of internet users, nor the lack of technologists in the room while the bill was drafted.

Clearly, one outcome of the SOPA-PIPA fight will be to figure out how to engage a broader range of subject matter expertise early in the process and to include a robust and more inclusive process in the drafting of legislation that has huge public interest implications.

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lobbyists know precisely when to engage within the policy process.<sup>2</sup>

Given the obsolete and tradition-bound infrastructure on Capitol Hill, how do we give members the power to make decisions based on aspirations for mutually beneficial “big picture” outcomes? Moreover, should we be surprised when Congress makes shortsighted decisions, apparently captured by one interest group or another? After analyzing these characteristics, the Sunlight Foundation suggested these problems result from money in politics, and Congress’ tendency to purge itself of long-term staff. Hence it is unable to compete on policy substance against purchased influence.<sup>3</sup> Simply put, Congress has less support staff combined with higher rates of personnel turnover.

As much as those constitute reasons for congressional dysfunction and partisanship over results, I argue below that the failure of the institution to tolerate cooperation is as much to blame – chiefly because shared expert knowledge systems in the House of Representatives were dismantled in 1995 and the resulting lack of institutional filters has created a knowledge asymmetry that has paralyzed Congress in the global information age.

Other authors have analyzed the broad cross-section of formal and informal organizing in Congress. This paper looks at the current communications context that surrounds Capitol Hill, and then documents part of the knowledge acquisition and sharing systems that served Congress in prior decades. It covers four specific organizational bodies: **the Office of Technology Assessment, the Arms Control and Foreign Policy Caucus, the Congressional Clearinghouse on the Future, and the Democratic Study Group.** It then examines two organizations that survived the 1995 rules changes, **the Republican Study Committee and the Human Rights Caucus.**

This paper is based on dozens of interviews conducted with both current and former staff of these information support organizations of Congress, and current and former staff and members of Congress who are familiar with the role that experts played in the past and have a sense of what is missing now. However, it is not an exhaustive study, but rather it seeks to provide a background and overview with an aspiration to prompt further discussion and problem solving.

## Is Congress really broken?

Tabloid behavior and partisan reprisal are not novel features of American politics. Yet they are significant problems, magnified in a new way in today’s cognitively challenged Congress. Because of the overwhelming and mostly unfiltered incoming noise, scandalous photos and snark-filled messaging have a home field advantage. Institutionally speaking, Congress has no early warning detection system and a diminished light brigade of trusted, resident expertise to filter what is solid, what is untrue, what is expedient and what will have long-term consequences for the nation.

### Legislative dashboards and communications management

Innovative new technology tools assist member offices with sorting and filtering tasks. Some examples:

[Correlate](#) was developed to help the institution cope productively with the increase in constituent correspondence. Among other tools, it provides district specific sentiment, analysis and correspondence heat mapping.

[iConstituent](#) offers data management tools as well as mass communications assistance like websites, newsletters and telephone townhalls.

**Popvox** provides information curation and a technology enabled method for verified constituent and local organization input on pending legislation.



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Slow, peer-dependent and anchored in tradition, Congress' deliberative processes have been skewed by today's communications revolution. Attention seeking tactics and misinformation campaigns often override civic narratives about our nation's shared future and drown out mutual interest goals. The lack of institutional wherewithal for symmetrical expert knowledge sharing is made worse by well resourced, externally assisted "talking points" style information from the leadership in both parties and the normal staff tendency to hoard information in service of individual members' interests.

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*"Big picture? The talking points were often bizarre and driven by what was on the talk shows the night before."*

(Fmr. House communications staffer)

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The consistent hemorrhage of moderate, consensus-seeking members in the House and Senate has negative implications for the United States. The American legislative system is not a parliament. "Winner takes all" processes do not yield coherent outcomes. They yield inaction and decisions by default or extreme stress like the "fiscal cliff" that has appeared over the horizon for two successive years (2011-2012). The exit of process oriented and consensus seeking members reinforces gridlock and hinders the evolution of broadly shared democratic practice. National Journal's latest yearly roundup of ideological alignment on Capitol Hill paints a grim portrait of this trend.<sup>4</sup>

It is important to point out that some participants in our political system do not want robust knowledge or routine sharing of data and forecasting to be a standard feature of American democracy. Just as name brand cereal makers want to eliminate the customer's tendency to deliberate over all the breakfast choices in the supermarket aisle, reaction and ignorance about long term impacts of decision making inevitably serves one interest or another. On any particular action, one side will want to minimize negative outcomes and highlight benefits.

Conversely, there will always be advocates for the status quo who will stress the benefits of doing nothing and the risks inherent in any policy change. This paper intends to make the case that using modern technology to improve high quality knowledge sharing will benefit our form of government and the American people. It will improve our standing in the world and make us a more prosperous nation. At the very least, using data to understand tradeoffs up front will create a more honest and precise accountability mechanism for decision making, which is key to any durable democracy.

Any person with a connection to the news media can observe how partisanship causes dysfunctional civic discourse. Yet, combined with the vertical consolidation of information power inside Congress, it has created a situation where members are often pitted against the institution that they serve. Simply put, party-leaders punish knowledge sharing. This is a significant bludgeon used against today's Senators and Representatives and contributes to system-wide shut downs on its main legislative responsibilities.

It also creates subject matter vacuums, ripe for exploitation. The anti-intellectual spirit of Congress reached a fever pitch during a recent election. On May 8<sup>th</sup>, 2012, one of the Senate's most respected moderate conservatives Richard Lugar (R-IN), was defeated in his Republican primary. The day after the primary election Lugar's victorious Republican opponent made the following statement in a television interview:

*"I have a mindset that says bipartisanship ought to consist of Democrats coming to the Republican point of view."*

Richard Mourdock,  
Candidate for U.S. Senate (R-IN)

Sen. Lugar, a renowned expert on nuclear non-proliferation, was also scorned by his opponents for cooperating with then Senator Barack Obama to

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secure dangerous nuclear material. The same week that Lugar lost, veteran congressional scholars Norm Ornstein and Thomas Mann discussed their new book on dysfunction in Congress titled *Even Worse than it Looks*. Ornstein and Mann suggest that Congress has become an institutional orphan in a democracy that has lost its bearings.<sup>5</sup>

However, it is worth asking follow-up questions, related to Congress' knowledge ecosystem. Are there new ways to incentivize cooperation with knowledge sharing from the outside in? Can roadblocks be placed on the noisy, immediate and partisan "path of least resistance"? Is it possible that new forms of communications technology will generate more critical analysis of politics? i.e. where reputation measurements are more available, the provenance of information reaching Congress is tracked and transparency of interests exposed? Is there a way to reward elected leaders who act on the interests of the nation as a whole? A first step would be to bolster evidence based decision making in both chambers. Ron Haskins spent many years as a Republican committee staffer on Capitol Hill and as an advisor on domestic policy in the White House. In a recent speech, he acknowledged there is more work to be done to strengthen the links between science, policy and practice.<sup>6</sup>

The need for expertise within government exists in many places, including at the state level. The Washington State legislature, for example, found it needed to maintain a rigorous process of comparative analysis for policy options whereby the funding sources of data is a factor.<sup>7</sup> Is there a way to create standards of evidence that are widely appreciated so that disinformation or significant financial-interest bias is called out before it gets legs?

In addition, one segment of the public which is not effectively present on Capitol Hill is the academic and larger peer-reviewed knowledge community. Are we at a turning point where our technology may

help us benefit from the robust collective intelligence that exists across the USA? Will this community help create a more symmetrical and shared knowledge environment by reaping the benefits of local expertise and scientific method? Devising ways to improve high quality knowledge symmetry by distributing information filtering systems into states and districts will not only raise Congress' IQ, it will, at long last, give high quality knowledge a more visible, helpful and influential constituency. Finally, would improving the status of this knowledge also incentivize cooperation based on more widely appreciated standards of evidence based decision making?

## Filtering the Noise

Much contemporary commentary about Congress depicts an institution with low vital signs in a time of global turbulence. This decades long trend started with the fall of the Berlin Wall in 1989 and continues today in the ongoing uprisings in the Middle East and North Africa. These events are happening just when American democracy should ideally be providing a modern example of sophisticated and inclusive participation. Instead, lost in a vortex of combative noise and composed of members lashed to campaign fundraising goals, the legislative branch has become less representative.

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*"Think of it as an information cartel. Information is either a commodity or a weapon. It's certainly not a public service."*

(Fmr. House staffer)

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Deliberative bodies—by their very nature—require curated and carefully considered knowledge. Today, however, reaction, sensation and scandal can produce bigger political payoff than institutional processes like research, deliberation, oversight and compromise.



## Knowledge Sharing in the Public Interest

Most students of Congress can recount the systematic dismantling and atrophy of shared knowledge capacity on Capitol Hill. Congress' purge of its own resident analytical expertise, starting in the mid 1990's, has left institutional gaps that remain empty or filled by simplistic talking points and highly motivated, self-interested stakeholders.

In comparison to earlier decades, Congress has few entities that serve the institution as a whole. In 1995, a rule change that eliminated pooled funding for staff and a consolidation of remaining staff removed much of Congress' capacity to understand and explain issues in context. The changes destroyed accessible, institutionally focused and symmetrical knowledge capacity. This capacity consisted of expert, long-term staff and internal knowledge sharing entities. This informal knowledge sector is often remembered as "the caucus system" but it consisted of many types of collaborative groupings.<sup>8</sup> These staff created clusters of knowledge and made space to plan together. They were usually open to all interested members, and have yet to be replaced. What has filled the gap are increasingly sophisticated communications shops. Today's information providers are located within the leadership structures of both Republicans and Democrats. This top down communication combined with narrowly focused outside information suppliers dominates the internal conversation on Capitol Hill. However, this dynamic is less prevalent outside of Washington for those staff who work in the state or district.

It is also worth noting that individual members of Congress are capable of being deep policy experts and of retaining expertise on their personal staffs. Ideally, these individuals act as a type of distributed

This letter provides a glimpse of the value that the now defunct Office of Technology Assessment provided to Congress and others involved in policy making. John Gibbons was head of the OTA.

August 27, 1987

Dear Mr. Gibbons:

*Your assessment of implementation of follow-on forces attack is right on target. Of particular interest is the section at Chapter 4, page 68, entitled, "Areas of Controversy and Uncertainty."*

*This report is an excellent primer for newly assigned officers both in NATO and U.S. Army, Europe. The analyses in chapters 4, 7, and 8 are particularly good in summarizing recent issues and views.*

*Thank you for sending me a copy.*

*Sincerely,*

*Glenn K. Otis*

*General, U.S. Army, Commander in Chief*

filtering mechanism for the institution. This sort of peer-sharing is blocked by trends like partisanship and hoarding. Yet the increasing consolidation of power to the leadership in both parties inhibits this function as well. Bill Goold is now retired after 30 years working in several capacities in the House of Representatives:

*"One of most profound changes from the mid-70s forward was this incredible shift of power from rank and file members, swept upward into the leadership. It used to be that members were able to expect two bites at the apple. You'd get the bill and then you could figure out a strategy of influence, and expect to offer amendments in the committee or on the floor, and also expect debate. Individual members, consciously or unconsciously, have given up their freedom, their rights and their capacity to contribute and shape legislation."*

Bill Goold,  
Fmr. House Staffer

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## The Past

Prior to 1995, Congress was wired in a different manner. The former expert knowledge system served the institution as a whole and was a key accelerator for learning skills of compromise and accommodation. Importantly, this more informal system disaggregated relationships and issues within Congress. Different groups allowed members to identify with each other and with issues instead of herding them into party identities or positions. It is important to note the difference between the formal agencies created to support Congress and the informal organizing initiated by members themselves.

- Congress' own expert agencies
  - Congressional Research Service
  - Congressional Budget Office
  - Government Accountability Office
  - Office of Technology Assessment (eliminated 1995)
- Legislative Service Organizations (LSOs)

Member initiated groupings by subject area, mostly called "caucuses." LSOs were officially registered entities, sometimes with pooled funding and staff. Multiple other informal convening mechanisms have always existed inside of Congress, from lunch clubs to working groups to task forces. LSOs were eliminated in 1995. Today, they exist at much less capacity and are called Congressional Member Organizations.<sup>9</sup>

For example, in today's Congress, caucuses are mostly regarded as name lists to indicate support or to circulate an occasional letter among colleagues. Many caucuses exist inside of Congress, but the vast majority are loose associations with no real capacity. As one former House and Senate staffer put it "I saw [caucuses] as inert clubs." Yet just a few decades ago, caucuses could have their own staff and agendas, led by the organizing members. Caucuses

handled many issues, but for the purposes of this paper, they existed to help members gain expertise on "big picture" national issues outside the jurisdiction of committees. Global security issues are a good example. The informal system allowed for a place to talk about topics that the House did not control (treaties), generated little domestic interest (foreign policy) or where the Legislative Branch was severely outmatched by the Executive (war and peace).

These entities were staffed and grouped under the official title "Legislative Service Organizations". Some were politically agnostic, others were partisan, some partisan but inclusive. The Democratic Study Group was a rapid response internal knowledge hub outside of the Democratic leadership that supplied well-researched, timely information to dozens of dues paying Republican and Democrat Members. Its service appealed to reformers on both sides of the aisle—in 1977, 66 percent of all legislative staff relied on its information.<sup>10</sup> All of these entities were either eliminated or sharply curtailed in 1995. These groups—led by self-identified teams of members inside the process of policymaking-- were different and distinct from the federal agencies.

## Limited capacity and capability of still existing knowledge mechanisms

Congressional Research Service (CRS), the Government Accountability Office (GAO) and the Congressional Budget Office (CBO) are tremendous expert information and auditing resources for Congress, funded by Congress. Yet they are also inadequate for today's institutional needs because:

1. There are not enough expert staff to go around;
2. They are cloistered, formal and academic;
3. Staff mention that "their information is used to justify not inform." In other words, they are too slow and reluctant (or forbidden) to

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initiate policy ideas, much less make recommendations that take into account the political environment

4. They are not useful for many policy process needs because they are reactive.

Congress' one stop shopping research arm is CRS, which was reorganized in 1995 at the same time the LSO's were eliminated. Issue sectors were consolidated at that time, and the organization has failed to replenish top level, substantive staff for 15 years. Moreover, in a communications environment that is moving toward openness and away from secrecy, CRS resists even the most basic transparency requests—like making non-confidential CRS reports available to the public.

Despite painstaking efforts to remain above the fray of politics and beyond the reach of partisan influence, CRS recently found itself the object of GOP wrath over a report on taxation and the economy.<sup>11</sup> If history stands to inform the present, this kind of public controversy and outright condemnation will only drive Congress into an even greater state of malfunction and self-imposed ignorance.

*"If you eliminate the potential for people to take the initiative, you are cutting back on the possibility to hear points of view that are not partisan, but creative...points that would not come out of a partisan environment."*

Stan Sloan,  
Fmr. Senior Specialist,  
Congressional Research Service

## The Myth of Omniscience

Much of the world outside of Capitol Hill assumes that members of Congress and their staff work within a symmetrical knowledge environment. Many believe that, if the knowledge exists in the Executive Branch and federal agencies, it automatically is available to Congress. Following,

they also often believe that it should be obvious how member self interests align for common purposes. Others assume that the House and Senate share regularly. These assumptions are not true. The process of legislating is highly complex with no systematic methods to discover or share the best knowledge available in a timely way.

Ideally, our elected leaders could follow a simple workflow for critically important issues: elected leaders and their staff draw on the best and most robust information, make a comparative judgment, and then implement the best outcome. But this optimistic formula does not match reality. Lacking internal wherewithal, it is not safe to assume that committees or personal staffs communicate with each other about basic information, much less the kind of complex and globally impactful challenges we face as a nation.

Few entities exist to serve the system as a whole. The same communication deficit is true of the members themselves. Some are data-driven internationalists. Some live in districts with deep pools of shared knowledge. Others are starved of this kind of support. Many avoid conceptual or academic-seeming issues as much as possible. All of them spend inordinate amounts of time fundraising at the expense of other legislative duties like informed policy leadership.

*"It's very hard for an institution to function 365 days a year when it only meets about 110 days a year...the emphasis on not being here has become greater than the emphasis on being here."<sup>12</sup>*

Jim Dyer,  
Fmr. Republican Staff Director,  
House Appropriations Committee

Yet the myth of omniscience is a graver problem than "they don't have what they need." Some members and staff do have what they need, but some have sub-par information and some have nothing. Committees have designated expert help;

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individual congressional offices have ad hoc self-help. What Congress lacks is a unifying and equalizing high quality knowledge system.

Between 1972 and 1995, Congress had the world's premier common pool of expert knowledge for legislators at its doorstep. The Office of Technology Assessment (OTA) was the marquis name for expert knowledge sharing in legislative systems. Its elimination in 1995 left a vacuum on Capitol Hill that has since been filled with all variety of influence seekers. Staff and members do their best to triage the incoming wave of communication, yet lacking a method for sorting and filtering, the institution has become fragmented, incapacitated and unable to act on the best interests of the nation as a whole.

## Office of Technology Assessment

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*"My job was not to resolve the debate, but to inform and enhance it."*

(Nancy Lubin, Fmr. OTA Project Director)

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The organization that most helped Congress situate itself in both national and global problem solving was OTA, a federal agency like the still present CRS, CBO and GAO. Before OTA closed in 1995, it was world renowned with an impressive track record of helping members and their staff assess and forecast the implications of policy. The OTA was created by an act of Congress in 1972 to provide early indications of the positive and negative impacts of the applications of technology.

*"It was seen as especially valuable because of its non-partisan nature, and also because of the bipartisan support OTA had in Congress. The research focused on major issues of the day: transportation (in the wake of deregulation), nuclear security, politics in Central Asia (well before the fall of the Soviet Union....) infrastructure (my boss worked on sewer issues), and a number of scientific projects."*

Melanie Greenberg,  
Fmr. OTA staffer

Ms. Greenberg worked at OTA in the early 1990s. She recalls the importance of OTA's products within the policymaking process. She subsequently went on to become the Executive Director of the Center for International Security and Arms Control (CISAC) at Stanford University:

*"The atmosphere [at OTA] was much like CISAC at Stanford: highly intellectual and collaborative, full of extremely smart and dedicated people, and dedicated to providing the best background possible for the creation of sound public policy. It says something that the OTA alumni network is still functioning, nearly twenty years later!"*

Melanie Greenberg,  
Fmr. OTA staffer

## Origins of OTA

Starting in the 1960s, a technology advisory tool for the legislature was inspired by Rep. Emilio Daddario (D-CT). He was later joined by scientific leaders, including, the President of the Massachusetts Institute of Technology. They and many other scientists felt that Congress lacked a body to provide technical advice to legislative committees in order to match the Executive Branch on technological issues. The Executive had created for itself the Office of Management and Budget (OMB) and the Office of Science and Technology Policy (OSTP) for expert assistance within the policymaking process, and many in Congress wanted something similar.

The OTA was dedicated to serving the long-term interests of the nation as a whole and as such was a leader in practicing and encouraging delivery of public services in innovative and inexpensive ways. With approximately 200 staff, the OTA delivered hundreds of reports to Congress on multiple topics, from healthcare information systems to economic

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transformation of the nuclear weapons labs and from offshore energy to ecosystem management. An indicator of just how accelerated the information atmosphere has become today, OTA assessments, after being requested by a committee and confirmed by the agency's directors and a bipartisan governing board, took 18-24 months to complete.

The OTA assessment process included extensive peer review and consultation. It integrated much contemporary academic research into its projects. It was also inclusive, and created working groups with academics and other non-governmental groups. At the day to day level, however, much of what OTA staff provided was basic: in-person translation of dense technical information and explanation of those technical issues in a policy context. OTA offered its expertise without an ulterior motive. Its goal was to inform the process. Simple risk assessment is an example of an ongoing need for legislators that requires both context and expertise. Committee hearings are another: OTA staff testified frequently in both the House and Senate.

Former OTA staffer Nancy Lubin believes that the OTA was unique in the way it supplied expertise to Congress. "Unlike the other congressional support agencies, OTA could only write a report that was requested by both a Democrat and a Republican." In this sense, bipartisanship was built into the structure of the report. Lubin recalls that OTA reports avoided a "bottom line" and instead laid out trade-offs. She notes that her reports also consistently pointed out "here's what we know, but here's what we don't know."

At the time, critics of the OTA claimed that it was redundant and that the information it provided was available elsewhere.<sup>13</sup> A key component of OTA's success, however, was its ability to generate knowledge symmetry within the process of policymaking. It gave members what they desire most – trusted and credible information at the scene

of the action. It gave members a joint planning capacity that is absent today.

The OTA put a stake in the ground for legislative foresight and demonstrated the utility of a shared knowledge system adapted to a legislative environment. Hundreds of foreign visitors stopped by its Capitol Hill offices. It demonstrated such a helpful forecasting model that it was replicated in other countries. The OTA was eliminated by Congress in 1995. Its archives exist at Princeton University.<sup>14</sup> Many reports remain relevant today.

## **Caucuses: the Primary Legislative Service Organizations**

Also in 1995, House Resolution 6 (H. Res. 6) abolished the ability for caucuses to fund shared staff, maintain offices and hence act as internal, self-organized custodians of expert networks.

While the OTA was an actual agency, the following profiles cover LSOs, which were working groups of members in the House of Representatives. All caucuses were LSOs. Through the establishment of an LSO, members were able to pool resources to hire staff who could spend full time in research, networking, legislative analysis and strategy related to the goals of the group. LSOs were able to use office space in congressional buildings, thus ensuring greater access to members and other staff. Although several working groups or caucuses began to function this way in prior years, by 1979, House rules required that the House Administration Committee officially certify LSOs. The organizations had to meet reporting requirements that grew increasingly restrictive over time. They were prohibited from receiving outside funds.

## **Caucuses and LSOs: the former shared system**

This section profiles five caucus LSOs, three of which met their demise in 1995: the Arms Control and Foreign Policy Caucus (ACFPC), the



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Congressional Clearinghouse on the Future (CCF), the Democratic Study Group (DSG). Two groups reconstituted and survived the rules change: the Republican Study Committee (RSC) and the Congressional Human Rights Caucus (CHRC). All existed before 1995 and, except for the RSC, included bi-partisan membership and concerned themselves with global policy issues. One was bicameral.

These groups were distinct from outside groups that provided information to Congress, as they were led by the members themselves and represented intentional “big picture” shared space inside the institution. Caucuses acted as custodians of relationship networks and innovation that no longer formally exist. Outside influence was carefully controlled. Their service was process-oriented, real-time and in person.

Today’s system, in contrast, is attuned to short-term campaigns, mostly domestic, and both political and issue based. Previously these caucus LSOs were led by shared institutional needs and their priorities were determined by clusters of members who convened as allies on behalf of strategic goals with national implications. These formerly shared entities provided a knowledge ecosystem that was attuned to the long term needs of governing. Now, most caucuses exist to show political favor and few have the wherewithal or motivation to serve high quality knowledge to the entire institution. These groupings are now called Congressional Member Organizations and a list of them is available on the Committee on House Administration’s website.<sup>15</sup>

- **The Arms Control and Foreign Policy Caucus**

ACFPC was a bipartisan, bicameral organization of members working on war and peace issues, nuclear arms control, human rights and development policy. It was unique in that it had a presence in both the House and the Senate, and was headed by four co-chairs that reflected bicameral and bipartisan

priorities. ACFPC focused on international policy. It provided expertise and contextual analysis. The caucus was made up of arms control enthusiasts who viewed themselves as the vanguard of progress in keeping the world safe from nuclear dangers. This consensus view about arms control as a global public good distinguished this caucus from the regular committees with jurisdiction—where ideological differences and lack of political will could stymie progress.

The roots of the ACFPC reached back to the 1950s, when it was formed as an informal working group called Members of Congress for Peace through Law. It became quite influential in the late 1970s, when Edie Wilkie became the executive director. Wilkie, who had been a staffer on the Hill since the 1960’s hired and mentored a professional staff of four or five, supplemented by four or five interns, who worked out of a House office building. The membership of the Caucus during Wilkie’s tenure included between 135-150 members of the House and Senate.

The functions of this caucus were 1) legislative analysis; 2) policy research and reports; 3) advocacy and strategy. At the end of every week, Caucus staff would call on their contacts in leadership, committee and members’ personal offices to compile “The Week Ahead in Arms Control and Foreign Policy,” a publication that would come out late Friday afternoon and would be on the desk of staff first thing on Monday morning. “Special Alerts” would be sent out as key bills and amendments headed to the floor. Thinking long-range, the staff also produced “Arms Control Impact Statements” to help members situate policy in a global context. Gathering information was not easy. Specifics of committee schedule, amendments and other legislative activities were often closely guarded. Having trusted, professional staff present in the halls of Congress was imperative.



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At the ACFC, research would be keyed to legislative priorities selected by the leadership. The four lead members of the House and Senate and their staff often played a hands-on role in writing and re-writing reports to ensure their credibility and relevance. If the membership could not reach consensus on a topic, a taskforce of the full caucus might issue the report, or a key group of members might be gathered to sign on and release the report at a press conference.

- **The Congressional Clearinghouse on the Future**

CCF was created in 1976 and eliminated in 1995. It was designed “to alert members to the policy implications of emerging demographic, technological, and economic trends, to help members develop legislative initiatives, to address emerging policy challenges, and to help members communicate with their constituents on long-range issues.” The Clearinghouse was created to help Congress follow a law, commonly called the “Foresight Rule.”

The rule intended to make future forecasting part of routine reporting requirements for the House. For example, it required each committee to assess the future impact of policy options. This action also encouraged staff and members to examine the patterns of relationship on issues across committees and to value comparative analyses. It generated quantitative trend analysis, talking points from authoritative sources and “What’s Next”, a regular newsletter. Some committees even conducted “foresight hearings.”

*“The Congressional Clearinghouse on the Future was one of the earliest efforts to focus bi-partisan attention on longer-range issues. It is a deep misfortune that this effort did not establish a permanent pattern of bi-partisan investigation of the future. To the contrary, the Congress has dismantled institutions - such as OTA - which once*

*provided non-partisan analysis of long-range issues that need to be considered today.”*

Leon Fuerth,  
Fmr National Security Advisor to Vice President  
Gore, 12 years as House and Senate staff

In this era of agile development and design thinking – where iterative and continual feedback is a strategy for both improvement and efficiency across all sectors, Congress is truly an antique. A particular challenge for our legislature is to rebuild the institution’s knowledge capacity for learning lessons from the past and assessing the future. While the OTA performed this task for science and technology, the CCF took on the broad swathe of other policy issues and sought to help every committee develop institutional tools to enrich the oversight process with foresight.

*“The acceleration of change, interdependency, complexity, and globalization make previous information systems to anticipate change and make decisions obsolete. The United States is in desperate need of bipartisan, bicameral efforts to create the general long-range vision of America and the grand strategies to achieve it.”*

Jerome Glenn,  
Author, *State of the Future*<sup>16</sup>

Mr. Glenn is a DC based global policy advisor.

As a representative sample, some of the issues that CCF tackled during 1984 were: the Need for National Water Policy, Biotechnology, the Implications of Merging Computer and Telecommunications Systems, the Impacts of Demographic Shifts on Alternative Health Care Centers/Systems, and U.S. and Global Desertification.

The archive for the Congressional Clearinghouse on the Future is kept at the Woodrow Wilson International Center for Scholars.<sup>17</sup>

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- **The Democratic Study Group**

The DSG was founded in the 1950s to reform Congress and to prod the institution forward on civil rights, social welfare, labor and anti-Viet Nam war legislation. It was run and led by Democrats, yet provided an inclusive membership and information service. This open attitude promoted productive relationships across the aisle. Understanding how the DSG evolved provides a window into how members act as change agents for the institution, but also for broader political and social dynamics.

The DSG was organized primarily within the Democratic Caucus to oppose powerful conservative southern Democrats – who held tight power over key committees and controlled the House during most of the period from the 1950’s to the 1970’s. During this time the DSG acted as a nexus of reform to build opposition to these “Dixiecrat” chairmen, who used their power and the rules of the institution to block the liberalization agenda advocated by an increasing majority of members.

Members of the DSG created parallel processes and power centers inside Congress to amplify their influence. They set up an alternative whip system and provided legislative information at a time when much of the key business of the House was done in secret.

The DSG was a central and strategic force in reforming the Rules Committee, instituting recorded votes on amendments on the House floor, unseating intransigent committee chairs and reforming House procedures and ethics rules. During the early 1970’s, Executive Director Dick Conlon drafted and redrafted many of the major reform proposals that were eventually enacted. The DSG was open only to House members and its chair was elected by the entire Democratic Caucus.

### *DSG as an Internal Information and Analysis Source for Legislation*

An enduring problem for the first branch of government is its relationship to the Executive where expert knowledge and information is concerned. Congress is disadvantaged: it has far less firepower than the White House when it comes to useful expertise inside the process of policymaking.

Conscious of this disparity and drawing on the success of reform efforts in establishing a more responsive and transparent institution, the DSG became a mainstay information source for members of Congress, the press and others, on legislation coming before the House in the 1970s and beyond. It developed fact sheets, “in depth analyses of major legislation scheduled for floor action.” The fact sheets provided “background on the bill, a description of expected amendments, and arguments for and against the bill/and or amendments.” Over time, the staff added special reports as “analyses of controversial issues, and critiques of Administration policies and briefings on other matters of interest to members.”

The DSG was headed by a member of Congress who was elected to serve just one term, and had an executive committee made up entirely of members. It was a staff-driven organization. The approximately 20 staff comprised an experienced and stable research team who worked out of the Longworth Building.

The DSG was funded by dues pooled by members from their annual office budgets. Members received information delivered to their offices in hard copy through inside mail first thing in the morning and throughout the day. The DSG’s influence stemmed from well-timed research, keyed to the legislative agenda of the House, and from long-term resilient relationships to member offices.

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*DSG: Republicans Welcome*

*"Back then in Congress, the other side was not an enemy. Staff understood that. We worked together all the time. It was nothing out of the ordinary. Today we have the capability for information sharing, but not the Capitol Hill culture."*

John Hottinger,  
Fmr. DSG staff

Mr. Hottinger came to DC in the late 1960s and worked for the DSG in its early years. He then returned to Minnesota to become a state legislator and a leader in civic engagement. His quote here observes that the downfall of the shared knowledge system of Congress points to a failure of the leadership to maintain and encourage the culture of cooperation.

Similarly, DSG information was not just available to liberal members of Congress. Anyone who paid dues received organizational support. At its peak, the DSG had over 50 Republican dues paying members. It did not have a narrow definition of its constituency and did not try to push a policy agenda under a liberal label. If anything, it was a reform entity. It defined issues in a way that would unite as many members as possible to win on the floor and to be persuasive to the public. The incentives to join the organization were tactical advantage and superior knowledge. In the era before transparency rules, items like scheduling, floor information and subject matter analysis came through personal relationships and human intelligence gathering. The DSG provided this type of timely knowledge.

*DSG: 1980's and beyond*

The 1980s were a time of turmoil for the DSG. Closely aligned members – formerly backbenchers – rose to positions of seniority and power in committees and in the leadership. At the same time, conservative Republicans gained an increasing

hold on the party in the House, embodied by the rise of Newt Gingrich (R-GA).

The origins of sophisticated communications shops in Congress began in the early 1990's with new Majority Leader Dick Gephardt (D-MO), who initiated a message group and brought in professional strategic communicators with an eye on public opinion. During this time, the DSG continued to cover a range of issues, foreign and domestic, and institutional reform, the new communications orientation influenced the issues and its direction. It assumed a more coordinated role in shaping political and policy debate, not only within Congress, but also vis-a-vis the White House and the general public.

## **Strengths of Legislative Service Organizations**

During the 1970s and 1980s, both the DSG and ACFPC saw themselves as reformers within the institution of Congress. Though they often worked with committee or leadership members and staff, they tried to move issues onto the agenda and to shape debate outside the bounds of the traditional committee or leadership structure. They provided a forum and access to information for members of Congress who had a passion for an issue, but may not have been on the committee of jurisdiction. They also provided a training ground for staff.

Both the DSG and the ACFPC created places where staff could work with colleagues committed to reforms impacting the nation as a whole, learn about the powerful processes of Congress and, most importantly, work together to benefit the institution of Congress. The CCF and OTA provided a career track, helping the legislative branch be adept at forecasting and global situational awareness.<sup>18</sup> The credibility and reputation of their core research work products was central to their influence. They provided high quality strategic legislative analysis and peer reviewed issue research, formatted, timed

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and communicated effectively in the particular environment that served the needs of all interested members.

## Two Survivors

The rules changes in 1995 created obstacles that were insurmountable for many organizations on Capitol Hill, yet not all groups folded. In fact, over time, some came back stronger than ever. The Republican Study Committee and the Human Rights Caucus (now Commission) are two examples.

Most unofficial information sharing groups on the Hill are issue based. Others are ethnic identity based: the Congressional Black Caucus, the Asian Pacific Caucus, and the Hispanic Caucus are well-known examples. Some caucuses are situated along the ideological spectrum: the Progressive Caucus, the New Democrats, the Blue Dog Coalition, the Main Street Partnership, the Republican Study Committee and the Tea Party Caucus are left to right examples. The Blue Dogs and the Main Street Partners are aligned in the sense that they were both formed in 1995 and they represent Democratic and Republican moderates. The most important institutional difference today however, is that identity caucuses are minimally bipartisan and not one of the ideological organizations is bipartisan. This fracture means that common interests rarely align, and the “big picture” goes unmentioned. It is one of the greatest causes of information asymmetry in the House of Representatives.

- **Republican Study Committee**

Unlike its pre-1995 cohorts, the Republican Study Committee (RSC) has prospered and grown over time. A glance through its website illustrates both traditional ideological consistency and slick modern technology.<sup>19</sup> Most important is the RSC’s recognition of the power of networked relationships.

“[The RSC is a place] *where a minority of committed men and women*

*without years of seniority or formal leadership positions can affect change. They can do it on their first day in Congress. They can do it by coming up with a sound policy idea and by articulating a powerful position in debate. They can do it by serving actively in the RSC and by making it their home and family during their tenure in Congress.”*

RSC website

The RSC has gathered and updated the best lessons of its earlier parallel, the Democratic Study Group. Its website offers issue briefings, analysis, media links and links to sympathetic outside organizations. It also highlights active members with an up to the minute Twitter feed, video selection and member section. It produces wholesale policy replacements to compete with official congressional ones, like an annual budget. Its ten years worth of legislative bulletins is an excellent method for replenishing institutional memory. All its policy products are searchable, some with clickable maps. The RSC is inclusive in the sense that anyone may sign up for its weekly public roundup, yet the information generated and shared at the meetings is for dues-paying Republicans only.

The RSC leaders have developed a pooled voucher financing mechanism, which allows the organization to maintain a stable of the most precious commodity on Capitol Hill—dedicated staff. These dozen or so staff have congressional email addresses and provide policy research and communications coordination for the group. Less obviously, these staffers are insiders, and can make all the difference for outside groups between having a voice or not on Capitol Hill. As anyone who has tried to convene an event on Capitol Hill can attest, highly restrictive rules limit the ability of outsiders to gain access, send out event notifications or secure a room. With a stable of Hill staffers and even more interns present inside of Congress, the RSC has created a nimble and easy on-ramp for its friends

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and allies. The information overload of recent years has made this shared personnel even more valuable as many regular House staff cope by limiting technology and not responding to emails from outside or unknown senders.

The RSC has also created a masterful assistance network with its allies. It receives a great deal of impetus from the Heritage Foundation, a behemoth conservative think tank with a national membership and physical offices on both the House and Senate sides of Capitol Hill. Its website offers a host of products specifically targeted to congressional staff, like a menu of visual data aids.<sup>20</sup> A harried staffer can easily download and then enlarge these kinds of tools for a Member to take to the floor for a C-SPAN audience.

The importance of the Heritage Foundation to the RSC must not be understated, as Heritage provides both institutional memory and contemporary policy pulse to its congressional members. The first executive director of the original RSC, Ed Feulner, has been the long-time president of the Heritage Foundation.

Indeed, the two groups often seem symbiotic:

*"Heritage provides additional staff for both the RSC and the Senate Steering Committee. Hell, they used to pay for lunch for the member meetings. They provide the glue. They provide the research papers. They are outsourced policy."*

Fmr. House staffer

Its social intelligence is paying off. Heritage was just named the #1 most popular think tank in a recent ranking.<sup>21</sup>

Recently, the RSC has begun to explore how to build their congressional network into the states through a partnership with the American Legislative Exchange Council—a conservative organization that pilots model legislation in partnership with conservative legislators in order to scale it to the

national level.<sup>22</sup> The Advisory Commission on Intergovernmental Relations used to perform this connecting service for all legislators at the state and federal level. Its website indicates that it has been inactive since 1996 and, in fact, languishes in a sort of cyber cemetery.<sup>23</sup>

Some ideological groups in Congress have similar ambitions to the RSC. The largest Democrats-only caucus is the Progressive Caucus, which is experimenting with an RSC like inside-outside model, albeit orders of magnitude smaller and less well funded. The New Democrat coalition is defunct. The Blue Dogs have atrophied and exist today at less than half their former size. They have recently rebranded and rallied around a new name "Center Forward."

The Republican Main Street coalition has held steady, overlapping partly with the RSC. The Tea Party Caucus made a big splash in 2009 before being almost entirely absorbed by the Republican Study Committee. By creating an inclusive convening space for different shades of conservatism and an easy access on-ramp for outside allies, the RSC provides a remarkably coherent organizing link within the institution. It offers space for participation and innovation while remaining within the traditional hierarchy of a leadership bound institution. Judging from its membership and capacity, the RSC has enough wherewithal to make it a force to be reckoned with.

- **Tom Lantos Human Rights Commission**

Among the best case survival stories of LSOs in Congress is the Congressional Human Rights Caucus (CHRC) which since 2008 has been formally institutionalized as a congressionally chartered commission. It is now called the Tom Lantos Human Rights Commission. In 2008, H. Res. 1451 turned the Caucus into a Commission to honor its deceased co-founder, Tom Lantos. Commissions are official bodies created, funded and permanently housed



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inside Congress. They are distinct from self-organized caucuses.

CHRC was founded in 1983 by Rep. Tom Lantos (D-CA) and Rep. John Porter (R-IL). From the beginning, it enjoyed significant bipartisan support and worked in concert with counterparts in the Senate. The CHRC was founded to defend all rights codified in the United Nations Universal Declaration of Human Rights. Its governance is shared: it is directed by a Democrat and Republican co-chair, with four additional Members from each party acting as the Executive Committee.

The CHRC has always boasted a large membership, varying over the years but consistently counting around one hundred members. This level of interest is especially impressive for a group whose issues and direct constituency exist outside of the United States.

Throughout its existence, the CHRC has been dedicated to providing a voice for disenfranchised individuals and groups subject to repression across the globe. CHRC leadership realized early on that the greatest currency of Congress is to deem an issue worthy of recognition. Its witness panels and hearings regularly include non-Americans. It also features the voices of activist non-governmental groups. And, occasionally, a member colleague joins the panel as a witness. It has used the status and affiliated power of the marble halls of Congress to great effect and boasts the longest running caucus hearing agenda on either side of the Hill. It also regularly draws official notice to atrocities and human rights violations through the traditional but highly effective use of letters to the Executive Branch and letters to call out human rights violators. These official correspondences may seem mundane to a casual observer of congressional process, yet they can be a lifeline to political prisoners and activists languishing in jail cells around the world.

The CHRC suffered the loss of its pooled budget for staff in 1995 just like all other House LSOs. It faced

this dilemma with a nimble idea. Instead of folding or existing in name only, its leaders drafted a Fellow dedicated to Congress from the American Political Science Association to become the staffer in charge of the Caucus. That Fellow, Hans Hogrefe, remained on the Caucus staff for many years, including through its transition to a fully chartered House Commission.

The CHRC has a basic but informative website.<sup>24</sup> Despite very few staff it remains an active node in a network of globally connected individuals and groups dedicated to the protection and preservation of human rights.

The CHRC is one of the last truly bipartisan knowledge sharing and convening entities left on Capitol Hill. Perhaps this is because human rights is deemed a transcendent issue, perhaps it is because the constituency it advocates for is mostly non-American. Whatever the case, in contrast to decades past, CHRC is an exception to the rule. Today's groups are often more tactical than strategic, and their agendas are political, partisan and short-term rather than conceptual and long-term.

## Depleting the Social Capital Account

Many authors and long-time residents of Washington, DC have remarked on the decline of institutional camaraderie on Capitol Hill. While polemics and ideology deserve a share of the blame, another explanation for this decline is the disappearance of carefully shepherded ways for members and staff to earn, bank and spend social capital that is based on trusted, mutually beneficial relationships. Using Robert Putnam's lexicon, Congress does not lack bonding capital (social relationships within identity groups). It lacks bridging capital (social relationships *across* identity groups). The staffed and institutionally-sanctioned entities in the former shared system provided the bridging capital in the pre-1995 Congress. It was in this way that they served Congress as a whole.



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As much as LSO staff provided valuable information, they also increased overall social capital currency outside of the institution, on behalf of the institution. Inside the Halls of Congress, more staff identified with each other based on issue and expertise, not party and hierarchy. But Congress also had more staff to make available for building relationships and sharing knowledge away from Capitol Hill, within the larger DC policy community. From speaking on panels at think tank conferences to convening non-partisan knowledge dissemination briefings, LSO staff were expected to share with all interested parties. A similar job description is rare in today's congressional environment.

Absent a dedicated and protected relationship network of staff whose primary job is to look out for the future health and vitality of the institution of Congress, and whose remit is to focus comprehensively on the public policy aspects of legislation, this shared vision of the future has diminished.

*"Are the parties able and willing to articulate a future for the other side that it would find bearable?" "[U]ltimately both sides must be reasonably confident that not only their own lives but also the lives of the other side would continue to be bearable in the aftermath of agreement."<sup>25</sup>*

Lee Ross & Byron Bland,  
Stanford Center on International Conflict and  
Negotiation

## The Fallout

Every new session of Congress includes a rules package that reflects the priorities of the majority and determines legislative process. The rule that effectively eliminated the shared system of expert knowledge and analysis inside Congress was part of the Contract with America, the reform manifesto drafted by Newt Gingrich (R-GA) during the 1994 campaign season.

The Heritage Foundation was closely aligned with the new Speaker's agenda: An issue brief hostile to LSOs set the tone for H.Res. 6 and the dismantling of knowledge sharing organizations.

*"Not only did LSOs occupy scarce congressional offices, they contributed to policy fragmentation and client-based approaches to public policy, often acting as official proxies for outside special interest groups."<sup>26</sup>*

David Mason & Dan Greenburg,  
Heritage Foundation

The conventional wisdom about the broad and ongoing destruction of resident expertise is that it was a masterful, if Machiavellian, consolidation of power to the center. Speaker Gingrich and his close colleagues benefited. By depriving the institution (and thus the minority) of alternative venues for recognition, and for well-researched, politically salient information, Speaker Gingrich created dependency on himself and on his leadership office. While this was fine for the majority of House Republican Members, it left the Democrats and some Republicans in a vacuum. Lacking capacity, resources and wherewithal, the move also accelerated a trend toward prioritizing messaging over content, political optics over evidence and relying on narrow interest lobbyists and advocacy organizations for information. Although the Republican leadership delivered this blow to the information system, the Democrats never acted to reinstate or recalibrate a replacement when they were in the majority subsequently. As the power of knowledge sharing consolidated, leadership on both sides of the aisle decided against regenerating an expert knowledge system or redistributing the existing information in a shared format.

In a clear reversal from earlier days, today the Heritage Foundation itself is on the record lamenting the lack of de-centralized power potential

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inside of Congress, including the demise of the LSOs.<sup>27</sup>

While some aspects of the Contract with America—like more transparency—have come to pass with good effect, eliminating the shared expert knowledge system that worked within the process of policymaking has been a catastrophe for Congress, and especially for the House of Representatives.

*"The House finds itself in a state of emergency. The institution does not function, does not deliberate, and seems incapable of acting on the will of the people. From the floor to the committee level, the integrity of the House has been compromised. The battle of ideas--the very lifeblood of the House--is virtually nonexistent."<sup>28</sup>*

Rep. John Boehner (R-OH)

Rep. Boehner made these heartfelt remarks about the demise of the institutional capacities of Congress in September 2010, just before ascending to be Speaker of the House under the new Republican majority in 2010.

This "big picture" knowledge gap has become more obvious over time, and is especially debilitating for legislation that requires context, expert judgment and forecasting into the future. This is a significant problem in the modern world, where Congressional actions have huge global implications, but members fail to connect the dots.

Examples of global imperatives that have fallen victim to Congress's policymaking dysfunction include:

1. Near failure to raise the debt ceiling (Fall, 2011)
2. Holding the START nuclear arms treaty hostage to a politicized domestic policy fight over taxes and unemployment (Fall, 2010)

3. Attempts to regulate the Internet via a dated intellectual property rationale that would damage American leadership on global Internet freedom. See SOPA and PIPA (Winter, 2012)

In 1995, the Democratic Study Group, the Human Rights Caucus and the Arms Control and Foreign Policy Caucus had dozens of dues paying Republican and Democratic members because they provided the best rapid response data inside of Congress. Their abolition together with other bi-partisan LSOs and the OTA certainly exacerbated the polarization of the institution, as members had fewer occasions to meet each other and work together on mutual interests outside of party identification. The problem has worsened to this day and now non-partisan information is considered less valuable.

*"Until the Congress moves beyond this period, you won't see that kind of support for non-partisan information ... The polarization makes members and committees less interested in even hearing an objective view..."*

Stan Sloan,  
Fmr. Senior Specialist,  
Congressional Research Service

## Uneven information and few common purposes

Scholars at the Stanford Center on International Conflict and Negotiation have documented the staggering costs of protracted political conflict.<sup>29</sup>

They point out how correcting information asymmetry among fighting parties is one path forward. This step moves parties because a standing relationship structure is intentionally created around shared future imperatives. In the Congress, these imperatives include vital national interests like reducing nuclear dangers, maintaining a free and open Internet, adapting our security posture to reflect global change, and raising the debt ceiling.

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All have fallen victim to dysfunction and polarization in recent years.

*"Some will see unilateral conflict transformation as sell-out to the other side. These skeptics will need to be reassured that they have not been betrayed. Leaders will need to walk a tight rope between affirming traditional goals while arguing that changes in the current situation demand new and creative means because the old ways have exhausted their usefulness. They must make the case that zero-sum calculus of the previous era can be replaced with a new framework that links achieving our goals with addressing their grievances. In other words, we will only get what we want if we get them to come along"*<sup>30</sup>

Byron Bland,  
Stanford Center on International Conflict and  
Negotiation

After 1995, lacking a built-in mechanism for peer sharing, the benefits from shared knowledge infrastructure-- confidential exploratory and brainstorming discussions, identity by issue instead of party, subject matter depth and readily available institutional memory-- diminished. These rule changes left Congress incapable of processing information in context or rendering expert judgment – two fundamental necessities for informed governing.

More than a decade into the 21<sup>st</sup> Century, Congress is unable to serve the needs of modern democracy. This paper makes the case that an often overlooked piece of this problem is Congress' own failure to update and modernize the way it communicates shared knowledge, especially analyses that benefit public interests and the nation as a whole. The breakdown of institutionally supported systems for information processing and knowledge sharing has resulted in:

1. More partisan internal communications

2. Inability to process complex information and especially to sort and filter high quality knowledge for comparative estimates and institutional context
3. Greater reliance on fragmented and narrow outside information to individual members

This research points out that—in contrast to widely held public perceptions-- Congress is not so much venal or corrupt as it is obsolete and incapacitated. Psychologists would say the public's anger toward their legislature is a fundamental attribution error – the public blames the institution's inherent disposition instead of its incoherent situation.<sup>31</sup> This distinction is important, as improving the situation is imminently more fixable. This paper can help us ask two sets of questions:

1. What functions might expert knowledge organizations outside of Congress perform?
2. How might we strengthen the ability of members of Congress to use the institutional capacity of Congress, including new technologies and transparency rules to restore cooperative, evidence-based decision making and to promote a culture of shared knowledge?

## Steps Forward

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*"Stop sending me clickable links! I need context, expert judgment and the political incentive to use facts."*

(current Chief of Staff in House office)

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The knowledge imbalance experienced by Congress is akin to information asymmetry found in financial markets. One way to redress information asymmetry in markets is open participation by all interested parties—whether consumers, producers or distributors. These methods can democratize the sourcing, verifying and sharing of information. What would this model look like in an updated knowledge system for Congress? In financial

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markets, asymmetry is addressed by reputation, regulation and effective guarantees (contracts). What are the equivalents for knowledge sharing in legislatures, where public goods are the desired outcome and where painful tradeoffs might be required?

Our own 50 states offer some promising ways forward. Arizona State University, for example, has developed “Decision Theater” to help policymakers lay out choices and tradeoffs in a complex environment. It has also created a communications program to help scientists effectively explain complex policy issues.<sup>32</sup>

In addition to the earlier mentioned example from Washington State, New Jersey’s legislature maintains a group of shared experts who are on call and available exclusively for their needs. Texas and New Mexico both have policy analysis capacity in their state budget offices. The Delaware legislature borrows students from nearby universities. Around the world, and in the wake of the global transparency movement, countries continue to experiment with different models of filtering and sorting expertise for elected leaders. Making knowledge operational for policy makers in the process of legislating is an incipient trend.

## Key Recommendations

Address weaknesses in existing organizations:

- Congress could restore its budget for legislative branch staff on the Hill and in the support agencies
- Congress could open more data so outside groups can create tools to benefit public information access
- Congress could consider creating an OTA for the 21<sup>st</sup> century<sup>33</sup>
- Congress could explore creating knowledge tools for public sharing and submission of information using 21<sup>st</sup> century approaches

- Congress could allow caucuses to pool resources and hire staff

## Congressional Research Service

Congress could do something about limitations in CRS.

- Congress could insist that CRS start filling the Senior Specialist positions with individuals who have subject matter expertise and no administrative responsibilities.
- Congress could make non-confidential CRS reports publicly available. It could also find ways to allow CRS analysts more room for innovation and creativity, like eliminating stultifying routines for contact with the press or with the Executive Branch.<sup>34</sup>
- CRS could adopt some useful mapping tools that help Members see consolidated data (dashboards). Showing forecasting, local tradeoffs and impacts would be helpful too.

## Universities

- Experts at universities and research institutes could take advantage of transparency rules and constituent status to make peer reviewed and/or experience based information more compelling in the congressional environment. They could consistently initiate by means of their expertise.
- The land grant university system is already decentralized and dedicated to high quality research and development. How might this system adapt to primarily serve non-commercial public interests, and create a new model of informed 21<sup>st</sup> century democracy?
- Congress could maintain knowledge sharing relationships with expert entities or stakeholders that have benefited from its

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support of their research, studies and other work.

### Local Approaches

- Local experts could partner with process facilitators to design new methods of engagement on deep subject matter – this calls for civic technologists and those with technical skills.
- Could local experts create a more nimble yet standing infrastructure that could replace Congress' reliance on special commissions?<sup>35</sup>
- Local media could create modern methods of trusted and substantive gathering, curation and consolidation for public life.

### Open Questions:

- *Is it time for the communities working on congressional reform to step back and reassess?*
- *Is robust policymaking benefiting from transparency and technology enabled mass participation the way it is currently organized?*
- *Are accountability methods keeping up with transparency? Is democratic participation?*
- *Have mass and money reached their point of diminished returns as tools for sound policy influence in our legislative system?*

Individuals working in Congress usually receive overwhelming information before and after the most vital decision making moments. The expertise deficit in Congress, however, often occurs during the process of policy making. What can we learn from other process analysis models--like supply chain management-- to track the integrity of information as it arrives in the legislative branch? Here, the "food to fork" movement provides an interesting model.<sup>36</sup>

## Conclusion

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*"My field of dreams? I want an eBay of experts, people I can trust."*

(current House staffer)

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As with any exploration of the relationship between knowledge and power, who provides expertise to Congress will always be subject to scrutiny and debate. Today's information revolution and our stymied policy process have made it clear that not all information is created equally. High quality knowledge follows specific procedures, most commonly known as the scientific method. This sort of knowledge support used to abundantly exist inside Congress. Today, the lack of this type of rigorous sorting and filtering is the greatest knowledge deficit on Capitol Hill. What this paper points out is not something new, but that we need to re-create this shared knowledge system in a modern way.

Clearly, we have a large mapping task before us.

When does information become useful knowledge? What criteria are appropriate qualifiers and/or disqualifiers? Author Andrew Rich has written on the modern phenomenon of think tanks and how they have altered the perception of neutral expertise. He points out that think tanks now compete with lobbyists and other interests in the halls of Congress, blurring the lines between experts and advocates. One result of this type of high visibility "expertise" is more opinion commentary and less scholarship. This weakness in the policy process, he writes "threatens the quality of policy produced; for if trusted research is not available, what becomes the foundation for informed policy decisions?"<sup>37</sup>

Scholars are starting to notice. A recent paper written by Spanish and Australian academics has put forward three domains of criteria for identifying trustworthy policy expertise: competence, integrity, and benevolence.<sup>38</sup>

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Modern America faces a global dilemma: citizen expectations for meaningful participation have outpaced governments' ability to provide opportunities for creating a shared future. Moreover, the problem of knowledge asymmetry in Congress is not a simple problem. It is, in academic terms, what is known as a 'wicked problem', i.e. one where those responsible for causing it are also responsible for its solution (in this case, citizens and elected leaders). As the practice of democracy changes worldwide, the United States today has the opportunity to develop new methods of informed, participatory convening. The consistent input of robust, high quality expertise—knowledge that meets traditional standards of peer review—must be part of this evolution. Indeed, managing the transparency afforded by the push for government openness is a significant task that we have only begun to understand and address. It won't be easy. Many in government feel overwhelmed by information and misunderstood by those who demand more and more transparency.

*"We're all for transparency! Okay, this is what transparency gives you: it takes complex problems and boils them down to simple one liners... and that's the price you pay."*

Jim Dyer,  
Fmr. Republican Staff Director,  
House Appropriations Committee

The policy challenges brought about by a redistribution of communication power impacts every aspect of our contemporary world. Writing for business innovators, the authors of *The Cluetrain Manifesto* offer a key insight about technology enabled participation that is equally relevant to our national governing aspirations.

*"Conversations are where intellectual capital gets generated. But business environments based on command and control are usually characterized by intimidation,*

*coercion and threats of reprisal. In contrast, genuine conversation flourishes only in an atmosphere of free and open exchange."*<sup>39</sup>

Rick Levine, et al.  
Authors, *The Cluetrain Manifesto*

Intellectual capital, social capital and political capital are the primary relationship ingredients for any nation's self-determination. The power of relationships is the common currency of politics in this new era. Moreover, how this power reconfigures will determine our nation's destiny and influence the direction of democratic practice worldwide. Our increasingly open and transparent government offers tremendous opportunities to evolve citizen relationships to their elected leaders and to build connected but disaggregated systems that engage and serve whole institutions—like Congress. Experts have an indispensable and unique role to play in the next iteration of our democracy. The Smart Congress project at the New America Foundation will continue to pursue this expanding realm of relationships, knowledge for Congress and national outcomes. The project intends to publish additional papers in the coming months. The Open Technology Institute welcomes your input, criticism and comments as we move forward.



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