Inspecting the Nation's Attic: Congressional Oversight of the Smithsonian Institution, 2003-2012

An Honors Thesis (POLS 404)

By

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Abstract

The Smithsonian Institution is the United States' national museum, which has grown immensely since its adoption by the federal government during the mid-19th century. Although considered a "small" institution, a significant portion of the Smithsonian's total budget comes from federal government appropriations, grants, and contracts. Along with those appropriations, it is the job of the legislative branch to ensure that those funds are spent properly through different techniques of congressional oversight. In recent decades, political scientists have measured and scrutinized oversight and its relationship to divided government. This study addresses the question of whether a small, low profile institution like the Smithsonian is subject to increased oversight during times of divided government. After providing an overview of what the Smithsonian is and its relationship to the federal government, I provide a literature review on how political scientists have measured oversight. The study aggregates data on three forms of government oversight on the institution: committee hearings, appropriations, and the inspectors general. Although the data does not support the hypothesis, it supports David Mayhew's notion that divided government has little to no effect on government oversight. While there are indications of an overall increase in oversight on the Smithsonian, political incentives are the driving force in conducting oversight on this particular institution.
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# Table of Contents

Introduction .................................................................................................................. 1

Background of the Smithsonian .................................................................................. 1

Divided Government ..................................................................................................... 5

Congressional Oversight .............................................................................................. 7

The Relationship between the Smithsonian and Congress ........................................... 11

Literature Review .......................................................................................................... 15

Methodology .................................................................................................................. 29

Independent Variable – Divided Government ............................................................... 30

Dependent Variables – Congressional Oversight ......................................................... 31

Findings and Analysis ................................................................................................... 35

Conclusion ....................................................................................................................... 47

References ....................................................................................................................... 49
List of Figures

1. Expansion of Smithsonian Facilities .............................................. 4
2. Oversight Hearings on the Smithsonian ...................................... 35
3. Number of Pages of Hearings .................................................... 36
4. Projected versus Actual Appropriations ...................................... 39
5. Office of Inspector General FTEs and Audits .............................. 42
6. Office of Inspector General Federal Appropriations ..................... 42

List of Tables

1. Projected versus Actual Appropriations, with Percent Change ........ 39
Introduction

Typically, the attic is the forgotten space of a home in which archaic objects and memorabilia are stored, never to be seen for a long period of time. The Smithsonian Institution, dubbed the "Nation's Attic," is anything but a forgotten piece of the United States. A national museum like the Smithsonian is more than a collection of artifacts put on display for the general public. For one, it is a very small part of the complex structure of the United States federal government. Because the Smithsonian is dependent upon the federal government, especially in financial terms, this small institution is subject to congressional oversight. This study aims to address the relationship between divided government and congressional oversight of the institution. It is reasonable to predict that a divided government will perform a greater amount of time on oversight of smaller institutions like the Smithsonian than during times of unified government. In order to address this hypothesis, the first section covers a brief history of the Smithsonian, a background of divided government and congressional oversight, and an overview of the relationship between Congress and the institution. Secondly, addressing the problems behind measuring the quantity and effectiveness of oversight is a topic of debate among scholars, and will be addressed in the literature review. The methodology combines these elements and analyzes the research question, and the conclusion assesses these findings.

Background of the Smithsonian

The story of the Smithsonian is a very peculiar one. While the Smithsonian is based on what is now called the "Mall" in the heart of Washington D.C., its conceptualization began in England in the mid-19th century. According to Gene Gurney...
(1964), James Smithson was a moderately successful British chemist and mineralogist during the industrialization era who never visited the United States (p. 1). In his will, he mentioned that if his nephew were to die without heirs, the fortune would go to the United States government. Despite multiple theories that have tried to explain why Smithson left his fortune to the United States, few have been able to agree on a common explanation. After James died in 1829, his nephew died shortly thereafter without offspring, leaving $542,000 to Congress. Initially, Gurney (1964) stated that legislators were hesitant to take funds from a foreigner, but the Andrew Jackson administration agreed to take responsibility in 1836 and deposited the money two years later. Although one problem was solved, inquiries were raised about what to do with the funds entrusted to the government. In Smithson’s will, Congress was to create an institution “for the increase and diffusion of knowledge among men” (True, 1929, p. 2). While the location was rather clear in the will, Congress debated for eight years what Smithson’s intended purpose was. He could have referred to a library, museum, university, or laboratory as learning centers. Some legislators argued over whether the institution should exist at all. Southerners like John C. Calhoun were actively opposed to a federal institution, stating “‘We must look carefully at the extent of our own power...This Government is a trust, established by the States, with a specific capacity, education not included, and all the powers which are not granted are expressly reserved to the States…”” (Ewing, 2007, p. 326).

Almost a decade later, President James K. Polk signed the Act that established the Smithsonian Institution in the fall of 1846. It was one of many historical examples of legislative compromise in practice. James Conaway (1995) mentioned that the Act
initially provided for a building containing an art gallery, library, museum galleries, and laboratories (p. 36). The idea of a university was struck down by the legislature in the midst of debate. Perhaps one of the most important aspects of the Act was that it authorized the creation of the Board of Regents, which is made up of "...the Vice-President of the United States, the Chief Justice of the Supreme Court, three United States Senators, three members of the House of Representatives, and six private citizens..." (Gurney, 1964, p. 3). Since 1970, the board has consisted of nine citizen regents, two of which are from the District of Columbia, while the others must all be from different states. In many ways, the Board of Regents resembles that of a board of trustees. This board governs and oversees the institution, thus providing an important liaison between the federal government and the Smithsonian. In addition, it elects the Secretary, sets how much he is compensated, and evaluates his performance.\(^1\) Other duties include evaluating the performance of the institution, reviewing and approving strategic plans, priorities, and the budget, while also establishing and overseeing the implementation of major policies. Finally, the regents "...oversee the Smithsonian's legal and ethical compliance obligations, the integrity and reliability of financial reporting and audit processes, and management's procedures for identifying and managing risks" (Smithsonian Institution, 2012). The Board of Regents is also required to hold a number of meetings annually to discuss policies and answer queries in a public forum. While the Vice President of the United States and the Chief Justice of the Supreme Court hold formal positions on the board, they do not attend these meetings. Nonetheless, the work of the board is important in maintaining good communication with Congress and

\(^{1}\) The Secretary of the Smithsonian is the equivalent of a Chief Executive Officer, while also loosely resembling a "cabinet" head.
ensuring that the Smithsonian is compliant with policies and standards set forth by the federal government.

The Smithsonian has grown immensely over the past century in size and scope. Currently, it is composed of nineteen museums and galleries, in addition to the National Zoological Park and nine other research facilities. Although based in Washington D.C. on the Mall, the Smithsonian has reached far across the globe. Collectively, the Smithsonian owns more than 137 million objects, pieces of artwork, and specimens (Smithsonian Institution, 2013). The museums and galleries are open seven days a week, and the institution continues to maintain free admission for its 30 million visitors from around the world annually.

Figure 1: The expansion of major facilities owned by the Smithsonian Institution, in square feet (United States, 2007).

For the past 167 years, the Smithsonian’s mission is still based off of the most important clause of Smithson’s will, in which it dedicates itself to public education, scientific research, and the continuing study of the arts, sciences, and history. The institution has continued to abide by this mission by obtaining federal and private contributions. In their
annual report for the 2011 fiscal year, the Smithsonian’s endowment totaled approximately $971 million. Of the revenue that the Smithsonian received, 62% came from federal government appropriations, with an additional 11% from government grants and contracts (Smithsonian Institution, 2011, p. 20). Public dollars given to the institution are used for their core operations, from conservation of their national collection to providing administrative support and maintaining their structures. At the Smithsonian, there are two different types of employees: the majority of which are federal employees that are part of the civil service system, and the minority nonfederal employees that are compensated from the trust fund (including the Secretary). It should be noted, though, that the Smithsonian’s operations are also supported by thousands of volunteers (United States, 2004). The rest of their earnings are based on private grants, along with business and investment earnings. Though small in comparison to federal expenditures, private contributions remain an important part to the institution, as they fund special projects and exhibits in addition to their core operations.

Divided Government

Since the 1970s, the federal government has been increasingly finding itself encountering a phenomenon in which one party controls one or both houses of Congress and another party is in possession of the executive branch. This phenomenon is referred to as “divided” government, in contrast to “unified” government where the same party controls both Congress and the presidency. The effect of divided government on government operations and productivity has been very controversial among scholars and politicians alike. On one hand, divided government can be considered beneficial because
“(o)pposition lawmakers, for example, monitor and supervise agency activities...they are on the lookout for ways to politically bash the administration” (Oleszek, 2011, p. 356). Also, Everett Ladd (1989) argued that the American people would much rather have divided government over a unified one. When the government is divided, the separation of powers between the executive and legislative is apparently much stronger, as it can result in “…creative tension, with a Republican executive pushing one way and a Democratic legislature the other” (p. 5).

However, it has been argued that times of divided government have led to a reduction in efficiency and productivity, while increasing gridlock (Coleman, 1999). There have been many studies that have assessed the effects of divided government on public policy and legislative oversight, among other functions. In general, scholars agree that during times of divided government, legislative oversight increases. Yet, it is difficult to be totally conclusive that divided government has definitive impacts on the efficiency and effectiveness of Congress. There may be specific areas in which divided government has a weaker or even opposite effect, but that must be analyzed on a case-by-case basis. Some scholars like David Mayhew (2005) have argued that “…unified as opposed to divided control has not made an important difference in recent times…” (p. 4).

Much of the activity that occurs within Congress, especially oversight, is influenced by political incentives and the surrounding environment. Regardless, divided government has been a popular source of research and inquiry by political scientists that continues to be studied and challenged in a variety of ways.

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2 The environment in reference here can be anything from high-publicity political scandals like Watergate or national crises including the 9/11 terrorist attacks. David Mayhew, though, argues against high publicity investigations being impacted by the state of government.
Congressional Oversight

Arguably one of the most important duties of the legislative branch is congressional oversight, which is a fundamental “checking” power on executive branch agencies. Congressional oversight is, in essence, the constant review by the Senate, House of Representatives, and their respective (sub) committees, to ensure that federal agencies and departments are held accountable and are performing effectively and efficiently. As the scope of the federal government has expanded over the past century, congressional oversight has become increasingly necessary to maintain control over the complex network of agencies. The American public may be skeptical of expanded federal government roles and powers, but congressional oversight addresses this concern. This checking power is critical because it allows for members of Congress and the general public to be able to evaluate activities and actions of agencies while also determining if programs are cost-effective and efficient. Additionally, Walter Oleszek (2011), a specialist in American national government and congressional processes, explained in *Congressional Procedures and the Policy Process* that “A fundamental objective of legislative oversight is to hold executive officials accountable for the implementation of delegated authority” (p. 334). Very little is stated explicitly in the United States Constitution in regards to oversight, so where does this power come from?

The constitutionally expressed oversight powers of the legislative branch include its control over appropriations (otherwise known as the “power of the purse”), the ability to create programs and agencies through law, the power to confirm and impeach, and Congress’ capability to investigate agency activity. From a constitutional standpoint, both houses are required to not only pass laws, but to also ensure they are faithfully executed.
After World War II, Congress realized that the continually expanding federal government needed to be checked. The Legislative Reorganization Act of 1946 formalized Congress' role to perform continuous oversight over agencies. Beginning in the 1970s, however, Congress realized the importance of effective oversight. Congress enacted a series of reforms, and the Congressional Budget and Impoundment Control Act of 1974 was one of many acts that helped expand Congress' oversight powers. It established the Government Accountability Office (GAO), tasked with assisting Congressional committees in the evaluation of programs, and in the development of "...methods for assessing and reporting actual program performance" (Oleszek, 2011, p. 337).

Additionally, the Federal Funding Accountability and Transparency Act require the Office of Management and Budget (OMB) to list federal grants, contracts, and other expenditures in a public database. In general, the OMB is a part of the executive branch that assists the President of the United States in preparing the budget.

Twenty years later, the Government Performance and Results Act of 1993 (GPRA) was created in order to "...promote more cost-effective federal spending by requiring agencies to set strategic goals...and to prepare annual performance plans and annual performance reports, which are submitted to Congress and the president" (Oleszek, 2011, p. 336). This act in particular strengthens oversight as it holds agencies accountable by requiring them to set strategic goals for themselves, and show how they can feasibly achieve those goals to Congress. Annual performance reports are also required to be submitted to both Congress and the President for review. In his Congressional Research Service report, Oleszek stated that oversight is enhanced through GPRA "...by enhancing committees' ability to hold agencies accountable for the
implementation of their performance goals and actual outcomes; to evaluate the budget requests of various agencies, and to reduce or eliminate unnecessary overlap...”

(Oleszek, 2010, p. 7). Failure to comply by either falsely reporting or not reporting at all has potential to result in serious punishments. Furthermore, both the House of Representatives and the Senate have rules regarding oversight. The House, for example, requires all standing committees to hold at least three hearings annually, and hold meetings when an agency does not submit its financial reports, or if the GAO believes the agency is wasting resources (Oleszek, 2010). Congress has formalized the oversight process through numerous pieces of legislation over the past 70 years, yet other formal and informal oversight methods have developed throughout this time as well.

There are a number of oversight techniques used by Congress to ensure that federal agencies are both efficient and effective. Some of these methods are used in conjunction to ensure the best possible oversight. The most common form of oversight, Oleszek argued, entails committee hearings. Agencies report to specific committees in either the House or the Senate where they can be summoned to testify before the panel. Some agencies, like the Smithsonian, go before their respective committees and make appeals regarding their appropriations for the fiscal year. It gives committee members and agency representatives the opportunity to talk face to face in a formal, public forum.

Essentially, “Legislators need to know how effectively federal programs are working and how well agency officials are responding to committee directives,” through the use of hearings and investigations (Oleszek, 2011, p. 341). Secondly, through acts like GPRA, agencies can be required by Congress or committees to create progress reports and track policies and goals. In general, agencies acquire the data necessary for Congress members
to conduct oversight effectively. This gives agencies the opportunity to reflect and evaluate their own programs (Oleszek, 2011). Congress also has the ability to conduct investigations and evaluate programs in depth by relying on GAO and Congressional Research Service (CRS) audits and reports. In particular, the GAO has the authority to conduct management and financial audits, perform field investigations, create policy analyses, and ultimately derive studies from those results. In addition to the GAO, certain agencies like the Smithsonian have embedded inspectors general to promote efficiency and prevent fraud, waste, and mismanagement (Oleszek, 2011). Created by the Inspector General Act of 1978 and amended in 1988, the inspectors general are a separate entity from both the legislative and executive branches. Each inspector general is appointed by the president, confirmed by the Senate, and reports to their assigned agency (Newcomer, 1998). The inspectors general office has a relatively similar task to the GAO, where they keep Congress and its respective committees informed regarding specific activity and overall performance of the agency. A Senator stated that inspectors generals are the ""...government’s first line of defense against fraud"" (Oleszek, 2010).

One should note, however, that there is little consensus on how to measure success or failure of certain programs. Measuring oversight is challenging to policy makers and researchers alike. An individual analyzing an agency may value that agency’s goals and programs differently in comparison to other perspectives. This makes for rather different interpretations of the same sets of data. Generally, oversight can be measured by legislative, fiscal, or investigative means. From the legislative perspective, respective congressional committees can review federal programs and agencies, and propose legislation to help improve performance or fix issues at stake. Appropriations
committees, on the other hand, have the task of analyzing agency spending. There are also separate committees and organizations (like the inspectors general and GAO) that are dedicated to investigating and rooting out inefficiency, waste, and corruption. Yet, there is no “standard” by which to measure agency performance consistently. While one office, like the GAO, has a set of standards its employees should follow when undergoing an investigation, it does not require the inspectors general to uphold those same standards. This may be troublesome at times, but it can also be beneficial because oversight is an overlapping process. Viewing agencies from multiple angles can yield similar or different results, which may assist in honing in on certain issues.

*The Relationship between the Smithsonian and Congress*

As a consequence of the federal government accepting Smithson’s endowment, Congress also took responsibility to ensure that the Smithsonian’s mission of diffusing knowledge among men would be fulfilled. However, when the act that made the Smithsonian a reality was signed by Polk, the extent and scope of Congress’ responsibility to the institution was debatable. Some provisions of the act “…permitted of considerable latitude in interpretation in certain sections and went into the minutest detail in others” (True, 1929, p. 248). On one hand, the 19th century Congress wanted to give as much responsibility away to the Board of Regents as possible, but at the same time, Congress needed to make sure that they had enough authority over the institution. For example, Section 9 of the act allowed for a great amount of financial flexibility. The Board of Regents had the ability to spend certain funds that were not explicitly appropriated by the federal government as they saw fit. As James Conaway (1995) stated
in regards to some of the act’s vague provisions, “The crucial stipulation—‘as they deem best suited’—allowed the Smithsonian to grow without rigid Congressional oversight” (p. 36). Without many fiscal constraints on the institution, Congress handed off much of the responsibility to the Board of Regents, making expansion of the institution relatively easy. However, similar to the 10th Amendment of the Constitution, Section 11 states that “…there is reserved to Congress the right of altering, amending, adding to, or repealing any of the provision of this act; Provided, that no contract, or individual right, made or acquired under such provisions, shall be thereby divested or impaired” (True, 1929, p. 250). Any provisions not stated in the act would be reserved to Congress, not the Board of Regents. Ever since the act initially passed, the relationship between the Smithsonian and the federal government has developed and matured.

When the government started to formalize congressional oversight during the 1970s, it was not well known where agencies and institutions like the Smithsonian stood in the increasingly complex bureaucratic web of the federal government. Phillip S. Hughes was asked by the Board of Regents in 1977 to investigate the Smithsonian’s formal relationship to Congress. Hughes (1977) determined that the Smithsonian Institution is a “trust instrumentality” of the United States federal government. He stated that:

Theories have been advanced that the Institution is ‘private’ not Federal in character; that there are two Smithsonian, a ‘private’ and a Federal; that the Institution is located in the Executive Branch or in the Legislative Branch; or that it is in the Federal Government by outside any of the three branches…I have concluded that the Smithsonian is a Federal establishment. (p.7)
Because the funds from Smithson were entrusted and accepted by the United States federal government, the institution Congress established through public law is considered a public trust. From a legal standpoint, the Smithsonian is tied to the federal government as it receives annual appropriations from Congress, but it is not considered an executive branch agency. Moreover, Hughes (1977) expressed that appropriations to the Smithsonian "...are not treated any differently from funds appropriated to Executive or other agencies of the Government" (p. iii). A majority of the Smithsonian's workforce are considered to be federal employees. While the Board of Regents contains members from all three branches (the Vice President, Chief Justice, and six congressmen), it reports to specific congressional committees. Regarding oversight, however, Elizabeth Olson (2007) from the New York Times reported that "(s)uch a system of relying on public figures with their own demanding, full-time jobs even for ceremonial positions can lead to inadequate oversight..." on the part of the Board of Regents. Principally, the government assists in running the core of the Smithsonian, yet programs outside of this are supported by the institution itself in addition to its private benefactors. The relationship between the government and the Smithsonian is rather pretentious, but it is clear that without the federal government the Smithsonian would not exist. It has been evident that in the government shutdown of October 2013, the Smithsonian was one of many federal entities that were forced to temporarily close.

The scope of Congress’ involvement in the Smithsonian over the years has changed drastically, and oversight has unquestionably transformed as well. While Congress has gone back and forth between divided and unified government for the past
decade, how has legislative oversight of a small institution like the Smithsonian changed? To answer this question, it is important to first establish how to measure congressional oversight. Scholars have tackled this issue from multiple angles using different policy areas and pieces of legislation, but the literature review will provide insight on how to most accurately review the change in congressional oversight of the Smithsonian over the past decade.
Literature Review

Legislative oversight was never given much credit until the 1970s as a direct result of congressional reforms. While law making is an important part of the legislative branch’s duties, function, and responsibility, oversight is an incredibly underappreciated power. According to Marcel LaFollette (1994), oversight is Congress’s “third responsibility,” behind authorization and appropriation powers (p. 265). Fred Kaiser (1977) reiterates this point in particular, especially concerning foreign policy. Although there has been a rise in interest on the topic of oversight, researchers and political scientists can agree on the difficulty to measure both the quantity and the quality of investigations. There are a variety of ways and techniques that are used to conduct oversight, and consequently, there is no singular manner to identify the best measure of oversight. One explanation for why oversight is unfamiliar to the general public is because of the fact that it is made up of both informal and formal techniques. Even more difficult than measuring how much oversight is being conducted is how effective it is on agencies and programs. Robert Art (1985) recognizes this difficulty to measure quality, as oversight on defense policies utilize prescribed models that cannot simply be counted. For the purposes of this study, the focus on oversight deals with a small institution rather than a large bureaucratic complex like defense. Reviewing how past research has measured congressional oversight from different angles will help develop the groundwork for analyzing investigative trends surrounding the Smithsonian.

Focusing on a particular committee, Fred Kaiser (1977) studied the House Committee on International Relations and how its oversight developed over time in “Oversight of Foreign Policy: The U.S. House Committee on International Relations.” He
questioned what the fundamental differences were between foreign and domestic
oversight, and how this particular committee performed in comparison to other
committees. In order to conduct this particular study, the author utilized committee
hearings, field investigations, and research services including the GAO and CRS as a
basis for oversight activity. Furthermore, Kaiser conducted his own personal interviews
with committee members and staff as he worked with the International Relations
Committee in 1974. His findings concluded that this committee in particular was
extraordinarily active in comparison to the rest of Congress, and supported the finding
with four factors.

First of all, the committee itself had ample financial and staff support, aggressive
chairmen, considerable member interest, and a wide jurisdiction. One of the ways Kaiser
(1977) determined this increase in strength was by counting the number of GAO reports
issued to committee staff members who requested them, and found that it increased by 23
percent (p. 260). Secondly, partisanship plays a major role in determining how much
oversight is conducted in a given Congress. After counting the number of committee and
subcommittee hearings from the 90th to the 93rd Congresses, Kaiser speculated that the
more opposed committees and their chairmen are to the executive, the more oversight is
conducted. Third, the context in which the committee performs oversight can greatly
affect how much oversight is conducted. During the 1970s, the Committee on
International Relations had many cases that were ripe for review. Those international
issues that directly affected America’s domestic sphere were more likely to encounter
oversight. Similar to the second factor, Kaiser (1977) argued that staff members were
more likely to conduct oversight on agencies and programs that they did not trust or
support politically. Overall, oversight on both foreign policy and domestic policy experience similar constraints, and Kaiser recognizes that there are different ways outside of the committee structure that can measure oversight.

Although one way of looking at oversight is through the committee itself, Robert Art views oversight through a policy lens. Art (1985) analyzed how Congress worked with a specific policy area's budget in his article "Congress and the Defense Budget: Enhancing Policy Oversight." In order to accomplish this, Art used only the committee structure as his basis, and compared "financial," "programmatic," and "policy" oversight of the defense budget. While financial and programmatic investigations concern efficiency and effectiveness, respectively, policy questions have to do with more of the larger scope of agency goals. Part of the "new" Congress, as Art defined it, is characterized by inter-committee rivalries over the defense budget, a strong leaning towards financial oversight, and finally, the dependence on individual actors to oversee the policies of the defense sector.

In order to demonstrate how inter-committee rivalries have developed from the 1960s to the 1980s, Art (1985) addressed that the number of annual authorizations made by the defense subcommittees increased as a consequence of an attempt to gain influence. Secondly, there was a dramatic shift towards overseeing the budget via financial and programmatic means (referred to as "budgeteering") based on the number of pages in each committee report on the defense budget. In essence, the more pages in a report, the more oversight being conducted by the committee as staff members take more time and energy to research and compile a report on the budget. Other indicators of a more aggressive Congress included the increase in staff size of the subcommittees over a thirty
year period, in addition to the increase in the number of fiscal changes on the defense budget that were made by the subcommittees. While fiscal and programmatic oversight increased, it was apparent that policy oversight decreased and was left to those individuals that had the incentive and the time to conduct it.

The author admitted that policy oversight is more complicated to measure in comparison to the last two, yet he used Robert Bledsoe’s massive study on defense budget changes as a focal point. In this study, he measured the frequencies of dollar changes to the defense budget over seven years, and separated these changes into “policy,” “fiscal,” and “management.” After some minor alterations to the study, Art (1985) showed that financial changes clearly won out over policy changes. This particular article is a strong analysis into the legislative’s budgetary authority and its relationship to oversight.

Large complex areas like the defense sector can be incredibly difficult to comprehend when performing investigations, but Michael Scicchitano looks in depth at a single piece of legislation. At the very beginning of “Patterns of U.S. House & Senate Oversight: The Clean Air Act of the 1970s,” Schicchitano (1990) mentioned that regardless of what previous authors and researchers have said, there was little support of increased oversight in both the House and the Senate at that time. In part, there is little understanding of the motivations and incentives to actually perform oversight, and the author describes three different groups of Congressmen. There are those that are self-interested individuals that will do what is advantageous to them politically. Others argue that they are too busy to perform oversight, and the last involves self-motivated
legislators that "...conduct most of the oversight; these legislators are active even when lacking resources or political incentives" (Scicchitano, 1990, p. 718).

Using these three explanations as the foundation, the author asked which best illustrated congressional oversight participation using the Clean Air Act (CAA) from the 92nd to the 95th Congresses. This was an important time to cover, as the CAA was a salient issue during the early part of the 1970s until Watergate took national attention. Four subcommittees were involved with the CAA, and Scicchitano (1990) focused on formal committee hearings as the oversight measure, as "...it permits the identification of each legislator's oversight activity" (p. 722). A statement, question, or remark made by a legislator in a committee hearing would count as one unit of oversight. The first part of the analysis dealt with committees as a whole. Scicchitano went a step further and reviewed individual legislators' participation in oversight hearings, and compared this participation between the House and Senate. Both House and Senate committees were similar in participation towards the beginning, but by the 95th Congress, the House increased in oversight while the Senate decreased.

The other part of the analysis was based on those individual committee members that were most active in hearings and how their activity changed over time. In this particular study, the legislators were grouped based on whether they were "more" (greater than 100 oversight points/units) or "less" active (less than 100 points). Scicchitano (1990) found that oversight increased from the 92nd to the 93rd, but "(t)here is little indication, at least with the CAA, that legislators actively oversee a program session after session" (p. 728). Based on these findings, the author concluded that legislators

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3 According to the author, these statements or remarks typically contained words like "improve," "correct," or "change." He believed that words similar to these best represented oversight activity.
were more often than not being heavily influenced by political factors when it comes to performing oversight.

Congressional investigations also deal with specific policy issues like scientific research fraud, which Marcel LaFollette explores. Federally funded scientific research in the United States has been controversial for decades. According to LaFollette (1994) in "The Politics of Research Misconduct: Congressional Oversight, Universities and Science," there is a conflict between the desire for research autonomy and the federal government's concern with researcher accountability. Once research fraud was beginning to be uncovered by the government in the 1970s, Congress took up responsibility to ensure that their funds were being spent correctly, and that research institutions would produce the desired results. In comparison to the 1950s and 1960s, LaFollette (1994) explained that "(t)oday, legislators no longer hesitate to investigate university administrative and management processes…and to voice constituents' increasing skepticism" (p. 264). In this article, the author attempted to understand the politics of scientific fraud within the United States at the congressional level.

As an apparatus, he used legislative oversight to examine the policy issue. The most frequent type of oversight on the scientific community is the interaction between committee members and agency personnel, which includes both the formal hearing and informal communications. While committee hearings are the most formal, there are informal ways of interacting that cannot be included in the study, including face to face conversations, e-mail correspondence, and telephone. Formal committee hearings are also considered by LaFollette to be the least efficient and least effective. In contrast, CBO, CRS, and GAO reports are more effective in terms of evaluating oversight. LaFollette
acknowledged the positive correlation between the number of reports issued and oversight activity. However, he does not analyze these further in a scientific community context. Compared to other federal agencies before the late 1950s, oversight of science and research activity was generally poor (LaFollette, 1994, p. 268). In response to Sputnik, additional congressional committees formed in an attempt to oversee scientific projects and ensure quality products and results.

By the 1970s and 1980s, Congress started to take notice of fraudulent activities committed by the scientific community. When certain agencies, researchers, or universities did not submit progress reports, their accountability would come under question by the government. LaFollette (1994) explained that in 1988, a case involving falsified research project reports fascinated the media, and it “...showed that even famous and well-regarded scientists and institutions were not immune from harsh congressional questioning” (p. 274). From there on, the amount of oversight hearings had increased for a short period of time, as universities and research institutions developed better relationships with Congress while improving on the issue. Despite this fact, the article suggested that oversight did not prevent this fraud from occurring, and that the relationship between the scientific community and the federal government continues to struggle.

LaFollette mentioned that committee hearings were not an accurate way of measuring oversight. More recent researchers like Kathryn Newcomer have taken different angles on gauging legislative investigations. Formal committee hearings are an important aspect of conducting oversight, but the inspectors general are a greatly unappreciated source that ensures accountability, efficiency, and effectiveness within
agencies. During the 1990s, federal managers were being held more accountable for the results they delivered (similar to the scientific community). In "The Changing Nature of Accountability: The Role of the Inspector General in Federal Agencies," Newcomer (1998) mentioned that the Government Performance and Results Act required managers to ensure that their programs were efficient and effective, while also being able to "...monitor program delivery by tracking performance indicators, and assess policy and program outcomes" (p. 129). Yet, how does the government hold these managers accountable for the results they produce? By the recommendation of the National Performance Review in the early 1990s, the inspectors general were encouraged to study agency customers, being proactive in their agency, and simultaneously dealing with a shortage of resources. In effect, inspectors general offices were expected to accomplish more with less. The pressure from both the president and Congress gave the inspectors general a difficult challenge.

In order to study this, Newcomer and a team of researchers requested interviews with over forty inspectors general offices in 1996, and asked them questions regarding performance. Most of these questions dealt with the types of audits the inspectors general made, what proactive measures they employed, and what challenges they faced, among others.\(^4\) After collecting the data, they compared this to a similar study done in 1992. The first section dealt with the percent change in the quantity of full time equivalent staff (FTEs) and the agency’s respective budgets from 1992 to 1996.\(^5\) Both small and large

\(^4\) Newcomer addressed the difference between different types of audits inspectors general can make. A "traditional" audit is a financial audit, while non-traditional audits deal with extensive performance reviews.

\(^5\) A full time equivalent staff variable is a comparable measurement that indicates the workload of an employee.
inspectors general offices shared similar patterns, as a large majority of agencies experienced budgetary increases. However, Newcomer (1994) also noted that 55% also had cuts in FTEs.

The second part of the study analyzed each office’s reported functions, where inspectors general were evaluated in the amount of time they spent on traditional audits, "inspections" that deal with outside help, or investigations where inspectors general perform field work. Generally, the traditional audit staff was the largest portion of inspectors general offices among agencies, while “88 percent of the offices dedicate 15 percent or fewer staff to inspections” (Newcomer, 1998, p. 133). Despite these apparently discouraging numbers, there were indications of increasing numbers of offices using inspections and investigations. The National Performance Review did have a positive effect on the number of offices that followed up on agency complaints while also helping inspectors general become more proactive. Newcomer (1994) remarked that “…every inspector general reported undertaking some proactive work” (p. 134). Without a doubt, the inspectors general are hardworking teams that attempt to do their jobs to the best of their ability, even when resources are scarce.

The final article incorporates additional variables into analyzing oversight during times of divided government. Following the 2006 elections, the Bush administration was correct in their assumptions that the newly divided government would result in increased scrutiny of executive programs. This dilemma of the executive branch made for an interesting set of questions regarding the relationship between oversight and divided government. Douglas Kriner and Liam Schwartz (2008) questioned the research of distinguished political science scholar David Mayhew in their article “Divided
Government and Congressional investigations.” Despite the “high profile” investigative work of David Mayhew, the authors argued that there was no theory that existed to support the relationship between divided government and the motivations to pursue legislative oversight. While congressional investigations are influenced by saliency, Mayhew did not take into account factors including political ideology and party cohesiveness. This article in particular reassessed his theory in a more modern context, developing a number of hypotheses addressing the quantity and quality of oversight.

The first hypothesis of Kriner and Schwartz (2008) asserted that a more divided government leads to more oversight as a result of heightened tensions between legislators and the president. Secondly, ideology plays an important role in oversight in which the more ideologically separated legislators are in their political views, the more likely they are to conduct investigations. Finally, the authors essentially combined the first two hypotheses and noted the importance of divisions within the majority party during divided government. When the majority party is unified under divided government, oversight activity should increase. Using Mayhew’s study as the basis for the research, the article listed a number of dependent variables used to measure oversight. In order for an issue to be of “high saliency,” investigative coverage must last at least twenty days on the front page of the New York Times, in addition to the number of front page articles under review. Furthermore, the number of days a congressional hearing lasts in addition to the number of pages of testimony created are reliable indicators of oversight being conducted. Kriner and Schwartz (2008) use the state of government (divided or unified), the ideological separation between branches, and party cohesion as their independent variables (p. 304). Finally, the study’s control variables include presidential approval, the
timing of the electoral cycle, and any technical differences between House and Senate investigations.

The results of the study found that divided government yielded greater percentages of investigations in comparison to times of unified government. Shifting to divided government greatly increased the number of hearings as well as the duration of those hearings. Also, the results supported the notion that majority party cohesion during divided government was a catalyst for increased oversight. This variable in particular was very significant, as the model suggested that a “…one-standard-deviation boost in cohesion yields more than 1,000 extra pages of committee documents investigating alleged executive malfeasance” in addition to double the amount of congressional hearings (Kriner & Schwartz, 2008, p. 310). The authors concluded that while David Mayhew’s study is largely popular, he ignored the statistically significant influence of partisanship on oversight. All of these studies are important in their own right, as they represent a different angle to address concerns of measuring oversight as accurately as possible.

It is very clear that the most popular way to measure oversight among six studies is the use of the legislature’s most formal technique (Art, 1985; Kaiser, 1977; Kriner & Schwartz, 2008; LaFollette, 1994; Scicchitano, 1990). Committee hearings act as a basis for congressional oversight, as they not only list detailed accounts of agency and program reviews, but can act as a springboard for further investigations. They are also considered one of the most visible techniques of oversight available, as statements and reports can be seen by the public. Also, committee hearings can grab the attention of the media (and vice versa) and ultimately increase the saliency of the policy issue, agency, or piece of
legislation under question (LaFollette, 1994). Using the committee hearing as a measuring stick of oversight can be especially beneficial for those policy areas that are more complex, including healthcare and defense policy. Political science researchers should be careful, however, to not rely completely on committee hearings as the only way of measuring oversight. For one, there is arguably more that goes on "behind-the-scenes," outside of the hearing room. As LaFollette (1994) recognized in his study, communications between legislators and agency representatives can happen via telephone, email, or even face to face outside of committee hearings. These can be considered a form of informal oversight, which are incredibly difficult, if not impossible, to measure. Counting the number of hearings, or even the number of pages based on a hearing, may be the result of factors not directly relating to oversight. Certain policy issues like defense may be more complex and require greater numbers of pages in comparison to the oversight of a single piece of legislation like the Clean Air Act. The advantage of the study by Kriner & Schwartz (2008) is that they recognize the flaws of solely measuring the number of committee hearings, and include a number of variables to strengthen their argument.

Each author in their study approached committee activity in different, but also similar, ways. One of the simplest means to measure committee activity is by counting the number of hearings over a certain period of time (Kaiser, 1977; Kriner & Schwartz, 2008; LaFollette, 1994; Scicchitano, 1990). In general, these statistics provide a generalized overview of how much formal oversight a committee is conducting. There is a tradeoff, though, between simplicity and accuracy, and researchers cannot rely on the committee hearing itself as the answer. Although Kaiser (1977) and Kriner & Schwartz
(2008) counted the total number of committee hearings, they used this information in conjunction with other variables in order to provide a clearer picture. Scicchitano (1990), on the other hand, utilized a content analysis of committee hearing by tallying the number of oversight "points," or times a legislator used a key word or phrase relating to oversight. The studies made by Art (1990) and Kriner & Schwartz (2008) both counted the amount of pages of committee hearing reports. Counting the number of pages reveals more about the committee, as it shows a larger or more dedicated staff, and an increasing interest of the subject under question. Kriner and Schwartz (2008) also looked into the number of committee hearings and the number of days of those hearings as support variables to further strengthen their positions. While LaFollette (1994) also counted the number of committee hearings, he did not use statistical data to reinforce his analysis and conclusions. As evidence, he stated that oversight increased since the number of investigations increased, "harder" questions were posed at hearings, and "mainstream" scientists from the scientific community were under question. LaFollette's argument in his study was comparatively weaker in comparison to those who used statistical analysis.

Especially in regards to oversight, it is critical to take into account other techniques outside the realm of the committee hearing. Kathryn Newcomer (1998) and Fred Kaiser (1977) analyzed techniques other than the formal committee hearing setting. Rather than reviewing a singular policy area and using a variety of techniques, Newcomer performed the opposite and studied a single technique and their impact across different agencies. Additionally, Newcomer's research team contacted inspectors general offices and requested interviews with them, giving valuable first-hand accounts of their experiences in conducting oversight. Researchers must be careful when conducting
interviews, as the potential for biased employees may compromise the validity of certain results. Fred Kaiser (1977) also used GAO and CRS reports, in addition to personal interviews, as his basis for measuring oversight of a particular committee. It is apparent by the articles reviewed that techniques other than committee hearings are not as popular, for a number of reasons. First of all, since most committee hearings are made public, they are easy to measure. The organization of committee hearing reports, for example, is uniform (by date) and easily searchable. Conversely, investigations and program evaluations are not as uniform and are much more difficult to find. Also, these committee hearings are easy enough to measure in a variety of ways. From the duration of the hearing, to the number of pages of a hearing report and individual committee member participation, committee hearings can be quantitatively counted in a way that fits the researcher’s needs.

Other techniques of oversight may be more difficult to provide a clear picture, as qualitative information cannot easily be conveyed into numbers. Regardless of the oversight technique measured in a study, it is to the benefit of the researcher to use a variety of these techniques. Using more than one oversight practice and testing them against different variables can only strengthen the researcher’s argument, while also providing a glimpse into the impacts of certain variables on legislative investigations. Based on previous studies, using a variety of oversight methods is critical in developing a methodology that will yield accurate results for this study.
Methodology

The objective of this particular research is to determine a quantitative relationship between divided government and legislative oversight on the Smithsonian. With these variables in mind, my hypothesis is that there is a positive correlation between divided government and oversight. In order to verify this relationship in this study, divided government acts as the independent variable, while the dependent variable includes three techniques of congressional oversight: committee hearings, appropriations, and the inspector general.\(^6\) The focus of the data assesses trends from the 108\(^{th}\) to the 112\(^{th}\) Congresses for a few reasons. First of all, the time period from 2003 to 2012 varies between unified and divided government. This provides a good time-space in which to clearly evaluate and distinguish certain trends that occur during unified and divided governments. The time frame also encompasses two presidents, one from the Republican Party and one from the Democratic Party, which can help in further distinguishing oversight trends.

Also, the Smithsonian publishes its policies and records on their website from 2003 to present. Not only are these data easy to retrieve, but using the most current data available helps better understand more recent trends in oversight activity. Kathryn Newcomer (1998) and Michael Scicchitano (1990) only used two and four years, respectively, to analyze congressional oversight. Robert Art (1985) and Kriner &

\(^6\) Walter J. Oleszek in *Congressional Procedures and the Policy Process* (8\(^{th}\) ed.) lists sixteen different forms of oversight: hearings & investigations, legislative veto, authorizing processes, appropriations processes, inspectors general, non-statutory controls, GAO reports & audits, reporting requirements, ad hoc groups & outside commissions, the Senate confirmation process, program evaluation, casework, studies by other agencies, resolutions of inquiry, oversight by individual members, and impeachment.
Schwartz (2008), on the other hand, analyzed greater than or equal to ten years' worth of congressional investigative activity and perhaps made stronger arguments as a result.

*Independent Variable – Divided Government*

Some political scientists argue that divided government results in increased oversight because it provides politicians the incentive and opportunity to scrutinize programs that are run by a party other than their own. Conversely, some scholars have contended that divided government only encourages gridlock, inefficiency, and overall unsatisfactory government performance.

Studies like Kriner and Schwartz's (2008) have indicated that oversight activity generally increases during times of divided government. However, Kriner and Schwartz state that “(u)nder divided government, high-profile oversight activity grows more frequent and intense” (p. 314). While the Smithsonian Institution is considered to be a small organization in comparison to most federal agencies, this study aims to determine if the divided government-oversight relationship holds true with “lower-profile” institutions. Divided government as an independent variable is appropriate to measure this relationship, as the political atmosphere of a divided government can act as a stimulus for legislative oversight. Therefore, I researched partisan control of the legislative and executive branches from the 108th to the 112th Congresses, and distinguished between unified and divided governments.⁷

⁷ Information on divided and unified governments were retrieved from the following on October 24, 2013: http://history.house.gov/Institution/Party-Divisions/Party-Divisions/ & http://www.senate.gov/pagelayout/history/one_item_and_teasers/partydiv.htm
Dependent Variables – Congressional Oversight

In order to analyze congressional oversight of the Smithsonian, it is crucial to understand the complexities of measuring oversight. The literature review clarified that while there are a number of techniques that can be measured, there is no singular way that is better than the others. In order to address this issue, I am using three techniques of congressional oversight: committee hearings, federal appropriations to the Smithsonian, and the inspector general. It is important to understand that the aggregate of these data are one of many ways to justify the relationship between divided government and oversight.

Based on the selected literature, one of the most popular ways to measure oversight is through the use of committee hearings. In order to retain some consistency with these past researchers, including committee hearings in the study is appropriate. More specifically, I am focusing on some of Kriner & Schwartz’s (2008) measures for committee hearings. First, counting the total number of hearings in a given Congress acts as a base for how much oversight activity occurred within a given Congressional session. In order to determine the number of oversight hearings that occurred, I prefer Frank Baumgartner’s and Bryan Jones’ data from the Policy Agendas Project, which draws from the Congressional Information Service’s publications and hearings data up until 2010. While they have a large majority of hearings regarding the Smithsonian, I also studied data from ProQuest Congressional to supplement any missing data from the Policy Agendas Project. Any hearing that had the Smithsonian as the main topic of

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The data used here were originally collected by Frank R. Baumgartner and Bryan D. Jones, with the support of National Science Foundation grant numbers SBR 9320922 and 0111611, and were distributed through the Department of Government at the University of Texas at Austin. Neither NSF nor the original collectors of the data bear any responsibility for the analysis reported here.
discussion is included in the total. I chose not to include annual Interior and Environment appropriation hearings in the overall count, as they do not specifically deal with oversight and already occur on an annual basis. For a second measure of congressional committee hearings, I counted the total number of pages created in the hearing collations, again using ProQuest Congressional. While aggregating the number of hearings over five Congresses is important, it does not provide an adequate impression on committee oversight. Using a secondary variable like the number of pages shows how much time and effort the committees put into hearings with the Smithsonian.

Next, appropriations in principle are one of the strongest indicators of oversight according to Robert Art (1985). Every fiscal year, the Smithsonian testifies and requests a certain amount of appropriations based on their needs in an issued report to Congress. These reports give a detailed breakdown of how much they received the year prior, and what they request for the upcoming year. The federal government is certainly not obligated to give the amount requested, and approves these funds based on the testimonies and how much the budget allows for. On their website, the Smithsonian has published their requests to Congress from 2003 to 2014. From these data, I focus on the 108th to the 112th Congresses which are from 2003 to 2012. I review the projected and actual appropriations from 2003 to 2012 based on their annual reports to Congress. Projected refers to what the Smithsonian requested, and actual denotes the funds appropriated by Congress. I created a graph and table that compares projected and actual federal funding to the Smithsonian, adjusted for inflation in 2013 dollars. To further illustrate the relationship between appropriations and the state of government, I find it
essential to calculate the percent change in actual appropriations between years, as well as figuring the average percent changes between divided and unified years.

Finally, the inspector general is a form of oversight that is often ignored by political scientists and scholars. For a small institution like the Smithsonian, the activity of the inspector general is exceptionally important in conducting audits and reviewing the organization’s performance. Loosely basing the study performed by Newcomer (1998), if there is an increase in oversight on the Smithsonian, inspector general activity and resources would generally increase. There is a unique webpage for the Smithsonian Office of the Inspector General, in which they list the audits and reviews the office performed from 2003 to present in their “Audit Archive.” I aggregated these data and separated the audits that fell on years in which the government was divided from the years it was unified. Although simple, the data is an appropriate measure of oversight as the number of audits varies from year to year. Secondly, seeing how the federal government supplies the Office of the Inspector General in the Smithsonian with the necessary resources to carry out its oversight functions is also significant to this study. To measure inspector general resources, I collected data on the number of full time equivalents (FTEs) and the amount of funding supplied by the federal government in a given year. This was found in the Smithsonian’s policy and reports page, in addition to documents provided by the Inspector General Office through personal contact. Inspector General FTEs are supplied by both the federal government and the Smithsonian trust fund, yet the large majority is through the federal government. Showing the amount of FTEs as well as appropriations supplied by the government in this case is considered a reflection of the government’s attitude toward overseeing the institution. Similar to the
federal appropriations variable, I calculated the percent change of funding for the Office of the Inspector General. Gauging both the activities and resources of the inspector general provides sufficient data to draw conclusions and assess the relationship between oversight and divided government.
Findings and Analysis

After aggregating the necessary data for committee hearings, appropriations, and the inspector general, I divided the results accordingly into three sections. Figures 2 and 3 lay out the data regarding committee hearings. I measured both the number of hearings and the number of pages in a given year. The shaded boxes in each chart area represent the years of divided government in order to clearly distinguish from those years under unified government.

Figure 2: Number of congressional oversight hearings from 2003 to 2012

What was initially striking was the extremely low number of oversight hearings over a nine year span. There were only ten committee hearings over nine years, with no more than two in any given year. After cross referencing the Policy Agendas Project and ProQuest Congressional, it was unexpected that the results yielded such low numbers.
Based solely on the number of hearings, unified government has a greater average of 1.16 hearings per year in comparison to divided government’s .75 average. Even more interesting is that over time there is a general decrease of oversight hearings. The most oversight actually occurred during the 108th Congress (2003-2004), and has since decreased and leveled off. There is one notable “spike” in 2007 as there were oversight hearings regarding Secretary Lawrence Small’s extravagant expenditures following his resignation (Olson, 2007). Since 2007, committee hearings have been generally low key. The number of hearing pages further proves this point in Figure 3.

Figure 3: Number of congressional oversight hearing pages

When considering the number of pages produced based on Figure 3, it is important to take into account the number of hearings presented in Figure 2. Although 2003 and 2004 both yielded two hearings each, the number of pages were less than or approximately
equal to subsequent years (with the outlier being 2010). While the number of actual hearings decreased, there was a slight increase in the number of pages of these hearings in a given year. Again, the average number of pages during unified government exceeded the average during divided, disproving the hypothesis. The fact that 2008 and 2012 did not experience any committee hearings, thus resulting in net zero pages, had a large impact on the overall averages between the divided government’s 79 pages and unified government’s 85 pages.

In general, the most popular form of measuring oversight disproved the hypothesis that divided government would result in increased oversight through more committee hearings and pages of committee reports per year. During periods of unified government, there were both more hearings and pages on average per year in comparison to times of divided government. Yet, the data on committee hearings is not significant enough, as it may be the very nature of oversight on a smaller institution like the Smithsonian. Oversight is very much expressed as a “lose-lose” situation, in which more time and effort is required of members of Congress, with very little in return. The greatest amount of oversight from 2003 to 2012 evidently occurred in 2007 with the resignation of the Smithsonian Secretary, based on the number of hearings and pages. This rare high profile case could have been viewed as politically beneficial to politicians that were engaged with oversight on the institution. Taking part in these hearings over the Secretary would show to perspective voters that their elected representatives are taking notice of fraudulent activities and attempting to cut government waste. In essence, the data presented here could represent a very politically incentive-driven Congress when it comes to oversight on smaller institutions. It is interesting to also note the rise in the
number of pages in committee reports from 2003 to 2012. One explanation for this trend could very well be the nature of the subjects at hand. Some hearings require covering more detail, depending on the subject matter. At the same time, it is also likely that committee staff is more dedicated to creating detailed reports, while the depth of investigations on the Smithsonian have become more thorough. However, the evidence did not support the hypothesis that divided government had an impact on congressional oversight from a committee perspective.

One of the easiest ways members of Congress conduct oversight is through the appropriations process. While investigations and committee hearings require extra resources, time, and energy that politicians claim they do not have, slashing budgets acts as an alternate route. Based on the Smithsonian's annual reports to Congress from 2003 to 2012, I aggregated their requests and distinguished between projected funding from the Smithsonian and actual funding they received in a given year, and adjusted the figures to constant 2013 dollars. Table 1 illustrates the results from the aggregated data, including a calculation for the percent change. The percent change of actual federal funding shows by how much the actual appropriation changed from \( A_0 \) (the previous year) to \( A_1 \) (the current year). Positive percentages imply that there was an increase in funding, in comparison to a negative percentage which shows a decrease from the previous year. The bolded rows in Table 1 represent the years of divided government. Figure 4 represents these data in a line graph form to better represent the trends over time.
Table 1: Projected versus actual federal appropriations in millions of dollars, with percent change in actual appropriations

<table>
<thead>
<tr>
<th>Year</th>
<th>Projected</th>
<th>Actual</th>
<th>% Δ Actual = [(A/A₀)-1] x 100</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>671.00</td>
<td>692.61</td>
<td>N/A</td>
</tr>
<tr>
<td>2004</td>
<td>701.38</td>
<td>738.28</td>
<td>6.59%</td>
</tr>
<tr>
<td>2005</td>
<td>752.07</td>
<td>736.6</td>
<td>-0.23%</td>
</tr>
<tr>
<td>2006</td>
<td>713.50</td>
<td>713.58</td>
<td>-3.13%</td>
</tr>
<tr>
<td>2007</td>
<td>726.86</td>
<td>716.15</td>
<td>0.36%</td>
</tr>
<tr>
<td>2008</td>
<td>736.97</td>
<td>741.49</td>
<td>3.54%</td>
</tr>
<tr>
<td>2009</td>
<td>780.98</td>
<td>824.59</td>
<td>11.21%</td>
</tr>
<tr>
<td>2010</td>
<td>814.24</td>
<td>816.39</td>
<td>-0.99%</td>
</tr>
<tr>
<td>2011</td>
<td>829.29</td>
<td>789.78</td>
<td>-3.26%</td>
</tr>
<tr>
<td>2012</td>
<td>877.60</td>
<td>825.34</td>
<td>4.50%</td>
</tr>
</tbody>
</table>

Figure 4: Projected versus actual federal appropriations in constant 2013 dollars
The first thing to note is that there is a general increase in both actual and projected annual appropriations to the Smithsonian. What is interesting, nevertheless, are the varying discrepancies between projected and actual appropriations. In some years, actual is greater than projected, while in others the opposite holds true. It was found that during divided government, it was more likely that projected appropriations were greater than the actual amount given to the Smithsonian. Conversely, during unified government, actual appropriations tended to exceed projected more often. Based on the trends in Figure 4, a divided federal government will undercut the Smithsonian more often, in terms of projected versus actual appropriations. Unified governments, in this instance, were more lenient with their expenditures and were more willing to provide more funding than requested.

The second part of analyzing federal appropriations considers the percent change in actual appropriations between any two years. Evaluating and comparing projected and actual appropriations are important, yet percent change views the same variable from a different angle. Based on the data in Table 1, percent change was positive mostly during times of divided government, while negative percent changes occurred during unified government. On these numbers alone, the hypothesis would not stand because it shows that a divided government is at least willing to meet the status quo when appropriating the Smithsonian. However, calculating the average percent change of funding from divided and unified government yields vastly different results. Compared to an average percent change of 2.69% for unified government, divided government averaged 1.28% per year in appropriations changes. In other words, divided government in this particular scenario was more reluctant to give additional funding to the Smithsonian.
While increasing funds may be considered "oversight" in the context of raising neglected areas or programs, cutting funds to either abolish agencies or curtail programs due to waste, fraud, or abuse is a much more transparent form of oversight (Oleszek, 2011). When members of Congress have the opportunity to cut appropriations, it is in their rational and political interest to do so. It is clear that 2009 was a huge determining factor in the data, with an 11% increase in funding. However, calculating the average percent change of actual appropriations, unadjusted for inflation, confirmed similar results. Increases in federal expenditures could be the direct result of assisting the Smithsonian in carrying out their programs or attempting to improve the institution's system overall. Government Accountability Office reports issued from 2007 to 2008 identified that certain Smithsonian structures were fragile and required repairs. Consequently, increases like these may be a reflection of that financial assistance. Overall, though, the findings regarding appropriations verify the hypothesis.

Finally, using the inspector general as a measure of government oversight is not widely used by political scientists, but it is a viable measure as the Smithsonian has its own inspector general office. Measuring this variable was more challenging in comparison to hearings and appropriations, as there was limited information available. Yet, I was able to identify the number of audits and FTEs per year from 2003 to 2012. Reviewing how full time equivalents changed over time provides a sense for how the federal government relies on the inspector general to perform oversight. Figure 5 and Figure 6 aggregates the data from the number of FTEs, the number of audits, and federal funding of the office over nine years.
Figure 5: Smithsonian Office of the Inspector General FTEs and Audits

Figure 6: Smithsonian Office of the Inspector General federal government appropriations
Generally speaking, more resources have been dedicated to providing a larger inspector general staff, especially following 2007. Nonetheless, calculating the average number of FTEs across unified and divided governments equated to unified government falling short with an average FTE of 17.66 per year in comparison to the divided average of 19. Based on this result, divided government may have been more willing to provide additional resources in terms of FTEs in comparison to a unified government. There is a slight indicator of an efficient divided government, as it provided marginally more working hours for the Office of the Inspector General.

Figure 5 also illustrates the number of audits the inspector general office made between 2003 and 2012. Upon initial observation, audits per year varied greatly. For a nine year stretch, there does not seem to be a clear positive or negative relationship. After calculating the averages, years of divided government experienced an average of 9.25 audits per year, in contrast to 7.83 audits during unified government. The number of audits issued by the inspector general office provides complementary results to the number of FTEs. It is plausible that Congress requested more audits of the inspector general staff during divided government, but it is more likely a combination of requests from Congress, complaints from the Smithsonian staff, and inspector general initiatives.

Finally, it is interesting to observe that the trends in Figure 6 are almost parallel to the number of FTEs in Figure 5. In terms of average percent change of funding to the office, divided government only yielded 2.07%, versus 3.55% for unified. While Congress was more reluctant to give funding to the Smithsonian in general, a Congress under a divided government was also hesitant to provide more funding in comparison to unified. However, this very small gap between percentages indicates a rather insignificant
trend in the data set. It is problematic to reach a conclusion with these data, though, because there are a number of political or external factors that could have impacted the Congress’s decision to cut or add inspector general FTEs, as well as appropriations.

While it may be reasonable to argue that it is a mere coincidence that the inspector general performed more audits, had more FTEs, or received less funds during divided government, I would dispute it otherwise. Especially following the resignation of the Secretary in 2007, oversight has played a much bigger role in the institution. Despite the federal government not directly taking an active role in oversight activity, it is definitely plausible that Congress relays this responsibility to the inspector general, who are more specialized and connected with the Smithsonian. The data concerning the number of audits and FTEs support the hypothesis, but the average percent changes in federal appropriations to the inspector general does not uphold the hypothesis.

After measuring and analyzing the aggregated data and findings, it is very difficult to draw a solid conclusion. The issue with the data collected in this particular study is that few, if any, of the measures from the dependent variable were statistically significant. Both the appropriations and the inspector general measures did prove to some extent that there was more oversight during divided government. It is certainly possible that there are catalysts besides divided government that affected how much was appropriated to the Smithsonian in a given year, or how many audits were performed. As mentioned previously, the resignation of the Secretary in 2007 caused a rather significant increase in oversight. Undoubtedly, there would be speculation of whether that event has caused a short term or a long term impact on oversight on the Smithsonian. The volatility of recent congressional oversight on the Smithsonian points toward oversight based on
political incentives. Since political incentives are too low to oversee the institution in the form of hearings, it is easier for members of Congress to constrain budgets with the stroke of a pen. Divided government provides the incentive to "race to the bottom," pitting opposing party members to cut as much waste as possible, and smaller institution's budgets are an ideal place to start.

Political scholars can be divided into three distinguished areas: those that believe divided government has a positive effect on government, another which considers that divided government has a negative effect, and finally those that ascertain that divided government has little to no effect whatsoever. One can point to the similarities between the findings presented in this study and David Mayhew's (2005) theory regarding the overall inconsequential nature of divided government in his study *Divided We Govern*. In essence, he argues that there is no direct pattern or correlation between divided government and increased scrutiny of executive programs. For his conclusion, he wrote that "When we reach for it as a standard, we draw on abstract models, presumed European practice, and well-airbrushed American experience, but we seldom take a cold look at [the] real American experience" (p. 198). This "real" experience Mayhew refers to is the political nature of members of Congress. While we may want to think that divided government has a significant impact on oversight, the quality of legislation passed, and foreign policy, Mayhew argues that reality is quite different. The reality is that politics are unemotional and detached. Based on the findings in these data, Mayhew's argument definitely applies to oversight on the Smithsonian.

Ideally, Congress would have the ability to oversee all of its programs for their effectiveness and efficiency, including small institutions like the Smithsonian. The
reality, as Mayhew argues, is that members of Congress focus on big policy issues that grab the attention of the public and their constituency. Programs and institutions concerning the arts and sciences are not a primary concern in comparison to more high profile issues like healthcare and defense spending. If a politician sees the opportunity to gain votes for the next election, they will act upon it in their own self-interest, regardless of the sector. In the case of the 2007 resignation of the Smithsonian Secretary, oversight increased because it was an opportunity to gain recognition for cutting waste and fraud. Rather than divided government affecting oversight on the Smithsonian, it can be argued under Mayhew’s theory that members of Congress, in their own political interest, have determined when oversight on a small institution is appropriate.

It is important to also note that from 2003 to 2012, oversight has generally been on the rise on the Smithsonian. Although not a focus in this study, observing this general increase is significant in the sense that the federal government has been taking notice of spending habits of smaller institutions within the past decade. Members of Congress have a lot to worry about in regards to issues and policies, notably issues such as healthcare, defense, and immigration. Any increase in oversight on small institutions shows this expanding reach of the federal government. It should also be observed that much of the oversight undertaken by the government on the Smithsonian has been more reactive rather than proactive, but this is something to be considered independently of this study.
Conclusion

LaFollette’s assertion of oversight being Congress’s “third responsibility” is strikingly accurate in the context of small institutions. A typical representative spends the majority of his or her time appropriating and authorizing programs, while oversight is on the back burner. From the data presented, it can be concluded that divided government has little to no impact over investigations on a small institution like the Smithsonian. While there are a few indications that federal oversight has generally increased over time, David Mayhew’s theory of oversight during divided government holds firm in this particular case.

This thesis explored the fascinating and somewhat unusual relationship between the Smithsonian Institution and the legislative branch of the federal government. Oversight is vital to the overall operation and functioning of the federal government because money must be accounted for in a complex bureaucracy. Yet, many members of Congress deem oversight political suicide because there are few resources, such as time and energy, as well as few returns on investment. Consequently, the political incentive to take part in oversight on small institutions like the Smithsonian increases during higher profile cases. Motivations such as votes for re-election or increasing one’s reputation become important factors. Principally, there is no reason to partake in oversight if there are no enticements or rewards for doing so.

Analyzing the connection between the Smithsonian and legislative investigations has provided supporting evidence into the political nature of oversight practices, regardless of the state of government. If politicians have the ability to increase the number of votes they receive in the next election by cutting budgets or taking part in high
profile cases, it will be no surprise when oversight activity increases for a short time.

While the Smithsonian is "small" in comparison to the hundreds of other agencies in the bureaucratic web of the federal government, it is certainly not a forgotten entity.


