

LEGISLATIVE DECISION-MAKING:

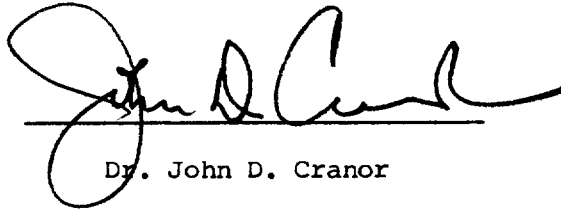
STAFF INFLUENCE

An Honors Thesis (ID 499)

by

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Thesis Director

A handwritten signature in black ink, appearing to read "John D. Cranor", is written over a horizontal line. The signature is fluid and cursive.

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To my husband, Brett Ellison

For his motivation and patience in the completion of this project.

To my parents, Charles and Judith Herman

For their inspiration and belief in my abilities.

To my advisor, Dr. John Cranor

For his involvement and invaluable advice and expertise.

And to so many relatives and friends

For providing encouragement and aid in the completion of this thesis.

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INTRODUCTION

Legislators do not create policies by only their own effort. They are influenced by a number of factors, including the staff members who work with them.

The purpose of this thesis is to survey the literature concerning the role of staffing in the policy decision-making process of legislators.

Relatively little literature has been written in this specific area, so literature dealing with both state legislatures and Congress have been included.

The overriding theme of all the papers and books is that staff members are not neutral actors in the political process. They help to formulate and shape public policy and play integral parts in the policy-making process.

But the extent to which staff are instrumental in the process is subject to debate. In addition, the impact of legislative change and reform is subject to debate as mixed results are reported from the field.

RESPONSIBILITIES OF THE STAFFING POSITION

Congressional and legislative staff duties vary as much as the legislator. Some legislators rely on staff more than others, and as a result, workloads vary.

In preparation for committee hearings, staff members compose briefs concerning the vital issues, aid in questioning, propose alternatives, and write committee reports, which influence the budgeting and other processes (Business Week, 1978).

Staff members are expected to find new ideas, expand on them, resolve conflicts involved, and prepare them for presentation by the legislator. At the beginning of each session, the staff puts together a list of items for further discussion. The list is refined, then submitted to the legislator, who accepts approximately 90 percent of the staff ideas (Malbin, 1977).

When the legislator presents a speech, the staff writer helps the legislator to answer questions. If the bill is sent to conference committee, the staff members propose compromises and rewrite the bill (U.S. News and World Report, 1978).

But congressional staff, in one writer's opinion, has grown too large for Congress: "Senators and representatives are routinely attended by a half-dozen aides apiece, some of whom seem to do little more than pour coffee" (U.S. News and World Report, 1979).

A survey conducted by Cranor, Balok, and Herman (1984) found that staff members in the state of Indiana perform a variety of functions, meaning that staff members have a number of avenues of influence over the decision-making process of legislators.

RESPONSIBILITIES OF THE STAFFING POSITION

Staffing Skills and Responsibilities in Indiana

| | <u>Majority Staff</u> | <u>Minority Staff</u> | <u>Legislative Services Agency</u> |
|-----------------------------------|---------------------------|---------------------------|--|
| Assisting committees in hearings | 7 (25.0) | 4 (22.2) | 26 (81.3) |
| Assisting legislators in hearings | 11 (39.3) | 8 (44.4) | 23 (71.9) |
| Skill in legal research | 12 (42.9) | 5 (27.8) | 18 (56.3) |
| Writing bills | 6 (21.4) | 5 (27.8) | 18 (56.3) |
| General knowledge of law | 9 (32.1) | 6 (33.3) | 18 (56.3) |
| Familiar with agencies | 12 (42.9) | 6 (33.3) | 16 (50.0) |
| Skills in legal writing | 7 (25.0) | 3 (16.7) | 17 (53.1) |
| Writing position papers | 6 (21.4) | 8 (10.3) | 11 (34.4) |
| Understand legislative process | 21 (75.0) | 16 (88.9) | 24 (75.0) |
| Contacting other legislators | 16 (57.1) | 16 (88.9) | 12 (37.5) |
| Contacting other staffs | 19 (67.9) | 15 (83.3) | 17 (53.1) |
| Contacting Congressmen | 9 (32.1) | 14 (77.8) | 3 (9.4) |
| Handling constituency complaints | 15 (53.6) | 14 (77.8) | 3 (9.4) |
| Bill research | 13 (46.4) | 13 (72.2) | 19 (59.4) |
| Conducting constituency surveys | 12 (42.9) | 12 (66.7) | 0 (0.0) |
| Contacting U.S. Senators | 10 (35.7) | 11 (61.1) | 3 (9.4) |
| Writing speeches | 7 (25.0) | 11 (61.1) | 2 (6.3) |
| Contacting local party officials | 12 (42.9) | 11 (61.1) | 0 (0.0) |
| Mass mailings to constituents | 11 (39.3) | 11 (61.1) | 0 (0.0) |
| Media relations with district | 7 (25.0) | 8 (44.4) | 0 (0.0) |
| District publicity | 7 (25.0) | 8 (44.4) | 0 (0.0) |
| Campaign management | 7 (25.0) | 8 (44.4) | 0 (0.0) |
| Policy expertise | 9 (32.1) | 4 (22.2) | 8 (25.0) |
| Skill in media relations | 9 (32.1) | 6 (33.3) | 2 (6.3) |
| Skill in computer usage | 4 (14.3) | 2 (11.1) | 5 (15.6) |
| Familiar with administrative law | 5 (17.9) | 2 (11.1) | 10 (31.3) |

Note: Percentages do not round to 100% because multiple responses were allowed.

LEGISLATORS' PERCEPTIONS OF STAFF INFLUENCE

The most widely accepted rule among staff members is quite simple: "It long has been a rule on Capitol Hill that no matter how great their true influence, aides must let the elected officials monopolize the limelight" (U.S. News and World Report, 1978).

Perhaps the success of aides in keeping to this rule has had an influence in the study of staffing behavior and influence.

Kingdon (1973) describes staff as only one of a number of factors that can possibly affect a Congressman's voting decision. In his study, Congressmen "spontaneously mentioned" staff members as being actively involved in the decision-making process only five percent of the time. This reportage placed staff at the bottom of the list of factors influencing decision-making in terms of the percentage of time the factors involved themselves in the decision-making process.

As a result of the interview research, Kingdon concludes:

In terms of our standard importance coding, the staff is of major or determinative importance only 9 percent of the time, and of no importance at all a full 66 percent, the highest percentage of all the actors. In short, if staff members are important in voting decisions, their influence is either extremely subtle, or is restricted to those issues in which the congressman has a particular interest and asks his staff to do more extensive work (192-3).

Kingdon's reliance on Congressmen to "spontaneously mention" factors in their decision-making may have led to an underestimation of the impact staff have on congressional decision-making. As has been shown by other authors, Congressmen and legislators are often unaware of the influence

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staff members have on their attitudes and policies. In addition, Congressmen are likely to "spontaneously mention staff only if they consider the staff an important enough influence to immediately think of them.

But as staff scurry into the shadows of the limelight, their true influence is unnoticed by the legislator.

AVENUES OF STAFF INFLUENCE

Balutis (1975a), borrowing from Patterson (1970), in his interview research of New York state legislative staff, found that staff tend to be supportive and loyal to the legislator for whom they work.

He identified several unwritten "rules of behavior" for staff:

Legislative norms; limited advocacy; loyalty; deference; anonymity; specialization; partisanship; apprenticeship; institutional patriotism; and legislative work (120).

He found that staff members tend to take on the same norms and positions as the legislators for whom they work. He also found that staff are expected not to take their own policies too far. Loyalty was the "unwritten rule" most often mentioned. Deference to legislators was expected and anonymity, while sometimes difficult, was essential. Specialization and expertise were seen as the way to best serve the legislator. Partisanship was highly important, as legislators tended to select staff members of the same party. An apprenticeship was sometimes expected, and "dull" legislative work was seen as "one of the rules of the game." Institutional patriotism was seen as important, but not as much so as loyalty to the legislator.

Balutis also found that staff consider themselves an important influence in legislative decision-making:

Staffs saw themselves as influential figures in the legislative process and emphasized expertise, specialization, and the staff's role as a filter of information to the legislature in explaining staff influence. These staff members also seemed willing to use their positions and influence to implement their own policy preferences and to let political considerations determine the role they assumed (129).

AVENUES OF STAFF INFLUENCE

Given the complexity of today's legislation, the legislator must depend on the staff for information. Willoughby (1934) discusses the importance of the education and specialization of staff, in order that they can help legislators with regard to technical legislation:

Many of these measures, if they are to be properly handled, call for expert knowledge in such fields as law, economics, political science, the technology of public administration, business organization and finance, and branches of knowledge which but few of the members of our legislative bodies are likely to possess (579).

The staff serve the function of providing the information to the legislator. But it must be noted that the staff member controls what information the legislator does and does not receive, and certain biases are introduced into the decision-making process.

Balutis (1975b), again borrowing heavily from Patterson, used this same study to define the functions of staff in his effort to nullify the traditional belief that professional legislative staff members are "neutrals" in the legislative process.

Intelligence was cited as one function of staff. The legislative staff is a "major source of information," and the staff members spend much of their time processing information and passing it on to legislators. In the supply of information, the staff identifies alternatives to the legislator and helps him/her to decide on policy.

Integration was discussed as another staff function. The staff of the executive and legislative branches have a close working relationship, thereby theoretically diminishing somewhat the "separation of powers."

AVENUES OF STAFF INFLUENCE

Balutis said that even in cases of bills facing resolution in joint committee, the staff of the two houses met and solved the dilemma, not even requiring the meeting of the legislators on the joint committee.

Innovation and the initiation of legislation were cited as another function of staff. Balutis found that "Staff members, especially those with long tenure in key positions, are about as likely to initiate legislation as are legislators themselves (359)."

Influence was discussed as another function of staff. In its role of filtering the information the legislator receives, the staff members define what will be the "important issues," which greatly influences both the legislator and the decision-making process.

Wolman and Wolman (1977) developed four conceptual models of staff influence over legislative roll call behavior.

The first model develops the concept of staff as an "intervening variable between constituency attitude and a congressman's perception of constituency attitude." Because all communication between constituents and legislators must pass through the filtering process of the staff, and because those staff decide what constituency opinion to pass on to the legislator, an inaccurate understanding of that attitude by staff members would lead to serious linkage problems.

The second model suggests staff can have direct control over legislative roll call behavior by persuasion or by providing or withholding information and access to it. In addition, staff may write legislation and define options for the legislator, limiting the legislator's alternatives.

The third model discussed the staff's direct influence on public policy

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in their ability to work independent of the legislator in the committee or pre-committee stage. The suggestion is made that staff members must be viewed as independent actors in the political process attempting to promote their own beliefs in action.

The fourth model shows yet another way staff can influence the outcome of legislative activity. Even if the legislator understands constituency attitude and tries to create public policy based on that attitude, if a staff member does not understand the legislator's attitudes, public policy objectives may not be met.

Wolman and Wolman suggest that the issue's degree of salience and level of development will determine the staff's ability to influence the legislator or the policy. If the issue is of little importance or is in so early a level of development that the legislator has not yet taken a firm stand, the staff will possibly attempt to influence the legislator. But the highly salient issue or one near a final vote will lead the staff more likely to attempt to help the legislator to achieve his goals than to attempt to influence his attitudes.

In research through a questionnaire to congressional staff and U.S. Senators concerning population and family planning policy, the authors attempted to prove the accuracy of their four models.

In their perception of constituency attitudes, both staff and Senators had an error rate of nearly 30 percent -- and the error almost always resulted in underestimation of constituency support of family planning policy. The authors suggest that this occurs because the opinion elite to whom the Senators listen have opinions diverging from the mass opinion;

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they alternatively suggest that the vocal minority is believed by the Senators to represent the views of the silent majority. Thus the authors show that their first model is, to some degree, accurate.

The correlation data the authors used to test the similarity of staff and Senator attitudes was weak and negative. Thus they found no relationship to support the second model.

The authors could not determine to what extent staff members pursue their own goals. But by studying the difference in staff and Senator opinions, the authors found that there was a great divergence of opinions on important issues -- half the time, the staff member didn't know that his/her attitude was different from that of the Senator. Thus the authors found support for their third model.

Staff members incorrectly perceived and represented the Senator's views nearly 30 percent of the time, especially on important issues, lending credence to the accuracy of the fourth model.

Wolman and Wolman conclude that, at least in population and family planning policy, staff members do not have a great effect on the Senator's opinions. But they also found that linkages between constituents and Senators were affected somewhat because of the problems outlined above.

STAFF FUNCTIONS

Ornstein (1975), in his interview research, found that staff members had very different functions in the two houses of Congress.

In the House of Representatives, staff were usually given clerical and constituency work. Staff have an insignificant role in providing information for voting, and thus have little impact on policy-making, because House members tend to rely more on their colleagues for information.

But in the Senate, staff had a very important part to play in the decision-making process. They are usually the first sources a Senator turns to for information, because Senators have less time than House members to discuss bills with colleagues or even to examine the bills themselves.

Ornstein suggests that the great difference in the way staff are utilized in the two houses is a result of the great difference in the size of the two bodies. Senators are spread much more thinly than House members; Senators have more policy to consider than do House members, and there are fewer than one-quarter of the number of people to do the work. So the work necessarily falls on the staff members, who thus gain more avenues of influence.

Schiff and Smith (1983) found that as the number of personal staff members allowed per House member increased, the district staff took on a greater amount of the constituency work, while the Washington staff became more active legislatively.

The authors argue that the "new breed" of legislator and his utilization of more staff resources to achieve his goals leads to the ability to do more in both the district and in Washington.

But is it really the legislator who is doing more? As the legislator's

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office takes on more responsibilities, more work falls on the staff, and the staff members are offered more opportunities to influence legislative decision-making.

TYPES OF STAFF

It is important to note that the committee under which a staff member works has a vital role in determining the influence a particular staff member is allowed to have.

Price (1972) describes three types of staff, arguing that the goals of the committee members tend to determine the type of staff and the amount of activity it will engage in.

"Pure policy entrepreneurs" are partisan and active in finding policy needs and alternatives. Committees allow the staff to promote proposals and seek alternatives, with few limitations.

"Mixed entrepreneurs" still promote proposals and suggest alternatives. But they serve committees with less "slack" and are allowed much less maneuverability.

"Professionals" are neutral and nonpartisan. They are experts in a policy area and use that expertise to analyze and propose alternatives. They also tend to react to policy rather than initiate it.

LEGISLATIVE REFORM

Price (1971) argues that although professionalization of congressional staff will alleviate some informational problems, there may be other capacities for staff that will better aid Congress in its evolution. In addition, the paper searches for the implications of changing to a neutral professionalism, free from personal, party, or other loyalties.

He says that there is no dispute that "a higher level of staff competence and expertise than Congress has hitherto possessed" is required for making "independent and rational policy judgments (336)."

But he argues that if the public desires Congress to be the source of policy initiation and development, staff must be relied upon to show the legislator policy needs and alternatives. Requirements of neutrality and nonpartisanship, Price says, will defeat this purpose.

This paper points out the possible negative effects of the much-hailed legislative reform. It is important in that while the concepts of staff neutrality and nonpartisanship appear to be an important improvement when taken out of context, the author has effectively shown that these qualities would instead serve to hinder the process of legislation initiation in Congress.

Rosenthal (1972) reported that the addition of caucus and fiscal staff in the Wisconsin legislature did not decrease the legislative workload or increase efficiency; instead, partisanship and conflict were increased.

He also found that the staff adopted the goals and priorities of the committee because it was "what is expected, what is convenient, and what produces results (221)."

Rosenthal concludes that in a professional legislature, fiscal and

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caucus staff added to the well-being of members. And where the legislature is centralized, these staff members aid in the decision-making ability of the members they serve; thus in Wisconsin, standing committees became weaker and caucuses became stronger. Partisan controversy was also increased. And in the effective and independent legislature, the staff members promoted alternatives and criticized other proposals, resulting in a greater role for staff in determining state policy.

This paper in part confirms the hypothesis put forth by Price (1971) that much-hailed legislative reform, while it does have some benefits, also has some drawbacks. It is a good case study analysis of the effects of legislative reform, although the application to other states is unclear.

TRENDS

Fox and Hammond (1977) found in their congressional study a number of factors that can influence the amount of power and influence staff members have over the legislators for whom they work. Among these factors, the authors mention:

The Congressman's information channels, control of committee resources, constituency characteristics, as well as the Congressman's perception of his role. The personal relationship between aides and Congressmen also have a bearing on staff role and function (2).

Fox and Hammond assert that staffing is still "highly personalized." But they suggest that the Congress is becoming more complex and institutionalized, and even greater demand for professional information analysis is a trend which will continue into the future.

"Staffs, better prepared, more specialized, and more engaged in legislative activity, are participating more fully in the analysis and evaluation of information for shaping the contents of legislative decisions (161)."

CONCLUSION

As Congress and legislatures and issues change, staffing must change with them. Very little study has been done, relatively, in the area of staff impact on the provision of public policy, especially at the state level. Formats and possible areas of study have been suggested by the authors cited in this essay.

There is much disagreement about the true impact of staff on public policy formation and the impact of legislative reform. But there is wide agreement that there is much more to be done in the study of legislative staffing.

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