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Learning and Deliberation in Congressional Committees

“the oftener a measure is brought under examination, the greater diversity in the situation of those who are to examine it, the less must be the danger of those errors which flow from want of due deliberation.”-Alexander Hamilton

Abstract: My research focuses on Congressional committees as the major public platform in which outside witnesses in different fields inform Congresspeople on specific issues. My work explores the question of how listening to different perspectives affects committee members. Based on the information gathered from a sample of four Congressional committees, I present a theory on the different types of Congressional hearings and the different types of effects they have on Congresspeople. I posit that deliberation can lead to legitimization of other perspectives, that Congresspeople learn in informative hearings, and that the collective nature of hearings fosters social relations between members. My data confirms my initial guiding propositions and sheds light on additional effects.

Introduction: Committees are unique as a link between Congress and outside sources of information. While committees have important internal functions as oversight mechanisms for agencies and places to markup and revise bills, they also have external functions as the major juncture between Congress and the outside world. Whereas previous literature on Congressional committees and Congressional deliberation (Shepsle 1978, Krehbiel 1992, Maass 1983, Bessette 1997, Poole and Rosenthal 2008) has focused on Congresspeople themselves and internal mechanisms, I look at the effects of the three major external functions of a committee: as a deliberative platform, as an educational tool, and as a theatrical stage. Committees are where outside voices enter deliberation, where outside information educates Congresspeople on specialized topics, and where both Congresspeople and external witnesses act in public to shape debate.

Research Design: I chose to operationalize the different functions of committees as different types of hearings. I focus on committee hearings for two reasons. First, Bessette identifies hearings as “an essential element of committee deliberation,” a platform for learning, and stages for publically shaping the debate of the issue (Bessette 1997). Therefore, hearings are a suitable

place to explore these three committee functions. Second, hearings are the only publically recorded and open source of data. All proceedings are transcribed and available.

I. Selection of Committees: I selected a representative sample of committees: the Senate Commerce, Science and Transportation Committee, the Senate Foreign Relations Committee, the House Science Committee, and the House Agriculture Committee. These four committees represent both chambers and diverse subject matter. In addition, all four committees lie in the middle of the Groseclose and Stewart ranking of House and Senate committees (a ranking of the desirability of committee assignments). They are neither the most desirable nor the least desirable committees.

II. Data: I collected both qualitative and quantitative data on committee hearings. My qualitative data are the interviews with actors in Washington as well as notes from the hearings that I have attended and watched online. I interviewed 38 people, using purposive non random sampling. I aimed for a sample frame that is representative in the sense that it includes different parties, different types of witnesses, and different committees and subject matter. The interviewees comprised three main categories: members of committees, committee staff, and witnesses who have testified before committees. I was able to interview majority and minority staff on the four committees, witnesses from all four committees, and Congresspeople from the two House committees. The Senators were difficult to reach (as expected), so instead I interviewed personal staff, who spoke on behalf of their Senators.

As an exploratory tool, the interviews supplemented hearing attendance as a way to gain insight into the major trends. I base this on Fenno's "soak and poke" method of studying Congress. He writes, "rather than assume I already knew what was interesting, I remained prepared to find interesting questions emerging in the course of the experience. The research method was largely one of soaking and poking-or just hanging around" (Fenno 1978.) Similarly, I soaked myself in the committee atmosphere by attending hearings and speaking to as many of the actors as possible. These experiences are then triangulated with other data to piece together a full picture of the witnesses, hearings, and effects.

My quantitative data also comes from hearings. I used the public hearing transcripts from the full committee hearings of the four committees. My dataset consists of all of the available witness testimony from full committee hearings for the 114th Congress, as well as several additional hearings. The transcripts were subjected to sentiment analysis. I employed the

dictionary method, which uses a dictionary of positive and negative words to compute sentiment scores. As a dictionary, I chose Hu and Liu's opinion lexicon of 6,800 positive and negative words. Sentiment analysis allowed me to measure the extent to which Congresspeople hear expert testimony that is overwhelmingly positive or negative versus balanced on any given piece of legislation. I classified hearings that include both laudatory and disapproving testimonies as more balanced than hearings that do not.

In addition to sentiment analysis, I also collected data on the witnesses' professional backgrounds and political campaign donations from committee websites and from the federal electoral commission database. The campaign donations data help place witnesses on an ideological scale.

The combination of qualitative and quantitative data allowed me to classify the types of witnesses who testify at different hearings and the various effects they have on Congresspeople. My analysis presents "ideal types" illustrated by concrete examples.

III. Classification

A. Classifying Hearings: I used a combination of sentiment analysis of testimony transcripts, witness data, content analysis, and interview data to classify hearings as deliberative, educational, or public platform. I added an "informal" hearing type to account for the various hearing-like meetings that occur outside of formal committee hearings. I based this on Hall's classification of the two major "modes of participation" in Congressional committees-formal and informal participation. He explains "much of the committees' decision making activity takes place in formal committee sessions...at the same time, much of a committee's decision making activity occurs informally-outside the context of an official markup" (Hall 1996). He distinguishes between formal and informal participation as well as their causes and effects.

B. Classifying Effect: I used a combination of content analysis and interviews to classify effects.

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

Guiding Proposition 1: Deliberative hearings cause legitimization of other views

This is based on theoretical and empirical work on deliberation (Habermas 1984, Young 1996, Fishkin 2003, Barabas 2004) and research in social psychology on the effects of deliberation.

Young explains that confrontation with perspectives teaches the “partiality of my own.” This is supported by Monteith’s Self Regulation of Prejudice Model, which shows the processes that people who are not prejudiced go through. When people are aware that they are stereotyping and feel guilty because this is at odds with their standards of behavior, they pause and rethink their response (Higgins 1987).

Second, deliberation leads to a more comprehensive understanding of others, which can lead to learning, legitimization of other perspectives, and potential collaboration. Young explains that “through listening across difference each position can come to understand something about the ways proposals and claims affect others differently situated...participants gain a wider picture of the social processes in which experience is embedded” (Young p. 402). The most obvious effect of such understanding is of course the social learning that Young references. Learning also where others are situated may also reveal new opportunities for collaboration, by shedding light on possible common ground.

This deeper understanding also holds potential for legitimization. Research in social psychology shows the profoundly different effects of exposure to like-minded perspectives versus different positions. Levendusky (2013) found that showing people like-minded media made them more extreme and more certain in their views. This exposure also caused them to delegitimize and mistrust the other side. Garrett et al. (2014) further reaffirmed the ability of exposure to pro-attitudinal information to intensify opinions. On the other hand, there is work showing that exposure to divergent pieces of information can reduce bias. Hsee’s work shows that joint evaluation of two different options causes people to reverse previous decisions. Simply viewing two pieces of information side by side changes people's decisions. This concept of exposure to different information extends to changing stereotypical socio-cognitive associations as well. Kawakami et al. (2005) showed that people who were trained to make counter-stereotypic gender associations were less likely to display gender stereotyping when choosing job candidates.

Guiding Proposition 2: Informational hearings serve as a place for Congresspeople to learn

This is based on the capacity of educational hearings to inform and teach Congresspeople on specialized or technical topics. Literature on Congressional information gathering (Haskins 1991, Esterling 2009, Simson 2010) affirms this notion.

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

This is based on literature in social psychology and deliberation, and is applicable to deliberative, educational, and theatrical hearings as social settings.

Young explains that engagement of a group in collective problem solving, and the understanding that others have a right to challenge your claims, “require such expressed claims to appeal across difference, to presume a lack of understanding to be bridged” (Young p. 402). This is reinforced by literature in social psychology that explains the dangers of groupthink and monolithic decision-making groups (Tetlock 1979, Janis 1972, Sunstien 2009) and identifies cooperation and superordinate goals as key components to overcoming intergroup conflict (Gaertner et al 1990; Pettigrew and Tropp 2006). Committee deliberations involve a diverse group that has to cooperate towards a shared goal of learning about an issue and passing a law.

Preliminary Results: Based on my preliminary data analysis, I have created a typology for the different types of witnesses and effects of hearings.

I. Witness Types: Below is a typology of witnesses based on interview data.

1. “Labelled” Expert-This type of expert is known to publically represent a certain view on an issue. Such an expert may run a partisan organization, be publically associated with a political party or cause, or be branded in some other way. Staff may recruit these experts because they want to be sure a certain perspective is heard. A staff member on the science committee explained to me that in her preparatory conversation with witnesses she wants to make sure they they “serve our purpose.”

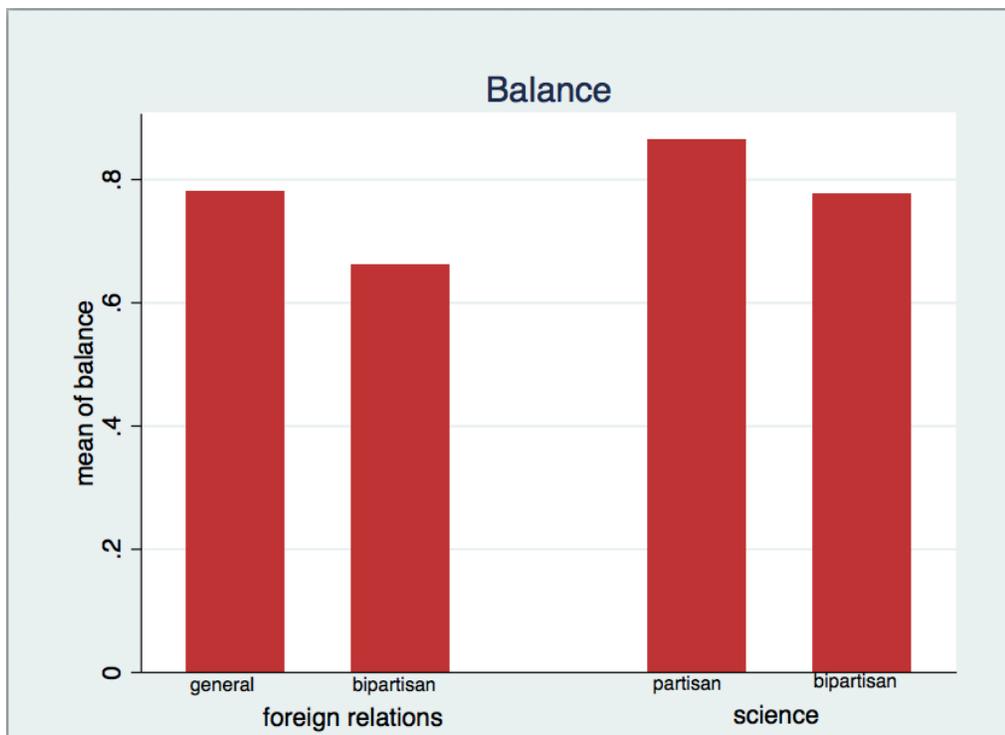
2. “Unlabeled” Expert-These experts are not associated with a particular ideology. They are recruited purely as subject matter specialists. They are not publically branded with a partisan ideology or connection with a political party. The staff gave examples of recruiting unlabeled experts when they wanted someone who was an expert but was not publically associated with a party or perspective.

3. Personal Storyteller- Many hearings include a witness who comes to share a personal story. These can be witnesses who come to speak about how a policy affects them, such as a mother of a sex trafficking victim who came to speak to the commerce committee about sex trafficking legislation, or a WNBA star who came to share her story of growing up on food stamps with the agriculture committee.

4. Spokesperson- This type of witness is a spokesperson on behalf of a stakeholder group or a cause. This person comes to voice the perspective of a stakeholder group, such as a farmer

representing specific crops. They can also speak on behalf of a lobby, such as Abigail Slater speaking on behalf of the Internet Association at sex trafficking hearings. Lastly, they can represent an organizational perspective. For example, the Executive Director of a specific hunger relief organization targeted at the elderly testified before the Agriculture Committee about why the organization is important.

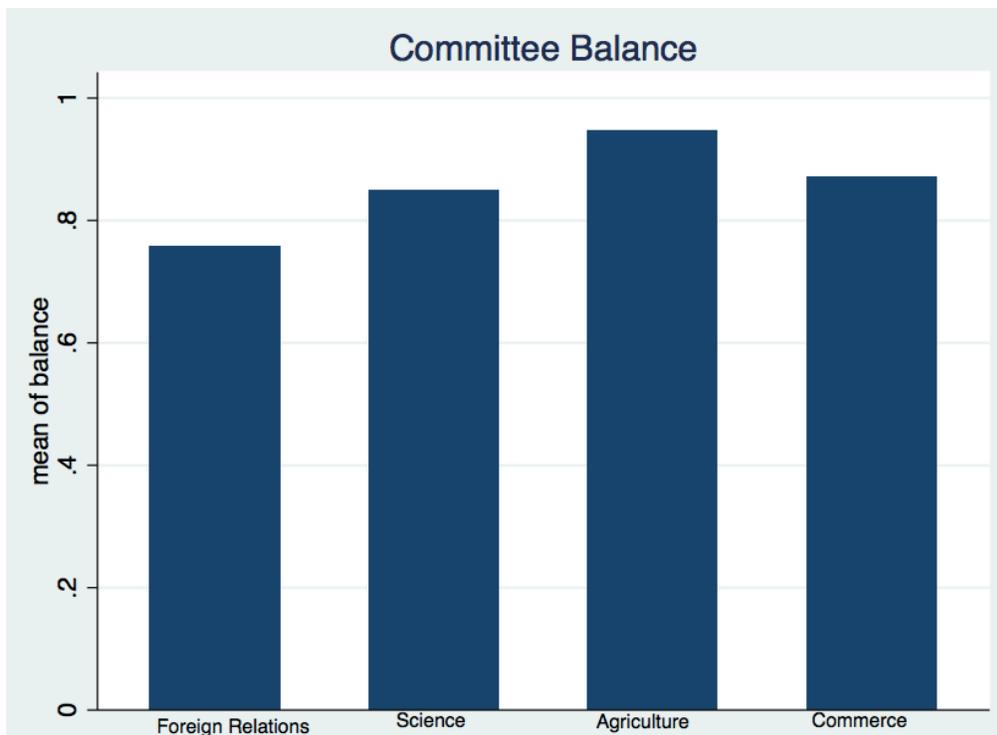
II. Hearing Balance Scores, Types and Effects: Before embarking on classifications, it is important to note a number of caveats. First, the types of hearings are also contingent upon the subject matter of the committee or in some cases of the specific hearing. Certain committees are naturally more partisan because of the subject matter they address. For example, within the Science Committee there are different subcommittees with different dynamics. On the research and technology subcommittee, the majority and minority members engage in some dialogue beyond the official procedure relating to at least some hearings. By contrast, the minority staff of the climate subcommittee said that they do not have any relationship with the other side and only get the standard one-week notice ahead of hearings. The staff explained that these differences are not only shaped by the nature of the specific topic but extend to entire committee subject areas as well. For example, the Senate Foreign Relations Committee deals with foreign affairs issues, which are mostly more bipartisan than other topics such as judiciary or financial. A senior Democratic Congressman said “the nature and character of the expert witnesses is often reflective of the... the nature and character of the committee. If it's not an ideological or a very



partisan committee, you'll tend to have more non-partisan witnesses.” Partisan topics may lead to more theatrical hearings, whereas bipartisan topic focus may lead to

more educational and deliberative hearings. The first graph shows balance scores based on sentiment analysis of transcript from the last two congressional terms in the Senate Foreign Relations and House Science committees. The two left-hand columns compare Science Committee balance scores for hearings on topics on which there was a good deal of voting across party lines (fossil fuels, research, water pollution, space exploration) versus the highly partisan issue of climate change, on which there was nearly no cross party voting in both Congressional terms. For the Senate Foreign Relations Committee, it then compares balance scores for hearings on topics on which parties came together to pass bipartisan legislation (Iran, North Korea, Human Trafficking and Sexual Abuse) versus those on which they did not. It shows in both committees that bipartisan topics had balance scores closer to 0.5 (perfectly balanced) than hearings in general.

The second graph shows variation in balance scores by committee. The differences between committees may reflect differences in types of hearings or in the examples chosen. Due to such differences, it was important that my sample include a spectrum of topics and different committees. The discussion below is not meant to suggest that all committees conduct the same



types of hearings. Rather, in choosing committees with different subject matter and histories, I hoped to tease out what types of hearings take place under different conditions.

A second caveat regarding

my classification of hearing types is that I refer to ideal types. I acknowledge that many hearings will be a mix between types and may exhibit elements of different types. The ideal types are

presented and explored in order to explain the theory. The table below lists the “ideal” hearing types, the criteria, the witness types, and the effect types. I present one example of each type to illustrate the classification. For each example I explain the effects on Congresspeople based on content analysis of the transcript of the hearing and on interviews.

Hearing Type	Criteria	Witness Types	Effect Types
Deliberative	Variety of perspectives, Opportunity for Critique and Interaction, Divergence of opinion	All	Legitimization, Collaboration,
Theatrical	“known quantity” witnesses, Statements not Questions, Publicity	Labelled Expert, Spokesperson	Voicing Views
Educational	Sphere of Facts, Unlabeled witnesses	Unlabeled expert, storyteller, spokesperson	Learning, Staff Education
Informal	A “hearing-like” meeting that is outside of the bounds of formal public hearings	Personal storyteller, Spokesperson, Unlabeled expert	Connection, Committee collective

Type 1-Deliberative Hearings

A) Criteria: I present three criteria for deliberative hearings. The first two criteria are based on Lascher’s indicators for Congressional deliberation (Lascher 1996). The criteria are as follows:

1-*Variety of perspectives*- Lascher explains that deliberative “hearings include participants with a variety of perspectives. Evidence of exclusion of certain views (e.g., those of people adversely affected by legislation) would lead to a lower assessment.” I base my assessment on sentiment analysis. Hearings with both positively and negatively charged testimonies are categorized as displaying a variety of perspectives. I choose a series of examples that received balance scores between 0.5 and 0.7, indicating that they included a near even split of positively and negatively

charged text. I also look for balance in witness profession as well as “type,” where possible. A “variety of perspectives” should ideally include different witness types and categories.

2- *Opportunity for critique and interaction among participants*- Lascher writes that in deliberative hearings “participants are able to critique each others' arguments and respond to such criticism.” I will operationalize this as questioning during the hearing. This questioning enables members to better digest the information presented to them. As one Congresswoman explained, “with good questioning you can get folks to flesh out their views.” Questioning also allows the members to see what other members think about a topic and collaborate.

Lascher also explains that in a deliberative hearing “legislators and others show signs of responding to arguments (e.g. referring back to points made earlier in the hearing).” To evaluate these criteria, I conducted content analysis of hearing transcripts. In cases where the written transcript of the full hearing is not available, I conducted the same analysis using video recordings of the entire hearing. I coded transcripts for the following: reference to earlier points made by witnesses, reference to earlier points made by other Congresspeople, inquisitive questioning, and purposeful inclusion of more than one witness. In order for a hearing to be categorized as deliberative, a critical mass of speakers displaying some of these characteristics is required. That is not to say that there cannot be one or two speakers who do not follow the pattern. Rather, it should be clear that the majority of speakers exhibit deliberative discourse. Lascher suggests that respondents be asked about the opportunity for real questioning. Therefore I also asked respondents about questioning in the hearings.

3- *Divergence of opinion/values*- In addition to Lascher’s two criteria, I added a further stipulation. I differentiated between deliberative hearings and educational information-gathering hearings on the basis of the subject matter. I defined purely “educational” hearings as those on technical topics. On the other hand, deliberative hearings are those in which there is some divergence that cannot be completely accounted for on the basis of facts. They would fall into what Haskins characterizes as the “epistemological sphere” outside of mere information. This is not to say that facts are not presented in these hearings. Indeed these hearings can be full of facts, but they must also include some disagreement in the epistemological sphere of values and opinions.

B) Example of deliberative hearing:

“Zero Stars: How Gaggling Honest Reviews Harms Consumers and the Economy”, Senate Committee on Commerce, Science, and Transportation, November 4 2015. This was a hearing

about the so-called gag clauses that forbid negative reviews and their effects on consumers and the internet ecosystem. The hearing receives a sentiment analysis balance score of 0.6, had a balance of different types of testimony and witness professions at the witness table and featured elements of deliberative discourse. The debate surrounding the gag clause goes beyond facts to include a value judgment about the relative importance of protecting consumers versus business promotion.

Witnesses and Witness Types:

1. Adam Medros, Senior Vice President, Head of Global Product, TripAdvisor LLC. Medros is a spokesperson on behalf of a specific company and would therefore be categorized as a spokesperson.
2. Robert Atkinson, President, Information Technology and Innovation Foundation. Atkinson heads a nonpartisan think tank on technology and science policy. He has held positions in the Clinton and Obama administrations. He is therefore a labelled expert.
3. Jennifer Kulas Palmer, Plaintiff in *Palmer v. KlearGear*. Ms. Palmer went to court against a company that sought a penalty when she wrote a negative review. The chairman introduces by saying she will “share her personal experience.” She is categorized as a personal storyteller.
4. Eric Goldman, Professor, Santa Clara University School of Law. Professor Goldman is the only academic on the panel. He is an unlabeled expert because he is not publically associated with a political party or partisan organization.
5. Ira Rheingold, Executive Director, National Association of Consumer Advocates. Rheingold heads an association that represents consumer interests. He can thus be categorized as a spokesperson on behalf of consumer interests.

Discourse:

Every Congressperson had some element of deliberative engagement in their statements. The Chairman references points made by Ms. Palmer, Mr. Goldman, Mr. Rheingold. He asks all of the witnesses searching questions. Senator McCaskill asks questions to understand Ms. Palmer better, and attempts to include other perspectives by asking Mr. Rheingold after Mr. Palmer. Senator Fischer references points made by Mr. Goldman and asks him further about small businesses. She then includes Mr. Atkinson and asks questions. Senator Moran starts by referencing earlier point on small business and expressing a desire to engage more with this point and then asks several other questions. Senator Schatz asks questions and Senator Daines. Senator

Klobuchar starts by referencing a point made by her colleague Senator Daines saying “I was thinking the exact same thing.” She asks questions and references a specific study cited by Atkinson. She also engages Goldman asking him to comment on Medros. Senator Blumenthal asks inquisitive questions. Senator Markey references Palmer and asks Medros more questions.

C) Effects of deliberative hearing:

1. Legitimization: I find evidence in support of my first guiding proposition, that deliberative hearings help members legitimize the opposing perspectives of the witnesses and fellow committee members. First, accounts reaffirmed the concept that engagement of the group in collective problem solving and the understanding that others have a right to challenge your claims requires speakers “to appeal across difference, to presume a lack of understanding to be bridged, thus transforming the experience itself” (Young p.128). Across the different committees, it seems clear that hearings almost always show more than one perspective. Even when the minority and majority have no relationship, the minority is entitled to at least one witness. Therefore, inherent in hearings is the understanding that others have a right to challenge your claims and the presumption that there is difference. One majority staffer on the Senate Foreign Relations Committee articulated how intrinsic difference is to hearings saying “If you have two witnesses who say the same thing then that is not really an effective hearing. You need diversion to use at witness table.” This comment emphasizes the importance given to bringing in different views. In the November 2015 gag clause hearing of the Senate Commerce Committee, the chairman started by speaking to Mr. Goldman and Ms. Palmer about the pitfalls of gag clauses, and then turned to Mr. Medros as said “Mr. Medros, I want to look at the other side. Tell us about incidence of bad actors trying to take advantage of businesses.” This shows that the chairman is actively seeking out the other side of the debate.

Second, evidence showed that deliberation leads to more comprehensive understanding of others. Young presents it that “through listening across difference each position can come to understand something about the ways proposals and claims affect others differently situated...participants gain a wider picture of the social processes in which experience is embedded” (Young p. 128.) A Republican Congressman from the Agriculture Committee told me, “I think the more that you can get together and hear somebody else’s perspective of why they’re arguing a certain way or fighting for a certain thing kind of makes you think, you know what, I didn’t think of that.” The Congressman’s statement suggests that he appreciates the fact that

others have different views and that listening caused him to realize new angles that he had not previously thought of. A senior Democratic Congressman explained that “expert testimony tends to give you...(opportunity) to consider, or at least understand, the opposing point of view or... or consider the steps you need to take in mitigation. You might hear one of the majority experts make a point, you think, wow that... I hadn’t thought about that, that makes a lot of sense. So, then you can go to the minority expert and say, do you agree, do you not agree?” This shows that the testimony helps the Congressman gain a wider picture of the spectrum of opinions on a topic and how they relate to one another. The gag clause hearing is an example. The chairman turns to Professor Goldman in questioning and says “Professor Goldman, I thought you made a great point in your testimony when discussing how consumer reviews make markets stronger.” In this example, the Congressman shows verbal signs of appreciation of new information shared with them. Sometimes, Congresspeople even told me of instances where listening helped them to understand new elements of arguments they had disagreed with. A Democratic Congressman on the Science Committee (and a major proponent of fighting climate change) told me that even though he completely disagreed with climate change skeptics who came to speak at the hearings, he saw that “at least they had coherent arguments” and this added some legitimacy to some of their positions.

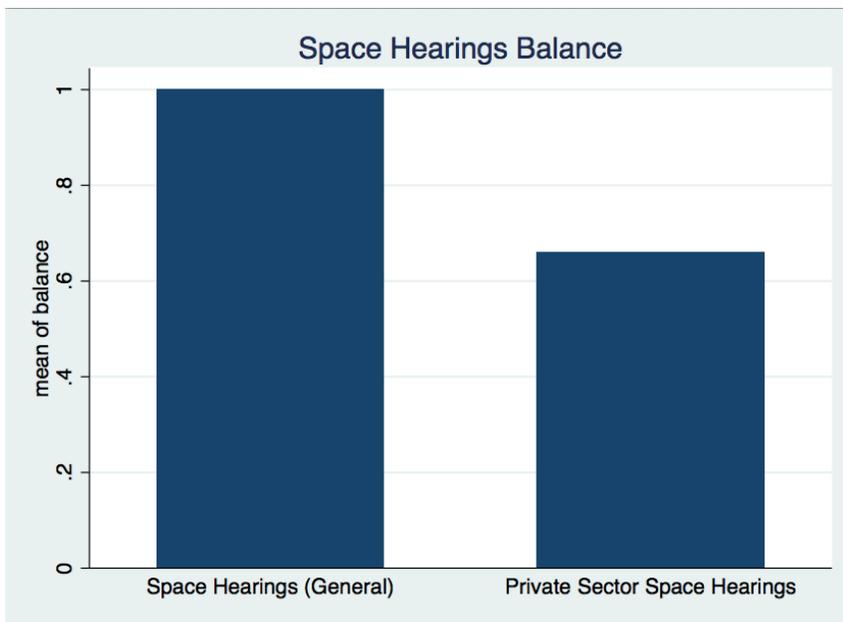
Third, listening across difference also allows one to acknowledge the partiality of one’s own view. A Democratic Congresswoman on the Science Committee said that listening to the witnesses with opposing views made her think to herself “‘is that my own ideological baggage that I think this way?’” This type of thinking reflects what Young refers to confrontation with difference teaching the partiality of one’s own view and therefore exposing one’s experience as “perspectival.”

These three paths to transformation may ultimately lead Congresspeople to reassess their views. A senior Democratic Congressman ruminated, “I think genuine witnesses are useful no matter what point of view they share. And often, I’ll listen to a majority expert and it will help me ...to test my own opinion.” This statement shows that when he is challenged by different opinion, the Congressman reassesses his own.

A senior Democratic Congressman who has been on the Science Committee for many years spoke directly about how the cyber hearings on NIST affected his thinking and even his vote. He said, “having new cybersecurity in federal government bill is coming up next week. I

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

Another Democratic Congresswoman on the Science Committee explained that listening to the witnesses and attending hearings on private sector involvement in the space program made her more open to privatization whereas before she had for many years been a proponent of an



entirely government run program. The graph above compares the average balance score for the science committee hearing on private sector involvement in space exploration to hearings on space on the whole. The private sector hearing balance score is closer to .5 (perfectly balanced) and there is a statistically significant difference between

the two average balance scores. The Congresswoman then articulated that as a result of witness statements on private sector involvement in the space program, she changed her perspective on the space program. This suggests a connection between attending a deliberative hearing and legitimizing and reassessing your view.

2. Collaboration: Sometimes through the discussion and questions in a hearing, Congresspeople can better understand the positions of their fellow members and see new opportunities for

collaboration. Several Congresspeople explained that the questioning and general interaction between committee members and witnesses during a hearing helps them to understand where their colleagues stand and this can lead to collaboration. A first term Democratic Congressman on the Agriculture Committee said hearings “give me a good understanding based on the questions that they asked of any witness of what's important for them in their district.” He then explained that this has positive legislative consequences because as a freshman member he can understand where his colleagues stand. He said that just as beneficial as what these experts say, is to “hear the questions from the members.” Because the questioning in deliberative hearings is more organic and extensive, the opportunity is even greater there. A personal staffer for a Senator on the Senate Foreign Relations Committee explained that by attending a hearing about the position on “women’s issues” within the State Department, her boss was able to see which other members cared about this issue and then she could work together with them to protect this position.

Type 2-Theatrical Hearings: These hearings are shows, public displays of perspectives.

Hearings are one of the major public platforms in which Congress shows its work to the American people. All official hearings (besides intelligence committee hearings) are entered into the Congressional record and televised. The recording and media presence further highlights the theatrical element. One witness who came to testify characterized hearings as “an environment that has an element of performance to it, particularly now that this is all televised.”

A) Criteria:

1-“*Known quantities*” at witness table - If the purpose of the hearing is to make a certain statement publicly, then the witnesses who come to testify will likely be people publicly associated with the perspective. “Labelled” experts, labelled officials, and spokespeople are likely witness types at these hearings. One staffer explained that if they want to tell a story they will “pick witnesses that we think will kind of help shape it in the way that we want to shape it.” A theatrical hearing is a public display of one or multiple stories about a certain issue, so each side will choose an advocate to make their point. To assess this aspect, I look in depth look at who are the witnesses. I look for their association with certain ideologies, as indicated, for example, by campaign donations to either party. Working for or speaking on behalf of a group would be another indication of public association with a perspective.

2-Statements not questions- In theatrical hearings, Congresspeople use their discussion time to make their positions known rather than asking searching questions. I look for long statements of position, “lead on” questions meant to prod witnesses to make a specific point, referencing that something is “for the record.” Unlike the deliberative hearings in which Congresspeople ask questions to clearly and genuinely seek out more information and show engagement with other points made in the discussion, Congresspeople in theatrical hearings state their own positions rather than seeking out and truly engaging with others perspectives.

3-Publicity- It is only worth staging a show if someone is watching. While all hearings are recorded and have an element of the aforementioned theatrics, in certain hearings this is the dominant element. For example, in the fall of 2017, the Senate Foreign Relations Committee had a hearing on the Authorization of the Use of Force Bill. Two administration witnesses, James Mattis and Rex Tillerson, sat at the witness stand. There were dozens of cameras around and outside the room. One by one the Senators made statements, noting that they were “for the record.” Across from them in the audience, sat protestors with neon yellow jackets with the words “Free Iran.” In the row behind them sat protestors from the organization “code pink” in bright pink clothing. The rest of the crowd was filled with spectators who came to see the show. The next day, the Senate Commerce Committee had a hearing on Native American Subsistence rights. At the witness panel sat scientists and spokespeople for the Native American communities affected by this legislation. There were many fewer people in the audience and no protestors. Though the hearing was recorded by official congressional recording, there was hardly any media presence. The Senators asked more exploratory questions. The AUMF would be categorized as theatrical hearing whereas the subsistence rights hearing would not.

Whether or not a hearing draws cameras and protestors may depend on the subject matter, witnesses testifying, or other aspects of the hearing. I categorize as theatrical only those hearings in which there is some sign that this hearing draws an audience.

B) Example of a theatrical hearing:

“The Iran Nuclear Agreement: One Year Later”, Senate Foreign Relations Committee, July 14 2016. The issue of the Iran Nuclear Agreement is both partisan and theatrical. An Iran expert who testified before Congress shared her experience saying the hearings were, “the kind of public manifestation of almost like a kabuki theatre that serves a political purpose. It’s (Iran) been a very polarized issue. It has been one where there had been sort of very clearly defined polls of debate

and so typically what you find is that the—each side is looking for most strenuous proponent of their perspective. This was such a partisan and sort of you know—both sides really engage in a really well-orchestrated public campaign to promote either up or down on the deal.”

Witnesses and Witness Types:

1. Mark Dubowitz, Director of the Federation for Defense of Democracy. Mark Dubowitz is the head of the neoconservative think tank. A Senior Fellow at Brookings Institution and Iran expert described the FDD saying, “it’s a think tank, but it’s a think tank with a particular perspective as opposed to others.” Mark Dubowitz has also donated to Republican political campaigns.

Throughout the lead up to the Iran Nuclear Agreement, he testified before Congress and appeared publicly on numerous occasions, always with the same mantra against the nuclear agreement. He is therefore “labelled” publicly as a proponent of this stance.

2. Richard Nephew, Scholar at Columbia University School for International and Public Affairs. Richard Nephew is associated with two liberal institutions, as a fellow at Brookings Institution and as Program Director for the Center on Economic Statecraft, Sanctions, and Energy Markets at the School of International and Public Affairs at Columbia University. He has donated to Democratic campaigns. He has worked on sanctions policy in different capacity for over a decade and is publicly “labelled” as a supporter of the Iran nuclear agreement.

Discourse:

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

Publicity:

It is clear from the recording that the hearing draws a substantial crowd. In addition, Chairman Bob Corker ends the hearing by saying “Thank you to the folks out here from Camp Liberty.” Camp Liberty was a camp under rocket attack in Iraq in 2016. The fact that Chairman Corker uses this hearing on an unrelated issue in order to address an unconnected movement indicates the use of this hearing as a public platform.

C) Effects of theatrical hearing:

1. Voicing views: One expert who has testified explained that a hearing is a “high profile document for the record that gets more widely circulated and more heft.” She said it is a “higher impact product compared to a blog post or a journal article.” Sometimes, even if an argument is well known, a witness can frame it in a particularly compelling way that then gets picked up by members of Congress in the way they speak about the issue. This is likely a labelled expert. Many of the interviewees spoke of the prevalence of the same voices echoing the same arguments. An Iran expert with rich experience testifying explained, “What matters I think though is that you’d get the same voices coming back because people know what they’re going say.” This affects the rhetoric and framing of that issue in Congress in subtle ways. Another Middle East expert with experience testifying before Congress, explained that Mark Dubowitz’s Iran testimony has had such an impact. She gave him as an example an expert who has shaped Congressional discourse on the Iran debate, saying “he will usually have one or two clear logically structured arguments that are targeted at particular policy outcome and convey in compelling way and those argument get picked up and repeated by members of congress.” In the July 2016 hearing, Senator Gardner referenced testimony given by Mark Dubowitz on Iranian cryptocurrencies at an earlier hearing. This reference to statements made months earlier indicates that Dubowitz’s voice has remained salient in the debate.

Type 3-Educational Hearings:

A)Criteria:

1-*Sphere of Facts*- The educational hearing remains in the epistemological sphere of facts. As Haskins explains in his example, questions such as what level of inequality is tolerable are value driven. On the other hand, the number of people on food stamps and the amount of money the government spends on food stamps are facts. Of course on technical topics such as climate science, the disagreement on facts is arguably value-driven. For this reason, the classification of the hearing is not based on “fact checking” the witness testimony, but rather on the subject matter being discussed. Based on conversations with staff and research on the discussion topics, I can assess whether the hearing was intended as an information- and fact-gathering effort to inform Congresspeople, or as a discussion of divergent values or opinions. The former would be categorized as an educational hearing.

2-*“Unlabelled” witnesses*- In educational hearings, the witnesses are not publicly branded as associated with particular ideologies. In order to present hard facts untarnished by value

judgments, it is important to bring figures who are not publicly connected to an argument in the epistemological sphere of values. In the educational hearings, witnesses are there to simply share specialized information from their area of expertise.

B)Example of an educational hearing:

“The Science and Ethics of Genetically Engineered Human DNA,” House Science, Space, and Technology Committee, June 16 2015.

This hearing remained in the sphere of facts for a number of reasons. The witnesses were brought to share specialized information about their scientific area and there was no clear divergence in the values they attached to it. When I asked Dr. Kahn, one of the witnesses, if he felt there was more than one partisan or political perspective on the witness panel, he stressed that there were “no politics at all. And we sort of figured, and rightly, that there’ll be plenty of that from the members.”

Witnesses and Witness Types:

1. Dr. Victor Dzau, President, Institute of Medicine, the National Academy of Sciences
2. Dr. Jennifer Doudna, Professor of Biochemistry and Molecular Biology, University of California Berkeley
3. Dr. Elizabeth McNally, Professor of Genetic Medicine, Northwestern University
4. Dr. Jeffrey Kahn, Professor of Bioethics and Public Policy, Johns Hopkins University.

All of the witnesses in this hearing were unlabeled experts. They are not associated with any partisan issues or campaigns in their work. The majority staffer who I interviewed took me step by step through the selection process, explaining “ Dr. Dzau, we chose him because he’s at the Institute of Medicine. And we often have national academies.Then we needed somebody who’s really strong subject matter expert...In this case, it’s really complicated in science. Dr. Doudna is one of the actual discoverers of the technology. so then Dr. McNally was actually the minority witness. And so she's working on the neonatal research and using gene editing for neonatal purposes and childhood diseases. So she was minority witness but again it was part of the minority trying to fill in a hole to tell the whole story. And that's a story we wanted to tell but we knew that probably the minority wouldn't want to tell that story.” She especially stressed her desire to find an unlabeled expert, explaining “And then we had to have an ethicist because we wanted to tell that part of the story. My biggest trouble of finding an ethicist was finding one that would be A, well respected, B not seen as partisan and those are really my two requirements and

C have some expertise in this area. And so we came to Dr. Kahn. There were some bio ethicists who've been recommended and I looked at their bios and they have advisers in the Obama administration. I thought well, our members might see that and say, 'No, I can't listen to this person because they're partisan.' Same if they worked in the Bush administration, 'Oh well, George W. Bush that's partisan.' So I had to find somebody, Dr Kahn has not worked for either administration." From the detailed explanation of the staffer, it is clear that the witnesses were specifically sought out for their expertise rather than their brand.

C) Effects of educational hearing:

1. Learning: I find evidence in support of the guiding proposition that when used as an information gathering platform, hearings can be a place of learning. Many of the Congresspeople interviewed emphasized how much they learn in hearings. One Congresswoman on the Science Committee explained "I'm there to learn. They are the experts and so I tend to use my time asking questions to try to learn in helping us to sort through these difficult questions." Another first term Congressman excitedly shared "so I'm 67 and at a point you realize you've heard the same jokes again and again. I'm just amazed at how much I have learned in the 39 months I've been here. It's like going to college all over again." Yet another Congresswoman on the agriculture committee shared she feels that expert testimony adds nuance to her thinking and allows her and staff to delve deeper into subjects they may not have in the past.

A senior Democrat on the Science Committee echoed a similar sentiment in speaking about the educational hearings on STEM education. He said "It's just interesting to me in the fact that I was a professor how do we do a better job in STEM education. And it's not really...most of it is not legislative. But it's interesting to hear people about what works, what doesn't work, to hear about sort of success stories and what seems to be working. And in that way, I think yeah, those are actually just really more informative for members who just are interested in a topic and want to learn about it."

Witnesses shared similar accounts of learning in interviews. When asked about the aforementioned genetics hearing, Dr. Kahn emphasized the learning that took place. He said, "I remember very clearly actually, as we talked about it with the other (witnesses) who were there, it was more inquisitive and thoughtful in many respects than I think we all expected." He went on to explain, "I think their questions which were not just sort of one off and move on, made it seem like they were actually learning." He stressed that the tendency towards inquisitive questioning

was not partisan and extended across the aisle, adding “It wasn’t like, you know, you’re a friend of the Democrats, you’re a friend of the Republicans, it was a little more about, you know, you are an academic, you work in a science area, I’m a friend of science, I’m going to ask you a friendly question...versus, you know, people like you are not to be trusted...I think it was much more bipartisan than I expected.” He underscored that he thought the major effect of his testimony was to increase the Congresspeople’s understanding. He said, “I mean I think if I had to say, how do we move the needle at all, and I think people felt like they understood more and felt more confident”

It seems learning is particularly likely on topics where new information is being shared. One witness explained that an expert who brings or collates and analyzes information in way no one has and presents interesting data, rather than simply analysis, is more impactful. A Congresswoman on the agriculture committee shared that new data is important because it helps her shape positions on issues where she did not previously have a clear stand. She explained, “because I am not a farmer or a livestock owner, I don’t have an opinion in a lot of instances.” For this reason, the data shared is particularly impactful. She also said she has been particularly influenced by commodities experts because it is a policy area that requires technical expertise and which she knew little about before she came to Congress. A senior Democrat on the Science Committee said, “A lot of times because the issues are already- you know what a hearing’s going to be about. The main issues are things that I’ve already thought about, talked to staff about. Sometimes things come up that are sort of outside of the...or tangential to it that’s sort of just interesting, that sort of can be illuminating. I sort of think that’s where more likely to have something come up and say, “Oh, that’s interesting.”” In many technical areas in which Congresspeople do not have expertise, much of the information shared is new and therefore instructive. Hearings on these technical issues in the “sphere of facts” therefore facilitate learning.

Sometimes an idea for legislation comes from a specific hearing. I heard from staff of the Foreign Relations Committee how Ambassador Shapiro’s idea in a hearing to create an escrow account for Palestinians was then incorporated into the Taylor Force Act. Personal staff in the office of a senior Republican on the Science Committee told me that data that was explained in a hearing underscored the importance of city infrastructure and directly led to the “smart city” bill they are working on.

2. Staff Education: No less important, the personal staff of the Congresspeople (who attend more frequently than their bosses) told me that they come to the hearings to learn and this in turn affects the way they brief their Congresspeople and work on their projects. One personal staffer on the science committee said “what matters more than what he (the Congressman) hears from the witnesses is what I hear from the witnesses because he is relying on me to pay closer attention because it is my job to advise him.” Congresspeople will frequently come in and out of a given hearing. Sometimes they are even on multiple committees meeting at the same time. In fact, staffers shared with me that every committee wants to have hearings in the morning Tuesday to Thursday because many Congresspeople fly home for long weekends. Normally, the staff will attend the hearings and take notes if their bosses cannot. For this reason, it is very important what they learn and then funnel to their superiors. Hall explains, “much of what the members do in person is prefigured by the options and information that staffers supply...The study of legislative participation, then, must extend not only to the member but to the enterprise”(Hall 1996).

Type 4- Informal Hearings: This category refers to roundtables and less formal hearings, like gatherings. I base the category on Hall’s classification of the two major “modes of participation” in Congressional committees - formal and informal participation. As noted above, he explains “much of the committees’ decision making activity takes place in formal committee sessions...at the same time, much of a committee’s decision making activity occurs informally - outside the context of an official markup”(Hall 1996). He emphasizes that outside of the “glare of the committee room” the work is nonpublic, without journalists, records, etc. and that it is important to distinguish theoretically between formal and informal participation because they may have distinct causes and effects. In public meetings, Congresspeople may be motivated to garner support from voters or colleagues, in contrast with informal gatherings. One Congresswoman who attended an agriculture listening tour compared it to a formal hearing saying “I found in the listening tour the questions are really just questions, versus the hearings that are soundbites.” Her perception highlights the potential difference between formal and publicized hearings versus interactions that are away from the cameras and regimented speaking times of formal committee hearings.

A) Criteria: The criteria for informal hearings are broader than the other types. They will include those hearings that do not fall into the category of formal hearings.

B) Examples of Informal Hearings:

1. Science Committee Roundtables- In addition to the formal hearings, both the minority and majority staff sometimes set up roundtable meetings. These meetings are off the record. There are no television cameras or reporters. Unlike the formal hearings, Congresspeople sit around one table with the witnesses and have a more organic back and forth. They sit together with food, a mark of a social gathering, and have a more open discussion. This is very different from formal hearings in which the Congresspeople sit far apart and have regimented discussion time.

2. Agriculture Committee Farm Bill Listening Tour - Another example of informal hearings is the recent agriculture committee listening tour. The committee is travelling around the country listening to different perspectives on the farm bill. Unlike formal hearings in which there are a handful of witnesses on a panel with regimented time, many of these meetings are set up as “open mic” sessions where people can come in and voice their concerns on the farm bill.

C) Effects of informal hearing:

1. Personal Connection: Congresspeople seemed to connect more and as a result be affected by testimonies with a personal element. First, Congresspeople seemed to connect more to witnesses who they could relate to personally. For example, one Congresswoman’s staffer explained that she takes more interest in female witnesses, another Congressman connects to those witnesses who attended the same universities as he did, and yet another Congressman pays close attention to local farmers from his district in Northern California. A Congresswoman on the Science Committee told a story about how she invited a witness from her district and tried to “humanize” her witness before the chairman by introducing her as a classmate of his daughter’s at Yale. She explained that if she could make him relate to her as someone who was like his daughter, maybe he would afford her the same respect and listen as intently as he would want his own daughter to be listened to.

Secondly, Congresspeople were moved by testimony from “personal storytellers” who shared personal experiences with the committee. Interestingly, when asked if there was a witness who who really affected them or who stood out in memory, almost every interviewee referenced a witness who came to tell a personal story. They told me of the mother of the sex trafficking victim, the WNBA star on food stamps, the North Korean defectors who escaped horrors to tell their story, the journalist who lived with ISIS, the farmers who talk about the livelihoods, and the

list goes on. The fact that they remembered these witnesses, among the hundreds of people they hear, suggests that these witnesses affected them.

Informal hearings have the potential to draw out personal connections with witnesses in a more organic way. A Republican member of the Agriculture Committee described the difference between the formal hearing and the listening tour, saying the formal hearing “is very regimented. You get five minutes to ask questions, to try to get a response and, so you’re limited. And you’re limited in how many people can participate. The listening sessions...was neat because there’s 200-300 people in a room that could go up to a microphone and they would just ask questions so we could hear from them what was of interest for the next farm bill. So we had a lot more input, I think it was a lot more open.” A Democratic member of the Agriculture committee, further emphasized this difference. He explained that the listening tour was less formal and structured and there was more of a chance to hear from the average farmer. This type of listening, he stressed, is informative in a very different way from the formal hearings. A Democratic Congresswoman on the Agriculture Committee said of the people who spoke in the listening tour, “They aren’t experts. They are actually people in the community farming or in the insurance for farmers. They are actually people practicing, not experts from think tanks. There isn’t the ability to stage it as much because pretty much anyone in the community can speak for a certain time. It isn’t as if the chairman getting three people providing data or information the way he likes and then providing one or two for minority staff position.” Her statement highlights the more personal and authentic climate of the listening tour. In the Science Committee, a Democratic Congressman said similar things about the roundtables. He explained “The roundtables are good in that you get much more of a give and take. The lack of formality I think is very helpful. So in that way, they can be very valuable.”

2. Committee Collective: My exploration of informal hearings presents more evidence for my third guiding proposition, that the collective nature of hearings fosters social relations between committee members. The interviews showed that the experience of being on a committee and attending hearings can have effects on bipartisan interaction. While not all the members know all the members well or attend all the hearings, I heard many accounts of how being on a committee has facilitated bipartisan relationships between members. A Democratic Congressman told me that when Chairman Smith began his tenure as chairman, he decided to approach him and get to know him and his legislative interests better. As a result, they have formed a friendship and

been able to work together on the committee on issues of interest. This even had implications for the hearings themselves. Recently, he and the chairmen agreed that the Congressman would withdraw an amendment he suggested to a bill and in return Smith would have a hearing on the topic. He credited his relationship with Smith with some of his success on the committee.

In the current climate of polarization and the breakdown of bipartisan coalitions, these stories may be isolated incidents rather than testament to larger change. However, previous research (Haidt 2013, Mann and Ornstein 2006) shows that it is partly personal relationships that are to blame for disintegration of bipartisanship. The informal element of informal hearings creates an environment that allows Congresspeople to cultivate their relationships with one another. A Democratic Congresswoman on the agriculture committee said of the listening tour, “I think that really brings members closer together because it isn’t really us talking. It’s us listening and asking questions. Not asking questions that are really statements. Members can ask questions that are really just trying to drive a point in that they want to get done...Members much more willing to listen.” A Republican member of the committee echoed this same point, saying of farm bill listening tour, “You know what else was neat about it? Is you have Republicans and Democrats coming together, members of Congress...The neat part was, we’re there with Republicans and Democrats and we just were creating that camaraderie that you don’t have up here that they got rid of when Newt Gingrich told everybody to go home.” The Congressman is referring to the fact that in 1995, Newt Gingrich, then Speaker of the House, encouraged freshman Republican representatives not to bring their families with them to Washington. Before that time, most Congresspeople brought their families and were likely to send their children to the same schools, have spouses who knew and were friendly with one another, and attend the same social gatherings. Another former staffer on the House Commerce Committee reinforced this point, recollecting that trips that bring together Congresspeople and their families outside of Washington are useful because they recreate the bipartisan group setting that used to exist in Washington. Social psychologist Haidt identifies the lack of cross-party friendships as part of the reason behind the partisan battles in Washington. He explains that “intuitions come first, so anything we can do to cultivate more positive social connections will alter intuitions and thus, downstream, reasoning and behavior” (Haidt 2013). By the same reasoning, committees’ capacity to connect in the listening tours and other informal gatherings

could cultivate the positive social interactions necessary to build trust and change intuition and behavior.

Discussion and Conclusion: This paper explored the major external functions of committees, operationalized as different committee hearings. The data is a combination of the public information about the hearings and witnesses and interviews with the major players from a representative sample of four Congressional committees. I analyzed hundreds of transcripts using sentiment analysis. I collected data on the professional background and campaign donations of witnesses. From interview data, I constructed a typology of witnesses. Drawing from previous literature and additional data, I designed criteria for the major hearing types, found examples, and explained the effects unearthed by interviews and content analysis. I identified four major hearing types: deliberative, theatrical, educational, and informal.

I found evidence in support of three preliminary guiding propositions about effects. First, content analysis of hearing transcripts and conversations with Congresspeople about deliberative hearings affirm that confrontation with opposing views at the witness table leads to realization of their own partiality, deeper understanding of a full spectrum of opinions, and ultimately legitimization of other perspectives, sometimes even reassessment of their own perspective. Second, data on educational hearings confirmed the guiding proposition that Congresspeople and their staff learn in hearings. Third, data on informal hearings showed how the collective element of hearings fosters social relations between members.

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

Taken together, the discussion of types of hearings, witnesses, and effects presents a cohesive theory of how Congress interacts with outside voices as it deliberates, learns, and conveys its own messaging to the public. For decades, Congressional deliberation has been declining (Connor and Oppenheimer 1991, Mann and Ornstien 2006, Hall 1996) and partisan polarization has been intensifying (Poole and Rosenthal 2007, Mayhew 1991, Binder 2001.) In the current climate, a deeper exploration of Congressional engagement with outside sources of information in deliberating and learning, and an investigation of the effects on political behavior and social relations may have important implications for solving Congressional gridlock.

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