Unequal Invisible Representation

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Book Abstract

Shocking inequality in representation. What explains this variation/puzzle? When and under what circumstances do members of Congress take action on behalf of donors or their constituents? In particular, we could explore whether legislators prioritize the interests of their donors or constituents and what happens when these preferences come into conflict.

1 Chapter 1: Disparities in Invisible Representation

Abstract of Chapter 1:

Behind the scenes, when they think they're not being monitored, individual Members of Congress do drastically different amounts of work. Some Representatives and Senators are doing a lot, and others are doing almost nothing at all. This unequal work results in strikingly high levels of inequality across congressional districts in how much work their elected representatives are doing on their behalf. Why do some legislators do a lot, while others do so little? Moreover, when they are working, on whose behalf are they working? Individual constituents? Donors? Non-profits/local governments?

In this book, we're focusing on invisible representation, which we're defining to be the work legislators engage in when no one is looking. The work that's hard for academics to measure, hard for journalists to cover, and, perhaps most importantly, hard for voters to monitor. Almost by definition, this is a topic that we know very little about. In contrast to visible forms of representation like roll call voting, bill sponsorship, congressional press releases, and congressional tweets that have received considerable scholarly attention, invisible forms of representation like constituency service and advocating to the bureaucracy about policy issues have received almost no attention, and, consequently, very little is known about this work. In this book we provide the first evidence systematically documenting the inequality in invisible representation. Our goal is to explain this variation to better understand who Congress represents when no one is watching. When and under what circumstances do members of Congress take action behind the scenes? And when they do act, who are they acting on behalf of: individual constituents, corporations, or non-profits/local governments?

Much has been written about Congress as the "Broken Branch" of the American government (Mann and Ornstein (2006), and cite (**capacity?**) edited volume). While explanations for why this is the case have varied, scholars have largely been united in documenting the drop in congress's capacity to legislate. This literature has largely focused on congress's most visible legislative work – sponsoring bills and casting roll call votes–which have received extensively scholarly scrutiny. Some limited attention has been paid to the public actions of congressional committees – roll call votes with committees, committee assignment requests, committee assignments, committee transfers, and passing bills out of committees. Talk about how new aggregate measures of legislator effectiveness scores are built on these visible actions of representation.

All of these visible forms of representation are – by definition – known or at least knowable to the public, journalists, and scholars. Politicians know that they are or can be watched or scrutinized based on what actions they take (or fail to take). But what if there is a political equivalent to the Hawthorne effect? Define, and figure out how to properly cite the Hawthorne effect. (Wikipedia: "is a type of human behavior reactivity in which individuals modify an aspect of their behavior in response to their awareness of being observed" says it was coined in 1953). An amplified Hawthorne effect, in which we might worry that politicians behave differently when people know what they're doing, can evaluate, and (potentially) hold them accountable.

The well-studied visible forms of representation are, undoubtedly, important. But what about the invisible forms of representation? To assess the importance of invisible representation, we need to talk more concretely about what actions (or inactions) we're including in invisible representation. ## What is invisible representation?

5 Types of Invisible Representation: Individual constituency service Corporate constituency service 501c3/Local Government constituency service General Policy - bureaucracy Corporate Policy - bureaucracy

Why is invisible representation important?

What do we know about invisible representation?

We started this project by wanting to understand how constituency service worked in today's polarized and often broken congressional landscape. But what is constituency service? In his canonical work, *Home Style*, Fenno defined constituency service to be "provid[ing] help to individuals, groups, and localities in coping with the federal government," (Fenno (1978), pg #). We've expanded on that definition to define constituency service as "how members of Congress help channel and articulate the demands of individuals, groups, and localities to the federal government,''((**corr?**), pg #). We think this new definition highlights two important features of constituency service. First, that constituency service is about helping constituents with demands that they have sent to members of congress. To get help from their representative, constituents must know that they can reach out to their member of congress for help, and they must actually reach out and ask for help with their problem. Second, this definition emphasizes that the constituency service work that congressional offices do is really about diagnosing how the federal bureaucracy might be able to help the constituent with their problem, and then helping to navigate the complexity of the federal bureaucracy in guiding that query to the appropriate federal agency.

Wilkerson et al show a lot of people doing work that they aren't getting credit for in LES scores, roll call votes.

Why is constituency service important?

What does it mean that some districts/constituents receive less service than others? What are the stakes here?

Preview what to come.

We argue theory of X explains. ## What do we know about invisible representation generally? (Literature, gap, who we're arguing with) ## What do we know about each of our five types of invisible representation? One of the largest gaps in the legislative politics literature is the gap between what congressional scholars think "we" know about constituency service – a lot– and what has actually been published empirically about constituency service–very little.

-Why we think we know a lot about constituency service.

-Constituency service literature from 70s-80s

-More recent writing on constituency service

1.1 We Present new theory of X that explains variation

1.2 Why we don't actually know very much.

-Define invisible representation. -Data challenges – congress writes the rules and exempts themselves from disclosure. Getting this data is very, very hard.

1.3 Data Collection Process

1.4 What are we actually able to measure with this data?

1.5 Patterns of Inequality in Constituency Service

1.5.1 Inequality in Individual Constituency Service

1.5.2 Inequality in Corporate constituency service

1.5.3 Inequality in 501c3/Local Government constituency service

1.5.4 Inequality in General Policy

1.6 Inequality in Corporate Policy

Document inequality patterns? Inequality for each type? Correlation in top performers across type? (Competence/talent) Compare to standard explanations of output/performance? I.e.

LES, what explains LES, etc.

1.7 Preview Plan for the book

Chapter 2 Theory Chapter 3 Meta Empirics – big picture things we know about congressional behavior, test what explains behavior and inequality.

Chapter 4: Individual constituency service

Chapter 5: Corporate constituency service

Chapter 6: 501c3/Local Government constituency service

Chapter 7: General Policy

Chapter 8: Corporate Policy

Chapter 9: Conclusion: How Congress Can Better Serve its Constituents?

Rochelle is going to pull some staff data/figures from her dissertation so we can talk about

List of potential terms to use: -Invisible -Invisible Representation – hard to track/observe by both scholars and voters. In many cases, it actually is invisible in that it doesn't happen. -The invisible stuff is mostly true. -Is representation the right term? Representational quality -Invisible work? -Behind the scenes work? -Uncredited work? -Advocacy work -Invisible Advocacy?

What term should we use for

In 2020 the average House member had just under five staff members working on constituency service work ((**Rochellesdissertation?**) based on her coding of the House directory).

Citation: Ommundsen, Emily Cottle. 2023. "The Institution's Knowledge: Congressional Staff Experience and Committee Productivity," Legislative Studies Quarterly, 48(2):273—303. https://emilyommundsen.com/research on staff work. We might want to cite her. She finds experience/capacity are helpful.

Cross-referencing is the same as the other papers https://quarto.org/docs/books/book-crossrefs.html There's got to be some poli sci literature on what politicians do when no one is watching. Or think no one is watching. Cite this literature.

2 Chapter 2 - Theory

Electoral Security Staff Capacity District Need Other Legislator Factors Other Institutional Factors Specific Agencies for Case Studies Individual constituency service (1) Yes–but logic of this depends on visibility of constituent service (or at least recipients of service telling others about it), so if this form of representation isn't "visible," then maybe not

Yes: populations (veterans, immigrants, seniors) Yes: descriptive representation (race, gender, veteran status)

VA, USCIS Corporate constituency service (2) Yes (donors)

Nonprofit/local government service (3)

Yes: universities, local govt. needs; organized interests may also play a role

Some DOT subagencies mention specific local governments applying for grants Corporate policy (4) Yes (donors)

Policy (5)

Would probably matter for all of these? Would depend on the makeup of each legislator's staff - do we have a way to measure this?

Lowande et al. (2019) look at contacts without differentiating them by type as we do, so descriptive representation may matter for policy as well (and based on other literature) Yes: minority party legislators may be more likely to exert influence over policy through the bureaucracy since their ability to do so legislatively is limited

Party of the president may also matter: opposite-party legislators may do more monitoring of the executive branch by contacting the bureaucracy

Chapter 2: Theory

[do more to explain why we are looking at distinct and sometimes-overlapping explanations for each type of invisible representation: need to explain that these are fundamentally different activities but, for many reasons, not mutually exclusive: e.g. given the appropriate staffing capacity, electoral concerns, and district needs, a legislator could do both a lot of constituent service and policy contact–maybe mostly because these are done by different parts of their offices and are just designed to serve different purposes?] * Fenno and other research on representational/staffing/etc. "styles": like these other behaviors, the representational behaviors that we are studying can be idiosyncratic and dependent upon a number of different factors

The activities that we have described as "invisible representation" can serve a number of functions for members of Congress. Contact with the bureaucracy on behalf of individuals for the purpose of constituency service allows legislators to monitor the functioning of the bureaucracy, as occurred in 2020 when constituents reported delays involving the U.S. Postal Service and members of Congress wrote to USPS demanding answers for their constituents. [maybe also mention something about the 2014 VA scandal here to illustrate the importance of the bureaucracy functioning properly?] And while legislators often make these contacts public through their constituent communications [cite the paper with Jessie and/or Jessie's research here], this "invisible representation" also affords legislators opportunities to engage in work that is more difficult for the public to scrutinize. Beyond advocating for constituents, which is seen as a core component of legislators' jobs, legislators may also advocate on behalf of donors or push for policies out of direct view of the public eye.

What explains these inequalities in invisible representation? Our theory highlights electoral security, staff capacity, and district demand as the main potential drivers of legislators' contacts with the bureaucracy for various purposes, as well as the idiosyncrasies of individual legislators as a potential alternative explanation. However, in contrast to previous research that has examined how these and other factors motivate legislators' public-facing activities, we identify the unique ways in which these factors may also motivate behind-the-scenes representational work. The nature of our data also allows us to examine the relationship between Congress and the bureaucracy in a less common light—namely, how individual legislators seek to influence the bureaucracy, as opposed to how Congress as an institution interacts with the bureaucracy.

[could almost frame this as a contrast to other studies that look at legislators' motivations for engaging in public-facing activities like floor speeches or constituent communications - e.g. Maltzman and Sigelman 1996, Grimmer 2013, others]

1. Constituent service is both a way for legislators to monitor the functioning of the bureaucracy and to gain support from constituents. Legislators might do more policy work in areas in which they also do more constituent service because of high constituent demand, problems within the bureaucracy, or personal interest in that policy area. Could also do this for electoral reasons, but if constituent service works that way already (evidence is mixed), more policy work might not be necessary (especially if we use policy-related letters as the measure - that's more behind-the-scenes work).
2. Electoral/party fundraising concerns would be the main factor on the donor side. Legislators might do more policy work in areas in which they also write more to agencies on behalf of donors to signal their investment in these policy areas.

Congress, the Bureaucracy, and "Invisible Representation"

Our data on legislators' communications with federal agencies allow us to depart from previous studies that have primarily examined how Congress as an institution affects the bureaucracy, particularly the implementation of policy (e.g. Acs 2019; Clinton, Lewis, and Selin 2014; MacDonald 2013), and instead examine how individual legislators pursue a broader array of goals

through this work. An emerging literature has focused on communications between individual legislators and the bureaucracy, showing that these contacts can be a vehicle for descriptive representation (Lowande, Ritchie, and Lauterbach 2019) and distributive benefits or "letter-marking" (Mills and Kalaf-Hughes 2015; Mills, Kalaf-Hughes, and MacDonald 2016).

1. Previous work has explored how Congress as an institution can influence the actions of the bureaucracy:
2. Congress has less influence over bureaucratic policy when a greater number of committees is involved in the process (Clinton, Lewis, and Selin 2014) (but this research is mostly at the committee level [focuses on the structure of the committee system] and does not consider individual legislators' attempts to influence bureaucratic policy)
3. Congress exerts influence over bureaucratic policy through limitation riders, particularly under divided government (MacDonald 2013)
4. Congress can also influence bureaucratic policy through legislative vetoes, also under divided government (Acs 2019)

[also mention other studies that have looked at contacts between individual legislators and the bureaucracy: Lowande, Ritchie, and Lauterbach (2019), Mills and Kalaf-Hughes, others]

What Explains Inequalities in Invisible Representation?

Existing research suggests a number of factors that are likely to affect how legislators represent constituents, advocate on behalf of their donors, and work to advance policy goals through their contact with the bureaucracy. Some are factors specific to individual legislators like electoral concerns, personal characteristics, and district need, while others, like staff capacity or majority/minority party status, are more closely tied to Congress as an institution. Electoral Security Building on Mayhew's (1974) argument that legislators pursue re-election as a goal through credit-claiming and position-taking, as well as allocating money to their districts, scholarship has explored re-election as an explanation for various types of legislative behavior. Constituency service has long been assumed to be a key part of the "personal vote" that helps legislators gain support from constituents in a way that is less closely related to policy (Cain, Ferejohn, and Fiorina 1987; Fiorina 1977). Early research supports the idea that providing constituency service has electoral benefits for legislators (e.g. Serra and Cover 1992; Serra and Moon 1994), and more recent work shows that, regardless of whether constituents may still respond to constituency service in this way, legislators behave as though constituency service has electoral benefits (Dropp and Peskowitz 2012), just as senators tailor their constituency communications based on their electoral security (Grimmer 2013). However, there is also some contemporary evidence that greater electoral security is associated with greater constituency service responsiveness (Butler, Karpowitz, and Pope 2012).

[something about how the behind-the-scenes nature of our data may affect legislators' strategically responding to constituency service requests - while everything our data captures is an actual response to an inquiry from a constituent, it may also include repeated contacts in ways that can capture the complexity of a single case and the amount of time and resources that

the legislator and their staff are dedicating to constituency service? Maybe also bring in Butler and Broockman (2011) here and discuss their finding that legislators are not strategically discriminating in their responses]

Fewer studies have examined how these forms of representation may work together, but Harden (2013) argues that legislators emphasize policy, service, allocation, and descriptive representation according to their electoral needs. Butler, Karpowitz, and Pope (2012) find that, in general, legislators are more responsive to service-related requests from constituents than they are to policy-related requests, with this pattern being particularly pronounced among Democrats in Congress. Staff Capacity As we have established, congressional staff play a major role in the provision of constituency service. For this reason, staff capacity is likely to be particularly important for legislators' communications with the bureaucracy on behalf of both individuals and other constituents, like nonprofit organizations and local governments, whose requests may require specialized knowledge among congressional staff.

2. Crosson et al. (2021) show that legislative capacity, as measured using congressional staff, has withered over time among legislators of both parties; correspondingly, constituency service staff capacity has increased. They attribute this decline in legislative capacity to "centralized legislative power in an era of insecure majorities" (747).
3. [this may be more useful in setting up why constituency service matters?]

Existing work suggests that staff capacity is also likely to matter for legislators' policy-related communications with the bureaucracy. 3. Experience among senior committee staff matters for committees' legislative productivity (Ommundsen 2023), suggesting that individual legislators with similarly experienced staff may also be more productive in a variety of ways. [what are the implications of this finding for our data? Would more experience among senior policy staff make legislators more or less likely to contact the bureaucracy about policy matters? Would this work in the same way for constituent service?] 4. Butler, Karpowitz, and Pope (2012) find that the structure of legislative offices affects their responsiveness to constituency service and policy inquiries (interns remarked that supervisor approval was often required for responses to policy letters)

District Need

Other Legislator-Related Factors

Other Institutional Factors

5. Why would some legislators do more of these activities than other legislators? What explains inequality in representation?
6. Gender and race:
7. Ban and Kaslovsky (2024)
8. Eatough and Preece (2024) find that traditional measures of legislative effectiveness, which focus on bill sponsorship and passage alone, undervalue the work of women legislators and Black legislators, whose work in the legislative process involves less visible tactics such as cosponsorship and amendments.

9. Ideology:
10. Alexander, Berry, and Howell (2016) - greater ideological extremity = less federal money
11. Majority/minority party status (especially for policy)
12. Majority party status is a key determinant of legislative effectiveness, defined as a legislator's ability to move bills through the legislative process (Volden and Wiseman 2014). As a result, minority party legislators may be more likely to use back-channel means of advancing their policy and representational goals.
13. District need/demand (for individual, corporate, and nonprofit/local government constituency service)
14. Constituency service:
15. District demand
16. Staff structure?
17. Electoral concerns (though evidence that constituency service helps with re-election is mixed)
18. 501c3/local government service:
19. District need
20. Cooperation within state delegations? [would we expect these actions to be coordinated? Do we actually see such coordination in our data?]
21. Electoral concerns
22. Kaslovsky and Stone (2024)
23. Leah Rosenstiel's paper from our MPSA panel will help with this (even if we can't cite it yet)
24. Organized interests? Lowry and Potoski (2004)
25. For nonprofits and local governments, district need may also appear in the form of organized interests that are active in legislators' districts or as part of their donor base.
26. Type of agency? Anderson and Potoski (2016) (although the breadth of our data across agencies may make this point unnecessary)
27. Chamber differences - Lee (2004) finds that senators have an easier time claiming credit for grants than House members (more useful for House members to pursue earmarks)
28. Also Bertelli and McCann (2018)
29. Corporate constituency service and policy:
30. Electoral/party fundraising concerns
31. Policy:
32. Partisan control of the presidency (see above)
33. Congressional gridlock - non-legislative solutions more likely (Bolton 2022)
34. Lowande and Potter (2019)
35. Guenther and Searle (2019) find a trade-off between policy work and earmarks (not sure where this would fit in our theory)
36.

3 Chapter 3 - Meta Empirics

big picture things we know about congressional behavior, test what explains behavior and inequality.

4 Chapter 4 - Individual Constituency Service

5 Chapter 5 - Corporate Service

6 Chapter 6 - Nonprofits and Local Govenments

7 Chapter 7: Policy

8 Chapter 8 - Corporate Policy

9 Conclusion

References

Fenno, Richard F. 1978. *Home Style: House Members in Their Districts*. Addison Wesley.

Mann, Thomas E., and Norman J. Ornstein. 2006. *The Broken Branch: How Congress is Failing America and How to Get it Back on Track*. Oxford: Oxford University Press.

Appendix

Limitations

Agency record keeping

> "We have no responsive records between April 13, 2016, and May 16, 2017. It is impossible to say for certain why there is this gap; however, it is likely the changes in staffing leading up to and following the change in Administration contributed."