

Extremists and Participation in Congressional Oversight Hearings

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*First Branch, Second Thoughts – What Is Congress’s Proper Role in the
Administrative State?*

Extremists and Participation in Congressional Oversight Hearings

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Abstract

We analyze the relationship between legislator extremity and participation in on-the-record legislative oversight. Amidst concerns that Congress is not providing enough “serious” or programmatic oversight, we argue that extremists have the most incentive to provide oversight, including “serious” or programmatic oversight. To show this, we use a within-legislator empirical strategy and a new measure of participation in oversight based on verbal participation in on-the-record hearings. We show that (i) extremist legislators do more oversight relative to their less extreme colleagues, (ii) the relationship between ideological extremity and oversight is even stronger among the most effective legislators; and (iii) the relationship between extremity and oversight holds when we look at hearings that are more “serious” or programmatic in nature, as evidenced by testimony by an Inspector General or the Government Accountability Office.

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Many are concerned that Congress is not doing enough programmatic or “real” oversight: the kind of oversight meant to determine whether laws are being faithfully executed and appropriated dollars are being appropriately spent, the likes of which the Supreme Court has consistently upheld as “inherent in the legislative process” (*Watkins v. United States* 354 U.S. 178 (1957)). Current-day conventional wisdom treats hearings as venues for scoring political points (Weich 2019), such as in the case of the Benghazi hearings lowering Hillary Clinton’s poll numbers (David and Terris 2015), or Mitch McConnell publicly warning Democrats that aggressively investigating Trump could lower the poll numbers for Democrats as a whole (Foran 2018). One op-ed goes so far as to suggest that Congress would be better off not holding hearings at all since the very idea of hearings has been degraded by partisan battles (Murphy 2019).

Though members of Congress sometimes have incentives to use oversight for purely individualistic political gain (Mayhew 1974), there are other ways that members of Congress can use oversight that are more programmatic in nature. For example, hearings communicating directly with agencies (McGrath 2013; MacDonald and McGrath 2016) and hearings investigating executive branch wrongdoing (Kriner and Schickler 2016). It is worth noting that amidst worries about congressional oversight losing its value, many on both the left and the right continue to laud inspectors general as a key government investment in ensuring accountability (Bydlak 2020; Stein 2020). Of course programmatic oversight can exist alongside grandstanding and partisan battles even within the same congressional hearing. Moreover, within the same hearing, individual members of Congress can participate at varying levels, from not attending at all to taking on a vocal role. In our data, on average, legislators participate in only one quarter of all committee hearings that their committees hold, and they participate at an even lower rates for hearings involving an inspector general.

This article contributes to existing studies of on-the-record congressional oversight

(Aberbach 1990; McGrath 2013; MacDonald and McGrath 2016; Kriner and Schickler 2016) by looking at individual member participation in on-the-record hearings. To our knowledge, we are the first to analyze individual-member participation in hearings across all committees in the US House of Representatives, and we do so over an eighteen year time period using a newly collected full-text dataset of all published committee hearings from 1999-2016.¹ Leveraging utterance-level full-text data, we introduce a new measure of individual legislator participation in hearings that is based on attendance and verbal participation. Our measure is directly comparable across legislators and across time and it can proxy for effort or interest in oversight.

The primary purpose of this article is to argue that extremists within Congress participate in oversight more than their moderate colleagues. Moreover, this relationship between extremists and oversight runs deeper than the conventional wisdom about extremists valuing position-taking and using hearings for position-taking. Using a within-legislator strategy and exogenous changes to legislative extremity, we show that the relationship between extremists and oversight holds not just for all legislators and all hearings but also for the most effective legislators (Volden and Wiseman 2014), as well as for those hearings most narrowly focused on oversight as evidenced by the involvement of an inspector general or the Government Accountability Office.

Our findings have important implications for biases introduced through the disproportionate participation of extremists in on-the-record oversight, from who monitors the implementation of laws and government programs, to who interacts with government agencies, to who is more likely to act on a fire alarm that has been pulled. Our findings also suggest that we rely more than is commonly acknowledged on a particular set of legislators—namely, extremists—for the provision of the kind of “real” and programmatic

¹To our knowledge, only one study has attempted to systematically measure individual participation in hearings and does so for a subset of House committee hearings focused on programs administered by the U.S. Department of Housing and Urban Development Duffin (2003).

oversight that critics of Congress call for members of Congress to do more of.

1 Background on Congressional Hearings and Existing Literature

Congressional hearings are typically open to the public and meant to obtain information and opinions on proposed legislation, conduct an investigation, oversee the activities of government and the implementation of laws, or provide legislators with testimony about topics of concern.² The Congressional Research Service broadly construes four types of hearings: legislative, oversight, investigative, and confirmation (CRS 2018). They can be held on Capitol Hill or elsewhere, typically in a member's district (called a field hearing). Regardless of category, the purposes of hearings can overlap. For example, investigative hearings can be seen as a type of oversight and can lead to legislation. A legislative hearing can provide opportunities for oversight as well.

Hearings are generally at the discretion of committees. There are only a few procedural situations, such as consideration of the annual budget resolution, in which a committee is required by House or Senate rules to hold a hearing (House Rule X(4)(a)(1)). Even many routine confirmations of nominees do not involve hearings (CRS 2018).

Though scholars of the U.S. Congress have long considered how individual representatives spend their time in office (Hall 1996), from time in their districts (Fenno 1978), to pork barrelling, to case work (Fiorina 1989; Hall 1996; Canon 1989), we lack a study of individual-legislator participation in oversight. Studies of oversight activity have largely been done at the committee or chamber level (Aberbach 1990; McGrath 2013; MacDonald and McGrath 2016; Kriner and Schickler 2016). An exception is Lowande (2018) who

²The Government Printing Office makes each hearings's testimony public at www.gpo.gov/fdsys/browse/collection.action?collectionCode=CHRG

looks at individual informal contacts made by members of Congress to agencies (see, also, Lowande, Ritchie and Lauterbach 2019; Ritchie and You 2019). Another exception is Duffin (2003), who measures individual participation in a subset of House hearings for programs administered by the US Department of Housing and Urban Development from 1978 to 1986.³ In this article, we look at individual-member participation in hearings, building on Duffin (2003) by covering all committees in both chambers and over a longer time period. Moreover, we contribute to the measurement of participation in oversight by creating a dynamic measure of participation at the individual level that is comparable across time and legislators.

Scholars of congressional oversight have long made the point that members of Congress treat oversight strategically, including their preferences over *ex ante* versus *ex post* constraints over bureaucratic policymaking (Bawn 1997). Whereas agency design and other *ex ante* constraints are written into statutes passed by Congress as a whole, so may reflect its collective interests relatively well (*cf.* Shipan 1997; MacDonald 2010; Palus and Yackee 2016; Bolton and Thrower 2019; Potter and Shipan 2017), *ex post* oversight is decentralized to committees and may not reflect the interests of Congress as a whole or even a given chamber as a whole (Bawn 1997; Lowande 2018; Rezaee, Gailmard and Wood 2019).

Studies of *ex-post* oversight have focused attention on the role of ideological disagreement as a driver of oversight (Dodd and Schott 1979; Kriner and Schwartz 2008; McGrath 2013; Rezaee, Gailmard and Wood 2019; Kriner and Schickler 2016). In the context of on-the-record hearings in particular, partisan battles between dueling committees can lead to an over-provision of oversight with no real effect on policy outcomes (Rezaee, Gailmard and Wood 2019; Clinton, Lewis and Selin 2014). On the other hand, committees with shared goals can under-provide oversight due to committees attempting to free-ride on the

³Duffin (2003) found that, on average, participation rates were low and that factors like party status, district characteristics, and political time correlated with participation.

oversight efforts of other committees (Rezaee, Gailmard and Wood 2019; Gailmard 2009). By contrast, when looking at informal contacts with agencies, Lowande (2018) shows that committee and district interests are the key drivers of oversight, not ideological disagreement. Lowande's (2018) point is much in line with Bawn's (1997) argument that we should expect committees to use oversight to pursue their own members' interests.

In this article, we contribute to theories of congressional oversight by focusing on the oversight effort in on-the-record hearings of individual members on committees. Committee chairs play a key role on committees. But there is much room for other committee members to take the lead putting together hearings that the chair would not otherwise pursue. In both the House and Senate, any member can prepare a memorandum for the chair (and possibly other committee members) that requests approval to hold a hearing and outlines the need and scope, possible witnesses, scheduling, and any political considerations (CRS 2015, 2017). In the House, a quorum of two members present is usually required to hear testimony from witnesses (CRS 2015). In the Senate, that quorum is usually just one Senator (CRS 2017). In sum, there are many reasons to expect that individual members on committees other than the chair could take an active role in hearings.

1.1 Ideology, Effectiveness, and Oversight

We argue that extremists are disproportionately active in oversight work. We propose two reasons for this. First, extremists cannot get as much done on the legislative side as their more moderate colleagues, which affects their opportunity cost of working on oversight. Resource constraints force individual legislators to allocate time and effort across different functions, including oversight (Bernhard and Sulkin 2018). Legislators decide which duty to prioritize based on the expected value of engaging in such an action, which is a function of the likelihood such an action leads to the political or policy outcome the individual legislator prefers. Legislators who are ideologically extreme relative to pivots in Congress

are unlikely to see their ideal points translated into policy (Krehbiel 1998). Therefore, we argue extreme legislators will refocus their effort from legislation to oversight.

Second, extremists may not be able to free-ride on the oversight efforts of their colleagues. This is based on the logic of the free-rider problem, also the basis of Gailmard (2009), Rezaee, Gailmard and Wood (2019), and other studies that have focused more broadly on the collective action problems faced by Congress. Whenever the associated benefits of oversight are non-excludable collective benefits—*e.g.*, benefits to the entire committee, party, chamber, or Congress as a whole—we expect individual members to have an incentive to free-ride on the efforts of their colleagues to do the work of oversight. However, extremists may have less of an ability to free-ride, since they may not have any or as many colleagues who share their goals and therefore the outcome of free-riding could potentially harm the extremist's interests rather than help them. For this reason, we expect the logic of the free-rider problem not to work as well for extremists, incentivizing them to provide oversight individually.

Hypothesis 1 *Extreme legislators will provide more oversight than moderate legislators.*

Moreover, we argue that the effect of extremity is moderated by legislator effectiveness (Volden and Wiseman 2014). First, as a general matter, we argue that effective legislators will tend to provide more of all legislative activities, from legislation to oversight (Kalaf-Hughes, MacDonald and McGrath 2020). Second, effective legislators face similar incentives to provide oversight despite collective action problems because they may have a better sense of what the "right" kind of oversight looks like, and not have sufficient trust in their colleagues to provide this ideal oversight. Third, effective legislators likely have more capacity meaning the opportunity cost of oversight is likely lower than for ineffective legislators. Therefore, legislators who are both extreme and effective should be most likely to provide oversight (Kalaf-Hughes, MacDonald and McGrath 2020).

The preceding sections imply:

Hypothesis 2 *Effective legislators will provide more oversight than ineffective legislators.*

Hypothesis 3 *Among effective legislators, extreme legislators will provide more oversight than moderate ones.*

1.2 Identifying Oversight

Most existing studies identify oversight based on the involvement of agencies (McGrath 2013; Marvel and McGrath 2016; MacDonald and McGrath 2016; Feinstein 2011). Most studies do not try to distinguish “real” oversight from grandstanding (*cf.* Park forthcoming). Innovating further, Lowande (2018) separates policy-focused informal communications from members of Congress to agencies from politically-focused informal communications from members of Congress to agencies.

We add to this existing work that makes strides in distinguishing “real” from “for show” oversight by considering the universe of all hearings, then the universe of all hearings with at least one agency staff person giving testimony, then the universe of all hearings with either an Inspector General or someone from the Government Accountability Office giving testimony.

While legislators may still grandstand when participating in an oversight hearing where an agency witness is present, their ostensibly superfluous statements nonetheless convey perhaps noisy information to those agency witnesses about their positions. The ideal goal of oversight is to ensure that agency actions are congruent with congressional intent, and grandstanding may serve that goal since legislators provide information to agencies about how they would like them to act. Therefore, when committees hold hearings featuring an agency witness, they are more likely to be real oversight hearings since

legislators can convey information about their preferences over implementation to the implementers.

Narrowing the set of hearings beyond those with at least one agency witness, isolating those where an inspector general or Government Accountability Office witness is present provides a more stringent definition of oversight hearings. The Inspector General Act of 1976 required the installation of inspectors general in federal agencies to “hold governmental actors accountable by providing unbiased information about the governmental actor’s conduct to the relevant forum” including Congress (Kempf 2015, 138; see, also, Kempf and Cabrera 2019; Newcomer and Grob 2004). Therefore, when committees hold hearings that call an inspector general, they are more likely to be conducting “real,” programmatic oversight rather than simply grandstanding. Similarly, the Government Accountability Office is the oversight arm of Congress and therefore when committees call a witness from GAO, it is more likely that they are conducting programmatic oversight (McCubbins, Noll and Weingast 1987).

2 Data and Empirical Strategy

To test our theory, we assemble a comprehensive dataset of individual legislator participation in full committee hearings from 1999 (106th Congress) through 2016 (114th Congress). Our final dataset comprises 3,909 observations at the legislator-Congress level. Data were retrieved from the Government Printing Office’s Application Programming Interface (API).⁴ These data contain information on every full committee hearing held from 1999 through 2016, including which members of Congress participated, whether an official from an executive agency was in attendance, other witnesses, as well as a full transcript of each hearing. We focus here solely on hearings conducted by the standing

⁴Data available at <https://api.govinfo.gov/docs/>. For more information on our data collection, see appendix A.

committees, discarding all subcommittees and special, select, joint, and other committees.⁵

For our outcome of interest, participation in hearings at the legislator-Congress level, we construct *participation rate* as the proportion of hearings a member of Congress could have attended that they participated in, which we operationalize as those in which the member of Congress spoke at least once. To calculate *participation rate*, we first matched each legislator in each Congress to their committee assignments, then counted the number of hearings each of a legislator's committees held in that Congress. Finally, we counted the number of those hearings where the legislator spoke at least once to construct the final proportion. Formally:

$$\text{Participation Rate}_{it} = \sum_{h \in H_{it}} \frac{s_h}{|H_{it}|} \quad (1)$$

where H_{it} is the set of hearings that legislator i 's committees held in Congress t and s_h is a variable taking the value of one if legislator i spoke at least once in hearing h and zero otherwise.

We construct three separate outcomes of interest using the *participation rate* described above: Participation rate in all hearings, participation rate in hearings involving testimony from an agency, and participation in hearings involving testimony from an inspector general or the GAO. To do so, we classified each hearing into one of two, not mutually exclusive categories. First, we classified a hearing with at least one agency witness as an *agency hearing*. This approach, originally taken by Marvel and McGrath (2016), provides a concrete oversight link between a committee and an agency: the committee calling one or more of the agency's staff members to testify. This approach to defining an oversight hearing based on agency involvement is broader than Feinstein (2017), which excludes hearings that involve consideration of new legislation and all hearings that praise an agency. This approach is also broader than Kriner and Schickler (2016) who focus exclusively on com-

⁵We exclude subcommittee hearings since the authority of subcommittees is circumscribed by the full committee and may vary in practice across subcommittees, presenting a confound.

mittee investigations of wrongdoing or scandals. Second, we classified a hearing as an Inspector General or Government Accountability Office hearing (*IG/GAO hearing*) if either an inspector general or witness from the GAO is present. since inspector generals and the GAO are institutional actors designed to facilitate oversight, isolating hearings where either an IG or GAO witness is present helps us narrow in on oversight (Kempf 2015; Kempf and Cabrera 2019; Newcomer and Grob 2004). We then construct participation rates for these more stringent definitions of oversight hearings in the same was as in equation 1.

The correlation between participation rates at all hearings and hearings featuring at least one agency is almost perfect at 0.948. However, the correlation between participation rates at IG/GAO hearings and other types of hearings, while positive and not inconsequential, is only moderate, suggesting that IG/GAO hearings are qualitatively different from other types of hearings. Table 1 displays the correlation matrix for participation rates in the three types of hearings.

Table 1: Correlation Matrix of Participation Rates

| | All Hearings | Agency Hearings |
|-----------------|--------------|-----------------|
| Agency Hearings | 0.948 | — |
| IG/GAO Hearings | 0.584 | 0.601 |

Figure 1 displays average participation rates for each of the kinds of hearings over time. On average, participation rates hover near twenty-five to thirty percent, but participation rates in all and agency hearings increased during and after the 111th Congress, President Obama’s first term. Participation rates in IG/GAO hearings are more volatile than in all and agency hearings with average participation rates reaching both lower troughs and higher peaks. Explaining these temporal trends is beyond the scope of this article, however we present these descriptive figures since our measure of participation is novel and we hope to encourage greater scholarly focus on this operationalization of participation.

Before testing our theory, we present several descriptive statistics derived from our new

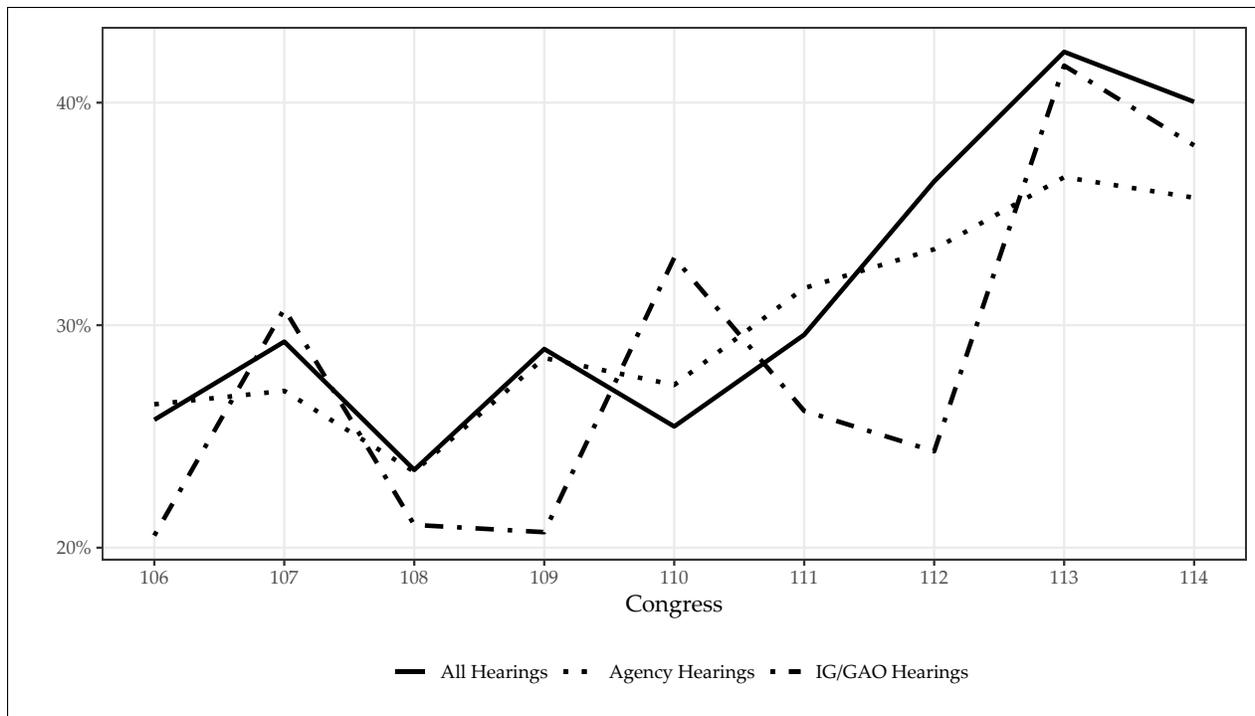


Figure 1: Average Participation Rates over Time

dataset and measures of participation in and effort toward oversight. Since proportions require a non-zero denominator, we are left with a smaller dataset since some members of Congress sat on committees that held no hearings in a particular Congress. Statistical tests indicate that there are no significant differences in the ideal points or effectiveness scores of legislators assigned to committees that do or do not hold at least one hearing. T-tests comparing the average level of extremity and legislative effectiveness among legislator-Congresses who were able to participate in at least one hearing—and are therefore in the final sample—and those that were not able to participate in a hearing—and therefore are not in the final sample—fail to reject the null that there are no significant differences in the opportunity to participate in hearings based on legislator ideology or effectiveness. This indicates that we do not face a selection problem since extremity and effectiveness do not predict inclusion in our analyses. Ten percent of all legislator-Congresses could not have attended any hearings, 16% could not have attended any agency hearings, and 32% could

not have attended any IG/GAO hearings.

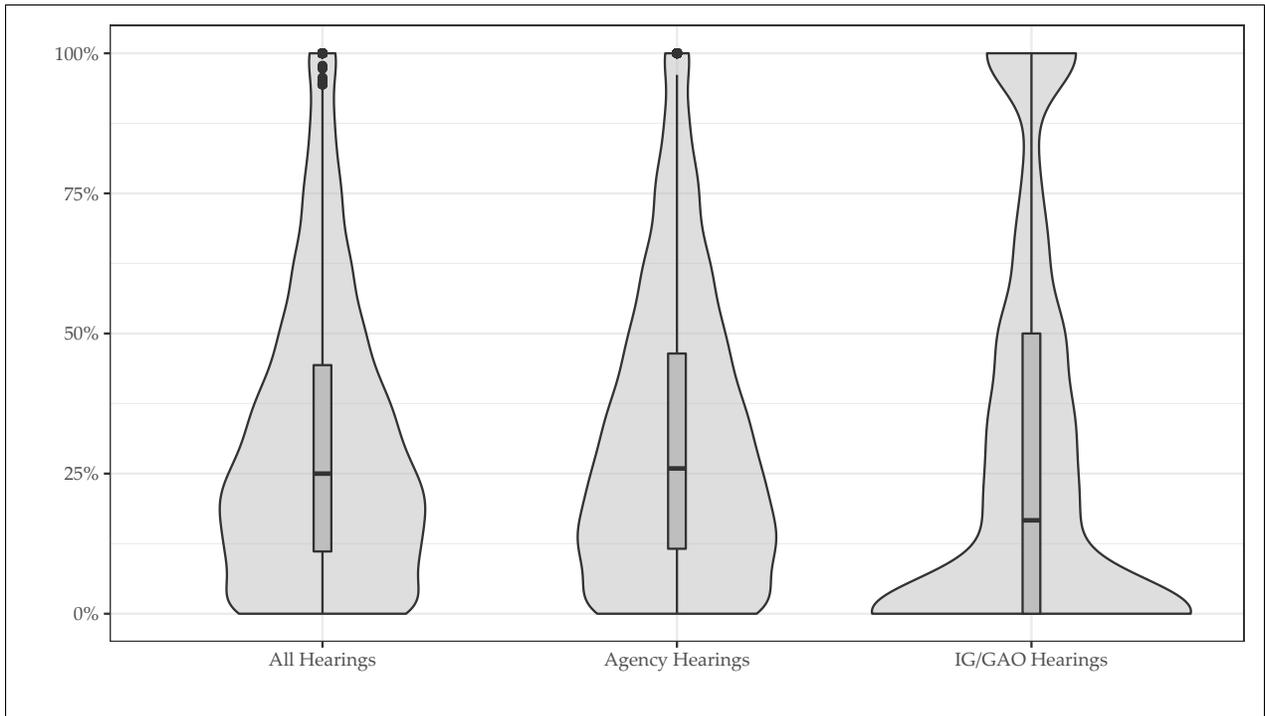


Figure 2: Distribution of Hearing Participation. The center line in each box plot represents the median and the box represents the interquartile range. Violin plots display the density of each variable.

Figure 2 displays the distribution of the proportion of participation rates in hearings. The median proportion participated in for all hearings is quite low at 25% for all hearings and agency hearings. This indicates that, on average, legislators participate in only one quarter of all committee hearings that their committees hold, though there is considerable variation in participation rates. The median rate is even lower for IG/GAO hearings at about 17%.

To test our theory of legislator extremity and legislative effectiveness, we use two independent variables. We measure *Extremity* as the Euclidean distance between a legislator’s NOMINATE ideal point and the NOMINATE ideal point of the congressional median. Using NOMINATE ideal points, which are time invariant, helps ensure that within-legislator changes in extremity are exogenous since they are caused by changes in the ideal point

of the congressional median, likely not a function of the behavior of individual legislators (Alexander, Berry and Howell 2016). We also use the Volden and Wiseman (2014) measure of legislative effectiveness, which is a weighted index of a legislator’s ability to move their bills through the lawmaking process.

We also include four control variables. *Majority party* is a binary variable that takes the value of one if a legislator belongs to the majority party and zero otherwise; *chair/ranking* is a binary variable that takes the value of one if a legislator is the chair or ranking member of at least one of their committee assignments; *number of committee assignments* is the number of committees on which a legislator sits; and *seniority* is the number of congresses a legislator has served in the legislature.

With these data we estimate the following general model:

$$y_{it} = \beta_0 + \beta_1 \text{Extremity}_{it} + \beta_2 \text{Legislative Effectiveness}_{it} + \beta_3 \text{Extremity}_{it} \times \text{Legislative Effectiveness}_{it} + \boldsymbol{\xi} \mathbf{X}_{it} + \boldsymbol{\alpha}_i + \boldsymbol{\delta}_t + \varepsilon_{it} \quad (2)$$

where i indexes legislators, t indexes Congresses, y is one of the three measures of participation in oversight hearings ((*i*) participation in all hearings, (*ii*) participation in hearings involving an agency witness, and (*iii*) participation in hearings involving an inspector general or GAO witness), $\boldsymbol{\alpha}$ is a vector of legislator fixed effects, $\boldsymbol{\delta}$ is a vector of Congress fixed effects, \mathbf{X} is a matrix of time-varying covariates, and $\boldsymbol{\xi}$ is a vector of coefficients corresponding to the variables in \mathbf{X} . Standard errors are clustered by legislator since changes in the independent variables occur at the legislator level. Formally, our hypotheses imply $\beta_3 > 0$ and the marginal effects of *extremity* and *legislator effectiveness* are positive on average.

Our empirical design is advantageous for several reasons. First, legislator fixed effects allow us to identify the effect of our independent variables of interest within-legislator,

controlling for any time-invariant features of individual legislators. Second, Congress fixed effects control for common, exogenous shocks like national economic health, natural disasters, high-level scandals, and other events that may affect the salience of oversight broadly as well as secular trends in congressional behavior induced by, among others, proximity of elections, first/second session politics, divided government, and recesses.

3 Results

Before presenting the results from our fully specified models, table 2 presents average participation cross-tabulated by legislator effectiveness and extremity, split at the mean value of each. Table 2 provides tentative evidence for our hypotheses as more extreme legislators are more likely to participate in committee hearings, particularly when they are effective legislators.

Table 2: Cross-Tabulation of Oversight Participation

| | | Ideology | |
|--------------------------|------|------------------|------------------|
| | | Extreme | Moderate |
| Legislator Effectiveness | High | 0.310 (0.010) | 0.296 (0.007) |
| | Low | 0.270 (0.007) | 0.240 (0.009) |

Note: Cell entries report average participation rates in all congressional hearings. Standard errors reported in parentheses.

Table 3 displays results from estimating variations on our general model regressing the proportion of all and agency hearings participated in on extremity, legislative effectiveness, and covariates. First, we standardize *extremity* and *legislative effectiveness* to mean zero and standard deviation one to ease in the interpretation of the interaction. Model one reports the average effects of *extremity* and *legislator effectiveness* by not including the interaction

term, and model two includes the interaction term.

Table 3: Extremity, Legislative Effectiveness, and Oversight

| | <i>Dependent variable:</i> | |
|---------------------------------|----------------------------|----------------------|
| | Participation Rate | |
| | (1) | (2) |
| Extremity | 0.055* (0.033) | 0.055* (0.033) |
| Legislator Effectiveness | 0.012** (0.006) | 0.023*** (0.008) |
| Extremity × Leg. Effectiveness | | 0.018*** (0.007) |
| Majority Party | 0.115** (0.058) | 0.105** (0.057) |
| Chair/Ranking | 0.012 (0.023) | 0.011 (0.024) |
| Number of Committee Assignments | -0.063*** (0.009) | -0.063*** (0.009) |
| Seniority | 0.019*** (0.003) | 0.019*** (0.003) |
| Legislator FEs | YES | YES |
| Congress FEs | YES | YES |
| Observations | 3,532 | 3,532 |
| Adjusted R ² | 0.475 | 0.477 |

*p<0.1; **p<0.05; ***p<0.01

Note: Unit of analysis is legislator-Congress. Heteroskedasticity-corrected standard errors clustered by legislator reported in parentheses. *Extremity* and *legislator effectiveness* were centered on zero and scaled by their standard deviations before analysis.

The estimated coefficient on *legislator effectiveness* in model one indicates that a standard increase in legislator effectiveness corresponds with a one percentage point increase in

a legislator's participation rate, about a four percent increase. The estimated coefficient on *extremity* in model one, while positive, does not reach standard levels of statistical significant, indicating that the average effect of *extremity* is indistinguishable from zero. However, the coefficient on the interaction term in model two indicates that the effect of *extremity* is increasing in *legislator effectiveness*, so for effective legislators, an increase in *extremity* corresponds with an increase in their participation rates.

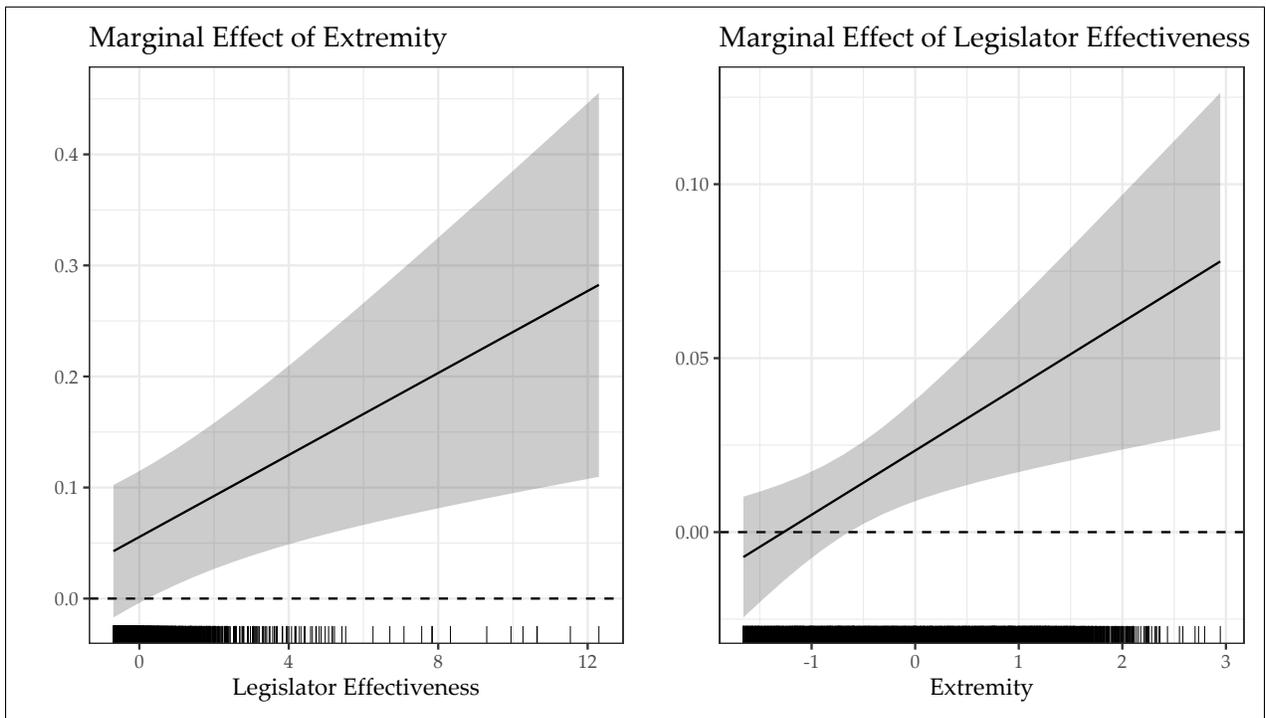


Figure 3: Marginal Effect of Extremity and Legislative Effectiveness on Participation Rate. The rug on the x-axis displays the density of the variable. Derived from model 2 in table 3. Each variable has been centered to mean zero and scaled by its standard deviation.

To aid in interpretation of the interaction effect, figure 3 displays the marginal effect of each variable at different levels of the other variable estimated from model 2. The marginal effect of *extremity* is positive for large values of *legislative effectiveness*, and the marginal effect of *legislative effectiveness* is positive for large values of *extremity*. The marginal effect can be interpreted as the change in the proportion of hearings participated in given a standard deviation increase in the independent variable.

At average levels of effectiveness, a standard increase in extremity is associated with about a five percentage point increase in the proportion of hearings a legislator participates in. At one standard deviation above the mean of legislator effectiveness, a standard increase in extremity is associated with about a six to eight percentage point increase in the proportion of hearings a legislator participates in. Since the average rate of participation is about twenty five percent, these effects correspond to increases of about sixteen to thirty-two percent from the mean.

3.1 A More Stringent Test

We can press the data more, however. Since our theory makes predictions about participation in oversight hearings, we can leverage our measures of participation rates in hearings that are likely to be more focused on programmatic oversight, rather than legislating via markup or other types of hearings. Therefore, evaluating our hypotheses with data on participation rates in agency and IG/GAO hearings provides a more stringent test of our theory. Table 4 displays estimates from equivalent models to those in table 3, but where the dependent variable is participation rates in either agency or IG/GAO hearings.

The estimated coefficients for participation rates in agency hearings are similar in direction and magnitude to those for participation rates in all hearings. For participation rates in IG/GAO hearings, however, the coefficient on *extremity* in model three indicates that on average a standard increase in extremity is associated with a 11.1 percentage point increase in participation rates, about a thirty-eight percent increase from the mean. Since neither the coefficient on *legislator effectiveness* nor the interaction between *extremity* and *legislator effectiveness* reach standard levels of statistical significance, and the coefficient on the interaction term is almost exactly zero, the 11.1 percentage point effect of *extremity* is constant in effectiveness for participation rates in IG/GAO hearings. This implies that all extreme members participate more in IG/GAO hearings regardless of effectiveness.

Table 4: Extremity, Legislative Effectiveness, and Oversight

| | <i>Dependent variable:</i> | | | |
|------------------------------------|--|----------------------|--|----------------------|
| | Participation Rate in Agency Hearings | | Participation Rate in IG/GAO Hearings | |
| | (1) | (2) | (3) | (4) |
| Extremity | 0.053 (0.033) | 0.054 (0.033) | 0.111** (0.055) | 0.111** (0.055) |
| Legislator Effectiveness | 0.012** (0.006) | 0.020*** (0.008) | 0.014 (0.012) | 0.013 (0.021) |
| Extremity × Leg. Effectiveness | | 0.014* (0.007) | | -0.001 (0.016) |
| Majority Party | 0.114** (0.058) | 0.106* (0.057) | 0.224** (0.093) | 0.225** (0.094) |
| Chair/Ranking | 0.002 (0.023) | 0.001 (0.024) | -0.002 (0.052) | -0.002 (0.053) |
| Number of Committee Assignments | -0.069*** (0.009) | -0.069*** (0.009) | -0.071*** (0.018) | -0.071*** (0.018) |
| Seniority | 0.024*** (0.003) | 0.024*** (0.003) | 0.023*** (0.003) | 0.023*** (0.003) |
| Legislator FEs | YES | YES | YES | YES |
| Congress FEs | YES | YES | YES | YES |
| Observations | 3,290 | 3,290 | 2,641 | 2,641 |
| Adjusted R ² | 0.539 | 0.540 | 0.184 | 0.183 |

*p<0.1; **p<0.05; ***p<0.01

Note: Unit of analysis is legislator-Congress. Heteroskedasticity-corrected standard errors clustered by legislator reported in parentheses. Each continuous independent variable was centered on zero and scaled by its standard deviation before analysis.

4 Discussion and Conclusion

In this paper, we have shown that extreme legislators exert more effort toward oversight than do moderate ones. We argue this is (1) because extreme legislators are unlikely to see their preferred policies shepherded through the normal lawmaking process into legislation and therefore reallocate effort toward oversight to move policy by other means; and (2) because extreme members cannot rely on their colleagues to provide their optimal oversight. Existing explanations for the volume of congressional oversight focus on macro-level trends in the partisan composition of the federal government, citing outparty legislators' desire to embarrass the President as a leading determinant of oversight. Here, however, we argue that oversight need not be in reaction to macro-level partisan politics, but rather may be a function of the opportunity structure engendered by the supermajoritarian procedures used in the US Congress, the strategic reallocation of resources on the part of rational, reelection-seeking legislators, and the expected value of free-riding among legislators with different preferences over policy alternatives.

We have also introduced a new measure of agency participation in oversight by observing a legislator's decision to speak in committee hearings. We have produced measures of participation in various definitions of oversight hearings: all hearings, hearings with at least one agency witness, and hearings with an inspector general or GAO witness. These measures are comparable across time and legislators and we hope future work uses similar measures.

Our findings imply that extremists play a key role in the provision of oversight as a public good. This in turn implies that the moderating force of supermajoritarian rule in the legislative arena fails to travel to the oversight arena, where individual incentives among moderate members of Congress induce them to collectively under-provide oversight, while extreme members face incentives to provide oversight.

Future research would do well to consider how the bias in the provision of oversight influences the policy output of bureaucratic agencies. If federal agents are more exposed to the voices and opinions of extreme members, the policies they produce might share that bias. On the other hand, agencies may discount the extremity of vocal members of Congress if they know that extreme views are over-represented. Either way, future research would do well to consider how unequal provision of oversight might influence how agencies craft policy.

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Appendix

A Data Collection

We collected the full universe of hearings held from 1995-2012 from the Government Printing Office (GPO). This is to our knowledge the most complete source for congressional hearing data with coverage beginning in 1995. In scraping this data, we built on Robert Shaffer’s scraping and parsing tools for the GPO data (Shaffer 2017). The full-text hearing transcript data is at the utterance-level. For each hearing, the unit is the individual person-utterance. The individuals participating in the hearings include members of Congress and witnesses giving testimony.

For our measure of participation in oversight hearings, for members of Congress, we linked our utterance-level data with information on each member, including: party, committee membership (including all committees on which each member was a part of), and committee and party leadership positions. For committee membership and leadership positions, we use Congressional committee assignment data from Stewart III and Woon (2011).

For our broader measure of oversight hearings, we include all hearings held. For our narrower measure of oversight hearings, in which we only count those hearings that involve an agency witness giving testimony, we identified all of the hearings that involve witnesses from agencies. When possible, we drew directly from the GPO API information about witnesses called to testify at the hearings. When not included in the API, we scraped witness information directly from the full-text hearing transcripts. When flagging witnesses based on their agency affiliation, we flagged every agency that issued a

rule published in the Unified Agenda during the time frame of the hearing dataset; every agency in commonly used agency ideology datasets (Clinton and Lewis 2008; Bonica et al. 2015; Chen and Johnson 2015; Richardson, Clinton and Lewis 2018) and every agency listed in the Sourcebook of United States Executive Agencies (Selin and Lewis 2018). We flagged the agencies through a computerized process that searches for names and acronyms of these agencies. We required a strict match on agency name because fuzzy matches produced high levels of false positives. While we are sure to miss some agencies with this procedure, it allows us to avoid the problem of false positives.

For our narrowest measure of oversight hearings, in which we only count those hearings that involve testimony from an inspector general or someone from the GAO, we flagged hearings involving a witness with an affiliation listed as an inspector general within a federal agency and witnesses from the GAO.