

# Information and Confrontation in Legislative Oversight

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July 15, 2022<sup>§</sup>

## Abstract

Committees can use oversight hearings to collect and communicate the information Congress needs to make good laws, but many worry that members instead focus on scoring political points by lambasting witnesses. We leverage the collective judgment of congressional staff to measure how exchanges between legislators and witnesses vary on two separable dimensions: information and confrontation. Contrary to the conventional wisdom that confrontation crowds out information, our study suggests that confrontational oversight tends to complement the provision of information. In fact, confrontational hearings appear to encourage the collection and communication of information by enticing more members to attend. Moreover, members of the president's party engage in less confrontational oversight reveal no more or less informational than their peers, while extreme legislators reveal more information than moderates but are not any more or less confrontational. Overall, our findings suggest ways partisan incentives actually reinforce the normative purposes of legislative oversight.

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<sup>§</sup>Author names are listed alphabetically. This project was funded by the Levin Center at Wayne State University Law School, the Sunwater Institute, the Center for Effective Lawmaking, and the College of Literature, Sciences, and the Arts at the University of Michigan. We are responsible for all remaining errors.

Oversight has been declared “an essential and appropriate auxiliary to the legislative function” by the Supreme Court. Its purpose, according to the Court, is plain from the fact that “[a] legislative body cannot legislate wisely or effectively in the absence of information” (273 US 135 [1927]). Congress “needs to ascertain the facts and identify and analyze the relevant issues. It needs to investigate” (Levin and Bean 2018). Information is supposed to be the goal.

But contemporary observers typically bemoan the work of Congress when it oversees the Executive Branch. Administrators say probes into their own work are invasive and time-consuming. The out-party says the investigations are a waste of Congress’ agenda and resources. Both often regard oversight as politically-motivated. Scholarship mostly concurs with this last point, as many studies demonstrate partisan patterns in legislative oversight across outcomes such as hearings (Aberbach 1990; Kriner and Schwartz 2008; McGrath 2013; Kriner and Schickler 2014; MacDonald and McGrath 2016; Lowande and Peck 2017), speech behavior (Bellodi 2021), and the testimony of witnesses (Ban, Park and You 2021).

Of course, the stylized fact that oversight increases or decreases in response to political incentives does not demonstrate it shirks its traditional purpose. It could be that the increased frequency of oversight introduces more information than otherwise would be released under unified government. On the other hand, the oversight undertaken during divided government may not be designed to produce new information, but instead to produce opportunities for partisan messaging and grandstanding (Park 2021). To settle this, one has to know more about oversight than just when it occurs. Put differently, much is known about the frequency of inquiries, but little is known about their qualities.

We advance this area by introducing and measuring two separable dimensions of legislative oversight: confrontation and information. The first dimension, confrontation, describes the extent to which lines of questioning are intended to make witnesses embarrassed, angry, flustered, or uncomfortable. It makes the experience unpleasant for the relevant witnesses and draws contrasts between the witness and members. The second dimension, information, describes the degree to which the lines of questioning present or request facts and evidence (a la Esterling 2007). It contrasts with member statements that merely concern opinions, positions, or preferences. We argue these two qualities are not mutually exclusive. Oversight can be highly informational and highly confrontational simultaneously, but both qualities must be measured to relate patterns of oversight with its more normative purposes.

We describe these qualities of legislative oversight in their fundamental unit: an exchange between legislator and witnesses. We examine oversight exchanges for legislators that take place in the two

oversight committees over the 110th and 111th Congresses. Most studies collect long time-series of countable oversight events and assess patterns. What we trade off in temporal scope, we gain in high-quality measurements based on the judgment of practitioners. Specifically, we recruited current and former congressional staff who organize oversight hearings, then, following Carlson and Montgomery (2017) and Park (2021), we aggregated their opinions using a pairwise comparison framework. There are two main innovations in our approach. First, we analyze oversight in strings of questions that, when presented out of context, might portray entirely different meanings. It is common for litigators, for example, to ask simple questions that set up more difficult and penetrating ones, which means considering individual instances of speech in unweighted isolation is misleading. Second, we leverage the judgment of practitioners with experience in oversight, rather than online workers. To evaluate these experts, we also recruit non-expert raters and show that they offer qualitatively different assessments of the texts.

Our approach leads to several important insights about the nature of legislative oversight. First, we show that far from being mutually exclusive, information and confrontation are distinct concepts and have a small but statistically significant positive correlation. Second, we identify some correlates of informational and confrontational oversight, and find that different factors affect information and confrontation. For example, we use the presidential transition from George W. Bush to Barack Obama to replicate the finding that legislators' oversight becomes less vigorous when the President is a member of their party (Kriner and Schwartz 2008; Kriner and Schickler 2014), but we find that the presidential transition does not appear to have made oversight from either party any more or less informational. We find that more extreme members engage in more informational oversight than their more moderate peers but, perhaps surprisingly, they are no more or less confrontational. Only one factor we test, being a full committee or subcommittee leader, is positively correlated with information and negatively correlated with confrontation. These findings underscore the importance of treating information and confrontation as separable. Finally, we find that hearings with more confrontational exchanges are better attended by members than non-confrontational ones. This suggests confrontation itself may incentivize members to participate in oversight, thereby encouraging them to collect information to avoid embarrassing themselves in the hearings and exposing them to information revealed by other members.

We also reveal important stylized facts about the measuring qualities of legislative text. In companion surveys, we find evidence that the key dimension in question—information—is evaluated quali-

tatively differently by non-experts. Specifically, we find that non-experts rate information and confrontation as strongly, negatively correlated—the precise opposite of the experts. At the same time, we find no evidence that non-experts were simply lazy, or more logically incoherent. Both sets of raters spent similar time on the task and had similar minimum feedback arc sets, one measure of logical transitivity violations. We take these facts as evidence of what expertise buys with this approach—namely, the ability to bring context that aids in judging the quality of information, whereas the confrontational nature or negative effect of an exchange is universally understood. This clarifies the research contexts that “crowd-sourced” measurements of legislative texts may be useful.

Our findings present a qualitatively different understanding of the politics of legislative oversight. In general, the findings suggest that partisan incentives do not defeat oversight’s normative purposes. Put differently, partisan patterns in the frequency of oversight are consistent with the objective of introducing more information held in common by all legislators. Contrary to the conventional notion that performative displays (sometimes called “grandstanding”) damages the more substantive functions of a legislature, our study suggests they are often mutually reinforcing. Politicians who confront witnesses are often quite substantive and informational while doing so. Partisan disagreements may drive the tenor of these exchanges, but they may be no less useful, in terms of their utility for introducing public facts to Congress as a whole.

## **Partisanship and Oversight Quality**

Partisan combat seems to be inseparable from legislative oversight. In the U.S., the idea that legislative oversight is partisan actually predates the invention of political parties. As Kriner and Schickler (2014) note, in 1791, the first congressional inquest into a failed military operation allowed (future) Jeffersonians in the House of Representatives to blame officials appointed by President Washington. Kriner and Schickler go on to summarize the incentives behind cases like these:

While nominally defending the institutional prerogatives of Congress, the president’s partisan opponents can use high-profile investigations in an orchestrated attempt to sour public perception of the president’s party (2014; 26).

Politicians sometimes say as much out loud. Representative Kevin McCarthy (R-CA) said publicly that the House Select Committee on Benghazi was a success because it damaged Hillary Clinton’s

prospects in the 2016 presidential election.<sup>1</sup> Senator Ron Johnson (R-WI), in the course of investigating former Vice President and then-2020 presidential candidate Joe Biden, said “what our investigations are uncovering [...] will reveal that this is not somebody that we should be electing president of the United States.”<sup>2</sup>

These political motives seem at odds with the idea that oversight should be driven by the desire for good government. Levin and Bean (2018), for example, equate the effectiveness of oversight itself with the degree to which it involves both parties, on the grounds that diverse viewpoints improve Congress’ information-gathering. Legal scholars see oversight as a core function of the legislature. According to Weich (2019), for example, it is “not a game. [...] Congress cannot carry out its constitutional duties without the power to investigate whether the laws it enacts are being faithfully executed and whether the money it appropriates is being properly spent.” The key question is whether these normative conceptions about proper constitutional arrangements and the balance of power are compatible with the apparent partisan incentives.

Existing research, by in large, is not designed to answer this question. Instead, it has mostly confirmed empirical patterns in oversight that portend partisan motives. Ogul (1976) does this with a collection of case studies. Aberbach (1990) finds divided government is associated with increased committee oversight from 1961-1977. Kriner and Schwartz (2008) find split-party control increased the number and duration of investigatory hearings in the House and Senate held between 1946-2006, while Lowande and Peck (2017) find the same for the House from 1789-1948. Lee (2013) finds that partisan “team play” has become more prevalent in oversight of the national debt. An exception is McGrath (2013), who argues “ideological conflict may significantly influence oversight above and beyond specifically partisan concerns”(364). Another exception is oversight of foreign relations, which according to Fowler (2015) tends to be bipartisan—even if muted and on the decline. But more recently, others have shown similar partisan patterns beyond hearings, most notably in patterns of speech (Park 2021; Bellodi 2021) and in the presence of categories of witnesses (Ban, Park and You 2021).

Collectively, these findings suggest partisan incentives operate on members’ decisions to conduct oversight. However, on their own, they are not meant to settle questions about the quality of these inquiries or their implications for the separation of powers. Most often, studies speak only to patterns

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<sup>1</sup>Alex Moe and Carrie Dann. “McCarthy Links Benghazi Panel, Clinton’s Sinking Poll Numbers,” NBC News, Sept. 30, 2015.

<sup>2</sup>Craig Gilbert. “A GOP colleague questions Sen. Ron Johnson’s investigation of Joe Biden,” Milwaukee Journal Sentinel, September 17, 2020.

in countable instances of oversight. But oversight itself is heterogeneous, as any cursory examination of legislative hearings confirms. Most obviously, most oversight does not rise to the political salience of famous and often cited investigations, such as Harry S. Truman's investigations into defense appropriations during World War II. Relatedly, most do not uncover scandals or controversy that warrants consistent media coverage.

But more importantly, there are obvious behavioral differences in how members conduct themselves in the course of their oversight duties. Some members pitch "soft ball" questions to witnesses, feeding them queries easily answered, apparently designed for the purpose of portraying the witness in a positive light. Other members are more combative, designing their questioning for precisely the opposite. This variation, in and of itself, suggests increased oversight might occasionally be a *positive* sign of partisan team play. MacDonald and McGrath (2016), for example, argue these competing motivations lead to divergent patterns in the frequency of oversight hearings depending upon the life-cycle of a presidential administration. These aggregate patterns in committee behavior provide suggestive evidence. But ultimately, the motivations of individual members should be most apparent in their own behavior (Lowande 2018).

What this implies, in our view, is that some means of characterizing these differences in the behavior of individual legislators is needed. It cannot be limited to appearances, presence, or the volume of oversight, because oversight itself is neither uniformly negative or positive in valence. In other words, we must describe how members' behavior differs to better understand whether partisanship is incentive-compatible with quality oversight.

## **Dimensions of Oversight**

We argue that legislative oversight varies on two key dimensions that are separable but jointly relevant: information and confrontation. Though applied in this instance to legislative oversight, we think these index foundational concepts in the study of Congress and of American politics in general.

We define the first dimension, information, as the degree to which questions and comments directed at the witnesses either present or request facts, rather than opinions, positions, or preferences. This follows most closely with the work of Esterling (2007), who used falsifiability as a yardstick for whether congressional questions were "analytical." For example, a committee chair might engage in a factual exchanges with a witnesses by asking "between today and the end of this administration does

CMS plan to propose regulations that would cut Federal Medicaid payments to States for targeted case management services?” Alternatively, they may make a statement that contains a fact: “You recently announced that 100 new carriers would be brought on board in Chicago.” In these cases, the question is directed at the witness and asks for factual information. The statement is a statement of fact, which the witness then responds to and corrects. This differs from questions like “how important is it for the Congress to appropriate the necessary funds in 2008—in the fiscal year 2008 for the 2010 census?” or statements like “The difference between directing where our science goes and what we search and free speech is not a simple thing and is subject to direction by policy.” In both instances, both are mostly legislators using witness time to express their own opinions.

In the context of an oversight hearing, we argue that informational content is akin to what is often called a “valence” dimension of policy. That is, we see the release of information onto the public record—in this case, a hearing—as a resource equally valuable to legislators. An analogous dimension is modeled frequently in theories of policy selection, such as Hitt, Volden and Wiseman (2017) who examine selection in legislatures, or Ting (2011) who does the same for executive branch agents. We also see this dimension as the principal feature of normative arguments in favor of legislative oversight. It produces information valuable for legislating, and it reduces the information asymmetry between legislators and executives.

Consequently, our conception of information includes both questions that extract information from the witnesses and statements that offer information for the record, because both provide the floor with a firmer informational foundation for policymaking. One legislator may prefer to extract information through questions at a hearing while another prefers to query the executive branch, stakeholders, and experts in private settings and then use a hearing to publicly convey their findings, and we see no reason to privilege the former over the latter. Both satisfy the same legislative function.

Confrontation is something else. We define this dimension as oversight intended to make the witness embarrassed, angry, flustered, or uncomfortable. This kind of orientation toward witnesses is immediately apparent from many exchanges. Take one example:

**Mr. Lynch:** ... I am hearing hedging, I am hearing some defenses about information not being available. This kid was 19 years old, 19 years old. He gets a \$300 million contract, taxpayers’ money from the United States of America. That is a disgrace. I don’t hear that from the panelists. I am hearing defense of different individuals. Has anybody been fired for this? Can I ask the panel, anybody get their walking papers for what has happened here? Has anybody been fired?

**Mr. Parsons:** No, sir. No one has been for instance fired.

**Mr. Lynch:** I am sorry?

**Mr. Parsons:** No one has been fired.

**Mr. Lynch:** Well, that is a shame.

This kind of dialogue differs from neutral or even comforting exchanges found elsewhere. Mr. Lynch is upset and would like the audience to know it. He confronts the witnesses for their previous responses. He makes them repeat a particularly damaging fact for effect. His behavior attempts to draw contrasts between himself and the witness. He is good, they are bad, and it is an outrage. This kind of exchange is common, and seems designed for purposes that differ entirely from the fact-based, informational content. It can benefit the questioner by producing favorable media coverage—either traditional news coverage, or by going viral on social media. It can also become an informal means of punishing the witness. As many practitioners point out, most failures and errors in the executive branch are not criminal—or even grounds for firing. That means a congressional hearing, with public airings of failures, is the only form of accountability available to legislators and constituents.

Each of these potential benefits points to a dimension of behavior with different conceptual character. Theoretically, we see confrontation as a dimension of oversight which—in contrast to the release of information—is zero-sum. By confronting (or not confronting) a witness, the member is taking a position on their relationship with that witness. They are communicating a preference or their level of agreement with the person in the chair across from them. Some members attack the witness, some are neutral, and others line up in defense. Most obviously, this is dimension of spatial disagreement common to virtually every theory of policymaking.

Most importantly, these dimensions are distinct and not mutually exclusive. In the Lynch-Parsons exchange, for example, the questioner does ask for information. There are counter-factual scenarios with the same level of confrontation, but more or less information is requested. Similarly, Lynch could have posed the same question, with the same informational content, in ways that did not highlight a fact possibly unfavorable to the witness. In summary, we think these dimensions are distinct, and expect oversight exchanges that take on all combinations of values for each. How frequently exchanges are, for example, high on both information and confrontation, is an empirical question.

These dimensions clarify the conditions under which partisan patterns in oversight are damaging to its more neutral goals. More specifically, these dimensions offer a clearly defined set of interpretations for existing evidence on oversight. We highlight one before going on to describe our measure-



ment approach and data. The first possibility is that information and confrontation are, on balance, substitutes, and that confrontational content is responsive to the same patterns present in oversight frequency. In other words, confrontational exchanges produce inherently fewer facts for public display, and because confrontation is incentivized by differences of opinion, it should be more prevalent among the party that does not control the target—in this case, the executive branch. This is the “worst case” scenario, from the perspective of observers, as it implies that the enhanced oversight does not produce the common benefits extolled in judicial proceedings and op-ed columns. Alternatively, information and confrontation might be complementary or unrelated. Each of these possibilities presents somewhat rosier scenarios for oversight. It might be that confrontation is still tied to partisan incentives, but that this has little effect on information. Again, these are empirical questions, which may be recast in interpretations of existing research on congressional oversight.

## Measuring Qualities of Oversight

To study these qualities of oversight, we examine 5-minute question and answer sessions allocated to committee members, which we call *partitions*. Though hearings often start with opening statements from the chair and ranking member, in general, each member of the committee gets five minutes to question the witnesses. Members have broad discretion in how to use their time. They might spend most of their time allowing witnesses to answer their questions, they might spend their whole time on a monologue and not ask any questions at all, or they might alternate between making their own remarks and asking questions of the witnesses.

We contend that these partitions are the natural unit of analysis for studying legislators’ behavior in oversight hearing, because they give a complete picture of how the member uses their time. Some previous work has used utterances—that is, each uninterrupted chain of speech from a legislator. These have the advantage of being shorter and easier to identify in hearing transcripts. But they have several disadvantages. First, utterances can omit crucial context for evaluating a legislator’s speech. For example, “I’ll look forward to your written responses to the questions I asked earlier,” could be friendly or confrontational, depending on how adversarial the underlying questions were. Second, utterances vary in length. Some members may make only a single utterance, either because they give a speech or because they ask a question and listen silently to the answers. Others may make utterances, either because they repeatedly interrupt the witnesses, the witnesses or other members repeatedly interrupt

them, or because they engage in a back-and-forth dialogue with the witnesses. Comparisons between an utterance that absorbs all of one member's time to one of several utterances a member makes during their five minutes could be misleading.

Most importantly, examining utterances in isolation ignores the conventional structure of witness questioning by members. Many members are lawyers, and many questions are prepared by legal counsel. It is common for members to set up particularly damaging or important questions with minor or seemingly unimportant ones. Treating each utterance as independent ignores this structure and assumes that all utterances are equally important within a string of questions.

Coding each entire five minute period (partition) as a unit avoids these issues. These partitions contain all of the context necessary to evaluate the member's speech and each member is entitled to the same five minutes. If one member's speech is coded as more informational than another, we can be confident that this difference is attributable to substantive differences in the member's behavior and not stylistic differences in how the member divides their time into utterances.

**Pairwise comparisons.** Focusing on two latent features of each text—how informational and how confrontational the partition is—presents a major challenge. There is no existing, commonly held scale. As Carlson and Montgomery (2017) argue, it is difficult to extract reliable cardinal measures of latent features like information and confrontation by asking about them directly. If we simply asked survey respondents to rate each partition on a scale from 0 to 100, respondents might have consequentially different understandings of what constitutes a 73.

Accordingly, we follow Carlson and Montgomery (2017) and Park (2021) in adopted a comparison-based framework. We ask survey respondents to compare two partitions and rate which of the two is more informational and which of the two is more confrontational. These choices are distinct; a survey respondent is free to select one of the partitions as both more informational and more confrontational. Although a coder compares only two partitions at a time, aggregating incremental comparisons creates a continuous scale. This comparison-based framework relies on the much weaker assumption that different respondents will generally agree on which of the two partitions is more confrontational and which of the two is more informational. Ideally, the most accurate placement of a partition's amount of confrontation can be found by comparing it to every single line of questioning in the time frame and committees of interest.

To ensure that our coders worked within the same definition, we provided them detailed instruc-

tions with examples (see Appendix A). Instructions to our coders state that a partition is informational insofar as the legislator presents or requests facts and evidence. A partition is confrontational insofar as the legislator attempts to make witnesses embarrassed, angry, flustered, or uncomfortable. For each coder, we also scheduled their coding and provided real-time clarification over the phone.

**Expert panel.** Our second key innovation is the group of raters we call upon to code our texts. We fielded a survey to former staffers of the oversight committees, who we call “experts” as a shorthand. These experts’ experiences make them extraordinarily qualified to code our two main variables. They understand the committee’s role in the legislative process and the strategies legislators use to uncover that information and convey it to the wider legislature, so they are particularly attuned to the degree to which texts present or request facts and evidence. They can accurately assess whether a members’ behavior in a partition is intended to make a witness feel embarrassed, angry, flustered, or uncomfortable because they have themselves written questions designed to make witnesses feel embarrassed, angry, flustered, or uncomfortable.

We were able to recruit 10 experts to make 1,565 comparisons. The details for precisely how the comparisons were generated are available in the appendix. Recruiting expert coders proved to exceptionally difficult. We first obtained a list of 41 Democrat and Republican contacts with experience in the Senate and House of Representatives. Each of these was obtained by referral. We sent an initial invitation to each one with a \$150 consultation honorarium and followed up with those who showed interest. Only 10 agreed to code; two volunteered without honorarium. This process took several months, from November 2021-February 2022. The final sample is a mix of Democrats and Republicans from both chambers, however, there are more individuals who worked for Democrats in the Senate.

Another notable feature of this approach is that it allows us to investigate whether there are any advantages associated with experts. We also fielded a survey to two other populations of coders: 5 research assistants and 69 students in an undergraduate course on the American legislative process. The research assistants coded 2,773 comparisons. The students coded 1,133 comparisons. Like the experts, the research assistants and students did not get any context about the project or its goals besides the survey instructions.

**Scaling and Bridges.** It would be prohibitively expensive to compare each text to every other text. Scaling 183 partitions in this way (the number we ultimately scaled) would require 16,653 compar-

isons - more than ten times as many as we were able to collect. Accordingly, most applications of Montgomery and Nyhan (2017) compare each text to a small sample of other texts.

However, this poses its own problem: the researcher might end up with distinct clusters of texts with no way of comparing across clusters. Even if we know Partition A is more informational than Partition B and that Partition C is more informational than Partition D, we cannot say anything about whether Partition A is more or less informational than Partitions C and D. Perhaps Partition A is more informational than both, perhaps it is less informational than either, or perhaps it is more informational than D but less informational than C. It's not just that we cannot precisely rank A, B, C, and D. We have no information whatsoever about how A and B compare to C and D. To say something about how they compare, we would need some link between the two pairs, such as a comparison between Partitions A and D. But if the number of comparisons is very small relative to the number of possible comparisons, there is a good chance the researcher will end up with disconnected islands of texts and with no information about how texts on different islands compare to one another.

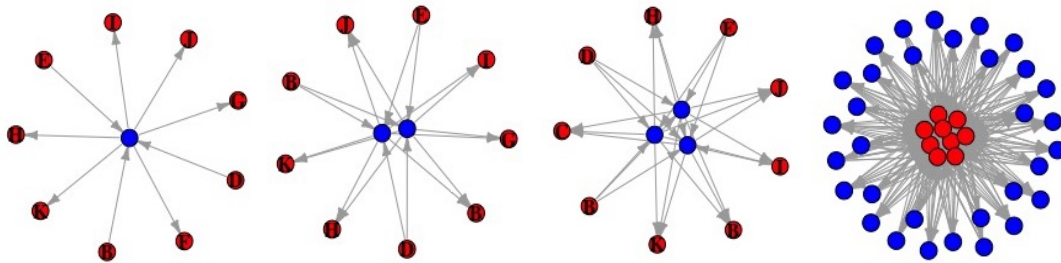
Previous researchers have addressed this problem by only gathering comparisons for a pre-defined subset of the texts. For example, Park (2021) takes a sample of 3,000 texts and compares each of those texts to 20 other texts within the sample. Since the number of comparisons is not too small compared to the number of texts in the sample.

However, this solution requires the researcher to know in advance how many texts their coders will be able to compare. We could not know *ex ante* how many recruiters we would be able to recruit, or how many partitions they would be willing to code. If we were optimistic and made our sample too large, we would end up with disconnected islands of texts.

Instead, we adopted a new approach that would ensure all texts could be placed on a common scale, even though we did not know in advance how many texts our coders would be able to compare. In our setup, coders compared each new text to the same set of nine bridging texts. These bridging texts place all new texts on a common scale. If we imagine (for the sake of simplicity) that the nine bridging texts are ordered from least informational to more informational, we might find that Text A is more informational than the first four bridging texts while Text B is more informational than the first eight bridging texts, which would allow us to conclude that Text B is more informational than Text A. Even if we found that Texts A and B were both more informational than the first four bridging texts but less informational than the other five, we would at least be able to characterize roughly how informational they are, even though we wouldn't be in a position to offer a comparison between A

and B. What's more, this method does not require the analyst to know how many texts will be coded in advance. Once the bridging texts are chosen, the coders can integrate as many new texts into the sample as they can. This procedure has the added benefit of making coders more productive. Once they have become familiar with the bridging texts, they can rapidly code new texts, because they do not need to re-read the bridging texts each time.

Figure 1 represents the procedure graphically. Each text is represented by a node in a graph, and each edge between nodes indicates a comparison. The edge points from the less informational text to the more informational text. The red nodes are the bridging texts. First, the coder takes a new text (the blue node) and compares it to each bridging text. Then they repeat the process with a new text, over and over. None of the blue nodes have edges to one another because they are never directly compared, but the graph still conveys a great deal about how informational the blue nodes are relative to one another because they are all indirectly connected through the bridging texts.. In the language of graph theory, this procedure creates a bipartite graph in which every non-bridging text is compared to every bridging text.



**Figure 1** – One coder's comparisons are shown above. The leftmost diagram shows the coder's initial comparison of Text A, indicated in blue, to the nine red nodes representing the bridging texts. An arrow points from the less informational text to the more informational text. To the left is the diagram of the coder's second comparison denoted by another blue node. The rightmost diagram shows every text A that the coder compared to the red bridging set.

It is important to choose the bridging texts wisely. If all of the bridging texts have similar levels of confrontation, the coders' comparisons will sort the texts into those that are more confrontational to the bridging texts and those that are less confrontational, but they will not allow the analysis to make fine-grained comparisons. Accordingly, we read a sample of texts and identified nine that represented many different levels of information and confrontation. We then iteratively updated a handful of the bridging texts throughout the course of the experiment to obtain better coverage over the full range of information and confrontation.

**Hearings data.** To answer our main research questions, we require repeated observations of the same legislators in different contexts. That, together with the difficulty and expense of recruiting experts, necessitates some tradeoffs in the scope of our data. We draw our data from the hearings held in the House Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Government Affairs (along with their subcommittees) in the 110th and 111th Congresses (2007-2010). Although many congressional committees occasionally conduct oversight hearings, these two hold primary responsibility for investigation and oversight within their respective chambers, and most of their hearings are focused on oversight and investigation.

In total, during this period, these committees held 673 oversight hearings. We subsetting these hearings to the 492 that included at least one government witness. Some oversight hearings draw in testimony from outside experts, which we expect to follow a distinct strategic process that differs from the partisan combat found when there is at least one representative of the executive branch present. After selecting the partitions that would serve as bridges, we randomly sampled from these hearings for our coding exercise. Ultimately, we were able to measure information and confrontation in 183 partitions coded by experts, 303 coded by research assistants, and 168 coded by students in an undergraduate course.

**Estimation.** Once we obtain the comparisons from our coders, we must assign a numeric score for how informational and confrontational each text is. We adopt the Bayesian approach of Carlson and Montgomery (2017). Let  $i$  and  $j$  index the partitions and  $k$  index the comparison. If the  $k$ th comparison is between  $i$  and  $j$ , let  $y_k^{\text{info}} = i$  if the coder rates Partition  $i$  as more informational than Partition  $j$  and  $y_k^{\text{info}} = j$  if the coder rates  $j$  as more informational than  $i$ . We suppose  $Pr(y_k^{\text{info}} = i) = \frac{\exp(\alpha_i^{\text{info}} - \alpha_j^{\text{info}})}{1 + \exp(\alpha_i^{\text{info}} - \alpha_j^{\text{info}})}$ .<sup>3</sup> That is,  $\alpha_i^{\text{info}}$  and  $\alpha_j^{\text{info}}$  are latent parameters that reflect how informational Partitions  $i$  and  $j$  are, respectively. The more informational Partition  $i$  is, the higher  $\alpha_i^{\text{info}}$  and the more likely it is to be chosen over other partitions. We define  $\alpha_i^{\text{conf}}$  analogously for confrontation.

We fit this Bayesian model on the comparisons generated by our coders, with prior  $\alpha_i^{\text{info}} \sim N(0, 1)$  and  $\alpha_i^{\text{conf}} \sim N(0, 1)$ . We run four chains with a 5000 iteration burn-in and then sample 5000 draws from

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<sup>3</sup>Montgomery and Carlson have an additional parameter for how discerning each coder is, but because we have so few coders and so few comparisons in our application, we suppress this parameter and assume all experts are equally discriminating.

each chain, for a total of 20000 draws from the posterior distribution of the  $\alpha$ 's. The  $\alpha$ 's (how informational and confrontational each partition is) are not known with certainty; we can merely sample from their posterior distributions. If we simply plugged the posterior mean of each  $\alpha$  into a standard linear regression, our standard errors might be too small, because they would not account for the fact that we don't know the  $\alpha$ 's for sure and that our estimates of  $\alpha$  might change if we coded more data. We propagate this uncertainty into all of our regressions by running the regression for each draw from the posterior distribution. The coefficients we report are the means of these draws, and the 95% confidence intervals we report are the posterior credible intervals.

## Information and Confrontation in Oversight Hearings

We first verify that information and confrontation are in fact separate dimensions, rather than two poles of a single dimension. If information and confrontation are two poles of a single dimension, then a confrontation and information should be negatively correlated. That is not what we find. To the contrary, Table 1 shows that experts reported that partitions that are more confrontational also tend to be more informational. Although the coefficient is positive, it is not so large to suggest that information and confrontation are synonymous, so the two appear to be separate dimensions.

Notably, this pattern only emerges from expert coders. Table 1 shows that if we perform the exact same exercise with research assistants or undergraduate students, the coefficient is negative and statistically significant. The coefficient for the research assistants is not too large, so the research assistants agree with the experts that information and confrontation are separate dimensions; they just disagree with whether they are positively or negatively correlated. The undergraduate students, however, reported a large and negative correlation, which suggests that they uniquely believe information and confrontation are opposite poles of a single dimension.

This raises an important point on measurement. For reasons we have already discussed, we believe that the expertise of congressional staffers is important for our enterprise. They possess specialized knowledge that helps them assess the texts in the same way that the relevant political actors would. We wouldn't have uncovered this positive relationship between information and confrontation without their assistance. The difference in codings between experts and non-experts does shed light on why members typically display confrontational behavior rather than informational when seeking public attention. If a committee member wants to persuade public opinion or grab media attention, they

**Table 1** – Relationship Between Information and Confrontation

	Experts	Research Assistants	Students
Coefficient of Informational on Confrontational	0.089* (-0.004, 0.181)	-0.059* (-0.132, 0.013)	-0.468*** (-0.581, -0.356)
Observations	183	303	168
<i>Note:</i>		*p<0.1; **p<0.05; ***p<0.01	

According to experts, partitions that tend to be more informational also tend to be more confrontational. The point estimates are the posterior means for the coefficients and the 95% credible intervals are reported in parentheses below the point estimates. The  $p$ -values are the posterior probability the coefficient's sign is the same as the point estimate's.

vary the confrontation dimension to appeal to a non-expert audience. This fits our observation that non-experts were less accurate in grasping informational than confrontational behavior.

However, it is difficult to recruit experts to the survey, so they limit the sample size. This raises a bias-variance tradeoff. Our study should be understood as an exercise in what would happen if we minimized bias; we recognize, however, that for other questions and research designs, the variance reduction associated with using research assistants or crowdsourcing could outweigh the bias they introduce.

Does the expert's belief make sense confrontation and information are separable - even positively correlated - makes sense? To assess face validity, we describe examples that are high and low on each dimension. A notable example of a high information and high confrontation exchange occurs between Henry Waxman and Alan Greenspan in the wake of the 2007 financial crisis (witness lines have been shortened):

**Chairman Waxman:** Dr. Greenspan, Paul Krugman, the Princeton Professor of Economics who just won a Nobel Prize, wrote a column in 2006 as the subprime mortgage crisis started to emerge. He said, "If anyone is to blame for the current situation, it's Mr. Greenspan, who pooh-poohed warnings about an emerging bubble and did nothing to crack down on irresponsible lending." He obviously believes you deserve some of the blame for our current conditions. I would like your perspective. Do you have any personal responsibility for the financial crisis?

**Mr. Greenspan:** Well, let me give you a little hist [...] to be fairly major problems in predatory lending.

**Chairman Waxman:** Well, he urged you to move with the power that you as chairman of the Fed, as both Treasury Department and HUD suggested, that you put in place regula-



tions that would have curbed these emerging abuses in subprime lending. But you didn't listen to the Treasury Department or to Mr. Gramlich. Do you think that was a mistake on your part?

**Mr. Greenspan:** Well, I questioned the facts of the [...] of a subcommittee of the Federal Reserve board—

**Chairman Waxman:** Dr. Greenspan, I am going to interrupt you. The question I had for you is you had an ideology. You had a belief that free, competitive—and this is shown—your statement, “I do have an ideology. My judgment is that free, competitive markets are by far the unrivaled way to organize economies. We have tried regulation, none meaningfully worked.” That was your quote. You have the authority to prevent irresponsible lending practices that led to the subprime mortgage crisis. You were advised to do so by many others. Now, our whole economy is paying its price. You feel that your ideology pushed you to make decisions that you wish you had not made?

Waxman quotes a leading economist's explanation behind the crisis and puts the witness in an uncomfortable situation by asking him to respond. He also quotes Greenspan's statements from hearings in 1994, 1997, and 2002. Additionally, he references the Treasury and HUD's advice to Greenspan on preventing subprime lending. Waxman's questions follow well-researched statements and ask Greenspan to defend himself against causing an economic crisis that affected millions. Experts gave this exchange an average of 0.08 on information and 3.57 on confrontation, whereas research assistants gave it -1.41 on information and 3.34 on confrontation. The two groups have similar confrontation scores, but research assistant said the exchange was much less informational than experts. Greenspan does ask question that solicit opinion rather than information. For example, “Do you think that was a mistake on your part?” seeks Greenspan's opinion on his accountability. However, Waxman asks opinion questions after long recitations of falsifiable facts. These questions do not detract from how informational the exchange is. Highly informational exchanges can also contain opinion.

By contrast to Waxman's researched statements, low informational lines of questioning sometimes offer little substantive gain of facts. The following example is part of an exchange between Darrell Issa, Admiral Thad Allen, and Elaine Duke. Issa asks for their opinion on the potential for interagency collaboration and effectiveness of equipment.

**Mr. Issa:** Well, following up on the sea fighter, you know, it was commissioned I guess now it is going on 2 years ago. It spent a lot of time dockside. How much more do you have to go through to find out what the advantages of this high-speed ferry, its air landing capability, fueling, etc., how much more is there before you know whether to build unit two?

**Admiral Allen:** Well, if I could, I would like to get [...] to be current. But happy to answer for the record.

**Mr. Issa:** OK, I will put you on the spot where I can, though. How do you like it as a ship? How do you like it as a new category?

**Admiral Allen:** I think it has some intriguing pote [...] at. But those are the things we might talk about.

**Mr. Issa:** I appreciate that. I certainly recognize that the air conditioned down below capability is very good. Switching to Ms. Duke, now, you work for the Secretary of Homeland Security, is that right?

**Ms. Duke:** Yes.

**Mr. Issa:** How do you interface—the Commandant made it clear that he feels he has the authority to have these liaisons and joint operations, but you work for a single cabinet officer who has a budget. What is it that you can do in your daily life, or can't do, that allows you to leverage other hundreds of contracts and contractors in the rest of the Federal system?

**Ms. Duke:** Well, as the senior contracting person f [...] s chaired by the OFPP Administrator, Paul Denett.

**Mr. Issa:** OK. But does it have shortcomings? You know, today we are talking about whether or not there should have been a better integration of fleet Navy assets in this acquisition. Your organization was certainly part of the process of looking at your brethren in other procurements and saying, you know what, they have some expertise we should bring in to reduce the chances of exactly what has happened here happening. So what went wrong?

**Ms. Duke:** Well, our focus from the contracting per [...] ing able to bring the business deals to fruition.

Experts and research assistants scored this partition, on average, near zero on the confrontation scale. Although Issa isn't making the witnesses uncomfortable or embarrassed, he also isn't praising them or agreeing with their opinions. The groups of coders differ in their perception of information, though. Experts gave an average informational score of -1.28 while research assistants gave an average score of 0.66 to this partition. The non-experts may be distracted by jargon or the specificity in the opinion questions, causing them to rate this text as more informational than experts. However, this does not change that Issa is asking them to evaluate equipment, capabilities, and accountability. He does not seek responses that are falsifiable.

Complete examples of varying levels of informational and confrontational partitions can be found in the Appendix.

**Why did the experts code differently from non-experts?** Non-expert coders identified a qualitatively different relationship between information and confrontation than the experts did. One possibility is that the experts simply coded more carefully than the non-experts did. They might have been more interested in the texts, and spent longer carefully assessing how informational and confrontational

each partition was. The non-experts, bored by the texts, may have collapsed information and confrontation to make an unpleasant task easier. Alternatively, the non-experts might have coded less carefully because there were more demands on their time or because they are overconfident in their initial reactions.

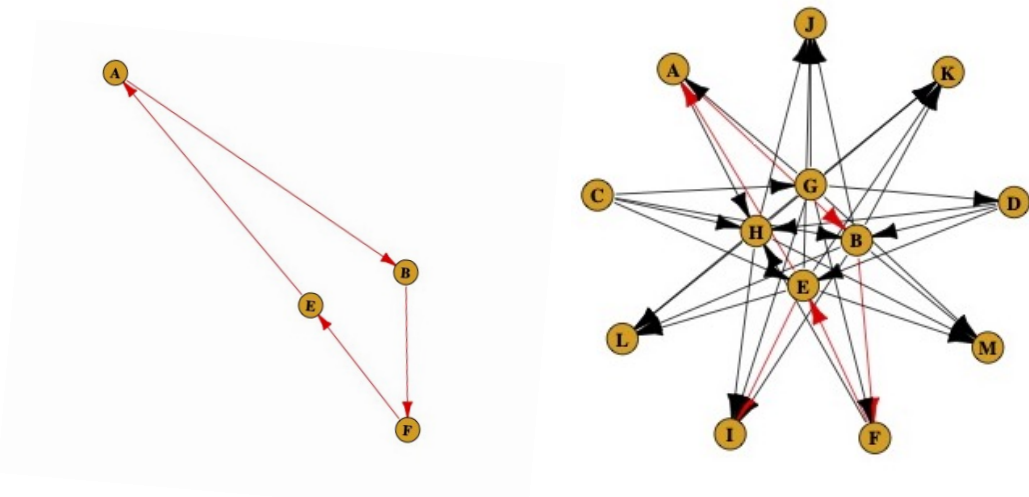
If the differences between the groups of coders stem from different levels of care in coding the texts, then we also ought to observe one group offering more logically consistent comparisons than the other. In particular, if one group was much more careful, then its comparisons should exhibit fewer transitivity violations. If a coder chose Partition B as more informational (or confrontational) than Partition A and chose Partition C as more informational than Partition B, we expect them to choose Partition C as more informational than Partition A. If a coder chooses otherwise, there exists a transitivity violation in their comparisons.

To count the frequency of these transitivity violations, it is helpful to represent each coder's comparisons with a graph. Again, each text is represented by a node, and each directed edge represents a comparison. The edge points from the less informational (or, depending on the graph, confrontational) text to the more informational text.

If there is a transitivity violation in the coder's choices, then there will be a cycle in the graph. Returning to the previous example, if Partition C was chosen over Partition B, Partition B was chosen over Partition A, and Partition A was chosen over Partition C, then there is an arrow that points from C to B, then another arrow that points from B to A, then a third arrow from A to C. We can trace a path that follows the directions of the arrow C to B to A and then back to C - a cycle.

There may be many such cycles in a given coder's graph, so to measure the transitivity violations of each graph in Figure 2, we calculated the length of its minimum feedback arc set. The minimum feedback arc set is the number of edges in the graph that must be removed so that the graph has no cycles. Greater lengths indicate more cycles in the original directed graph, which means the coder made more transitivity violations. If a graph's minimum feedback arc set length is 0, this means the graph is acyclic; the coder did not make logical mistakes in comparing the texts. If a graph's minimum feedback arc length was two, we would need to throw out two of that coder's comparisons to rationalize that coder's choices.

We found no significant difference in lengths of minimum feedback arc sets between experts and non-experts. Therefore, the differences in coding outcomes between the two groups do not appear to follow from one group thinking about their comparisons more carefully, and the experts are not more



**Figure 2** – On the left is a directed cycle graph. As indicated by the arrows, A is less confrontational than B, B is less confrontational than F, and F is less confrontational than E. Because an arrow points from E to A, A is both more and less confrontational than B. The logical error is a transitivity violation. On the right, this cycle is shown with red arrows among an expert’s total comparisons. Without this violation, Text I would be more confrontational than A because it is more confrontational than E. Due to the cycle, Text I’s relationship with A is unclear.

logically consistent than the research assistants or the students. Rather, experts appear to be looking for something qualitatively different when they assess how informational a line of questioning is. We have good reason to defer to these assessments of these experts, who have actually participated in the process, as to what counts as informational oversight.

**Partisan Teams, Information, and Confrontation.** Oversight is best characterized by the fact that it involves some *target*, often within the executive branch. Conventional understandings of oversight imply that confrontation tends to increase when the president is a member of the out-party and that political teamsmanship crowds out information-oriented activities. Table 1 shows that this is not the case. Our data includes a presidential transition from the Republican George W. Bush in the 110th Congress to the Democrat Barack Obama in the 111th Congress. This analysis regresses information and confrontation on whether the legislator associated with the partition is a member of the president’s party. The specification includes legislator-level fixed effects, so this draws on within-legislator variation over the presidential transition. Confrontation decreases when the legislator’s party controls of the White House. However, co-partisanship with the president does not have a statistically significant effect on information. Legislators seek and reveal information at the same rate regardless of whether

**Table 2** – Relationship Between Information and Confrontation

	Informational	Confrontational
Member of President's Party	0.077 (-0.168, 0.320)	-0.660*** (-0.933, -0.389)
Legislator FE	✓	✓
Observations	183	183
<i>Note:</i>	*p<0.1; **p<0.05; ***p<0.01	

Members' partitions are less confrontational when the president is a member of their party. The point estimates are the posterior means for the coefficients and the 95% credible intervals are reported in parentheses below the point estimates. The  $p$ -values are the posterior probability the coefficient's sign is the same as the point estimate's.

their party holds the presidency.

Although the presidential transition allows us to credibly estimate the effect of copartisanship with the president with legislator fixed-effects, the limited temporal scope of our data (2007-2010) prevents us from applying this strategy to study a broader set of factors. Table 3 therefore presents the results of a statement-level regression of confrontation and information on the legislator's characteristics. Several broad themes emerge.

First, just like in the previous analysis, members of the president's party engage in less confrontational oversight, but they are no more or less informational. In short, this finding is strong enough to be robust to two different research designs - one with legislator fixed effects and another with explicit control variables.

Second, there is only one variable with statistically significant and opposite signed effects on information and confrontation: being a committee or subcommittee leader. This includes the chairs and ranking members of both committees and their respective subcommittees. These members conduct more informational oversight and less confrontational oversight, which is consistent with the finding in Park (2021) that such members are less likely to grandstand. All of the other variables have coefficients with the same sign or one coefficient that is statistically significant and one that is not. This underscores the importance of treating confrontation and information as two separate dimensions.

Third, legislators with larger stakes in the legislative process engage in more informational oversight. Committee leaders, more senior legislators, and members of the majority party are more likely to

**Table 3** – Predictors of Information and Confrontation

	Confrontational	Informational
Committee or Subcommittee	−0.318***	0.235**
Leader	(−0.581, −0.058)	(0.004, 0.467)
Seniority	0.057***	0.042***
	(0.027, 0.087)	(0.015, 0.069)
Safe District	−0.123	−0.787***
	(−0.486, 0.236)	(−1.129, −0.446)
Nominate Score	0.215	1.839***
	(−0.861, 1.291)	(0.838, 2.831)
President's Party	−0.564***	0.037
	(−0.781, −0.345)	(−0.159, 0.232)
Minority (Republican)	−0.063	−0.669***
	(−0.326, 0.198)	(−0.911, −0.433)
Male	−0.142	−0.020
	(−0.484, 0.199)	(−0.325, 0.287)
Lawyer	0.321***	0.230**
	(0.051, 0.590)	(−0.018, 0.478)
Business Owner	0.467**	0.790***
	(0.004, 0.929)	(0.384, 1.198)
Career Politician	0.179	0.467***
	(−0.131, 0.486)	(0.203, 0.735)
Intercept	0.056	−0.608***
	(−0.425, 0.538)	(−1.049, −0.174)
Observations	177	177

*Note:*\* $p < 0.1$ ; \*\* $p < 0.05$ ; \*\*\* $p < 0.01$ 

The point estimates are the posterior means for the coefficients and the 95% credible intervals are reported in parentheses below the point estimates. The  $p$ -values are the posterior probability the coefficient's sign is the same as the point estimate's.

get their legislation considered on the floor. Insofar as providing more information helps them write better proposals that are more likely to pass and providing information to the floor makes it more inclined to pass legislation that they have already written, they have stronger incentives to collect and convey that information. Committee leaders, because they have extra staff resources, and senior party members, because they have more experience in the oversight process, may also have a greater capacity to collect information. More extreme legislators may not be more likely to get their legislation considered on the floor, but they generally get larger payoffs for moving policy in their preferred direction. Consequently, if they can move policy towards themselves by collecting or revealing information, they are more inclined to incur costs to do so. However, these extreme legislators are no more confrontational than their more moderate peers. This result unpacks an interesting finding from Park (2021) that extreme legislators are *less* likely to grandstand than their moderate peers. Extreme legislators are not less confrontational, which would be very surprising. They are just as confrontational as their moderate peers, but they are significantly more informational.<sup>4</sup>

It is important to remember that these results are based on a small sample, which includes little over-time variation. It is only possible to detect the strongest associations, and, for the simple regression design, it is difficult to rule out selection bias (perhaps legislators who conduct more informational oversight in the first place are more likely to become committee leaders), reverse causality (perhaps investing heavily in informational oversight makes the district less safe), and aliasing (perhaps Republicans are always less informational). The results should therefore not be taken as definitive statements about the determinants of informational and confrontational oversight. Rather, they are intriguing suggestions that illustrate how it can be useful to distinguish between information and confrontation as separate dimensions rather than opposite ends of a single pole.

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<sup>4</sup>A few other patterns are worth noting. Legislators from safe seats are less informational but are no more confrontational, which is surprising. It would make sense if legislators from safe districts did not need to spend as much time on campaigning, fundraising, and constituency service, leaving them with more time to try to influence public policy. And it would also make sense if electorally vulnerable legislators were more confrontational, so that they could attract media attention and make a favorable impression on their constituents. In addition, prior career experiences explain considerable variance. Business owners are both more confrontational and more informational than many of their peers. Lawyers are also more confrontational and more informational than their peers, but not to the same degree as business owners. Career politicians, on the other hand, are more informational than the excluded occupations (such as teachers and workers), but are not any more confrontational. These results bolster an already substantial literature that shows the importance of personal experiences on legislative action (Burden 2007; Washington 2008).

**Does confrontation harm oversight?** Finally, we consider the implications of this insight that information and confrontation are not mutually exclusive and may actually be positively correlated. This changes the normative status of confrontation in oversight. Far from crowding out information-oriented behavior, it may actually subsidize it. One possible mechanism is by drawing more legislators to hearings.

Legislators are generally free to skip hearings whenever they please. Preparing for a hearing is time-consuming, so legislators will not attend unless they will be rewarded for doing so. Some legislators might be drawn to attend for informational reasons—either to present or reveal information that could inform policymaking on the floor or to gather information that might be useful for crafting their own policy proposals. However, these sorts of rewards require some leverage over policy or some base of expertise. They are probably less compelling for less-experienced, lower-capacity junior legislators.

However, the opportunity to attract media attention and take popular positions by excoriating unpopular witnesses may draw these otherwise uninterested legislators to attend. Getting them to attend could have two informational benefits. First, in preparing to participate in the hearing, they may acquire some information about the relevant policy area, even if their main goal is to confront the witnesses. Second, if they at all listen during the hearing, they might be exposed to the information being presented or extracted by the other hearing participants.

Table 4 shows that legislators are indeed less likely to attend hearings that end up featuring highly informational partitions and are more likely to attend hearings that end up featuring many informational partitions. One explanation is that participation in hearings requires costly preparation, and confrontational hearings require less preparation for a greater political reward. Even in a confrontation-oriented hearing, the member needs some baseline level of knowledge to ensure they do not humiliate themselves with their statements and questions, but if they are willing to pay that cost, they can score political points and attract favorable media attention. The baseline level of knowledge required to request and present information at an information-oriented hearing is much higher, and while participating might give them an opportunity to influence public policy, they might be tempted to free-ride off of the efforts of other committee members. This suggests that confrontation may in fact subsidize information by getting members to participate who otherwise would not. Members come to confront the witnesses, but they acquire some information to do so, and they are also exposed to even more if some of their peers conduct informational oversight.



**Table 4** – Information, Confrontation, and Attendance

	Number of Legislators Speaking at Hearing
<b>Informational</b>	<b>-0.432<sup>***</sup></b> <b>(-0.738, -0.132)</b>
<b>Confrontational</b>	<b>0.728<sup>***</sup></b> <b>(0.416, 1.046)</b>
Subcommittee Hearing	-9.203 <sup>***</sup> (-9.410, -8.963)
Senate Hearing	-9.392 <sup>***</sup> (-9.746, -9.055)
Senate Subcommittee Hearing	7.207 <sup>***</sup> (6.749, 7.714)
Observations	140
<i>Note:</i> *p<0.1; **p<0.05; ***p<0.01	

Hearings with confrontational partitions attract more committee members to attend. Hearings with informational partitions attract fewer committee members. The point estimates are the posterior means for the coefficients and the 95% credible intervals are reported in parentheses below the point estimates. The *p*-values are the posterior probability the coefficient's sign is the same as the point estimate's.

## Implications for Research on Oversight

Members of Congress routinely use hearings to confront bureaucrats. These confrontations can help politicians win reelection or cow troublesome bureaucrats into compliance, but they could conceivably distract legislators another key role of hearings: providing the floor with information that will help it to craft well-informed, high-valence policy. We find that legislative oversight can be informational and confrontational at the same time. Moreover, confrontation can actually facilitate the acquisition and transmission of information. Legislators are more likely to attend hearings that provide ample opportunities to confront witnesses. This both encourages them to acquire some information to competently confront the witnesses and exposes them to information that other members reveal during their time.

When considered alongside existing empirical findings on legislative oversight, our study helps adjudicate between alternative scenarios with entirely different normative meanings. It has long been known that the frequency and apparent vigor of oversight changes depending upon the parties at the helm of Congress and the Presidency. This raised the possibility that the apparent surplus of oversight under divided government might simply be an expression of partisan teamsmanship that added little of substance to debates in Congress. Our results suggest that even though the confrontational tenor of oversight responds in this way, that same oversight is no less informational. Put more succinctly, members do not simply abandon facts in service of politics.

Given the importance of this point, and the novel means by which it was uncovered, we close with a series of methodological recommendations that will aid in further research. First, to discover the complementary relationship between information and confrontation, we needed to leverage experienced practitioners to evaluate texts. Paid research assistants and undergraduate students conflated confrontation with the absence of information. However, recruiting these practitioners was time consuming and expensive, so we had to restrict the scope of our analysis to a sample from two committees over two congresses. Even this analysis required significant innovations to existing coding protocols to squeeze as much value as possible from the practitioner's time (Carlson and Montgomery 2017; Park 2021).

Fortunately, the relationships we documented were so robust that we were able to reliably measure them even with a small sample. However, there are many other questions and research designs that would require a much wider span of data. It would be infeasible to get a significantly larger set of coded partitions from the practitioners, so how can researchers leverage our discoveries moving

forward? One appealing option would be to use the practitioner-labeled partitions to train a machine learning classifier to predict information and confrontation for all other committees and all other congresses. However, we believe this will not work. Many of the partitions are quite long, and the cues for how informational a partition is are often subtle. Even with sophisticated natural language processing models, it will not be possible to train and validate an accurate supervised model with only a couple hundred labeled examples.

The other, more viable alternative is to train non-experts to code more like the practitioners. Through conversations with the practitioners and careful automated and manual analysis of their coding decisions, we may be able to articulate many of the features practitioners look for that others miss. If we could successfully train non-experts to look for those features, we would be able to massively expand the scope of our data. We plan to explore this possibility in future research.

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## Appendix

### A Survey design

We need your expertise to evaluate questioning of witnesses by Members of Congress during oversight hearings.

Specifically, we want to know which of the following texts is more INFORMATIONAL, and which is more CONFRONTATIONAL.

A member's line of questioning is INFORMATIONAL if it contains questions and comments directed at the witnesses that either present or request information. This is in contrast to member statements that present or request opinions, positions, or preferences -- or those that merely communicate the member's opinions.

A member's line of questioning is CONFRONTATIONAL if it is intended to make the person being questioned embarrassed, angry, flustered, or uncomfortable. This is in contrast to questions that are neutral, and those that appear designed to make the witness comfortable or come off well.

It is important to remember that these are not mutually exclusive, meaning one text might be BOTH more INFORMATIONAL and CONFRONTATIONAL than the other.



**Figure 3** – After entering their name, each coder is given a description of what makes a member's five-minute line of questioning INFORMATIONAL and CONFRONTATIONAL.

INFORMATIONAL questioning is typically the most difficult to define and identify, so please read the following examples.

In the first set, committee chairs are engaging in factual exchanges with witnesses:

- "between today and the end of this administration does CMS plan to propose regulations that would cut Federal Medicaid payments to States for targeted case management services?"
- "You recently announced that 100 new carriers would be brought on board in Chicago."

The question is directed at the witness and asks for factual information. The statement is a statement of fact, which the witness then responds to and corrects. In contrast, consider the following question and statement said by other members of Congress:

- "how important is it for the Congress to appropriate the necessary funds in 2008--in the fiscal year 2008 for the 2010 census?"
- "The difference between directing where our science goes and what we search and free speech is not a simple thing and is subject to direction by policy."

By our definition, this question and statement would be rated as less INFORMATIONAL than the first set. The question asks for an opinion -- prompting a response like "very important." The statement is not directed at the witness. Both are mostly just the legislator using witness time to express their own opinions.

For the following comparisons, you will always be able to refer to the definitions if you would like to review them.

**Figure 4** – Because we observed the informational dimension of texts being more difficult to grasp for some coders, they are given specific examples of INFORMATIONAL texts before starting the survey.

## Examples of varying information and confrontation

### 1. High confrontation and high information (Text ID: CHRG-110hrg55764-14280-2):

**Chairman Waxman:** We will now proceed to questioning by the Members. Without objection, the questioning of witnesses will proceed as follows. Questioning will begin with a 12-minute block of time for each side with the chairman and the ranking member each having the right to reserve time for later use. I will start the questioning. Dr. Greenspan, I want to start with you. You were the longest-serving chairman of the Federal Reserve in history, and during this period of time, you were, perhaps, the leading proponent of deregulation of our financial markets. Certainly you were the most influential voice for deregulation. You have been a staunch advocate for letting markets regulate themselves. Let me give you a few of your past statements. In 1994, you testified at a congressional hearing on regulation of financial derivatives. You said are, "There's nothing involved in Federal regulation which makes it superior to market regulation." In 1997, you said, "There appears to be no need for government regulation of off-exchanged derivative transactions." In 2002, when the collapse of Enron led to renewed congressional efforts to regulate derivatives, you wrote the Senate, "We do not believe a public policy case exists to justify this government intervention." Earlier this year, you wrote in the Financial Times, "Bank loan officers,

in my experience, know far more about the risks and workings of their counterparties than do bank regulators.” My question for you is simple, were you wrong?

**Mr. Greenspan:** Partially.

**Chairman Waxman:** Be sure the mic is turned on.

**Mr. Greenspan:** Sure. Partially, but let’s separate [...]ing well. Let me put it to you very specifically.

**Chairman Waxman:** So you don’t think you were wrong in not wanting to regulate the derivatives?

**Mr. Greenspan:** Well, it depends on which derivativ [...]of interest rate risk and foreign exchange risk.

**Chairman Waxman:** Let me interrupt you, because we do have a limited amount of time, but you said in your statement that you delivered the whole intellectual edifice of modern risk management collapsed. You also said, “those of us who have looked to the self-interest of lending institutions to protect shareholders’ equity, myself especially, are in a “state of shock, disbelief.” Now that sounds to me like you are saying that those who trusted the market to regulate itself, yourself included, made a serious mistake.

**Mr. Greenspan:** Well, I think that’s true of some p [...]fault swaps, derivatives markets are working well.

**Chairman Waxman:** Well, where did you make a mistake then?

**Mr. Greenspan:** I made a mistake in presuming that [...]nge my views. If the facts change, I will change.

**Chairman Waxman:** Dr. Greenspan, Paul Krugman, the Princeton Professor of Economics who just won a Nobel Prize, wrote a column in 2006 as the subprime mortgage crisis started to emerge. He said, “If anyone is to blame for the current situation, it’s Mr. Greenspan, who pooh-poohed warnings about an emerging bubble and did nothing to crack down on irresponsible lending.” He obviously believes you deserve some of the blame for our current conditions. I would like your perspective. Do you have any personal responsibility for the financial crisis?

**Mr. Greenspan:** Well, let me give you a little hist [...]to be fairly major problems in predatory lending.

**Chairman Waxman:** Well, he urged you to move with the power that you as chairman of the Fed, as both Treasury Department and HUD suggested, that you put in place regulations that would have curbed these emerging abuses in subprime lending. But you didn’t listen to the Treasury Department or to Mr. Gramlich. Do you think that was a mistake on your part?

**Mr. Greenspan:** Well, I questioned the facts of tha [...]o a subcommittee of the Federal Reserve board—

**Chairman Waxman:** Dr. Greenspan, I am going to interrupt you. The question I had for you is you had an ideology. You had a belief that free, competitive—and this is shown—your statement, “I do have an ideology. My judgment is that free, competitive markets are by far the unrivaled way to organize economies. We have tried regulation, none meaningfully worked.” That was your quote. You have the authority to prevent irresponsible lending practices that led to the subprime mortgage crisis. You were advised to do so by many others. Now, our whole economy is paying its price. You feel that your ideology pushed you to make decisions that you wish you had not made?

**Mr. Greenspan:** Well, remember, though, whether or [...], may I just finish an answer to the question—

**Chairman Waxman:** You found a flaw?

**Mr. Greenspan:** I found a flaw in the model that I [...]re that defines how the world works, so to speak.

**Chairman Waxman:** In other words, you found that your view of the world, your ideology, was not right, it was not working.

**Mr. Greenspan:** Precisely. That's precisely the rea [...]ptionally well. But let me just, if I may—

**Chairman Waxman:** Well, the problem is that the time has expired.

**Mr. Davis:** He wishes to answer. Can you just let him answer.

**Chairman Waxman:** We have many Members.

**Mr. Greenspan:** If I could have just a minute. The [...]I think the evidence very strongly supports that.

**Chairman Waxman:** Well, I appreciate that. On the other hand, you didn't get to vote on regulations that didn't put before the Federal Reserve Board, even though you have the legal authority for those regulations. That's more—not a question but a comment. Mr. Davis.

## 2. Low confrontation and low information (Text ID: CHRG-110shrg38849-49703-3):

**Senator Collins:** Thank you, Mr. Chairman. Captain Monroe, to follow up on the funding issue that the Chairman just raised, he and I have had to fight so hard to secure funding for port security grants. The Administration, as you know, year after year has proposed folding port security grants into a general homeland security grant program, whereas we have advocated for dedicated funding. Could you speak to the importance of being able to rely on dedicated funding for port security grants and also on the importance of having multi-year funding? It seems to me from seeing the projects that you have underway in Portland that many of them are multi-year projects that are going to require additional investments. But if you could comment on those two issues.

**Captain Monroe:** Well, homogeneous funding programs [...]n, and needs may not be met in that circumstance.

**Senator Collins:** Thank you. I certainly agree with that assessment. Mr. Caldwell, you stated in your testimony that 100-percent scanning could actually reduce security rather than enhance it. And since I agree with that assessment, I was very happy to hear you say that for the record. Is it fair to say that requiring 100-percent scanning, regardless of the impact on trade, regardless of cost, regardless of the risk of the cargo at hand, is inconsistent with basic risk management principles?

**Mr. Caldwell:** I would agree with that. If I could just give an example?

**Senator Collins:** Yes. Thank you.

## 3. High confrontation and Low information (Text ID: CHRG-110hhrg37415-29766-5)

The following back-and-forth between Chris Cannon and James Hansen focuses primarily on their differing opinion on free speech relating to climate.



**Mr. Cannon:** Thank you, Mr. Chairman. By the way, I appreciate the fairness. This really has to be about getting information and understanding and not so much wrangling. Dr. Hansen, in the process here, I'm learning to understand you, I think, a little better, and I actually think you're very straightforward. Mr. Cooney obviously thinks very highly of you and your science. You indicated here you prefer Senator McCain for President, would have preferred him in 2001. You supported Kerry because of his positions, I believe you indicated, on the environment. But the guy you would really most like to support is Senator Heinz. Seems to me the most important thing in your political life is how people are dealing with this threat to the world that might derive—

**Mr. Hansen:** That was one of the two factors. The other is at problem and then we'll have a lot easier time.

**Mr. Cannon:** That one might be more difficult to solve than global warming. That said, you talked about the government being evil or you talked about Nazi Germany, which I take it you view as meaning that this what you later described as constraints on scientists speaking, I take it you view that constraint as evil.

**Mr. Hansen:** Yes. You know, you have heard of our freedom of speech in the United States and we do have freedom of speech here.

**Mr. Cannon:** Of course, Mr. Issa has pointed out that you have a lot of opportunity to speak, the question is where the burden of your duty with the government should constrain and go through a process as opposed to what you do in the rest of your life. Now, what I understand here is that your greatest concern here is you don't want constrained the ability of scientists to help bridge—I think you referred to bridging the gap of understanding by the public of how great the threat of climate change is.

**Mr. Hansen:** Right.

**Mr. Cannon:** That's not equivocal on your part.

**Mr. Hansen:** As I mentioned, I think the public is not yet fully informed about the dangers.

**Mr. Cannon:** Any attempt to interfere with your ability to tell the public about that is evil and would be represented by a Nazi Germany-type approach.

**Mr. Hansen:** No. I was referring to the constraints on free speech.

**Mr. Cannon:** That's right, but the free speech you're most concerned about, indicated by your politics and by your other statements, is about climate change.

**Mr. Hansen:** There's no politics.

**Mr. Cannon:** You talked about Mr. McCain and Mr. Kerry and Mr. Heinz all being attractive. Let me finish my question because I want you to respond. You support those people largely because of their position on climate change, with the exception of Mr. McCain who you support also because of his views on funding of politics. Isn't it true that the most motivating factor here is the science of climate change?

**Mr. Hansen:** No, no. I have the same rights as all Americans.

**Mr. Cannon:** We're not talking about your rights, we're talking about what you're characterizing as evil.

**Mr. Hansen:** I was characterizing as evil the constraints on free speech. That's all.

**Mr. Cannon:** On all free speech or just on free speech related to climate change and you?

**Mr. Hansen:** Any free speech.

**Mr. Cannon:** In other words, what I want to know, you view people on the other side of the climate change argument as evil?

**Mr. Hansen:** No, no I have never said that.

**Mr. Cannon:** You did call those people Nazi Germany.

**Mr. Hansen:** You have taken out of context a statement [...] speech. It had nothing to do with personalities.

**Mr. Cannon:** But it had everything to do with debate.

**Mr. Hansen:** Of any particular people.

**Mr. Cannon:** It had everything to do with the debate on global warming and you've got people today characterizing Mr. Cooney as a bad person because he was hired by API before he went to the CEQ.

**Mr. Hansen:** Did I characterize him?

**Mr. Cannon:** No, you have people in this town doing that.

**Mr. Hansen:** Then you should ask them about that.

**Mr. Cannon:** No, we're not bantying words here. The question is, are you mostly concerned about climate change and your ability to talk about that, and you characterize as people on the other side of the argument as evil because they're confusing the issue as you said earlier.

**Mr. Hansen:** I have never done that. I don't know where you get this.

**Mr. Cannon:** I think I'm quoting you pretty much directly.

**Mr. Hansen:** I didn't characterize anybody as evil.

**Mr. Cannon:** I used the characterization of evil, you used the characterization of Nazi Germany, which most Americans view as equivalent to evil in our society.

**Mr. Hansen:** I was referring to the constraints on free speech, not to a person.

**Mr. Cannon:** The constraints on free speech, not what?

**Mr. Hansen:** I was referring to the constraints on free speech, not to a person.

**Mr. Cannon:** Except that you're blaming the constraints as coming from this administration by way of policy. In fairness, you characterized this as a developing issue over a series of administrations, not just this one, in your earlier statements. But you were characterizing this administration as being like Nazi Germany, and those reflected a view that what is going on is evil. Now you're trying to narrow that evil to the constraints on speech, not to your constraint on speech about climate change.

**Mr. Hansen:** I was referring to constraints of free [...] leagues and in other agencies like NOAA and EPA.

**Mr. Cannon:** How about other issues other than climate change?

**Mr. Hansen:** I don't have—yeah, in fact, I have been [...] really. I think this is dangerous in our politics.

**Mr. Cannon:** If the chairman would just indulge me. We pay— we tax people, we take money out of the pockets of Americans and we give it to scientists, and we ought to, at least, direct where that science goes. The difference between directing where our science goes and what we search and free speech is not a simple thing and is subject to direction by policy. Thank you, Mr. Chairman. I yield back.

Most of the exchange is an argumentative back-and-forth. Hansen's statements and questions relate to opinions rather than facts on a situation. Hansen frustrates his witness by presenting his own interpretation of a quote that the witness disagrees with.

4. Low confrontation and high information (Text ID: CHRG-110hhrg42583-14280-2)

An example of high information and low confrontation occurs between Henry Waxman and Otis Brawley in a 2008 hearing on the National Breast and Cervical Cancer Early Detection Program:

**Chairman Waxman:** Thank you very much for your testimony. I want to thank all of you for your presentations. I want to start the questioning. For Ms. Joyner, I want to thank you for your work in Washington State and for the National Council of State Programs. I would like to ask some questions about the shortfalls you have described in various States' breast and cervical cancer screening programs. First of all, all States have to make some contribution to their screening program. Isn't that correct?

**Ms. Joyner:** Yes, that is correct.

**Chairman Waxman:** Have all States been able to contribute additional State funds?

**Ms. Joyner:** No, not all States contribute State funds. [...] balance is can also be counted as an in-kind cost.

**Chairman Waxman:** So they have a number of streams of funding. Is there always a steady stream that State directors can rely on for their annual planning?

**Ms. Joyner:** No. For Washington State, we do have [...] dependent on the priorities of the affiliates' boards.

**Chairman Waxman:** I would imagine the States with high numbers of eligible women might be among the States least equipped to allocate State dollars to screening. Is that an accurate statement?

**Ms. Joyner:** I think there is a variety of States that [...] state funding and some don't have any State funding.

**Chairman Waxman:** When a State program runs out of money for the year, what happens to women who are seeking mammograms?

**Ms. Joyner:** Well, a number of things can happen. I [...] fall back after the start of the new program cycle.

**Chairman Waxman:** So they either put them on a waiting list or they refer them then to public clinics?

**Ms. Joyner:** They could refer them to the public clinics [...] fee scale or taking on bills that they can't pay.

**Chairman Waxman:** Dr. Brawley, a vaccine to prevent infection with several of the cancer-causing strains of HPV have been licensed by the FDA and is recommended for young women and adolescents from age 9 to 26. A second vaccine, HPV vaccine, is in the pipeline. This is a potentially lifesaving advancement, but the vaccine is more expensive than many of the older vaccines. Isn't that correct?

**Dr. Brawley:** Yes, sir. The vaccine is somewhere in the neighborhood of \$200 a dose, and it requires three doses.

**Chairman Waxman:** So \$200 for each dose or \$200 for the three?

**Dr. Brawley:** Yes, sir, per dose, \$600 total.

**Chairman Waxman:** \$600. The Vaccines for Children Program will provide vaccines for eligible girls 18 and under, but there is no comprehensive program to make the vaccine available to uninsured or underinsured women from age 18 to 26. Are you concerned that uninsured and underinsured women will not be able to afford this vaccine and will therefore miss out on its benefits?

**Dr. Brawley:** Yes, sir. I am tremendously concerned about that, sir.

**Chairman Waxman:** Representative Roybal-Allard and I on the House side and Senator Kennedy on the Senate side have introduced legislation to create a Federal Vaccine for Uninsured Adults Program. This program is modeled on the Vaccines for Children and would give women who may not be able to afford the HPV vaccine, access to this vaccine as well as other important adult immunizations. I hope that the American Cancer Society will take a look at this legislation. We would love to have your support.

**Dr. Brawley:** Sir, I can promise you, we definitely [...] it, and I would be shocked if we don't support it.

**Chairman Waxman:** OK. Thank you. One of the unfortunate disappointments to me in this so-called stimulus package that we are going to be voting on, on the House floor today is that we didn't provide more money for the Medicaid program for the States. We did last time there was a recession and we passed a stimulus program, a one-time stimulus. I think that is something that many of you might want to speak up about because if the States, looking at more people losing their jobs, more people losing their insurance, more people going on Medicaid because they have no other alternative, whether it is for this program or any other, they are going to be hard put because the States are going to be cutting back on Medicaid. They will be generating less revenues as unemployment goes up. That is what we call counter-cyclical. I am disappointed it is not in this package, but I think we ought to be pushing to get some more help for Medicaid because we are going to need those funds as more people find themselves, even in surprising ways, unexpectedly uninsured, like the situation Ms. Carey had to confront. Thank you very much. I want to recognize my colleague for questions for 5 minutes.

Waxman presents information by reciting research about the program and asking Brawley to confirm these facts. Waxman relies less on the witness to present information and asks soft questions. Some exchanges primarily solicit opinions from witnesses.

5. Low confrontation and low information (Text ID: CHRG-111hhr50731-20119-7):

Below is an example of a low information and low confrontation exchange between Stephen Lynch and Gregory Junemann.

**Mr. Lynch:** Thank you very much. I appreciate your patience in waiting for others to testify. I would like to get right to a couple of issues that I have been thinking about for some time. I know that, President Kelley, in 1998 Congress authorized various personnel flexibilities related to staffing, performance, and pay for IRS employees. I know you represent those folks. How have the flexibilities impacted the situation at the IRS? What have been the outcomes? Have you seen it abused or under-used? What has been the actual experience on the ground at the IRS? Would you recommend any regulatory modifications to that whole exercise?

**Ms. Kelley:** Actually, at the IRS they have used ve [...] h. They have plenty and they just don't use them.

**Mr. Lynch:** Ms. Simon, I know that we have a lot of folks coming back from Afghanistan and Iraq after multiple tours. We have a well intended Veterans Benefit and Veterans Preference mandate out there. I have been to Iraq I think 11 or 12 times now and Afghanistan

probably half a dozen times and I am, without exception, totally impressed at the young people and some of the not so young people that we have in uniform doing a great job for us. These folks are very well trained, very well educated, highly intelligent, and highly motivated. How do we get more of them to apply and succeed in coming into the Federal Government and helping us with the civilian side of our Government? How do we do that? I sense that there is some obstruction there as well.

**Ms. Simon:** Well, it is interesting to hear you say [...] nment hiring should be in a pretty good position.

**Mr. Lynch:** Are there refinements or modifications in the current Veterans Preference model that might make it easier or make us more successful in attracting some of our servicemen and women into coming back?

**Ms. Simon:** The thing that we hear over and over ag [...] s and get away from the emphasis on written KSAs.

**Mr. Lynch:** I heard very earlier today Director Berry who said, basically, that we have gone to a system where potential candidates for Federal employment have to go to an agency to help them reinterpret their work history in a way that applies to the Federal hiring process data, the KSA filings and all of that. You would think that a person of competent intelligence could fill out a form to describe their own work history in an effort to get a Federal job, but that is clearly not the case. I think it is illustrative of the problem that we are facing.

**Ms. Simon:** When he was talking about that, it remi [...] body who can help an applicant fill out the form.

**Mr. Lynch:** I would be remiss if I did not say thank you to each of you. I know that AFGE and NTEU and your own group, President Junemann, have been very aggressive in getting Veterans into Federal employment. We appreciate that. At AFGE, I think the percentage was 40 percent or something in that area. That is extremely high. That is a great tribute to your organization and your willingness to reach out and make sure that these folks who have put on the uniform of this country have an opportunity to come home and go to work in a decent job.

**Ms. Simon:** I just have thought of one more thing. [...] ind of educational experience to military service.

**Mr. Lynch:** Yes. I would have a similar reaction to any attempt such as that, sure.

**Ms. Kelley:** If I could just add, Chairman Lynch, a [...] y misusing what the legislative intent of it was.

**Mr. Junemann:** Mr. Chairman, could I—

**Mr. Lynch:** Absolutely. Mr. Junemann, I have some questions for you as well but you can jump in here. I am surprised at that because you would think that for Customs and Border Patrol, with all the hiring that is going on because of the situation on the Mexican border and other areas, who better to hire than folks coming back with military backgrounds, our veterans. That is a perfect applicant pool. I would think they would have all the relevant skills and disciplines that would pertain to that job. If you wanted to followup on that Mr. Junemann? I also have some questions for you but go ahead.

**Mr. Junemann:** I need to say something on this beca [...] ght want to go into. We will embrace you in that.

**Mr. Lynch:** Right. I think that is a great point and one I think is lost on most people. There is a concerted effort, and has been since 2003, to get our young and experienced men

and women in uniform to re-up. And as you point out, if you are trying to do that, get them to reenlist, it would be counter-intuitive for you to also provide information and encouragement on taking another job in the Federal Government that would take those folks out of uniform. So there is a conflict there that we have to figure out. Interestingly I have spent enough time in Iraq and Afghanistan to know that when these soldiers are getting toward the end of their tour, they are online quite a bit. I know the ones in my district contact me about their prospects of going to work when they get home. They are nervous about that. There is a certain anxiety. They have been doing that for such a long time in uniform and now they are stepping out. It is a big move for them. It just seems to me there ought to be an outreach on our part given the need that we now see in the Federal Government for new employees in various areas of activity and responsibility. We should be reaching out to these folks affirmatively ourselves rather than just asking them to kind of figure their way into Federal employment. So I think it is a great point you raise and one that I will certainly discuss with Director Berry. One of the questions I had for you, President Junemann, is that a lot of your folks are technically oriented. You have engineers and scientists that work for you. It must present a unique set of problems for you in terms of the competition from private industry for those who have an acumen in the sciences and engineering. How has it worked out? How are those problems that we have talked about earlier today—the hiring process, both initial hires and those who might be needed in a lateral hiring mode affected the folks that you represent?

**Mr. Junemann:** Well, go back a little bit to 2002 a [...] we seen; that is what I have heard back from them.

**Mr. Lynch:** Let me ask you, President Kelley. We had a similar situation in Andover, north of my district in Massachusetts. I have I think 1,700 accountants, auditors, and lawyers, folks with heavy backgrounds in financial services. Then we have the oversight necessity of this TARP program, the Troubled Asset Relief Program, and then also TALF, the Term Asset-Backed Loan Facility. There has been a tremendous need for hiring those very people. They are laying off 1,700 IRS employees with the requisite skills in Andover and they are hiring a few thousand to do that type of work within these new Government programs. But I am having a hard time getting people to talk to each other. There are folks over here you are laying off and meanwhile you are hiring new people and training them at tremendous cost. Not to mention that a lot of the folks at the IRS facility in Andover are already cleared for security clearances and have already been doing this work. We have vetted them. Some of them are 20 year employees. Now we are spending a whole lot of money vetting and doing clearances on new hires, worried about whether or not they can be trusted with the responsibilities that they are being given. How do we get folks to talk to each other? It would seem like a simple thing like with the Puget Sound example. I actually had a unit from the Puget Sound in my district as well doing some engineering work. So I have seen all this happen. How do we get around that? How do we force people to talk to each other?

**Ms. Kelley:** Well, I have been trying to get inform [...] me change happen. I think we have that potential.

**Mr. Lynch:** There are a couple of schools of thought on this whole idea about reform. I know there are gaps and inequities, inconsistencies in the current system right now that drive you folks nuts in your jobs every day trying to get fairness for the people you represent. I also know there are some structural changes that the management end of this operation would like to get. I guess there are two schools of thought. One is that you try to get some grand bargain, if you want to call it that, an omnibus type of piece of legislation that tries to cure all the ills that we see in the current system and adopt rather progres-

sive reforms at the same time. Then we move forward together. There is another school of thought, perhaps more pragmatic and born of experience, that since it is so hard to get change in this system, if you wait to try to get that type of grand bargain, you will never get anything done. So you might as well cherry pick the things that you can get done. Do any of you have any ideas about what might be the better approach here given your experience?

**Mr. Junemann:** I mentioned the National Security Pe [...] committed to do it, we can make a better system.

**Mr. Lynch:** OK, let us give it a shot. Ms. Simon.

**Ms. Simon:** This is not the answer anybody wants to [...] ernment is to fund it. That is the grand bargain.

**Ms. Kelley:** If I could just add, Chairman Lynch, I [...] willing to roll up our sleeves and give it a shot.

**Mr. Lynch:** OK, that is good to hear. I am somewhat of a pessimist but I could be convinced. I have to say, you folks have been banging heads against the wall for a lot longer than I have. And if you think there is a chance of this happening, then I am with it. I am fully committed. I just wanted to make sure we were not on a fool's errand in terms of trying to get this thing to work. If you think that there is an opportunity to make this work, then I certainly support that. I know that the Director, Mr. Berry, is the one who has basically put it out there. I don't think he is talking about funding flexibilities within the current system. I believe what he was actually articulating is he wants to change the system itself, something more fundamental. I know that he wants you at the table to get your thoughts because of your experience in this. Having seen how it has changed from administration to administration, it is dyslexic sometimes. One group comes in and they have this approach and then the next group comes in and they have a totally different approach. That can be maddening, I am sure. But we have to deal with the here and now. We have basically 4 years ahead of us where we can get a consistent policy out of the White House and out of the executive branch. So we can work with that.

**Ms. Kelley:** Well, there are a lot of moving parts [...] hat is an immanent crisis we have all identified.

**Mr. Lynch:** That would seem like a logical place to start. It would certainly impact what we talked about with whether it is 400,000 or 500,000 employees coming to the system, that would affect that next wave. It would seem like a logical place to start. In closing, I just want to say that I have given the previous panels an opportunity to amplify anything that they think is important for the committee to hear and to go on the record. So I would like to give you each an opportunity if there are things. You have articulated yourselves very well, by the way. But if there are things that I have missed or that you have not put forward in your testimony yet, I just would like to give you an opportunity. President Kelley.

**Ms. Kelley:** Actually, the things I was going to sa [...] us, I have already just put out there. Thank you.

**Mr. Lynch:** Thank you. Ms. Simon.

**Ms. Simon:** Likewise, I don't want to stand between anybody else and their lunch.

**Mr. Lynch:** God bless you.

**Ms. Simon:** So I think we had ample opportunity. Thank you.

**Mr. Lynch:** President Junemann.

Throughout his five minutes, Lynch makes long statements about his agreement with his witness and support for improvement in the federal workforce. The questions he asks are about Junemann's view on the feasibility of improvement rather than solicitations of information on the workforce. These examples show how information and confrontation are exhibited in varying levels among exchanges. Members can display highly confrontational behavior by asking witnesses to defend their stances, explain mishaps, or respond to criticisms. Low confrontational exchanges contain praises of programs, compliments, or statements that paint witnesses in good light. Information can be presented by sharing a member's own research or by soliciting information from a witness. Low informational exchanges focus on opinions, personal anecdotes, interpretations of quotes, or views on a situation's importance.



Please read the following texts (if you would like to review the instructions, please hover your mouse over here)

#### Text A

ID: CHRG-110hhrg36545-20119-1

Mr. Lynch: Thank you, Mr. Chairman.

Mr. Chairman, I am going to ask that a chart be displayed. This represents, for the witnesses, cash shipments to Iraq. As you can see, it demonstrates that in the final days of the CPA authority that massive amounts of cash were shipped to Iraq from the New York Federal Reserve Bank. In fact, I am told that more than \$5 billion in cash was delivered in the last month of the CPA's existence alone.

The last two shipments of cash were truly enormous. On June 22, 2004, \$2.4 billion, that is the tallest column there was June 22, \$2.4 billion in cash to Iraq. This was the single largest cash shipment in Federal Reserve Bank history. Then 3 days later, another \$1.6 billion was shipped.

Now together with the e-mails that the committee has, it demonstrates the urgency. They are actually trying to double and triple up shipments in advance of then it was a June 30th handoff from the CPA to the Iraqis. The Iraqis were going to take over their own government

#### Text B

ID: CHRG-110hhrg47390-20119-1

Mr. Lynch: Thank you, Mr. Chairman.

Mr. Chairman, I want to thank you for holding this hearing, and I want to thank the ranking member for his work, as well. This is very important.

You know, there has been some reluctance, I think, of the panel, and I appreciate your coming in here and testifying, but there has been a reluctance on the panel to criticize what happened here. I just want to go on the record to say that all of us have spent a lot of time in Iraq and Afghanistan and we have seen the excellence with which our military has performed. The events here that we are speaking of today are a disgrace. They do not meet the standards of those men and women in uniform that we have seen repeatedly in our visits to Iraq and Afghanistan. That is the great sin here. This does not meet acceptable standards, not even close.

I am not hearing that from the panelists. I am hearing hedging, I am hearing some defenses about information not being available. This kid

	Text A	Text B
Which text is more INFORMATIONAL?	<input type="radio"/>	<input type="radio"/>
Which text is more CONFRONTATIONAL?	<input type="radio"/>	<input type="radio"/>

←

→

**Figure 5** – Each round of the survey consists of nine comparisons. Text A is compared to the set of nine bridging texts. Coders scroll in the two text-boxes to read all of Text A and the bridging text next to it. Since the set of bridging texts varies from low to high information and confrontation, the pairwise comparisons place Text A on a scale of low to high information and confrontation.

Thank you for answering these questions. Thanks to your responses, we now have a good idea of how INFORMATIONAL and CONFRONTATIONAL Text A is.

If you would be willing to help us code more texts, please advance to the next page. This will refresh the survey with a new Text A.



**Figure 6** – After comparing Text A to the bridging set, coders restart with a new Text A. We then know how each Text A compares to others because they are compared to the same nine texts.

## B Sample recruitment

expert	status	last chamber	party
A	former	Senate	Republican
B	current	House	Democrat
C	former	House	Democrat
D	current	Senate	Democrat
E	former	[lawyer]	Democrat
F	former	Senate	Republican
G	current	Senate	Democrat
H	former	Senate	Republican
I	former	Senate	Democrat
J	former	Senate	Democrat

**Table 5** – A list of expert coder credentials.

## C What is an oversight hearing?

We adopted the following definition of an oversight hearing, and hand-coded all hearings for the two committees in question. “Congressional oversight refers to the review, monitoring, and supervision of federal agencies, programs, activities, and policy implementation”(Halchin and Kaiser 2012)

Common hearing types that are oversight:

- Appropriations, reauthorizations, budget requests, and fiscal reviews of agencies or programs. Legislative branch appropriations hearings are not considered oversight. Specific examples:
  - COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR 2011
  - NORTH PACIFIC PERSPECTIVES ON MAGNUSON-STEVENSON ACT REAUTHORIZATION
  - FISCAL YEAR 2017 EPA BUDGET
- Progress reports, audits, or reviews of existing programs or executive functions. Specific examples include:
  - OVERSIGHT: GULF COAST DISASTER LOANS AND THE FUTURE OF THE DISASTER ASSISTANCE PROGRAM
  - FY09 FHA ACTUARIAL REPORT
  - THE SITUATION IN AFGHANISTAN
- Investigations of executive errors, inefficiencies, wrongdoing, or malfeasance. Specific examples include:
  - ELIMINATING AGENCY PAYMENT ERRORS
  - THE WORST PLACES TO WORK IN THE FEDERAL GOVERNMENT
  - PROGRESS IN ADDRESSING MANAGEMENT CHALLENGES AT THE DEPARTMENT OF HOMELAND SECURITY
  - NATIONAL PARKS BACKLOG

Common hearing types that are not oversight:

- Generic discussions of contemporary topics or policy. Specific examples include:
  - \* EXAMINING THE RISE OF AMERICAN EARNINGS AND LIVING STANDARDS
  - \* IMPROVING THE SAFETY AND RELIABILITY OF THE WASHINGTON METRO
  - \* IS ACADEMIC FREEDOM THREATENED BY CHINA'S INFLUENCE ON U.S. UNIVERSITIES?
  - \* THE EXXONMOBIL-XTO MERGER: IMPACT ON U.S. ENERGY MARKETS
  - \* U.S. NUCLEAR WEAPONS POLICY
- Debate or markup of proposed legislation, which often refers only to the "... Act" or a specific bill number (H.R. or S.). Specific examples include:
  - \* THE PROMISE OF THE TAIWAN RELATIONS ACT
  - \* DRAFT BILL H.R., "NATIONAL FOREST COUNTY REVENUE, SCHOOLS, AND JOBS ACT OF 2011"; AND H.R. 2852, "ACTION PLAN FOR PUBLIC LANDS AND EDUCATION ACT OF 2011"
  - \* AVIATION SAFETY: PILOT FATIGUE
- Nominations of executive branch officials or judges. Specific examples include:
  - \* NOMINATION TO THE FEDERAL COMMUNICATIONS COMMISSION
  - \* NOMINATIONS OF JULIUS GENACHOWSKI TO BE COMMISSIONER AND CHAIRMAN AND ROBERT M. McDOWELL TO BE COMMISSIONER OF THE FEDERAL COMMUNICATIONS COMMISSION
- Legislative branch appropriations, i.e.:
  - \* LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 2013