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FOUNDATION

The Future of Citizen Engagement:

Rebuilding the Democratic Dialogue

Written by

Kathy Goldschmidt, Author

and

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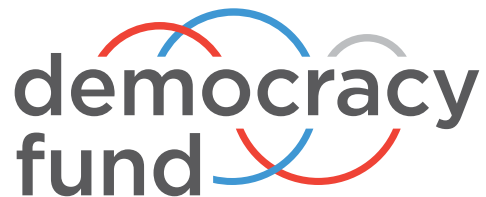
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Who Is a Citizen?

Throughout this report we use a variety of terms to describe the individuals who are part of, or reside in, a democratic unit such as a precinct, congressional district, or state. Terms include: citizen, constituent, resident, and the People. We seek to define these as broadly as possible to be inclusive of all of the people in an elected official's geographic constituency. An individual may reside in a congressional district yet not hold the legal status of citizenship. Similarly, a child or an incarcerated person may be a citizen but not an eligible voter. We include both. Members of Congress have a political, moral, and constitutional responsibility to faithfully represent everyone who resides within their jurisdiction. The recommendations and concepts put forth in this report assume that an individual's citizenship or voter eligibility status does not in any way negate an elected official's responsibility to that individual. When it comes to representation in Congress, all must be included.

It is our belief that solving the institutional challenges and incorporating shared principles and innovative practices will lead to a more substantive, informed, and collaborative relationship between Congress and the People, and result in greater trust and a stronger sense of legitimacy for public policy.

Introduction

Effective governance of, by, and for the People depends on Congress' awareness of the needs and interests of those they represent. Senators and Representatives need to understand the impact of legislation on the People, explain their actions and congressional activities, and generate support for public policy. As emphasized in our recent report, *The Future of Citizen Engagement: What Americans Want from Congress & How Members Can Build Trust*, our elected leaders need to facilitate and generate trust in the individuals and the body making our laws and overseeing the entirety of the federal government.

The Congressional Management Foundation (CMF) believes a significant problem our democracy faces is that current communications between Members of Congress and their constituents do not seem to support the needs, aspirations, and goals of either the governed or the governing. Americans believe there is not an adequate system in place for the voice of the American people to be heard in Congress.¹ Congress is overwhelmed by the millions of messages inundating Capitol Hill and is not adequately staffed to handle the onslaught or integrate it effectively into public policy. Consequently, Congress focuses more attention on the administrative tasks of answering the "mail" than on engaging in robust, informed, and thoughtful dialogue with those they represent. As a result, the People do not feel heard by Congress, nor do they feel that Congress is responsive to them.

Without high-quality, two-way communication, it is impossible to build trust.

To understand what we can do to improve this relationship, we need to first acknowledge where we are and where we came from. The first two reports in our *Future of Constituent Engagement* series explored what Americans expect from their engagement with Congress and the changes in the relationship between legislators and their constituents that were brought about by the

¹ "Responding to Voters' Dissatisfaction with Government," Steven Kull et. al., Program for Public Consultation, University of Maryland, 2019. https://publicconsultation.org/wp-content/uploads/2019/01/Voter_Dissatisfaction_Report_0119.pdf

COVID-19 pandemic and remote work. In this report, we explore the institutional challenges that currently exist with public engagement and recommend principles for ideal Member-constituent engagement in the future. In addition, we identify examples of innovative ways Members of Congress could modernize constituent engagement.

It is our belief that solving the institutional challenges and incorporating shared principles and innovative practices will lead to a more substantive, informed, and collaborative relationship between Congress and the People, and result in greater trust and a stronger sense of legitimacy for public policy.

Mail and email have become less a source of substantive engagement with constituents and more an administrative burden that Senators' and Representatives' staffers struggle just to respond to.

The Current State of Member-Constituent Engagement

Despite most Americans' view that Congress is not listening, Senators and Representatives have been receiving more input from more people than ever before. Steadily and inexorably rising since the Internet went mainstream in the late 1990s, the volume of messages to House offices has increased from 10,000-15,000 per year in the 1970s and 1980s to 60,000-70,000 emails in 2020, in addition to postal mail and increasing numbers of phone calls. Some House offices and many Senate offices receive even more. Yet during this time, congressional offices have continued to use the same practices and mentality, and fewer staffers, to manage it all. Constituent engagement has come to be seen more as a service to individuals than a tool for understanding the collective needs and concerns that require legislative solutions. As a result, mail and email have become less a source of substantive engagement with constituents and more an administrative burden that Senators' and Representatives' staffers struggle just to respond to.² The engagement challenges that have been overwhelming Congress with communication and frustrating constituents has many nuances, but they largely come down to the following issues.

1. Congress lacks the capacity to meet the demands of a 21st century constituency.

Though the public image of Congress is as an institution with unlimited resources, the lack of capacity for Congress to perform its role in democracy and the impact that it is having on our

² Documented by Samantha McDonald in "How Congress Turns Citizens' Voices into Data Points," The Conversation, September 16, 2019 (<https://theconversation.com/how-congress-turns-citizens-voices-into-data-points-120869>); the OpenGov Foundation in "From Voicemails to Votes: A Human-Centered Investigation by the OpenGov Foundation into the Systems, Tools, Constraints and Human Drivers that Fuel how Congress Engages with Constituent Input," 2017 (<https://v2v.opengovfoundation.org/>); and Claire Abernathy in her PhD dissertation "Legislative Correspondence Management Practices: Congressional Offices and the Treatment of Constituent Opinion," August 2015 (<https://etd.library.vanderbilt.edu/available/etd-06222015-133444/unrestricted/Abernathy.pdf>).

practice of democracy is now well-documented.³ Significant increases in the U.S. population and reductions in Legislative Branch staffing and budget are some of the biggest challenges to congressional capacity. In 2015—the most recent data available—the entire Legislative Branch had fewer than 20,000 employees (not counting Senators and Representatives, themselves), which is several thousand fewer employees than Congress had in the 1980s and '90s.⁴ Additionally, the Legislative Branch represents less than one percent of the entire non-defense discretionary federal budget,⁵ and funding for the Executive Branch is more than 120 times the funding for the Legislative Branch.⁶

The Legislative Branch is supposed to be close to the People, understand and respond to their needs, hold the entire government to account, and monitor how taxpayer dollars are being used. But how can a branch that is funded and staffed with a fraction of the resources of the Executive Branch fulfill its duties, let alone act as a co-equal branch of government?⁷

Additionally, as Figure 1 shows, Representatives in the House now have 13 times more constituents than those in the 1st Congress did, and three times more than in 1929, when the number of Representatives was frozen at 435.⁸

The Legislative Branch represents less than one percent of the entire non-defense discretionary federal budget, and funding for the Executive Branch is more than 120 times the funding for the Legislative Branch.

3 Including in *Congress Overwhelmed: The Decline in Congressional Capacity and Prospects for Reform* (edited by Timothy M. LaPira, Lee Drutman, and Kevin R. Kosar, 2020), the written testimony of Kevin R. Kosar before the U.S. House of Representatives Select Committee on the Modernization of Congress hearing on “Article One: Restoring Capacity and Equipping Congress to Better Serve the American People,” January 14, 2020 (<https://modernizecongress.house.gov/committee-activity/hearings/article-one-restoring-capacity-and-equipping-congress-better-serve>) and “State of the Congress: Staff Perspectives on Institutional Capacity in the House and Senate,” Kathy Goldschmidt, Congressional Management Foundation, 2018 (<http://congressfoundation.org/projects/resilient-democracy-coalition/state-of-the-congress>). The Legislative Branch Capacity Working Group also serves as an aggregator for research and information-sharing related to congressional capacity to perform its role and a good place to begin understanding the challenges (<https://www.legbranch.org/updates/>).

4 *Vital Statistics on Congress*, Molly Reynolds, ed. Brookings Institution. March 4, 2019. <https://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/>

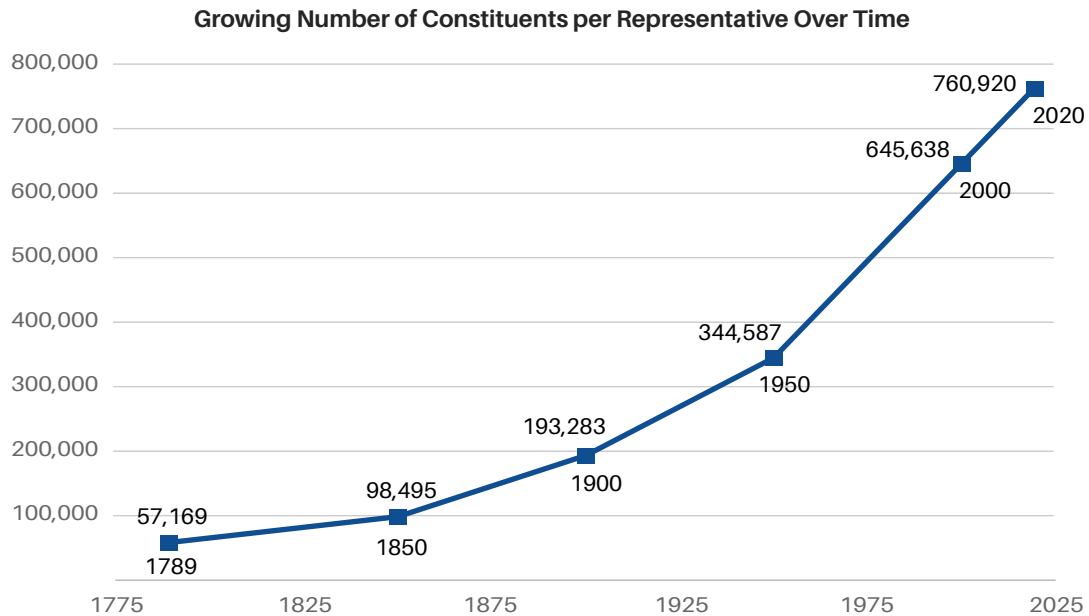
5 “The Undermining of Congress,” Daniel Schuman, February 2020. https://s3.amazonaws.com/demandprogress/reports/2020-02_The_Undermining_of_Congress.pdf

6 “Checks and Imbalances: Investment Disparity between Congress and the Presidency,” *extensions: a Journal of the Carl Albert Congressional Research and Studies Center*, Casey Burgat, November 6, 2019. <https://extensionscac.com/news/checks-and-imbbalances/>

7 Ibid.

8 Not including the five Delegates and the Resident Commissioner who cannot vote on the House floor.

Figure 1 | Average Number of Constituents per Representative 1789-2020



Source: Census.gov. Derived by dividing total U.S. state population at each point in time by the total number of Members of the U.S. House of Representatives (excluding Delegates and Resident Commissioner).
Published in: *The Future of Citizen Engagement: Rebuilding the Democratic Dialogue*, Congressional Management Foundation, 2021.

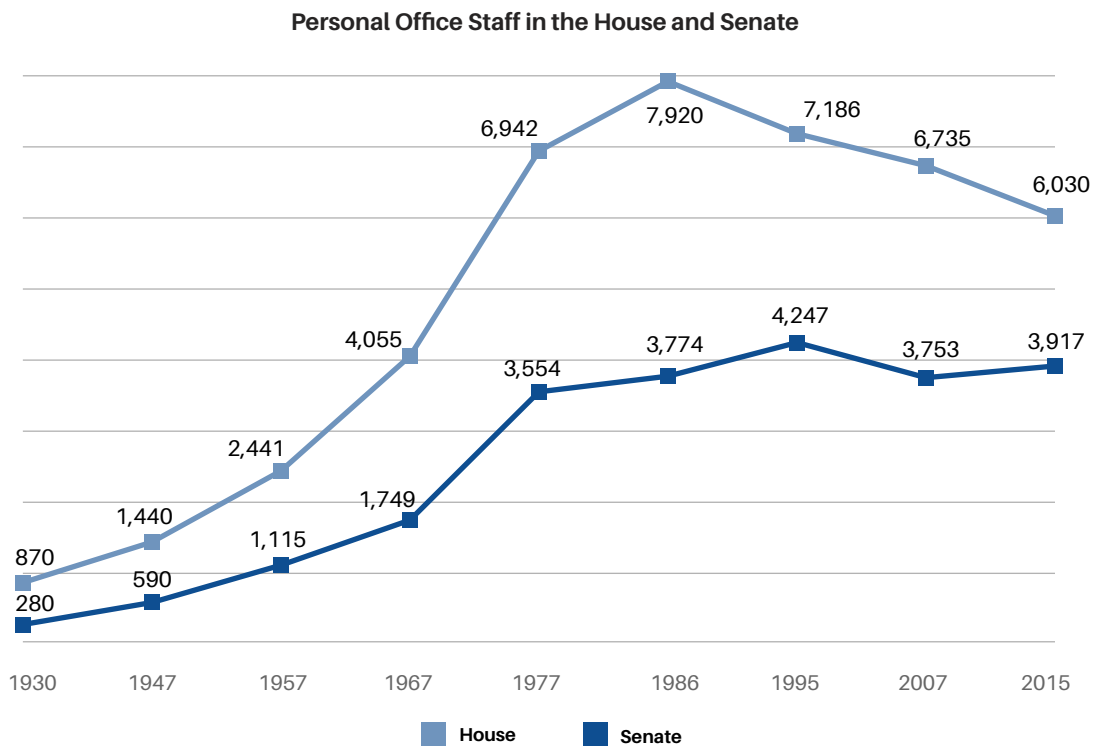
Senators now have between 580,000 constituents (the population of Wyoming) and 40 million constituents (the population of California). Senators and Representatives have staff to help them manage now,⁹ but not nearly enough to meaningfully engage, listen to, and understand so many people, let alone integrate what they hear into comprehensive and inclusive public policy proposals.

In their personal offices—where constituent engagement is facilitated—Representatives can have a maximum of 18 full-time employees divided between their offices in their districts and in Washington, D.C. Most have fewer, as their budgets—around \$1.5 million at the time of this writing—cannot support salaries for 18 employees, even at the comparatively low pay rates for congressional staffers.¹⁰ While Senators have no staff limits, budgetary limitations mean they typically employ between 35 and 70 staffers in their personal offices, divided between their state offices and Washington, D.C.

9 For most of Congress' history, Senators and Representatives did not have personal staff support unless they paid out of their own pockets. In 1946 the Senate allowed each Senator one administrative assistant, and the House followed suit in 1949. It was not until the Legislative Reorganization Act of 1970 that House and Senate personal staff sizes were permitted to increase to current levels. ("Congressional Staff and Management," *Final Report on the Joint Committee on the Organization of Congress*, December 1993). <https://archives-democrats-rules.house.gov/Archives/jcoc2.htm>

10 "2019 House of Representatives Compensation and Diversity Report: Member, Committee, and Leadership Offices," produced by the Chief Administrative Officer, U.S. House of Representatives and ICF. https://www.house.gov/sites/default/files/uploads/documents/2019_house_compdiversitystudy_finalreport_membcommlead.pdf

Figure 2 | Personal Office Staffing Trends in the House and Senate 1930-2015

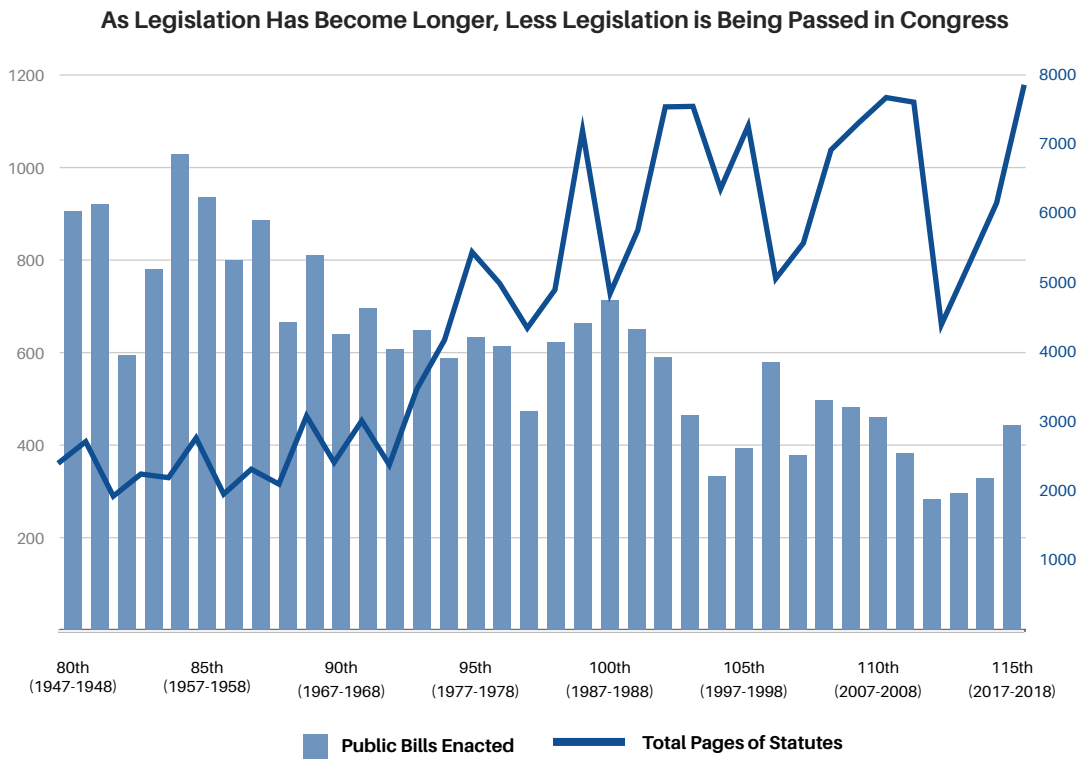


Source: *Vital Statistics on Congress*, Molly Reynolds, ed. Brookings Institution. March 4, 2019. <https://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/>
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Additionally, as more information and more constituent engagement comes Congress' way, it has become that much more difficult to sift through it all to understand it thoroughly and develop effective, responsive public policy. One small indicator of technology possibly making the work of Congress more challenging is the length and complexity of legislation. As Figure 3 shows, as information and documents have become easier to produce, legislative documents have become longer and more complex, and less legislation is being passed.

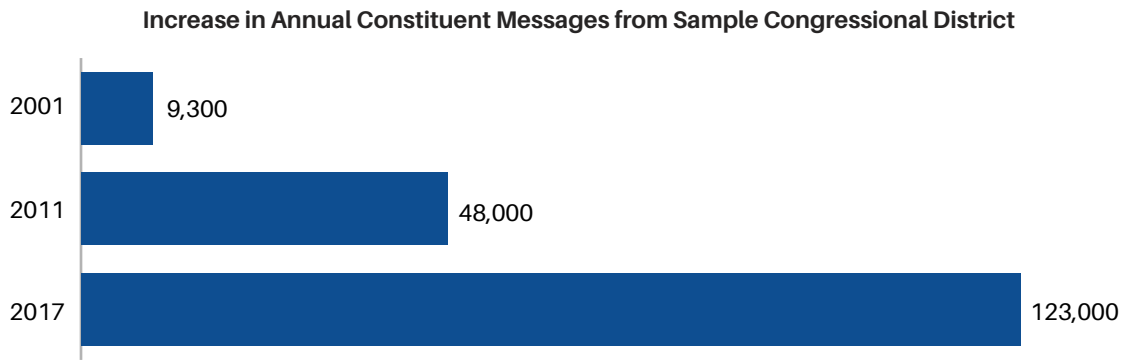
At the same time, constituent input has become more abundant, as exemplified in Figure 4, which shows the increase, over time, of "mail" (which now includes postal mail, email, phone calls, and other contacts from constituents) in one House district. This district has been represented by two different Members in the years included, but the rise in volume is commensurate with available aggregate House data. This district has seen the volume of their constituent mail increase by 13 times over less than 20 years. This increase in volume is largely the result of coordinated grassroots advocacy campaigns from associations, nonprofits, corporations, and other organizations. These organizations encourage their members to reach out to their Senators and Representatives to express their views. They are largely form messages with little or no personalization, and they result in every House and Senate office having to process and respond to identical messages across Congress. This requires significant resources in every single office, and most of it is duplicated effort.

Figure 3 | Relationship of Bill Length and Number of Bills Enacted



Source: *Vital Statistics on Congress*, Molly Reynolds, ed. Brookings Institution. March 4, 2019. <https://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/>
 Published in: *The Future of Citizen Engagement: Rebuilding the Democratic Dialogue*, Congressional Management Foundation, 2021.

Figure 4 | Rising Constituent Communications Volume in One House Office



Source: Congressional Management Foundation. Data collected from the Members of Congress representing a single House district at select points in time. Increase is representative of data collected from other House offices and indicative of the overall increase in constituent messages to the House of Representatives through various channels.
 Published in: *The Future of Citizen Engagement: Rebuilding the Democratic Dialogue*, Congressional Management Foundation, 2021.

2. Congress is slow to embrace new technology and uses it unevenly and inconsistently.

Since the Taft administration, when the number of Representatives was frozen at 435, not only has the population of the country grown significantly, but technology has revolutionized work and communication. Radio, broadcast and cable TV, computers, the Internet, and mobile communications have all been invented and/or widely adopted since then. All have also dramatically changed the dynamic between Members of Congress and the People.

However, Congress as an institution has always been cautious of embracing new technology. As a result, adoption and innovation has typically occurred on an office-by-office basis. The Legislative Branch is made up of 700 independent offices and entities: Senators' and Representatives' personal offices, committees, leadership offices, institutional offices, and legislative branch agencies. For the most part, they are making technology decisions with limited coordination, largely to allow maximum choice and flexibility to perform their duties as they deem necessary.¹¹ However, with no single entity responsible for planning how technology can best support Legislative Branch operations, or devising a comprehensive strategy for technology's role in democracy, technological adoption in Congress is slow and piecemeal.¹²

Though radio and television had been widely adopted by the public decades before, it was not until 1978 that routine live radio broadcast of House floor proceedings began,¹³ and cable television broadcasts followed in 1979.¹⁴ Cable television broadcasts of Senate floor proceedings did not begin until 1986, and the Senate resisted radio broadcasts altogether.¹⁵ Once both chambers were being televised, anyone with cable TV could watch their legislators live on

Since the Taft administration, when the number of Representatives was frozen at 435, not only has the population of the country grown significantly, but technology has revolutionized work and communication.

11 "Hearing on IT Assessment: A Ten-Year Vision for Technology in the House" before the Committee on House Administration, House of Representatives, 109th Congress, Second Session, September 27, 2006. <https://www.govinfo.gov/content/pkg/CHRG-109hrg31073/pdf/CHRG-109hrg31073.pdf>

12 "Congressional Reform Task Force Report," American Political Science Association, October 2019. <https://www.apsanet.org/Portals/54/APSA%20RPCI%20Congressional%20Reform%20Report.pdf?ver=2020-01-09-094944-627>

13 "Radio and Congress: Connecting the House to the Home," Office of the Historian of the U.S. House of Representatives. <https://history.house.gov/Exhibitions-and-Publications/Electronic-Technology/Radio/>

14 "Speaker Martin's Television Debut: The House and Television," Office of the Historian of the U.S. House of Representatives. "Whereas: Stories from the People's House—Reporting Live from the House Chamber." <https://history.house.gov/Exhibitions-and-Publications/Electronic-Technology/Television/>

15 "Radio Days: May 2, 1924," U.S. Senate Historical Highlights, accessed on September 2, 2020. https://www.senate.gov/artandhistory/history/minute/Radio_Days.htm

C-SPAN and place a telephone call to comment. In a 1987 speech, then-Senate Majority Leader Robert C. Byrd commented that:

“The explosion in the electronic media and the televising of House and Senate debates have resulted in better-informed interest groups, who, in turn, more readily communicate their message to their members, legislators, and other targets. Congressional offices are frequently flooded with telegrams, telephone calls, letters and postcards (sometimes preprinted), as a ‘grassroots’ campaign moves into full swing, mobilized by one or another interest group on a given issue.”¹⁶

Senator Byrd made this observation years before the Internet came along. Once it did, the volume of messages—especially those mobilized by associations, nonprofits, and corporations—increased significantly. However, Congress has been slow to embrace technology to manage the influx of Internet-generated messages from the People. As the volume of phone calls, emails, and other communications to Senators and Representatives increased, the amount of staff time dedicated to managing and responding to them also increased. Around the turn of the 21st century, tools were developed to automate some of the administrative work associated with constituent correspondence, but the volume of messages and the real-time scrutiny of Members’ activities ensured that significant staff resources were still required to manage many tasks.¹⁷ The volume also made it virtually impossible for Senators and Representatives to keep abreast of the messages themselves without severely limiting the amount of time they could spend on legislative and other representational activities. As a result, most Senators and Representatives started to receive briefings on trends in constituent communications and samples of messages, rather than reading or hearing all of the messages themselves.

Moreover, the technology tools most widely used by Senators and Representatives to engage with constituents tend to facilitate “turning contact from citizens into data points”¹⁸ rather than the substantive engagement necessary to include the People in public policymaking. Though efforts are underway to envision and build a technology infrastructure that more robustly supports the legislative process,¹⁹ Congress and democracy are currently a long way from being truly technology-enabled,²⁰ as the COVID-19 crisis made glaringly apparent.²¹ Technology is used

16 *The Senate, 1789-1989*, vol. 2, Robert C. Byrd, 1989, as excerpted in “Lobbyists,” United States Senate. https://www.senate.gov/legislative/common/briefing/Byrd_History_Lobbying.htm

17 “From Voicemails to Votes: A Human-Centered Investigation by The OpenGov Foundation into the Systems, Tools, Constraints, and Human Drivers that Fuel How Congress Engages with Constituent Input,” OpenGov Foundation, 2018. <https://v2v.opengovfoundation.org/summary-of-research-findings-55afbdee80d8>

18 “How Congress Turns Citizens’ Voices into Data Points,” Samantha McDonald, *The Conversation*, September 16, 2019. <http://theconversation.com/how-congress-turns-citizens-voices-into-data-points-120869>

19 The Legislative Branch Bulk Data Task Force has been working for years to establish data standards to facilitate better workflows and information-sharing internally to the Legislative Branch and externally to citizens.

20 “American Political Science Association Task Force on Congressional Reform Report from the Subcommittee on Technology and Innovation,” Claire Abernathy, Kevin Esterling, and Marci Harris, September 2019. <https://www.legbranch.org/app/uploads/2019/10/APSA-Technology-and-Innovation-short-report-10-2019.pdf>

21 “Congressional Modernization Jump-Started by COVID-19,” Marci Harris, Claire Abernathy, and Kevin Esterling. TechTank blog of the Brookings Institution, June 18, 2020. <https://www.brookings.edu/blog/techtank/2020/06/18/congressional-modernization-jump-started-by-covid-19/>

more for information management, communications, and administrative tasks than for knowledge extraction, collaboration, and deliberation. Additionally, many of the free cloud-based platforms and apps that enable collaborative interactions and engagement are justifiably viewed as cybersecurity threats.

To date, Congress has failed to fully integrate secure and robust technology to fully facilitate our democratic processes for the 21st century. Instead, technology has helped facilitate Congress becoming more of a bureaucracy than a hub for democratic learning, engagement, and problem-solving. However, as discussed in CMF's 2020 report *The Future of Citizen Engagement: Coronavirus, Congress, and Constituent Communications*,²² the COVID-19 pandemic, which caused Congress and every other workplace in the world to integrate remote work capabilities, may have been the catalyst for rapid technological advancement in Congress.²³ Members, staff, and the People are more primed than ever to use technology to facilitate work, civic engagement, and democracy. The House Select Committee on the Modernization of Congress is also convening provocative hearings, conducting important research, and offering bipartisan recommendations to bring Congress up to date. It will be interesting to see whether Congress becomes less averse to technology in the future and more able to overcome the "'pacing problems,' that compromise Congress' ability to legislate, conduct oversight, and operate effectively."²⁴

To date, Congress has failed to fully integrate secure and robust technology to fully facilitate our democratic processes for the 21st century. Instead, technology has helped facilitate Congress becoming more of a bureaucracy than a hub for democratic learning, engagement, and problem-solving.

3. Advocacy organizations are focusing on ease and efficiency when lobbying Congress, instead of strategies that are more effective, but harder to implement.

Like Congress, the associations, nonprofits, and corporations that facilitate grassroots advocacy campaigns to legislators are unwittingly aiding the process of turning constituent contact into data points instead of true engagement. The technology used by constituents and advocacy

²² *The Future of Citizen Engagement: Coronavirus, Congress, and Constituent Communications*, Kathy Goldschmidt and Bradley Joseph Sinkaus, Congressional Management Foundation, 2020. <https://www.congressfoundation.org/coronavirus-report-2020>

²³ "Congressional Modernization Jump-Started by COVID-19," Marci Harris, Claire Abernathy, and Kevin Esterling. TechTank blog of the Brookings Institution, June 18, 2020. <https://www.brookings.edu/blog/techtank/2020/06/18/congressional-modernization-jump-started-by-covid-19/>

²⁴ Ibid.

groups to organize around issues and mobilize constituents to contact their Senators and Representatives makes it easy to participate, but the results infrequently contribute to substantive public policy deliberation. Quick and easily-measured communications tactics are emphasized over thoughtful and interactive engagement, so Congress receives an overwhelming volume of emails and phone calls that do not provide significant value to the public policy process.

Form email advocacy campaigns represent 70%-90% of the messages every Senator and Representative receives from their constituents, but they seldom provide substantive input into policy debate and decisions. In a CMF poll of grassroots advocacy professionals in the association, nonprofit, and corporate community, 79% of the respondents said that mass email campaigns are the “primary” strategy they currently employ to contact Members of Congress.²⁵ However, only 3% of congressional staff surveyed said that mass email campaigns have “a lot” of influence on an undecided lawmaker.²⁶ They can help provide Members with support for decisions they have already made, and they sometimes raise awareness of issues that might otherwise be ignored, but they seldom persuade them to change their minds. To change their minds—or engage them in issues they are not already focused on—requires more effort than a “click here to send a message to your Senators and Representative” campaign. It requires personal contact, relationship-building, and trust.

Part of the underlying cause of advocacy organizations’ dependence on email campaigns is a bureaucratic mentality that thrives on simple metrics. When presented with data on the inefficacy of mass form email campaigns, one association grassroots director replied, “Yeah ... but my boss likes to see numbers.” While this is the dominant attitude among the grassroots community, there are signs that some organizations are beginning to emphasize the quality of the relationship with elected officials instead of the number of emails generated.²⁷

Another component of the problem is that—like the leaders of organizations—Members of Congress and their staffs have become accustomed to thinking in terms of volume. Even though volume does not change the minds of undecided Members, it is often used by staff to help them

When presented with data on the inefficacy of mass form email campaigns, one association grassroots director replied, “Yeah ... but my boss likes to see numbers.”

²⁵ Unpublished data collected by the Congressional Management Foundation in March 2018 via live poll of professional grassroots organizers.

²⁶ “Citizen-Centric Advocacy: The Untapped Power of Constituent Engagement,” Bradford Fitch, Congressional Management Foundation, 2017. CMF specifies influence on an undecided Member because, once Members have decided on an issue—especially one in the national spotlight—there is little that will sway them to change that decision. It is not unheard of, but it takes more than typical advocacy practices to do so. <https://www.congressfoundation.org/citizen-centric-advocacy-2017>

²⁷ CMF wishes to make this important distinction: While our research shows that IDENTICAL form emails have little or no value, INDIVIDUALIZED communications, even sent via email and through grassroots groups website, have great value.

determine what issues receive their attention. In doing so, however, staff motivate organizations to generate even more messages, contributing to a cycle that distracts everyone from the actual substance and merit of an issue.

One major trade association with millions of members now focuses significant energies and resources on training 535 individual association members—one in every district and state in the nation—to build relationships with their Members of Congress, creating trusted constituent advocates to engage on the issues that matter to them. And in 2019, for the first time in this association’s modern history, they did not conduct a national “action alert” asking their full membership of millions to send an email Congress. Instead, they urged their 535 “grasstops” advocates—local expert-members—to meet with their legislators in person or through a scheduled phone call. While these activities are not easily measured in terms of volume, they can be measured in terms of impact. Individuals and organizations that build relationships with Members of Congress and their staff are much more likely to see their efforts affect the Members’ decisions, whether or not they are well-funded, deeply-connected, or experienced advocates.

Individuals and organizations that build relationships with Members of Congress and their staff are much more likely to see their efforts affect the Members’ decisions, whether or not they are well-funded, deeply-connected, or experienced advocates.

4. Constituents do not feel like they are being heard.

As discussed in the CMF report *The Future of Citizen Engagement: What Americans Want from Congress & How Members Can Build Trust*, constituents value the relationship between Members of Congress and those they represent. They want to feel heard, but they do not feel Congress is listening.²⁸ They do not think government or Congress works for them. Data collected over decades indicates that we are near an all-time high (89%) of Americans who believe that the government is run by big interests looking out for themselves, not for the benefit of all people.²⁹ In fact, the percentage who feel the government is run by a few big interests has climbed dramatically since the 1960s when significantly higher percentages of Americans believed government was run for the benefit of all the people.³⁰

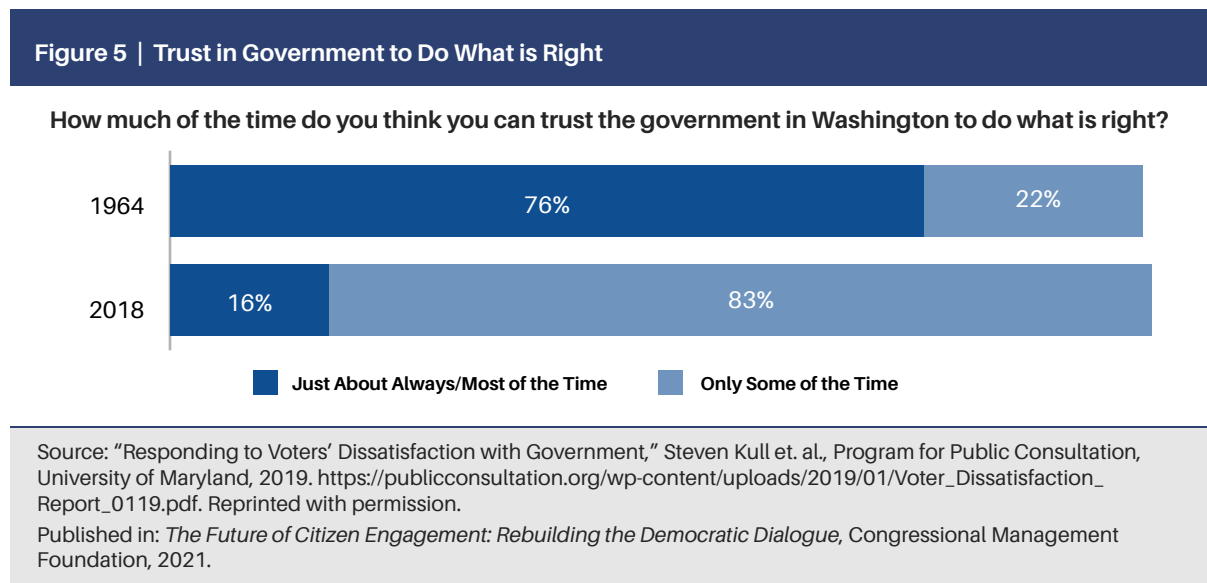
28 *The Future of Citizen Engagement: What Americans Want from Congress & How Members Can Build Trust*, Kathy Goldschmidt and Bradley Joseph Sinkaus, Congressional Management Foundation, 2021. <https://www.congressfoundation.org/public-opinion-trust-2021>

29 “Responding to Voters’ Dissatisfaction with Government,” Steven Kull et. al., Program for Public Consultation, University of Maryland, 2019. https://publicconsultation.org/wp-content/uploads/2019/01/Voter_Dissatisfaction_Report_0119.pdf

30 Ibid.

Moreover, voters overwhelmingly feel Members of Congress: think mostly about their party, not the good of the country; do not listen to the people they represent; and would be more likely to find common ground if they were more influenced by the people they represent.³¹

Trust in government has declined dramatically since the 1960s, as well. Where in 1964 more than three-quarters (76%) of Americans said they trusted government to do what is right “just about always” or “most of the time,” now four in five (83%) Americans say they can trust the government to do what is right “only some of the time.”³²



In 2019, voters were asked how much elected officials should listen to and be influenced by the views of the people they represent. Using a scale of one to 10, with one being least influenced and 10 being most influenced, the average score was 8.8. They felt that elected officials should listen to and be significantly influenced by the views of their constituents. The voters were then asked how much most Members of Congress actually do listen to and are influenced by the views of the people they represent. The average was 4.0. Finally, they were asked about their own Representative, and the average was 5.1. Those are sizeable gaps between what voters think Members *should* do and *actually* do. They feel that Senators and Representative should be deeply influenced by their constituents, but they do not feel that they actually are. Also, nearly half of the respondents had “very” (23%) or “somewhat” (27%) unfavorable views of their own Representative, and 52% felt their Representative did not deserve to be re-elected.³³

CMF knows that Members of Congress care deeply about their constituents, with most (95%) of the House Members surveyed about their work life rating “staying in touch with constituents” as

³¹ Ibid.

³² Ibid.

³³ Data included in “Responsiveness and Assessments of 2020 Presidential Candidates: Questionnaire with Frequencies,” Voice of the People, November 2019. http://www.publicconsultation.org/wp-content/uploads/2019/11/Candidate_Assessments_Responsiveness_Quaire_1119.pdf

the job aspect most critical to their effectiveness. In fact, it was the most important factor to their job satisfaction, followed by their relationship with their staff. Even family, colleagues, and friends rated far lower in importance.³⁴ We also know that, as we discussed in our report *Life in Congress: The Member Perspective*:

“Americans possess a limited, and somewhat distorted, view of what it’s like to be a Member of Congress. Most news stories feature the negative motivations of legislators and most portrayals of Members of Congress by the entertainment industry further reinforce the stereotype that they are lazy, self-interested, and corrupt. Members themselves add to the criticism by lauding their own virtues while decrying their colleagues and Congress as an institution.”³⁵

We also know that, if Members have the opportunity to have substantive, deliberative discussions with constituents, they are able to explain their views and can change constituents’ minds about their handling of an issue and their performance, in general.³⁶ The fact remains, however, that the overwhelming perception among the People is that Congress does not care about them and does not trust it to do right by them.

Practices by both the public and Congress have led to the relationship between Congress and the People being viewed as purely transactional, not the robust, substantive democratic engagement envisioned for a modern democratic republic.

5. Practices on both sides of Member-constituent engagement are facilitating bureaucracy, not democracy.

Practices by both the public and Congress have led to the relationship between Congress and the People being viewed as purely transactional, not the robust, substantive democratic engagement envisioned for a modern democratic republic. As the Internet, email, and social media have become more integral to the democratic dialogue, the tools and tactics used on each side have become more sophisticated, the volume of messages has grown, and the number of citizens communicating with Congress has increased. As a result, both congressional offices and the organizers of grassroots advocacy campaigns are investing more time, effort, and resources in

³⁴ “Life in Congress: The Member Perspective,” a joint research report by the Congressional Management Foundation and the Society for Human Resource Management, 2013. <https://www.congressfoundation.org/lic/member>

³⁵ Ibid.

³⁶ “Can Members of Congress Change Your Mind? Yes, They Just Have to Talk to You.” David Lazer and Michael Neblo, *Politico Magazine*, April 19, 2015. <https://www.politico.com/magazine/story/2015/04/congressman-talking-to-you-117006/>

the communications. This has led to powerful frustrations in both Congress and advocates. Some congressional offices may be too inclined to mistrust organized advocacy campaigns, believing that the bad practices of a few represent the practices of the entire industry.³⁷ Some organizers of grassroots advocacy campaigns may be too inclined to see Senators, Representatives, and congressional staff as uninterested in facilitating their constituents' First Amendment rights. These views are both far from reality, but tensions are high and the process is rife with misperceptions.

On the congressional side, the practices that have fueled a transactional approach to constituent engagement are largely related to capacity, communication, and technology, as discussed above. Senators and Representatives have so many constituents and comparatively few resources that they must prioritize who they engage with and how. Unless an office is highly strategic and goal-oriented, prioritization often comes down to being reactive to incoming messages and requests. Offices provide the greatest attention to those who participate.³⁸ Despite their best efforts, Senators and Representatives tend to hear most from and engage most with people who have particular, niche interests—such as increasing funding to find a cure for a disease or decrease regulations in a single industry. These are the constituents most likely to be organized and politically active, but they are seldom representative of the entire district or state.³⁹

With Congress so focused on reacting to constituent demands, it lacks the resources for more thorough and methodical democracy maintenance. This can result in a Congress with an incomplete understanding of the range and totality of constituents' views and needs. It is important to note that this is not because Members of Congress are uninterested in the broader views in their constituencies, but because Congress does not afford the resources, time, technologies, and skills necessary to methodically collect and analyze those views.

Additionally, a significant percentage of Americans are disengaged. They are either uninterested in or disgusted by politics, or they lack the time or resources to connect with policymakers. Can one really fault a single parent working two jobs, who decides not to attend a telephone town

Senators and Representatives have so many constituents and comparatively few resources that they must prioritize who they engage with and how.

37 "Fake Comments: How U.S. Companies & Partisans Hack Democracy to Undermine Your Voice," New York State Office of the Attorney General Letitia James, May 2021. <https://ag.ny.gov/sites/default/files/oag-fakecommentsreport.pdf>

38 *Constituency Representation in Congress: The View from Capitol Hill*, Kristina C. Miller, University of Maryland, Cambridge University Press, 2010. <https://www.cambridge.org/id/academic/subjects/politics-international-relations/american-government-politics-and-policy/constituency-representation-congress-view-capitol-hill?format=HB&isbn=9780521765404#contentsTabAnchor>

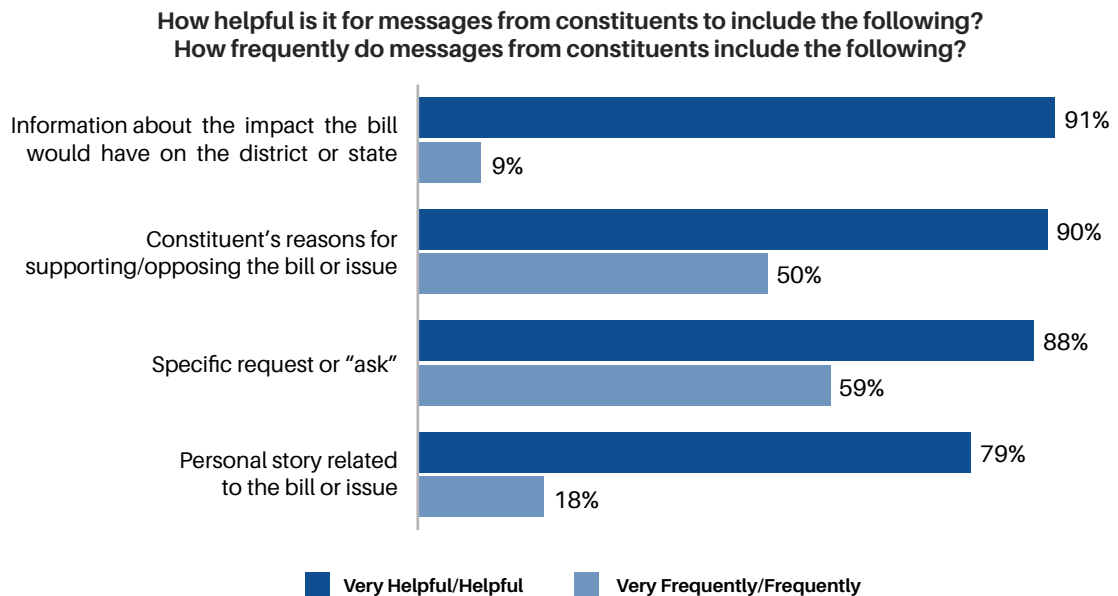
39 *Politics with the People: Building a Directly Representative Democracy*, Michael A. Neblo, Kevin M. Esterling, and David M. J. Lazer, Cambridge Studies in Public Opinion and Political Psychology, 2019. <https://connectingtocongress.org/politics-with-the-people-2>

hall meeting with their Senator, and instead focuses that evening on preparing school lunches for the next day? Regrettably, the needs of the disengaged are often different from those with the privilege of time, resources, knowledge, and confidence to engage with their Senators and Representatives. Unfortunately, the disengaged are also often the most vulnerable to decisions made without their input, which makes it all the more important for Congress to build the means and the will to proactively collect it throughout the legislative process.

On the constituent side, there is a lack of understanding about how and why to communicate with Congress. For many, civic engagement is purely transactional. Protests, one-click advocacy, and joining an organization that advocates on their behalf are the primary venues for many Americans to engage in public policy, but these are mostly viewed as “one and done” engagements. Once they participate in them, most disengage until they are prompted, often by anger, to perform the next transaction. Few follow up, and fewer still participate in the more sustained and deliberative democratic engagement that leads to change.

The most prolific source of messages to Congress is through “one-click advocacy.” People are engaged in advocacy campaigns online through social media or other outreach or through encouragement by the organizations they belong to. For most people, this can feel like shouting into a void because neither the constituents nor most of the organizers of these campaigns truly understand what Congress needs or what sort of action or response to expect. As shown in Figure 6, these messages—usually form letters written by staff in the association, nonprofit, or

Figure 6 | Frequency versus Helpfulness of Specific Information in Constituent Advocacy



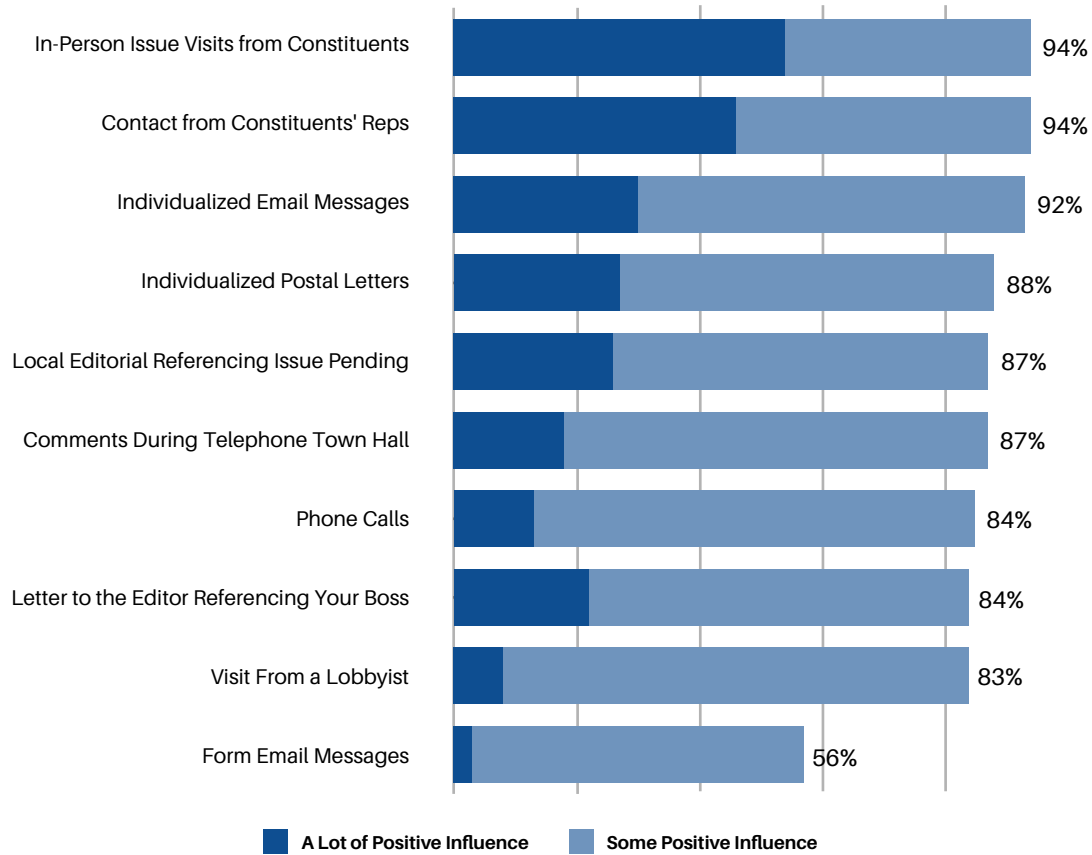
(n = 198-207)
 Source: "Citizen-Centric Advocacy: The Untapped Power of Constituent Engagement," Congressional Management Foundation, 2017. <https://www.congressfoundation.org/citizen-centric-advocacy-2017>
 Published in: *The Future of Citizen Engagement: Rebuilding the Democratic Dialogue*, Congressional Management Foundation, 2021.

corporation coordinating the campaign—seldom include the information that would be most helpful to congressional staff. As a result, they are usually counted and responded to, but they seldom substantively contribute to public policy.

More engaged constituents come to Washington, D.C. or Senators’ and Representatives state and district offices for “lobby days” coordinated by the associations, nonprofits, and corporations to which they belong. Few understand or receive guidance on how to interact with legislators and their staffs and advocate for their positions, so they are ill-prepared for their meetings. Despite the fact that in-person meetings with Members and staff are the most effective means for constituents

Figure 7 | Influence of Advocacy Strategies to Washington Office on Undecided Member

If your Member/Senator has not already arrived at a firm decision on an issue, how much influence might the following advocacy strategies directed to the *Washington office* have on his/her decision?



(n = 190-192)

Source: "Citizen-Centric Advocacy: The Untapped Power of Constituent Engagement," Congressional Management Foundation, 2017. <https://www.congressfoundation.org/citizen-centric-advocacy-2017>

Published in: *The Future of Citizen Engagement: Rebuilding the Democratic Dialogue*, Congressional Management Foundation, 2021.

to have their voices heard,⁴⁰ most fail to accomplish much because constituents usually do not have a clear sense of what they are trying to accomplish. In fact, only 12% of the staffers surveyed by CMF indicated that the typical constituent they meet with is “very prepared” for meetings with Members and staff.⁴¹

The practices on both sides have resulted in constituent engagement that not only misses the point of public input into legislative processes, they may actually be directing resources away from substantive constituent needs assessment and policymaking toward administrative duties necessary to manage and respond to high volumes of low substance messages.

Only 12% of the staffers surveyed by CMF indicated that the typical constituent they meet with is “very prepared” for meetings with Members and staff.

⁴⁰ “Citizen-Centric Advocacy: The Untapped Power of Constituent Engagement,” Bradford Fitch, Kathy Goldschmidt, and Nicole Folk Cooper, Congressional Management Foundation, 2017. <https://www.congressfoundation.org/citizen-centric-advocacy-2017>

⁴¹ Ibid.

Trust between Members of Congress and those they represent—between Congress and the People—is the foundation of our democracy. If, as at present, Congress and the People are skeptical, dismissive, or mistrustful of one another, democracy cannot flourish.

Building a Common Foundation: Principles for Member-Constituent Engagement

To help reframe what input from the People is really for and how it should be facilitated and used, CMF proposes that 10 principles should serve as a foundation for engagement between Members of Congress and those they represent. Below we discuss each and provide options that Congress, citizens, and groups should consider the best ways to put the principles into practice.

1. Congressional engagement should foster trust in Members, Congress, and democracy.

Trust between Members of Congress and those they represent—between Congress and the People—is the foundation of our democracy. If, as at present, Congress and the People are skeptical, dismissive, or mistrustful of one another, democracy cannot flourish. Even worse, if the government is perceived as corrupt, as increasing percentages of Americans are inclined to believe,⁴² that outright undermines trust in Congress and other institutions of democracy.⁴³ Research from the Organization for Economic Cooperation and Development (OECD) found that “perceived government integrity is the strongest determinant in trust in government,” and “perceptions of institutional performance strongly correlate with both trust in government and trust in others.”⁴⁴ Modern methods of engagement must be built with trust in mind. They should facilitate activities and convey information that enhance trust on both sides and increase confidence in Senators and Representatives, Congress, and democracy.

42 “Responding to Voters’ Dissatisfaction with Government,” Steven Kull et. al., Program for Public Consultation, University of Maryland, 2019. https://publicconsultation.org/wp-content/uploads/2019/01/Voter_Dissatisfaction_Report_0119.pdf

43 “Report from the Commission to the Council and the European Parliament: EU Anti-Corruption Report,” European Commission, 2014. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/organized-crime-and-human-trafficking/corruption/docs/acr_2014_en.pdf

44 “Trust and its Determinants: Evidence from the Trustlab Experiment,” Working Paper 89, Fabrice Murin, et. al. OECD, 2018. [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=SDD/DOC\(2018\)2&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=SDD/DOC(2018)2&docLanguage=En)

Principle into Practice:

- Members of Congress should stop disparaging the institution to score political points. Most attacks are inaccurate and the minimal short-term gain by a politician comes with a significant long-term cost to American democracy.
- Congress should do more to help Americans understand its important role in our democracy.
- Members of Congress should adopt more a customer service mindset, less a promotional mindset. Listen more and talk less.
- Congress should foster high-quality, two-way communication with Americans that affirms that Congress is listening and cares what the People have to say.
- Members of Congress must recognize that transparency and accountability breed trust in democracy.

As we modernize Member-constituent engagement, it is imperative that we more deeply explore, define, and distinguish the relationships among our First Amendment rights as they pertain to our interactions with Congress.

2. Congress should robustly embrace and facilitate the People’s First Amendment rights.

The Legislative Branch, as the First Branch of government described in the U.S. Constitution, holds an essential position in our democracy. Congress is designed to be more directly connected and beholden to the people than the other branches of government, a fact that is deeply embedded into our culture, practice, and expectations. Congress is, therefore, the institution most responsible for ensuring that the People’s First Amendment rights are vigorously facilitated in the public policy process.

The freedoms of assembly, speech, and the press are all critically important to the relationship and communications between Congress and the People and between individual Senators and Representatives and their constituents. However, equally important (yet often overlooked by the media and the public) is the right to petition government for a redress of grievances. Current practice, custom, and culture bear little resemblance to those of Congress—especially the House of Representatives—during its early years, as discussed on the following page in the section entitled “The Right to Petition Government for a Redress of Grievances.”⁴⁵ As we modernize Member-constituent engagement, it is imperative that we more deeply explore, define, and distinguish the relationships among our First Amendment rights as they pertain to our interactions with Congress. Yet, while it is sometimes said that citizens and Congress both have responsibilities in our democracy, the bulk of the burden to facilitate engagement should rest with Congress. While many Senators and Representatives accept this duty inherently as part of their job description, many do not deeply and proactively facilitate public engagement either because

⁴⁵ “Petitioning and the Making of the Administrative State,” Maggie Blackhawk, *Yale Law Journal*, Volume 127, Issue 6, Article 2, 2018. <https://ssrn.com/abstract=3150671>

they view other duties as more important or they do not know how to do it effectively. Members of Congress must embrace this fundamental aspect of democracy and actively explore how best to implement it.

Principle into Practice:

- Congress should embrace organized advocacy facilitated by outside groups, recognizing they are integral to the freedoms of assembly, speech, and petition.
- Members of Congress should advocate for more comprehensive civic engagement education in middle and high schools in their district/state so Americans understand not only how government works, but also their roles and responsibilities in participating in it.
- While advocacy groups, nonprofits, associations, and companies with interests before the government should have access to their representatives in Congress, they also have a responsibility to educate their supporters and set expectations and limits as to what Congress can and cannot do.
- Congress should explore how the right to petition government can be modernized and better facilitated.

The Right to Petition Government for a Redress of Grievances

The First Amendment right to petition the Government for a redress of grievances is now so little understood that, in a 2011 opinion, the Supreme Court indicated that “Some effort must be made to identify the historic and fundamental principles that led to the enumeration of the right to petition in the First Amendment, among other rights fundamental to liberty.”⁴⁶ In other words, the Court wanted to know why it was included along with, but distinct from, the better-understood freedoms of religion, speech, press, and assembly. In response, legal scholar Dr. Maggie Blackhawk began to study the history of the right to petition and learned that Congress facilitated it very differently in the past than it does now.⁴⁷

In England, the petition was well-understood as far back as the Magna Carta. In fact, the failure of petitions to Parliament was described in the U.S. Declaration of Independence as the key reason for cutting ties with England: “In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.”⁴⁸

The petition was the means for individuals to raise issues and have them considered by government. Though not included in the U.S. Constitution, it was deemed necessary to include in the First Amendment alongside other fundamental rights. From the beginning, Congress spent

46 *Borough of Duryea v. Guarnieri*, 564 U.S. 379 (2011).

47 “Petitioning and the Making of the Administrative State,” Maggie Blackhawk, *Yale Law Journal*, Volume 127, Issue 6, Article 2, 2018. <https://ssrn.com/abstract=3150671>

48 “Declaration of Independence: A Transcription,” National Archives. <https://www.archives.gov/founding-docs/declaration-transcript>

a great deal of time defending and facilitating the right to petition, and treated it more akin to due process than free speech. The key features of this right in the House of Representatives, to which the bulk of petitions were addressed, were:

- **They were based on merit.** Any Member could introduce and advocate for any petition. They did not have to represent the petitioner. If a petitioner could not identify a Member to submit the petition, it would be ignored.
- **There were clear rules petitioners had to follow.** Petitions had to be written in a specific way, more like court filings than modern messages to Congress. If the petitioner failed to follow the rules, the petition would be considered “informational” or ignored.
- **The petition, process for consideration, and outcome were transparent.** Petitions were read into the *Congressional Record* and then either referred to a committee, cabinet member, or court or tabled for no further consideration. Each was tracked by the Clerk of the House in a public docket through to its resolution and response.
- **The number and influence of the signatories did not matter.** Even back to the first congress, petitions from women, free Black people, enslaved people, Native Americans, foreigners, and children were considered alongside those of influential white men. Petitions provided means for individuals, including unenfranchised people and minority voices, to have their concerns heard by Congress.
- **Congress delegated some categories of petitions.** The original purpose of committees was to consider petitions, but frequently over the years issues emerged that threatened to overwhelm congressional capacity. In the very early days, these included petitions about pensions for Revolutionary and Civil War veterans, patents, claims against the government, and interstate commerce. To handle the volume of petitions and provide them all with due process and consideration, Congress created entities to delegate them to, such as the Bureau of Pensions, Board of Patents, Court of Claims, and Interstate Commerce Commission.⁴⁹

It is unclear when the right to petition evolved from the formal, transparent, court-like filings and procedures of early congresses into the informal and opaque grassroots advocacy and professional lobbying practices we use today. The Senate and House of Representatives still receive and process formal petitions, and on most days a few appear in the *Congressional Record* along with a notation of which committee to which they were referred. They are merely vestigial versions of original petitions, however. They no longer require action or resolution, and the Clerk no longer tracks them through to resolution in a public docket. There is no longer a culture or mandate for due process or transparency, and messages from constituents are treated as free speech, to be taken up or ignored at will. Free speech does not necessitate consideration and resolution. Due process does.⁵⁰

49 “Petitioning and the Making of the Administrative State,” Maggie Blackhawk, *Yale Law Journal*, Volume 127, Issue 6, Article 2, 2018. <https://ssrn.com/abstract=3150671>

50 Ibid. For additional recent scholarship on the petition, see also “Lobbying and the Petition Clause” (Blackhawk, *Stanford Law Review* 2016) <https://ssrn.com/abstract=2762012>, “Congressional Representation by Petition: Assessing the Voices of the Voteless in a Comprehensive New Database, 1789-1949” (Blackhawk, Carpenter, et. al. *Legislative Studies Quarterly* 2020) <https://doi.org/10.1111/lsq.12305>, *Democracy by Petition: Popular Politics in Transformation, 1790-1870* (Carpenter 2021) <https://www.hup.harvard.edu/catalog.php?isbn=9780674247499>, and “The Popular Origins of Legislative Jurisdictions: Petitions and Standing Committee Formation in Colonial Virginia and the Early U.S. House” (Schneer, Resch, et. al. *Journal of Politics*, forthcoming 2021) <https://dcarpenter.scholar.harvard.edu/publications/popular-origins-legislative-jurisdictions-petitions-and-standing-committee>.

3. Congress must robustly collect, aggregate, and analyze meaningful knowledge from diverse sources.

Public policy has always been informed by a range of relevant information sources, including Members' own experiences and beliefs. They must understand the needs and views of stakeholders who are impacted by legislation and individuals who are interested in the issues, whether or not they are stakeholders. Members must also understand the data and engage the experts in relevant fields to thoroughly understand the nuances of an issue and arrive at informed decisions. At present, the predominant channel for information from any source (measured by volume) to flow to Members and staff is email, which is unwieldy to manage, sort, and extract insight from. New systems and platforms meant to facilitate and enhance congressional engagement with the public should support robust aggregation and disaggregation, parsing, and analysis of relevant information from a wide range of sources.⁵¹ Only in this way can Congress turn the vast amount of available data and information into knowledge that effectively informs public policy and provides our leaders with the wisdom they need to determine the best course of action.

Principle into Practice:

- Congress should adopt processes, systems, and technologies to better aggregate and understand the People's views and integrate them with other sources of data and information.
- Members of Congress should consider regularly partnering with local colleges, community colleges, and universities to help more broadly collect, aggregate, and understand constituent views and needs.
- Members of Congress should convene local subject matter experts for roundtable discussions on relevant issues and legislation.
- Advocacy groups should strive to educate and train their supporters to be better citizen-advocates, providing a high quality of content to their elected officials.

4. Senators and Representatives should strive to engage with a diverse sample of their constituents, not just those who vote for them or seek to influence them.

Too much of a Member's congressional calendar and staffers' workloads are determined by people who seek them out. For example, associations and nonprofits organize tens of thousands of Americans to request meetings, both virtual and in-person, with their Senators and

⁵¹ The SIDE framework—the concept of ensuring that Stakeholders, Individuals, Data, and Evidence are all included and taken into account in the public policy process—was proposed by the Subcommittee on Congressional Technology and Innovation (<https://www.legbranch.org/app/uploads/2019/10/APSA-Technology-and-Innovation-short-report-10-2019.pdf>) of the American Political Science Association's Congressional Reform Task Force. The concept was described in more detail by Marci Harris, Claire Abernathy, and Kevin Esterling, the co-authors of the subcommittee report (<https://medium.com/g21c/the-side-framework-fc125af9b508>), and further developed by Lorelei Kelly in a working draft of a paper entitled "Civic Voice and Congressional COVID-19 Response: How members of Congress Can Lead SIDE Hearings in their Districts," 2020, Beeck Center for Social Impact and Innovation at Georgetown University. <https://beeckcenter.georgetown.edu/wp-content/uploads/2020/05/Civic-Voice-Pathway-Series-SIDE-Hearing.pdf>

Representatives. They also organize advocacy campaigns and lobbying efforts to which staff are reactive. While this type of engagement is worthy and necessary, if Members of Congress rely primarily on engagement to which they and their staffs are reactive, they are restricting their contact to those who have the capacity and the will to engage. When neither Congress nor the organizations who facilitate advocacy take pains to include the disengaged and underrepresented, or when Senators and Representatives focus most on the needs and concerns of those who offer political advantage rather than striving to truly understand the diverse range of needs and views among constituents, they leave voices out. Members of Congress have a moral duty to represent and include all their constituents, not just those who have the means to proactively engage.

Principle into Practice:

- Congress should explore and adopt methods of engagement that ensure the voices of all constituents are represented, not just those with access or knowledge of the process.
- Members of Congress should reach out to the disengaged, less privileged, and those who disagree with them, and listen to what they have to say.
- Members of Congress should be proactive in outreach and appearances, rather than purely reactive to invitations and requests.
- Members of Congress should visit parts of the district or state whose views are often underrepresented or overlooked.

Members of Congress have a moral duty to represent and include all their constituents, not just those who have the means to proactively engage.

5. Congress should provide additional and diverse avenues for public participation.

Refinements to our thinking about how best to implement our First Amendment rights in our engagement with Congress may add new channels and processes and make changes to existing ones, but existing channels will not easily go away. Said another way, people are still going to write letters to Congress, and Congress should read them. No one-size-fits-all solution exists when it comes to communications between Members and those they represent. As a result of vast differences in geography, connectivity, age, income, and skill that exist in our nation, phone calls, emails, social media, postal mail, in-person visits, and possibly even telegrams still need to be welcomed and facilitated. They may look different in the future, or they may become obsolete and unused by constituents in the face of better tools and practices, but it is not likely an option at this point to close off any form of Member-constituent engagement, just to add newer and better ones. The challenge for Congress has always been how to integrate this mosaic of

information into a digestible form on a shoe-string budget. This is where the independence of the administration of 541 congressional offices serves as a severe disadvantage. Institutional offices should play a greater role in facilitating the delivery and processing of the vast diversity of communications—just as their counterparts do at the state and international level. The Select Committee on the Modernization of Congress has developed a series of excellent recommendations on this theme which, if implemented, would allow for public engagement through a variety of venues and transmitted to Congress in a format Members and staff can more easily process, understand, and integrate into their policy decisions.

Principle into Practice:

- Congress should develop more constructive means of constituent engagement to enhance the People’s experience interacting with Senators and Representatives and enable Congress to glean more valuable insight on public policy issues.
- Congressional committees and the institution should develop new tools that enable the People to engage productively at different points in the legislative process, not only through individual Members, similar to methods used by other countries. (See the next section, “Examples of Innovative Engagement between Elected Leaders and the People.”)
- Member offices should conduct a Constituent Engagement Assessment⁵² to define the best venues and channels for their Members, offices, and constituents.

6. Congressional engagement should promote accessibility for all.

As the COVID-19 pandemic demonstrated, not all Americans have the mobile and broadband internet service and technical expertise necessary for remote work and school. Those who lack good internet service are also often disadvantaged in other ways. When our tools for engaging with Congress rely mostly or exclusively on the internet, we leave out voices that need to be represented in public policy. The same is true when we require engagement to occur in-person, especially in older buildings that are not compliant with the requirements of the Americans with Disabilities Act, as was mostly the case prior to the pandemic. The key is to facilitate the broadest possible inclusion. Modern methods of engagement should strive to ensure that all have equal voice in Congress, regardless of status, wealth, ability, distance, broadband access, ethnicity, race, sexual orientation, gender identity, or any other dimension of difference.⁵³

Principle into Practice:

- Members of Congress must ensure their websites and online engagement tools are accessible to all, including through Section 508 compliance.⁵⁴

52 The Constituent Engagement Assessment is available at CMF’s website and in the 2021 report in the *Future of Citizen Engagement* series, “What Americans Want from Congress & How Members Can Build Trust” by Kathy Goldschmidt and Bradley Joseph Sinkaus. <https://www.congressfoundation.org/public-opinion-trust-2021>

53 Many of these issues were raised in a May 27, 2021 hearing of the House Select Committee on the Modernization of Congress entitled “Making the House More Accessible to the Disability Community.” <https://modernizecongress.house.gov/committee-activity/hearings/making-the-house-more-accessible-to-the-disability-community>

54 Section 508 of the Rehabilitation Act of 1973 requires Federal electronic and information technology to be accessible to people with disabilities. While Congress is not legally required to comply with this law, it is morally obligated to do so.

- In all virtual meetings and events, Congress should include a telephone option, ideally toll-free, to enable participation by those with limited computer and broadband access.
- Members of Congress should conduct both in-person and virtual meetings, so constituents and witnesses who use assistive technology or who cannot travel to their offices, or navigate the buildings can participate.
- Congress should expand its work to make the Capitol and Congress more accessible and inclusive to the one in four Americans with disabilities.

Modern methods of engagement should strive to ensure that all have equal voice in Congress, regardless of status, wealth, ability, distance, broadband access, ethnicity, race, sexual orientation, gender identity, or any other dimension of difference.

7. While individual Members should prioritize engagement with their own constituents, Congress should develop additional venues for public policy participation and engagement.

Senators and Representatives were elected by the people of a specific geographic location to represent those people in Congress. As a result, they rightly prioritize the views and needs of their constituents above all others in their work. Since lawmakers are bound by duty and practice to focus mostly on their own constituents, however, Congress should create other means for the People to engage with Congress in meaningful and thoughtful ways. There are currently few mechanisms for a concern to be raised to Congress except through an individual's own legislators, who have complete discretion in what issues they pursue.

New approaches to engaging the People in the public policy process should prioritize a Member's constituents while also: providing new venues to allow input into legislative proceedings without requiring a Member as a conduit; reviving the more formal, substantive, and transparent petition process at the chamber level; and/or identifying other means for lessening the burden of high-volume advocacy campaigns to individual Members while also facilitating more meaningful, valuable, and inclusive input into public policy.

Principle into Practice:

- Members of Congress should provide language on their websites explaining why they prioritize constituents.
- Members of Congress should use channels of communication and tools that verify and indicate constituents.
- Congress should encourage and develop tools to facilitate productive public engagement with the institution and committees, apart from constituents' individual interactions with their Members of Congress.

Democracy is a two-way street. While our elected officials bear the lion's share of the burden to be transparent and accountable to those they represent, the People who engage Congress have a civic duty, as well.

8. The People should be honest and transparent in their engagement with Congress.

The People and the groups that represent them should not just tell Congress what to do, but also who they are, where they live in the district or state, and why their requested action is relevant to the Senator's or Representative's constituents. Democracy is a two-way street. While our elected officials bear the lion's share of the burden to be transparent and accountable to those they represent, the People who engage Congress have a civic duty, as well.

Most advocacy campaigns directed to Congress—generating millions of messages every year—are comprised of undifferentiated form messages. They are designed to enable constituents to quickly scan a few lines and click “send” in a few seconds, but they seldom provide Congress with substantive, actionable information. American democracy (and Congress) deserves better. Petitioning the government should come with some level of accountability by the petitioner. The People trying to influence Congress should identify who they are, affirm they are constituents, and explain the reasoning behind their involvement in the issue or campaign. This is all the more important as evidence has emerged of dangerous foreign attempts to influence U.S. elections and public policy⁵⁵ and financially-motivated computer-generated public comment on federal regulations masquerading as real people.⁵⁶ Congress already distrusts (and in some cases, ignores) some advocacy campaigns. Both the participants in our democratic dialogue and the tools utilized to facilitate it should foster trust in both the sender of the message and its authenticity.

Principle into Practice:

- Petitioners/The People should expect to provide certain identifying information when they engage with Members of Congress.
- Members of Congress should use systems and technology that verify the identity of those seeking to influence policy outcomes.

⁵⁵ The Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence have independently confirmed Russian interference in the 2016 U.S. elections, including through extensive use of social media bots. An overview of the process, to date, in the Senate, including links to reports detailing their findings, can be accessed via an April 21, 2020 committee press release on the fourth report of five (<https://www.intelligence.senate.gov/press/senate-intel-releases-new-report-intel-community-assessment-russian-interference>). An overview of the process and findings by the House can be accessed through the committee's “Russia Investigation and Transcripts” web page (<https://intelligence.house.gov/russiainvestigation/>).

⁵⁶ “Fake Comments: How U.S. Companies & Partisans Hack Democracy to Undermine Your Voice,” New York State Office of the Attorney General Letitia James, May 2021. <https://ag.ny.gov/sites/default/files/oag-fakecommentsreport.pdf>

- Third-party vendors who facilitate communications to Congress should be required to verify their products/services are not being used to mask or misrepresent who is using them.

Both Congress and the organizers of grassroots campaigns are stuck with an antiquated and inaccurate belief that the best way to demonstrate broad support for a cause or issue is to send as many emails as possible to as many Members of Congress as possible.

9. Constituent advocacy must prioritize content and quality over medium and quantity.

Both Congress and the organizers of grassroots campaigns are stuck with an antiquated and inaccurate belief that the best way to demonstrate broad support for a cause or issue is to send as many emails as possible to as many Members of Congress as possible. Because it is now so much easier and less expensive than in pre-Internet days to generate high volume, these tactics are no longer a clear indication of the salience of an issue. Generating identical form email campaigns to Congress just sap the time, resources, and hard drive space of Congress. Participation in the public policy process is not the same as voting in an election, where the majority rules. It is not the number of messages or the status of the signatories that ultimately matter in the public policy process, but content and merit. Congress has always spent significant time and resources on communications and requests by the People, but with most of it now being mass form email campaigns, the time spent is largely administrative, not substantive.

Our future engagement tactics should facilitate the substantive and minimize the administrative. Fortunately, the same Internet that facilitated grassroots campaigns from associations, nonprofits, and companies can be harnessed to create robust and substantial public engagement. As discussed in our previous report, *Coronavirus, Congress, and Constituent Communications*, CMF documented how the requirement of remote engagement significantly increased congressional virtual and telephone town hall meetings with tens of thousands of Americans. Later in this report we identify other novel methods that have proven highly successful and satisfying to both Members of Congress and they people they represent. It will be extremely hard for Congress to shift resources from focusing on the quantity of communications to embracing high-quality engagement, as they are applying mindsets and workflows that have been in place since the 1970s. Yet the benefits of emphasizing quality over quantity are great, and we are confident once politicians get a taste of what genuine, thoughtful, and even civil engagement is like, they will embrace it.

Principle into Practice:

- Members of Congress should shift staff time and resources currently spent on responding to mass form campaigns to more robust and substantive forms of engagement.

- Members of Congress should highlight the practices of constituents and organizations that effectively inform and engage with their offices.
- Advocacy groups should deprioritize sending identical mass email campaigns, opting instead to focus on engagement that better enhances legislators’ understanding of the impact of public policy issues, satisfies and enriches their supporters, and builds trust in our democratic institutions.

10. Input from the public should be integrated with other sources of information for Congress to make good public policy decisions.

Public sentiment alone should not be the sole determinant in developing public policy—if it was, we would not need Congress, just a national polling firm. The Founders gave us a *republic*, a representative democracy, not a direct democracy. As James Madison said: “In a republic, it is not the people *themselves* who make the decisions, but the people they themselves choose to stand in their places.” This means that Senators and Representatives must weigh a variety of factors in their role as the People’s representatives. One Representative was known to use the “three H’s” when making a decision. Head—the data or reasoning underlying a policy question; Heart—the personal emotional drive or sentiment toward an issue; and Health—the political and electoral imperatives related to the issue. Talking to a constituent at a town hall meeting or reading email campaigns are part of the mosaic of information most Members of Congress collect and contemplate when they make a decision that affects the lives of others. Good public and constituent engagement should complement and augment other sources of information. A great letter to a Senator might make its way into a committee speech. Today’s participant in a telephone town hall meeting might be tomorrow’s committee hearing witness. As Congress, constituents, and the groups that organize public advocacy consider new and exciting ways to improve our democracy, they should consider how the voice of the People complements and could be better integrated into the public policy decision-making process.

Principle into Practice:

- When considering public sentiment, Congress should explore how it complements or contradicts existing research on the topic.
- Advocates should consider playing a greater role in the public policy process, beyond basic grassroots campaigns, including by engaging others or becoming a go-to policy expert.
- Members of Congress should not be solely guided by the passions of the People, but should exercise their own, deeply-informed, independent judgement within the Madisonian vision for a representative of the People.

The Place for “Special Interest Groups”

The media and general public rarely have incentives to scrutinize most of the decisions made by legislators simply because they affect a narrow swath of citizens. Only issues of national import receive national attention. This is the very reason for organized advocacy, or “special interest groups.” They are individuals coming together around an issue they care about and exercising their rights to assembly, free speech, and petition. In fact, most interactions between the People and Congress are facilitated by such groups. Thousands of state and national associations, nonprofits, companies, and other formal and informal groups organize Americans to contact their elected officials on issues of collective importance, most of which do not have broad national interest and are seldom discussed outside of the group’s network.

For example, the Alzheimer’s Association might call on its members to encourage a Representative to co-sponsor a bill to increase funding for Alzheimer’s research. Or the American Farm Bureau might reach out to farmers to encourage a Senator to speak publicly against a proposed regulation by the Environmental Protection Agency. Unless someone is already engaged with the group or issue they may never learn whether and how a lawmaker responds. The result is a cycle of citizen advocacy translating to congressional action playing out thousands of times a day in Congress, largely not witnessed by either the media or the public. This is not the warped influence of so-called “special interest groups”—it is a fundamental feature of our democracy for individuals to band together to monitor legislation and inform elected officials of their opinions, expressing a civic voice on the decisions that will impact them.

Examples of Innovative Engagement between Elected Leaders and the People

The necessity of conducting work remotely during the COVID-19 pandemic compelled congressional offices to fulfill their legislative duties in creative ways, both accelerating technological trends that were already underway—such as virtual town halls and remote constituent meetings—while simultaneously venturing into the uncharted territory of legislative adaptations, such as proxy voting and virtual congressional hearings.⁵⁷ It will be exciting to follow which technological innovations Congress will maintain once the pandemic is over and what new innovations Congress will embrace in the future, now that Members, staff, and society are better prepared to integrate them into our democratic practices and the relationship between Congress and the People. Technology could be much better integrated into the public policy process to serve and hear from the American people and craft better, more responsive public policy for the benefit of all.

Following are some examples from the House and Senate, state and international legislatures, and civil society that could serve as inspiration for Senators and Representatives—and the institution of Congress—as they consider how to better use technology to facilitate and enhance public engagement. These examples are illustrative. They are not intended to represent a comprehensive or exhaustive review of the tremendous activity in this space. There are many more innovations both on and off Capitol Hill than we could highlight here, and more being developed all the time, especially now that legislatures throughout the country and around the world are trying to figure out how to function in what looks to be a new post-pandemic normal.

Facilitating Virtual Deliberative Town Hall Meetings

During the pandemic, most Senators and Representatives dramatically increased the number of virtual town hall meetings they hosted, but most just used the same formats they always have to conduct them. They recruited constituents as they always have, invited questions about any topic, presented the Member as the moderator, and cherry-picked the questions they wanted to answer. They largely used new tools to do the same old thing. We have found that these traditional-style town hall meetings are much less effective than Deliberative Town Hall Meetings.⁵⁸ Critics in the past have decried online and telephone town hall meetings as means for Senators and Representatives to avoid the public. However, CMF and our collaborators have groundbreaking evidence that they can be engaging, informative, and satisfying to both constituents and Members if they are done right.

⁵⁷ *The Future of Citizen Engagement: Coronavirus, Congress, and Constituent Communications*, Kathy Goldschmidt and Bradley Joseph Sinkaus, Congressional Management Foundation, 2020. <https://www.congressfoundation.org/coronavirus-report-2020>

⁵⁸ *Politics with the People: Building a Directly Representative Democracy*, Michael Neblo, Kevin Esterling, and David Lazer, 2019. <https://connectingtocongress.org/politics-with-the-people-2>

For more than a decade CMF has been working with political scientists from The Ohio State University's Institute for Democratic Engagement and Accountability (IDEA) and other universities to facilitate and study Deliberative Town Hall Meetings with Senators and Representatives. The results have been dramatic. In randomized control studies of 21 online town hall meetings between Members of Congress and their constituents, we found that trust in the Member increased by 14 percentage points. Participants' opinions of the Member's accessibility, compassion, and fairness also significantly increased after participating in a Deliberative Town Hall Meeting, and approval of the way the Member was handling the issue under discussion nearly tripled. Additionally, 95% of them agreed that such sessions were "very valuable to our democracy" and would be interested in engaging in similar sessions in the future.⁵⁹ We have continued to experiment with different ways of doing these meetings, and the results have been similar.

The key differences between typical online and telephone town hall meetings and those our team hosts are that we: recruit a representative group of constituents; use a neutral moderator; focus on a single topic; provide a short, nonpartisan issue brief to participants ahead of time; and take questions from constituents in the order they come, filtering only for profanity, redundancy, and being off-topic. We have found these types of sessions have the power to engage constituents who are not normally engaged, reassure constituents about their Senators' and Representatives' performance, increase trust, increase knowledge about the issue, and cause people to feel heard. And Members like them, too.

Participants' opinions of the Member's accessibility, compassion, and fairness also significantly increased after participating in a Deliberative Town Hall Meeting, and approval of the way the Member was handling the issue under discussion nearly tripled.

Using Virtual Town Hall Meetings to Foster Trust and Change Behavior During the Pandemic

In March 2020, as COVID-19 was beginning to shut society down, CMF and IDEA teamed up to help Senators and Representatives try to slow the spread of the coronavirus by disseminating reliable public health information in a bipartisan way. Having collaborated in the past on innovative online town hall meetings, we knew that constituents learned a lot through these events, which changed people's attitudes toward Members and policy, as well as their voting behavior. We felt confident that by having a Democrat, a Republican, and a local health official

⁵⁹ Published in *Politics with the People: Building a Directly Representative Democracy* and in a 2009 CMF guide for Congress "Online Town Hall Meetings: Exploring Democracy in the 21st Century" (<https://www.congressfoundation.org/online-town-halls>). CMF and our academic collaborators have continued to conduct research on effective online and telephone Deliberative Town Hall Meetings which reinforces our original findings and provides additional insight into what does and does not work.

in a virtual meeting moderated by a trusted third party, constituents would trust the information provided and be more likely to change their behavior to use more pandemic-safe practices.

We recruited Members of Congress to participate and facilitated bipartisan Deliberative Town Hall Meetings on COVID-19, with elected officials and public health experts, including one with a Senator and Representative, and another with a Representative and local mayor. They were designed to provide crucial and reliable information to reassure the public, slow the spread of disease, and save lives. We found the bipartisan Deliberative Town Hall Meetings to be quite effective at bringing together partisans from both sides, as well as less-engaged citizens who typically avoid purely partisan events. Moreover, these events tended to be particularly persuasive, both for changing opinion on policy and for changing constituent perception of how Members were handling the issues related to COVID-19. And constituents found them extremely useful, as well. In one event, fully 100% of constituents reported that they found the forum to be useful, in general, and 91% indicated they would be willing to share what they learned about the pandemic with a colleague, friend, or loved one.

Embracing Everyday Technology to Better Serve Constituents

COVID-19 forced Congress to embrace technology in ways it was previously reluctant to do. Offices equipped staff with the technology they needed to effectively conduct work from home. They began communicating via videoconferences, messaging apps, and collaboration platforms like Teams and Slack. And they forwarded office phones to staffer cell phones to ensure as many calls as possible could be answered live.⁶⁰

Even before the COVID-19 pandemic, however, Members of Congress were using everyday technology to connect with constituents. From e-newsletters and text messaging to social media and remote meetings, Senators and Representatives were reaching their constituents in ways the Founding Fathers could never have comprehended. For example, for several years Rep. Rick Crawford (R-AR) has been using a texting platform, rather than email or social media, to enable his constituents to connect with him.⁶¹ Rep. Mark Takano (D-CA) has long been known for his behind-the-scenes social media posts and for using social media to engage with constituents. Sen. John Cornyn (R-TX) uses his website, constituent database, and virtual town hall meetings to serve and engage with constituents, including the many who are Spanish-speaking. Rep. Chrissy Houlahan (D-PA) surveys constituents quarterly to assess her office's performance and sends bimonthly e-newsletters to highlight services, events, legislation, constituent meetings, and articles.⁶² These are just a few of the ways Members of Congress are using everyday technology to better engage with those they represent.

60 To help offices manage some of the administrative aspects of working from home the Modernization Staff Association released a "Staff Assistant and Legislative Correspondent Capitol Hill Working from Home Guide" in July 2020. <https://s3.amazonaws.com/static.popvox.com/LegiDash/Capitol+Hill+WFH+Guide.pdf>

61 Representative Crawford's efforts, and those of several other Members, are described in the 2020 report "Modernizing Congress: Bringing Democracy into the 21st Century" by Lorelei Kelly of the Beeck Center for Social Impact and Innovation at Georgetown University (<https://beeckcenter.georgetown.edu/wp-content/uploads/2019/06/FINAL-BeecksGtown-ModernizingCongress-V3.pdf>).

62 Senator Cornyn and Representatives Takano and Houlahan are among the winners of CMF's 2020 Democracy Awards for their non-legislative public service excellence. Information about their accomplishments—and those of previous Democracy Award winners—can be found at: <https://www.congressfoundation.org/democracy-awards>.

Inviting Substantive Public Engagement in the Legislative Process

In Congress, the primary avenue for public engagement in its proceedings is for constituents to contact their own Senators and/or Representative. This ensures legislators are hearing directly from those they represent, but it also places tremendous responsibility on them to manage and incorporate the communications into public policy processes. It also provides legislators with tremendous discretion about to whom they will pay most attention, often leaving minority and dissenting opinions with limited voice in public policy.

Over the years, however, various congressional committees have experimented with providing other venues for public engagement that are not Member-specific. One of the earliest was in 2011 when Rep. Darrell Issa (R-CA) developed and used Project Madison to allow the public to crowdsource changes to bills proposing Internet regulations.⁶³ More recently, the House Committee on Natural Resources invited stakeholders to participate in crowdsourcing environmental justice legislation.⁶⁴ These efforts are among those the GovLab at New York University consider to be “crowdlaw,”⁶⁵ or:

“a form of crowdsourcing that uses novel collective intelligence platforms and processes to help governments engage with citizens. Crowdlaw is based on the simple but powerful idea that parliaments, governments and public institutions work better when they leverage new technologies to tap into diverse sources of information, judgments and expertise at each stage of the law and policymaking cycle. This helps improve the quality as well as the legitimacy of the resulting laws and policies.”⁶⁶

Legislatures in other countries have integrated citizen participation into their official processes and workflows and found that it can improve legislation and inform legislators of issues and concerns of which they might not have been aware. It also helps foster public trust in the legislature and legitimacy of the legislative outcomes.⁶⁷

63 “Inside Anti-SOPA Darrell Issa’s Laboratory for Digital Democracy,” Adam Clark Estes, *The Atlantic*, December 19, 2011. <https://www.theatlantic.com/politics/archive/2011/12/inside-anti-sopa-darrell-issas-laboratory-digital-democracy/334090/>

64 “Environmental Justice Initiative,” House Committee on Natural Resources, 2020. <https://naturalresources.house.gov/environmental-justice>

65 GovLab has developed an initiative called CrowdLaw for Congress (<https://congress.crowd.law/>) to provide Congress with guidance and examples for involving the People in the many stages of the legislative process. Available tools include videos, case studies (<https://congress.crowd.law/index.html#explore>), a playbook (https://congress.crowd.law/files/crowdlaw_playbook_Oct2020.pdf), key takeaways from legislatures’ experiences (<https://congress.crowd.law/takeaways.html>), and interviews with legislators and legislative staff from around the world who are more fully integrating the public into their work.

66 “Elections Won’t Save our Democracy. But ‘Crowdlaw’ Could,” Beth Simone Noveck, Noema, October 2, 2018. <https://www.noemamag.com/elections-wont-save-our-democracy-but-crowdlaw-could/>

67 The Organization for Economic Co-operation and Development (OECD) recently published a comprehensive review of public consultations by legislative bodies around the world. *Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave*, OECD, 2020. https://read.oecd-ilibrary.org/governance/innovative-citizen-participation-and-new-democratic-institutions_339306da-en#page1

Providing Multiple Official Workflows for Public Engagement

Though Congress has only dabbled in efforts to reimagine public consultation, engagement, and crowdlaw at the committee, chamber or institutional level, other legislatures have implemented a range of tools to better facilitate it by providing avenues other than contacting legislators directly. The Washington State Legislature invites public comment on any bill,⁶⁸ and the Oregon State Legislature invites the public to submit written or oral testimony and exhibits for any posted committee meeting.⁶⁹ Both of these practices offer methods for nonprofits, associations, corporations, academia, and civil society—as well as stakeholders and interested individuals—to provide the legislature with important information and express their views without requiring individual legislators to serve as intermediaries or representatives of those views.

Other legislatures, including the parliaments of the United Kingdom and New Zealand, have integrated multiple channels and workflows to facilitate public engagement. The New Zealand House of Representatives—highlighted because its website is very clear and easy to understand, even for non-residents—provides a “Have Your Say” section. This provides guidance on, and opportunities for: making a submission to a committee seeking input on prospective or draft legislation; contacting a specific Member of Parliament; starting a petition (similar to those the U.S. Congress used to facilitate); complaining about an existing regulation; seeking a national referendum; voting in elections; and becoming a Member of Parliament. Each option offers clear instructions and assistance to provide the public means to engage in policymaking that can be easily integrated into the legislative process and the business of Parliament without necessarily relying on individual Members to be the filters or purveyors of the information.⁷⁰

Exploring Ways to Modernize Congress to Better Serve the People

Maintaining the robust role of the legislative branch and ensuring its connection to The People requires a modern and innovative Congress, one that the Select Committee on the Modernization of Congress has been seeking to achieve.⁷¹ The Modernization Committee was established in 2018 at the beginning of the 116th Congress. During that Congress, under the leadership of Chair Derek Kilmer (D-WA) and Vice Chair Tom Graves (R-FL), the Committee offered 97 bipartisan, unanimous recommendations for improving Congress, 30 of which were included in legislation passed by the House of Representatives on March 10, 2020. The legislation encourages the House of Representatives to explore ways to: improve orientation for new Members of Congress, centralize human resources, and boost the physical and virtual accessibility of Congress. Several of the Committee’s recommendations specifically address constituent engagement:

68 “How to Comment on a Bill,” Washington State Legislature. <https://app.leg.wa.gov/pbc/>

69 “How to Submit Committee Exhibits,” Oregon State Legislature. https://www.oregonlegislature.gov/citizen_engagement/Pages/Submit-Exhibits.aspx#Sec3

70 “Have Your Say,” New Zealand Parliament. <https://www.parliament.nz/en/get-involved/have-your-say/>

71 The Select Committee has continued to provide a model of innovation and thought leadership during the COVID-19 crisis by holding “Virtual Discussions” with experts on many facets of congressional operations and reform. These, along with their recommendations, official reports, and hearings can be accessed at <https://modernizecongress.house.gov/>.

- Increase opportunities for constituents to communicate with their Representatives.
- Increase accountability and tracking for all Member-sponsored communications.
- Allow for faster correspondence between Representatives and their constituents.
- Update the social media rules in the House of Representatives to allow for better online communication between Members of Congress and their followers.
- Enable the public to better access and view the types of communication sent by Members of Congress to their constituents.

The Modernization Committee’s final report for the 116th Congress offers a great deal of information and context for the recommendations. The recommendations also have significant support from everyday Americans who participate in the CommonSense American program of the National Institute for Civil Discourse. Every one of the Committee’s 116th Congress recommendations are getting majority support, and many are receiving overwhelming support.⁷²

The Committee was reauthorized for the 117th Congress, and under the leadership of Chair Kilmer and Vice Chair William Timmons (R-SC), it continues its work exploring ways to modernize congressional operations and transform the relationship between Congress and the People.⁷³

To pave the way for modernization, civil society occasionally steps in to help model innovation Congress could use to improve its public engagement.

Demonstrating for Congress New Ways of Engaging the People

Congress is historically reluctant to embrace new technology and new ways of doing things. To pave the way for modernization, civil society occasionally steps in to help model innovation Congress could use to improve its public engagement. Voice of the People, for example, develops nonpartisan online policymaking simulations—developed in collaboration with policy experts from both sides of the aisle—which present the key points and trade-offs of an issue. Participants in the “Citizen Panels” decide among the trade-offs and make decisions, which are aggregated with others’ decisions. These simulations routinely demonstrate the many areas where informed

⁷² Presentation by Keith Allred, Executive Director of the National Institute for Civil Discourse, at the March 25, 2021 meeting of the Select Committee on the Modernization of Congress entitled “Public Meeting: Modernization Fix Congress Cohort Listening Session.” <https://modernizecongress.house.gov/committee-activity/virtual-discussions/meeting-modernization-cohort-listening-session>

⁷³ The Select Committee on the Modernization of Congress (<https://modernizecongress.house.gov/>) has conducted many hearings and facilitated numerous listening sessions with Representatives, congressional staffers, civil society, and academics. Its final report of the 116th Congress (<https://modernizecongress.house.gov/final-report-116th>) provides robust context for the 97 recommendations the Select Committee made. At the time of this publishing, the Select Committee is continuing its work in the 117th Congress with additional recommendations.

constituents agree on solutions to policy challenges.⁷⁴ In some cases, participants are invited to engage in sessions to discuss the results with their Member of Congress present.⁷⁵ A similar effort by the National Institute for Civil Discourse’s CommonSense American engages participants in identifying the issues they feel have promise for attracting broad, cross-partisan support; weighing in on randomly-assigned policy briefs on the issues; and then sharing their views with their own Senators and Representatives.⁷⁶ These efforts provide opportunities for people to become more informed on the issues and better understand where they agree and disagree and to share their views with Congress. Usually, both participants and Members of Congress are surprised to learn that—even at the farthest partisan extremes—there is generally significant agreement on approaches to public policy issues.⁷⁷

Other participatory public policy demonstrations that have engaged Congress include:

- The Beeck Center for Social Impact and Innovation at Georgetown University has been demonstrating “SIDE events” that engage stakeholders and individuals, and collect data and evidence, from a district or state to contribute to the civic knowledge that informs Congress.⁷⁸
- Efforts like the Science to Policy program at the University of California, Riverside⁷⁹ and the Research to Policy Collaboration at Pennsylvania State University⁸⁰ connect researchers and academics to legislators and their staffs at the federal, state, and local levels to help facilitate robust, evidence-based policymaking.
- The National Issues Forum’s Common Ground for Action platform conducts moderated online issue forums for the public to discuss and deliberate on policy issues and devise solutions.⁸¹
- Civil society organizations helped prove the concept of remote committee proceedings during the COVID-19 pandemic by demonstrating mock hearings with former Members of Congress,⁸² after which a number of congressional committees began holding remote

74 Voice of the People (<http://vop.org/>)

75 Civic Genius (<https://www.ourcivicgenius.org/>)

76 National Institute for Civil Discourse’s Common Sense American (<https://www.commonseamerican.org/>)

77 “The Common Ground of the American People: Policy Positions Supported by Both Democrats and Republicans,” Program for Public Consultation, School of Public Policy, University of Maryland, August 2020. <https://publicconsultation.org/defense-budget/major-report-shows-nearly-150-issues-on-which-majorities-of-republicans-democrats-agree/>

78 “Civic Voice During COVID-19: A SIDE Event Playbook for Members of Congress and Their Communities,” Lorelei Kelly, Beeck Center for Social Impact and Innovation, Georgetown University, September 2020. https://beeckcenter.georgetown.edu/wp-content/uploads/2020/09/2020-CIVIC-VOICE-DURING-COVID_FINAL.pdf

79 Science to Policy at the University of California, Riverside (<https://sciencetopolicy.ucr.edu/>)

80 Research-to-Policy Collaboration (<https://www.research2policy.org/>)

81 National Issues Forum’s Common Ground for Action (<https://www.nifi.org/en/cga-online-forums>)

82 An overview of this effort is described in “Second ‘Mock’ Hearing Convenes Experts to Discuss Remote Proceedings: Retired General David Petraeus, Former Members of Congress, UK MP Chi Onwurah, and Others Discuss How Congress Can Keep Working During the COVID-19 Pandemic,” Marci Harris on Medium, April 18, 2020 (<https://medium.com/g21c/second-mock-hearing-convenes-experts-to-discuss-remote-proceedings-b9d9cd1a6f23>). More detailed information and guidance are provided in “Briefing Book: Remote Options for Congressional Continuity Amid the COVID-19 Outbreak – Mock Remote Hearings,” produced through collaboration of multiple civil society organizations, April 16, 2020. <https://beeckcenter.georgetown.edu/wp-content/uploads/2020/04/B-R-I-E-F-I-N-G-B-O-O-K.pdf>

hearings and meetings for themselves.⁸³ Remote hearings will likely remain part of the congressional toolbox, as they have proven to allow greater and more diverse access to witnesses beyond those in and able to travel to Washington, D.C. to testify before a congressional committee.

Seeking Inspiration from International Counterparts

Legislatures are the primary venue for citizen input into public policy, and if they are not operating efficiently, the public can be left out of national decisions. This is especially problematic during a crisis like the COVID-19 pandemic, which significantly impacted all aspects of society while making in-person interactions highly dangerous. Legislatures throughout the world had to grapple with how to continue their operations and ensure the public can communicate with their elected leaders and participate in the democratic process. Some legislatures already had innovative initiatives in place, including Brazil's e-Democracia, France's Parlement & Citoyens, and Taiwan's vTaiwan.⁸⁴ Others had to adapt quickly.

During the COVID-19 pandemic, the United Kingdom's House of Commons allowed lawmakers to meet and vote virtually for the first time in the legislative body's more than 750-year history, and in Argentina, both chambers of the National Congress held virtual committee hearings and the Chamber of Deputies instituted a temporary allowance of mixed participation (in-person and virtual). In Ecuador, 129 out of 137 Members attended a virtual session on first responders on April 9, 2020—more than had attended in-person hearings pre-pandemic. In Chile, Members have expressed interest in continued use of technology post-pandemic due to the distance Members travel.⁸⁵ And in New Zealand, the legislature adjusted the limit on proxy votes that may be cast, approved oral questions to be "lodged" electronically, and granted select committees the ability to conduct meetings electronically.⁸⁶

83 "Remote Proceeding Pioneers: Meet the Congressional Committees that are Going First (and the Staffers Making it Possible)," Marci Harris on Medium, May 9, 2020. <https://medium.com/g21c/remote-proceeding-pioneers-8c375443a583>

84 "A Hundred Places Where Governments are Using Tech to Crowdsource Policy," The GovLab, August 3, 2018. <https://crowd.law/a-hundred-places-where-governments-are-using-tech-to-crowdsource-policy-469165c19e15>

85 Several of the examples highlighted by Beth Noveck in a Virtual Discussion about continuity of committee work with the House Select Committee on the Modernization of Congress, May 7, 2020. <https://modernizecongress.house.gov/committee-activity/virtual-discussions/the-select-committee-on-the-modernization-of-congress-continuity-of-committee-work-virtual-discussion>

86 Kelly Buchanan. "New Zealand," in *Continuity of Legislative Activities during Emergency Situations in Selected Countries*. Law Library of Congress. March 2020. <https://www.loc.gov/law/help/emergency-legislative-activities/emergency-legislative-activities.pdf>

There is strong evidence that robust, inclusive, deliberative public engagement produces significant public policy benefits. It has been shown to increase the legitimacy of decisions, enhance public trust in government, strengthen the integrity of leaders, and help counteract polarization and disinformation.

Conclusion

There is strong evidence that robust, inclusive, deliberative public engagement produces significant public policy benefits. It has been shown to increase the legitimacy of decisions, enhance public trust in government, strengthen the integrity of leaders, and help counteract polarization and disinformation.⁸⁷ These benefits are especially seen when public engagement is integrated into public policy processes and facilitated by governance officials rather than through *ad hoc* processes external to governance. Members of Congress have a political, moral, and constitutional responsibility to engage and faithfully represent everyone who resides within their jurisdiction. Congress needs to find better ways to support them in doing so, rather than leaving them to be mostly reactive in their engagement with constituents.

The country is now grappling with how we respond to the changes, challenges, and implications of the COVID-19 pandemic and the January 6 attack on the U.S. Capitol, and Congress stands at the center of it all. To recover and move forward as a whole, healthy nation will require effective public policy developed with substantive input from the People. The People will need to trust that their views and needs are being taken into account and that they are not losing out while others are winning. Applying our principles for Member-constituent engagement and incorporating more robust engagement opportunities like the examples provided in the previous section could be a start.

Our proposed principles offer a foundation for moving forward, for engaging the People in a way that can begin to transcend partisanship and reset the conversation to more substantive, meaningful engagement. However, integrating the principles into the work of Congress and its Members and staff will require thoughtful consideration and collaboration. It will take effort to implement, facilitate, and integrate more robust public engagement into the public policy

⁸⁷ *Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave*, OECD, OECD Publishing, Paris, 2020. <https://doi.org/10.1787/339306da-en>

process. It might even be more difficult and resource-intensive than currently required to process and respond to email, phone calls, and social media comments. But it will very likely be more informative and provide a clearer path to policy solutions the People can understand and which meet their needs. And it will provide much-needed trust in, and legitimacy for, the actions of Congress and its Members.

Congress faces a multitude of challenges, many of which were there before COVID-19 and January 6 upended legislative operations. From an increase in technological and personnel capacity to bolstered trust on both the Member and constituent sides, modernizing Congress is a Herculean task, but one that is possible with support from both sides of the aisle.

To make this transformation to a modern Congress, it will take a radical shift in thinking. When television began to dominate American politics in the 1960s, politicians had to go through a paradigm shift in thinking and practices. They came to the realization that the printed word was no longer dominant over the spoken word, and they adapted to the principles of audio-visual media. Congress must go through a similar paradigm shift if it wishes to rebuild trust with the American public. Politicians must realize the 21st-century American citizenry demands more than an answer to a letter four to eight weeks after it was sent. It demands acknowledgment that their voices are heard and that they matter. It demands robust opportunities to engage with those people elected to govern the nation, and it demands that engagement happen in the most convenient way possible.

Just as Congress changed in the last century and learned how to perform in front of the television camera in order to connect with the public, Congress must make a similar transformation in this century. Yet the reward will be even more grand. Because rather than finding a new way to broadcast their message to win over an electorate, this new environment offers Congress a way to do something even more important in a democracy: build trust. The question every Member of Congress—indeed every elected official—now faces is whether they will walk through that door, enter the new environment and meet the new demands of an engaged citizenry. Those that do will win more than votes, they'll win the hearts, minds, and trust of the People they serve.

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Thank you.

Kathy Goldschmidt & Bradley Joseph Sinkaus

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Kathy is a strategic thinker who has been engaged in plotting the Congressional Management Foundation's course for more than 20 years. She joined CMF in 1997 after working in the House of Representatives. She has been involved in much of CMF's research during her tenure, and her focus has been on legislative capacity, strengthening and technology use. She has been integral to seminal CMF projects, including the [Resilient Democracy Coalition](#) and the [Congress 3.0 project](#), which considered different aspects of congressional capacity-building and modernization. She was co-creator and lead researcher for the Congress Online Project—through which CMF developed the [Gold Mouse Awards](#) for congressional websites and social media practices—and the National Science Foundation-funded Connecting to Congress project. She was also instrumental in envisioning and planning for the [Partnership for a More Perfect Union](#).

Kathy co-created the *Future of Citizen Engagement* and [Communicating with Congress](#) initiatives and has authored or contributed to dozens of research reports, publications and articles on Congress, including: [What Americans Want from Congress and How Members Can Build Trust; Coronavirus, Congress, and Constituent Communications](#); [Job Description for a Member of Congress](#); and [State of the Congress: Staff Perspectives on Institutional Capacity in the House and Senate](#).

For many years, Kathy has also engaged with the House of Representatives to conduct research and envision ways to modernize Congress. In the course of this work she has testified before the House Select Committee on the Modernization of Congress and the Committee on House Administration.

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Bradley plays an instrumental role in [improving congressional operations](#) by performing research and analysis, developing content, and providing writing and editing support for CMF reports, publications, and projects. He project manages and leads communications efforts for the [Democracy Awards](#), CMF's honors program for Members of Congress and their staff, and manages and participates in the production and development of content for CMF website and social media presences, including drafting posts, tweets, releases, and blogs. He also assists in planning and content preparation for congressional staff training programs and oversees CMF's research assistant program. He is the co-author of [What Americans Want from Congress and How Members Can Build Trust, Coronavirus, Congress, and Constituent Communications](#), and the [Job Description for a Member of Congress](#).

Previously, Brad interned on the Senate Committee on Energy and Natural Resources as a key component of his graduate studies. Through research and communication efforts, he is proud to have supported the Senate's 2016 passage of the first comprehensive, bipartisan energy bill in nine years. Before attaining his master's degree, Brad spent two years at Nexight Group, where he assisted the National Infrastructure Advisory Council in examining the resilience of the nation's transportation infrastructure to both manmade and natural threats. Brad also interned in the Australian Parliament in Canberra and the Australian Embassy in Washington, D.C., gaining valuable, firsthand experience in comparative politics. Additionally, Brad has worked as a research supervisor at a local startup company and interned in the Mayor of Philadelphia's communications office.

Brad earned his B.A. in Political Science from the University of Pennsylvania and his M.A. in American Government from Georgetown University. While at Georgetown, he presented his paper, "The Vice Presidency and Foreign Policy: A Balance of Institutional Evolution and Personal Experience" at the New England Political Science Association's annual conference. A native of Scranton, Pennsylvania, Brad resides in Philadelphia's renowned Rittenhouse Square neighborhood and enjoys exploring the many restaurants, museums, and coffee shops the city has to offer.

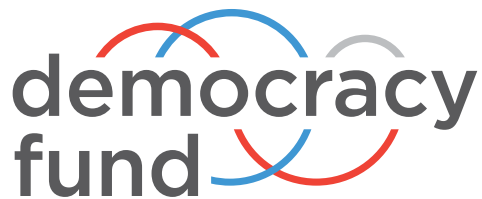


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