A Political Scientist Accepts Ambiguity and Loses Control: My Experience inside the Legislative Process

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Introduction

I am a strong believer in using praxis as an educational tool (Jentleson 1990, 435–6). Even though I have taught college political science most of my adult life, I had always been periodically directly involved with politics. In 1997, I received an opportunity to deepen my commitment to praxis when I accepted a position as a policy analyst with the Democratic caucus of the Michigan State Senate. The following is a brief account of my experiences from November 1997 until August 2001.

My Job Responsibilities

My responsibilities included compiling data, interpretations, and legislative options in various policy areas. This was all done within a partisan environment: my boss was the leader of the Democratic caucus within the State Senate. Thus my work was expected to be accurate, but open to use for potential partisan advantage.

From November 1997 until June 2000, I was responsible for the appropriations committee and process. I attended every full appropriations committee and various appropriation subcommittees. I also shepherded many appropriation bills to a vote once they came to the floor of the Senate. Both my committee and floor responsibilities included meeting with representatives of affected interest groups, summarizing the contents of each bill to my senators, helping my senators craft amendments to budget bills, and notifying and interpreting Republican amendments that were brought up.

From June 1999 until June 2000, I was also a policy analyst for the agriculture committee. From June 2000 until

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August 2001, I analyzed prospective state spending and contracts by attending the meetings of the state administrative board. During this time period, I also analyzed past state spending by interpreting state audit reports for caucus members.

I anticipated that these experiences would add depth to my understanding of the legislative process, thereby making me a more effective political scientist. I could communicate my first-hand experiences to my students and analyze the gaps between theory and practice.

Reality Bites: Ambiguity and Imprecision

I was constantly surprised at the imprecision that surrounded nearly the entire legislative environment. There was an ambiguity in the atmosphere that is entirely different than what theoretical political concepts, or the precise results of a survey, would imply. More surprising is that decisions, sometimes very significant ones, are made based on ambiguity and imprecision. Specifically, the imprecision consists of imperfect and incomplete information and subjective assumptions.[1] Moreover, the environment in which this ambiguity is present is usually defined by partisanship and constrained by a definite time frame in which a decision has to be made. The following examples illustrate this environment.

The Consensus Revenue Estimating Conference

This critical aspect of the legislative process officially sets the revenue available for any future legislative action. In Michigan, these meetings usually occur before the appropriation process begins in January and in May when revenue figures are more up-to-date. The conferences are structured so that fairness and objectivity are portrayed: House and Senate legislators, members of the House and Senate Fiscal Agencies, a member of the executive branch's treasury department, and outside economists

are all present (Cox and Rosenfeld 2001, 96; Ross 2001).

The conferences convey the image of professionals presenting unbiased information and data and then making decisions based upon them. However, the reality is that the numbers presented are formula-based and driven by economic assumptions. If some of the assumptions turn out to be incorrect, then the numbers significantly change. And if the numbers are significantly "off," then any policy/budgetary decision based on them is logically invalid (Cochran et al. 1993, 62). While this did not surprise me, what did was how this information was used in the legislative process.

I remember numerous times when legislators used these numbers as justifications to support or oppose specific provisions in departmental budgets (Wildavsky 1984, 1). Either there was the cry, "the available revenues clearly show that there is enough money to do this," or "the forecast shows that there may not be enough money to support that." These claims were made in committees, on the floor, by Democrats and Republicans. What was left unsaid was (to me) the truth. All of the rhetoric on spending and taxes and the substance of the actual budget bills are based on a basic unreality: a forecast of the fiscal future which nobody can disprove or unequivocally legitimate.

As a staffer I would not communicate this truth to the senators, although I suspected that most knew it anyway. They want an analysis and summary that does not question the assumptions of the process. A questioning of the assumptions would make the bill/budget summary too long and complicated. My job was not to explain the significance of the impermanence of the numbers on their decision-making process. Instead, I was to produce a product: a short summary of the conference results. This frustrated me, because I felt that it was my job to explain as best as possible the complicated reality of both the context and substance of budget and policy

decisions. The problem is that not many people really want to listen.

The dynamics of the Revenue Estimating Conference also reveal a very partisan, but often unnoticed, twist. During the first year of my work (1997–1998), the Democrats controlled the House and the Republicans controlled the Senate and the executive branch. During that time, the revenue estimates by the House Fiscal Agency were usually higher than those of the Senate or the executive branch. When I first noticed this, I wondered why there was such a discrepancy. After talking with a few people, I discovered how the politics of the process unfolded: the executive branch estimated an unrealistically low revenue projection, the House an unrealistically high revenue projection, and the Senate a revenue projection somewhere in-between those of the House and the executive branch. The "compromise" that would be agreed to at the end of the conference would be a number close to the Senate figure.

I believe that the executive branch deliberately "low-balled" their numbers so that they could "find" money toward the end of the fiscal year. This administrative orchestration allowed Governor John Engler (R) to portray himself as a brilliant fiscal manager of the state's economy. Thus near the end of the fiscal year, Governor Engler could propose an "unexpected" tax cut, a supplemental budget, or both.

The Democratic-led House obviously wanted the "real" numbers "officially" projected *before* the normal appropriations process began. In that way, they could have a stronger case for increased funding for programs they wanted. Indeed, many members of both parties in both chambers want "real" numbers early on: the power of the institution as well as members' individual ability to produce results for their constituents is at stake.

Because the heads of the fiscal agencies are responsible to the majority party of the legislative branch that they represent, there is an obvious pressure to conform to the general policy wishes of the majority party. It is expected that the executive-branch revenue projections are closely tied to the wishes of the governor. Because of this context, an elaborate, somewhat choreographed "dance" occurs at some of these revenue estimating conferences: the numbers are not so inaccurate that they significantly threatened the integrity of the staff of the treasury department or the fiscal agencies, however each has a "role" to play in order for the final numbers to come out where all the

major parties can agree (Geertz 1975, 6–7). This is political compromise disguised as economic analysis (Lindblom 1993, 31–2; Starling 1988, 210).

State Spending

I spent a lot of time reading audit reports and going to the state administrative board meetings in which contracts were awarded. Before I started this part of my job, I was relatively unaware of the details of *how* a state spends its money. As I read the audit reports, I had to first familiarize myself with the language and concepts used. After I became comfortable digesting the reports, I began to understand their significance. Some were fairly non-controversial while others showed a clear lack of accountability.

I remember asking auditors some questions like the following: "Am I reading this correctly, that the department cannot account for $3.1 million in funds for the fiscal years 1996 and 1997?" Although I wanted a simple, easy-to-understand answer, I rarely got one. Instead, they would explain in mind-numbing detail how departments were funded and the challenges they faced in accurately tracing how different funds were spent. Interestingly, they would also stress the relative insignificance of many of their reports because of the narrow scope of inquiry. Hence, many times nothing conclusive could be interpreted from a single report.

They also emphasized that just because money cannot be accounted for does not necessarily mean that it was misspent. Because it takes a great deal of time to track the details of how past funds were spent, the audit reports were usually for spending which occurred two or three years previously. Thus, unless the unaccounted money was particularly large, or earmarked for a popular program, I was not very successful in getting my managers on the caucus staff, individual senators' staff, or senators themselves to even read my analyses.

I believe there are several reasons for this. First, the details are so complicated that a lot of senators do not know how to translate unaccounted funds into a political issue. Second, because of the complexity, the media (particularly television) does not report on it and it does not become an issue (Mitchell 1999). Third, some senators do not care that much about unaccounted funds because they believe that once their party gets into power, they will have the discretion to spend money as they see fit. If some money cannot be tracked, that is acceptable. There is no reason to push for

more effective legislative accountability because then they would be forced to abide by it once in power.

At first, when I realized that not many senators were interested in publicizing financial irregularities, I questioned myself. I thought that I had somehow misinterpreted the information. I also thought: "Why isn't everyone jumping on the chance to exploit these irregularities for political gain?" But I soon realized that imprecise accounting[2] is generally accepted in the legislature. It was tolerated then because of the context: I was working in the late 1990s when the state had plenty of money due to several years of strong economic growth. Most of the legislative activity at that time was in spending the money coming in, putting the excess into the rainy day fund, or pushing to give it back through tax cuts.

Reality Bites (Again): The Lack of Control

The routine lack of control stands out as one of the most surprising characteristics of working in the legislature. The lack of control is directly related to my conceptions of partisanship. Before I started working at the legislature, I knew the basics: that the Republicans controlled the Senate by a 22–16 vote majority. However I was unsure of how important party was in how the Senate worked. I had a number of questions: Would the Democratic senators' vote as a party on most votes or vote as a party only on important votes? How would party-line voting operate among the Republicans? How was an "important" party vote decided? (Wright and Schaffner 2002, 369–70) How would party-line votes in committees differ from those on the floor?

Part of the reason I wanted to know the answers was because *I* wanted to be in control as much as possible: If I knew exactly how the dynamics of party-line voting worked, then I could perform my job better. How naïve I was. There are no set rules. However, after some time on the job, I was able to broadly discern what I perceived were party issues and thus was able to perform my job with more accuracy and speed. Yet still, there were many times when I thought a vote would be party-line when it turned out it was not. One major reason for my misinterpretations was that I allowed my feelings on an issue to interfere with objective analysis. A good illustration of this was over the issue of gun control.

I felt that the issue of gun control was, generally speaking, a good issue

for the identity of the Democratic Party. President Clinton had some success with "soccer moms" by touting his gun-control measures in his 1996 re-election campaign (Carroll 1999). Moreover, a number of my senators were from Detroit, a city that has experienced a lot of gun-related violence and crime in recent years. What I did not fully appreciate was that a number of my senators were also from suburban and rural areas and philosophically supported the National Rifle Association (NRA).

When an amendment was offered by one of our more liberal members that modestly increased an aspect of gun control, the majority of our *own* caucus voted against it. This made me angry. I thought to myself: Why I am working for this caucus when a majority of them won't simply vote (what I perceived to be) the right way? In retrospect, I was naïve to think that "the right way" for Democrats nationally was invariably "the right way" for a majority of Michigan Democratic state senators.

A deeper reason why this issue bothered me was because I was looking for some issue, *any* issue, for our caucus to coalesce behind and form an identity. We didn't seem to have a distinct ideological core. Our caucus was typical of the diversity within the Democratic Party nationally and within Michigan: urban, suburban, and rural interests, culturally conservative and socially liberal viewpoints, and African American and white divergence on issues.

How did the Republicans view party-line voting? Because Governor Engler was a Republican, I presumed that most would line up on issues pretty close to his positions. Although that was mostly true, I was surprised at the voting behavior of some Republican senators. The dynamics of the Senate Appropriations Committee illustrates this.

The chairperson would sometimes vote against an item in an administration budget bill. Another Republican member, or two, might also vote against the administration on other votes. Many times these votes were for Democratic amendments. I never knew what to think when this happened: Did the Republicans vote with us because they were trying to "set us up" somewhere down the line or did the senator actually believe that we were correct? What did I overlook? What angle did I miss?

As I became more comfortable with my job my anxiety diminished, but never completely disappeared. Because my party did not command a majority, and thus had little institutional responsibility, it was difficult to get "set up." I

realized that there were various reasons some Republicans voted with us on amendments: some were for the content of the amendment while others were just for "show."

There were more "show" votes on the Senate floor. For example, a few Republicans would vote for an amendment to increase health care funding but the amendment would still fail, often by just one vote. The Republican caucus would give us a few votes but usually never enough to get our amendment passed. This allowed the Republicans who were running for re-election in marginal districts to be on record for supporting more health care funding (Edelman 1988, 125).

Since I could not predict party-line votes with 100% accuracy, I had to proceed on my best guess. This lack of control made me more cautious in expressing my viewpoints to my caucus managers and my senators: if I didn't know which way the vote would turn out then I wouldn't commit myself. I deliberately held back because I did not want to be perceived as ineffective or incompetent. I also didn't want to get blamed.

I continually struggled not to fall emotionally into either one of two polarities: that the whole legislative process is so out of control that I can't control anything so why should I care? Or, that every vote and legislative maneuver is potentially critical, so I must be constantly vigilant.

Because our caucus did not have enough votes by ourselves to pass anything, we were constantly disappointed. We would offer amendments on budget bills, only to see them repeatedly defeated. The "false positives" were particularly frustrating. For example, an amendment that we sponsored would pass (usually by one vote) and everyone in the caucus would be ecstatic. But sometimes within just a few moments, the Republicans would make a motion to reconsider the vote on which the amendment was just passed. There would be another vote. This usually meant that the Republicans had convinced one of their own members to change his or her vote so the outcome would be reversed. This is standard parliamentary procedure. But I was shocked when I first experienced this while standing in the caucus room off the Senate floor. I thought: "They lost the vote, this is unfair." But it is within the majority's power because they control the process.

I had invested a lot of emotional and intellectual energy in attempting to get our amendment passed. Now I had to move on and accept the fact that the

victory we got was short-lived, often lasting less than a minute. After a few of these "false positives," I learned to restrain my happiness when we won a floor vote. I tried to balance my emotional self between not succumbing to cynicism while still avoiding disappointment.

I also had to accept a lack of control as to *when* bills would get called up for a potential vote. When I analyzed appropriation bills, I was more confident about timing: there was a printed schedule (which was generally followed) and, most importantly, there was a firm deadline of a fiscal year. However nonbudget bills could come up unexpectedly. One bill I dreaded coming up on the Senate floor was a revision of the state drain code.

For almost a year I was assigned to analyze the revision. I was assigned the bill because it was under consideration by the agriculture committee. The drain code is a complicated law that deals with how local governments decide to use water. It is indirectly related to many critical issues such as environmental protection, land use, local control, and economic development. It is closely watched by many interest groups, from public interest and environmental lobbies to business and real estate concerns. The potential rewrite of the bill was extremely complicated and very long (over 200 pages).

I remember one occasion in which the bill was substantially rewritten by a member of the Republican staff, a few lobbyists, and a member of the non-partisan fiscal agency the day before it was to be brought up at an agricultural committee meeting. As usual, no one from the minority party was involved. Members of a grassroots citizens group who opposed the revision (and with whom I had met) were equally unaware of the changes.

My job was to scrutinize the changes and present an analysis to my committee members before the next day's meeting. This was extremely difficult because there were more than 100 changes and I had to analyze each and every one and determine whether it was a minor, technical or a major, substantive change. I received the changes close to five p.m., after the fiscal agency staff member who was responsible for analyzing the bill had left for the day. The only person I knew that was still working then was the Republican staff member who had participated in the revision. I felt compelled to analyze the bill *that night* because it is easier for amendments to pass in committees than on the floor.

This meant calling the Republican staff member about the changes and having to decide whether to believe him when he told me his interpretation of them. He would seemingly be honest and say something like "I am not sure about that, but I think it's only a technical change." He might be definite and remark that the change is only technical in nature. Or he might describe in detail what the substantive change in law would be if the revision was accepted.

What if I wasn't sure about his assertion? My fellow staff members had advised me that sometimes "technical" changes could be quite substantial. Was it spin, the truth, or something in-between? *I had no control and it frustrated me.* But I also knew I had to produce an analysis quickly, make it as accurate as possible, and present it as a certainty to my bosses the next morning. So I did. I highlighted a few changes that were potentially either bad public policy or against our party's

philosophy or interest groups. The Democratic vice-chairperson of the agriculture committee objected to some of these changes at the next morning's meeting. They were removed from the rewrite (at least temporarily). I felt good.

I especially feared losing control when the drain code bill was on the Senate calendar. I felt this way because even though the bill was officially listed as a "committee report" (and thus was not scheduled to be debated or voted on that day), it still could technically be brought up. I lived in fear that the bill would unexpectedly be called up one day and I would be expected to urgently explain this complicated piece of legislation. I was particularly fearful that a senator would ask about a specific clause or section that I didn't completely understand or whose essence could not be accurately communicated quickly. Fortunately, this never happened. But since the bill was on the

calendar for such a long period of time (over six months before I was reassigned to other responsibilities), I lived with a constant dread. After a while, I was confident enough in my abilities to just accept the situation.

Conclusion

I have a deeper understanding of the legislative process because of this experience with praxis. I learned by simply being alert, doing my job, and keeping a journal of my experiences. I am now better prepared to teach my students how theory and reality can diverge. If you are able, I highly recommend the experience to any political scientist who studies American politics, state government, legislative process, public administration, or public policy. That is, if you can live with more than a little ambiguity and don't mind losing control.

Notes

1. In retrospect, I should have not been surprised with the ambiguity, imprecision, and subjectivity because I studied interpretive political theory in graduate school. However once out in the "real world," I felt that I could not operationalize this theory

because of the environment in which I was a part.

2. The concept of precise accounting is problematic for some. For example, Danish scholar Henning Kirkegaard believes that traditional financial statements give a distorted image of

financial positions because the financial statements are logically incomplete, the data is systematically outdated, the balance sheets give only a static image, and, most importantly, tangible, rudimentary accounting concepts are inadequate. See Kirkegaard 1995.

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