PROFESSION SYMPOSIUM

Introduction to Academics in the Arena: Political Scientists Who Have Served in Elected Office

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> "It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena"—Theodore Roosevelt, 1910

Politicians and political scientists are not the same. The first is a practitioner, and the latter is an observer. While a politician pursues policies, the political scientist attempts to predict and explain outcomes and behavior. Generally, the political scientist remains outside the arena and tries to understand what is going on inside it. There can be little doubt, however, that political scientists are keenly interested in politics. They have opinions, speak out, advocate and, like all Americans, probably fume while watching the news.

Regardless of personal values, political scientists pursue truth. For that reason, political scientists are in a continual cycle of theory building, theory testing and, hopefully, theory modification or rejection. If political scientists see a divergence between theory and the "real world" then they must ask why. They must do new research to update or modify the conventional wisdom.

It is with this goal in mind that we present this symposium. Political scientists who also serve as elected officials have a unique perspective to offer the discipline. By their very career, they are theorists who do empirical research on politics. By seeking and winning elected office, they can observe the real world of politics from inside the arena. This symposium invites political scientists who also serve in political office to highlight areas where they believe the scholarly literature is an accurate portrayal of legislative politics and where that literature falls short.

The subject of this symposium appears timely. Following the election of Donald Trump as president of the United States, many challenged the validity of polling and election models. In the months prior to the election, most academics and pundits confidently predicted a victory of Hillary Clinton. The results caught most Americans and political scientists by surprise. Following the election, there was considerable hand-wringing in academic circles. Scholars questioned methodologies, models assumptions, and more. The silver lining is that this type of self-reflection is good for science. If scholars begin to accept the notion that science is settled, or that conventional wisdom should not be challenged, we fail to fulfill our primary duty.

WHAT DID WE ASK?

The goal of the symposium was to attract submissions from political scientists who also serve in elected office for the purposes of assessing the validity of political science theory. In our Call for Authors, we asked the following questions:

- Do you think your training as a political scientist helped you as an elected official, either running for office or serving in office? Were there any established political theories that did a good job explaining your elected experience?
- Where do you think political science is really missing the boat, either in explaining the political environment in which you served or in exploring or understanding some features of the political world?
- How have you changed your teaching/syllabus after having served in elected office? In what capacity and why?

The submissions we received were diverse and examined politics from a variety of perspectives. Our first essay is from David P. Redlawsk, a professor at the University of Delaware who also served as a County Chair of the Iowa Caucuses.

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He draws upon the seminal work of Campbell, Converse, Miller and Stokes (1960) and writes about the "conception of partisanship as a psychological attachment." Our second essay is by Professor Victoria A. Farrar-Myers of Southern Methodist University and a member of the Arlington City Council. She addresses some of the current literature on campaigning and how it related to her campaign for office. Our third submission is by Professor Robert Maranto at the University of Arkansas. He is an elected member of the Fayetteville School Board and writes about how the lack of transparency and professional norms can create a principal-agency dilemma between voters and the board. Our fourth essay is coauthored by former-New Jersey Governor Jon S. Corzine and Professor Peter J. Woolley who both teach at Fairleigh Dickinson University. In their piece, they discuss the benefits and limits of polling in governance. Our fifth article brings some international perspective to the symposium. Leighton Andrews is a Professor of Practice in Public Service Leadership and Innovation at Cardiff University. He also served as a Minister in the Welsh government. His article looks at the literature on public administration and how it fails to address what "practitioners" actually do on a day-to-day basis. Finally, our symposium concludes with my coeditor Professor David Lublin of American University. Professor Lublin was also the Mayor of Chevy Chase, Maryland. His piece offers "Five Lessons from the Mayor's Desk" that examines some of the foundational work in political science.

FROM PROFESSOR TO STATE LEGISLATOR

As the coeditor of this symposium, I have my own story to tell. It begins like most academic stories, with a young ABD graduate student on the job market getting an offer for his first tenure-track job. I accepted a position at Central Washington University in Ellensburg, Washington to teach American institutions. My goal was to keep my head down and my mouth shut until I got tenure. It didn't work out that way.

During my first year at Central I was approached by the local newspaper to write a monthly editorial on national politics. My second essay was published in October 2004, a month before the Bush versus Kerry presidential election. For reasons that I don't quite understand, the article went viral—first domestically and then internationally. I got my 15 minutes of fame whether I wanted it or not. I spent the next month on national talk shows discussing my essay.

What followed was a variety of offers. I was asked to become the local party chair. I was asked to host a weekly radio show on the local a.m. station. I was offered two television shows—one at the university and one at a station in Yakima, Washington. I took them all. In a matter of two months I went from being at obscure professor at an obscure university to someone that was juggling newspaper deadlines, finding interview subjects, producing two television shows, and managing the local political party.

It was only a matter of time before there was an opening in the state legislature and I was asked to run. Although I had a lot of name recognition, I lived in the smaller of the two metropolitan areas of my district. The legislative district had a tradition of sending representatives from the larger city. I won by elbowing out my competition before the filing deadline. I did it by raising a ton of money. When the first financial disclosure reports came out, I already had $50,000 in the bank while other potential candidates hadn't begun. I scared off most of the competition and ended up winning the general election with about 70% of the vote.

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When I arrived at the legislature, I did not lose my political scientist's tendencies to observe everything. Those observations are the basis of my assessment of the political science literature as it applies to the legislative process.

WHAT THE LITERATURE GETS RIGHT

The fun thing about being a political scientist who is also serving in the state legislature is that you get to see our theories play out before your eyes. It doesn't matter if you study rational choice theory or critical race theory, you can see it happening while you serve. As a graduate student I spent most of my time studying formal theory. It's not surprising then that I tended to view the legislature through the lens of the theories of Riker, Buchanan, Mueller, Downs and Olson.

After five years in the legislature I can conclude without any hesitation that the most common behavior one will observe is "rent seeking." The rent seeking literature dates to the 1960s and its origination is generally credited to Gordon Tullock's essay "Welfare Costs of Tariffs, Monopolies, and Theft" in 1967. Since then, the literature on rent seeking has expanded to all types of interest group behavior. As a legislator, I spend more than half my time navigating conflicts between competing interest groups that are trying to create artificial barriers to entry for the other interest groups. When I first arrived, no one in the Washington state legislature used the term "rent seeking," but they all knew what it was. They called them "scope of practice" battles or "turf wars."

Rent seeking occurs on many levels. There are groups trying to carve out tax exemptions for themselves (Posner 1975; McChesney 1987). There are other groups trying to garner state funds out of the budget (Hillman and Riley 1989). But the most common form of rent seeking I observe is one industry trying to create a barrier to entry against potential competitors and win themselves a state sanctioned semi-monopoly (Tullock 1967; Tullock 1980; Kreuger 1974; Posner 1975).

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It is fascinating to watch the young legislators get manipulated by experienced lobbyists. The story pushed by the lobbyist is always the same with only the facts slightly adjusted. Associations and their lobbyist come to the hill with stories of woe and public danger. "This is a public safety issue" is the common rallying cry. We can protect women, children, and the elderly if there is a licensing or regulation mechanism that keeps my potential competitors out of the market. Most new legislators, and even many veterans, jump at the chance to be on a "public safety" or "consumer protection" bill. Rarely do they know that their concern for public safety is being used to rent seek for powerful financial interests.

Most rent seeking that I observe is interest group versus interest group rent seeking. Doctors don't want physicians' assistants practicing medicine. Dentists are threatened by hygienists. Physical therapists are in fights with chiropractors. Banks don't want credit unions to lend money. Fly fishing guides don't want too many guides on the river. The rhetoric from these groups is always about protecting the patient or the fish or the consumer. But underneath, it is always about creating an artificial barrier to entry to eliminate competition and raise prices.

One of my favorite fights was between two classifications of electricians. In Washington state we have 09 electricians who are allowed to be "load bank testers"—electricians who test the generators at hospitals. They unplug the generator, test it to make sure it would work for the hospital in case of a power outage, and then they plug it back in. A separate group of electricians, 02 electricians, has a higher level of education and more work experience. They also charge a lot more. A few years ago, they pushed for a change in policy that would allow the 09 electricians to unplug the load bank and test it, but not plug it back in. Their public argument was that by plugging the generator back in, the 09s would be working with 'live' electricity and that was beyond their authority.

Of course, hospitals won't hire electricians that unplug their generator but can't plug it back in. Now hospitals would have to hire 02 electricians to do the same work but for much higher cost. During the hearing I asked both the electricians and the regulators if anyone had ever been injured plugging the load bank back in. The answer was no. But that didn't matter. It was about money, not safety.

One factor that has led to an increase in rent seeking is the practice of moving businesses online. The unions representing taxis despise Uber and Lyft. Hotels are threatened by Airbnb or VRBO. The fact that you can sell your house on Zillow is terrifying to real estate agents. Native American tribes will never write you another check if you support the expansion of online gambling in any capacity (unless it's on a reservation). In each example, I've seen legislation that designed to regulate these online practitioners. It's always done in the name of consumer protection but these bills are nothing more than turf wars.

If I had to give a silver medal to the theory that I see play out the second most often, the award would go to William Niskannen and his theories of bureaucracy behavior. In his landmark work "Bureaucracy and Representative Government" (1971), Niskannen argued that bureaucracies do not sell products and services in a market and therefore cannot earn profits. Despite the lack of profit motive, bureaucrats are still "rational actors." He concluded that bureaucrats are motivated by either "budget maximization" or "security maximization." In legislative speak, that means they want bigger budgets, more authority, more staff, or all three.

Budget maximization behavior is most obvious while preforming my oversight role for state agencies. Any bill directing an agency to engage in some type of action comes with a request by that agency to increase budget and staff. It is not entirely surprising that more work will sometimes require new resources. In some cases, then, an agency's request for funds is legitimate. But oftentimes, legislative direction is seen as an opportunity to expand staffs and budgets beyond what is necessary. Last year the legislature directed the Department of Ecology to add a single Internet link on its website bringing users to the Department of Health. When the bill came before the committee, the "fiscal note" was $1,200. The simple justification was "staff time." As a joke, one of our staffers went and copied the link and pasted it—which took about 15 seconds of work—and then sent us a bill for $1,200. The point was well taken.

Budget maximization behavior is possible because the implementation of legislation is far more complicated than the actual legislation. Bureaucracies are fully aware that they have more information than the legislature itself—an example of the principal agency dilemma. They use this asymmetry of information to push for significant and unnecessary budget increases. If we become suspicious of budget padding, the only place to seek information is from the agency itself.

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It's not just about money. Agencies are consistently trying to expand the scope of their authority. Legislatures draft vague laws and agencies use that ambiguity to expand their discretionary authority. This tension played out in the Washington legislature over an agency's adoption of "cap and trade" and "greenhouse gas reduction" rules that were not legislatively authorized. In 2008, the governor pursued House Bill 2815 that would create a cap and trade program in Washington State. That language was eventually struck from the bill and replaced with direction for the Department of Ecology to "submit a greenhouse reduction plan for review

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and approval to the Legislature." In our introduction to American government textbooks, that would be the end of the story. The legislature would wait for a submitted plan and vote on its adoption or rejection.

In reality, agencies have independent rule-making authority to achieve their own goals. Following the explicit rejection of authority to create a cap and trade program, the Department of Ecology began creating a system anyway. The reaction from various legislators was predictable. Those who supported the bill, but lost, were happy to see the Ecology move on its own. The legislators who opposed and successfully killed the cap and trade language were outraged.

Several business groups challenged the new rules in court and their introductory briefs highlight many of the behaviors Niskannen wrote about:

> Washington administrative agencies are limited to the power and authority granted to them by the legislature. Accordingly, under the APA, a rule is invalid if it exceeds the statutory authority of the agency that promulgated it. WDOE (Ecology) purports to have promulgated the Clean Air Rules (CAR) under authority of RCW Chs. 19.70.235 [Limiting Greenhouse Gasses] and 70.94 [Washington Clean Air Act]. However, Ch. 70.235, enacted in 2008, provides no new authority for WDOE to establish a GHG emissions reduction program, and instead directs the agency to submit a GHG emission reduction plan to the legislature for its consideration. (Washington Superior Court 2016).

Although this tension between the Legislature and Ecology will eventually be decided in the courts, the conflict illustrates Niskannen's theory. The adoption of a state-level cap and trade program would be a massive regulatory undertaking. It will require hundreds of new staffers and millions of dollars in additional funding—and it would all arise from an agency decision, not a legislative one.

In many cases the pursuit of expanded authority is symbiotic with the pursuit of additional revenue. It is common to see an agency try to expand its scope of authority by gaining control over some resource such as water, recreational land, entrance into schools, and more. Once they gain control of that resource they can charge fees to accomplish their revenue goals.

One example that illustrates this phenomenon comes from a bill I passed during my freshman year. Washington has a walking and riding trail that crosses the entire state. Political conflict arose because the trail bisects thousands of acres of private land. Farmers use the trail for work purposes during harvest but must apply for waivers and permits. Many farmers became frustrated that they had to get permission to use a state trail that was located on their own land. So they found a freshman legislator to take up their cause—me.

My solution was simple: give farmers access to the trail if it is located on their land. The agency managing the trail had other ideas and motives. Letting citizens use something for nothing is not the way to increase budgets or staff. They suggested eliminating all the rules that currently "tied their hands" with respect to letting farmers have access to the trail. This seemed like a great idea to a new, libertarian-minded legislator like myself. Then the other shoe dropped. Of course, the agency cannot just let anyone do anything on the trail. That would be dangerous. What if a bicyclist rode into a combine? What if a horse got spooked by a tractor? We will need a permit process. And that permit process will need staff to administer it. And that staff will need funds. So we need a permit fee. Simply put, I got hoodwinked.

"THE EPIC EPIPEN BATTLE OF 2014"

I'll conclude with a legislative story that illustrates how rent seeking behavior and budget maximization behavior can intersect. A few years ago we had the "great EpiPen battle" that pitted unions, bureaucracies, and child safety groups against one another. The initial premise was simple. As an increasing number of children face life-threatening allergic reactions, it would be a good idea to have an EpiPen in every school. The initial legislative reaction was generally positive seeing value in having a cheap, life-saving device available to all kids.

The uniformity of support, however, was short-lived. The first rent seeking pushback came from the school nurses' union. They saw EpiPens in every school as a threat. If any teacher or staffer could administer an EpiPen then why would we need expensive school nurses in every building? They saw this proposal as a bill to "let other people do their job."

Not surprisingly, they attacked the bill from the perspective of "public safety." They provided testimony about how dangerous it was to apply an EpiPen. They brought in folks to explain how traumatic it would be if you applied an EpiPen and the child still died, noting only nurses were qualified to deal with that type of trauma.

The rent seeking testimony was powerful and support started to diminish. Supporters, however, brought in children who showed the committee that they could apply an EpiPen to themselves with no adult assistance. After watching a seven-year-old apply an EpiPen, the argument that only trained professionals could apply such a device fell flat.

As with most rent seeking, it didn't come down to policy but to money. The nurses' unions were major donors to the majority caucus. The Speaker of the House was not going to let a bill to the floor that upset them. In order to placate the nurses' union but not completely abandon child safety, the bill was changed to be a "study bill." Instead of actually adopting new policy, the bill would direct an agency—the Office of Superintendent of Public (OSPI)—to study the issue for a year and report back to the legislature. When the legislature receive that report they were stunned. The bill came in at $12 million a year.

An examination of the report made it easy to see why the costs were so high. The agency had budgeted for policies that the legislature did not ask for and never envisioned. OSPI concluded EpiPens had to be stored in a temperature controlled environment and therefore, every school bus would have to be equipped with the refrigerator. Additionally, because a coach might have an EpiPen on a playing field, every coach would have to be supplied with a portable cooling device. The agency also concluded that one member of every school and every bus driver would have to attend yearly trainings on how

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to apply an EpiPen. At the end of the day, despite the fact that we *could* put an EpiPen in every school for less than $1 million, the total fiscal note came back at 12 times that amount.

The sad end to this tale is that the bill died. What started out as a small bill to save the lives of children with allergies turned into a year-long saga between a powerful rent-seeking union that was protecting its turf and a large budget-maximizing agency that was trying to pad its wallet.

Most of the swing districts have "split delegations" in that they are represented by members of both parties at the same time. The 28th district is represented by an openly gay trial attorney and a conservative ex-wrestling coach. The 44th district is represented by an African American who is a lifelong supporter of government unions but is also represented by a British immigrant who is a small government, anti-union fiscal conservative. Until recently, the 41st district was represented by an anti-teacher-union Republican and a pro-teacher-union Democrat.

At the end of the day, despite the fact that we could *put an EpiPen in every school for less than $1 million, the total fiscal note came back at 12 times that amount.*

WHAT THE LITERATURE GETS WRONG

Every quarter in my American government class, I give lectures about Anthony Downs' Median Voter Theorem (1957) and William Riker's Theory of Minimum Winning Coalitions (1960). These two theories are foundational in the rational-choice school of political science. For years, I have taught them without thinking much about their relevancy.

After my election to the legislature, I was surprised to find that these two theories have no practical application to my job. They offer very little in the way of predictive value.

The way in which legislative districts are drawn in Washington provides a natural experiment to test the validity of the median voter theorem. Washington is divided into 49 legislative districts. From each district, one Senator and two House members are elected. This means that three independent legislators all represent the exact same geographic area and are elected by the exact same voters. If the median voter theorem had predictive abilities we would assume that all three members would be similar in their political ideologies. My experience in the legislature shows this is not the case in "swing districts." It is quite common in the Washington legislature for two people of very different political philosophies to represent the exact same district and constituencies.

Take, for example, the 47th district. It is represented by three different men. One representative is the second most powerful member of the House Democratic caucus—the House Majority Leader. His views are significantly left of center. He represents the interests of the powerful teachers' union in the state, and generally supports higher taxes and more government regulation. His seatmate is a member of the Republican caucus and is a strong Christian conservative. They rarely vote together on any tax, regulatory, or social policies. Despite this, they both regularly win their elections with over 60% of the vote. At the same time, the Senator from this district is a moderate, socially liberal Republican. He shares his Republican seatmate's views on taxes and government regulation but is closer to his Democratic colleague when it comes to social policy.

Every year, the voters of the 47th district send people to the legislature who are both pro-choice and pro-life, who want higher and lower taxes, and who support more and less government regulation. If there is a median voter in that district I honestly don't know who it is.

I suspect that the reason the median voter theorem lacks predictive power is that voters simply don't have enough information about legislative candidates at the state legislative level. Most rational-choice theories are predicated upon the assumption of "perfect information" (Luce and Raiffa 1957). In reality, most state legislators are rarely on television. We have occasional stories about us in the newspaper and we attend town hall meetings from time to time. However, our polling suggests that voters have almost no idea how we vote on issues. Unless a well-funded interest group pays for ads highlighting a particular vote, our constituents have little to no information on our voting record. On Election Day, they recognize our names from the newspapers or yard signs or an occasional constituent interaction but they don't know much about us, how we vote, or the extent of our political philosophies.

The other theory that has no predictive value in my world is William Riker's theory of minimum winning coalitions. Before my election, I was constantly hearing media stories about "working across the aisle" to build "bipartisan coalitions." There was this notion that you could defeat gridlock and overcome powerful interest groups if legislators simply "worked together" to form ideological coalitions rather than partisan coalitions.

That sounds good on paper, and even makes for a good stump speech, but it doesn't happen in the real world because there are simply too many veto points in the legislative process (Dahl 1956). Do legislators from opposite parties try to work across the aisle? Absolutely, but it doesn't matter. A legislator can create a minimum winning coalition with 51% of legislators or 80% of the legislators. It will have with little difference on the outcome. The rules of the legislative process, which empower specific individuals with "minority vetoes," can overcome any minimum winning coalition.

Powerful committee chairs can pigeonhole a bill even if every member of his committee supports it. The Speaker of the House can squash any bill in the Rules Committee. Many freshmen members representing the minority party arrive in the legislature believing that if they can find a few members from the other side of the aisle to support their bill, it will become law. This almost never happens. They will lobby.

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They will gain converts from the other side of the aisle. But the committee chair will neither hear the bill nor bring it up for a vote. The same is true for floor action. Many members think they have a success in sight when they have 60 cosponsors on a bill—out of 98 members—only to be disappointed when the Speaker puts a "hold" on their bill and no one ever gets to vote upon it.

Not only are they are procedural rules that block minimum winning coalition, there are also cultural norms that prevent their formation. Every legislator's first loyalty is to their district. But their second loyalty is to their caucus. These are the people you live with during session, go to dinner with every night and hang out with for hours upon hours. If you are one of the few members that breaks from your caucus and votes with the other side, you become persona non grata among your peers. You are seen as disloyal, putting yourself above the interest of your caucus. In the long run, you are seen as untrustworthy. This will hamper your ability to become a committee chair or to rise in leadership. In contrast, if you vote against your own interests to "stand with the team" you are seen as a solid teammate and somebody that can be trusted.

The combination of these two influences makes bipartisan minimum winning coalitions very rare. From the perspective of an individual legislator serving in the majority, the risk of crossing the aisle has many costs and almost no benefits. When you cross the aisle to form a minimum winning coalition with the minority party, you alienate your peers and harm your career. At the same time, you have almost no chance of passing the legislation because it will be blocked by the powerful minority veto. It's simply a lose-lose situation. ■

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