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## LIBRARIES &amp; LEGAL RESEARCH

# Surveys: Who's asking? Who's answering? Is anybody listening?

BY VIRGINIA C. THOMAS

Most readers of this journal are familiar with efforts to gather opinions on the many facets of this nation's developing law (and lawmakers.) Surveys and polls provide snapshots of perspectives and insights into current issues and trends. They help us understand our legal system and the values that drive it. They reflect existing priorities and indicate potential departures from the status quo. Constructively, they can pinpoint where we are, describe where we've been, and advise where we may want to go.

Surveys and polls may be highly structured or take a nuanced approach to harvesting information. Or they may be more informal, such as singular solicitations for an up-or-down response on social media.

## ENQUIRING MINDS WANT TO KNOW

The focus of surveys and polls often extends beyond institutions' policies and practices to the cohorts or individuals who serve within them. How do lawmakers view their peers and associates? Some questionnaires are designed to tackle both.

A look at one case requires a trip on Mr. Peabody's wayback machine: A Pageant magazine survey of Congress about Congress, likely inspired by escalating public criticism of Congress and its individual members.<sup>1</sup> Pageant was a monthly publication between 1944-1977 known for its visuals and ability to mix them with "informative text on a wide range of subjects."<sup>2</sup> The magazine appears to have had credibility with members of Congress — some of its articles were cited, discussed, or reprinted in the Congressional Record<sup>3</sup> — so it is not surprising that members of Congress would respond to its survey.

About three weeks before the 1964 general election, Pageant published the results of its survey, revealing whom sitting members of Congress ranked as the most and least effective of their peers.<sup>4</sup> The article, which included responses to a parallel survey distributed to 220 members of the Washington press corps, also summarized

suggestions for making Congress more efficient.<sup>5</sup> Provocative, to say the least.

Following the election, the House Special Committee to Investigate Campaign Expenditures convened a hearing to consider whether Pageant's survey violated federal or state election law.<sup>6</sup> Among the special committee's concerns were complaints from members of Congress regarding the truthfulness of the survey, its impact on their reputations, and its possible impact on the elections. Did the survey constitute election interference — intentionally or otherwise?

The special committee unanimously agreed to refer a full record of the hearing to the House Administration Committee for further action in the upcoming Congressional session, which was days away from starting. Specifically, it recommended that the House Administration Committee address the failure of U.S. marshals to locate a single representative from Pageant to testify at the hearing.<sup>7</sup>

The special committee also prepared a detailed report on its investigation and referred it to the Committee of the Whole House on the first day of the session.<sup>8</sup> The report discussed the following suggestions from respondents on how to make Congress more effective:

- Modify seniority rules in the House and Senate to limit power concentrated in the hands of committee chairs to avoid pigeonholing important legislation.
- Limit the power of the House Rules Committee to determine which bills move to the floor for consideration.
- Revise filibuster and cloture rules in the Senate to prevent unproductive delays in the legislative process.
- Establish a mandatory retirement age for members of Congress to distribute leadership more equitably.

- Set limits on the length of congressional sessions.
- Improve and increase staffing support for minority committees.
- Reduce the ability of lobbyists and the White House to pressure members of Congress and influence legislation.
- Adopt a strict conflict-of-interest protocol for all members of Congress that would include full disclosure of assets, outside income, and relationships with the private sector.

During the ensuing legislative session, the House and Senate considered major election reform bills,<sup>9</sup> comprehensive congressional reorganization measures,<sup>10</sup> and ways to improve efficiency in the short term such as increasing the number of legislative assistants for members of the House.<sup>11</sup> While it may not be possible to draw a line from the Pageant survey to the legislative initiatives, it's fair to say that most of the recommendations from the survey were discussed by Congress.

## LEGACY

The years between 1965-1975 became known as a decade of decentralization in Congress marked by openness and a flurry of legislative activity.<sup>12</sup> The 1980s brought yet another cultural shift; when members of Congress in 1988 were surveyed about the need for change, almost 95% of respondents called for “better legislative scheduling, higher pay, improved campaign financing and a reduction in the number of subcommittees.”<sup>13</sup> One source suggests that most experts attributed the problems to the reforms from 1965-1975.<sup>14</sup>

In 1994, the Chicago Tribune’s popular Intelligence Report surveyed House and Senate members for their take on how good a job Congress was doing.<sup>15</sup> According to the report, “[v]irtually all the respondents said Congress could be more effective” and a majority called for “widespread reform.”<sup>16</sup> Recommendations included reducing the number of committees and the size of congressional staffs, campaign finance and lobbying reforms, and ending the filibuster in the Senate.<sup>17</sup> Public misconceptions about what (and how) Congress works were attributed to “an image problem.”<sup>18</sup>

## RESEARCH CHALLENGE

Congressional activity is a magnet for pollsters, but finding results on a specific topic can be tricky because there is no primary aggregator of survey information. Survey sources can be narrowly focused or comprehensive in scope. For example, American National Election Studies and Open Secrets focus on analyzing election outcomes and election financing, respectively, with recent resources usually linked through their web pages.

Well-known surveyors like Gallup and Harris frequently publish information on public approval rates of Congress and other governmental entities on their websites. And yes, there are even pollsters

that rate pollsters,<sup>19</sup> which can help researchers identify appropriate sources for major surveys.

Many impactful surveys are conducted by newspapers and magazines, such as those highlighted earlier in this column. The surveys may be one-offs with no earlier version and no follow-up. Newspaper and magazine databases are helpful tools for identifying their existence, and popular search engines such as Google and Firefox also are good starting points. And please remember to give a hat tip to librarians who compile research guides on how to do survey research.<sup>20</sup>

Surveys and polls — we appreciate many, curse some, and simply disregard others. But they are a fact of modern life. The next time you’re asked to participate in a survey, consider that you may be making history.

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## ENDNOTES

1. *Our Congressmen — Who Is Best? Who is Worst?*, Pageant (1964), reprinted in US House of Representatives Special Committee to Investigate Campaign Expenditures (1964-1965), HR Report 88-1946 at 71.
2. *Pageant (magazine)*, Wikipedia <[https://en.wikipedia.org/wiki/Pageant\\_\(magazine\)](https://en.wikipedia.org/wiki/Pageant_(magazine))> (all websites accessed April 15, 2024).
3. See, for example, Bartell, *So that These Brave Men Will Not Have Fought in Vain*, Pageant (1965), reprinted in 111 Congressional Record 27113-14 (October 15, 1965).
4. Pageant, *supra* note 1 at 74. Although Michigan representative Gerald Ford was not ranked in the “Most Effective” category, he received honorable mention as “highly regarded.”
5. *Id.* at 78.
6. US House of Representatives Hearing Before the Special Committee to Investigate Campaign Expenditures, 88th Congress, 2nd Session.
7. *Id.* at 71.
8. Pageant, *supra* note 1.
9. See, for example, Election Reform Act of 1966, Hearings Before the Subcommittee on Elections of the Committee on House Administration on HR 15317 and Related Bills (1966).
10. See, Organization of Congress, Hearings Before the Joint Committee on the Organization of Congress, Vol 1-16 (1966).
11. See, for example, HR 6938 and HR 7038, To Authorize Two Professional Legislative Assistants for Each Member of the House of Representatives and the Resident Commissioner from Puerto Rico (May 19, 1965) (unpublished hearing).
12. Davidson, *The New Centralization on Capitol Hill*, 50 Rev of Politics 345, 362 (Summer 1988).
13. Fritz, *Crisis on the Hill: Too Many Free Agents*, Los Angeles Times (February 24, 1988).
14. *Id.*
15. *Intelligence Report: How Can Congress Do a Better Job?* Chicago Tribune (December 18, 1994), p SMA16.
16. *Id.*
17. *Id.*
18. *Id.*
19. FiveThirtyEight <<https://projects.fivethirtyeight.com/pollster-ratings/>>.
20. See, for example, *Elections: Research procedure*, University of Michigan <<https://guides.lib.umich.edu/elections/>>; and *Reference Tools Guide (Polls)*, Wayne State University <<https://guides.lib.wayne.edu/c.php?g=1263150&p=9260295>>.