

UNELECTED REPRESENTATIVES; CONGRESSIONAL STAFF AND THE FUTURE OF REPRESENTATIVE GOVERNMENT, by Michael J. Malbin, Basic Books Inc., New York, 1980, 279p.

The United States Congress today is an institution made up of 539 elected senators, representatives and non-voting delegates and 23,528 staff. In comparison, the second most heavily staffed legislature in the world is the Parliament of Canada with a staff of about 3,300. Congress could not function in today's world without the staff on which it has come to depend. Yet, as recently as 1945, Congress saw no need for permanent professional committee staffs. Today, the congressional budget is almost forty-five times as large as it was three decades ago, committee staffs have increased almost eightfold and personal staffs have increased fivefold. But has this staff explosion helped or hurt the U.S. Congress?

This is the important question examined in *Unelected Representatives*, by Michael Malbin, a research fellow at the American Enterprise Institute for Public Policy Research, contributing editor to the *National Journal* and Adjunct Associate Professor of Politics at the Catholic University of America in Washington. Malbin concedes without question that senators and representatives are better able to do their own jobs as individuals by having professional legislative staffs directly accountable to them. His concern is an institutional rather than personal one: how well does the system that helps the members as individuals serve the legislative branch as a whole?

Malbin points out that Congress has been pursuing at least four somewhat conflicting aims as it has increased the size of its staff. These are: (1) a desire to be less dependent on the executive branch and outside interest groups for information; (2) a desire, especially among members of the minority party and junior senators and representatives, to put their own imprint on issues of national importance; (3) a desire on the

part of an increasing number of members to devote their time and resources to gaining credit in the media for putting new issues on the legislative agenda; and (4) a desire on the part of almost everyone in Congress to gain some control over their expanding workloads and over the increasingly fragmented nature of the work.

Malbin indicates that the first three of the above objectives have largely been attained. However, these three are incompatible with the fourth objective and that is the one that raises the basic question of democratic control. Congress has failed utterly to cope with its workload. The member is becoming more like a chief executive officer in charge of a medium-sized business than a person who personally deliberates with colleagues about policy. Secondly, the members deliberately hire aides who will dream up new legislation bearing their bosses' names instead of helping them understand what is already on the agenda. The result, says Malbin, is that the new staff bureaucracy and workload threaten to bury Congress under its own paperwork.

Malbin bases his study on the operations of different committee staffs, since they have the greatest influence over legislation, and illustrates specific stages of the legislative process. Although many of the examples cited have no Canadian counterpart, the chapter dealing with the tensions and advantages of non-partisan staffs should be of particular interest. Here Malbin examines the operations of the Joint Taxation and House Budget committees and "the shrinking world of non-partisan staffs," i.e., staffs hired for their expertise rather than political loyalty.

Also of special interest are the references to the role of the Congressional Research Service. In 1970, the 332 people who worked for the Library of Congress's Legislative Reference Service (as it was then named) performed largely bibliographic, speechwriting and factual research chores. The role of the service was expanded significantly by

the *Legislative Reorganization Act* of 1970 which changed the name to Congressional Research Service and gave it the mandate of analyzing and evaluating legislative proposals upon request from a committee. By 1980, CRS had a staff of more than 800. With the rapid increase in staff has come more policy analysis and research. By the end of the fiscal year 1975, one study estimated that 63 per cent of CRS's staff and 71 per cent of its budget were devoted to these activities although "quick and dirty" research done under tight deadlines still outweighed analysis.

In general, the staff increase has meant that both the members as individuals and Congress as an institution are able to manage a heavier workload than otherwise would be possible. Increased use of personalized, entrepreneurial staff has helped Congress retain its role as key initiator of federal policy in the face of the growing power of the executive branch. On the other hand, Malbin found that the entrepreneurial use of personal aides in particular has undercut the ability of the members of Congress to secure accurate information, to think about it and to talk with colleagues about the factual, political and moral implications of the policies they are considering. Malbin concludes that, if Congress is to play its crucial representative role on the key issues of the day, it must find some way to limit its agenda and reinforce the role of direct representation. To date, the widespread increase in the use of "unelected representatives" has not facilitated this process.

This study, although describing a level of staff resources unique to the United States Congress, should be of interest to those persons concerned with improving staff resources for elected members in Canadian legislatures.

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