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**What Do Questions Asked by Members of  
Congress Tell Us?  
Four Case Studies of Select Committees  
in the U.S. House**

By

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A thesis submitted in partial fulfillment of the requirements for the  
Degree of Bachelors of Arts with Special Honors in Government

The University of Texas at Austin  
Austin, Texas

December 2015

## **Acknowledgements**

I would like to thank Dr. Bryan Jones, my advisor for this project. His continuous advice and willingness to meet during office hours truly gave me both much needed guidance and motivation to continue the project. I would like to thank Dr. John McIver for his detailed comments on my drafts and pushing me to investigate deeper. I consider both mentors in my academic life and I can only hope to one-day influence the field of government as much as they have and will. Finally, I would like to thank my family and friends for their words of support whenever I discussed this project with them. All mistakes are my own.

## **Abstract**

# **What Do Questions Asked by Members of Congress Tell Us? Four Case Studies of Select Committees in the U.S. House**

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The House of Representatives Rules specify a procedure for questioning witnesses in congressional hearings. However, the rules are vague and open ended and thus representatives have a large amount of freedom when questioning witnesses. This study sought to examine if differences exist in representative's questions in four select committee hearings: Select Committee on Homeland Security, Select Committee on Energy Independence and Global Warming, and the Select Committee on Benghazi. Furthermore, the study examined whether differences in questions occur when conditions such as party power in the House and Executive change. Ultimately, differences in representative's questions exist and also vary depending on party control of the House and Executive. This study develops a new methodological approach to classify representative's questions which researchers can use in future studies on congressional hearings and dysfunction.

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## Introduction

On January 23, 2013 Hillary Clinton, then Secretary of State, testified before the U.S. Senate Foreign Relations Committee on the 2012 attacks in Benghazi that left four Americans dead. The committee grilled Secretary Clinton about the attacks and more specifically about what she knew or did not know about the events leading up to the attack. At one point in the hearing, a heated exchange occurred between Senator Ron Johnson (R-WI.) and Secretary Clinton:

**Johnson:** But, Madame Secretary, do you disagree with me that a simple phone call to those evacuees to determine what happened wouldn't have ascertained immediately that there was no protest? That was a piece of information that could have been easily, easily obtained?

**Clinton:** But, Senator, again—

**Johnson:** Within hours, if not days?

**Clinton:** Senator, you know, when you're in these positions, the last thing you want to do is interfere with any other process going on, number one—

**Johnson:** I realize that's a good excuse.

**Clinton:** Well, no, it's the fact. Number two, I would recommend highly you read both what the ARB said about it and the classified ARB because, even today, there are questions being raised. Now, we have no doubt they were terrorists, they were militants, they attacked us, they killed our people. But what was going on and why they were doing what they were doing is still unknown --

**Johnson:** No, again, we were misled that there were supposedly protests and that something sprang out of that -- an assault sprang out of that -- and that was easily ascertained that that was not the fact, and the American people could have known that within days and they didn't know that.

**Clinton:** With all due respect, the fact is we had four dead Americans. Was it because of a protest or was it because of guys out for a walk one night who decided that they'd they go kill some Americans? What difference at this point does it make? It is our job to figure out what happened and do everything we can to prevent it from ever happening again, Senator. Now, honestly, I will do my best to answer your questions about this, but the fact is that people were trying in real time to get to the best information. The IC has a process, I understand, going with the other committees to explain how these talking points came out. But you know, to be clear, it is, from my perspective, less important today looking backwards as to why these militants decided they did it than to find them and bring them to justice, and then maybe we'll figure out what was going on in the mean time. (Kertscher, 2015)

Secretary Clinton's frustration over Senator Johnson's questioning becomes apparent in her final response to his line of questioning. The media coverage that followed zoned in on this specific exchange, with different media sources attacking both Secretary Clinton and Senator Johnson. While the media covered the exchange emphasizing the unusual combativeness of both Secretary Clinton and Senator Johnson, a close look at the language reveals that Senator Johnson asked his questions in a positional manner. He seems convinced about what transpired that night in Benghazi and tries to incite an answer or reaction from Secretary Clinton, rather than seek information about the attack. In an attack where Americans were killed, even casual observers of Congress would expect Senators to genuinely seek credible information in order to better protect and serve America. This exchange highlights the fact that exploratory and investigative language may not necessarily be the preferred method for legislators in congressional committee hearings. While this is certainly not the first heated exchange to occur in a congressional hearing, a systematic method to evaluate legislator speech in hearings will help determine how often positional exchanges, such as the one between Senator Johnson and Secretary Clinton, occur in recent Congresses.

Congressional committees are central to the American legislative process. Woodrow Wilson (1885) described the power of committees as, "Congress in session is Congress on public exhibition, whilst Congress in its committee rooms is Congress at work." This quote suggests Wilson recognized the importance of committee work and how it is connected to both events on the floor and final votes. Congressional lawmaking requires agenda setting and Congress' agenda setting capacity lies within the committee system (Lewallen, 2015). In the House of Representatives, policy is largely created in committees as opposed to the floor. Unlike the Senate, House members face restrictions when offering amendments to bills on the floor. For

example, House Rules require that amendments be germane to the text they would amend and are also subject to other general prohibitions, such as that against proposing only to re-amend language that has already been fully amended (Davis, 2015). The Senate, on the other hand only requires that amendments be germane when they are offered to general appropriations bills and budget measures, under cloture, or under certain unanimous consent agreements and certain statutes (Davis, 2015). Outside of those stipulations, Senators can offer amendments on any subject to any bill (Davis, 2015). This makes committee work in the House even more central to the legislative process given the difficulty members face in amending bills, relative to their Senate colleagues. However, even if Congress does not pass legislation, hearings give important issues a platform for discussion and help focus member and staff on important issues (Fisher, 1983).

Representatives come to hearings to debate the important issues, draft bills, and question witnesses. While House Rules offer detailed procedural guidelines for committee operations, the language in the section that deals with calling and questioning witnesses is minimal and open-ended:

***Calling and questioning of witnesses***

(j)(1) Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chair by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2)(A) Subject to subdivisions (B) and (C), each committee shall apply the five-minute rule during the questioning of witnesses in a hearing until such time as each member of the committee who so desires has had an opportunity to question each witness.

(B) A committee may adopt a rule or motion permitting a specified number of its members to question a witness for longer than five minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(C) A committee may adopt a rule or motion permitting committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate. (Wickham, 2015)

This is the only procedure given in the House Rules for questioning witnesses in House committees. The main points that stand out in the language are that both majority and minority party may call witnesses, both parties may question witnesses, and both parties have a five minute time limit, which may be extended through rule adoption or motion. House Rules do not specify whether representative's questions must be germane to the hearing topic. All it says is that the witness called must testify with respect to the matter at hand in the hearing. While the language in the rules does suggest that the representative must use the time for questioning, representatives almost always use a portion of the time to engage in dialogue with the witness rather than ask questions. Overall, the rules are vague and thus largely leave questioning procedure to the discretion of the representatives present in the hearing.

Samuel Dash (1997), who served as chief counsel for the Senate Watergate Committee, reflected on the unstructured nature of hearings. He said, "With a congressional investigation, there is no threshold standard of probable cause or reasonable suspicion to bring in anybody. It's called a grand inquest. It is like the grand jury in a sense. You can call anybody and ask any question if it is relevant to the inquiry delineated in the resolution." Due to the minimal and largely vague language in the House Rules, Dash admits that investigatory hearings can sometimes be unstructured. Representatives use their five minutes of questioning in various ways. In another famous exchange, which occurred in the House Natural Resources Committee during the 112<sup>th</sup> Congress, Rep. Don Young (R-AK.) and witness Douglas Brinkley, a Rice University professor, battled over oil drilling in Alaska. When Rep. Young was given the opportunity to

question, the following exchange occurred:

**Young:** and the, I call it garbage, Dr. Rice, that comes from the mouth-

**Brinkley:** Dr. *Brinkley*. Rice is a university.

**Young:** I'll say anything I want to say! You just be quiet!

**Brinkley:** You don't own me! I pay your salary. I work for the private sector, you work for the taxpayers. (Satlin, 2011)

This exchange highlights the unpredictability of what can occur during the five-minute questioning. Rep. Young does not open his line of questioning with an inquiry and instead insults Dr. Brinkley by calling him a different name. In an unorthodox fashion for a witness, Dr. Brinkley becomes extremely combative. While this is another example of heated exchange between legislator and witness, representatives have historically also used their time to attack the chairman of the committee, attack the other party, attack the witnesses (like the exchange above), or deliver a series of declarative statements about the topic of the hearing. However, since House Rules allow for questions in hearings and representatives ask questions, this study examines whether differences in type of questions asked exists between Democrats and Republicans.

While the House of Representative's questioning procedure is largely unstructured, this is not necessarily the common procedure in other representative democracies. For example, the United Kingdom's Parliamentary questioning procedure drastically differs. Parliament designates a structured Question Time during its sessions. The Question Time gives members in the House of Lords and Commons an opportunity to question government ministers about matters for which they are responsible. Question Time is unique due to its level of operationalization and standardization. In the House of Commons, MP's questions must relate to the government department concerned during that day. MPs set aside House of Commons oral questions at least three days in advance of Question Time, and a computer randomly selects the order in which questions are asked. In the House of Lords, questions are asked to the government

as a whole and can be tabled as early as one month or as late as twenty-four hours in advance. Since questions asked during Question Time must be germane to the government department present, MP's deliver vigorous policy questions. While a procedure like the UK Parliament Question Time does not exist in the House of Representatives, legislators still pose policy questions to government and non-governmental witnesses present in committee hearings. (*Parliament UK*, 2015).

### **Current Methodologies in Congressional Studies**

In order to study this possibility of differences in questions between Democrats and Republicans, I developed the congressional questioning perspective to evaluate representative's questions. This perspective offers a different approach to current perspectives in the extant literature on Congress. Many scholars examine roll call and committee votes, summarized as NOMINATE scores. Other scholars use various qualitative methods to study Congress and its member's behavior. Roll call votes tell us a remarkable amount about Congress by identifying who wins or loses. However, they only examine a portion of Congress' work, usually the end product in either passed or failed to pass legislation. Hall and Grofman (1990) noted that certain methodological problems exist with using roll call votes in their aggregate form. They claim that roll call votes ignore the possibility of intra-committee logrolling downplaying the observable differences between committees and the floor, as members are willing to forgo their preferred position on issues over which they have weak preferences, but not on positions for which they have much stronger preferences (Hall and Grofman, 1990). While this study presents the results in the aggregate form, the data can be formatted to examine individual representatives which would tell researchers a tremendous amount about the types of questions individuals ask and about their behavior prior to a final vote.

Furthermore, roll call-based measures in isolation do not represent preferences (Rohde, 1994). Rather, votes represent the interaction of preferences and agendas, both of which cannot simultaneously be controlled for in a systematic manner (Rohde, 1994). Rohde (1994) notes, “because different preferences can result in identical voting patterns, one cannot tell from roll call voting patterns what preferences gave rise to them.” The congressional questioning perspective provides a methodological insight into committee deliberations through language prior to the committee’s final report or policy. However, the limitations of roll call votes or other congressional data in the aggregate, are less of a problem in this study because the purpose is only to determine if there is systemic variation between party and type of question asked (Carson, Finocchiaro, and Rohde, 2002, 10).

An independent inquiry into this topic conducted in an earlier study suggests a relationship exists between party and type of question asked in committee hearing. The previous inquiry applied the congressional questioning perspective methodology to a hearing held on the Benghazi attack in the Senate Foreign Relations Committee. Senator’s questions and statements were categorized into five different categories and examined for differences by party. The results showed that both parties asked different questions and delivered different numbers of declarative statements. The results of the independent inquiry led to the research question in this study, whether the suspected relationship between party and question holds in other hearings operating under different conditions of party control. This particular hearing in the Senate Foreign Relations Committee was held during unified government, Democrat control of both the Senate and Executive. A more rigorous test with more cases and opposite party controls of the Congress and Executive will better determine if the relationship between party and questions exists and if party control contributes to variation in questioning.

To test the relationship, this study examines hearings from select committees on Homeland Security, Energy Independence and Global Warming, and Benghazi, all held under different Congresses and under different party controls of the House and Executive. The variation in party controls allows for a stronger comparison among the four hearings in order to determine if different party control of Congress and the Executive influences representative's questioning. The results of the study will attempt to answer what role party plays in representative's questioning in select committees in recent Congresses and select committee function in the face of the hyper-partisan environment.

This study also tests the theory of divided government, which has garnered much attention in political science. Recent studies, such as David Mayhew's scholarship, concludes that divided government does not have as severe of an effect on legislative activity as previously thought. The excerpt from the Senate hearing at the beginning of this study was conducted during a Democrat majority in the Senate and Democrat control of the Executive. The minority party, Republicans, might have used the committee hearing to attack both their Democratic colleagues in the Senate and the Democratic Executive for political gain, especially since an administration official was a witness. Similarly, when Democrats control the House or the Executive or both, they might use committee hearings to attack Republicans for political gain. This study will test to see if positional questions appear more often in hearings with the same party control or opposite party control of the House and Executive. This test will determine whether the null divided government theory applies to questions in congressional hearings.

This study uses a combined research design that includes both case-based research and comparative-case research (Bellamy, 2012, 18). The case based research design will offer a within case-analysis of each hearing by examining types of questions asked in the hearing. The

comparative-case research design will offer a between case analysis of the representative's questions by comparing questions asked in the four hearings to each other. This method of comparison is most appropriate because it will help control for the variation of events surrounding the hearings and focus solely on the hearings and party in control of Congress and Executive (Pennings, 1999, 14).

The study proceeds in four chapters. The first chapter discusses the structure and purpose of the committee system and hearings and contains a description of the four select committees examined in the study. The second chapter discusses the potential influence of congressional polarization and the hyper-partisan environment Congress operates in today. The third chapter discusses methodology and answers the question of whether party affects type of question asked in the four select committees. The fourth chapter discusses the results and concludes.

## Chapter 1: Structure and Purpose of Committees

Richard Fenno (1973) describes House member's goals as, re-election, influence within the House, and good public policy. Fenno (1973) argues that these goals manifest themselves in representative's behavior in committees. For example, representatives view membership on certain committees as positively helping their districts and thus contributing to their re-election effort (Fenno, 1973, 9). Other representatives seek membership on committees for purely personal interests (Fenno, 1973, 9). While Fenno's scholarship on committees is considered cornerstone in congressional studies, his description of representative's goals as, "good public policy" requires a more rigorous test. Fenno uses a qualitatively heavy methodology in his work, which relies largely on interviews with various Capitol Hill personnel. While this is beneficial, it ignores the fact that the committee system evolves and changes.

Congress has created an array of committees throughout its history. Each type of committee (ad hoc, conference, select, special, standing, subcommittee, and joint) historically has been employed for a number of reasons and purposes. However, what distinguishes committees is whether or not they have legislative authority and whether or not they are permanent. Typically, standing committees, subcommittees, and joint committees are permanent, which means they exist from one Congress to the next. Typically, conference committees, ad hoc committees, and select committees are non-permanent, which means they do not exist from one Congress to the next unless reauthorized by their parent chamber. In regards to law making, standing committees, most subcommittees, and conference committees wield legislative authority, while joint and select committees do not wield legislative authority.

No process has more long-term ramifications on a "freshman" representative in the House than the committee assignment process (Adler, 2002, 40). The House's formal procedure

for assigning representatives to committees has remained largely constant in the postwar period (Adler, 2002, 40). The parties coordinate the details of the assignment process by establishing a few official guidelines, gathering the request letters from members, and creating a formal committee on committees to process requests and make assignment recommendations to the party caucus (Adler, 2002, 41). The party caucus then votes on the slate of assignments, and if approved become members of the committee (Adler, 2002, 41). While this is the procedure outlined for committee assignment in standing committees in the House, party leadership chooses members to serve on select committees (Wickham, 2013). The literature highlights that members essentially bid for committee slots based on their interests, through assignment requests and letters sent to party leadership (Adler, 2002, 41). Outside of formal requests, much of the maneuvering and negotiating goes on behind the scenes, in face-to-face meetings and telephone conversations (Adler, 2002, 41). While there is no definitive way to show how members of the four select committees examined in this study were appointed, party leadership more than likely followed a similar procedure as outlined above.

### **Purpose of Committees**

Committees have three primary powers: collecting information through hearings, drafting language of bills and resolutions, and reporting legislation to parent chambers. While much scholarship focuses on legislator behavior in standing committees, less scholarship deals with select committees specifically, outside of a discussion on the committee system as a whole (Deering and Smith, 1997, 11-16). Select committees fall into an interesting category characterized by non-permanence and lack of legislative authority. Throughout congressional history, select committees formed in order to highlight important issues, investigate pressing problems, and coordinate the development of policy that overlaps the jurisdiction of several

standing committees. Select committee power resides largely in the first primary power of committees: collecting information through hearings. Select committees operate in a dynamic space within the committee system because they often deal with some of the nation's most important events.

In addition to the three primary powers of committees, a major activity of committee hearings is investigation, which is driven by government breakdown. Congressional investigations have not been confined to oversight of the Executive or Judicial branches, though that has often been the focus of past investigations. Congress may investigate anything related to the development of public policy. Since its earliest investigations, Congress has used the power of investigation in order to inform the public and to write good legislation. Both the Senate and House govern its committee investigations separately, through authorizing or enabling resolutions, which define the scope of the inquiry and identify the anticipated result. Many of these investigations are conducted by select committees, established to examine a particular issue, report on it, and make policy recommendations based on their findings. Committee members may inquire into those issues that are relevant to the subject under investigation, however as stated in the introduction of this study, the language in the House Rules guiding those inquiries is vague. In addition, in the case of temporary committees like select committees, committee members usually set their own procedural rules based on the majority vote of committee members. (“A History of Notable Senate Investigations”)

The government breakdowns that drive committee investigations range from accidents such as the shuttle *Challenger* explosion, persistent problems like illegal lobbying and corruption, or perceived failed policies like bank regulation and the Enron collapse. After an incident, it seems natural to expect a thorough and investigative inquiry to take place. Light

(2014) argues that congressional investigations have the greatest impact when they follow two procedures. First, the investigation should seek to repair the breakdown at hand, and second should use fact finding as their primary investigatory practice. Furthermore, an investigation's purpose can be divided into two broader goals: repair of a past or current breakdown and prevention of a future breakdown. The two broader goals can be used to solve what political scientists and legal scholars call the delegation dilemma. This refers to the problem of increased congressional workload coupled with increased polarization, which hinders the Executive and Congress' ability to reach agreements. This results in an increase of responsibility delegated to the bureaucracy to repair government breakdown. However, congressional investigations can help alleviate the delegation dilemma by using ex-post controls such as reorganization, expansion, or termination of agencies and policies and through ex-ante controls such as expanded accountability. (Light, 2014)

An example of an investigation that combined the two broader goals Light identifies, and greatly alleviated the delegation dilemma through the implementation of the global war on terror, was the National Commission on Terrorist Attacks upon the United States, commonly referred to as the 9/11 Commission. Led by former New Jersey Governor Tom Kean (R-N.J.) as chair and former Rep. Lee Hamilton (D-Ind.) the 9/11 Commission not only produced a best-selling final report that remains an essential resource on intelligence, but also stands as exemplar of non-partisan cooperation toward impact (Light, 2014, 13). While the 9/11 commission was not exclusively a congressional investigation, the commission included members of Congress who coordinated in a non-partisan fashion in order to implement ex-post controls that, to date, prevented another large-scale terrorist attack on American soil.

## House Select Committees as Cases for Analysis

This study focuses on House select committees because the extant literature on Congress largely ignores them and due to their unique formation and function in Congress. Much of the literature focuses on select committees broadly and how they fit in the committee system. There are relatively few empirical studies on select committees because the literature tends to focus on permanent committees. Recent scholarship from Lewallen, Jones, and Theriault has become increasingly interested in select committees.

However, select committees deserve attention for a number of reasons. Select committees have the potential to influence policy more directly by eventually becoming permanent committees. For example, homeland security and intelligence now permanent committees were founded as select committees (“The Committee System”, 2013, 678). Select committees are also specialized, which means they investigate or explore salient issues that congressional leadership believes warrants a separate exploration that standing committees cannot encapsulate (“The Committee System”, 2013, 678). The leadership’s decision to form a select committee can also come from constituent desire for investigation into an event or issue. Due to their specialized missions, representatives on select committees should theoretically want to use the committee as an avenue for non-partisan investigation, however this does not always appear the case.

Select committees have investigated some of the American government’s most famous scandals and breaches of confidence. In February 1973, Senator Edward Kennedy (D-MA.) offered Senate Resolution 60 to establish a Select Committee on Presidential Campaign Activities to investigate campaign activities related to the presidential election of 1972. This committee became more commonly known as the Senate Watergate Committee, which investigated the Watergate Scandal. The Senate Select Committee’s investigation remains one of

the most significant congressional inquiries in U.S. history. Over the course of the 16-month investigation, committee members' maintained bipartisan accord, garnered public support, and expanded congressional investigatory powers to produce lasting legislative reform. ("A History of Notable Senate Investigations")

The Iran-Contra Affair also led to the creation of a select committee. However, in this investigation both the House and the Senate created select committees (*CQ Almanac*, 1987). The select committees were tasked to investigate the affair and determine if President Reagan was personally involved in any wrongdoing (*CQ Almanac*, 1987). After a 10 month-long investigation and nearly 12 weeks of public hearings, the select committees turned up no "smoking gun" evidence that President Reagan engaged in a cover-up or approved the diversion of Iran arms sale money to the contras (*CQ Almanac*, 1987). However, a bi-partisan majority of the committees expressed in a report that President Reagan bore ultimate responsibility for the affair because he allowed a "cabal of zealots" to take over aspects of U.S. foreign policy (*CQ Almanac*, 1987). Watergate and Iran-Contra are just two examples of the more famous select committee investigations.

Congress has created a number of select committees for different purposes. Recent Congresses have created the Select Committee on Indian Affairs, Select Committee on Small Business, and the Select Committee on Intelligence. All three eventually became permanent standing committees. The cases examined in this study are House select committee hearings from the 108<sup>th</sup>, 110<sup>th</sup>, 111<sup>th</sup>, and 113<sup>th</sup> Congresses, which dealt with homeland security, energy independence and global warming, and Benghazi. Each select committee had a different purpose and mission to pursue its particular topic stated at its creation. In addition, each hearing examined in this study was held in a different environment. The hearings were held with either

opposite parties in control of the House and the Executive or the same party in control of the House and the Executive.

**Table 1: Select Committee on Homeland Security Members**

Republican	Democrat
Christopher Cox, California, Chairman	Jim Turner, Texas
Jennifer Dunn, Washington	Bennie G. Thompson, Mississippi
C.W. Bill Young, Florida	Loretta Sanchez, California
Don Young, Alaska	Edward J. Markey, Massachusetts
F. James Sensenbrenner Jr, Wisconsin	Norman D. Dicks, Washington
David Dreier, California	Barney Frank, Massachusetts
Duncan Hunter, California	Jane Harman, California
Harold Rogers, Kentucky	Benjamin L. Cardin, Maryland
Sherwood Boehlert, New York	Louise McIntosh Slaughter, New York
Joe Barton, Texas	Peter A. DeFazio, Oregon
Lamar S. Smith, Texas	Nita M. Lowey, New York
Curt Weldon, Pennsylvania	Robert E. Andrews, New Jersey
Christopher Shays, Connecticut	Eleanor Holmes Norton, District of Columbia
Porter J. Goss, Florida	Zoe Lofgren, California
Dave Camp, Michigan	Karen McCarthy, Missouri
Lincoln Diaz-Balart, Florida	Sheila Jackson-Lee, Texas
Bob Goodlatte, Virginia	Bill Pascrell Jr, New Jersey
Ernest J. Istook Jr, Oklahoma	Donna M. Christensen, U.S. Virgin Islands
Peter T. King, New York	Bob Etheridge, North Carolina
John Linder, Georgia	Ken Lucas, Kentucky
John B. Shadegg, Arizona	James R. Langevin, Rhode Island
Mark E. Souder, Indiana	Kendrick B. Meek, Florida
Mac Thornberry, Texas	Ben Chandler, Kentucky
Jim Gibbons, Nevada	
Kay Granger, Texas	
Pete Sessions, Texas	
John E. Sweeney, New York	

Chronologically, the first hearing of the four was the “National Commission on Terrorist Attacks Upon the United States” held in the Select Committee on Homeland Security during the

108<sup>th</sup> Congress. The committee formed in the wake of the September 11<sup>th</sup> terrorist attacks with the House creating what started as a 13-member select committee. The House created the Select Committee as a response to President George W. Bush’s request to establish a Cabinet-level department that would coordinate and administer most homeland security functions. The committee’s charter held that it was to hold hearings and craft legislation that dealt specifically with homeland security issues. During the 108<sup>th</sup> Congress, the committee renewed its charter and expanded its membership. The committee operated under Republican control of both the House and the Executive. (Glass, 2002)

**Table 2: Select Committee on Energy Independence and Global Warming (110<sup>th</sup> and 111<sup>th</sup> Congresses) Members**

Democrat	Republican
Ed Markey, Massachusetts, Chairman	James Sensenbrenner, Wisconsin
Earl Blumenauer, Oregon	John Shadegg, Arizona
Jay Inslee, Washington	Candice Miller, Michigan
John Larson, Connecticut	John Sullivan, Oklahoma
Stephanie Herseth Sandlin, South Dakota	Marsha Blackburn, Tennessee
Emanuel Cleaver, Missouri	Shelly Capito, West Virginia
John Hall, New York	
John Salazar, Colorado	
Jackie Speier, California	

The second hearing, “Geopolitical Implications of Rising Oil Dependence and Global Warming” held in the Select Committee on Energy Independence and Global Warming during the 110<sup>th</sup> Congress. The committee was formed and tasked with finding solutions that address the energy, economic, and national security challenges associated with the United States’ dependence on foreign oil and increasing carbon pollution. The committee operated under a

Democrat controlled House and a Republican controlled Executive. (“The Select Committee on Energy Independence and Global Warming”, 2007)

The third hearing, “Climate Science in the Political Arena” held in the Select Committee on Energy Independence and Global Warming during the 111<sup>th</sup> Congress. This hearing was tasked with the same objectives as the aforementioned hearing from the same committee during the 110<sup>th</sup> Congress. However, when this hearing was held party power of the Executive switched to Democrat with the election of Barack Obama. Thus, the condition that the committee operated under during this hearing was Democrat control of both the House and the Executive.

**Table 3: Select Committee on Benghazi Members**

Republican	Democrat
Trey Gowdy, South Carolina, Chairman	Elijah Cummings, Maryland
Susan Brooks, Indiana	Adam Smith, Washington
Jim Jordan, Ohio	Adam Schiff, California
Martha Roby, Alabama	Linda Sanchez, California
Peter Roskam, Illinois	Tammy Duckworth, Illinois
Lynn Westmoreland, Georgia	
Mike Pompeo, Kansas	

The fourth, and most recent, “Hearing 1” held in the Select Committee on the Events Surrounding the 2012 Terrorist Attacks in Benghazi, Libya during the 113<sup>th</sup> Congress. On May 8, 2014, the House adopted a bill establishing the select committee and directing it to conduct a full and complete investigation of the events that took place during, before, and after the attack in Libya. The bill directed the committee to issue a final report of its findings to the House. The committee operated under a Republican controlled House and a Democrat controlled Executive. (“The Select Committee on Benghazi”, 2014)

## **Chapter 2: Polarization and Hyper-Partisan Environment**

Senator John McCain (R-Ariz.) humorously said the only people who approve of Congress these days are “blood relatives and paid staff” (Mann and Ornstein, 2012). His counterpart across the aisle Senator Chris Murphy (D-CT.) expressed similar feelings more seriously when he said, “This place has to start working again...I’m sick and tired of going home and explaining why we’re not passing anything” (Marcos and Ramsey, 2014). Even casual observers of recent Congresses can conclude that the institution is plagued by polarization and hyper-partisanship. The deep issues in Congress surfaced recently through the now common practice of funding federal programs through short-term continuing resolutions as opposed to a long-term solution (Lewallen, Jones, and Theriault, 2015, 4-5). Another example of the deep issues plaguing Congress was the unwillingness of the parties to compromise on the federal debt ceiling, which was a major contributor to the 2013 government shutdown (Lewallen, Jones, and Theriault, 2015, 4). More recently, dynamics within the parties have also become polarized. The ousting of Speaker John Boehner at the end of October 2015 was due in large part to pressure from House Republicans aligned with the Freedom Caucus, who wanted Boehner to push harder to defund Planned Parenthood even if it meant shutting down the government (Bialik and Bycoffee, 2015).

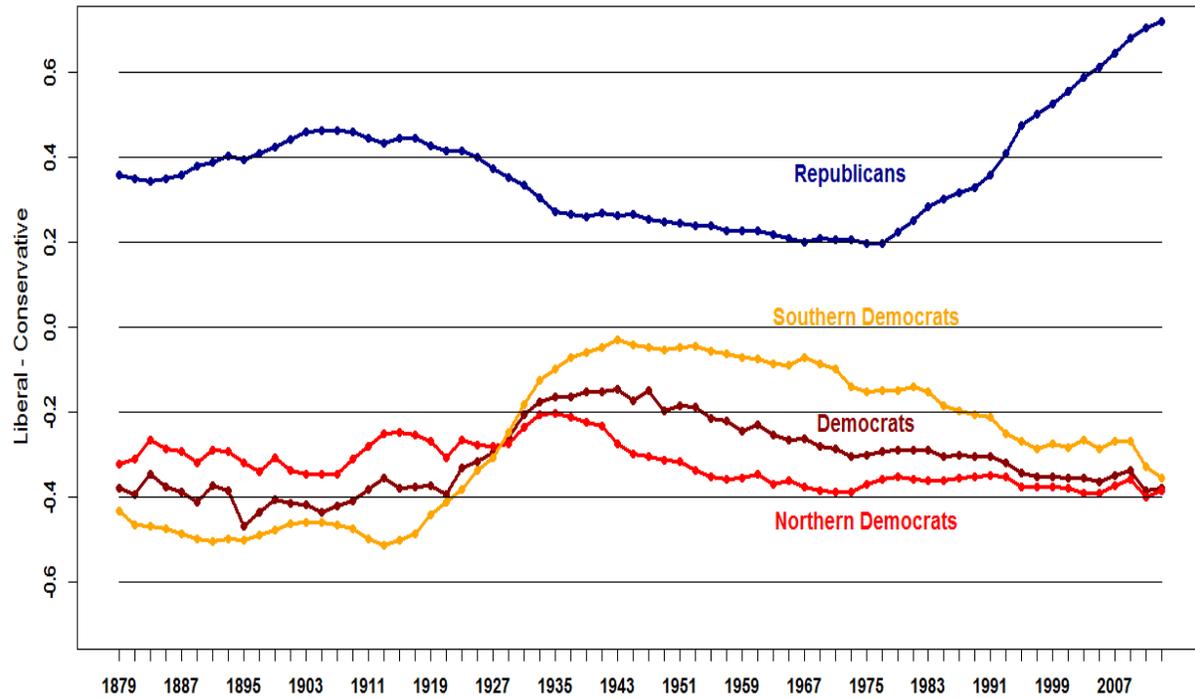
The high profile disagreements in Congress and large amount of empirical literature affirm that Congress operates in a polarized and hyper-partisan environment. Although the literature remains divided as to the cause of party polarization, it largely agrees on a few basic conclusions (Theriault, 2008, 8). To begin, the parties in Congress have been polarizing for around 35 years (Theriault, 2008, 8). Representatives from the South specifically have polarized slightly faster than their Northern counterparts (Theriault, 2008, 43-44). As party polarization

increases, it consumes more column inches in newspapers and more time in party caucus meetings, which lead to policy stalemates, and at the very least, make lawmaking more difficult (Therriault, 2008, 8). While the public is quick to solely blame Congress for its problems, the constituent dimension as a contributor cannot be ignored. Representative's constituencies have become more polarized and as a result increasingly elect members to Congress who share their partisanship (Therriault, 2008, 154). An example of the constituent dimension was the Republican landslide in the 2010-midterm elections. This election featured the grassroots mobilization of the Tea Party, at the time an informal network of political activists inflamed by President Obama and the Democrats and dedicated to electing conservative legislators (Aldrich et al., 2014, 473)

### Historical Precedent or Recent Phenomenon

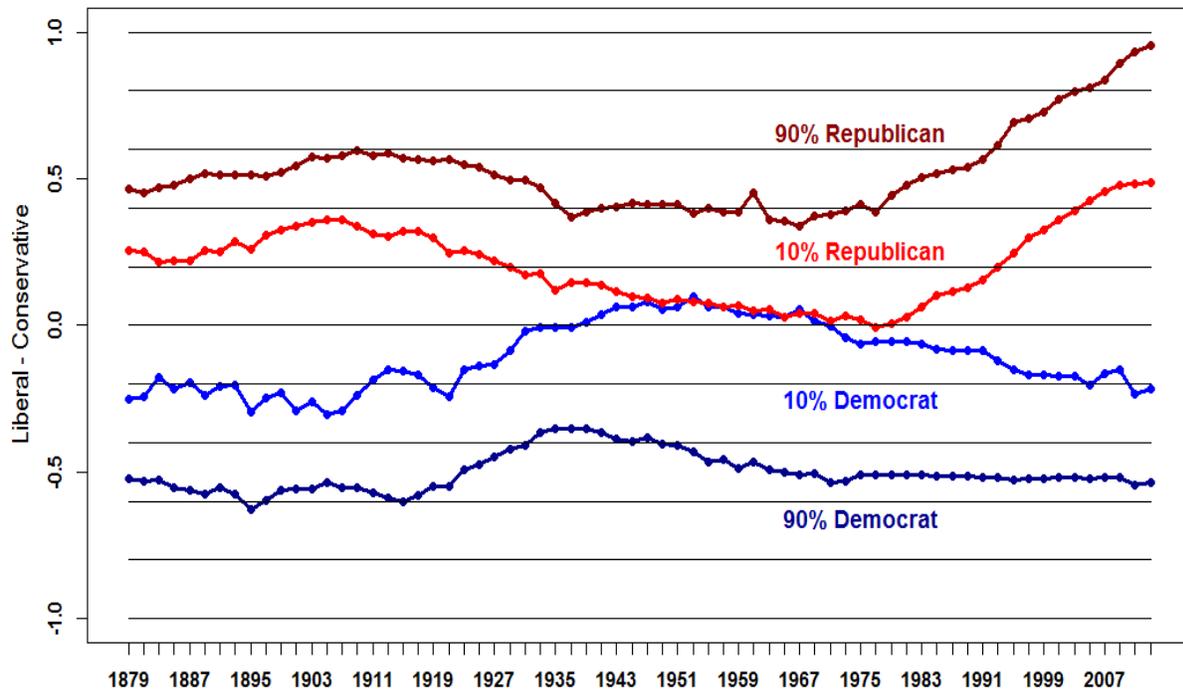
**Figure 1**

House 1879-2014  
Party Means on Liberal-Conservative Dimension



*Polarized America / voteview.com*

**Figure 2**  
House 1879-2014  
10-90% Ranges of Parties on Liberal-Conservative Dimension

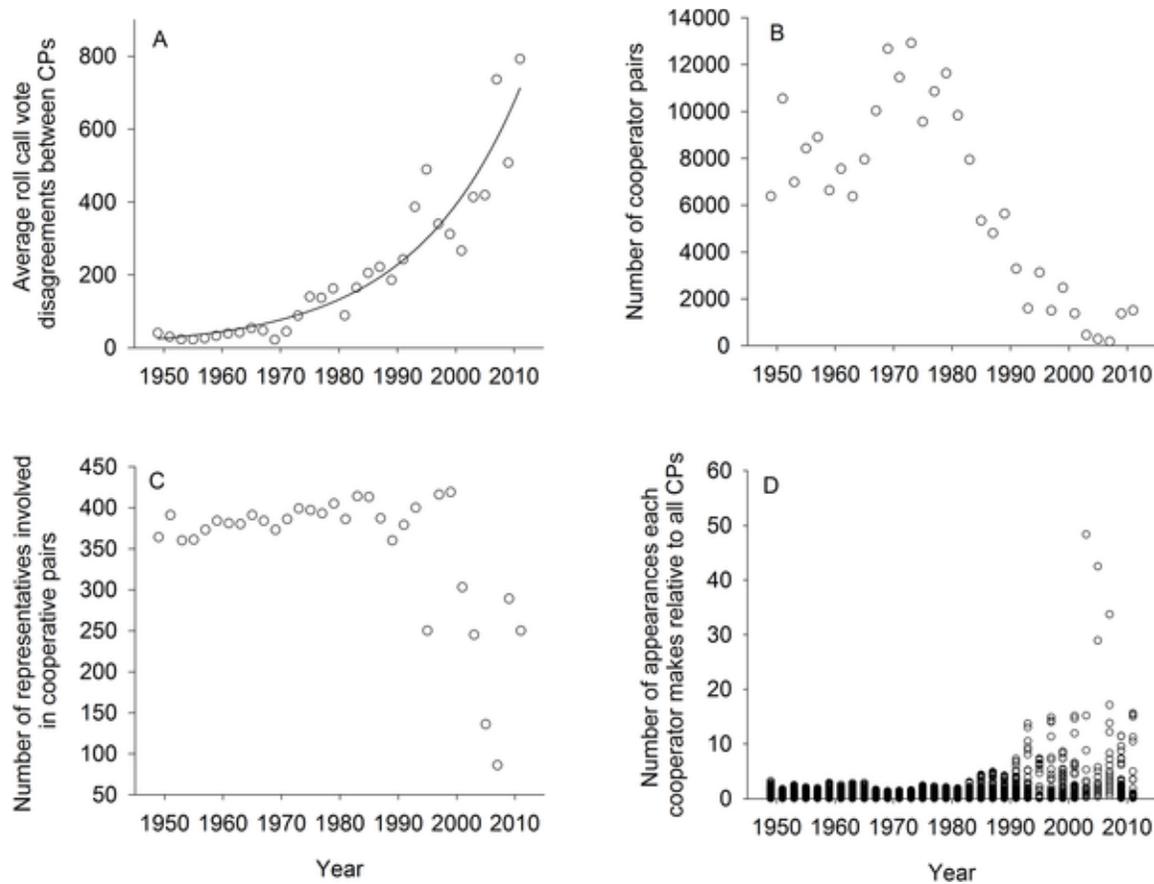


Source: *Polarized America / voteview.com*

In 1968, George Wallace remarked, “There ain’t a dime’s worth of difference” between Democrats and Republicans. While this was the case in the 1960s and before, the parties are more internally similar today than ever before. Figure 1 depicts the polarization between the parties and shows the party means on liberal and conservative dimensions moving in completely opposite directions since about 1980. Figure 2 depicts the parties as less willing to compromise and instead moving toward more liberal and conservative dimensions away from the center. Democrats and Republicans today are more internally unified and ideologically distinctive than they have been in over a century (Mann and Ornstein, 2012). Party polarization is undeniably the central and most problematic feature of contemporary American politics (Mann and Ornstein, 2012). While scholarship on recent polarization primarily examines the last three decades or so,

Figures 1 and 2 show similar trends over the last century. Those trends raise the question of whether the polarization is unique to recent Congresses or also a phenomenon in the past.

**Figure 3: Congressional Cooperation Rates Over Time**



Source: Andris C, Lee D, Hamilton MJ, Martino M, Gunning CE, et al. (2015) The Rise of Partisanship and Super-Cooperators in the U.S. House of Representatives. PLoS ONE 10(4).

Congressional politics have always been partisan, but appear especially so today. Since Reconstruction and through the first decade of the twentieth century, deep partisanship plagued Congress (Mann and Ornstein, 2012). Division on issues such as farming, the gold standard, federalism, and slavery were all deeply partisan issues (Mann and Ornstein, 2012). However,

legislators would still often vote across party lines. Figure 3 shows the level of disagreement on roll call votes and levels of cooperation in Congress. The trend in all four graphs is increased disagreements between the parties on roll call votes and decreased cooperation over time. In the past, legislators' interests would overlap because of geographic region. Democrats and Republicans would unite and vote together on bills that would benefit their common regional constituencies. The explanation for this unity was party heterogeneity and less external ideological distinction (Theriat, 2006, 485). The low internal unity and ideological distinctiveness allowed for more coalitions to cut across Congress (Mann and Ornstein, 2012). Today, the schism between the parties' centers around distinct ideological differences that manifest through high profile debates over agenda items such as the debt ceiling.

### **Influence on Legislative Activity**

While it is established that recent Congresses experience higher levels of polarization and partisanship than previous Congresses, whether or not it affects legislative activity and committee work is the question. Roll call votes, the more common method of measurement in congressional studies, can help better determine the level of legislative activity for a Congress. However, there is debate as to whether a decrease in passed legislation indicates diminished productivity because of partisanship and polarization. Some scholars posit that labeling Congress unproductive because it enacts fewer laws obscures much of the institution's responsibilities; one cannot confine a legislature's role exclusively to lawmaking (Jewell and Patterson, 1966). However, the role of the legislator by definition is to make laws. Thus, using failed to pass legislation as an indicator of decreased productivity is an accurate way to measure whether polarization and partisanship are at fault. Empirical studies support this method of measurement and show a correlation between partisanship and failure to pass legislation (Andris et al., 2015).

Increased non-cooperation between the parties significantly correlates with a decrease in congressional productivity (Andris et al., 2015). Furthermore, this decreased efficiency in Congress is driven by a significant decrease in the number of bills introduced, suggesting that increased non-cooperation stifles congressional motivation to innovate (Andris et al., 2015). Congress' inability to cooperate due to high levels of polarization and partisanship has resulted in a new legislative environment: hyper-partisanship. The hyper-partisan environment results in recent Congresses being some of the least productive in legislative history (Andris et al., 2015).

In addition to hyper-partisanship's influence on legislative activity and the parties generally, Aberbach (1990) examined its affects on committees. Aberbach's scholarship argues the largely accepted claim that politics is rarely, if ever, a neutral endeavor. He also argues that oversight of agencies and programs by congressional politicians almost always take place in a non-neutral context. In his work on politicians and bureaucrats in Western democracies, Aberbach found that Western politicians tend to defy problems chiefly in terms of political principle and political advantage. Politicians risk intense conflict in order to retain their strong commitments and communicate those commitments to the discussion. American politicians specifically, have a greater awareness of technical considerations in policymaking. They tend to see political advantage as lying with the interests that are intimately connected to legislative functions performed through their committees. This view sets American congressional politicians apart from their parliamentary counterparts in other Western democracies. Due to this, recent congressional committees appear to function inefficiently. While congressional politicians have technical awareness that tie to the work of their committee, their strong commitments can potentially result in the committee's work proceeding in a non-neutral context and thus negating a need for technical awareness. (Aberbach, 1990, 163)

Continuing on the theme of non-neutrality, advocacy also often appears in congressional committee work. Advocacy plays such a large role in committees because most aspects of the congressional committee system are biased toward advocacy. When representatives seek membership on committees, they try to find committees with jurisdiction over programs that benefit their constituencies. Thus, representatives are biased toward advocacy if there exists a constituency benefit or if a policy is personally appealing. Due to this bias, scholars such as John Bibby, Seymour Scher, and Morris Ogul argue that representatives neglect oversight because of the few incentives. Representatives acquire more payoffs from other activities, and even when they do conduct oversight it occurs sporadically for quick payoff and with usually little long-term significance. (Aberbach, 1990, 176, 188)

### **Influence on Select Committees as Cases for Analysis**

Representatives toil in somewhat unusual political times due to hyper-partisanship, which causes an erosion of the political center and gives representatives incentives not to reach agreements (Binder, 2003, 127). While legislative productivity suffers in this environment, it is not established whether select committees are as affected. Though not an empirical test, examining the history, reception, and work of each of the four committees examined in this study will help better determine the effects of hyper-partisanship on select committees.

Of the four select committees examined in this study, the Select Committee on Homeland Security appears the most successful given its history. This select committee was eventually elevated to a standing committee, the House Homeland Security Committee. As a standing committee, it has passed several critical pieces of bi-partisan legislation. Many of the committee's laws and legislation pass with bi-partisan support or almost unanimously. There could be a number of reasons for the committee's bi-partisan productivity. One reason could be

because of the mission of the committee, which is to provide oversight for the Department of Homeland Security and better protect the American people from another possible terrorist attack. The committee's mission has largely been carried out successfully given that there has not been a major terrorist attack on American soil since 9/11. This supports the claim that, over all, the committee operates relatively successfully in the recent hyper-partisan environment. ("The Homeland Security Committee", 2015)

The Select Committee on Energy Independence and Global Warming is also considered relatively successful given its history. The committee held 80 hearings from March 2007 to December 2010 and issued a final report in the 110<sup>th</sup> Congress ("The Select Committee on Energy Independence and Global Warming", 2010). Representatives from both parties considered the committee an asset and its work important. However, the committee was not renewed when Republicans gained control of the House in the 112th Congress. Rep. John Boehner (R-OH.), then in line to become House Speaker said, "The global warming committee doesn't need to be a separate committee. We believe the Science Committee is more than capable of handling this issue, and in the process we'll save several million dollars" (Koch, 2010). However, Boehner's fellow Republican on the committee Rep. Jim Sensenbrenner (R-WI.) said in response to the discontinuation of the committee, "While I was initially skeptical of the select committee's mission it ultimately provided a forum for bi-partisan debate, and an opportunity for House Republicans to share a different view on the pressing energy and environment issues that we currently face." Initially a bi-partisan committee that operated productively, it was eventually disbanded due to the Republican pledge to cut wasteful government spending, a sentiment among Republicans attributable to the hyper-partisan environment.

By far the most controversial of the select committees examined in this study is the Select Committee on the Events Surrounding the 2012 Terrorist Attacks in Benghazi, Libya. Since the committee's founding, Democrats and the media accused Republican representatives of using the hearings as a platform for partisan attacks against the Obama administration and Hillary Clinton. It has been argued that the committee's primary focus shifted from the attack in Benghazi to the State Department and Hillary Clinton in particular (Lipton, Scheiber, and Schmidt, 2015). Two events in particular support the accusations against Republican members on the committee. A Republican staffer on the committee was fired recently, claiming it was because "[His] non-partisan investigative work conflicted with the interests of the Republican leadership, who focused their investigation primarily on Secretary Clinton and her aides" (Hamburger and Leonnig, 2015). To make matters worse for public perception of the committee, Rep. Kevin McCarthy (R-CA.) at one point a front-runner to succeed speaker Boehner said, "Everybody thought Hillary Clinton was unbeatable, right? But we put together a Benghazi special committee, a select committee. What are her numbers today?" (Dionne, 2015). McCarthy suggests that the main purpose of the committee is to damage Hillary Clinton and her Presidential campaign. In addition, after sixteen months of investigation the committee has failed to issue a report to the House. Based on its history and the events surrounding the committee, it appears that hyper-partisanship has a large effect on the Select Committee on Benghazi.

### Chapter 3: Methods and Results

The congressional questioning perspective developed in this study is a language-centered analysis. Most language analysis in political science is primarily used in the subfield of political theory and the legal field. Some examples of language analysis in political science include Budziszewski's (2014) line by line commentary on Thomas Aquinas' writings, Abramson's (2015) scholarship on juries, and Pursely's (2009) scholarship on statutory laws in Congress and Executive agencies. However, much of the literature on Congress forgets the language of the most important players in the legal production process: the lawmakers themselves (Filler, 2001, 320). While some scholars such as Tulis (1987) and Freidenberg (1996) analyze the rhetoric of legislative and national debates, there is less scholarship on the language of legislators while in committee (Filler, 2001, 320). Language analysis allows for a more in depth study of processes within institutions and helps us better understand how policy is formulated before implementation. Communication scholarship has taken an interest in legislative language because legislators play the most important role in lawmaking and thus the language in congressional hearings and debates provide insight into legislator behavior in the policy formulation process (Gring-Pemble, 2001, 342). Especially in the House, congressional hearings may be the window into legislative policy making because of the essential role committees play as information-gathering platforms that inform decision making (Cooper, 1996). In recent years, communication scholarship has expanded policy-making studies to include studies of the specific role of rhetoric in public policy formulation (Gring-Pemble, 2001, 342).

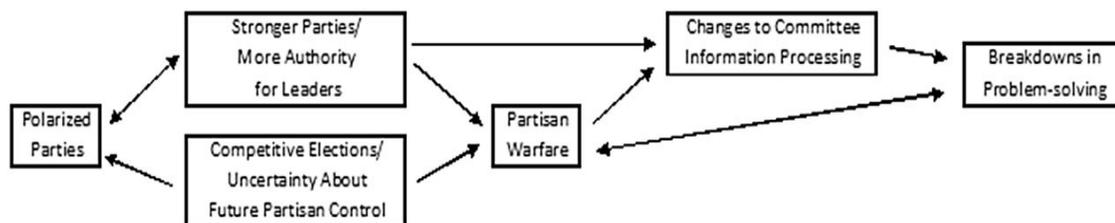
A language-centered analysis of committee hearings will give insight into the actual deliberations surrounding investigation and oversight. Several studies center on public policy debates and subsequent legislation, however communication scholars have not examined the

negotiation and construction of public policy through a language paradigm (Gring-Pemble, 2001, 342). Outside of a few empirical studies on public controversies in legislative contexts, the relationship between public argument and policy change remains unclear (Miller, 1999). What also remains unclear is whether the relationship between language and policy not only changes policy, but also slows policy formulation and contributes to congressional dysfunction. This question is arguably more relevant for political scientists studying Congress as a dysfunctional institution. Since this study views policy as emergent from House committee hearings, a language-centered analysis will contribute to the understanding of the policy formulation process and congressional dysfunction viewed together (Gring-Pemble, 2001, 360-361).

The congressional questioning perspective extends the language-centered analysis of hearings to specifically account for questions asked in select committees. The congressional questioning perspective was developed as a response to Lewallen, Theriault, and Jones' (2015) information processing perspective used in their scholarship on congressional dysfunction. The information processing perspective offers a number of advantages for studying committees. The perspective argues that the ideological continuum on which policy exists in Congress is over emphasized in the literature and the information used to inform debate continuum is largely ignored. This does not suggest that information be viewed in isolation, but rather ideology and information be viewed as one continuum. The perspective also argues that information and analysis are critical to governance and echo influential congressional scholar Richard Fenno's view that a committee-centered analysis is essential for understanding Congress. Arguably the most important conclusion information processing offers is if and when committees restrict their attention to focus on a particular purpose, the information available to members becomes limited,

which ultimately contributes to congressional dysfunction. (Lewallen, Jones, and Theriault, 2015)

**Figure 4: Information Processing and Congressional Problem Solving**



Source: Jonathan Lewallen, Bryan D. Jones and Sean M. Theriault. “Congressional dysfunction: An information processing perspective.” *Regulation and Governance* (2015): 4. Print.

**Table 4: Committees Coded According to Environmental Conflict**

Perceived Conflict	Committees
High	House and Senate Budget House Education & Labor, Senate Health, Education, Labor & Pensions
Moderate	House and Senate Armed Services House Interior/Resources, Senate Environment & Public Works
Low/Not Significant	House and Senate Agriculture House Rules, Senate Rules & Administration
Other committees	House and Senate Intelligence House Homeland Security Joint Economic

Source: Jonathan Lewallen, Bryan D. Jones and Sean M. Theriault. “Congressional dysfunction: An information processing perspective.” *Regulation and Governance* (2015): 4. Print.

The information processing perspective gives us a broad view of hearings and congressional dysfunction (see Figure 4 and Table 4). It does so by measuring dysfunction through examination of congressional hearing and testimony summaries (Lewallen, Jones, and Theriault, 2015, 12). The information processing perspective goes further by accounting for

behavior of representatives in the aggregate through the application of two dimensions to hearings: purpose and stance (Lewallen, Jones, and Theriault, 2015, 13). While this gives scholars an insight into the committee in a general sense, the congressional questioning perspective allows for insight into committee deliberations. Rather than apply the two stances to the committees generally (information processing perspective) the congressional questioning perspective applies purpose and stance to the individual questions asked by representatives. This will help better determine whether information in hearings is slanted testimony from witnesses, loaded questions from representatives, or a combination, which will allow for a stronger claim that an entire committee is dysfunctional. While both perspectives attempt to measure dysfunction in the committee system, they also conclude that Congress as whole nears, or already is, dysfunctional. The congressional questioning perspective will allow for an encompassing measure of congressional dysfunction by taking into consideration representative's language while also accounting for differences in questions.

### **Selection of Cases**

The four select committee hearings examined in this study were chosen not based on topic, but rather because they met the conditions sought by this study for comparison purposes. The study examines recent Congresses and thus the selection process began in the current Congress (114<sup>th</sup>) and worked backward. The study sought four select committees where at least one committee operated with Democrats in control of Congress and the Executive, Republicans in control of Congress and the Executive, Democrats in control of Congress and Republicans in control of the Executive, and Republicans in control of Congress and Democrats in control of the Executive. The conditions are met by the 108<sup>th</sup>, 110<sup>th</sup>, 111<sup>th</sup>, and 113<sup>th</sup> Congresses. This variation satisfies all the potential combinations that could occur regarding party control of Congress and

the Executive. This method also helps control for potential confounding variables that could affect representative's questions due to party control of Congress and the Executive.

Furthermore, this allows for comparisons examining whether questions differ based on which party controls Congress and the Executive. For example, do representative's questions become more positional or exploratory if the opposite party controls Congress or the Executive? Or both? Do representative's questions become more positional or exploratory if the same party controls both Congress and the Executive? This comparison will show whether differences exist within the committee and in the environment in which the committee operates.

**Table 5: Congress by Party in Control of House and Executive**

Party	Democrat (Executive)	Republican (Executive)
Democrat (House)	111th Congress	110th Congress
Republican (House)	113th Congress	108th Congress

**Table 6: Select Committee by Party in Control of House and Executive**

Party	Democrat (Executive)	Republican (Executive)
Democrat (House)	Energy Independence and Global Warming (111 <sup>th</sup> Congress)	Energy Independence and Global Warming (110 <sup>th</sup> Congress)
Republican (House)	Benghazi	Homeland Security

The committee transcripts which were used to code representative's questions and statements were acquired from the Government Printing Office website. The specific hearing from each of the four select committees was chosen using a random number generator from a pool of hearings each committee held in the respective Congresses examined. Since the study is not primarily concerned with the topic of the hearing, but rather the conditions in which the hearing operated, this is the most effective method to help control for researcher bias in hearing selection. All the hearings in each of the four committees had an equal chance of selection as a case, which increases the chance of the hearing as representative of the committee's work as a whole.

## Question and Statement Coding Scheme

While the broader method developed in this study is the congressional questioning perspective, a coding scheme was developed in order to methodologically examine differences in questions. The coding scheme categorizes questions into categories primarily through a qualitative analysis with a standardized rubric as a guide. This coding scheme draws from the nominal comparison across cases methodology in order to assess causality (Mahoney, 1999, 1157). This comparison involves the use of categories that are mutually exclusive and collectively exhaustive (Mahoney, 1999, 1157). However, like aforementioned, this study only draws from Mahoney's methodology and excludes the causality aspect. The coding scheme only assesses correlation and thus cannot assign causality for why representatives ask certain questions.

In order to categorize questions and statements, only spoken language from representatives within the four hearings were separated, initially into two categories: declarative statements and questions and then by party: Republican and Democrat. No Independents were present in the four hearings. The statements and questions were then coded and placed into one of five categories. The first category contains declarative statements or anything that does not end in a question mark. The second category contains what are called alternative questions, which is a question that presents two or more possible answers and presupposes that only one is true. The third category contains what are called tag questions, which is a question that contains a tag at the end such as "correct" "isn't it" or "right" among others. Tag questions often express the bias of the speaker towards one answer. The fourth category contains what are called "wh questions", which is a question that often begins with "who" "what" "when" "where" "why" or

“how”. The fifth category contains what are called yes/no questions, which is a question that seeks an answer of “yes” or “no”. (“SIL International”, 2015)

Scholarship on congressional hearings suggests that they tend to fall into two categories: positional or exploratory. A positional hearing typically hears from only one side of the debate and advocates for a particular position (Lewallen, Jones, and Theriault, 2015). An exploratory hearing typically hears from both sides of a particular debate and imparts information and analysis without including a witness’ personal opinion (Lewallen, Jones, and Theriault, 2015). The coding scheme in this study applies the positional and exploratory distinction for congressional hearings as whole to the question categories. Alternative questions and tag questions are positional, which suggests that the representative has a pre-conceived notion about the topic in the hearing. Another view is to consider positional questions as “loaded questions”. “Wh questions” and yes/no questions are exploratory, which suggests that the representative genuinely seeks information about the topic. Another view is to consider exploratory questions as the representative not having a pre-conceived notion about the topic in the hearing.

**Table 7: Coding Scheme Categories and Examples**

Type	Positional or Exploratory	Example
Declarative Statement	Neither	They represented our country and our values.
Alternative Question	Positional	And was Benghazi considered high-risk, high-threat or a critical threat?
Tag Question	Positional	And we have actually, in the last year, pulled out of posts as a result of that process, correct?
WH Question	Exploratory	What should have happened as a result of that identification that didn’t?
Yes/No Question	Exploratory	Mr. Keil, did you want to add something on that?

**Table 8: Coding Example from Select Committee on Homeland Security**

Republican	Alternative Question	Tag Question	WH Question	Yes/No Question	Declarative Statement	Representative's Speech
1	0	0	0	0	1	The Commission relied upon an individual foreign national security advisor to provide the Commission with information as to whether the previous administration had and how they had handled the Al-Qa'ida terrorist threat.
1	0	0	0	1	0	Don't you think there was some conflict of interest on relying upon a national security advisor with a previous administration to tell the committee whether or not the previous administration had, in fact, handled the Al-Qa'ida threat well or no?
1	0	0	0	1	0	Wasn't there some conflict of interest relying on a biased source there?
1	0	0	0	0	1	My time is up.

Table 8 is a sample of the coding scheme applied to the hearing held in the Select Committee on Homeland Security from the 108<sup>th</sup> Congress. The top row includes a Republican column, four question category columns, a declarative statement column, and a column for the representative's speech. A 1 in a cell delineates that the speech is placed in the column's category. A 0 in a cell delineates that the speech is not placed in the column's category. For example, the first row in Table 8 contains a 1 in the Republican column and a 1 in the Declarative Statement column. This means that the row is a Republican representative who delivered a declarative statement. If in the same row there was a 0 in the Republican column, it would indicate a Democratic representative delivered a declarative statement. In the second row in Table 8 there is a 1 in the Republican column and a 1 in the Yes/No Question column. This means the row is a Republican representative who asked a yes/no type of question. This coding method was used in the entire Select Committee on Homeland Security hearing along with the other three hearings examined in this study.

The categorization of the statements and questions uses a qualitative analysis, which means I coded a question or statement based on the description of the question categories, offered earlier in this section. I decided which category best fit the question because in some cases a question could belong in multiple categories. I did not double code any of the questions and statements; each observation could only belong to one category. The only category that was double coded (multiple 1's in the observation row) was party, each question and statement was placed in either the Republican or Democrat category. In total I coded 1,479 questions and statements for the Select Committee on Homeland Security, 732 questions and statements for the Select Committee on Energy Independence and Global Warming (110<sup>th</sup> Congress), 483 questions and statements for the Select Committee on Energy Independence and Global Warming (111<sup>th</sup>

Congress) and 1,479 questions and statements for the Select Committee on Benghazi. In total 4,173 questions and statements were coded for all four hearings. I was the sole coder of all four hearings for analysis purposes.

I conducted four intercoder reliability trials in order to determine the reliability of the coding scheme across researchers. High match rates in the trials suggests that the coding scheme developed for this study is consistent across different researchers and is an appropriate and reliable method. Four coders were given the same set of observations and instructed to code them according to the coding scheme used in this study. I then calculated a percentage that indicates how often the coder in the trial matched my original coding of the observations.

Two trials consisted of 25 questions and 1 declarative statement from the Select Committee on Homeland Security hearing and the Select Committee on Energy Independence and Global Warming (110<sup>th</sup> Congress) hearing for a total of 52 observations for each trial. In the first trial, the coder had a 62% match rate for the 26 observations from the Select Committee on Homeland Security and a 46% match rate for the 26 observations from the Select Committee on Energy Independence and Global Warming. Overall, across both hearings the coder had a 54% match rate with the original coding of the same observations. In the second trial, the coder had a 62% match rate for the 26 observations from the Select Committee on Homeland Security and a 72% match rate for the 26 observations from the Select Committee on Energy Independence and Global Warming. Overall, across both hearings the coder had a 67% match rate with the original coding of the same observations. In the subsequent two trials, two coders were given the same set of 32 observations from the Select Committee on Benghazi. In the first trial, the coder had an 88% match rate for the 32 observations and in the second trial the coder had an 88% match rate

for the 32 observations. Across both sets of 32 observations the coders had an 88% match rate with the original coding of the same observations.

There is a large discrepancy between the first two trials, which contained observations from the Select Committee on Energy Independence and Global Warming (110<sup>th</sup> Congress) and the Select Committee on Homeland Security, and the latter two trials which contained observations from the Select Committee on Benghazi. In the four trials, each question category had errors with the original coding. This means that none the four categories were particularly problematic or more prone to error in the trials. The primary reason for the discrepancies is because the results of the trials are un-reconciled. Reconciliation is a procedure commonly used in intercoder reliability where the original coder and the trial coder will discuss the observations that did not match. The goal is for the two coders to discuss their respective reasons for their choice of code and try to reach an agreeable code for the observation. If the two coders come to an agreement then the observation is considered a match, if no agreement is reached then the observation is considered a non-match. This study did not use reconciliation in the intercoder reliability trials and thus there is a possibility of higher match rates.

Another reason the latter two trials have such high match rates might be due to higher levels of conversation with the coders who conducted the trial. I shared a living space with the two coders and often discussed this study with them. The two coders would also occasionally offer advice on how to improve the study. By the time this study was conceptualized the two coders were quite familiar with the question categories. This familiarity more than likely helped them code the observations more accurately because of their familiarity with the question categories. The increased level of conversation and familiarity with the study was not the case for the former two coders.

## Results

**Table 9: Individual Number of Questions and Declarative Statements in Hearings**

Select Committee on Energy Independence and Global Warming (111th Congress)			Select Committee on Energy Independence and Global Warming (110th Congress)		
Representative Speech	Republican	Democrat	Representative Speech	Republican	Democrat
Declarative Statements	56	384	Declarative Statements	253	422
Questions	0	43	Questions	33	24
Total	56	427	Total	286	446

Select Committee on Benghazi			Select Committee on Homeland Security		
Representative Speech	Republican	Democrat	Representative Speech	Republican	Democrat
Declarative Statements	454	783	Declarative Statement	537	720
Questions	180	62	Question	97	125
Total	634	845	Total	634	845

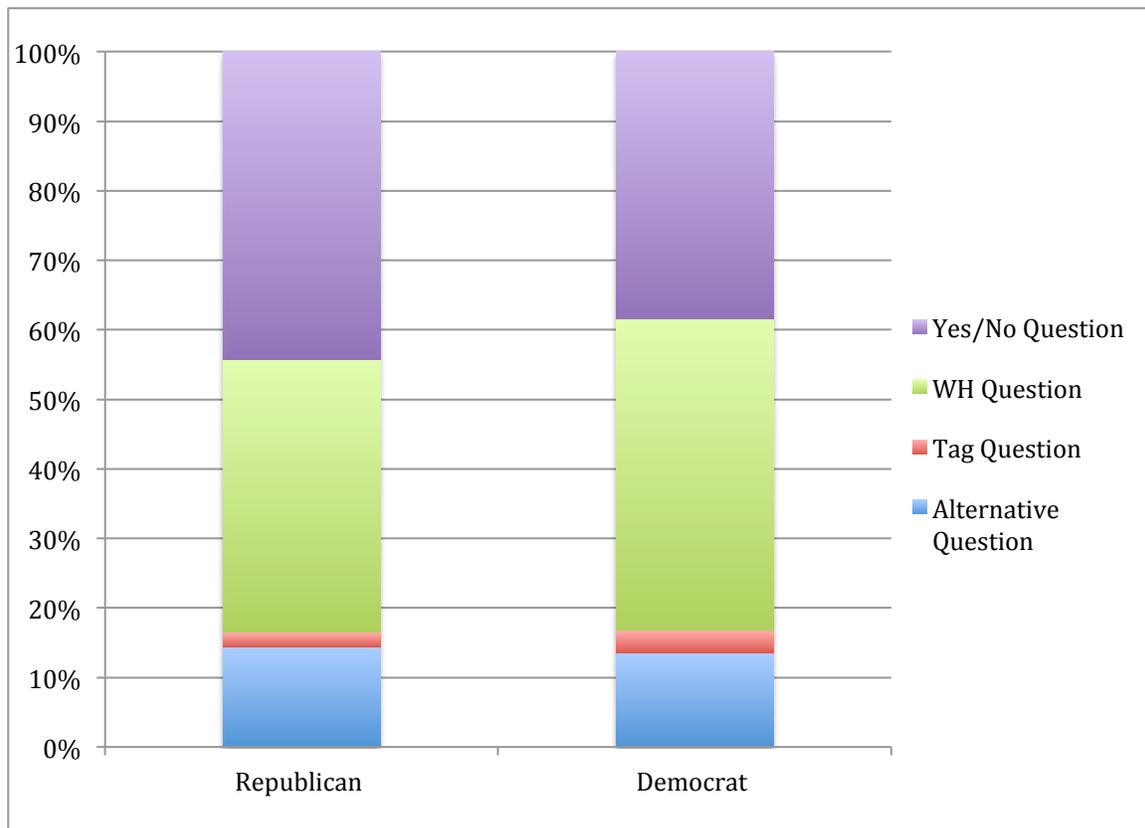
**Table 10: Percentage of Questions and Declarative Statements in Hearings**

Select Committee on Energy Independence and Global Warming (111th Congress)			Select Committee on Energy Independence and Global Warming (110th Congress)		
Representative Speech	Republican	Democrat	Representative Speech	Republican	Democrat
Declarative Statements	100%	90%	Declarative Statements	88%	95%
Questions	0%	10%	Questions	12%	5%
Select Committee on Benghazi			Select Committee on Homeland Security		
Representative Speech	Republican	Democrat	Representative Speech	Republican	Democrat
Declarative Statements	72%	93%	Declarative Statement	85%	85%
Questions	28%	7%	Question	15%	15%

**Figure 5: Percentage of Questions in Hearings by Party Under Conditions**

Democrat House	Democrat Executive			Democrat House	Republican Executive		
	Party	R	D		Party	R	D
	Questions	0%	10%		Questions	12%	5%
Republican House	Democrat Executive			Republican House	Republican Executive		
	Party	R	D		Party	R	D
	Questions	28%	7%		Questions	15%	15%

**Figure 6: Percentage of Question Type in Select Committee on Homeland Security Hearing**

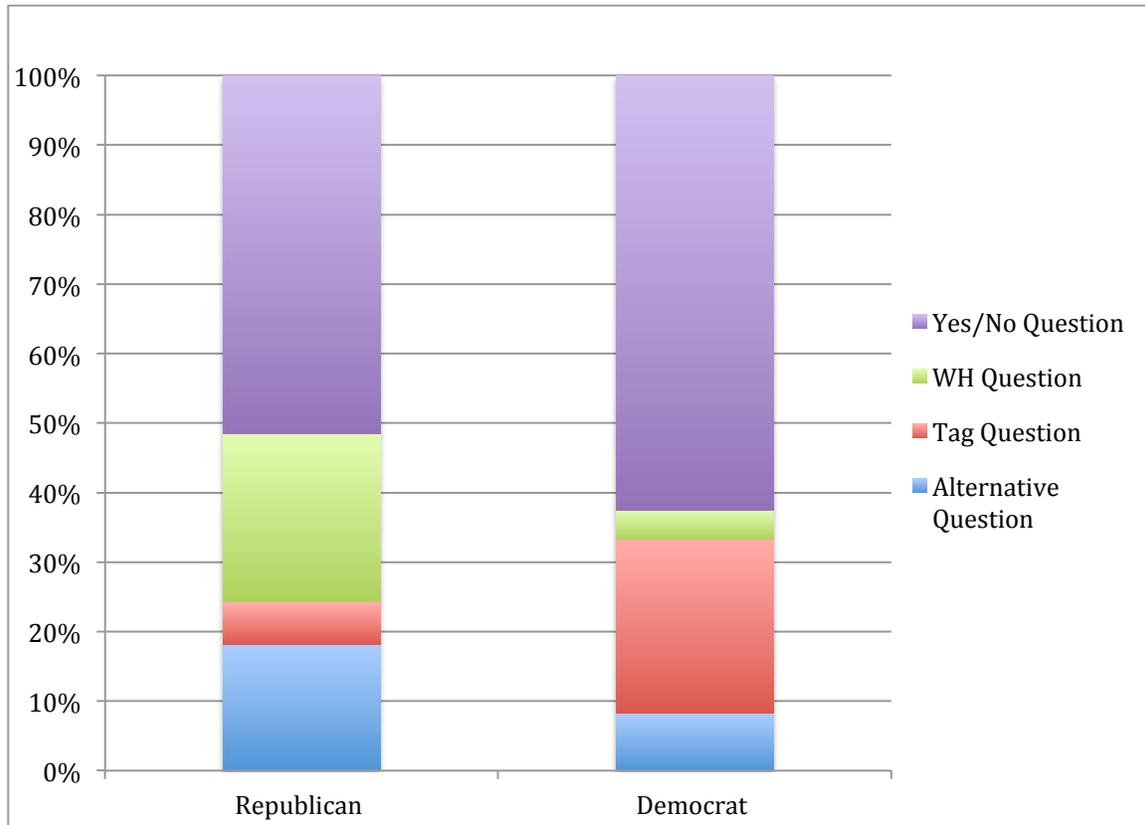


N (Republican)=97

N (Democrat)=125

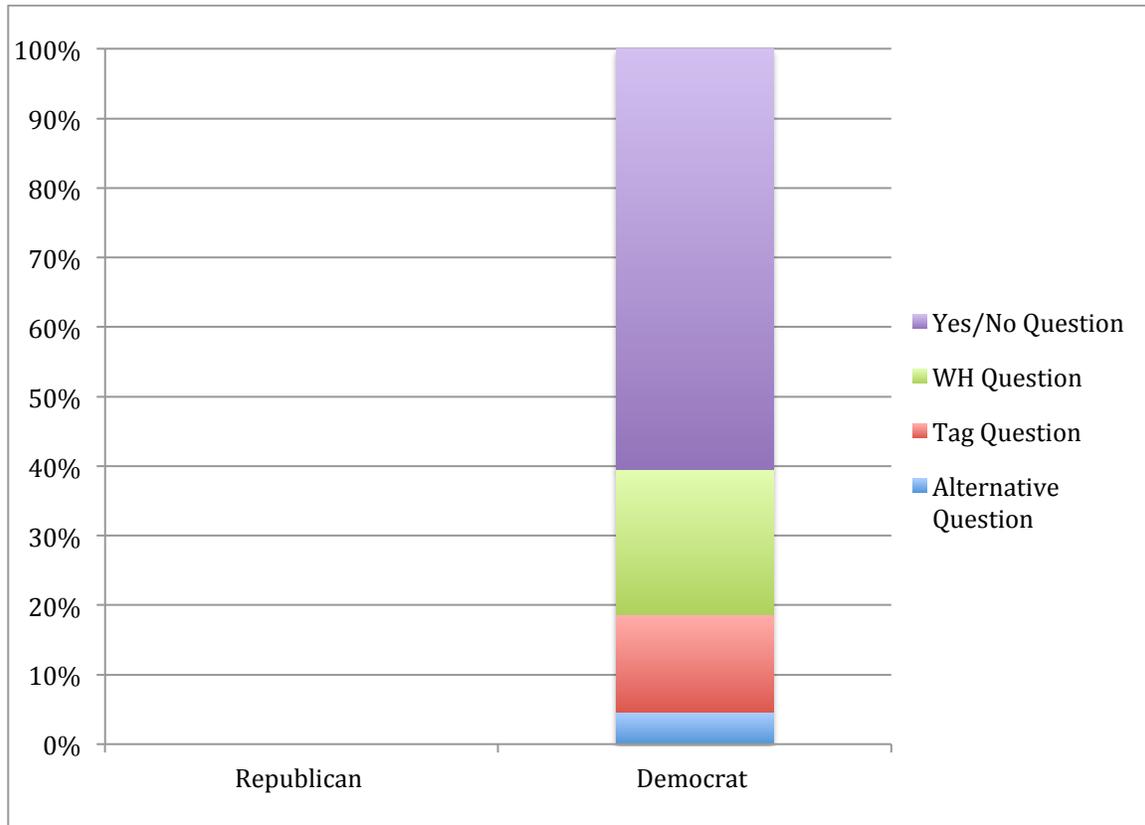
( $\chi^2=1.40$ , DOF=3, N=222,  $0.90 < p < 0.70$ )

**Figure 7: Percentage of Question Type in Select Committee on Energy Independence and Global Warming Hearing (110<sup>th</sup> Congress)**



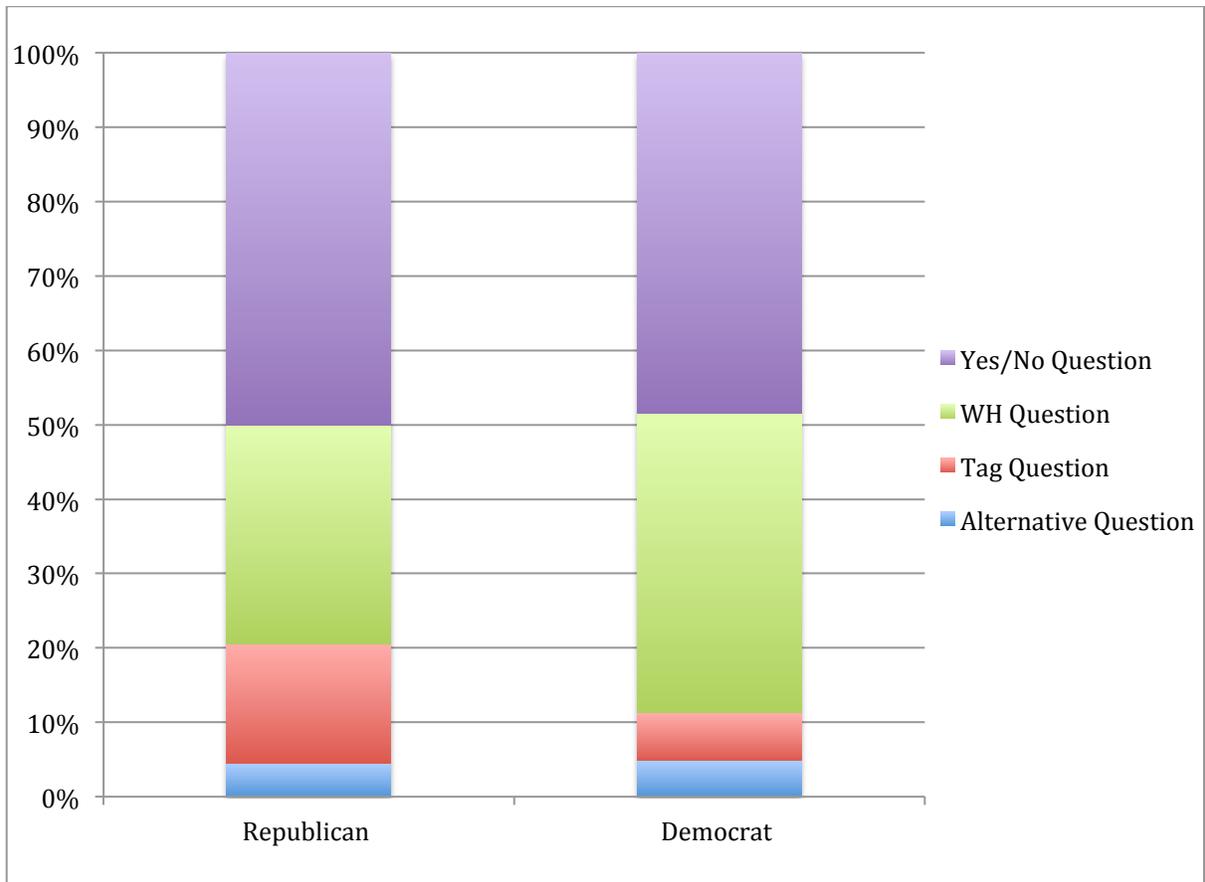
N (Republican)=33  
 N (Democrat)=24  
 ( $\chi^2=9.87$ , DOF=3, N=57,  $p<0.05$ )

**Figure 8: Percentage of Question Type in Select Committee on Energy Independence and Global Warming Hearing (111<sup>th</sup> Congress)**



N (Republican)=0  
 N (Democrat)=43  
 ( $\chi^2=0$ )

**Figure 9: Percentage of Question Type in Select Committee on Benghazi Hearing**



N (Republican)=180

N (Democrat)=62

( $\chi^2=4.36$ , DOF=3, N=242,  $0.30 < p < 0.10$ )

**Table 11: Percentage of Positional and Exploratory Questions in Hearings**

Select Committee on Energy Independence and Global Warming (111th Congress)			Select Committee on Energy Independence and Global Warming (110th Congress)		
Question Type	Republican	Democrat	Question Type	Republican	Democrat
Positional	0%	19%	Positional	24%	33%
Exploratory	0%	81%	Exploratory	76%	67%
Select Committee on Benghazi			Select Committee on Homeland Security		
Question Type	Republican	Democrat	Question Type	Republican	Democrat
Positional	21%	11%	Positional	16%	17%
Exploratory	79%	89%	Exploratory	84%	83%

**Table 12: Individual Number of Positional and Exploratory Questions in Hearings**

Select Committee on Energy Independence and Global Warming (111th Congress)			Select Committee on Energy Independence and Global Warming (110th Congress)		
Question Type	Republican	Democrat	Question Type	Republican	Democrat
Positional	0	8	Positional	8	8
Exploratory	0	35	Exploratory	25	16
Total	0	43	Total	33	24
Select Committee on Benghazi			Select Committee on Homeland Security		
Question Type	Republican	Democrat	Question Type	Republican	Democrat
Positional	37	7	Positional	16	21
Exploratory	143	55	Exploratory	81	104
Total	180	62	Total	97	125

**Figure 10: Percentage of Positional Questions in Hearings by Party Under Conditions**

Democrat House	Democrat Executive			Democrat House	Republican Executive		
	Party	R	D		Party	R	D
	Positional	0%	19%		Positional	24%	33%

Republican House	Democrat Executive			Republican House	Republican Executive		
	Party	R	D		Party	R	D
	Positional	21%	11%		Positional	16%	17%

The results of this study show that there are differences between representative's questions in select committees. While differences exist, there are also similarities. The biggest similarity is that representatives in all four hearings ask a small number of questions relative to declarative statements. The most questions asked was in the Select Committee on Benghazi, which contained a total of 242 questions. The majority of representative's speech in the hearings is declarative statements. Even the hearing with the smallest number of declarative statements, the Select Committee on Energy Independence and Global Warming (111<sup>th</sup> Congress) contained 440 declarative statements, yet contained only 43 questions. Declarative statements dominate the four hearings. This suggests a number of conclusions for the cases. Since representatives focus most of their time in the hearings delivering declarative statements, do they gather the maximum amount of information from the witnesses present in the hearing? While the congressional

questioning perspective does not code declarative statements, outside of identifying them as such, generally many of the declarative statements are representative's opinion.

Within the parties declarative statements also dominate speech. In all four hearings over 70% of representative speech in both parties are declarative statements. Republicans in the Select Committee on Benghazi have the lowest percentage of declarative statements compared to total speech. The percentage of representative's speech in all four hearings devoted to questions is low. None of the hearings show percentage of questions greater than 15%, except for Republicans in the Select Committee on Benghazi. While each representative is given five minutes to question, it is apparent from the results that most choose to engage in a dialogue rather than question witnesses.

In all four hearings representatives prefer to ask yes/no and "wh questions". Similar to declarative statements, those two question categories dominate the four hearings. The two categories also dominate within both parties. Both yes/no and "wh questions" are classified as exploratory according to the coding scheme. So overall, representatives prefer to ask exploratory questions. This suggests that when representatives ask questions in hearings they tend to approach questions with the intention of collecting information from the witnesses. The results also show no questions asked by Republicans in the Select Committee on Energy Independence and Global Warming (111<sup>th</sup> Congress) hearing. This stands out because in the three other hearings, both parties asked questions. Rep. Sensenbrenner (R-WI.) and Rep. Blackburn (R-TN.) both members of the committee were present and delivered declarative statements, yet neither asked questions. A possible explanation is that they were protesting some action of the majority party or they simply did not have questions to ask. This also reinforces the flexibility of the House Rules, while they allot time for both majority and minority party to ask questions, it is not

required and the representatives instead might choose to use their five minutes for declarative statements only.

### **Positional Questions**

For both parties in all four hearings, percentage of positional questions is low relative to exploratory questions. However, the existence of positional questioning suggests that some of the representatives approach questioning with a previous position about the topic of the hearing. The Select Committee on Energy Independence and Global Warming (110<sup>th</sup> Congress) hearing contained the highest percentage of positional questioning and the Select Committee on Energy Independence and Global Warming (111<sup>th</sup> Congress) contained the lowest percentage of positional questioning. These results stand out because two hearings from the same committee have both the highest and the lowest percentages of positional questioning. A possible explanation could be a change in environment; in the case of these two hearings there was a switch in Executive party power from Republican in the 110<sup>th</sup> Congress to Democrat in the 111<sup>th</sup> Congress. It is possible that positional questioning decreased in the 111<sup>th</sup> Congress because Democrats attained a majority in both the House and the Executive. Due to this, Democrats might have been less inclined to take positions in their questioning as not to appear attacking the Executive indirectly.

**Table 13: Example of Threshold Table for Positional Questions in Hearings**

Total Percentage of Positional Questions for Both Parties	Committees
Most	Select Committee on Energy Independence and Global Warming (110 <sup>th</sup> Congress)
Second Most	Select Committee on Homeland Security
Third Most	Select Committee on Benghazi
Least	Select Committee on Energy Independence and Global Warming (111 <sup>th</sup> Congress)

However, what positional questions do reinforce is that some representatives from both parties come to the hearing with a position already in mind and not to conduct an unbiased inquiry. Exchanges such as the two presented in the introduction of this study might occur in other hearings. While no party's questioning is dominated by positional questions relative to exploratory question, if the hearings were dominated by positional questions it would suggest that the representatives in the hearing are not interested in investigation or unbiased inquiry. Instead they might have alternative motives in their questioning. While thresholds for total positional and exploratory questions were not developed in the congressional questioning perspective, the more positional questions exist in a hearing the more positional the hearing is in total. The same is true for exploratory, the more exploratory questions exist in a hearing the more exploratory the hearing is in total. Thresholds can certainly be developed by future researchers as a method for determining if a whole hearing is positional or exploratory and can be represented in a table (see Table 13).

## **Across Case Discussion**

This study also sought to determine differences in questions across the conditions that the hearings operated under. Overall, the results show that differences exist depending on what party controls the House and the Executive. The most important difference to evaluate is between positional and exploratory questions under the different conditions.

### **Democratic House v. Democratic Executive and Democratic House v. Republican Executive**

The Select Committee on Energy Independence and Global Warming (111<sup>th</sup> Congress) hearing operated under a Democratic House and Executive. The results show higher percentage of positional questioning by Democrats despite control of both the House and the Executive. The Select Committee on Energy Independence and Global Warming (110<sup>th</sup> Congress) hearing operated under a Democratic House and a Republican Executive. The results show higher percentage of positional questioning by Democrats. The higher percentage of positional questioning by Democrats during a Republican Executive may suggest that Democrats take a position when the opposite party is in power of the Executive in order to either attack or embarrass the administration. The results also show that a unified government does not necessarily mean that party in power will not ask positional questions. At the same time, it also shows that divided government can result in the party in power of the House taking positions against the opposite party when they control the Executive.

### **Republican House v. Republican Executive and Republican House v. Democratic Executive**

The Select Committee on Homeland Security hearing operated under a Republican House and Executive. The results show only a slightly higher percentage of positional questioning for

Democrats relative to their total questions when they are in the minority in both the House and the Executive. The Select Committee on Benghazi hearing operated under a Republican House and a Democratic Executive. The results show a higher percentage of positional questioning for Republicans relative to their total questions. The results of the Select Committee on Homeland Security hearing show that even in a unified government, party in control of both the House and the Executive will still ask positional questions at almost the same level as the minority party. The results of the Select Committee on Benghazi affirm the theory of divided government where the party in control of the House takes a position against the opposite party when they control the Executive.

### **Divided Government**

The results ultimately suggest that when the majority party in the House and the majority party in the Executive are different, representatives that belong to the majority party in the House ask a higher percentage of positional questions. However, the results largely reinforce David Mayhew's null result for the impact of divided government (Binder, 2003, 22). Mayhew's scholarship finds that unified party control of Congress and the Executive fails to produce significantly higher levels of lawmaking in Washington (Binder, 2003, 22). The results in this study show relatively small differences because representatives from both parties, regardless of what party controls the Executive, still ask a significantly higher percentage of exploratory questions relative to total questions asked. Unified government, when the same party controls both the House and the Executive show only a slightly higher percentage of positional questioning from the minority party in the House (see Select Committee on Homeland Security). On the other hand, in the Select Committee on Energy Independence and Global Warming (111<sup>th</sup> Congress) unified government results in the majority party asking all the questions, including

positional. In conclusion, both opposite party control and same party control of the House and Executive cause variations in questions asked by representatives.

### **Correlative Analysis Discussion**

This study also sought to determine whether a relationship exists between representative's party and type of questions asked in select committees. While the independent inquiry that led to this study suggested a relationship, the more rigorous empirical test in this study shows that the relationship in these four cases is weak. The Select Committee on Energy Independence and Global Warming (110<sup>th</sup> Congress) hearing was the only case with a significant result. Only in this case can the study conclude that the relationship between representative's party and question type is not due to coincidence or random chance. In the other three cases the results are not significant and thus the possibility of the relationship between representative's party and question type could be a result of coincidence or random chance. However, this study only tested four select committee hearings from the 108<sup>th</sup>, 110<sup>th</sup>, 111<sup>th</sup> and 113<sup>th</sup> Congresses. This study does not test other types of committees, or any committee hearings before the 108<sup>th</sup> or after the 113<sup>th</sup> Congresses. The one significant result in this study does suggest a relationship might exist in other committee hearings. Since this has yet to be tested, future researcher could look at more hearings in either the same Congresses examined in this study or previous Congresses. This will allow for a more definitive conclusion about the relationship between representative's party and question type.

## Chapter 4: Discussion and Conclusion

What do members of Congress questions in committees tell us? This study demonstrates that there exist differences in questions and the differences vary slightly depending on the conditions under which the committee operates. They also tell us that representatives ask both positional and exploratory questions, but overall they ask exploratory questions. While House Rules outline parameters for questioning of witnesses, representatives exercise a tremendous amount of freedom in their questioning and decision to question in the first place. In the four cases in this study, representative from both parties prefer to deliver declarative statements rather than ask questions. The presence of positional questions in all four hearings show that whether Democrats or Republicans control the Executive, both parties sometimes hold positions against the Executive. This suggests that the phenomenon may sometimes be Congress as institution against the Executive, as opposed to party in Congress against party in the Executive. Would Congress benefit from a structured Question Time similar to the UK's Parliament? An answer to this requires further testing and more case studies to determine how widespread positional questioning is in committee hearings. Nonetheless, this study shows that the language legislators' use is important. While the Executive enforces the law and the Judiciary reviews the law, legislators create the law. Investigations and oversight conducted by the Select Committees on Homeland Security, Energy Independence and Global Warming, and Benghazi have informed policy. The votes legislators cast determine the fate of the proposed law, but language is the tool used to create the law. The congressional questioning perspective developed in this study gives researchers a systematic methodology to examine a part of representative's language in select committee hearings.

This study also shows how select committee hearings operate in the hyper-partisan environment. They hyper-partisanship appears through both the presence of positional questions and events surrounding the four hearings. Positional questions may be an indicator of the effects of the hyper-partisan environment. Their existence detects partisanship, albeit weakly because positional questions only suggest that the representative does not seek information from witnesses and instead uses question to take a position against the witness, other party, or Executive. While the Select Committee on Benghazi only contained the third highest percentage of positional questions, the media coverage and absence of a report on the attack after 16 months of investigation suggests that the hyper-partisan environment particularly affects the committee. The Select Committee on Benghazi also stands out because it is one of two hearings in the study that deals with foreign policy, the other being the Select Committee on Homeland Security. While the Select Committee on Homeland Security contained the second highest percentage of positional questions, the negative media attention surrounding the committee is less than the Benghazi hearing. There is also reason to believe that hearings on foreign policy would be less positional or controversial. Binder (2003) makes a distinction between domestic and foreign policy issues as it pertains to legislative activity in Congress and Executive branch initiatives. As the old adage suggests, politics stops at the water's edge and even when political differences do emerge over foreign policy, one side inevitably implores its opponents to put aside differences lest American prestige and authority be diminished around the world (Binder, 2002, 52). This does not mean there have not been differences over foreign policy in recent Congresses; take for example the legislative disagreement with President Clinton over the NATO bombing campaign of Serbians in Kosovo in 1999 (Binder, 2001, 52). However, what the Select Committee on

Benghazi hearing suggests is that the hyper-partisan environment might invade foreign policy development in Congress more so than previously thought.

In an op-ed in the New York Times, Rep. Adam B. Schiff (D-CA.) who serves on the Select Committee on Benghazi called for its disbandment. Schiff claims that Republicans on the committee frequently fail to consult or even to inform Democratic members before taking action and selectively leak information to the press. He also claims that given the length of time, the more than \$4 million spent, and the little to no additional insight into the attacks, all should result in the committee being dissolved. The committee's top Democrat, Rep. Elijah Cummings (D-MD.) also added that Republicans have blatantly abused their authority in Congress to essentially pay for a political campaign against Hillary Clinton, referring to her Presidential bid (Epstein, 2015). None of the three other hearings attracted such attention from the media and they did not have charges made against them, especially by members on the committee, that their hearings were serving the interests of a particular party like in the case of the Select Committee on Benghazi. Hyper-partisanship, potentially seen through the presence of positional questions might highlight the fact that foreign policy is just as susceptible to partisanship as domestic policy.

### **Congressional Questioning Perspective as a Contribution to Congressional Studies**

The results of this study show that questions asked by representatives vary by party, vary by party control of the House and Executive, and the possibility of a statistically significant relationship between party and question type. The study also reveals that representatives take positions in hearings depending on which party controls the House and Executive. However, divided government does not necessarily result in the minority party taking more of a position in the hearing. In addition, the study shows that representatives from both parties in hearings do not

ask many question compared to declarative statements. In general, hearings are statement dominated.

While the questions reveal beneficial information about hearings, the larger contribution is the congressional questioning perspective developed in this study. This perspective offers a language-centered analysis that analyzes representative's speech in both the aggregate and at the individual level. This study argues that language centered approaches should be utilized more frequently to study not only congressional committee hearings, but also Congress as a whole. When coupled with the information processing perspective developed by Lewallen, Jones, and Theriault, a strong method for examining inside committee hearings and then determining whether the committee as whole is positional or exploratory now exists. Researchers interested in using other hearings to assess congressional dysfunction in the hyper-partisan environment together can use the two methods.

The results presented in this study and the congressional questioning perspective present researchers with a number of additional questions and conclusions about committee hearings. The biggest question for future research is if the presence of certain questions, such as positional, affect the quality of committee deliberations and investigation. For example, do policy and committee reports become delayed or severely unfavorable to one party if a hearing contains large numbers of positional questions. The Select Committee on Benghazi hearing might be an example given its high number of positional questions and lack of any concrete conclusion of its investigations after 16 months. With hearings operating in the hyper-partisan environment, positional questions could potentially be used as a measure for partisanship. For example, the higher number of positional questions asked in a hearing, the more partisan the hearing. The same logic could apply to individual legislators. The other perspective is that positional questions

might not be a problem for hearings. Instead, we might expect positional questions to exist in hearings in order to keep government accountable.

In the end, the study ultimately sheds light on the nature of congressional select committee hearings in recent congresses. One of the primary powers of a committee is information gathering. While this study claims that representatives ask questions to gather information, it may be the case that statements are the preferred method. This certainly appears the case given the large number of statements compared to questions delivered in hearings. It could also be that the nature and primary powers of committees shift. Mentioned earlier in this study, a static model of the committee system is not an accurate way to examine the system. Instead, researchers need to take into account that the system changes and evolves and the optimal way to observe change is within the committee hearing deliberations as opposed to the final policy or report.

### **Limitations of Congressional Questioning Perspective and Design**

The congressional questioning perspective provides a new method for classifying representative's language in committee hearings, which is largely ignored in the literature. However, it does contain some limitations in its current form in this study. The biggest limitation discovered after the completion of the study is the overwhelming presence of declarative statements in the hearings. The congressional questioning perspective only makes the positional and exploratory distinction for questions. However, what might happen is representatives deliver positional and exploratory declarative statements in addition to questions. Future research should attempt to develop a coding scheme that makes this distinction for declarative statements since this is the type of language primarily used in hearings.

**Table 14: Total Questions and Statements of Chairman from Opening Statements in the Select Committee on Benghazi and Select Committee on Energy Independence and Global Warming (110<sup>th</sup> Congress) Hearings**

Chairman Speech	Rep. Trey Gowdy (R-SC.)	Rep. Edward Markey (D-MA.)
Questions	3	0
Declarative Statements	51	44
Total	54	44

Some congressional scholarship is concerned with individual legislators as opposed to aggregate data on Congress. The congressional questioning perspective provides researchers interested in individual legislators a systematic method for classifying language. However, the data presented in this study does not identify the speaker because it is not immediately concerned with the individual. The main goal of this study was to determine if a classification system could apply to select committees and if representatives ask different questions. The raw data in this study shows additional information such as the name of the representative, position on the committee (Chairman, Ranking Member) and order from beginning to end. This is true for the raw data of all four hearings. This is beneficial in the sense that the more information gathered, the more the study can extrapolate about the select committees. The coding scheme does allow for information to be collected about individual representatives. Table 14 is an example of questions and statements from two Chairmen in their opening statements in the Select Committee on Benghazi and Select Committee on Energy Independence and Global Warming (110<sup>th</sup> Congress). However, for the purposes of the coding scheme in the congressional questioning perspective in this study, that additional information is not immediately relevant. The coding scheme and congressional questioning perspective is immediately concerned with party of the representative speaking and question type. However, the identities' of the individual

representatives were collected when the raw data was compiled. If a researcher is interested in examining what questions a specific representative asked then the expanded raw data could provide the information. While the results presented in this study are in the aggregate, the congressional questioning perspective method allows for both aggregate and individual presentations of the results.

**Table 15: Witness Categories for Hearings**

Select Committee Hearing	Witness: Military	Witness: Federal Agency (non-military)	Witness: Non-Federal
Homeland Security	0	6	0
Energy Independence and Global Warming (110 <sup>th</sup> Congress)	1	0	4
Energy Independence and Global Warming (111 <sup>th</sup> Congress)	0	1	4
Benghazi	0	2	1
<b>Total</b>	1	9	9

Congressional hearings are theoretically dialogues and not a series of monologues. Most hearings in the House are either legislative, oversight, or investigative (Carr, 2006, 4-5). The four hearings in this study are primarily investigative (Benghazi, Energy Independence and Global Warming) and oversight (Homeland Security). These hearings usually have witnesses and House Rules offer guidelines for witness procedure (Carr, 2006). Under House Rules the

representatives will question and discuss if witnesses are present at the hearing. Characteristics of the witnesses could potentially influence the dialogue with legislators. For example, certain witnesses could elicit certain reactions from the legislators. An example of this is the exchange between Rep. Young (R-AK.) and Douglas Brinkley presented in the introduction of this study. Young almost seems anti-academic because he believes Dr. Brinkley's work is "garbage". Young may have reacted differently if the witness expressed conclusions that were similar to Dr. Brinkley's, but were from a federal agency, the military, or a research group based in Alaska. Furthermore, the type of witness could affect whether the legislator asks more positional or exploratory questions. Currently, the congressional questioning perspective does not offer a method for coding and evaluating witness speech. However, in the raw data collection phase of the study witnesses from the four select committee hearings were categorized into three categories: military, federal agency, and non-governmental organization (NGO). Individual identities were not collected, only the frequency of witnesses in the three categories. The categories could potentially change and are by no means restricted to three, it just happened to be that witnesses in the four hearings only fell into the three categories presented in Table 15.

Topic of the hearing is another potential limitation for the study as it relates to comparison, however not necessarily for the congressional questioning perspective. On the surface, it may appear that hearings on homeland security, energy independence and global warming, and Benghazi, are too unrelated for comparison. However, the congressional questioning perspective is not immediately concerned with topic of the hearing. Again, this study chose the four cases because they met the desired condition for the research design. Since topic does not limit the methodology of the congressional questioning perspective, researchers concerned with topic can still use the coding scheme for other hearings. It makes no difference,

methodologically, if a future researcher only examines committees dealing with foreign affairs, domestic affairs, or both. The only limitation the coding scheme may face is application to other legislative systems, such as the UK's Parliament mentioned earlier in this study. The methods were designed with American legislative practices as the focus. This is not to say that a similar model could not develop for use in other legislative bodies abroad or that the coding scheme as it stands could not apply because this has yet to be tested.

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### Appendix: Expanded Coding Data for Select Committee on Homeland Security

Republican	Alternative Questions	Tag Questions	WH Questions	Yes/No Questions	Declarative Statements	Speech/Speaker
	1	0	0	0	0	Chairman COX.
	1	0	0	0	1	I thank you.
						We have a great deal more to delve into on these subjects, but my time has expired and I want to move this along, we are going to be operating on a strict five-minute rule to give members who travelled great distances to be here, the opportunity to ask their questions.
	1	0	0	0	1	And I now recognize Mr. Turner for his questions.
	1	0	0	0	1	Mr. TURNER.
	0	0	0	0	0	Thank you, Mr. Chairman.
	0	0	0	0	1	Governor Kean, in your statement, you say, and I am looking at it here, we believe the President needs to lead a government-wide effort to bring the major national security institutions into the information revolution.
	0	0	0	0	1	And you also say further down in your statement, only presidential leadership can develop the necessary government-wide concepts and standards.
	0	0	0	0	1	And I hope we don't miss that message, because as I have reviewed the efforts to bring about an integrated information sharing system, it is clear to

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me that the Congress has made repeated efforts to accomplish that.

We have passed, as Lee Hamilton said, four separate laws mandating an interoperable border security system.

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Back in 2000, Congress created an independent commission appointed by the Attorney General to report on how border agencies could efficiently and effectively carry out the mission of creating an integrated collection and data sharing system, including an integrated entry and exit system which was mandated by the Congress in 1996.