The temple of wonkery: Former CRS analyst Kevin Kosar.

Norman Kelley

Why I Quit the Congressional Research Service

How Congress's dysfunction has degraded its own in-house think tank.

By Kevin R. Kosar

If there's one event that epitomizes why I quit my job last October as a researcher at the Congressional Research Service, Congress's in-house think tank, it's a phone call I got some weeks before making my decision to leave. The call was from a smart congressional staffer with a law degree. Confessing some embarrassment, he asked if, as the CRS's resident expert on the U.S. Postal Service, I could help him and his congressman boss respond to a constituent. The constituent wanted to know why the USPS was "stockpiling ammunition." The staffer forwarded the constituent's email, which had links to various blogs warning that the USPS was arming itself to the teeth, perhaps preparing for an assault on America.

I explained the facts to the staffer. The USPS had put out a public notice that it was seeking bids from ammunition sellers. It was buying the bullets for the Postal Inspection Service, its law enforcement branch, which for the past two centuries has policed the mail for scam lotteries, child pornography, and more. The USPS makes such purchases regularly because, well, postal inspectors are *cops*, and they carry *guns*.

I gave the staffer the material he needed to draft a response. He thanked me (and later consented that I share this anecdote in this article). With any luck, the constituent would come away with a better understanding of the government, and might learn to be a little less credulous of Internet stories from the fever swamps.

Calls like that didn't bother me, exactly; I didn't mind doing my bit for the promotion of sanity. But in the previous year, I'd answered that kind of phone calls repeatedly, and much of my workday was now taken up by requests that had little if anything to do with public policy. When I joined the CRS eleven years earlier, researchers had time to research proactively. We wrote reports after lengthy periods of study, often while Congress was out of town for summer or winter vacation. By the time I left, however, I was working year round mostly in a frantic, reactive research mode. Today, it is not unusual for a CRS analyst to respond to 200 or 300 congressional requests annually. I once hit 660 in one year.

The growing workload is partly the result of the agency's downsizing. Over the past decade, the CRS has gone from 730 employees to 600. My own research section shrank through retirements: after four of the thirteen researchers retired, there was not enough money to replace them all. The Internet has also had a big effect: constituents can easily email or tweet at their elected officials about every matter under the sun—*Where can I access a federal grant for my cause? How much does the government spend on this program?* Congressional staffers, increasingly young and inexperienced, must respond promptly, helpfully, and accurately, or their members risk losing a vote next election. "We've become a reference desk for constituents," one staffer told me. "And when we can't find the answer to the question, we call you." Thus it is that the CRS, set up as a professorial policy analysis shop, now spends a lot of time answering constituent requests.

Needles in the stacks: Harold L. Hoskins, left, a CRS international affairs specialist, works with other staffers, 1953.

The CRS's interactions with Congress are confidential, but members sometimes speak publicly about the agency's accomplishments, which over the years have been considerable. George Galloway of the CRS helped with congressional reorganization in 1946, and his wife, Eileen, worked with Lyndon Johnson to create NASA in 1958. In the early 1970s, Walter Kravitz, Walter Oleszek, and Louis Fisher helped Congress reorganize itself and claw back some power from the executive branch. Harold Relyea was heavily involved in Congress's opening of government agency meetings via the Government in Sunshine Act in 1976. Fisher was the research director for the House Iran-Contra Committee, and drafted much of its report. Congress's foreign affairs committees turned to Joseph Whelan to better understand Leonid Brezhnev and Soviet policy. Vee Burke spent thirty years working and reworking welfare programs, culminating in the 1996 legislation that, in Bill Clinton's famous phrase, "ended welfare as we know it."

My aspiration was to follow in the footsteps of these great researchers by using my knowledge of government organization to write the kinds of reports that might help Congress fix the USPS and other entities. Instead, more and more of my time was being diverted to helping congressional staff respond to constituent demands. In addition, thanks to growing pressure from a hyper-partisan Congress, my ability to write clearly and forthrightly about the problems of government—and possible solutions—was limited. And even when we did find time and space to do serious research, lawmakers ignored our work or trashed us if our findings ran contrary to their beliefs. When no legislation is likely to move through the system, there's simply not much market for the work the CRS, at its best, can do. So when a think tank offered me a job, I took it. It has given me the freedom and time to think long and deeply about important governance issues and to write about congressional dysfunction.

To be clear, I am not bitter or aggrieved. I loved working at the CRS. Had this think tank opportunity not come along,

I might well have stayed for another decade. The agency does incredible work on critical issues, and leaving the agency was hard. Equally difficult was the decision to write this article. Self-inflating, score-settling tell-alls are a dime a dozen in this town. This article is not one of them. I wrote this piece because I want more people in Congress and outside to appreciate how important the CRS is to good governance. My experience at the CRS also provides a window on the dysfunction currently afflicting Congress.

The Congressional Research Service has been around for a century. Congress established the agency in 1914, at the urging of Senator Robert La Follette Sr. and other progressives. It was born of the now-obvious but then-radical notion that governing a modern nation-state was complex business, and elected officials needed good information to make sensible policy decisions. The CRS began as a small, unnamed operation lodged within the Library of Congress, limited to compiling digests of legislation and other legislative clerk–type duties. It was staffed with civil servants, often with library science training, who tracked down useful facts and figures at Congress's request. Congress grew the agency in 1946 and made it into a policy shop. The new Legislative Reference Service was directed to hire public policy experts who could help committees analyze policy proposals. The LRS also collected data and published reports in anticipation of congressional need, in addition to continuing its bill digest and reference duties.

In response to the growth of an "imperial presidency," Congress beefed up the agency even further. The LRS became the Congressional Research Service in 1970, and was staffed up. If the president had policy muscle in the form of the Office of Management and Budget and other executive-branch agencies, Congress would have a mighty CRS, along with the newly created Congressional Budget Office. As conceived, the CRS's experts would work mostly with Congress's powerful committees, helping their members analyze policy options and identify issues for consideration. The agency was authorized to hire "senior specialists" who were the most learned in their fields of study, and compensate them at the senior executive service level. By law, CRS experts who work for a committee have the authority "to request of any department or agency of the United States the production of such books, records, correspondence, memoranda, papers, and documents as the Service considers necessary."

Today, the CRS has 600 staff members, most of whom are reference librarians, attorneys, or policy experts. The agency modestly describes its role as "informing the legislative debate," but the scope of its activities is much more significant. CRS employees train Congress and its staff in legislative procedure; the agency issues legal opinions, analyzes policy, and helps Congress conduct oversight. It assists Congress tens of thousands of times per year, advising its members on just about every topic imaginable. As Thomas Jefferson said in 1814, "There is, in fact, no subject to which a member of Congress may not have occasion to refer."

I landed at the Congressional Research Service in 2003 via the Presidential Management Fellows Program, shortly after finishing my doctorate in politics. I figured the CRS would give me two years to learn how politics and government really work, after which I might decamp to a university to teach and write. Or I could stay—for as long as I wanted.

The CRS struck me as the perfect place to work. It feels much like a university, stuffed with smart people and dusty papers. It offers a front-row seat to the legislative process. My office was in the Library of Congress, which has a wealth of resources that I could use to research and publish articles and books. Unlike Hill staffers, who work monstrously long hours, I would put in a steady forty-five hours a week. The compensation is good—young CRS experts start at a salary approximating that of an assistant college professor, and many reach the top of the general schedule pay scale (a band of $125,000 to $157,000) in less than ten years.

Much of my eighty-person division had been there since the early 1970s; members of Congress and their staff may come and go, often after a short time, but the CRS endures. Culturally, the CRS approximates the civil service ideal. Its people are unbelievably earnest, and really nice. CRS employees will remind you that Congress is the first branch of government, and they want it to function well. While CRS staff may have opinions about politics and policy, they mostly keep those opinions to themselves. At the Congressional Research Service, objectivity is next to godliness.

But the agency's cultural dowdiness frustrated me. The CRS's difficult institutional location is part of the problem. It is housed in a building owned by the Architect of the Capitol that was designed to hold books, not people. Little daylight enters, so employee workspaces are dim and depressing, and the place resembles a rabbit warren. Information doesn't flow easily between staff members, who seldom know who is where and doing what. But the institutional culture is also to blame. The CRS is a remarkably risk-averse organization, tenaciously clinging to old ways and habits. New ideas are always entertained—the CRS's people are thinkers—but too many reforms never happen. (I once sought to alter a form used internally by the agency, which could have been done in a day or two. It took me four months of dogging the people responsible to make the change.)

Upon my arrival as a Presidential Management Fellow in 2003, I was shocked that 1980s Selectric typewriters remained in some offices. The CRS stopped using WordPerfect to compose its reports just five years ago, long after the rest of the Hill had moved on. Along with most other analysts, I did not have my sluggish PC tower replaced with a laptop until 2010, and the ones we got were heavy as bricks and buggy. A few years ago the agency gave BlackBerries to staff, even though other workers on the Hill were already using iPhones and Androids. On any given day, printers and copy machines conk out, and Internet connectivity is sometimes erratic.

Despite all this, I had an incredible experience there, especially in my first year. I got to assist Congress at every step of the policymaking process. I analyzed public policy problems, de-

vised possible solutions, and worked with congressional attorneys to prepare legislation. I also helped committees to identify hearing topics, drafted questions to ask witnesses, and testified myself. And I got to work with some veteran greats at the agency, like Louis Fisher, Harold Relyea, and Ronald Moe. At Moe's suggestion, I wrote in depth about government-sponsored enterprises like Fannie Mae and Freddie Mac, and advised Congress to think systematically about GSE reform. With Nye Stevens, a senior CRS manager and mentor, I studied the U.S. Postal Service. Just a half year into my career, my memorandum on the USPS leadership structure was used by the Senate Homeland Security Committee in both a hearing and a report.

In 2005, after my two-year PMF stint was up, the agency offered me a permanent spot. I took it without a second thought. The CRS offers, as a perceptive colleague once said, a "comfortable" job. My first supervisor once quipped, "This is one of the few places where you can get paid to read the newspaper." Staying up on the news is a duty of the position, as is studying government reports and poring over academic studies. At the CRS, you get paid to think, and there is very little managerial direction. Congressional staff usually call or email CRS experts directly with their research needs. Few people leave the agency, other than to retire. It is a plum job, especially for anyone who loves reading and writing about government.

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During my first few years at the agency, 2003 through 2006, it was not unusual for agency analysts to write thoughtful pieces on governance issues for reputable newspapers and journals. Doing so was lauded by the agency, not least because members of Congress read op-eds. A number of professional journals listed CRS specialists on their editorial board. In my first few years, I wrote on governance topics for outside publication, and joined the editorial board of the *Public Administration Review*.

That environment changed abruptly in 2006. That year, Louis Fisher made comments to a reporter about the limitations of the whistle-blower protection law. It ought to have been a shrug-worthy comment, especially as the facts indicated that agencies defeated whistle-blowers in court almost every time. But someone in Congress took offense and complained. A media circus ensued, and the Internet lit up with anger. In the end, the agency transferred Fisher out of his job and into another agency within the Library of Congress. We had lost a valuable and productive colleague. Congressional requests that would have gone to him were routed to others at the CRS with much less experience.

The CRS's blood was in the water, and more attacks came. Many of us were particularly shocked when Michigan Representative Pete Hoekstra, then chairman of the House Select Committee on Intelligence, rebuked the agency. A CRS expert had written a confidential memorandum on wiretapping, concluding that the executive branch probably had not given Congress as much notification as the law required. Hoekstra told the CRS that it had no business writing about the topic. It was remarkable: the CRS's expert had warned Congress that the executive branch might be taking advantage of the legislature, and a powerful member of Congress had essentially replied, "Shut up."

Agency management found this new operating environment both bewildering and a bit terrifying. The CRS gets all of its funding from Congress, and management had not forgotten that a decade earlier Congress, led by Newt Gingrich, had slashed the budget of the Government Accountability Office and abolished the Office of Technology Assessment. The CRS clamped down on its analysts talking to the media, and forbade the distribution of CRS reports to anyone who was not a member of Congress or an employee of the legislature.

The crackdown had a large effect on CRS researchers. The job I had signed up for permitted and even encouraged publishing for an audience beyond Congress. In the new environment, outside writing by CRS analysts on public affairs became rare. Outside publications would not get you promoted and became a needless peril. Endlessly we were warned by management to avoid writing anything that might be perceived by someone somewhere as partisan or biased. Increasingly, I devoted my freelancing to uncontroversial, non-governance subjects like the history of whiskey.

A more serious consequence of the attacks on the CRS was a change in the quality of our internal reports. The CRS's researchers felt the chill. Reaching conclusions—the job of an expert—became verboten. In fact, for a time, CRS analysts were told not to end their reports with a section titled "conclusion." That sounded far too definitive and authoritative. Analysts were told to end studies with an "observations" section. To ward off these critics, we often larded our work with caveats and "on the one hand"s—"weasel words," as a colleague colorfully called them.

Despite the agency's effort to stay beneath the radar, partisans kept hitting it year after year. A particularly ugly incident occurred in 2012. The CRS economist Tom Hungerford published a paper that concluded, "Analysis of ... data suggests the reduction in the top tax rates have had little association with saving, investment, or productivity growth. However, the top tax rate reductions appear to be associated with the increasing

concentration of income at the top of the income distribution." In a saner era, the report would have been shrugged off. The debate over taxes and economic growth has been going on forever, with smart economists disagreeing. But Capitol Hill has gone mad. A multi-month media hullaballoo erupted. Republicans called the report flawed; Democrats waved it like a bloody flag. Hungerford later bolted for a think tank. At the end of that same year, another CRS analyst found herself in the soup. Her December 2012 examination of pending legislation related to coal ash raised concerns about its environmental effects. The report instantly became a political football, praised by environmentalists and trashed by industry supporters. When the Senate held off acting on the legislation, its supporters blamed the CRS for a biased analysis.

It was dispiriting to see Congress treating the CRS's work less as sources of information than as weapons for use in partisan warfare. We were civil servants who tried to render thoughtful assessments about complex matters. We helped Congress respond to the endless torrent of constituent questions and demands—yet this was the thanks we got?

Like most folks at the CRS, I wanted to help Congress do important things. But with the exception of TARP and a few other enactments, not much has been achieved in the past decade in the half-dozen areas I covered. Fannie Mae and Freddie Mac were not reformed, and despite dozens of reports and memoranda on the USPS, the agency remains broke. Congress, the centerpiece of our democratic machine, is crippled by partisan gridlock.

When I left the CRS, the agency was doing what it could to adjust to the changing environment in Congress. Its technology, always behind the times, has nearly caught up with the rest of the Hill. The agency created new, short-form products that are more easily viewed on the smartphones used by congressional members and staff. Younger staff members are filling some of the spots vacated by CRS retirees, bringing youthful energy and fresh perspectives to the agency.

The CRS cannot, however, do it all on its own. Congress should help itself by helping the agency to further reinvent itself to meet the needs of a twenty-first-century legislature. There is every reason to expect that Congress's need for research assistance will keep growing. The Internet is adept at spreading what comedian Stephen Colbert called "truthiness," things that feel true even when they're not, in fact, true. Helping Congress discern the good information from the biased or crackpot is something the CRS already does and will need to keep doing daily. Congress also will need the agency's experts to help it parse important issues, like which agencies offer what benefits to same-sex partners or whether Speaker John Boehner's potential lawsuit against President Obama has any legal grounds (it basically doesn't, according to a recent CRS report).

Unfortunately, the agency's budget has not kept pace with demand. In addition, the CRS's charter is forty years old and full of anachronisms, including the requirement that the agency identify for Congress all the issues worthy of examination. The CRS expends enormous time and energy doing this task, and Congress mostly ignores the agency's recommendations. (Politics, not reason, tends to guide congressional action.) The CRS's statute should be revised to better square with the agency's current research duties, which include conducting complex analysis and rudimentary reference work. With the explosion of constituent-driven requests, the agency needs a bigger workforce, but one with more reference librarians and research assistants.

Amending the charter also would provide the opportunity to liberate the agency from the many Library of Congress regulations that drag on its operations and drive up costs. The human resource rules, in particular, negatively affect the CRS's productivity. The hiring process is byzantine, time-consuming, and enormously expensive. When an analyst departs the CRS, it can take a year to hire a replacement, dumping extra work onto the desks of already harried staff.

After repeated attacks by Congress, a chill went through the CRS. Reaching conclusions—the job of an expert—became verboten. To ward off the critics, we larded our work with caveats and "on the one hand"s—"weasel words," as a colleague colorfully called them.

Under library rules, it is nearly impossible to fire anyone, no matter how little work he or she does. With so much work to do, the CRS desperately needs each employee to be highly productive. The agency should have the authority to clear out the few bad apples. It should also be allowed to require that each new hire serve a two-year probationary period, such as my experience in the PMF, to ensure that he or she is the right person for the job. Life tenure should be replaced with a ten-year renewable contract. Those employees who have the passion to continue will be kept on; those who are no longer an asset to the agency will be shown the door and replaced with fresh talent.

Giving the CRS more funds and freedom to run its operations would be good for both the agency and Congress. With our nation's challenges growing by the day, Congress needs the Congressional Research Service now more than ever. And who knows? Maybe a stronger CRS can help Congress fix itself. WM

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