

**How lack of capacity undermines legislative offices** being effective in providing advocacy for constituents and in providing effective oversight in the separation of powers.

**Historical Examples: Issues of Congressional Capacity Before CRS, CBO, and GAO:**

Before the establishment of the **Congressional Research Service (1914, as the Legislative Reference Service)**, the **Government Accountability Office (1921, originally the General Accounting Office)**, and later the **Congressional Budget Office (1974)**, Congress faced several serious **capacity limitations**:

- **Lack of Independent Information and Analysis:**  
Congress largely relied on the executive branch for expertise, data, and policy analysis. Agencies and departments controlled the flow of technical information, meaning Congress often had to accept executive interpretations at face value.
- **Weak Budgetary Oversight:**  
Without independent budget experts, Congress struggled to critically assess executive spending requests or craft alternative budgets. The President's Office of Management and Budget (OMB) dominated fiscal analysis.
- **Limited Investigative and Oversight Tools:**  
Congress lacked a nonpartisan body dedicated to auditing federal programs, detecting fraud, or evaluating program performance. Oversight was episodic, reactive, and often politicized.
- **Dependence on Lobbyists and Outside Interests:**  
Without its own technical and policy staff, Congress often turned to lobbyists, trade associations, and think tanks to fill the knowledge gap, risking conflicts of interest.
- **Difficulty in Lawmaking on Complex Topics:**  
As government programs became more complex (e.g., infrastructure, defense, regulation), Congress lacked in-house expertise to draft sophisticated legislation or anticipate administrative challenges.

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**Similar Capacity Challenges in the Oregon Legislature:**

The **Oregon Legislature**, like many state legislatures, faces **analogous issues of capacity** today:

- **Small Staffs, Limited Expertise:**

Oregon's legislative offices operate with far fewer staffers per member compared to Congress. Legislative Counsel, Fiscal Office, and Legislative Policy and Research Office (LPRO) provide support, but bandwidth is limited, especially during session. In our most pressing years, when demand for information is proportional to the record-breaking number of bills introduced, we do not get research and reports on bills in a timely manner, meaning review of that data is limited before a vote is demanded of members.
- **Reliance on Executive Agencies for Information:**

Oregon lawmakers often depend on executive agencies (ODOT, OHA, DEQ, etc.) for data and policy analysis. This can bias discussions toward agency priorities and limit robust independent critique of executive proposals.
- **Short Sessions, Limited Time for Deep Work:**

Oregon's part-time citizen legislature model (especially the 35-day short session) means there is often little time for detailed legislative development, oversight, or investigation into executive operations. Interim months are when members and staff have the greatest ability to hear feedback from their districts on what matters to them, as well as collaborate with the appropriate organizations and agencies. The work done in the interim is key in crafting bills that will be successful during session.
- **Budget Process Dominated by the Executive Proposal:**

Like the pre-CBO Congress, Oregon's budgeting process often starts from the Governor's Recommended Budget. Although the Legislature has authority to amend it, the executive's framework sets the early terms of debate.
- **Increased Complexity of Policy Issues:**

From transportation funding mechanisms to semiconductor industry subsidies to climate policy, Oregon faces increasingly technical challenges. The legislative branch struggles to match executive branch and corporate sector technical capacity. Additionally, the highly-specialized nature of our work naturally creates staff experts in relevant policy areas to support their members. Pay equity was necessary, but penalizes offices with expert staff and forces them to run single-staff offices.
- **Vulnerability to Outside Influence:**

With limited in-house capacity, lawmakers can become overly reliant on lobbyists, consultants, and advocacy groups for technical assistance, which can skew policy development. Without office support in the form of a second staffer, many members turn to the lobby to take meetings on behalf of bills and to take the primary role of advocate.

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**Why This Matters:**

- **Checks and Balances:**  
A legislature without strong independent capacity cannot fully check the executive branch's influence or hold agencies accountable.
  - **Good Governance:**  
Independent, nonpartisan legislative analysis strengthens policymaking and increases public trust.
  - **Long-Term Vision:**  
Capacity allows legislatures to think beyond immediate crises and develop long-term solutions, even when political cycles change.
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## **Extending the Critique Through Caro's Lens – Lessons from *Master of the Senate***

### **1. Power Resides in Procedure and Staff Infrastructure**

Caro emphasizes that real legislative power often lies not in speeches or public votes, but in **control of process** — committees, rules, staff, and information. Before reforms, even the U.S. Senate was **hobbled by weak institutional structure**, with Southern conservatives dominating through seniority and procedural manipulation, while younger or reform-minded senators lacked the staff or capacity to challenge them.

#### **Oregon Parallel:**

In Oregon, limited full-time staff and under-resourced committee structures mean leadership and agency staff often hold outsized influence. A legislator with policy ambitions but no personal analyst, legal expert, or communications strategist has difficulty advancing complex ideas. Like Caro's Senate before reform, institutional bottlenecks can stifle policy innovation and minority viewpoints.

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### **2. Charisma and Force of Personality vs. Institutional Strength**

Caro describes how Lyndon Johnson's **personal genius filled the vacuum left by a weak Senate** — using flattery, fear, and favor to compensate for institutional stagnation. But Johnson's strength also illustrated a flaw: **Congress was too dependent on individual willpower, not structural capacity.**

#### **Oregon Parallel:**

Oregon legislators with strong political instincts or policy knowledge (or dominant party roles) often drive outcomes regardless of broader capacity. This can lead to a lopsided policymaking

process, where the success of legislation depends more on who is pushing it than on deliberation or evidence. It creates a government that is agile in some areas and dysfunctional in others — especially if charismatic lawmakers leave or term out.

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### 3. The Danger of Deference to the Executive

Caro recounts how, during the New Deal and World War II, Congress often **ceded policy leadership to the executive branch**, leaving it functionally subordinate. This weakened the legislature's role as a check on presidential power. It wasn't until Congress began building analytic institutions (GAO, CRS, CBO later) that it regained parity.

#### Oregon Parallel:

Oregon legislators often defer to executive branch agencies to write complex policy, interpret data, and draft administrative rules. While this saves time, it can reduce **legislative independence**, especially when lawmakers lack technical expertise or bandwidth to evaluate alternatives. This trend is especially visible in large omnibus bills or budget reconciliation efforts, where agency-prepared documents shape nearly all policy details.

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### 4. Capacity Enables Strategic Governance, Not Just Reaction

Caro's depiction of Johnson's ascent shows a Senate that was once **reactive, slow, and fragmented** — until Johnson used organizational change (e.g., reorganizing committees, assigning staff) to build a strategic policy apparatus capable of tackling civil rights legislation and infrastructure investment.

#### Oregon Parallel:

Oregon's legislature, constrained by its part-time status, biennial budgeting, and rotating committee chairs, often struggles to act strategically. Most policymaking is reactive — to crises, court rulings, or ballot measures — rather than proactive. Without more session time, permanent staff capacity, or in-house policy development tools, Oregon cannot easily pursue ambitious, multi-year legislative projects without executive branch dependence.

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#### Conclusion:

Just as Congress had to build capacity (CRS, CBO, GAO) to operate as a coequal branch, **the Oregon Legislature needs strong internal research, budget, and oversight capabilities** to fully exercise its constitutional role. While Oregon has made investments like LPRO and legislative fiscal staff, growing policy complexity, executive dominance of information, and limited time and staff resources remain **significant structural challenges**.

Robert Caro's *Master of the Senate* offers profound insights into congressional power and institutional capacity, particularly through his examination of how Senator Lyndon B. Johnson navigated and ultimately transformed the U.S. Senate. Drawing on Caro's themes, we can extend the critique of legislative capacity, both historically and as it relates to the Oregon Legislature.

## **Caro's Central Message Applied to Oregon:**

*Institutions matter more than individuals.*

Lyndon Johnson's genius mattered, but Caro shows us it was **institutional transformation** — modernizing the committee system, adding capacity, reining in bottlenecks — that left a lasting mark.

To apply that lesson to Oregon: building durable **legislative capacity** — through professional staff, year-round policy development, deeper oversight tools, and less reliance on executive agencies — would strengthen democratic accountability and make the legislature a true coequal branch.

1. **Caro, Robert A. *Master of the Senate*. (2002)**
  - *Summary:* Caro's in-depth biography of Lyndon B. Johnson offers a detailed look at the institutional limitations of the U.S. Senate prior to its modernization. Emphasizes the importance of committee control, staff infrastructure, and information access.
  - *Relevance:* Provides historical grounding for understanding legislative weakness prior to the establishment of CRS, GAO, and CBO—analogueous to Oregon's current challenges.
2. **Oregon Legislative Fiscal Office (LFO) – Budget Process Guides**
  - *Link:* <https://www.oregonlegislature.gov/lfo>
  - *Summary:* Documents the process by which the legislature analyzes and adopts the state budget. Highlights the limited fiscal modeling capacity within the legislative branch.
  - *Relevance:* Demonstrates Oregon's dependence on executive data and projections during transportation package development.
3. **Legislative Policy and Research Office (LPRO) – Overview and Staff Resources**
  - *Link:* <https://www.oregonlegislature.gov/lpro>
  - *Summary:* Provides nonpartisan research and policy analysis for the Legislature. Outlines scope, services, and staffing limitations.
  - *Relevance:* Illustrates the constrained in-house analytic support available to legislators.
4. **Oregon Constitution and ORS Chapter 173**
  - *Summary:* Establishes session lengths, committee powers, and the structure of legislative staffing and support.
  - *Relevance:* Frames structural limits in time and staffing that affect the Legislature's capacity to manage complex policy.
5. **Brookings Institution – "Vital Statistics on Congress"**

- *Link:* <https://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/>
  - *Summary:* Tracks historical trends in staff capacity, committee structure, and information access.
  - *Relevance:* Contextualizes the evolution of legislative capacity at the federal level as a benchmark.
6. **NCSL – Legislative Staff Resources Across the States**
- *Link:* <https://www.ncsl.org/research/about-state-legislatures/legislative-staff.aspx>
  - *Summary:* Compares staffing models and legislative capacity across U.S. states.
  - *Relevance:* Provides comparative data showing Oregon's limited staff relative to policy workload.
7. **Pew Charitable Trusts – "States Lack Budget Tools to Prepare for Recession"**
- *Link:* <https://www.pewtrusts.org>
  - *Summary:* Assesses state budgeting practices and the need for independent fiscal tools.
  - *Relevance:* Supports the critique that Oregon lacks long-term, nonpartisan fiscal modeling tools.
8. **Sightline Institute, Oregon Environmental Council, 1000 Friends of Oregon – Transportation Policy Commentary**
- *Summary:* These advocacy groups have submitted testimony and analysis critiquing the environmental and fiscal assumptions underlying transportation packages.
  - *Relevance:* Highlights external calls for better modeling and evaluation capacity within the legislature.
9. **Oregon Business Plan & Joint Transportation Committee Materials (2023–2025)**
- *Summary:* Meeting notes and staff memos illustrate time constraints and reliance on executive agency input in the transportation package process.
  - *Relevance:* Direct evidence of the challenges in legislative independence and analytical support.
10. **Kosar, Kevin R. *Congress's Own Think Tank: Learning from the Legacy of the CRS.***
- *Relevance:* Explores the creation and evolution of the Congressional Research Service and the role it plays in strengthening legislative decision-making.
11. **Joyce, Philip. *The Congressional Budget Office: Honest Numbers, Power, and Policymaking.***
- *Relevance:* Provides insights into how CBO reshaped congressional capacity and could serve as a model for state legislatures.
12. **Huber, John D., and Charles R. Shipan. "Legislative Capacity and Policymaking in the U.S. States." *Journal of Public Policy***
- *Relevance:* Academic study examining how capacity influences policy outcomes at the state level.
13. **National Institute for Civil Discourse – "Building a More Effective State Legislature" (2021)**
- *Relevance:* Offers practical recommendations for expanding legislative capacity across states, with emphasis on staffing, time, and oversight.

