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# **Social Media in Congress: The Impact of Electronic Media on Member Communications**

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May 26, 2016

**Congressional Research Service**

7-5700

[www.crs.gov](http://www.crs.gov)

R44509

## Summary

The mediums through which Members and constituents communicate have changed significantly over American history and continue to evolve today. Whereas most communications traditionally occurred through the media, via postal mail, or over a telephone, the adoption and use of electronic communications via email and social media technologies (e.g., Twitter, Facebook, YouTube, and other sites) changes how Representatives and Senators disseminate and gather information, who they communicate with, and what types of information they share and receive from the general public, many not residing in their district or state. *In less than 20 years, the entire nature of Member-constituent communication has been transformed, perhaps more than in any other period in American history.*

Over the last several years, the number of Representatives and Senators adopting social media and the number of different services being utilized has increased. In 2009, for example, Members of Congress were just beginning to adopt social media and only a small number were actively using Twitter, mostly as a dissemination tool. Today, all 100 Senators and almost all Representatives have adopted Twitter, Facebook, and other social media tools as a way to supplement their overall office communication strategies and disseminate information.

Electronic communication and social media differ from traditional Member-constituent communication in three key ways.

- Electronic communication is inexpensive. Members can reach large numbers of constituents for a fixed cost, and constituents can reach Members at virtually zero cost.
- Electronic communication is fast. The relay of information from Capitol Hill to the rest of the country (and vice versa) has been reduced, time-wise. As soon as something happens in Congress, it can be known everywhere in real time.
- Electronic communication reaches a wide audience. Members can reach large numbers of citizens who are not their own constituents.

The cost, speed, and reach of social media have wide-ranging implications for the work of Congress. When Members choose to use electronic communication, they must consider many issues, including office operations (communications expectations and staff allocation); communications strategies (gathering and evaluating constituent opinions, content, interactivity, policies for posting and responding to content); and consequences for representation, including whether the office will respond to postings and, if so, how often. How an office evaluates and manages its social media presence varies from Member to Member.

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## Introduction

Member-constituent communications serve a vital role in representative government. If information about legislative activity cannot easily flow from Members to constituents, citizens will be less capable of drawing policy judgments regarding congressional actions. Likewise, if constituents cannot easily communicate their preferences to Members, congressional action is less likely to reflect the interests of the governed. Constituent communication is one of the basic building blocks of a representative democracy.

Throughout American history, concerns about this vital democratic connection have underpinned the existence of the franking privilege, which for much of the 19<sup>th</sup> century allowed not only Members to send mail without personal cost, but also constituents to send mail to Congress free of charge.<sup>1</sup> Technological changes during the 19<sup>th</sup> and early 20<sup>th</sup> centuries—most notably the rise of mass newspapers, the invention of the telephone, and advances in transportation that allowed Members to travel more easily—aided Members and constituents in exchanging information with each other. Until the late 20<sup>th</sup> century, most Member-constituent interactions consisted of four forms of communication—postal mail; telephone calls; press releases, including through newspapers and other media; and face-to-face meetings.

Although Members continue to use these traditional modes of interaction, the use of new electronic communications technology is dramatically increasing. For example, prior to 1995, there were virtually no email exchanges between Members and constituents. More recently, the volume of emails received by the House of Representatives has come to dwarf the volume of postal mail, while the amount of postal mail sent to Congress has continued to decline.<sup>2</sup> Member official websites, blogs, YouTube channels, and Facebook pages—all nonexistent 20 years ago—also receive significant traffic. In less than 20 years, the entire nature of Member-constituent communication has been transformed, perhaps more than in any other period in American history.

The rise of such electronic tools has altered the traditional patterns of communication between Members and constituents.

- Electronic technology has reduced the marginal cost of Member-constituent communications; unlike postal letters, Members can reach large numbers of constituents for a fixed cost, and constituents can reach Members at virtually no cost.
- The relay of information from Capitol Hill to the rest of the country (and vice versa) has been reduced to at times an instantaneous exchange. As soon as something happens in Congress, it can be known widely in real time.
- Members can now reach large numbers of citizens who are not their own constituents.

These changes have wide-ranging implications for the work of Congress. They are altering how Members organize their personal offices and influencing how Members manage their legislative activities on and off the floor. And, perhaps most importantly, they are changing the nature of

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<sup>1</sup> For more information on the history of the franking privilege, see CRS Report RL34274, *Franking Privilege: Historical Development and Options for Change*, by Matthew E. Glassman; and CRS Report RS22771, *Congressional Franking Privilege: Background and Recent Legislation*, by Matthew E. Glassman.

<sup>2</sup> For further analysis of mail volume, see CRS Report RL34458, *Franking Privilege: Mass Mailings and Mass Communications in the House, 1997-2015*, by Matthew E. Glassman.

representation in the United States, as Members can more easily engage wider political and policy constituencies, in addition to their core interactions with their geographic constituencies.

This report is divided into five parts. First, it discusses the role of constituent communications in a representative democracy, and briefly reviews the historical development of constituent communications in the United States. Second, it reviews the current nature of electronic communications in Congress. Third, it discusses how existing laws, rules, and regulations might apply to social media. Fourth, it discusses some of the strategic opportunities and challenges social media presents to Member offices. Finally, it presents some concluding observations that cover both the public nature of social media and the changing nature of representation.

## Evolution of Member-Constituent Communications

Since the Continental Congress, constituents have been communicating with their elected representatives.<sup>3</sup> How communication occurs, however, has changed significantly. Changes in congressional communications technology and use can be considered in three groups:

1. historical communications (e.g., postal mail, telephone calls, press releases, and face-to-face meetings),
2. electronic communications (e.g., email and websites), and
3. social media (e.g., web 2.0, Twitter, Facebook, and other social media platforms).

## Historical Communications

Constituent communications serve a vital role in representative government. In early America, concerns about these vital democratic connections underpinned the existence of the franking privilege. The franking privilege has its roots in the 17<sup>th</sup> century. The British House of Commons instituted it in 1660, and free mail was available to many officials under the colonial postal system.<sup>4</sup> In 1775, the First Continental Congress passed legislation giving Members mailing privileges so they could communicate with their constituents.<sup>5</sup> In 1782, under the Articles of Confederation, Congress granted Members of the Continental Congress, heads of various departments, and military officers the right to send and receive letters, packets, and dispatches under the frank.<sup>6</sup>

After the adoption of the Constitution, the First Congress passed legislation for the establishment of federal post offices, which contained language continuing the franking privilege as enacted under the Articles of Confederation.<sup>7</sup> Under the Post Office Act of 1792, Members could send and receive under their frank all letters and packets up to two ounces in weight while Congress was in session.<sup>8</sup> Subsequent legislation extended Member use of the frank to a specific number of days

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<sup>3</sup> U.S. Congress, Office of Technology Assessment, *Critical Connections: Communications for the Future*, OTA-CIT-407 (Washington, GPO, 1990), p. 148.

<sup>4</sup> Post Office Act, 12 Charles II (1660); and Carl H. Scheele, *A Short History of the Mail Service* (Washington, D.C.: Smithsonian Institution Press, 1970), pp. 47-55.

<sup>5</sup> *Journals of the Continental Congress, 1774-1789*, 34 vols., ed. Worthington C. Ford et al. (New York: Johnson Reprint Corp., 1968), vol. 3, p. 342 (November 8, 1775).

<sup>6</sup> *Journals of the Continental Congress, 1774-1789*, vol. 23, pp. 670-679 (October 18, 1782).

<sup>7</sup> Act of Congress, September 22, 1789, 1 Stat. 70. See also Act of Congress, August 4, 1790, 1 Stat. 178; and Act of Congress, March 3, 1791, 1 Stat. 218.

<sup>8</sup> Act of Congress, February 20, 1792, 1 Stat. 232, 237.

before and after a session.<sup>9</sup> The act of 1825 also provided for the unlimited franking of newspapers and documents printed by Congress, regardless of weight.

Scholarly work suggests that franked mail played an important role in national politics during the late 18<sup>th</sup> and early 19<sup>th</sup> centuries.<sup>10</sup> In 1782, James Madison described the postal system as the “principal channel” that provided citizens with information about public affairs.<sup>11</sup> Members mailed copies of acts, bills, government reports, and speeches, serving as a distributor for government information and a proxy for the then-nonexistent Washington press corps. The distribution of information by Members provided local newspapers across the country with news on Washington politics.<sup>12</sup> Because franking statutes allowed Members to both send and receive franked mail during much of the 19<sup>th</sup> century, constituents could also mail letters to their Senators and Representatives for free.<sup>13</sup>

Historically, the franking privilege was seen as a right of the constituents, not of the Members.<sup>14</sup> When the franking statutes were first revised in 1792, a proponent argued that “the privilege of franking was granted to the Members ... as a benefit to their constituents.”<sup>15</sup> More generally, President Andrew Jackson suggested that the Post Office Department itself was an important element of a democratic republic:

This Department is chiefly important as a means of diffusing knowledge. It is to the body politic what the veins and arteries are to the natural—carrying, conveying, rapidly and regularly to the remotest parts of the system correct information of the operations of the Government, and bringing back to it the wishes and the feelings of the people.<sup>16</sup>

Even in the modern era, in addition to direct communications with constituents about matters of public concern, proponents of franking argue that free use of the mails allows Members to inform their constituents about upcoming town-hall meetings, important developments in Congress, and other civic concerns. Proponents argue that without a method of directly reaching his or her constituents, a Member would be forced to rely on intermediaries in the media or personal costs in order to publicize information.<sup>17</sup>

Technological changes during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries—most notably the rise of mass newspapers, the invention of the telephone, and advances in transportation—aided Members and

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<sup>9</sup> Act of Congress, May 1, 1810, 2 Stat. 592, 600; Act of Congress, April 9, 1816, 3 Stat. 264, 265; and Act of Congress, March 3, 1825, 4 Stat. 102, 110. In 1810, Members were allowed to frank mail 10 days before or after a session. In 1816 it was extended to 30 days, and then to 60 days in 1825.

<sup>10</sup> See Richard R. John, *Spreading the News: The American Postal Service From Franklin to Morse* (Cambridge, MA: Harvard University Press, 1995); Edward G. Daniel, “United States Postal Service and Postal Policy, 1789-1861” (Ph.D. diss, Harvard University, 1941); and Ross Allan McReynolds, “History of the United States Post Office, 1607-1931,” ( Ph.D. diss, University of Chicago, 1935).

<sup>11</sup> James Madison, “Notes on Debates,” December 6, 1782, in William T. Hutchinson et al., eds., *Papers of James Madison* (Chicago: University of Chicago Press, 1962), vol. 5, p. 372.

<sup>12</sup> John, *Spreading the News: The American Postal Service From Franklin to Morse*, p. 57.

<sup>13</sup> In addition, the Post Office Department did not require prepayment for mail until January 1, 1856. See Act of Congress, March 3, 1855, 10 Stat. 642.

<sup>14</sup> Daniel, “United States Postal Service and Postal Policy,” p. 446.

<sup>15</sup> House debate, *Annals of Congress*, vol. 3, December 16, 1792, pp. 252-53.

<sup>16</sup> U.S. Congress, Senate, *Message from the President of the United States, to the Two Houses of Congress, at the Commencement of the First Session of the Twenty-first Congress, 21<sup>st</sup> Cong., 1<sup>st</sup> sess., S. Doc. 1* (Washington, D.C.: Duff Green, 1830), p. 18.

<sup>17</sup> Alfred A. Porro and Stuart A. Ascher, “The Case for the Congressional Franking Privilege,” *University of Toledo Law Review*, vol. 5 (Winter 1974), pp. 280-281.

constituents in the exchange of information. Until the late 20<sup>th</sup> century, the vast majority of Member-constituent communications comprised four forms of communication—postal mail; telephone calls; press releases, including through newspapers and other media; and face-to-face meetings.

How Representatives and Senators have used various forms of communication to reach constituents and understand their preferences has changed based on media. For example, one Representative recounted that “newspapers, editors, and newsmen in one’s district are particularly helpful in assessing public opinion” among constituents in the district.<sup>18</sup> Another Representative emphasized the importance of being seen by constituents in the district and making sure everyone knows your name.<sup>19</sup> Finally, another Representative recalled purposefully making phone calls to constituents who disagreed with him “not to change the individual’s minds, but to let them know that I had read their letters, appreciated their opinion, but had legitimate reasons for disagreeing with them.”<sup>20</sup>

Contemporary law and chamber regulations continue to reflect the belief that these traditional forms of Member-constituent communication are vital to the functioning of our representative system. By law, Representatives and Senators are provided an annual allowance that may be used to frank letters, make long-distance phone calls, travel to and from their districts for the purpose of interacting with constituents, and buy office equipment that supports their constituent contact.

## Electronic Communications

Although all Members continue to use traditional modes of constituent communication, they have many more choices and options than they did 20 years ago. In addition to traditional modes of communication Members can now reach their constituents via email, websites, tele-townhalls, online videos, social networking sites, and other electronic-based communication applications. Constituents can take advantage of these new mediums as well.

There is overwhelming evidence that both Members and constituents are taking advantage of these new mediums; the use of new electronic communications technology is dramatically increasing.<sup>21</sup> On the constituent side, email has now become the preferred form of communication with Congress. Prior to 1995, there were virtually no email exchanges between Members and constituents.<sup>22</sup> More recently, the volume of emails received by the House of Representatives has come to dwarf the volume of postal mail received. Similar growth was seen in incoming Senate

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<sup>18</sup> Joe L. Evins, *Understanding Congress* (New York: Clarkson N. Potter, Inc., 1963), p. 195.

<sup>19</sup> Carl Albert, *Little Giant: The Life and Times of Speaker Carl Albert* (Norman, OK: University of Oklahoma Press, 1990), pp. 173-175.

<sup>20</sup> Lou Frey, Jr., “Questions People Ask Me About Representation,” in *Inside the House: Former Members Reveal How Congress Really Works*, ed. Lou Frey, Jr., and Michael T. Hayes (Lanham, MD: University Press of America, 2001), p. 198.

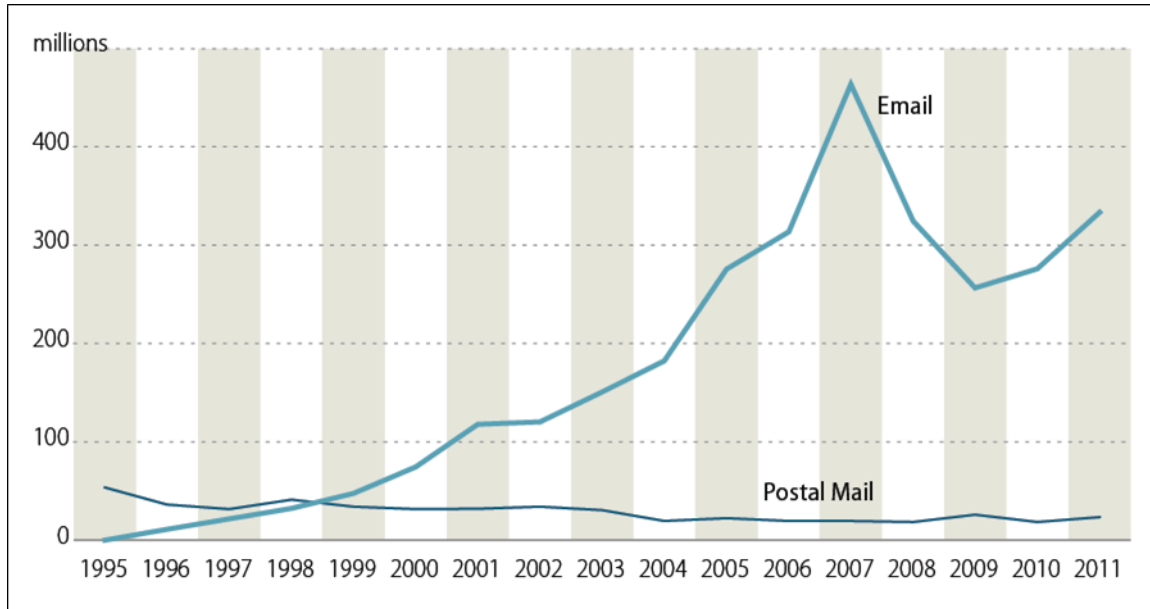
<sup>21</sup> For journalistic accounts of the rise of electronic communications in Congress, see Elizabeth Brotherton, “A Different Kind of Revolution; Technology Redefines Constituent Outreach,” *Roll Call*, September 10, 2007, p. 1; Amy Doolittle, “31 Days, 32 Million Messages,” *Politico*, February 27, 2007, p. 1; Jonathan Kaplan, “2008 Candidates search Web for next new thing,” *The Hill*, November 29, 2006, p. 6; David Haase, “Twitter: One More Medium, Much Shorter Messages,” *Roll Call*, July 23, 2009, p. 4; and Daniel de Vise, “Tweeting Their Own Horns,” *The Washington Post*, September 20, 2009, p. A13.

<sup>22</sup> Chris Casey, *The Hill on the Net: Congress Enters the Information Age* (Chestnut Hill, MA: Academic Press, Inc., 1996), pp. 29-35.



electronic mail. **Figure 1** shows the rapid growth of email from constituents to Congress between 1995 and 2011, after widespread Internet access became available in the late 1990s.<sup>23</sup>

**Figure 1. Email and Postal Mail to Congress, 1995-2011**



**Source:** Data provided by the House CAO and Office of the Senate Sergeant-At-Arms.

**Note:** These data do not include internal emails sent from one congressional user to another.

In comparison, the amount of postal mail sent to Congress dropped by more than 50% during the same time period, from almost 53 million pieces of mail in 1995 to fewer than 22 million pieces in 2011.<sup>24</sup> But it had been replaced by over *three hundred million* emails. By 2011, postal mail was 7% of all mail coming to Capitol Hill.

Communications *from* Congress have seen a similar transformation, with electronic communications over time seeing much greater volume than more traditional means of communication. **Figure 2** reports the volume of quarterly mass *postal* mailings in the House from 1998 to 2008, and then the quarterly volume of all mass communications (which include postal mailing) from 2009 to 2015.<sup>25</sup>

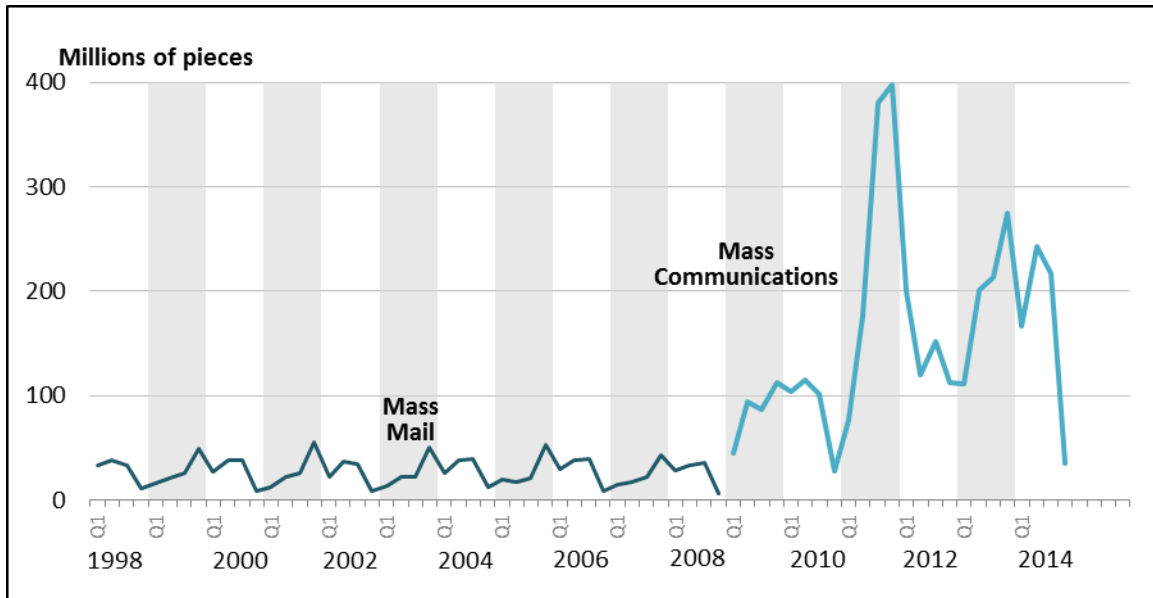
<sup>23</sup> Data provided by the Office of the Chief Administrative Officer, House of Representatives, and the Office of the Sergeant-At-Arms, Senate, for all external emails sent to House and Senate users. These data do not include internal emails sent from one House user to another. Data for subsequent years are not available.

<sup>24</sup> Data provided by the Office of the Chief Administrative Officer of the House of Representatives and the Office of the Secretary of the Senate. See also Kathy Goldschmidt and Leslie Ochreiter, *Communicating with Congress: How the Internet Has Changed Citizen Identification*, Congressional Management Foundation (Washington, DC), at [http://nposoapbox.s3.amazonaws.com/cmfweb/CWC\\_CitizenEngagement.pdf](http://nposoapbox.s3.amazonaws.com/cmfweb/CWC_CitizenEngagement.pdf).

<sup>25</sup> Mass communications are defined by the House as “unsolicited communication of substantially identical content to 500 or more persons in a session of Congress,” which includes things like mass unsolicited emails, web or print advertisements, radio spots, and newspaper inserts. U.S. Congress, Committee on House Administration, *Members’ Congressional Handbook*, 114<sup>th</sup> Cong., 1<sup>st</sup> sess., at <https://cha.house.gov/handbooks/members-congressional-handbook#Members-Handbook-Comms-Websites>. (Hereinafter, *Members’ Congressional Handbook*.)



**Figure 2. House Mass Mail (1998-2008) and Mass Communications (2009-2015)**  
Millions of Items of Mass Mail and Mass Communications



**Source:** CRS analysis of CAO data.

**Notes:** Mass mail include all unsolicited mass postal mailings in the House. Mass communications are all unsolicited mass communications (as defined by the House Committee on House Administration) plus all unsolicited mass postal mailings.

Electronic communications have become, far and away, the most common method of Members communicating with their constituents. Whereas aggregate postal mass mailings never reached 60 million pieces in any quarter between 1998 and 2008, hundreds of millions of pieces of mass communication were sent in most quarters between 2009 and 2015.<sup>26</sup> At the same time that Member use of email communications is increasing, the use of franked mail is at record lows. The total cost of official mail coming out of Congress (adjusted for inflation) is at its lowest point since Congress began reimbursing the Post Office for congressional mail costs in FY1954. In nominal dollars, official mail costs were down to \$8.3 million in FY2015, from a high of over \$113 million in FY1988.

This decline in expenditures on postal mail was initially due to reform efforts in the late 1980s, including public disclosure of mail costs for individual Members and direct charging of Members' budgets for the cost of mail they send. However, nominal mail costs have also declined over 60% in the past 12 years, from \$19.3 million in FY2003 to \$8.3 million in FY2015. Adjusted for

<sup>26</sup> Figure 2 also reflects the cyclical nature of mass mailings in Congress. As shown, mass postal mail volumes between 1998 and 2008 peak in the last quarter of the first year of each Congress (from the December newsletters) and then again in the period preceding the general election. They then drop off in the chamber-wide prohibited period (late third quarter and early fourth quarter of election years) and the lame duck fourth quarter of a Congress, as well as the first quarter of a new Congress. In the 111<sup>th</sup> Congress (2009-2011), the first Congress in which mass communications were tracked, a similar pattern was observed, albeit at a naturally greater scale (since mass communications are inclusive of mass mailings). But then in 2011, in the first session of the 112<sup>th</sup> Congress, mass communications exploded, to roughly 10 times the volume of mass communications sent in the first quarter of 2009, likely reflecting both the increased adoption of electronic communication tools by Members and the large freshmen class of the 112<sup>th</sup> Congress, many of whom had adopted electronic communications strategies for their 2010 campaigns.

inflation, this is over a two-thirds decrease in mail expenditures, almost certainly driven by a shift toward electronic communications.<sup>27</sup>

## Social Media Adoption and Usage

In addition to the rise of email, the official websites, blogs, YouTube channels, and Facebook pages of Members—all nonexistent 20 years ago—also receive significant traffic.<sup>28</sup> By January 2013, all 100 Senators had created Twitter accounts,<sup>29</sup> and virtually all Members of Congress had at least one official congressional social media account.<sup>30</sup> These numbers reflect a continued increase in the adoption of social media by individual Members. Whereas in September 2009, only 205 Members—39 Senators and 166 Representatives (a total of 38%)—had a registered Twitter account,<sup>31</sup> by January 2012, that number had doubled with a total of 78.7% of Members having an official congressional Twitter account, and 87.2% having an official congressional Facebook account.<sup>32</sup>

Social media is not only adopted by Members of Congress. Congressional committees have also begun to use the technology. In a recent study of committee social media usage, 90% of committee majorities were found to have either a Twitter or Facebook account, while 76% of committee minorities had adopted the platforms.<sup>33</sup>

In addition to the adoption and use of Facebook and Twitter, Members of Congress and committees have begun to use other social media services. Surveys of Member webpages in 2015 found that YouTube, Instagram, and Flickr are the most popular social media platforms after Facebook and Twitter. In fact, more than 90% of Representatives and Senators had adopted YouTube, 42% had adopted Flickr, and 25% had adopted Instagram. Fewer than 10% of Representatives and Senators had adopted other social media platforms.<sup>34</sup>

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<sup>27</sup> U.S. Congress, Senate Committee on Rules and Administration, Matthew Glassman, “Tweet Your Congressman: The Rise of Electronic Communication in Congress,” *The Evolving Congress*, committee print, prepared by Congressional Research Service, 113<sup>th</sup> Cong., 2<sup>nd</sup> sess., December 1, 2014, S.Prt. 113-30 (Washington: GPO, 2014), pp. 95-106.

<sup>28</sup> A survey of the YouTube Senate Hub homepage (<http://www.YouTube.com/user/senatehub>) finds a large range in the number of views each video has received. Some videos have only a few dozen views while others have received tens of thousands of views.

<sup>29</sup> Twitter, “100 Senators and the 57<sup>th</sup> Inauguration,” Blog post, January 18, 2013, at <https://blog.twitter.com/2013/100-senators-and-57th-inauguration>.

<sup>30</sup> For more information on links between social media and official congressional webpages, see CRS In Focus IF10299, *Linking with Constituents: Presentation of Social Media on Member of Congress Websites*, by Jacob R. Straus and Matthew E. Glassman.

<sup>31</sup> For information on Member adoption of Twitter, see CRS Report R41066, *Social Networking and Constituent Communications: Member Use of Twitter During a Two-Month Period in the 111th Congress*, by Matthew E. Glassman, Jacob R. Straus, and Colleen J. Shogan.

<sup>32</sup> For more information on Member adoption of Twitter and Facebook, see CRS Report R44081, *Social Networking and Committee Communications: Use of Twitter and Facebook in the 113th Congress*, by Jacob R. Straus and Matthew E. Glassman.

<sup>33</sup> For more information on the use of social media by congressional committees, see CRS Report R44081, *Social Networking and Committee Communications: Use of Twitter and Facebook in the 113th Congress*, by Jacob R. Straus and Matthew E. Glassman.

<sup>34</sup> For more information, see CRS In Focus IF10299, *Linking with Constituents: Presentation of Social Media on Member of Congress Websites*, by Jacob R. Straus and Matthew E. Glassman.

## The Nature of Electronic Communications

The rise electronic communication has altered the traditional communication between Members and constituents. Unlike postal letters, Members can reach large numbers of constituents for a fixed cost, and constituents can reach Members at virtually zero cost.<sup>35</sup> Likewise, information gets from Capitol Hill to the rest of the country much more quickly, to the point that as soon as something happens in Congress, it can be known everywhere in real time. Finally, Members can easily reach large numbers of citizens who are not their own constituents.

### Electronic Communications Are Inexpensive

The representational communication activities of both Members and constituents are constrained by cost. Representatives and Senators are given a fixed amount of money—known as the Members’ Representational Allowance (MRA) in the House and the Senators’ Official Personnel and Office Expense Account (SOPOEA) in the Senate—for the hiring of staff, travel expenses to and from their district or state, constituent communications, and other office expenses.<sup>36</sup> Prior to the rise of electronic communications, this budget was a larger constraint on Members’ representation and communications activities; postal mail and long-distance phone calls have a stable marginal cost. Likewise, constituents were constrained by their own personal financial budget; the marginal value of a phone call or letter to Congress had to be weighed against the marginal value of any other use of the same money. In effect, both Members and constituents were constrained, with the decision to contact made only when the importance of communication outweighed the cost of the communication.

Electronic communications have virtually no direct marginal cost. Once a Member or constituent pays the startup and recurring costs of owning a computer and purchasing Internet access, there is no further financial cost for each individual email communication between them. Almost all electronic communication media (e.g., email, social media, tele-townhalls, and web advertisements) tend to have fixed capital or startup costs, but are then largely free to post messages on the margin. The result is that, for both Member and constituent, the only marginal cost to sending an additional communication is time. Direct financial costs have been largely eliminated.

The impact of the near-zero cost of communications between Members and constituents likely has an effect on a Member’s ability to determine the intensity of preferences, since the cost for a constituent reach out to Congress has been reduced significantly, and the volume of communications has increased significantly. In fact, studies have found that social media drives individuals toward one-sided news information,<sup>37</sup> and that generally, individuals have a preference for one-sided information over a more balanced approach.<sup>38</sup> If the preference for one-sided information holds, Members might be less likely to hear from constituents who disagree

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<sup>35</sup> This substantially differentiates electronic mail from franked mail, which does incur a marginal cost. See CRS Report RL34188, *Congressional Official Mail Costs*, by Matthew E. Glassman.

<sup>36</sup> For more information on the MRA and SOPOEA, see CRS Report RL30064, *Congressional Salaries and Allowances: In Brief*, by Ida A. Brudnick.

<sup>37</sup> Elanor Colleoni, Alessandro Rozza, and Adam Arvidsson, “Echo Chamber or Public Sphere? Predicting Political Orientation and Measuring Political Homophily in Twitter Using Big Data,” *Journal of Communication*, vol. 64, no. 2 (April 2014), pp. 317-332.

<sup>38</sup> Jason Gainous and Kevin M. Wagner, *Tweeting to Power: The Social Media Revolution in American Politics* (New York, Oxford University Press, 2014), p. 37.

with them than those that agree, because those individuals may choose not to follow the Member's posts or Tweets.

## **Electronic Communications Are Fast**

Electronic communications are faster than traditional forms of Member-constituent communications. This is obvious, but it has several important implications for how congressional offices choose to use electronic communications and how it shapes communications strategy. In the past, if Members wanted to send out time-sensitive communications on congressional action, the best outlet was probably a faxed press release to the media, perhaps to the local newspapers serving their district or state. There was no point in trying to send postal mail directly to constituents for time-sensitive information. Now, however, Members can update constituents on floor activity or other business instantly, using subscribed email lists or social media. Likewise, constituents can use email and social media to contact Members in real time.

This changes not only how quickly information can be shared but also the types of information Members and constituents might provide each other. In the past, real-time information about an upcoming amendment on the floor might not have been possible to communicate; the vote might have taken place before the Member could alert the constituents about it, or before constituents could communicate preferences to the Member. With the rise of electronic communications, constituents and Members can easily share information about such an amendment in real time.

The rise of direct, speedy communications has the potential to change how Members behave vis-a-vis their constituent's preferences. In his 1990 study, *The Logic of Congressional Action*, R. Douglas Arnold discussed how constituents might try to influence individual legislators and how Members work to "keep their public positions and actions within the bounds of what their constituents find acceptable."<sup>39</sup> While historically it was difficult to know what constituents thought about many issues, today social media has provided a platform to facilitate constant communication—often in real-time—to provide specific preferences on a myriad of issues. As Arnold suggested, however, whether or not the preferences expressed on social media represent the most intense followers or are more broadly representative of the district or state,<sup>40</sup> is still unknown.

## **Electronic Communications Interact with a Wider Audience**

Perhaps the greatest difference between traditional constituent communications and electronic communications is the change in the constituents reached. Traditionally, Members could only reach citizens who were actually their electoral constituents. Following a federal court action (*Coalition to End the Permanent Government v. Marvin T. Runyon, et al.*, 979 F.2d 219 (D.C.Cir. 1992)), the Rules of the House were amended to restrict Members from sending franked mail outside of their districts. Even if it was not cost-prohibitive, Members were not allowed to reach a wider-than-district audience using postal mail paid for through official funds.

Electronic communications, however, are not so limited. Members can build email subscriber lists—many offer such subscription options immediately upon an individual entering their website—and the use of social media tools like Facebook, Twitter, and YouTube allows Members to broadcast and interact with a potential constituency far wider than their geographic district.

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<sup>39</sup> R. Douglas Arnold, *The Logic of Congressional Action* (New Haven, CT: Yale University Press, 1990), p. 267.

<sup>40</sup> *Ibid.*, pp. 267-268.

This does, however, create some potential difficulties for Members who would prefer to only communicate with constituents in their district or state; unlike a postal address, an email account or a Facebook account is not attached to a verifiable geographic location. A further discussion of the changing nature of representation will be discussed in the “Concluding Observations” section.

## Regulation of Social Media

Both the House and the Senate have adopted formal social media policies to guide Representatives and Senators on the appropriate use of official resources in support of their offices’ social media policy. The House and Senate policies, however, are not identical and treat the adoption of individual social media platforms in different ways. As social media continues to evolve, regulations may continue to evolve as well.

### House Rules

The Committee on House Administration defines social media accounts as “profiles, pages, channels, or any similar presence on third-party sites that allow individual or organizations to offer information about themselves to the public.”<sup>41</sup> Included in the *Members’ Congressional Handbook*, the House Internet policy allows Members to “establish profiles, pages, channels or other similar presence on third-party sites ...,” so long as Members ensure that their official position (i.e., Representative, Congressman, Congresswoman) is clearly stated in the account name. Further, all information provided on Member-controlled social media accounts “is subject to the same requirements as content on Member websites.”<sup>42</sup> Therefore, material posted on official Member social media accounts “must be in compliance with Federal law and House Rules and regulations applicable to official communications and germane to the conduct of the Member’s official and representational duties.”<sup>43</sup>

House regulations further allow Members to use official funds from their Member Representational Allowance (MRA)<sup>44</sup> for ordinary and necessary expenses associated with the creation and continued operation of official websites.<sup>45</sup> The creation of profiles, pages, channels, or any similar presence on third-party sites that allow individuals or organizations to offer information about themselves to the public is covered under these regulations.<sup>46</sup>

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<sup>41</sup> *Members’ Congressional Handbook*.

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

<sup>44</sup> For more information on the Member Representational Allowance (MRA), see CRS Report R40962, *Members’ Representational Allowance: History and Usage*, by Ida A. Brudnick.

<sup>45</sup> *Member’s Congressional Handbook*. Additionally, House Ethics rules define official resources. According to the *House Ethics Manual*, an official resource is “funds appropriated for Member, committee, and other House officers ... as are the goods and services purchased with those funds” (p. 123). The *House Ethics Manual* also includes staff time as an official resource of the House (p. 124). This would likely include time spent on interacting with followers on social media (p. 300). For more information, see U.S. Congress, House, Committee on Standards of Official Conduct, *House Ethics Manual*, 110<sup>th</sup> Cong., 2<sup>nd</sup> sess. (Washington: GPO, 2008), at [http://ethics.house.gov/sites/ethics.house.gov/files/documents/2008\\_House\\_Ethics\\_Manual.pdf](http://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf).

<sup>46</sup> *Member’s Congressional Handbook*.

## Senate Rules

First adopted in 2008, the Senate Internet Services and Technology Resources Usage Rules (Senate Internet Policy) sets rules and guidelines for Senators using social media to conduct official business.<sup>47</sup> The Senate Internet Policy defines covered services, sets out responsibilities and prohibited uses, addresses the use of Senate.gov webpages, and addresses the Senate Committee on Rules and Administration process to approve third-party social media platforms.<sup>48</sup>

When a Senator is interested in using a third-party social media site for official communications, the Senate Rules Committee evaluates that platform and determines whether or not it can be used for official purposes.<sup>49</sup> Once the committee has determined that a platform can be used for official purposes, it issues a “Dear Colleague” letter approving the platform and any additional information or requirements necessary for a Senator to use that service. As more tools are developed, the relevant authorities review the platform and provide guidance to Senators. For example, in 2013, the Rules Committee formally announced that Vine was an approved platform.<sup>50</sup>

**United States Senate**  
**Committee on Rules and Administration**  
**June 5, 2013**

Dear Colleague:

As new social media capabilities evolve, the Senate Committee on Rules and Administration seeks to facilitate use of these capabilities in a manner that complies with the Senate Internet Regulations. Recently, we were asked to review Vine, a new mobile app by Twitter that lets users shoot and share brief video content. We are pleased to announce Vine is approved for official use by Senate offices. As you know, the Senate Internet Regulations prohibit commercial advertising on official Senate social media accounts and both Twitter and Vine, like YouTube and Facebook, have terms of service agreements with the Senate that comply with this regulation.

Sincerely,

Charles Schumer Chairman	Pat Roberts Ranking Member
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## Application of Franking Regulations

Use of the congressional franking privilege—which allows Members of Congress to transmit *postal* mail under their signature without postage—is regulated by federal law, House and Senate rules, orders of the Committee on House Administration and Senate Rules and Administration Committee, and regulations of the Senate Select Committee on Ethics and the House Commission on Congressional Mailing Standards.<sup>51</sup> Because social media communications do not require use

<sup>47</sup> U.S. Congress, Senate, Committee on Rules and Administration, “U.S. Senate Internet Services and Technology Resources Usage Rules,” 114<sup>th</sup> Cong., 1<sup>st</sup> sess., November 9, 2015, at <http://www.senate.gov/usage/internetpolicy.htm>. (Hereinafter, *Senate Internet Policy*.)

<sup>48</sup> *Ibid.*

<sup>49</sup> Additionally, Senate Rule XXXVIII prohibits unofficial office accounts, which are defined as “private donations, in case or in kind, in support of official Senate activities or expenses.” For more information, see 2 U.S.C. §503(d) and U.S. Congress, Senate, Select Committee on Ethics, “Chapter 4: Prohibition on Unofficial Office Accounts,” *Senate Ethics Manual*, 108<sup>th</sup> Cong., 1<sup>st</sup> sess., S.Pub. 108-1 (Washington: GPO, 2003), p. 105.

<sup>50</sup> U.S. Congress, Senate, Committee on Rules and Administration, “Dear Colleague Letter on Vine,” June 5, 2013.

<sup>51</sup> For further information on the franking privilege, see CRS Report RS22771, *Congressional Franking Privilege: Background and Recent Legislation*, by Matthew E. Glassman.



of the postal mail, Member use of social media platforms is not directly affected by franking regulations.

The franking regulations, however, are incorporated via reference into some of the chamber and committee regulations regarding electronic communications, particularly unsolicited mass communications. Most Member use of social media platforms is considered “solicited” communication and is exempt from such regulations. However, some forms of social media use may be considered unsolicited mass communications. For example, electronic advertisements purchased by Representatives using their MRA are subject to advisory opinions from the House Commission on Congressional Mailing Standards and must follow commission regulations regarding timing and frankable content. If a Representative decides to purchase a “promoted” tweet on Twitter, it may be considered an unsolicited mass communication and subject to franking timing and content regulations.

## Challenges of Social Media for Members

As was discussed above under “The Nature of Electronic Communications,” the decision to adopt and use social media as a constituent communications tool has important implications for Member office operations. The cost, speed, and scope of social media present Members with new opportunities to communicate with constituents and wider audiences. The nature of electronic communications presents unique challenges for Members of Congress. These include challenges in the areas of office operations, communications strategies, and constituent representation.

### Challenges for Office Operations

Each congressional office is sometimes thought of as analogous to a small business.<sup>52</sup> As such, individual Representatives and Senators have the ability to decide how to organize and staff their Washington, DC, and district or state offices within the confines of House or Senate rules and available funding.<sup>53</sup> As Members choose to adopt and use social media, how constituent expectations are responded to and how staff are allocated become key challenges.

### Communication Expectations

The adoption of electronic communications by congressional offices has increased the potential for speedier communications with constituents and other relevant actors, but has also increased constituent expectations about the speed of communications. Whereas communication with a congressional office used to require the use of the postal system, today communication can be nearly instantaneous using email and social media.<sup>54</sup>

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<sup>52</sup> Burdett A. Loomis, “The Congressional Office as a Small (?) Business: New Members Set Up Shop,” *Publius*, vol. 9, no. 3 (Summer 1979), pp. 35-55.

<sup>53</sup> For a further discussion on the allocation of resources by Members of Congress, see CRS Report RL30064, *Congressional Salaries and Allowances: In Brief*, by Ida A. Brudnick; CRS Report R40962, *Members’ Representational Allowance: History and Usage*, by Ida A. Brudnick; CRS Report R44399, *Senators’ Official Personnel and Office Expense Account (SOPOEA): History and Usage*, by Ida A. Brudnick; and CRS Report RL34545, *Congressional Staff: Duties and Functions of Selected Positions*, by R. Eric Petersen.

<sup>54</sup> Nahed Eltantawy and Julie B. Wiest, “Social Media in the Egyptian Revolution: Reconsidering Resource Mobilization Theory,” *International Journal of Communications*, vol. 5 (2011), pp. 1207-1224, at <http://ijoc.org/index.php/ijoc/article/view/1242/597>.



The ability to reach constituents in real time has created, for some constituents, an expectation that Members will use electronic communications to rapidly respond. In the past Members may have had days to consider how they would present issues or voting decisions to constituents. Today in many cases they may be expected to provide the same in a matter of hours.

Even email, however, does not present the office operations challenges associated with social media. Email, in many ways, is a faster version of postal mail. Most email senders expect a prompt response, but few likely expect an instantaneous interaction. For social media, that is likely not the case. As some analysts have put it, “social media has accelerated the speed at which information is shared, amplified the reach of the messages, and solidified the ability of disparate individuals to organize.”<sup>55</sup> Posting to Facebook or Twitter naturally invites followers (who may or may not be constituents) to post responses and to expect real-time replies.

In 2012, the American Red Cross conducted a survey of the expectations of individuals who make requests on social media for disaster assistance and found that “three out of four Americans (76 percent) expect help in less than three hours of posting a request on social media, up from 68 percent [in 2011].”<sup>56</sup> Communications with a congressional office likely do not take on the same urgency as someone requesting disaster assistance, but if the response expectations are similar, staff would need to continuously monitor social media accounts to meet constituent expectations. Interacting with constituents on social media, which is arguably one of its most compelling features, would likely require resources to be devoted to ensure timely responses.

Some studies have also found that as the speed of communications increases, social context cues decline.<sup>57</sup> Therefore, a change in how Members communicate with constituents could have significant implications for the dissemination of information. As the speed of communications and the number of possible platforms increase, Members likely need to create a communications plan that accounts for these changes and for the use of shorter, more direct language that can convey a message within the defined limits of social media (e.g., 140 characters or less on Twitter). The pressure to craft succinct, social-media-ready communications means that Members are often left unable to explain nuances or complexities of issues to the degree that they might like.

## **Staff Allocation**

Allocation of staff resources is a fundamental building block of office operations strategies, reflecting the priorities of the Member. Constituent service and communications is an important aspect of what goes on in Members’ personal offices, but it is far from the only important activity. Members must choose how to allocate resources for communications against other legislative and oversight responsibilities. Consequently, Representatives and Senators choose to allocate staff in different ways.

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<sup>55</sup> Daniel A Gruber, Ryan E. Smerek, Melissa C. Thomas-Hunt, and Erika H. James, “The Real-Time Power of Twitter: Crisis Management and Leadership in an Age of Social Media,” *Business Horizons*, vol. 58, no. 2 (March-April 2015), p. 164.

<sup>56</sup> American Red Cross, “More Americans Using Mobile Apps in Emergencies,” press release, August 31, 2012, at <http://www.redcross.org/news/press-release/More-Americans-Using-Mobile-Apps-in-Emergencies>.

<sup>57</sup> Lee Sproull and Sara Kiesler, “Reducing Social Context Cues: Electronic Mail in Organizational Communications,” *Management Science*, vol. 32, no. 11 (November 1986), pp. 1492-1512. Social context cues are how individuals use social information (e.g., surroundings or body language) to influence their interactions with others. For example, “the telephone reduces dynamic and static [social] cues by eliminating visual information from communications. Letters and memos reduce [other] ... cues by imposing standardized format conventions” (pp. 1496-1497).

The explosion of electronic communications has put increased pressure on these allocation decisions. To the degree that more staff time needs to be allocated to the collection, processing, and responding tasks associated with communications, less time can be allocated to policy or other work. The number of staffers working in personal offices has increased modestly in the last generation (about a 4% increase in House Members' offices since 1982).<sup>58</sup> There may not be resources to hire additional staff to handle communications.

There is evidence that social media is adding to this pressure. One study has found that in the 113<sup>th</sup> Congress (2013-2014), 16% of Senators had staff members with "social media" or "new media" in their job titles,<sup>59</sup> reflecting the growing importance of electronic media in staff resource allocation.<sup>60</sup> If an office chooses to use social media only to share information—much like a press release—it is possible that existing staff levels could be sufficient to manage social media accounts. If, however, Members want social media to be interactive between the office and constituents, existing resource allocations may or may not be sufficient to handle the need to respond in a timely manner.

## **Challenges for Communications Strategies**

Every congressional office engages in official communication with constituents, other relevant actors, media outlets, and others. The rise of electronic communications and social media has created both opportunities and challenges for such office activities. Whereas in the past many offices were concerned with their ability to reach a wider audience or the ability to react quickly to relevant developments, in the current context concerns may be as much about managing communications with an audience that is overwhelmingly large, or about whether to engage in communications at the real-time pace that is now possible.

## **Evaluating Constituent Opinion**

As described above, the number of incoming emails to Congress in 2011 was more than 10 times as great as the number of pieces of postal mail in 1995. This is almost certainly due to the elimination of a marginal cost for constituents to communicate their preferences to Members electronically. There is virtually no marginal financial cost to sending an email or posting to a social media site, and such electronic communications also have less time costs than sending traditional postal mail, particularly when the communications are produced and distributed by groups, and only forwarded or reposted to Congress by individual citizens.

In effect, the intensity threshold at which a constituent might express a preference to a Member has been greatly reduced. Before electronic communications, Members could expect that any

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<sup>58</sup> CRS Report R43947, *House of Representatives Staff Levels in Member, Committee, Leadership, and Other Offices, 1977-2014*, by Lara E. Chausow, R. Eric Petersen, and Amber Hope Wilhelm; and CRS Report R43946, *Senate Staff Levels in Member, Committee, Leadership, and Other Offices, 1977-2014*, by Lara E. Chausow, R. Eric Petersen, and Amber Hope Wilhelm.

<sup>59</sup> Jacob Straus, Raymond Williams, Colleen Shogan, and Matthew Glassman, "Congressional Social Media Communications: Evaluating Senate Twitter Usage," *Online Information Review*, vol. 40, no. 5 (2016), forthcoming. A copy is available from the authors upon request.

<sup>60</sup> While having "social media" or "new media" in a job title likely indicates that that staffer is spending a significant portion of his or her job on these tools, it does not guarantee that others in the office are not also managing online communications or social media without those specific words in their job titles. The opposite is also true—just because a staffer's job title includes "social media" or "new media" does not guarantee that he or she is not also engaged in other activities. The move to label jobs with "social media" or "new media" in their titles, however, does indicate that those Senators see the potential of having staff that primarily focuses on these new forms of communications.

constituent willing to spend the time and money to write them had a fairly strong preference or opinion about the subject matter. Members can no longer count on various communications representing the same level of intensity. In effect, congressional offices receive more constituent opinion, but have less ability to determine the intensity of the opinion.

Conversely, social media can provide Members of Congress with real-time data that if monitored by staff could provide insight into constituent thinking in a way that has never been possible before. As discussed above, however, dedicating staff to follow and analyze social media trends is not without a cost to staff resources.<sup>61</sup>

## **Content**

The real-time nature of social media presents new challenges for Member offices about what types of content will be covered in communications. In the past, the limiting factor of speed prevented Member offices from engaging in certain types of communications. For example, an amendment introduced in a committee markup and voted on 15 minutes later could only be discussed retroactively. With the advent of social media, Members have the opportunity, if they wish, to engage the public in real time, making it possible to discuss such an amendment between the time it is introduced and when the committee votes on it. Furthermore, if other Members are engaging in such discussions on social media platforms, both constituents and the wider public may become aware of the amendment in real time, and attempt to engage with other Members prior to the vote.

If Members or staff choose to take on such real-time communications, there are potential benefits and costs. Real-time communications offer the possibility of Member-constituent information sharing that was never before possible, potentially increasing the degree to which each is informed about the others' preferences. Likewise, the potential for Members to educate their constituents on issues or process in a compelling and interesting way may be dramatically faster, but depending on the social media platform, could be without as much nuance or context. On the other hand, using real-time communications leaves Members and staff with less time for reflection or careful consideration of the message they are sending. Also, engaging in real-time communications, particularly those related to Member activities that were previously impractical from a technological standpoint (such as live-tweeting markup amendments) may create constituent expectations for future engagement and consultation.

## **Interactivity**

Social media can be used to send information to recipients in similar ways to traditional communications. Social media, however, also allows for the possibility of Members or staff to engage both with other legislators and with constituents in real-time online conversations. Recent studies have found that social media is mostly used as a “push” tool by government agencies and elected officials.<sup>62</sup> For Members of Congress, early studies of Twitter found little evidence of

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<sup>61</sup> Andrea L. Kavanaugh, Edward A. Fox, Steven D. Sheetz, Seungwon Yang, Lin Tzy Li, Donald J. Shoemaker, Apostol Natsev, and Lexing Xie, “Social Media Use by Government: From the Routine to the Critical,” *Government Information Quarterly*, vol. 29, no. 4 (October 2012), p. 481.

<sup>62</sup> Karen Mossberger, Yonghong Wu, and Jared Crawford, “Connecting Citizens and Local Governments? Social Media and Interactivity in Major U.S. Cities,” *Government Information Quarterly*, vol. 30, no. 4 (October 2013), pp. 351-358; and Ines Megel, “A Framework for Interpreting Social Media Interactions in the Public Sector,” *Government Information Quarterly* vol. 30, no 4 (October 2013), pp. 327-334.

anything other than Members posting links to press releases and media events.<sup>63</sup> More contemporary studies have documented the beginning of a shift to more interactive activities, but the percentages of all congressional Tweets, for example, that reply to other users are still very low.<sup>64</sup>

The decision to employ an interactive strategy on social media presents a number of challenges. First, the office may want to formalize interactivity protocols. Who can interact on social media on behalf of the office? In what circumstances or for which topics? Second, the scope of interactivity that the office will engage in may need to be clarified. Will the Member or office ever respond to individual tweets, or will they only use social media interactivity capabilities in formalized settings, like a pre-arranged Facebook question-and-answer session? As with other aspects of social media, setting expectations may become an overarching concern.

Relatedly, social media seems to change the traditional relationship between Members of Congress and constituents. Instead of information being primarily a one-way street (e.g., either from the constituent to the Member or from the Member to the constituent), with interaction only available in face-to-face or telephone based settings, social media transforms communications into two-way interactions. In fact, social media not only promotes two-way communication, but it also allows constituents to interact with each other, something that has never before been possible.<sup>65</sup> How Members deal not only with two-way communication with constituents, but also the information generated by constituents talking to each other on Twitter or Facebook, may be an important strategic decision. Social media has the potential to provide real-time information about public preferences to Members.

## **Posting and Responding Policies**

Over the past few years, many government agencies (especially in the executive branch) have adopted guidelines or rules for posting and responding to comments on social media platforms. These guidelines or rules often discuss the use of social media during work time, what positions are allowed to access and post on official agency accounts, and policies about timeliness and content of replies. For example, the Department of the Interior's (DOI's) social media policy for official accounts includes a list of covered services (e.g., YouTube, Twitter, Facebook, and Flickr), a reminder that all official communications must follow standard records accessibility and records management practices, and a requirement that communications be officially sanctioned by the agency or bureau.<sup>66</sup> Similarly, the General Services Administration's (GSA's) social media policy includes many of the same features as DOI's, but also includes reminders that content is in the public realm, that language should be chosen with caution, and that discussion of agency-related matters "may need [be] coordinat[ed] ... with the Office of Communications and Marketing (OCM) and the Office of General Counsel (OGC)."<sup>67</sup>

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<sup>63</sup> For example, see CRS Report R40823, *Social Networking and Constituent Communication: Member Use of Twitter During a Two-Week Period in the 111th Congress*, by Matthew E. Glassman, Jacob R. Straus, and Colleen J. Shogan.

<sup>64</sup> Jacob Straus, Raymond Williams, Colleen Shogan, and Matthew Glassman, "Congressional Social Media Communications: Evaluating Senate Twitter Usage," *Online Information Review*, vol. 40, no. 5 (2016), forthcoming.

<sup>65</sup> W. Glynn Mangold and David J. Faulds, "Social Media: The New Hybrid Element of the Promotion Mix," *Business Horizons*, vol. 52, no. 4 (July-August 2009), p. 357.

<sup>66</sup> U.S. Department of the Interior, *Social Media Policy*, September 15, 2015, at <https://www.doi.gov/notices/Social-Media-Policy>.

<sup>67</sup> U.S. General Services Administration, *GSA Social Media Policy*, July 17, 2009, CIO 2106.1, at <http://www.gsa.gov/portal/content/180607>.

Both the House of Representatives and Senate have overarching social media policies for their respective chambers. Because individual Representatives and Senators can control their own office budgets subject to the guidelines and rules set by the House and Senate, respectively, the chamber-wide policies tend to focus on the use of official resources for constituent communications. A more detailed discussion of House and Senate rules and guidelines can be found below under “Regulation.”

Within the chamber rules and guidelines, some Members have created their own policies for the use of social media. For example, some Members of Congress include disclaimers or commenting policies on their Facebook or Twitter pages. One Member reminded potential commenters that

This is the official page for [the district].... Comments posted by users do not necessarily reflect the views of [the] Congressman ... or his Congressional office. We reserve the right to delete user comments that include profanity, name-calling, threats, personal attacks, or other inappropriate comments or material. Please help us keep this a welcome place for everyone.<sup>68</sup>

Setting such policies is seen by some as an important step to setting limits for what can and cannot be posted on official congressional social media pages. While these disclaimers allow the Representative or Senator to be proactive in stopping certain types of posts and language, in order for them to be effective they must be enforced. Enforcement of these types of policies requires appropriate staffing to monitor inappropriate comments quickly and fairly. Since a norm exists, and ethics rules require, that Representatives and Senators treat all constituents the same, regardless of factors such as political viewpoint or activity,<sup>69</sup> the implementation of policies like the one above could be important for the Members and staff and might affect the amount of time necessary to enforce such policies.

## **Challenges and Opportunities for Representation**

The foundation of representation for Members of Congress is their geographic constituency.<sup>70</sup> The adoption and use of social media, however, is potentially changing the nature and challenges of representation in at least two ways. First, social media grants users potential anonymity. Since individuals fill out their profile information with as much or as a little information as they choose and most social media services allow users to “turn off” geolocation services, it is not always possible to know where a specific user is located. This presents a unique challenge for Members of Congress, many of whom want to interact mostly or exclusively with geographic constituents. Additionally, House and Senate rules for franked mail have long required that franked mail only be sent to postal addresses in a district. While social media is virtually cost free and franking regulations likely do not apply, the idea of gathering information from or otherwise interacting with nongeographic constituents has the potential to change the very nature of representation.

The rise of electronic communications and social media has also increased the opportunities for surrogate representation. Political scientist Jane Mansbridge defines surrogate representation as Members representing constituents outside their district based on other shared characteristics.<sup>71</sup> In

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<sup>68</sup> <http://www.facebook.com>, April 20, 2016.

<sup>69</sup> U.S. Congress, Senate, Committee on Rules and Administration, “Rule XLIII: Representation by Members,” *Rules of the Senate*, at <http://www.rules.senate.gov/public/index.cfm?p=RuleXLIII>; and U.S. Congress, House, Committee on Standards of Official Conduct, *House Ethics Manual*, 110<sup>th</sup> Cong., 2<sup>nd</sup> sess. (Washington: GPO, 2008), pp. 299-300.

<sup>70</sup> Richard F. Fenno, *Homestyle: House Members in their Districts* (New York: Pearson, 2002).

<sup>71</sup> Jane Mansbridge, “Rethinking Representation,” *American Political Science Review*, vol. 97 (November 2003), pp. 515-528.



the traditional formulation, this often happens around specific issues with dispersed national constituencies: for example, a woman might be viewed as best representing or advocating for women's rights.<sup>72</sup>

Prior to the rise of electronic communications, few Members were engaged in such surrogate activities. They simply did not have the resource capacity. Representatives were (and still are) barred from sending franked postal mail outside of their districts. The only way to grow a national audience was to appear on television—which usually meant having at least the power of a committee chair, or doing something unusually newsworthy.

Electronic communications have rearranged this playing field. Even rank-and-file Members can gather a national following to advance their policy objectives with relative ease, and at virtually no financial cost. The zero marginal cost of the Internet, and in particular the social media applications like Twitter, YouTube, and Facebook, have opened up opportunities. Any Member can stake out an issue, make a concerted effort to become a national leader on the issue, and have some chance of success, all without expending almost any marginal resources on communications.

Finally, scholars of Congress and the presidency have argued that the rise of mass media, particularly television, has given the President a comparative advantage over Congress.<sup>73</sup> While the President can employ the resources of the executive branch to promote his unitary message, individual Members of Congress lack the institutional resources to compete with the President, and Congress as a whole lacks a unity of message.<sup>74</sup> The rise of electronic communications has arguably allowed Congress, as a sum of its Members, to have a more influential voice in public political debates.

## Concluding Observations

Since the Continental Congress, individual citizens have been corresponding with their elected representatives. Over time, how these communications took place and the expectations for response have changed. As the speed of communications has increased and the real and marginal costs decreased, the type of information that Members of Congress can communicate and the scope of individuals they communicate with have increased. As this report has discussed, the volume of information that is sent and received by Members' offices and the ability for Representatives and Senators to communicate with more than just their geographic constituencies have created unique challenges and opportunities for constituent communications.

The nature of communications between Members of Congress and constituents is evolving. In light of the constant change, several potential implications exist for the continued use of social media as a communications tool. These include the public nature of social media and further consequences for representation.

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<sup>72</sup> Angela High-Pippert and John Comer, "Female Empowerment: The Influence of Women Representing Women," *Women & Politics*, vol. 19, no. 4 (1998), pp. 53-66.

<sup>73</sup> Samuel Kernell and Gary C. Jacobson, "Congress and the Presidency as News in the Nineteenth Century," *The Journal of Politics*, vol. 49, no. 4, November 1987, pp. 1016-1035. See also John Kingdon, *Agendas, Alternatives, and Public Policies* (Boston: Little, Brown, 1995), pp. 45-47.

<sup>74</sup> Kernell and Jacobson, "Congress and the Presidency," p. 1017.

## Public v. Private Communications in an Online Arena

A major difference exists between engaging in online conversations versus traditional in-person discussions or written letters or emails. Whereas postal mail and email are private conversations between the senders, most social media posts are available for public inspection by anyone who visits the users “wall,” “feed,” or timeline.<sup>75</sup>

Additionally, hidden costs may be associated with adopting social media. For example, one study reiterates that the decision to use third-party social media software requires data to be owned by the third-party, not by the government entity establishing the account. Further, as one observer noted, “agencies cannot opt out of revisions of the technology. They cannot hire contractors to outsource changes or request customization of services to platforms to accommodate government needs. Public managers in charge of social media accounts are therefore exposed to constant changes of the platforms and at the same time have to deal with emergent citizens and employee behavior that challenge government’s one-directional communication paradigm.”<sup>76</sup> The location of congressional data on non-congressional servers is a potential concern.<sup>77</sup> To address these concerns the House and Senate have established policies for the use of third-party websites and the linkage of official house.gov or senate.gov webpages to those services.<sup>78</sup>

Finally, privacy concerns beyond who “owns the data” exist in the online world. Information posted to social media sites potentially exists for everyone to see, even those for whom the information was not intended.<sup>79</sup> Both the House and the Senate have developed privacy policies to help guide Representatives and Senators on the content of websites and to remind users that information posted to sites is considered public information.<sup>80</sup> These policies could impact how a Representative or Senator chooses to use social media and whether Twitter, Facebook, or other platforms are helpful to a Member with his or her representational responsibilities.

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<sup>75</sup> Robert O. Wyatt, Elihu Katz, and Joohan Kim, “Bridging the Spheres: Political and Personal Conversation in Public and Private Spaces,” *Journal of Communication*, vol. 50, no. 1 (Winter 2000), pp. 72-76.

<sup>76</sup> Ines Mergel, “Social Media Institutionalization in the U.S. Federal Government,” *Government Information Quarterly*, forthcoming (2016), p. 1.

<sup>77</sup> Records generated by Members of Congress are the property of the Representative or Senator, and not the House or Senate. In the 110<sup>th</sup> Congress (2007-2008), however, the House and Senate agreed to a concurrent resolution (H.Con.Res. 307) to encourage that Members’ papers be properly maintained, preserved, and that Members “should be encouraged to arrange for the deposit or donation of the Member’s own noncurrent Congressional papers within a research institution that is properly equipped to care for them, and to make these papers available for educational purposes at a time the Member considers appropriate.” This would likely include social media accounts. For congressional committees, which are archived with the National Archive and Records Administration (NARA), the Secretary of the Senate and the House Historian have each released guidance on archiving social media for committees. For more information, see U.S. Congress, Senate, *Archiving Social Media in Committees*; and U.S. Congress, House, Office of the Historian, “What is a Record?,” at <http://history.house.gov/Records-and-Research/What-Is-A-Record>.

<sup>78</sup> U.S. Congress, Senate, Committee on Rules and Administration, “U.S. Senate Internet Services and Technology Resources Usage Rules,” November 9, 2015, at <http://www.senate.gov/usage/internetpolicy.htm>; and U.S. Congress, House, Committee on House Administration, “Website,” *Members’ Congressional Handbook*, 114<sup>th</sup> Cong., 1<sup>st</sup> sess., October 27, 2015, at <http://cha.house.gov/handbooks/members-congressional-handbook#Members-Handbook-Comms-Websites>.

<sup>79</sup> David Barnard-Wills and Debi Ashenden, “Playing with Privacy: Games for Education and Communication in the Politics of Online Privacy,” *Political Studies*, vol. 63, no. 1 (2015), pp. 142-160.

<sup>80</sup> U.S. Congress, Senate, “Privacy Policy,” at <http://www.senate.gov/general/privacy.htm>; and U.S. Congress, House, “Website Privacy Policy,” at [http://www.house.gov/content/.../privacy\\_policy.php](http://www.house.gov/content/.../privacy_policy.php).



## Changing Representation

The decision to adopt and use social media has broader implications than just the ability to disseminate information or to gauge constituent positions on policy issues. For individual Members, there are clear benefits to using social media. Engaging with individuals on social media provides the potential for a higher political profile both inside and outside the House or Senate. This could translate into greater opportunity to influence public policy. While there is little hard empirical evidence, analysts have suggested that some Members are beginning to alter their representational strategies, leveraging the power of social media to engage broader audiences to advance their policy and political goals.<sup>81</sup> The interaction of such “surrogate” representation and traditional district and state representation may be a subject of interest as social media evolves.

Certain things, of course, have *not* changed. First, only people in a district or state can vote for a Member of Congress. Second, district offices have to be in the district and franked mail still can only be sent to the district. So, while Members might use electronic communications to expand their “constituencies,” they will likely always be primarily tied to a geographic district or state. Nevertheless, the evolving use of social media may make the relationship between national and local issues more complex.

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<sup>81</sup> For example, Michele L. Swers, “Gender and Party Politics in a Polarized Era,” in *Party and Procedure in the United States Congress*, ed. Jacob R. Straus and Matthew E. Glassman, 2<sup>nd</sup> ed. (Lanham, MD: Rowman & Littlefield, 2016); John D. Griffin and Michael Keane, “Are African Americans Effectively Represented in Congress?,” *Political Research Quarterly*, vol. 64, no. 1 (2011), pp. 145-156; and Jason P. Casellas, “Latino Representation in Congress: To What Extend are Latino’s Substantively Represented?,” in *Latino Politics: Identity, Mobilization, and Representation*, ed. Rodolfo Espino, David L. Leal, Kenneth J. Meier (Charlottesville, VA: University of Virginia Press, 2007), pp. 219-231.