

Outside Activities

Preserving Objectivity and
Non-Partisanship

DIRECTOR'S STATEMENT

Daniel P. Mulhollan, Director

Congressional Research Service

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Recent incidents and what I perceive to be a disturbing trend suggest the need to remind everyone that our mission of providing balanced, objective, and non-partisan support to the Congress places a challenging responsibility on all CRS staff that is of critical importance to this agency and to the Congress. We must all see to it that our ability to serve the Congress in this way is not compromised by even the appearance that we have our own agenda as an agency; that one or more of our analysts might be seen as so set in their personal views that they are no longer to be trusted to provide objective research and analysis; or that some have developed a reputation for supporting a position on an issue to the extent that CRS is rendered "suspect" to those on the other side. No matter how vigilant we are, there will still be those times that we are seen as less than even-handed. I recognize that such is the price of doing business in a charged environment. That must not, however, allow us to relax our guard against avoidable charges of bias, and should rather alert us to the ever-present dangers that we face because of the nature of our work.

Let me make very clear at the outset, that I recognize that this has always been a very daunting obligation given our mission to serve a large, increasingly very polarized clientele. I also recognize that, by and large, we have been extremely successful in meeting that obligation. However, it bears repeated emphasis that we cannot compromise our integrity by even the occasional misstep in this regard if it can be avoided. The price is simply too high.

CRS staff, like all citizens, are entitled to hold their own views on all matters of public policy. We often joke that it is our responsibility to "park those views at the door" when we arrive in the morning, and then "pick them up" on our way home. When we speak or write for the Congress within the scope of our duties here, the lines are very clear. Each research division, our Review Office, and all of the other layers of review are specifically designed to see to it that we adhere to our obligations. When we speak or write in our private capacities, however, the picture is murkier.

As you know, there are a few very clear guidelines for your conduct outside of work that must be strictly observed. First and foremost is the obligation, set out in Library regulation, to present a disclaimer regarding any personal views presented – i.e., making clear that those views are your own and do not represent the views of the Service. Specifically, LCR 2023-3 on Outside Employment and Activities, provides that when speaking and writing on controversial matters, "staff members are expected to disassociate themselves explicitly from the Library and from their official positions." In outside writings this is most commonly done by ensuring that a footnote appears at the outset making that clear. When speaking, the point can either be made on introduction to the audience, or can be made by you yourself before you commence your substantive remarks. I want to stress that in either situation the obligation falls on you as CRS staff, whether a presenter, an author, or a contributor in whatever form, to ensure that such a disclaimer is accomplished. It is not enough simply to request such a provision of a publisher or moderator – it is your responsibility to make sure that your request is honored.

Library regulation 2023-3 also speaks to the obligation to avoid "the appearance of conflict of interest," especially when speaking on controversial matters. For CRS, I think you would agree that almost everything we say or write has the potential to be "controversial" with at least a few Members or staff that we serve. We must therefore err on the side of caution, especially when addressing issues for which we have primary responsibility for the Service.

The greatest level of care for preservation of the appearance of objectivity should be exercised when addressing the very issues for which you have responsibility at CRS. LCR 2023-3 also provides that “[w]here...the subject matter of [personal writings as well as prepared or extemporaneous speeches by staff members] relates to... a field of a staff member’s official specialization or the special clientele which a staff member serves, staff members shall ...avoid sources of potential damage to their ability to perform official Library duties in an objective and non-partisan manner...” Not only will you have acquired much of your knowledge of the subject matter in the course of your duties as a public servant for the Congress, but this is also the danger area for presenting the appearance that your neutrality cannot be relied upon as you undertake your work in your official CRS capacity.

To be sure, we must walk a difficult line – one that recognizes the free speech rights guaranteed by the Constitution and reinforced by judicial opinions over the years. But this must not be read as license to ignore the trust that has been placed in us as an agency. Without the imprimatur of objectivity, balance and non-partisanship on our work, we cease to be of the intended utility to the Congress. As we all know, the Congress today has access to an enormous array of information sources – many of them working very hard for congressional attention to a point of view that they espouse. We, on the other hand, were created to provide an unbiased resource for the Legislature, and we are frequently touted as the “only agency in town” that holds to that charge. We challenge that obligation at our peril, risking that we are rendered ineffective at best, and useless at worst. More importantly, to do so violates the trust that has been placed in us to meet our statutory mission as a legislative support agency. We are each accountable for preserving that trust.

In light of the foregoing, I am asking everyone to think carefully before taking a public position on matters for which you are responsible in your work. When addressing the issues for which you speak for CRS, please do so in full observance of the neutrality required of your work here. See to it that a disclaimer is provided, and use sound judgment in deciding when you are placing CRS at risk. Please remember that you have no obligation to the press or the public – we serve only the Congress. “Name recognition” outside of the Congress may serve some purposes, but it should not be viewed as a *sine qua non* to providing expert service to our clients. Extreme care must be exercised when we venture beyond limited boundaries in search of such public recognition.

CRS authors enjoy the positive “publicity” that flows from having their names on their work, prominently displayed so that they can become associated with their expertise when their services are demanded by Members and committees. CRS staff also are frequently called to testify before the Congress – again gaining a public reputation and status in their field. Note however, that for many years, CRS has routinely exchanged correspondence with the requesting committee in advance of such testimony to make it clear that “[c]ongressional guidelines on objectivity and non-partisanship require that our staff confine their testimony to technical, professional, and non-advocative aspects of matters under consideration, and limit themselves to questions within their fields of expertise.”

To summarize: CRS has painstakingly built a reputation for excellence over the years, much of it tied to our unique role – the provision of objective, non-partisan research and analysis to the Congress of the United States. We, both individually and collectively, do not have the right, nor would it be prudent for us, to do anything that might tarnish that reputation. I ask for your help in making sure that we avoid presenting even the appearance that we are not true to the trust that has been placed in us.