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CASEWORK AND THE ROLE OF A
CASEWORKER IN A CONGRESSION
OFFICE

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October 20, 1977

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CASEWORK AND THE ROLE OF A CASEWORKER IN A CONGRESSIONAL OFFICE

Casework can be defined as assistance provided by a Member of Congress to his constituents in their dealings with Federal departments and agencies. Casework usually involves individuals or groups of individuals, but, in some cases may involve State or local governmental units, or, occasionally, a private organization. It is closely related to, but different from, project work, which usually concerns local governmental units or organized groups of people (corporations, universities, consulting firms, etc.) who are competing for money from the Federal government in the form of contracts, grants, and other disbursements.

Although some Members have suggested that casework is an inappropriate congressional function, 1/ virtually every Member performs the casework function to some degree. Normally, a Member of Congress will have at least one staff member designated as caseworker. A few offices now utilize a "pooling" approach. 2/ In an increasing number of offices, caseworkers are located in the District offices.

1/ For example, former Rep. Robert Ramspeck (D-Ga.) proposed that Members of Congress be prohibited from contacting administrative agencies and that each congressional district ought to have two Representatives -- one to perform legislative duties, the other to handle casework. See Hearings of the Joint Committee on the Organization of Congress, April 17, 1945, p. 296.

2/ In these instances, two offices agree to share staff resources and each caseworker is assigned specific subject areas, e.g., housing, immigration, etc., for which he/she handles all cases for cooperating Members. Letters to constituents and agencies are sent over the signature of the Member who received the inquiry. A few Senators from the same State have adopted a "pooling" approach to casework in their State offices using basically the same system.

Most cases involve problems regarding military service, social security, immigration, and veterans' benefits, although the types of requests received by each House office will vary according to the District and constituency. Thus, a rural District will have more agricultural cases while an urban constituency may have more housing problems.

Aside from its benefits to constituents casework in a congressional office serves two purposes: (1) as direct communication between constituent and legislator and (2) as a means of evaluating the local impact of various agency operations -- information useful to a Member in his role as a legislator.

Most casework is handled routinely, at least in the beginning. It is rarely self-initiated. A caseworker receives (in either the Washington or District office) a constituent's letter and determines which Federal (or other) agency has jurisdiction. The caseworker then decides whether the case can best be handled via telephone, written communication, or in the case of military, civil service, and veterans' cases, in person, since the responsible agencies in these instances have liaison offices in the House Office Buildings.

If the case lends itself to being handled on the phone -- that is, a question to be answered that does not entail substantial agency research -- a call is placed to the appropriate agency's congressional liaison office.

If the case is to be handled by letter, the caseworker photocopies the constituent letter and forwards it to the appropriate agency, sometimes with a personally written letter over the Member's signature, but more often with an appropriate inquiring buck slip. If casework is handled in the District office, the caseworker might call the regional or district office of the department or agency to determine to which office the inquiry would be best addressed. A letter is sent to the constituent over the Representative's signature assuring the correspondent that the Member is looking into the matter.

When the case is handled in person, the procedure is much like those handled by letter. The liaison office will make a copy of the constituent letter and the process is under way. It should be noted that some congressional offices may prefer not to deal with certain liaison offices; for example, with regard to military cases, they would send an inquiry directly to the commanding officer of the military base or installation involved.

The primary advantage of bypassing a congressional liaison office is that the recipient of the letter receives the inquiry directly. Accordingly, the case might be processed more quickly, but not always, because bypassing the congressional liaison office can also result in misdirection and slower response time.

In most cases, the executive branch department can be expected to respond to a case within a week or two, and a copy of that response is forwarded to the constituent with observations, suggestions, or sentiments as fit the circumstances.

In some instances, a caseworker may find that the response received to a case may seem unjustified, unduly brash, or contrary to either the letter or spirit of the law involved. The caseworker then has to decide upon which of various options to pursue.

Simplest, and least responsive to such cases, is to routinely forward the departmental response to the constituent. If the constituent does not ask for additional action, the case is closed. If the constituent does seek further Member action, another option can be pursued.

The caseworker could either call or write the appropriate department, over the Member's signature, citing either deficiencies in the department's response, the exigencies of this particular situation, or whatever is appropriate. Executive departments and agencies do make mistakes, and sometimes additional congressional intervention is needed to rectify these errors.

One infrequent practice in casework, dealing primarily with immigration cases, is the introduction of a private bill. Although private bills have dealt with claims against the Government, patents, military affairs, and

other matters, most have concerned one aspect or another of immigration. The major categories of private immigration legislation are: 1) permitting aliens residing abroad to immigrate to the United States when otherwise they could not do so; 2) permitting aliens in the United States to remain in the U.S. despite legal requirements to the contrary; and 3) granting citizenship to aliens who would not otherwise be eligible. Private bills can be enacted for the benefit of one person or for a number of persons.

In the House, according to an agreement with the Immigration and Naturalization Service, deportation proceedings will "not be stayed upon the introduction of a private bill...unless the House Committee on the Judiciary addresses some formal communication to the service to stay proceedings." This arrangement with respect to private immigration bills in the House does not hold for Senate bills of the same type. Introduction of a private immigration bill in the Senate does stop deportation proceedings pending legislative resolution.

In other complicated cases, additional staff members can be called upon for consultation. A legislative assistant, for example, might provide helpful information on the legalities in question. A committee staff person might assist a with statute's legislative history, so its intent can be better determined, or some other aspect of a complex case.

The Member's administrative assistant might be called upon for guidance as to the office's and caseworker's optimal degree of involvement and also whether or not to bring the Member into the case personally.

Some Members believe that their personal involvement in cases increases their effectiveness, as illustrated in one Member's comment:

Your effectiveness in cases where you yourself pick up the phone and talk to a responsible official at the government agency concerned is a good deal higher than in those which get a routine handling in your office. If the official knows you have some personal knowledge of the case and are checking on it, you are more likely to get favorable action. 3/

However, this is not the norm; rather, "most Members avoid becoming too personally involved." 4/ In fact, one source cites a Member who has "gone to bat on [only] two cases in ten years, on a personal basis." 5/ Contrarily, there are other Members who have testified before Federal departments and agencies or have acted as legal counsel on behalf of constituents.

The success rate in casework is difficult to calculate because there is little empirical data on the number of times a constituent's complaint and accompanying congressional inquiry actually effect a change in case

3/ Clapp, Charles L. The Congressman; His Work as He Sees It. Washington, The Brookings Institution [1963] p. 80.

4/ Tacheron, Doanld C., and Morris K. Udall. The Job of the Congressman. New York, The Bobbs-Merrill Company [1966] p. 68.

5/ Clapp, p. 81.

status. More often than not, the agency in question will simply include in its response a recitation of the facts and regulations governing its handling of the constituent's problem. One study found a success rate of less than 10 percent, but arrived at this conclusion "not because any objective evidence supports it, but because nearly every person who was interviewed asserted it to be accurate. It may be folklore instead of fact; in any event, it seems to be accepted as true." 6/ It should be noted, however, that at least some Members claim a success rate of one-fifth to one-third. 7/

One reason for the disparity may be the measurement of success. In some cases, the Federal agency, upon a Member's request, will grant the complainant an additional interview and explain in greater detail why the particular claim must be disallowed. Although not a total success, it is a plus for the Member and often the constituent comes away satisfied.

An important -- and often overlooked -- aspect of casework is the linkage between the problems of individual constituents as portrayed in the cases and poor program implementation which the Congressman, as

6/ Gellhorn, Walter. When American Complain; Governmental Grievance Procedures. Cambridge, Mass., Harvard University Press [1966] p. 79.

7/ Clapp, p. 78.

a legislator, might be able to remedy. Casework correspondence can be a starting point for effective congressional oversight, as evidenced by one Congressman's comment:

I would emphasize that the best watchdogs we have are not the committees but our constituents who in their letters bring to our attention things which require looking into. We get plenty of warnings of real significance in our mail which are extremely helpful in assisting us to carry out our responsibilities. 8/

It is asserted that, as a practical matter, casework rarely leads to meaningful oversight. One analyst described it as follows:

Since triumph is its usual goal, casework tends to go no further than the case at hand, leaving untouched the problems that generated it. Ordinarily, investigation is superficial. Implications, if not altogether unperceived, are in any event likely to be ignored. So long as the present case has an appropriately happy outcome, tomorrow's case is left to its own devices; anyway, it may involve some other congressman's constituent. Always pressed for time and almost always untrained generalists in a world of trained specialists, congressmen pass on to other things--and so do the administrators. Unless the congressman is pertinaciously reform-minded, casework comes and goes without greatly improving the conduct of public affairs. 9/

However, when casework correspondence is utilized as a tool of congressional oversight, it can be most effective, as the following statement illustrates:

8/ Ibid., p. 80.

9/ Gellborn, p. 128.

Congressional interference [casework] in administration, to put it boldly, is one of the best things Congress does. It is the American equivalent of the Swedish Ombudsman and the British question in Parliament. If it is "errand running," the errand is keeping the bureaucracy accountable and open to all the people and preserving decentralization of power in the American Federal System. 10/

In order for casework to be useful in this manner, it is advisable for caseworkers to keep abreast of pertinent legislative issues and to be aware of how legislation, properly drafted, might alleviate the problems about which constituents have written. Cooperation and coordination with other staff members, particularly the administrative and legislative assistants, is necessary.

With regard to casework correspondence, some feel that it is a self-perpetuating operation -- one case, successfully completed, leads to two or three more from the same correspondent, relatives, friends, and so forth; consequently more and more time is necessary to process the cases in a congressional office.

Most Members believe that casework produces satisfied constituents, and that satisfied constituents are votes assured at the next election. However, an overextended staff might produce dissatisfied constituents, which can result instead in lost votes.

10/ Gray, Kenneth E. Congressional Interference in Administration. In Cooperation and Conflict; Readings in American Federalism, Daniel J. Elazer et. al., eds. Itasca, Ill., F.E. Peacock Publishers [1969] p. 542.