



Lack of accountability keeps pollsters on the fringes

Hidden from Scrutiny

By Robert Weissberg

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The close association between polls and democracy has risen to the status of an axiomatic truth, especially among polling aficionados. Henry Brady, professor of political science and public policy at the University of California, Berkeley, probably exaggerated only slightly when he confidently announced in *PS*, the American Political Science Association's official magazine, that polls "provided the gold standard for measuring citizen opinions that are at the heart of democratic deliberation and they provided a powerful technique for ensuring the openness and transparency of the democratic process..."

To be sure, few insist that leaders must mechanically heed the *vox populi*, but a consensus surely exists that surveys should inform democratic governance. If this impact is less than hoped for, poll deficiencies—imperfect samples, ineptly drafted questions and similar technical shortcomings—are to blame, and, happily, these will ultimately be fixed as the craft matures.

Unfortunately, this “polls-assist-democracy” reasoning is so alluring that it overlooks one of democratic

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governance’s most fundamental *political* elements: public accountability. Imperfect results do not consign pollsters to the fringes; even absolutely accurate data would not—or should not—warrant an invitation to the centers of power. It is the pollsters’ unaccountability that makes them outsiders, and, ironically, efforts to increase accountability would be rightly resisted.

Put colloquially, pollsters resemble hardcore backseat drivers who steadfastly refuse to take responsibility for faulty directions, and moving them to the front would be a disaster. This participation-without-responsibility state of affairs raises critical issues regarding the pollster’s civic role, unnoticed in rousing speeches about surveys facilitating “more democracy.”

Let us begin with “accountability.” The Oxford English Dictionary, second edition, defines accountability as, “Liable to be called to account, or to answer for responsibilities and conduct; answerable, re-

sponsible. Chiefly of persons.” Accountability of leaders to citizens is the *sine qua non* of democracy and completely infuses our constitutional order. The opposite is tyranny.

Both Congress and the president are electorally answerable to voters, while appointed judges and bureaucrats must satisfy politically created standards and can be removed by elected officials for insufficiency. Even the mass media have some public accountability through liability laws, broadcast licensing requirements, and other legally en-

forceable strictures designed to impose society-decided standards.

Elections perfectly il-

lustrate a responsible “voice of the people.” Statutes, not candidates themselves or meddling amateurs, specify time and place for voting, ballot form, counting rules, franchise accessibility, apportionment criteria, rules for adjudicating disputes, and countless other vital administrative details. Where laws are ambiguous, judicial opinions offer strict guidance, lest opportunistic capriciousness sabotage the process. Most critically, armies of government agents and political partisans are ever-watchful of advantage seekers, and miscreants disregarding the official rules can be jailed or fined.

This is not to argue that wrongdoing is nonexistent; rather, the entire process is fixed by law and amenable to public inspection to detect alleged misconduct. If the 2000 Florida presidential circus demonstrated anything, it revealed just how closely those feeling aggrieved can place voting—not to mention individual paper ballots—under a microscope to instigate *official* intervention. In short, uncover-

ing the popular will via election must be done according to strict, publicly approved procedure.

The contrast between electoral accountability and the survey is immense. Judged against this standard, polling as a democratic instrument is downright anti-democratic. Polling is beyond *any* public control save for the most minimal commercial fraud laws. It is largely a private, commercially driven endeavor, and, even where public money is occasionally invested—as in university-based studies—government intrusion is minimal. Pollsters basically serve paying private citizens (clients or researchers “buying” questions), not the public or anyone held accountable by the public. Polling is undoubtedly the least publicly regulated of *any* industry in America; cutting hair is more constrained than drafting questionnaires or drawing samples.

Imagine if ballot-style public supervision were imposed on today’s surveys. Congress and countless bureaucrats might scrutinize questionnaires well in advance to guarantee that, as in a ballot, no unfair advantage was given or help made available to non-English speakers or those physically unable to answer the phone. Official “survey judges” might monitor interviews or “veto” unsuitable respondents such as children. Remember, the infamous Palm Beach butterfly ballot *did* pass prior official inspection from both parties, a claim that few pollsters can boast about their questionnaires.

The sampling frame would indisputably invite endless official inspections—imagine reaction to proposed procedures possibly discouraging participation among the poor!—and interviewer training would be government-specified to ensure demographic balance and a modicum of bilingual facility. Provisions might be required for difficult-to-reach re-

spondents, much as absentee mail ballots are now utilized.

Untold potential “fairness” stipulations would provide a bonanza for newly specialized lawyers and advocacy groups. Judges—not survey technicians—might ultimately adjudicate methodological quarrels, while the civil code would dictate every polling feature, much as laws now specify polling place hours.

Needless to say, only the naïve would insist that surveys be as transparent as elections. Why invite a Justice Department lawsuit over excessive turndowns among women? The pollster’s defense against such intrusion would, thankfully, be rock-solid: survey firms, save for a few state-run, technically-minded agencies, are *private* entities; collected information is proprietary and requires client permission for release. And if the client preferred a non-random sample or unusual questions, why object to a purely commercial relationship?

Moreover, disgruntled citizens suing, say, Gallup to publicize interviewer training, field test outcomes, or any other details believed injurious to their cause, lack legal standing. Compare the pressures on the US Bureau of the Census; the bureau labors in a fishbowl surrounded by hoards of officials and quick-to-litigate advocacy groups. Such newfound public attentiveness is hardly welcome.

Indeed, imposing such election-like public accountability on pollsters would be a curse on democracy. Big Brother should not monitor people’s views on drug use, terrorism and the

like. The privacy issue alone would constitute a Full Employment Act for every ACLU lawyer, and then some.

Equally dangerous, polling administration might fall victim to partisan wrangling, a situation akin to what currently bedevils the Federal Reserve and similar independent regulatory commissions despite statutory admonitions for neutrality. A Democratic chief pollster under a Republican-controlled Congress and presidency would surely be in a difficult position. The upshot would be a corruption in tracking the *vox populi*, not its improvement.

Not only is today’s poll hidden from obligatory scrutiny, but survey analysts who betray their self-assumed public responsibilities are completely unaccountable for

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their misdeeds. No pollster has ever been jailed for feeding officials bogus figures; civil service-protected bureaucrats have more to fear from the public’s wrath. Put succinctly, one does not strengthen democracy by awarding consequential civic power to those totally beyond public reach.

It is not that industry incompetence or malfeasance is immune from retribution. Few poll analysts can survive regularly predicting Dewey’s victory over Truman. But *publicly* defined liability is key; punishment via cancelled media contract or email damnation cannot substitute for democratic accountability.

The dangers of pollster mischief are not hypothetical. In their 1987 review of 51 separate survey questions regarding the 1977 Panama Canal Treaty (some of which entered congressional debate), Ted J. Smith III and J. Michael Hogan found that ten contained factual errors, misstating treaty terms, for example, or recounting faulty history to interviewees. Other queries were ambiguous or clearly biased.

Given that many of today’s polls are explicitly commissioned as policy ammunition, such shading is predictable, not a shocking betrayal of Olympian standards. And, again, no pollster lost sleep worrying about a contempt of Congress citation for supplying false testimony on this treaty. If such a subpoena were to have been issued, the defense would have been obvious: nothing was given under oath, and even garbled history is protected by the First Amendment. Anyhow, the “client made me do it.”

Nor must pollsters pass state qualification exams or survive inspections like those conducted by the American Bar Association. There are no background checks to expose technical insufficiency or youthful statistical indiscretions. Pollsters seek (if not outright claim) civic trust, yet they have not passed any of the hurdles imposed on other public servants. They would, no doubt, insist (correctly) that such preconditions are inappropriate for private employees.

Truth be told, measured against legal constraints dealing with registration, reporting of financial contributions, revealing potential conflicts of interest, and comparable other restrictions, those conducting surveys deserve *less* public trust than lobbyists or newspaper reporters. After all, a reporter who plays fast and loose with the truth might have his or her “facts” rebutted, and the

newspaper is shamed; polls utilizing peculiar definitions, bizarre samples, and other suspect oddities are under no legal or professional obligation to come clean, and even if they did, the absence of scientific standards easily excuses such eccentricity. At most, polling eccentricities generate a tempest in a teapot.

Poll defenders will, true to form, insist that professional ethics make public (legal) supervision unnecessary. The guiding parallel is not, say, an FTC-like commissioner checking questionnaire minutiae, but government-employed doctors or scientists behaving responsibly with minimal occupational regulations. Self-imposed discipline, the argument continues, not dreaded, public-specified retribution, assures responsible behavior.

This rejoinder remains unconvincing, though professional ethics are hardly dismissible. Overseeing organizations like the American Association for Public Opinion Research (AAPOR) or the National Council on Public Polls (NCP) are far cries from the ABA or the AMA in formal power. (And membership is optional—one can manufacture polls without joining.)

Even among members, however, ethical standards are entirely voluntary and, critically, enforcement mechanisms are nonexistent. The AAPOR Code of Professional Ethics is remarkably revealing on this matter. Part II, section C, paragraph 2, stipulates that members will not use their AAPOR membership “as evidence of professional competence.” This is the equivalent of reducing the AMA to an organization that offers no more than

a journal, access to an online discussion group, and a once-a-year professional meeting with a golf outing. Physicians in such an association would rightly conclude that membership signified nothing about professional competence.

Moreover, responsibility, democratic or otherwise, minimally requires that

independently issued their directives. Even if each body legitimately claimed to be slavishly heeding the public will, citizens still could not govern.

Our analysis is not about polling honesty or its technical acumen; it concerns the polling industry’s legitimate civic position. Though poll-driven democracy devotees may desire a more force-

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those exercising power be clearly identifiable. Phrases such as, “Congress is abdicating its constitutional responsibility by permitting executive agencies to legislate” reflect this core desideratum. Thanks to political accountability, advocacy groups routinely can expose everything from tainted campaign contributions to agency misconduct. When the information is hidden or withheld, Freedom of Information Act (or other) procedures can be invoked.

Again, the transparency of polling falls short. Pinning responsibility on Congress for foolishness is not easy, but try fingering the culprits who supplied legislators with flawed Panama Canal Treaty polls. Survey sponsorship and construction are beyond public scrutiny.

Being able to impose blame does not, of course, guarantee democracy, but democracy (however defined) is inconceivable without public accountability and accompanying punishments. Visualize a system claiming to be “democratic” in which hidden legislatures and executives galore all in-

ful role for their favored “voice of the people,” pollsters remain on the fringes though, obviously, officials routinely utilize poll-generated numbers. We assert that this peripheral role is absolutely proper, *provided* that the industry continues to cherish its total independence from public accountability.

Make no mistake, this is a great arrangement—pollsters need not fear surprise no-knock official data inspector visits (and fines for contaminated indicators). Nor must pollsters pass state exams to practice their trade.

On the other hand, this nearly complete freedom from such supervision (and legal action) is “paid for” by having poll results being treated as little more than curiosities in a war of words. Only when *both* greater official legitimacy and autonomy are simultaneously desired does the problem surface.

Take this as a warning—as polling grows ever more “official” (as the fans of “greater” democracy would have it) it will surely invite a not-so-passive Uncle Sam into the firm as a new partner. ●