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Chair Kilmer, Vice Chair Timmons, members of the committee, and staff: my name is Molly Reynolds and I am a Senior Fellow in the Governance Studies Program at the Brookings Institution. I appreciate the opportunity to testify today on how Congress might improve its culture and, more generally, the chance to contribute to the vital work of this Committee.

I have spent my entire professional career as a student of the United States Congress, and believe deeply in its role as a vigorous, co-equal branch of government that can serve the public good. My thoughts today draw on my own research and that of other political scientists, both those who focus on the Congress and those whose work on the broader American political system helps understand the incentives members of Congress face as you carry out your responsibilities.

I will begin with a word of caution: as you consider approaches to building a more civil and collaborative culture in Congress, you should avoid assuming that there is a "golden era" in which Congress "worked" and whose practices you should strive to emulate. That is not to say that there are not ways to improve Congress's culture; there are. But they do not involve getting in a time machine and returning to decades past. This was true before the insurrection at the U.S. Capitol on January 6, but that horrific episode emphasizes the degree to which simply winding back the clock is not an option.

To anchor this caution against nostalgia, I will offer a brief overview of a few important trends in American politics which are likely to be familiar but are helpful to review.[2] First, at the level of the mass public, voters today are better sorted into the two parties along both ideological lines (that is, conservatives identifying as Republicans and liberals as Democrats) and social identities, including race. As a result, both parties now have more homogeneous constituencies. Research also suggests that this increasing homogeneity has led voters see partisanship as a stronger component of their social identity, which, in turn, leads them to see themselves as more different from and to dislike members of the other party.[3]

Second, on the issue of elite polarization: political scientists generally capture polarization using a measure based on members' voting records. While any single approach will have drawbacks, this measure indicates that polarization in Congress was relatively low between the 1930s and the 1970s but grew to record levels by the 2000s. The period of increasing polarization since the 1970s has been asymmetric and has been more associated with the movement of Republican legislators to the right than with Democratic members to the left for this entire period. To the extent that Democrats have moved in a more liberal direction, it has been driven by demographic change in the caucus as additional Black, Latino/a, and female representatives have been elected as Democrats. Legislators from these demographic groups

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[1] The views expressed are my own and do not necessarily reflect those of staff members, officers, or trustees of the Brookings Institution. Brookings does not take institutional positions on any issue.
[2] While this paragraph and the one that follows it draw heavily on a wide range of political science research, my summary here draws on a more extensive summary provided in Nolan McCarty, *Polarization: What Everyone Needs to Know* (New York: Oxford University Press, 2019).
[3] Lilliana Mason, *Uncivil Agreement: How Politics Became Our Identity* (Chicago: University of Chicago Press, 2018).

tend to be more liberal, and their increasing representation has shifted the average position of the Democrats to the left.

To see this demographic change in Congress, we can use data from *Vital Statistics on Congress,* a long-running resource for data on the House and Senate which I now supervise at Brookings and which has documented the demographics of the House over time.[4] In the 92nd Congress, which began in 1971, there were 13 women, 13 African-Americans, 5 Latino/as, and 2 Asian-Americans in the House of Representatives. When the 117th Congress convened in January 2021, there were nine times as many women (118), four and a half times as many African Americans (58), nine times as many Latino/as (44), and seven and a half times many Asian-Americans (15). To be clear: a more diverse House of Representatives which better reflects the diversity of the country is a good thing for our democracy, and we should applaud efforts to make the demographics of the chamber look more like the demographics of the country. But a more diverse chamber cannot, and should not, operate under the same institutional culture that its less diverse predecessors did.

These changing demographics, however, are not the only reason why we cannot divorce a conversation about the changing culture of Congress from one about racial politics in the United States; we also must consider the consequences of the realignment of southern white voters from the Democratic party to the Republican party. While there are a number of scholarly accounts of why this shift happened and what mechanisms drove it,[5] the electoral consequences for members of Congress were significant. At the presidential level, evidence of the realignment first emerged with the South's support for Barry Goldwater in 1964; the down ballot consequences developed more slowly, culminating in Republicans winning a majority of southern seats in both the House and Senate for the first time in the 1994 elections.[6]

As political scientist Frances Lee has argued,[7] one consequence of the long, post-war dominance of the Democratic party in Congress—facilitated by the alliance between northern liberal and southern conservative Democrats—is that it shaped members' expectations about the outcome of the next election; members of both parties believed that Democrats would hold the majority during this period. Beginning in 1980, however, both parties began to see the majority as winnable in the next election, and members' behavior changed accordingly. When party control is seen to hang in the balance, members see more value in a "confrontational style of partisanship" that disincentivizes cooperation and giving members of the other party victories on which they can run in the next election; messaging prevails over legislating.

Charting a course for change also requires being honest about elements of previous Congresses that may have encouraged a collaborative culture and that were changed reasons detrimental to the health of the institution, but to which we cannot return for other, good reasons. Illustrative of this dynamic are calls for members to move their families to Washington. The notion that the culture of Congress has changed for the worse because, for example, members and their families do not socialize with other members and their families is widely held.[8] The shift away from relocating one's family is often attributed to changing

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[4] Brookings Institution, *Vital Statistics on Congress* <https://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/>, Tables 1-16, 1-17, 1-18, and 1-19,

[5] See, for example, Edward Carmines and James Stimson, *Issue Evolution: Race and the Transformation of American Politics* (Princeton, NJ: Princeton University Press, 1989) and Eric Schickler, *Racial Realignment: The Transformation of American Liberalism* (Princeton, NJ: Princeton University Press, 2016).

[6] For the share of southern House and Senate seats held by Democrats over time, see *Vital Statistics on Congress,* Tables 1-2 and 1-4.

[7] Frances E. Lee, *Insecure Majorities: Congress and the Perpetual Campaign* (Chicago: University of Chicago Press, 2016).

[8] Paul Hanges, Frances Lee, Kristina Miler, and Jennifer Wessel, "Report on the Organizational Climates of Congress," University of Maryland, 2019

expectations in the 1980s and 1990s whereby members should avoid being seen to have "gone Washington."[9] Viewing time spent in Washington as something to be avoided is detrimental to the health of the institution and we should work to change the understanding of it as such.

But even if this framing is harmful, that does not mean that pushing to rollback one of its consequences and calling for more members to relocate to Washington is automatically the right thing to do. While we lack comprehensive data on the occupations of congressional spouses, either historically or today, it is fair to suspect that more members today may come from dual career families.[10] Moreover, if we care about continuing to diversify the range of perspectives which lawmakers bring to Washington, we do not want to create systematic barriers to individuals with caregiving responsibilities from serving in Congress. Again, this is not to downplay how personal relationships can play a role in facilitating collaboration. It is simply a reminder that there are tradeoffs in returning to earlier models of creating those relationships.

As we consider the role of interpersonal relationships in Congress, it is worth considering the difference between productive *legislative* behavior and good *interpersonal* behavior among members. In the language of this hearing's title, I would consider "collaboration" to be more closely related to the former, while "civility" is more nearly associated with the latter. Considering changes meant to improve interpersonal behavior should always involve questions about what a culture of civility is in service *of.* Civility, and good interpersonal behavior more generally, can encourage collaboration and other productive methods of doing legislative work. But calls for civility also have a long history of serving as a means of attempting to suppress marginalized groups; as John Stuart Mill wrote in *On Liberty,* "with regard to what is commonly meant by intemperate discussion…the denunciation of these weapons would deserve more sympathy if it were ever proposed to interdict them equally to both sides; but it is only desired to restrain the employment of them against the prevailing opinion."[11]

Along similar lines, we often hear discussion about norms as being central to collaboration in Congress, and that the difficulties Congress currently faces in addressing the issues facing the country is because these norms have been abandoned. Norms, however, exist in what political scientist Sarah Binder has described as a "positive feedback loop: lawmakers sustain norms that they believe with redound to their benefit within an institution."[12] As we consider the role of norms in cultural change in Congress, then, it is worth remembering that they tend to serve the existing status quo approach to doing business well. It is equally important to think about how building new norms requires convincing members that they will help them accomplish their goals.

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[9] Thomas E. Mann and Norman J. Ornstein, *The Broken Branch: House Congress is Failing America and How to Get It Back on Track* (New York: Oxford University Press, 2006).

[10] For a journalistic discussion of the changing nature of congressional spouse careers, see Liza Mundy, "The New Power Wives of Capitol Hill," *POLITICO Magazine*, July/August 2014 <https://www.politico.com/magazine/story/2014/06/the-new-power-wives-of-capitol-hill-108012/>

[11] John Stuart Mill, *Utilitarianism, Liberty, & Representative Government* (New York: E. P. Dutton, 1910), 150; quoted in Kathleen Hall Jamieson, Allyson Volinsky, Ilana Weitz, and Kate Kenski, "The Political Uses and Abuses of Civility and Incivility," in *The Oxford Handbook of Political Communication,* Kate Kenski and Kathleen Hall Jamieson, eds. (New York: Oxford University Press, 2017, 205-218): 211-212.

[12] Janna Deitz, "Sarah Binder Weighs In: Institutional Hardball – in Congress and the White House – and the Legislative Road Ahead," *Insights: Scholarly Work at the John F. Kluge Center of the Library of Congress*, February 24, 2021 <https://blogs.loc.gov/kluge/2021/02/sarah-binder-weighs-in-institutional-hardball-in-congress-and-the-white-house-and-the-legislative-road-ahead/>.

Being mindful of this distinction between interpersonal and legislative behavior, I believe that improving the latter requires creating more opportunities for members to have efficacy in the legislative process. Here, as before, I encourage you to think creatively beyond approaches used in the past and to recognize that because rules and procedures accumulate on top of one another, various procedural reforms can end up existing in tension with one another.

Here, it useful to explore the House's experience with reform in the 1970s.[13] The Legislative Reorganization Act of 1970 required committees to adopt written rules, ended the practice of voting by on amendments by teller in the Committee of the Whole, and stipulated that committee roll call votes be public. In 1971, the Democratic caucus began limiting members to a single subcommittee chairmanship, and in 1973, the caucus adopted the so-called "Subcommittee Bill of Rights," which, among other provisions, allowed committee members from the majority party, rather than the chair, to select subcommittee chairs; that package of reforms, as well as a subsequent one in 1975, also expanded the resources available to subcommittees. Beginning in 1973, House committees were required to open their hearings and meetings to the public unless the panel voted to close the session, incentivizing rank-and-file members to use committee proceedings for their own individual goals. In 1974, the House allowed bills to be referred to multiple committees, which was seen, in part, as providing more members the opportunity to weigh in on legislation. And in 1975, the Democratic caucus deposed three of its committee chairs, undermining the strict seniority system for awarding chairmanships and weakening chairs' power.

The consequences of some of these reforms, however, proved challenging to the majority party. Providing for recorded votes in the Committee of the Whole, for example, helped, along with the newly implemented electronic voting system, lead to a significant increase in the number of amendments offered; the newly empowered subcommittee chairs, moreover, often found themselves managing debate on these bills with little previous experience in controlling the floor. A desire for a less chaotic process contributed to Democrats' embrace of restrictive rules that limited amendment opportunities during the 1980s. In other cases, reforms that were originally aimed at opening up influence to more members ended up being used for other purposes. By the late 1980s, for example, multiple referral had become a tool of increased Speaker power through the imposition of tight deadlines and the use of restrictive rules to protect cross-committee agreements on the floor.

In contemplating procedural reforms to encourage collaboration, then, you should expect that they may be in tension with other realities of the contemporary legislative process and seek ways to work within those constraints. One particular area I would encourage you to consider is ways to provide members to claim credit explicitly for legislative wins, even when those wins do not involve the passage of a bill on which the member was the lead sponsor. The Committee's previous recommendation related to congressionally-directed spending—which informed, in important ways, the Community Projects Funding initiative led by the House Appropriations Committee in the 117th Congress—is one such approach. Another option would involve formatting committee reports in such a way that make clear which provisions were added as the result of member requests at the drafting stage or as the result of specific member amendments.[14] Along the same lines, providing a clearer accounting of which standalone bills are incorporated into large, omnibus packages would help the members and committees who put in the difficult work to draft those individual components claim credit for their effort.

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[13] Eric Schickler, *Disjointed Pluralism: Institutional Innovation and the Development of the U.S. Congress* (Princeton, NJ: Princeton University Press, 2001).

[14] This idea was also discussed in the Report of the Congressional Reform Task Force, Convened by the American Political Science Association, October 2019 <https://www.apsanet.org/Portals/54/APSA%20RPCI%20Congressional%20Reform%20Report.pdf?ver=2020-01-09-094944-627>.

To conclude, I want to emphasize that there are limits on what changing the rules and procedures under which you operate can do to change the culture of the institution. The incentives you face as you do your work are also shaped by the rules under which your districts are drawn; by how your primaries are conducted; by how your campaigns are financed; by the media environment that generates coverage of your work; and by laws that, in some places, ease and, in a growing number of other places, restrict the ability of your constituents to vote for you on Election Day. An overview of the evidence on how specific changes to this complicated set of laws and rules would change the institution is beyond the scope of this hearing (and my expertise), but they certainly affect your incentives and thus your culture. I do not draw attention to these limitations to deter you from the important work of improving Congress's culture, or to provide you with a scapegoat for making hard choices about how you do your work and how you conduct yourselves while doing so. If anything, I hope that they serve as a reminder of the importance of the productive, collaborative, and institutionally valuable work your panel is committed to doing. Thank you again for including me in these efforts.