

Sunwater Institute

Interview with Larry Evans

MATTHEW CHERVENAK: Larry, thanks so much for joining us.

EVANS: My pleasure. Glad to talk with you.

CHERVENAK: Why don't we start with an introduction to yourself and your background and the arc of your career?

EVANS: I'm a professor at the College of William & Mary in Williamsburg, Virginia, and I've been here since 1987. I started my career as a grad student at the University of Rochester, where I worked with a fellow named Richard Fenno, Jr, who was—I think by most accounts—the preeminent scholar of Congress since World War II. Dick Fenno focused a lot on observation of Congress. Following members around and trying to get an over-the-shoulder view. And he was my mentor and has affected my career since then.

After working with him, I spent a couple of years at the Brookings Institution up in DC. Mostly working on a dissertation, which became my first book and used Fenno-esque methods, if you will. It's on the Senate and on committees.

And then came back to William & Mary and did some teaching for a while. Then, to get some practical exposure to the Congress, I participated in a program called the Congressional Fellowship Program of the American Political Science Association. And I think you'll see that most people—a lot of people who do research on Congress the way I do—have come through that program through the years.

I was fortunate to spend a year working for Lee Hamilton, who was then a House member from Indiana. Had been in the institution for about thirty years. Very respected guy. Very oriented towards the institution. And as part of that fellowship, he gave me responsibility for handling congressional reform issues. Basically, a resolution that he had introduced to set up a committee to study reform and make recommendations.

Lo and behold, that resolution actually passed. And so, they set up this committee called the Joint Committee on the Organization of Congress in 1992 and '93. He was asked to be co-chair but for the House, and he then asked me to staff that for him, so I worked as his associate staffer on that committee throughout '93 and into 1994. At which point, there were some significant changes that occurred on Capitol Hill. Democrats lost control of the House and Gingrich became the speaker and so on and so forth.

So, I came back to William & Mary, and I've been teaching here on and off ever since.

My research, largely, is about the internal operations of the House and the Senate—procedures, parties, leaders, reform—and my primary focus is on teaching and research.

At various points, I've been a chair of the Legislative Studies section of the American Political Science Association. I co-edited the journal that's the leading scholarly journal about legislatures for a while. And that brings us to where we are now.

CHERVENAK: Why did you abandon Washington for rural Virginia?

EVANS: Well, I didn't really abandon Washington for rural Virginia. I started here—I kind of abandoned rural Virginia and academia for brief periods throughout my career to get some more practical exposure on Capitol Hill.

Williamsburg is only about two and a half hours from DC, as I'm sure you know, and I go up quite often. I've testified numbers of times before House and Senate committees. I've done a lot of interviews over the years. Hundreds of staffers. Dozens, certainly, of members. So, I don't feel like I've really abandoned anything. I just enjoy the university environment.

CHERVENAK: In terms of your broad research agenda, you mentioned the operations of Congress, which is, of course, what we're interested in. Can you tell me a little bit about, What are the core kinds of questions you've been interested in over your career in broad strokes? And then we can get into the details of each one?

EVANS: I'm interested in several related themes. One is the independent impact of leaders, whether they're party leaders or committee leaders. The extent to which what they do has an independent impact above and beyond the context. I'm interested in the role of parties and partisanship. And how it's evolved.

I've got a major interest in procedure. This dates back to my years working as a staffer on a reform committee. And how procedure channels decision-making. Because the committee I worked for was responsible for coming up with recommendations for reform, I've really been interested in institutional change through the years.

And, of late, also in part because of the rise of communications and messaging on Capitol Hill, I've become more interested in the relationship between these internal features of the legislature and a broader political climate. I've come to the view that you really can't separate what happens at home from what happens inside the Beltway.

CHERVENAK: Why don't we start with the committees because I read your book on committees, and a lot of people think of committees as the core information-processing centers, if you will, of Congress. And the action centers, at least in the past.

Can you start off by describing your overall view of committees? What really are they? And then describe how you view process and leadership within a committee. And how that varies between committees and over time?

EVANS: Committees, as you know, are almost as old as the House and the Senate. They emerged in the second date of the nineteenth century, basically because the House and the Senate needed a division of labor to function efficiently. And so, they set up the standing

committees of the House and the Senate, and members basically gravitated toward committees where they had a particular interest or level of expertise.

They've risen and fallen in importance through the decades—through the centuries—but have always been a key institutional feature.

Fast forward to the last twenty or thirty years, I think most people would agree that the locus of decision-making has shifted out of this standard committee process. And that parties have become more important as arenas where people get stuff done or cut and so on and so forth.

Members seem less invested in their committees. And a lot of people argue that has a detrimental effect on legislation because you don't have as much specialization expertise. And so on and so forth.

I think there's something to that, but I also—in studying committees through the years—have a somewhat different view. The first project I did—actually my doctoral dissertation—was about committee decision-making and leadership in the Senate.

And what was clear was that, to me anyway from that study, was that the formal arrangements—the committee staff, the rules of the committees, the subcommittee structure, and so on and so forth—really weren't what was critical in shaping decision-making.

Really it was more the goals and the interests and the preferences and the constituencies of the members. And too often when we study committees, we tend to get tied up in the formal procedural arrangements, and we don't look at the behavioral side of things.

That is relevant to this question of the relative importance of committees versus parties, I think. Because even now in 2020 during the Trump Administration when we look at legislation that moves, it is true that you don't have key decisions being made the same way in committees anymore, but within parties—for instance, on a tax bill, if you look at which Republicans or which Democrats are taking the lead within the party caucus or party conference, it tends to be members of the committee of jurisdiction because they're the ones with the expertise and the background and they care the most.

So, you see a division of labor. It's kind of rooted in the committees. It's just that those meetings we used to have where you had Ds and Rs sitting around a horseshoe trading ideas. Those have become less important as places where stuff gets done, and now they're just arenas where things get ratified.

So, the key decisions are being made outside of the committee rooms, but the committee members themselves tend to play a disproportionate role.

CHERVENAK: I wonder if that's in part because of the transparency question—where committee meetings have become more transparent—and so it's harder for opposing sides to get around a table and have those discussions that aren't going to be publicized. Whereas they

can have those kinds of private discussions within the party context. And I wonder if the power follows the lack of transparency, if you will.

EVANS: There's definitely something to that. If you look at twenty-first century communications technology and the messaging game, that's something that emerged in the late nineties and the early 2000s. and the distinction between campaigning, public outreach activity, and governing is gone. Right? It's all the same.

And so, put yourself in the place of member. If you want to be in a situation—if you're a party leader—in which there's not a clear position for the party up front and a bargaining that occurs is conducted out in the open in a committee room, which was the old style, right. The downside of that is that you're doing it in front of a public audience. And you've got interest groups and activists who don't want you to compromise, so it becomes very difficult to try out different proposals [and] go back and forth. The essence of bargaining is taking chances, showing some softness.

I do think that one reason why they have shifted legislative work out of the committees to these closed-party sessions is because of that bargaining dynamic. So, we've basically got a situation where the parties lock in early, with committee members playing a significant role in developing the party positions. Those lock in early, and then you kind of work through the process, and any compromise that occurs is further out. Down the line, maybe on the floor at the leadership level. Where they basically have to cut a deal to get anything through because of the nature of our system.

Whereas it used to be that give and take—that back and forth—occurred earlier.

Personally, I have a preference for the old way of doing things, but that could just be my gray hair and my age, which is over 60. It may just me being nostalgic for a foregone era.

CHERVENAK: Let's talk more about your original research on these committees. Can you talk about—when you think about a committee, obviously you can think about its procedural elements and its individual elements. And it seems that you've found that these individual elements were quite important, whether embodied in the chairman or in the ranking member, versus the procedure.

Can you elaborate on that a little bit? What were your findings? Do you think they're universally applicable?

EVANS: There are several key related finds here. First off, back in those days—. That was a book that came out in 1991—it was updated around 2000—. But there was a lot of research being done then about subcommittees and the institutionalized role of subcommittees in the committees of the House and the Senate. The nice thing about studying the Senate is that you've got institutionalized subcommittees on some panels but not on others. And what I found was that there was a division of labor rooted in subcommittee membership, pretty much across

panels. Whether or not they had any formal powers or not, which to me suggested it was the individual interests that drew those members to those issues to begin with, which was driving things, rather than structures.

In addition, another key way in which committees differ is the nature of the agenda. And that, in large part, is driven by the distribution of views and ideologies on a panel. For instance, if you've got a committee where there are a lot of moderates that can coalesce with a minority party, the chair's agenda setting power has become very important. The ability to determine what moves because there's some possibility that the committee is going to produce something that the majority party doesn't like.

So, once again, you've got an interaction between formal procedures—agenda-setting power on the one hand—and views and attitudes of the individual characteristics on the other. And that individual stuff kind of dominates.

CHERVENAK: It would seem that the weaker a procedural system involved in a committee—or the less rigid—the more opportunity there would be for an entrepreneurial leader who can fill that vacuum with his own personality. Do you think that some of the findings you had were based on this concept that maybe these rules and committees are not tight enough? Or do you think that, as a result, the committee leaders could shape things according to their interest?

EVANS: Often, in the Senate, for instance, where the structures and the procedures are just looser generally, both in the committee and on the floor, you've got people who aren't really formal leaders in an issue area playing a very significant role. Someone like a John McCain on campaign finance reform. And a lot of other examples like that.

And so, I do think that, yeah, lax procedures, if you will, do create opportunities for entrepreneurship. Whether it makes sense to promote that or restrain that, I'm always—these days—looking for ways to make members more entrepreneurial. I would like to see more activity, more creat[ivity] in the process.

I think strengthening procedures—tightening them up—might actually work against that.

CHERVENAK: I think, again, sometimes that depends on—and this is a general discussion about any kind of democratic process—and there'll be some people with more expertise than others and more passion than others.

EVANS: Yeah.

CHERVENAK: And do you amplify those people's influence? Or do you level-set everyone so that no matter how much someone knows or doesn't know, they have the same voice on a committee?

EVANS: Yeah, yeah. I actually think that interests and expertise in the end carries the day. That really no matter what—. Tighter procedural arrangements can empower a leader to allow that individual, him or her, to block participation. So, for me, tighter procedures always work against

individual entrepreneurship. And if you got loose enough—you've got enough opportunities to participate—then I think just the natural creativity of politicians will kick in.

CHERVENAK: And so, how does your work connect with this—I guess it's in the literature where some of the committee heads who had been there for a really long time and were resistant to change and weren't responding to the needs of the country or to the majority—. Did your research have any influence or impact from that kind of discussion?

EVANS: When I wrote about committees in sort of the late eighties and early nineties—indeed, when I worked on congressional reform issues in the early 1990s—that was sort of the end of that period where you had really powerful House committee chairs. Democrats. This is John Dingell. Jack Brooks. And—. That crowd.

And they were really consequential players. The roles of the chairs had been constrained already. That process began back in the seventies. And party leaders were becoming—and more important as early as the late 1980s—but those committee chairs were still deferred to a whole lot.

What happened basically is when Gingrich became speaker in the House, he recognized this. He had observed these committee chairs tying people like Tom Foley and Jim Wright in knots, and he didn't want them to do it to him. And so, he implemented a bunch of changes, which constrained the ability of chairs to act as independent, sort of, autocrats or chieftains, if you will. He term-limited them, and so on and so forth. And did a number of other things.

And that basically shifted power away from the chairs at that point.

And when the Democrats took the place back, under Nancy Pelosi, fifteen years later, that renewed role of the leadership and the constrained role of the chairs continued.

And so, you're right. There has been a significant shift over time, and a real change in the internal operations of committees since I started studying them.

CHERVENAK: One of the discussions that I've had has been with the Levin Center, and they're focused on the concept of oversight. And there's been some work recently talking about oversight being the primary function of committees these days rather than legislation. Do you have any thoughts about the role of the committee changing in that regard? My question is really, What's your thought on this concept of oversight versus legislation in a committee?

EVANS: I think oversight is critical. And there are disagreements about the extent of the oversight and its quality over time. Because it's hard to measure. The obvious way to do it is just to go count hearings. Count legislative hearings versus oversight hearings.

If you do that, you've seen a dramatic increase in oversight hearings and a reduction in legislative hearings, and some look at that and go, aha, the House and the Senate are turning into vehicles for congressional oversight.

To me, that's laughable. I mean, to look at what occurs on Capitol Hill these days and say there's significant systematic oversight in both chambers—above and beyond party politics—I think is borderline ridiculous.

As far as oversight goes—and by this, I mean real oversight where you're trying to evaluate the quality of the implementation process in the executive branch—I think, for decades, the primary locus of that has been the appropriations process.

So, every year, the twelve appropriation subcommittees go to work—people from the executive branch come on over. They have a budget request. The members at the subcommittee level ask detailed questions about operations, efficiency, and so on and so forth.

To me, that's a very effective way of overseeing what's going on over there because the executive branch wants its funding, right. And that's inseparable from legislation.

Along those lines, traditionally the authorizations process was a key vehicle of oversight. It was legislative, but it was also a vehicle of oversight. Because again, you'd have the executive branch folks come on over. You'd talk about how well a program was going. Let's say you were reauthorizing the Elementary and Secondary Education Act, they'd have people over from the Department of Education, and folks in from the groups.

And this was a way to evaluate implementation via authorizations. Now, unfortunately, over the past I'd say two decades, the authorizations process—and now the appropriations process—have imploded.

It started back in the nineties—late eighties and nineties—with authorizations because they had difficulties getting authorizations bills through. And so, basically, they started backing the authorization legislation up into appropriations bills. And then you fast forward into the Bush Administration—Obama, up to now—and we've seen the appropriations process, to a large extent, imploding.

It's very rare that they pass even most of those appropriations bills. And so, I think the fallout of all of this—there have been some issues, obviously, on the legislative side—but also an attenuation of oversight and a reduction in its quality.

CHERVENAK: In terms of the committees, if we go back to that, one of the areas that's been discussed is the expertise on committees and whether that's stable. Is it enough? Should the committees be bigger or smaller? Should they have more staff or less? Should they have a bigger budget or not? What's your opinion on those based on the work you've done? Especially since committees may or may not connect with any real economic slice—they may be irrational in their construction—but nonetheless there is this concept of expertise in committee. And how much does it cost? And where is Congress now compared to where it should be in staffing and funding those committees?

EVANS: If you look at just funding levels—these are the number of staffers and so on and so forth on committees—it's fallen since the nineties when the Republicans took control in '95, they reduced the committee staffs by, I think, a third or so. And they have never really recovered.

Committees have access to less in-house expertise than they did twenty, thirty years ago. And I think a strong argument could be made that those staffing levels ought to be moved back up. I'm not saying they need to be tripled or anything like that, but just moved up to what they were before.

There have been proposals to create more of a bipartisan core in committee staffs. So, if you go and look at the Armed Services Committee, for instance, in the House, traditionally there's a collection of aides—professional staffers who work for both the majority and the minority. There are others who are primarily wearing a Republican or a Democrat hat, but still there's this core group that staffs both sides.

In part that's because Armed Services has had this cross-partisan ethos traditionally. But it's a pattern or a practice that I think could be generalized. And I think it would actually improve committees as arenas of decision-making. It would reinforce the notion that there are facts that everyone can agree on—[and] it's not all spin—if there was this group of experts who staffed both sides.

That's the kind of thing I would look at. Maybe increasing the committee staffs up to where they were in the mid-nineties. And then thinking about providing incentives for chairs and ranking minority members to agree on some sub-set of the staff serving both sides.

CHERVENAK: The Armed Services Committee, I think—and you may correct me if I'm wrong—but they're also one of the less transparent committees in terms of having private meetings—

EVANS: Yes.

CHERVENAK: —where they can do a lot of that discussion that you mentioned earlier that's not in the public spotlight.

EVANS: Yeah, because of the classified information, but, you know, there are other committees—Commerce or Small Business—where you've got pretty strong constituent links that Democrats and Republicans share. And at least the possibility of having them share expertise. I just think that would be a good move in terms of deliberation.

CHERVENAK: In your work on committees, did you ever have any thought about the size of committees and what's optimal? Number of members on the committee versus—not just the staff—but the actual number of voting members?

EVANS: Yeah. We spent a lot of time in '93 [and] '94 in the Joint Committee on the Organization of Congress looking at committee jurisdiction reform and size and the like. Many, many months focusing on those issues. And I was always—. The view I came to hold—and this was not

embraced by many members—but the view I came to hold as an analyst was that we ought to have a system in which the committees are about the same size in terms of jurisdiction.

It was less about members, but it was more, having a more equal distribution of turf. Because in the House, you've got Ways and Means. And Commerce. And [Appropriations]. Really important committees that everyone wants to serve on because they get these giant jurisdictions.

And then you've got these other panels—Small Business and some of the others—that are much more narrow in their jurisdictions. So, what happens is you get an unequal distribution of workload across members based on which committee they're lucky enough to serve on. So, if somebody appointed me engineer of the House, and basically said, you can go and reorganize this thing any place you want, I would probably start with the committees.

I'd focus on jurisdictions that are about the same size—and that were functionally logical, that related to one another. And, yeah, I probably would have basically equal numbers of members.

These days, you go into the Transportation Committee—I don't know how many people it's got on there now—but there were years when they had over seventy members. They literally did not have enough chairs to get them all in there. And that's not a real [deliberate] process.

But, I would focus on jurisdictions first. And then committee size.

Bottom line is, though, they're not going to do any of that because those committee jurisdictional relationships are so closely tied to power relationships, constituency link-ups, fundraising and the like, that members are loath to make any changes.

CHERVENAK: Yeah. In terms of the committee rules you mentioned before, your research found that the personality was important. But did you learn anything about the rules—. What rules may work? Which ones don't? Or which ones favor certain kinds of policy outcomes versus others? Or [which ones are] value-neutral?

I recall in your book you had this concept of administrative efficiencies where some of the chairs focused on the function of the committee's efficient processing and reducing this frictional cost of information flow and legislative creation. To me, that sounds like a very desirable kind of chair.

I'm curious about your thoughts in that regard. What is the leader trying to maximize ultimately? Are they maximizing their own value judgments on policy? Or are they trying to maximize the value this committee brings as a whole?

EVANS: I think all of the above. You're right. There are different kinds of impacts that leaders have in committees. Sometimes it's basically largely exerted through agenda control determining what bills move [and] what bills don't.

Other times, it's more strategic. Convincing members to legislate in committee with an eye toward the floor. And anticipate problems down the line.

Other times, as you mentioned—I think it was the Commerce Committee I was writing about in those days—the focus is more on moving large numbers of reauthorizations and making sure that that process is efficient.

The impact of the leaders and where they focus is, in large part, driven by the jurisdiction. A committee like Labor Committee, which had jurisdiction over Health—which is a front burner, partisan message issue—a lot of the focus was on controlling the agenda and maintaining the party's grasp. Whereas Commerce, which I mentioned before, a lot more cross-partisan, low visibility issues often. There's more of a focus on efficiency there.

To answer your question, if you take the Committee on Finance, which has got a very, very partisan jurisdiction—or the Judiciary Committee of either chamber—I don't know how you get leaders primarily focused on efficiency and administration. You can't avoid the broader partisan messaging game.

CHERVENAK: Excellent. So, on the committee side, I think we've covered quite a bit there. One curiosity I have since you've had direct experience on the committees, in addition to thinking about them. This concept of information collection is an interesting one for the committee, whether it's related to its oversight role or its legislative role.

You mentioned earlier one of the key ways to get information from the executive branch—sitting down and talking to them, et cetera—but today there are so many other ways to get information. And obviously the information you get from the executive branch is going to be of a certain flavor. Do you have any thoughts about making that a more systematic process where they bring in information from outside? What could the committee's information collection role and processing role be when it relates to their area of jurisdiction?

EVANS: Members of Congress and committees are buffeted by pressures and information. That's the first thing you notice when you start working on Capitol Hill. Is that it's an information wipeout. You're getting it from interest groups, from lobbyists. There are all kinds of internal sources of information. CRS. Committee staffs and the like are enormously expert on matters of jurisdiction. You're getting it from the executive branch.

It's like this tsunami of information. And so, it's not so much getting access information but figuring out how to deal with it and how to process it.

And those kinds of decisions typically are driven by the substance of an issue and the short-term decisions you have to make and where you're making them.

So, if you've got a committee where you're meeting maybe semi-privately—you don't have the interest groups right there in the room—and there's a bipartisan core to the staff. And the

members are just talking to each other across the table. There's certain kinds of information that naturally bubble up and gets considered in that kind of environment.

On the other hand, if you've got a real partisan fight going on, and you've got the key decisions on some big tax bill being made, and a Democratic caucus and a Republican conference, with committee members, you're going to be looking toward different sources of information. Different kinds of information kind of rise to the top.

So, I guess what I would suggest is you don't think about information gathering first [and] then decision-making. Because what happens is often the opposite. You've got the style of the decision—where it's being made—which naturally leads you to—. Cultivate or consume the information that you've got in a certain way.

CHERVENAK: Yeah, I think that's, for me coming from a science background, that's obviously putting the cart before the horse. You've made a decision and you're justifying it with whatever data you can find versus, as you said earlier, working from a common set of facts. Right?

EVANS: Right.

CHERVENAK: And ultimately the better scenario is you have a common set of facts and you're having opinions based on those facts—with different values on those facts—but at least the facts could be something that people agree on. And is there a way to structure that in a committee, I wonder, that could improve things.

One question I also had related to this concept of the committee and the information collection, before we move on to other topics, is the hearing.

I'm curious on your opinion of hearings. Obviously, they have multiple functions—they're part theater, part information collection, part statement—but they do also have a potentially very valuable information collection function that is substantive. And could be expanded if you had more hearings or lower barrier to entry hearings. Or they could be curtailed and all these informal ways of collecting information could be expanded.

What's your thought about the hearing and where it is? Where it should be? What its potential is?

EVANS: I like hearings. I know a lot of people make fun of them and ridicule the hearing process. You know, you might only have four or five members there, and one or two of those members will be answering mail and doing something else while the hearing is going on. Not too many people watch hearings on C-SPAN. And so, it just seems to a lot of folks kind of a relic of a bygone age and not really all that useful.

As a staffer, though, I came to realize that hearings are really important. For one, on a committee I worked for, we ran must have been seventy or eighty days of hearings. An enormous amount of work went into putting those programs together. And we learned a ton at the staff level from doing that. And that sort of bubbled up to the member level.

In addition, as an aide, what you find—this is in personal offices, committee offices, it doesn't matter—when you're working for a member of Congress, the most valuable commodity in the office is that member's time. And those members are stretched very thinly. And, I couldn't just walk into Lee Hamilton's office—he was chair of the Foreign Affairs Committee [and] there were a lot of people who needed to talk to him—I couldn't walk in any time I wanted and say, hey, Lee, here's something I'm thinking about. What do you think? And so, you need to have a reason to get the member to focus on you and your issues.

And hearings do that because if you've got a hearing coming up on a Wednesday or a Thursday, the member knows that he or she is going to have to go there. And ask some questions, and at least appear to be reasonably informed. And so, what that does as a staffer is it gets you access to the member's time and allows you to bring them up to speed. And inform them. And that's not possible unless you've got a hearing or something else that forces them to pay attention.

In many ways, I think that the way hearings focus the members' time is probably their most important impact.

CHERVENAK: Excellent. Why don't we move on to some other topics then. You mentioned that another area of your interest and research is on the parties. Why don't you talk to us a little bit about what you're doing in that regard—what you've found and what questions that you're trying to answer. And where you think the future of the research should go in that area.

EVANS: I just finished a book about the whip process in the House and the Senate. It's a long-term project. I got interested in "whipping" basically when I was working on Capitol Hill. My boss had been a former member of the whip process, and I saw them around, and it seemed like an interesting process that largely occurred outside of the public eye.

Around that time, there was also a growing interest among academics in the impact of partisanship as opposed to the preferences of members. And people were asking questions and doing research about the impact of party leaders above and beyond those preferences that members bring into the legislative process.

And, at the time, I thought—because of what I had observed with the whips—that this distinction between partisanship and pressure and whipping on the one hand and preferences on the other wasn't real. That members of Congress don't enter the legislative process with preformed preferences. They've got goals. They've got interests they need to satisfy. And aims. But they don't have locked in preferences. And those preferences develop as part of the legislative process. And that in many ways, the whipping process is the vehicle through which parties have an impact.

So, I was really interested in how whipping occurred on the ground. The problem was, How do you study this? Because party leaders don't like to share this aspect of their duties for obvious reasons. Indeed, I remember I got access to a top aide to Newt Gingrich back in the nineties, and said, It'd be really wonderful if I could just have access to a few of these internal whip

counts—head counts—with the positions of the members on them for my research. And he kind of laughed me out of the office. Basically, he said there's no way—hell would freeze over before we'd share that with you or a journalist or anyone else.

And so, what I did was I started looking at the archived papers of former leaders—speakers, majority leaders, whips, minority leaders, and the like—and, lo and behold, I found that there were a lot of records of past whip activity going back to the 1950s.

For reasons lost in the midst of time, members of Congress own their papers. When they retire, those papers—their formal office papers—become their property and then they're sent off to some library or research institute somewhere out there in Podunk. And for reasons also lost in the midst of time, the leadership office papers are considered the personal property of the members.

And so, you know, there's a Gingrich archive down in Georgia that's got wonderful records of Newt Gingrich speakerships. The Tom Foley papers, up in Washington State University, just full of stuff about his time as speaker. And lo and behold, I think probably because people are lazy—[inaudible] Congress, if you're a whip staffer, you've got a file cabinet that's full, you've got to clear up some space for next year, so you put that stuff off in a box, and off it goes to Suitland, Maryland, or wherever they store this stuff, and then when that member retires it gets sent to the library.

If you're willing to do a lot of difficult library archival research through old documents, you can recreate the whip process of the past. And that's what I did.

I spent the better part of a decade traveling around to various research libraries. I put together a comprehensive database of all the head counts, the whip counts—that had been conducted from the 1950s basically up through Tom DeLay's time—and the position for the House. And also got some similar stuff for the Senate.

And that became this book that I wrote called *The Whips*.

CHERVENAK: And so, what did you learn from this incredible data collection and analytics exercise?

EVANS: Well, a number of things. There's always been this tendency for us to look at the House floor as locked down and predetermined, right. All these decisions get made in committee. [You] bring things up. Things are pretty scripted. These days you get a roll call vote, and it's sort of the Ds vote one way and the Rs the other. Boom. It's kind of uninteresting in a lot of ways.

But if you scrape below the surface and you look at what the leaders had to deal with as bills came out of committee, you see that these votes are in play eighty percent of the time on issues that matter.

For instance, Tom Delay—who had this reputation has the hammer, this guy who always put together winning coalitions on the floor so that people just came to expect it—you realize that

typically when a bill or vote was coming up on the floor during his years in the leadership [that] the Republicans might be down there about 170 or 180 in terms of how many votes they could count on. And then you'd have all these undecideds and people leaning the other way. And DeLay would then have to cut deals and make changes in the legislation.

What you get a sense of is that there's a lot more dynamic process out there on the floor than it appears to be watching C-SPAN from a distance or just counting roll call votes.

You also get a sense of the internal divisions within the parties. Republicans these days, there's a view that they're monolithic. Occasionally maybe you have some moderates splitting off. But interestingly enough if you go back to DeLay's time as whip, and that runs from '95 to 2002, 2003, you can see that there was this kind of U-shaped sense to the opposition. Where, sure, a lot of moderates didn't want to go along with the party position, but a lot of the right-wingers felt the same way. And so, you had early signs of the Tea Party—House Freedom Caucus Coalition—as early as late nineties, early 2000s. Where most of DeLay's real work was keeping these conservatives in line.

And that then leads you to ask all kinds of questions about how he and other whips did it.

Interestingly, if you look at earmarks, which have been in the media a lot. Congressional earmarks—. The Joint Committee on the Modernization of the House just recommended that they be brought back. If you look at just the sheer number of earmarks, they were pretty low until you get to '95 when you get to Tom Delay, who was a former appropriator, became majority whip.

All of a sudden, he's got a relatively small majority with difficulties because of the possibility that people on the right and left will peel off. All of a sudden, those earmarks just take off.

And a lot of Tom DeLay's success was by very efficiently using earmarks to essentially get members to tow the party line. It's a nice way, say, in the whip process, to get a sense of leadership and tactics and the like.

CHERVENAK: That's interesting and since today they don't have this earmark concept, then what do you have to lean back on? You have party-based spoils, whether it's campaign donations or You've got to go back to religion, right?

EVANS: Religion? Absolutely. Religion, and also substantive changes in the legislation. If you can't buy somebody off with an earmark, then you've got to shift the bill towards their preferences. And so, I do think it's harder to put together coalitions when you take that tool away from the leadership.

CHERVENAK: Excellent. So, that's your work on the whips. Any other areas you'd like to highlight?

EVANS: I'm a real fan of the United States Congress. I just enjoy it. I've always really loved researching it. I've got a number of other projects. I'm working on a book about decision-

making in the Senate within offices. It's based on some interviews I conducted years ago [that] I've dusted off and I'm bringing those back.

I'm really interested in legislative liaison from the White House. Because the White House has an internal whip operation too. There's an assistant to the president for congressional affairs. And we don't know that much about how they operate, so I've been thinking about that as a topic.

And also, just generally, methods. Qualitative research methods. I think scholars—you've seen this, I'm sure, in the discipline of political science—people have been drawn to large-end statistical science, particularly dealing with things like roll call votes, bill introductions, and the like.

I think that there's something to be said for the field to be shifting back towards the approach of my mentor, Dick Fenno. Doing more interviewing, looking at archives, as I did. More qualitative methods. So, I've been thinking about writing a short book about how to do that.

CHERVENAK: I think that's a great idea. On the one side, your finding [of] new data sets, is the opposite story, right. You found a quantitative way to debunk this concept of block voting, right?

EVANS: Right.

CHERVENAK: In one sense, you've used that yourself. But you're also pretty unique in that you've had this direct experience and are sensitive to the human factors on the floor. Even part of your research shows that the individual is important. It's not just a matter of rules and mechanisms.

EVANS: Yeah, absolutely. And in the archival research, you're right. It does produce quantitative, large-end data sets. But at the same time, whenever you're working in archives, you're looking at documents, and they just draw you in to narrative and stories. And so, the whips—for instance, the book I just mentioned—it does have a lot of tables and figures in it, but there's a lot of narrative as well.

And in many ways, I think the stories are the strongest, most compelling part of that work.

CHERVENAK: What's the decision-making project that you have for the Senate? How is that different than the committees work?

EVANS: Back in the late nineties, I was fortunate enough to be close friends with a senior Republican staffer, a guy who went on to be chief of staff to the majority leader, to Frist, a fellow named Lee Rawls, who just was an outstanding individual. Wrote books himself and was respected on both sides of the aisle.

And working with Lee, he actually helped me get access to a large number of Senate chiefs of staffs and legislative directors. So I ended up interviewing the top aides—chief of staffer

“eldees”—in about thirty-six Senate offices, repeatedly over a two-year period in ’99 and 2000, about issues—votes that were coming up on the Senate floor [and] asking them a series of questions about why the member did what the member did.

So, I was using them as a vehicle into office decision-making. And I compiled a couple hundred pages of typed up transcripts, and I did a little bit of publishing off that evidence at the time, but I sort of went on and started getting pulled into archival research and the like and set that aside.

I went back to it recently, and I just remembered how rich that was.

In addition, most of those senators are now retired and so it’s not as sensitive, if you will, you know, reporting the kinds of things they were considering. And, their papers are now often available, too, so I can get access to the paper trail. It allows me to shine a microscope on decision-making, albeit twenty years ago, but at a point of significant transition in the Senate and address some broader questions about representation.

CHERVENAK: Sounds fantastic. Why don’t we move on to some of the questions that I ask all of our guests. Ideally, to see if we can get everyone to answer the same way or find out how they differ.

I’m going to ask a few questions and get your personal perspective, not necessarily how the universe is arranged, but your personal view on something.

My first question in this area is, What do you think congressional representation should mean?

EVANS: Yeah, ok, so representation is a big, complex concept that scholars disagree about. And the conceptual work is not something that people have paid a whole lot of attention to, really, for a number of years. The classic study among academics is by Hanna Pitkin. I think that came out in the early 1970s.

If you look, though, at the empirical research that scholars conduct, there’s an implicit definition that goes unstated but drives a lot of that work, and it has to do with proximity. So, often what people do is they’ve got some indicator of behavior—it might be a roll call record, an ideology that gets measured in some way, it might be where they introduce bills—and that’s sort of what they’re trying to explain.

And then there’s constituency measures that are the explanatory factors. And it might be public opinion back in the district about measures of interest—how many farmers live in a state or a district—or whatever. And so, implicitly there’s a proximity definition to representation—the extent to which what members are doing in terms of their decisions match up with the preformed preferences, if you will, of the folks back home.

The problem with that is it doesn’t really mesh with how representation plays out on the ground. We know—. Political behavior scholars have been studying voters and citizens, and

what they'll tell you is that most of the time they don't have preformed preferences about pretty much anything. To the extent they do, it's broad values and the like.

And the decisions and the positions they make and the position they form—at the mass level with voters—in large part are in response to the signals they're getting from political elites, like members of Congress as mediated through the media. And so, you've got to think about public opinion—the causal factor in representation. What gets represented, if you will, not as a distribution of attitudes or interests but as a process.

It's the process through which voters determine preferences. And so, this definition gets you to rethink representation more in terms of deliberation. What's the quality of the information exchange? And the relationship that develops between members and folks back home.

Interestingly, when I was interviewing those Senate staffers I talked about before and asking them what [is] public opinion like in the state on healthcare reform, on manage care reform, insurance—which was a big issue back in those days and is now—. Often what they would say was, well, we don't look at polls. Because we recognize that polls—those responses to a large extent are driven by how the question is worded.

What we do is we look at newspaper coverage. We look at what influential people back in the district or the state are saying. In other words, they think about those things that influence how positions develop at home. And that's where they go for information about public opinion.

So, I would take representation as a concept and I'd reorient it more in terms of two-way dialogue and deliberation that includes members and constituents.

CHERVENAK: But it sounds like you're of the opinion that it's a beliefs-based judgment by the member rather than an interests-based judgment. In this case, you're saying, we really want to know what the beliefs of the people are and vote those beliefs versus we judge their interests to be over the long term. Is that right?

EVANS: Well, I'm more comfortable with a beliefs-based approach because I just think that in the United States voters need to have agency. I'm a little uncomfortable with normative perspectives that say members should just do what they think is right. Sometimes that leads to statesmanship. And real leadership.

Other times, it leads to outcomes that are not in line with what the voters want.

So, yeah, you're right. There's two different takes here. There's sort of an interests-based approach and then there's a beliefs, or preferences, based approach.

I think that the latter, to me, I'm more comfortable with that.

CHERVENAK: It's interesting that you say that because I wonder if that's the same—. If it's a different view that you have on the committee staff? I'm remembering earlier in our

conversation when you liked the idea of the political entrepreneur as the chairman. I wonder if those beliefs are in line with each other? Or [do] they have some conflict?

EVANS: I'm not sure that they do. When you get down to it also, it's hard to talk about beliefs and preferences on the one hand as separate from interests. The political behavior research, for instance, shows—work by scholars, John Oller, who is the guy who did the landmark studies in this area—shows that voters, mass actors, bring certain considerations to a decision. Rooted in their identities, where they live, what they do for a living, their religion. That kind of relate closely to interests.

I think interests and considerations line up.

And then how these interests and considerations are then translated into beliefs or attitudes. That's something that happens and is part of politics. And politicians play a role in that.

So, I'm not sure I would say interests over here, beliefs over there. They're just different. In reality, they're interrelated.

CHERVENAK: Next question is, How would your ideal Congress allocate its time?

EVANS: I actually think that casework and constituency-oriented stuff—members meeting with the folks, the time they spend at home is critical. It's an absolutely essential part of the representation process for the things I mentioned before. Because it can be deliberative.

And I think, obviously, the legislative work they do is really important as well.

The one thing that I probably would reduce is the fundraising. I mean, it's gotten to the point where members can spend, routinely, two to three hours a day making calls. That, to me, is not in the interest of the country and we ought to do something to curb that.

CHERVENAK: So, on a percentage basis—legislation versus oversight, or constituent service versus fundraising—do you have any numbers for us?

EVANS: Well, fundraising, a lot less. As small as you can make it. The other stuff, as I've said before, the best oversight is conducted through authorizations and appropriations. And so, I just don't see a sharp line between legislative work and oversight.

And, as I also mentioned, too, that the nature of representation involves members talking to folks. That's the central part of the job. I don't see a sharp line to draw there as well.

The one thing I would curb is the fundraising.

CHERVENAK: Got it. Next question is, How should debate, deliberation, or dialogue occur or be structured in Congress?

EVANS: We talked a bit about the importance of bringing back committees as arenas, and I do think that staffing them a little bit more and having a more bipartisan component to the staff

might help there. But when people talk about deliberation, typically they're talking about the floor—the House and the Senate floor. And there you've got some serious issues with procedure, where reform might not be a bad idea.

So, in the House, we'll start there, over time what's occurred is that there's been this clamping down on House floor decision-making—votes, everything—where basically the rules are structured or closed. And very few amendments are offered or allowed, and it's pretty much a majority leader driven kind of process.

If you look at the number of open rules, or even semi-open rules, that used to be the norm in the sixties and seventies. And really into the eighties and early nineties. But since then, the bottom has dropped out. And I think in the last Congress, there wasn't a single open rule. Half of them were flat out closed. And the other half were highly structured.

What's happened is this has fueled partisanship on the floor because the minority really doesn't have an opportunity to get its program before the body. And so there's this motion in the rules—it's called the motion to recommit with instructions, [and] I get that this is sort of inside baseball, but it actually has a larger impact and importance, I think—so right before a vote on final passage, the minority party is guaranteed in the rules the right to offer, basically, amendatory instructions, which is essentially an alternative.

And what we've seen over the past twenty or thirty years is that these amendatory instructions are largely partisan messaging opportunities. There's kind of a gotcha style to them to embarrass the majority party.

I think that's bad for deliberation. This is not the kind of participation we need. But it does reflect the fact that the minority does not have, in the House quite often these days, any opportunity to offer a full substitute. And you have to have that to have any kind of deliberation on the floor.

So what I would do, frankly, if it was up to me—again, if I was architect here and they let me do whatever I wanted—I would take that motion to recommit with instructions and I would move it up into the regular amending process. And guarantee the minority party on every single bill coming before the House an opportunity to offer a full free-standing substitute that's protected. So that you can actually have a competition between the majority program and the minority program.

I think that would really improve things a lot.

CHERVENAK: Yeah, I heard about that during the testimony for the Modernization Committee. I don't know if that was part of their recommendations.

EVANS: It was. And I actually urged them to do that. And some of the members seemed open to it, and some of them didn't. This is the kind of reform you probably can't do mid-stream in a Congress. And there would have to be some understanding where they tried it for a while—

ratchet down the restrictions a bit, the majority allows the minority to participate a little bit more, maybe through this approach—and then you look and see whether the minority responds in a responsible way. Because it could be that they'll just take the gotcha style stuff they're offering anyways—recommittal instructions—and offer that to the committee as a whole as an amendment.

So, it's the sort of thing you just kind of have to work your way toward. I'm pretty sure it was not included among the committee recommendations. That's something that maybe they'll consider it in the next session, or something like it.

The Senate is a different kind of beast. The Senate, in many ways, is more dysfunctional than the House. The Senate floor has completely dried up as an arena for creativity. If you just look, if you count the number of amendments—amendment votes on the floor of the Senate—and just the bottom has fallen out.

And now, the majority leadership has really constrained the ability of members to participate. There's got to be a way to roll that back. To open up the floor amendment process in the Senate so that it's more like it was ten or fifteen years ago.

That's the critical change that's got to be made there.

CHERVENAK: Great. My next question is, What fundamental institutional improvement should Congress make within fifty years?

EVANS: Fifty years? Well, like I mentioned, I would tweak the House rules to guarantee the minority an opportunity to participate.

I probably would just get rid of the filibuster. It's sort of an antiquated procedure. People are concerned if you get rid of the filibuster out and out on legislation that the Senate will just become another version of the House.

I don't see that happening because senators represent states. States are larger. They're more diverse than the typical House district. They are these apportionment differences between the two chambers that I think will generate disagreements. And I don't see the Senate as becoming basically a smaller version of the House. In addition, these days there are lots of ways to get things through around the filibuster anyway—through the budget process and now, of course, nominations. So, I would get rid of the filibuster.

Something I've been thinking about a lot lately is the idea of a permanent continuing resolution. Where if they don't pass appropriations bills on time, last year's numbers kick in—or maybe it's last year's numbers plus inflation. They'd have to work that out.

A lot of people have been drawn to this proposal of late because they don't like shutdowns, and this would be a way to avoid shutdowns. And I think that is a benefit of it, but there's a larger benefit.

And that is this: If you look at policy, at the budget, over the last twenty or thirty years, there's been a shift in its composition away from domestic programs and the education programs and the like and more towards entitlements. The big entitled programs like Social Security and Medicare have come to dominate.

Those programs—the big entitlements—are not appropriated for, so there's no need to pass a spending bill every year to fund Social Security or Medicare. There's built in floor, which is basically the formula.

What happens is, as members look for ways to make cuts, they just naturally gravitate toward the discretionary budget, which are the ones that are appropriated for. So, you end up with these endgame bargaining sort of dynamics. Where you move in toward the end of the fiscal year on October 1—half the appropriations bills or more, sometimes all of them, have not passed—and all of the deficit budget-cutting energy of the place focuses there.

You get all this gamesmanship where people are trying to hold appropriations hostage to get their policy changes through. You get these threats of shutdowns and the like.

I think there's something to be said for putting a floor on bargaining, on discretionary items, that's kind of like what we have with the entitlements. In other words, instead of it being zero, which is effectively what the outcome is if you get no action nowadays with appropriations, it's last year's numbers. So that the bargaining dynamic is more of a level playing field across the discretionary portions of the budget and entitlements.

If it was up to me, again, I would move toward something like that because of the bargaining dynamic that it would create.

CHERVENAK: Next question is, What book or article most shaped your thinking with respect to congressional reform?

EVANS: There's a ton of good research on Congress. Some superb political scientists studying it. But the books that influenced me more than anything else were books I read in grad school. In Dick Fenno's seminar, and they were both written by him. One was called *Congressmen in Committees*, which was a study of committee decision-making back in the sixties and the 1970s. Really rich. That provided me with a lot of the conceptual tools necessary to understand how decisions get made. And made the point that a lot of decision-making is jurisdiction specific. And committees just vary.

The other one was a book he wrote a few years later called *Home Style: House Members in their Districts*. It was about the House. And what he did was he put together a collection of eighteen House members and he followed them around at home. And wrote down what they did and the kind of conversations they had with constituents and then how that then fed back and affected their role as representatives.

And so, for me, those two books have been the cornerstones for my understanding of Congress for thirty years.

CHERVENAK: Excellent. Last question, and I think we've already addressed this a little bit, but I'll ask it anyway. What plans do you have for your research over the long term?

EVANS: Long term. Like I said, I want to write this book about the Senate and representation. I would like to—. I am thinking about a conceptual study of what leadership means. Because we don't have much of that in the literature, and I think now I'm old enough and gray-haired enough that I can actually weigh in on that in a way that's not silly. And I'm thinking about methods and a short little book primarily written for grad students and younger scholars about how to conduct interview-based and archival research and qualitative analysis and why it matters.

So those are the kinds of things I'm mostly thinking about now.

CHERVENAK: Fantastic. Larry, thank you so much for your time. It's been a pleasure talking to you.

EVANS: Been a pleasure talking to you as well.