

**Reforming Congress Project  
Sunwater Institute  
Interview with Michael Thorning**

**Part 1**

**CHERVENAK:** Michael, thank you so much for joining us.

**THORNING:** Thanks for having me.

**CHERVENAK:** Why don't we start with your background, where did you come from, what have you done up until today, and what are you working on now.

**THORNING:** Sure, probably most relevant for this, I came to Washington actually about 10 years ago in the late summer of 2011 as an intern in the Senate. I was an intern in a program that was started by former Oklahoma senator Fred Harris, who represented Oklahoma in the U.S. Senate in the late 1960s, early 70s, and then ran for President a couple of times. But he was also a professor at the University of New Mexico where I went, and we had a program where students were placed in one of our Congressional delegation offices for a semester, and I spent the semester in the office of now retired U.S. Senator Jeff Bingaman, who was in the Senate for 30 years, from 1983 to 2013, and had a really great internship experience and actually had been planning to—after I was done with that, I was going to be finishing my last semester of undergrad and planned to apply to PhD programs and eventually do political science research.

What I found over that four or five months was that I actually really liked the work that goes on on Capitol Hill and kind of wanted to stick around. Closing Senate office, very often there's a lot of upward mobility and opportunities, and he had about a year left in his term at that point, and I was hired to work for him, so I ended up spending about a year on his staff, where I just tried as much as I could to be a sponge for the collective institutional knowledge and experience that really had built up in that office over 30 years and found myself wanting to stay in the Senate.

I, when Senator Bingaman retired, went to work for Tom Udall, who now also is retired and represented New Mexico in the in the Senate for 12 years. Over that time that I both interned and worked on Capitol Hill, I really was interested in a lot of the institutional workings: the rules, procedures, culture and norms, how the Senate actually worked and how the Congress worked, and probably that had a lot to do just with my political science background and someone who was actually really interested in studying politics from an academic perspective. So I was always balancing these two competing approaches to the work that I was doing, which was considering things in kind of an institutional perspective, but also there was the practical policy and political approach as well, and that I worked for members of Congress who had things that they wanted to accomplish and things they wanted to do.

The time period that I was there, 2011 to late 2014, really was a high point in terms of Senate dysfunction and gridlock. It was really when tensions were growing in the lead-up to Democrats going for the first nuclear option under Majority Leader Reid and eliminating it on most nominees, and my boss in particular—and this is something that I worked with him on—was, I would say, a lead senator at the time around the idea of reforming the filibuster, and we actually got a vote on his filibuster reform proposals at the beginning of the 113th Congress, and it really did not gain a lot of support.

But about 10 months later the caucus had really changed its position, and we were using the nuclear option to change Senate precedence, so I felt very fairly fortunate that I lived through this important period in time in terms of what was going on in the Senate, but by the time I—late 2014, a series of things were going on. I was working on issues that had gotten a lot of attention and really drained me for the two years prior, which I was working on rules reform in the Senate, I was working on immigration, and I was working on gun control, all of which were major weeks-, if not months-, long issues that we've worked on in that 113th Congress.

Frankly, like a lot of staff, I was burned out. I wanted to do something else and had an opportunity to come to the Bipartisan Policy Center, where I've been since 2014, to work on two sets of issues that are really near and dear to my heart: voting and election reform, and the one we're talking about today, which is reforming Congress, making Congress a better performing institution. And so since that time, I've worked on just a number of different projects trying to bring that about, bring about even just an environment where people in Washington are interested in talking about those issues, so that's my background and at least relevant to what we're talking about today.

**CHERVENAK:** So what's the breakdown of your time between the electoral stuff and the real congress nitty gritty?

**THORNING:** I'm probably about 50-50. Although I joke around a lot, it's probably closer to 55-55. Some of it ebbs and flows. There have been years where our election work has not been as rapidly evolving, and then there are years like 2020, where in our case most of our work is with state and local election officials. We actually have not done a lot of work at the federal level, which is where a lot of the attention is now, or at least it is an unusual period of attention on it now, but we spent a lot of 2020 working with people, particularly ones we already had a lot of relationships with, but state and local election officials, trying to just prepare them for the madness that was 2020.

**CHERVENAK:** Let's talk about the Congressional work that you're doing. Obviously you probably touch a lot of different parts of Congress. I know that you have an index—you call it the Healthy Congress Index. Can you talk a little bit about what you're doing there, and what you're measuring, and how that index came about, and what you see is good about it, and where does it need to continue to evolve?

**THORNING:** Yeah, happy to. So, our Healthy Congress Index is something BPC launched in 2015, and the genesis of it really was BPC had in 2014 just wrapped up a commission on political reform. This was one of our traditional BPC commission. I think we had somewhere near 30 commissioners from a lot of different backgrounds. We had former members of Congress, we had former cabinet secretaries, we had election officials, we had people from the business community, non-profit leaders, really a lot of different walks of life, but the unifying theme being accepting that the United States is polarized in terms of our politics. How do you create a blueprint for carrying out our democracy and governing through that?

That commission was headed by Trent Lott and Tom Daschle, Olympia Snowe and Dan Glickman, and a third of what that commission really focused on was reforming Congress, maybe not surprising because certainly more than a third of the members of the commission were former members of Congress themselves. The commission identified one, that we had serious challenges in our election system that undermined our democracy, particularly a theme that I think is only intensified now, which is that both sides see the other side as attempting to rig the rules in their own favor.

The second part was that Congress just really was a dysfunctional institution, and some of that, of course, was an effect of the polarization we're seeing. I'll talk a little bit more about that, and then our third part was about community and national service. On Congressional reforms, a lot of what the commission identified was a breakdown in what had been the normal operating procedures in Congress during a period where Congress was fairly productive and suffered certainly from much less gridlock than we see today, and so what the commission concluded was that yes, Congress is polarized, and probably that polarization has a lot to do with why we've gotten away from what a lot of people call regular order. And I'm happy to talk a little bit more about what we think of as regular order, but the commission's point was that yes, polarization might be driving the interests of each party away from adhering to regular order because it's much easier to enact your own policy goals when you do that, but that really doing the hard work actually of adhering to a regular order is something that can help us navigate through polarization, rather than be dysfunctional because of it.

So what would we mean by regular order? What the commission really focused in on was: some of it was normative, but those norms were really wrapped up in rules and procedure, but the commission really felt like members of Congress weren't spending very much time in Washington anymore, that there was a growing trend of members who didn't want to be seen to have quote-unquote gone Washington or gotten Potomac fever or however you want to look at it, but basically there's a trend that still holds today, where members try to spend as much time as they can in their district rather than in Washington, which was a real departure from the period 1940s up through the 80s and really mid-90s.

But the members felt like what was lost there was not just the time they could be spending doing their work, which I felt was important that Congress actually has less time to do their work, which is part of the reason that they are often missing deadlines and kicking the can

down the road, but that members have really lost opportunities to build relationships with each other because of that, and relationship building they saw as key to legislating.

The other parts of it really had to do with how Congress does its work, and so a big part of it was the committee process, the breakdown of committees as being the lab bench, if you will, for developing policy before it comes to the full chamber to be considered. I think of committees as being like an on-ramp to the highway of the floor. The process there with committees is supposed to be one of fact-finding, of dialogue. It's supposed to be about finding consensus and figuring out what are the problems and what are the best solutions that we can agree to.

The commission was concerned that a problem that has only intensified, and unfortunately that's been the case for almost all the metrics in our index, but that committees had really been replaced by a process that was mostly controlled by leadership, or negotiated outside of the committee forum. And so legislation now, legislative language is often drafted by leadership. You see that major legislation, things like an infrastructure package or the recent American Rescue Act, a number of really big bills that spent very little time in front of committee except maybe in a pro forma way, and that has a number of really bad effects.

One of them just being that it doesn't give a lot of members a whole lot to do. It doesn't really build any support for legislation at the committee level, but it also just tends to reflect what are the much more political views of party leaders rather than reflecting the consensus, the collective views of the members who make up the committee of jurisdiction. The couple of other areas that they were concerned about had to do with the floor process in the House and the Senate. They were just concerned that the amendment process really had broken down, and it's only continued to break down since 2014.

The last two Congresses we've had have been the worst for the number of amendments that members had considered in the Senate, and the House is also at record lows as well, and we think again those are really critical points for rank and file members to participate, and that's what their job is: to come to Washington and have their constituents' views aired and certainly the amendment process is one way of doing that to try to impact legislation, to impact outcomes.

In the Senate there was a concern, and certainly now here we are, a half a decade plus later, still talking about this, but that the filibuster had really become both weaponized, but also that that was tied to the amendment process in the Senate. So there was a concern that the filibuster was being deployed far too often by the minority to block legislation, but that also one of the reasons the minority did that was at the time we were really in the beginning stages of what I call this amendment drought in the Senate, which is that the majority leader just wasn't allowing amendments to be offered, and so in retaliation the minority would threaten to, or would, filibuster.

The other area that we were concerned with primarily was conference committees, which we certainly were not the first, but I think we're one of the last people who continue to raise a concern that conference committees really had become rare, and so conference committee has historically been the primary way that legislation passed by the house and senate. The differences between those would be resolved. And again, that was another forum that was really more about deliberation and finding consensus among members rather than being driven by negotiating back and forth between leadership, which is what you get now, when instead of using a conference committee, the chambers just engage in what's called ping pong, and they just send the bill back and forth until they can all agree on a version that is the same.

And so what I think most of these really add up to is a decline in Congress's ability and willingness to deliberate on issues. That's probably the defining breakdown in Congress of the last decade or two, and it's something that you're interested in, right, which is a breakdown in an ability to collectively make decisions and solve problems.

**CHERVENAK:** So for the index that you've created, how is it calculated, and what is it telling us?

**THORNING:** What the index does is try to measure a number of these things over time, and so what we looked at was whether the number of days Congress spent really working in Washington and whether they were living up to a standard our commission came up with, which was a five-day work week, whether committees were really actively working and reporting legislation, how often amendments were being allowed in the House and Senate, how often cloture had to be, an attempt to invoke cloture or end to filibuster to move forward on legislation, and how often conference committees were being used to resolve differences.

Because what we found was, it's really hard to hold Congress accountable for a better process without a really consistent view into how things either used to be done or could be done right from Congress to Congress, and what is often the case leader to leader. It's very hard to track these things. You get caught up more in the in the day-to-day rather than systematically trying to identify a pattern, and so we basically, and I'll start with the first one on working days, we have a methodology there we've determined of what accounts for a real working day, whether there was some legislative business and whether they spent at least an hour in session. And we have literally gone through the Congressional record for every day that Congress is in session, I think, since 2008 to identify that.

And some of the other data is not—these aren't entirely new measures that we came up with, but we felt like was bringing them together in one index really gives you just a more holistic view of the breakdown of what are really interrelated mechanisms in Congress. So in terms of committees, we started looking at over time how many bills committees were reporting, and on amendments in the House, we through Don Wolfersberger, who is a fellow with us, have been tracking special rules, which are basically the rules by which a bill gets considered on the House floor. They can be open, which means any number of amendments are allowed. They can be closed, which means that no amendments are allowed at all on the floor. Or in the alternative,

there's an in-between where the House Rules Committee determines which amendments are going to be considered and which ones aren't.

The really important thing there is it's a scale of, is it an open, freewheeling process, or is it a closed process, or somewhere in between? In the Senate we just started looking at raw numbers of how many amendments was the Senate considering, and found that a fairly easy thing to look at and track, and really it's mostly just been a big decline over the period, and in terms of the filibuster, admittedly it's a fairly difficult thing, I think everyone who studies it would say, to come up with what is a really foolproof measure of when a filibuster has or has not occurred.

We have tended to go with cloture votes based on a theory that Sarah Binder proposed quite a while ago, just about the idea that Senate leaders will mostly try to avoid a cloture vote if they can. Now, increasingly, that's almost impossible on everything, but looking at cloture votes really probably is one of the more accurate ways we have to look at what is the fundamental question there, which is, does the Senate have, or is it lacking, agreement on whether or not to move forward on a piece of legislation.

And in terms of conference committees, again we kept it pretty basic, which was just looking really at the raw numbers: how often is a conference committee being used to resolve differences on major legislation, and so there have been some small blips of hope at times in these measures. We tend to track, or we have in the past, we've recently moved to an annual update, but we used to update the data quarterly, which kind of gave us an in real-time view of where the trends were going in Congress, but in basically all these ways Congress has been stagnant or in decline away from ways we'd want to see the trends going.

One interesting exception has been on committees, which is committee activity, which we've really just since 2014 seen a real uptick in committee activity. The interesting thing being that we don't measure this, or there are independent measures, and we've thought about updating the index to reflect this as well, but even as committees are more active and reporting more bills, more of the bills that are considered on the floor are not bills that were reported by committees, so it raises this question of whether committees are doing a lot of busy work or not that isn't going anywhere. And certainly there's a lot of debate there about what happens, that language, and how do you measure it and does it end up in other bills.

But the major takeaway, and we did a decade report that we released I want to say in 2018, where we rather than doing a quarterly update did a look across a 10-year span. Sorry, we released in 2019. It covered 2008 to 2018. What we found over that period, and these trends have just continued, is that the index has shown a real decline in regular order, which we think of as Congress's ability, at least as anyone has so far conceived of it, to engage in collective decision-making problem solving over time.

**CHERVENAK:** Let's move on to another subject, which I know that you have some thoughts on, and maybe the Bipartisan Policy Center's involved in, which is this having a forum for groups

with different interests to discuss things in a more private setting versus on camera, right? I mean, a lot of people point to the cameras as being a major reason why there's less compromise, there's less ability, less meeting of minds because they're always on display, and whenever that happens, they have to go into showmanship mode. So can you talk a little bit about your perspective on privacy versus transparency when it comes to what Congress is doing and where one works or the other works best, and where that should be located in Congress?

**THORNING:** I think what we, BPC, would say, and I personally, is that Congress went too far with transparency. Perhaps it is often simplified to, they brought cameras in and that kind of ruined everything, and I don't know if that evidence is right, but I think what has happened is just that we as a society are much more aware of the day-to-day ongoings because of the rise really of, or expansion of, media coverage and social media. Congress is just on display much more than it has ever been. We might not be facing the same challenges if we were living in an alternate universe, perhaps, where Congress had just brought cameras in but social media never happened, and 24-hour cable news never happened, and a number of other developments, but I think what has happened is that Congress brought about a certain level of transparency that became really difficult to maintain in the world that we are in.

And just as a simple explanation of that, at the committee level it's pretty rare now, and this is not all caused by the attention that they're getting, but almost all of the work that would typically go on behind the scenes, whether it's members used to attend briefings together, there used to be questioning and meetings with potential witnesses and experts behind the scenes, there were all kinds of activities that led up to something like a markup or a hearing that for the most part doesn't happen in committees anymore. And those were really opportunities where members could in a genuine, non-rehearsed way, and perhaps in a vulnerable way, ask questions and explore issues.

A lot of that really doesn't exist anymore, and some of that is just because of the really tense nature of the relationship between the parties. I don't think there's a large appetite for that, particularly on committees where there's much less agreement or there's a wider gap between the members of the two parties. But it's pretty rare that you have a quiet, behind-the-scenes process that involves members and staff, that leads to a public event like a hearing or a markup, and that leads to a floor process.

I think that there's a balance to be struck, and there's nothing really that would prevent Congress from doing those sorts of things now. I think there's a limit to how much you could roll back transparency, or would want to. I think Congress is always going to need to, at some point, stand up publicly and defend or make its decisions and defend them, so I think a shorthand that we're very comfortable with at BPC is, you can negotiate in private, but you have to defend it in public.

I don't think we want a situation to go back to a world where Congressional committees meet and conduct business without the public present or without press. That's just not going to happen, but what Congress does need to get itself back into is a habit of doing some of that

preparatory work that really needs to happen, doing that ahead of time before you're ever in front of the cameras in the committee hearing room, and I think we've seen that practiced a lot by the House Select Committee on the Modernization of Congress, and I think that's served them well, and some committees do this this better than others, but there are real challenges with a process that is entirely open and constantly scrutinized.

And that is that one, you just have a section of members or a cross-section of members who have very difficult reelection prospects, let's say, and so their incentives are not to do anything in a public setting that is going to upset that one way or another. I think that can manifest a lot of different ways. But we also have the rise, I think, as attention on Congress has grown, something that Yuval Levin at the American Enterprise Institute has really highlighted, which is that members really have this celebrity-seeking instinct now. You have a lot more show horses than workhorses, maybe than there ever were.

But I do think there's a sense among members that you have to be a show horse just to survive, and so I think probably all members are for the most part, 90 something percent of members, are doing much more show horse type activities than workhorse ones. And so that instinct among members that, whether it's a sense that it's easier to get reelected if you're getting attention from the media aligned with your parties or on social media, whether it's easier to raise money, whether it just builds you a national profile to run for some other office.

That instinct really has become a primary driver of member behavior, and it incentivizes some members to behave maybe in a particularly disruptive way to try to gain attention, and so without any processes really that occur outside of public scrutiny, you're really left with a lot of bad incentives for behavior that tend to upend things. And I think that's why, partially, leadership has moved to this process where they negotiate things among themselves, among the party leaders, or among parties' leaders in a small subsection of its members, and then basically make it public and tell their members to vote for it because that reduces the opportunity for something to derail legislation from moving forward.

And political scientists James Curry and Francis Lee have really identified this, and I don't think they are wrong in that they've identified that their supposition is that regular order really maybe can't work right now just because of the nature of the parties. And I think they could be right about that and that we still should want something like regular order to be viable to solve the country's problems or to identify the country's problems and come up with solutions. I mean right now, we don't even necessarily, let alone solutions.

**CHERVENAK:** It sounds like when we talk about privacy versus transparency, you don't see a rollback of the existing transparency as being the way to go, but you do see some of the work of committees, particularly in preparatory work before markups or whatever, some of that kind of work could be private, and if that were the case that that would increase the productivity of the institution, is that right?



**THORNING:** I think it could. I mean, Congress is always facing a number of challenges that are going to make its work difficult, and it's always a question of what can overcome all of those, which is increasingly very few things. Members could, and I think very often do, agree on problems and solutions in private, and it's a question of whether or not those are going to be brought forward publicly, or is a party going to choose to put forward a bill that it might know is not going to pass but pleases its voters?

But I think in situations where you have a real viable opportunity for consensus building, where the two parties agree that yes, we want to do something on this issue and we're willing to negotiate over it and come up with a solution together, then that's the process that really does need to have at least some portion of it take place outside of public scrutiny. Otherwise, there are any number of traps waiting for them if you just go about the whole process publicly.

But another part of this, I think probably if Congressional staffers or members were listening to this, they might say, well, we do that. We have lots of meetings that aren't public, and I think that's true, but I think increasingly those meetings are not with the other party, or with interest groups from the other party, and so they tend to be very one-sided conversations rather than ones that are meant to build consensus within the committee.

So I think yes, it's going to be very hard to roll back what is already there, but I think an attempt to go about things differently, again, I think what we are aiming for is how do you govern through this difficult period that our politics are in, not how do you end it, because I don't know that there's any process in Congress you could change that is going to end our political polarization because that's not where it comes from necessarily. And so, if your goal is, how do you govern through a period of really high polarization, partisan polarization, then that's the thing that could help.

There's a lot of other things that don't really have anything to do directly with legislating that we also think could help, that should go on outside of public view for the most part, and a lot of that has to do with relationship building. More and more Congressional staff and members just don't have the kind of working relationships that you need to legislate. Members don't know each other as well as maybe they once did. That seems to be reflected in some qualitative research, particularly some done by the Association of Former Members of Congress.

And so I'll shamelessly plug here: one program BPC pioneered is something called the American Congressional Exchange. We have bipartisan pairs of members visit with each other in each other's home districts for a weekend, and that's an opportunity to build a relationship that is outside of what we call the crucible of Washington that is really, again, a much more private—although it's not totally private. We do a lot of events are in public. They're at businesses and hospitals and military installations, universities—but those are opportunities that really, what we're talking about, I think, is more stepping away from the klieg lights and being real people, but colleagues and less performers.

## Part 2

**CHERVENAK:** So maybe real quick, before we move on to our common questions we ask everyone, we could talk a little bit more about the recommendations that the BPC has made to improve Congress as an institution. Could you just walk us through a few of those and what you think of the highest priority?

**THORNING:** Yeah, happy to. I think a number one priority for us—I might be cheating here a little bit, but it's not a reform so much in the sense of rules or creating a new procedure or changing an old one—it's really a need for a cultural change in the institution, which is that we are trying to encourage Congress to return to a culture of collaborative decision-making and dialogue and deliberation, which is really absent. And without genuinely engaging in that, we think it's really difficult to imagine a reality where Congress can really perform to the level that it needs to because the demands on Congress have grown really greatly in the last 50 years, especially in the last 20 years, and that has occurred at a time when Congress has gotten worse and worse at deliberating and making collective decisions.

I think a change in the culture around regular order would be helpful, but other things have to come with that. So some of that is the relationship building that we've talked about in terms of doing stuff like our American Congressional Exchange, but we've also encouraged committees to do things like set up task forces of members to address discrete issues and come up with solutions. We've encouraged a lot more collaboration between the staff of committees. We find that there aren't opportunities.

For instance, the Senate has a mechanism called the STAFFDEL, which a lot of people have heard of a CODEL, which is the trips members of Congress often take usually abroad, but they're not constantly covered by media or anything like that. These are really fact-finding and learning trips, typically. But in the House, for instance, the staff don't really have that opportunity the way the Senate has specific staff delegations, so we think members could really benefit from spending time together as well as staff outside of their—what we might think of as their duty stations, or really in the way they've developed their battle stations in Congress today. Getting outside of that and learning together is really helpful.

And then a major one that we for a long time have encouraged Congress—and I think Congress got very close four years ago on—which is reforming our budget and appropriations process. That is something that is really crucial to a well-functioning government. It's really one of their basic responsibilities, and Congress has really not performed it well in the last two decades, but really as some people argue has never been very good at it.

But there are real reforms that could be implemented there that we think would help things, like moving to a process of two-year budgeting, for instance; rather than doing year-to-year planning and allocating of money, giving the government agencies more predictability but also taking some of the workload off of Congress of having to do this process over and over again, which really has resulted in, for the public, probably the most obvious way is just the increasing number of government shutdowns we've experienced.

So there's this mix of procedural reforms that are really practical things but also cultural changes that need to happen. And one thing that we're just in the really beginning stages of starting to talk about is whether Congress just needs to think about whether the people who come there have the skills and ability to engage in deliberation to identify and solve problems together and whether a process could, or a culture could, be created where people value that more than they value using Congress as a political tool because at the end of the day, Congress is still a political institution. It always has been and always will be, but the periods where it has probably performed the best and solved the most public problems have been ones where that public interest has greatly outweighed the political ones.

**CHERVENAK:** Great, let's move on to our common questions we ask all our guests, that someday we can compare the answers and see the diversity that exists. Are you ready to move on?

**THORNING:** Yeah, great.

**CHERVENAK:** All right, so our first one is, what do you think Congressional representation should mean?

**THORNING:** Congressional representation to me means that representatives find, and this will probably vary for all members, but a balance between being a representative but also a steward and a delegate for their constituents. Maybe by that I mean you need to find a balance between just reflecting the views of your constituents and attempting to do what you think might be in their interest even if it's not what they think needs to be done. And that's very difficult—

**CHERVENAK:** Be able to use some judgment by the representatives.

**THORNING:** Absolutely. I think that at the end of the day members are going to have a very hard time scientifically saying 'yes, this is what my constituents want overwhelmingly.' It's always, I think for members, they think of themselves as, they're like their own really unscientific constant poll or survey, right? It's like, 'oh, I was in this town, they told me this, I heard this, my constituents tell me that,' but I think there are always going to be questions where members probably have more information and better judgment than their constituents do about how to solve a problem, and so I think you need to find a balance between those things.

**CHERVENAK:** And by constituents, do you mean everybody in the district? Do you mean the voters? Do you mean the primary voters? Who do you mean? Is it everyone, or is it just a few?

**THORNING:** Yeah, that's a really good question. My philosophy is that when you are elected, you represent all the people from your district or your state, not just those who vote, not just those who voted for you, not just those in your party, but at the same time I think you can put

some weight into the fact that if you were the duly-chosen elected representative of your district, that people put their trust in you to make decisions, and those are going to reflect—there's an understanding those are going to reflect your ideology and views that you communicated while you were campaigning.

**CHERVENAK:** And how about the future? You've got the people who are living in your district today and then you've got the next generation and then a few down. Does the Senator represent the state and all its future, or just the current constituents, or a generation? How much do they represent?

**THORNING:** That's a good question. When I worked for Senator Tom Udall, he often told us that his when he got elected to the Senate—his father had been a U.S. Representative and a cabinet secretary—his father really impressed upon him the fact that when you are elected, you're a United States Representative, you're a United States Senator, and you do have a responsibility to the whole country in the decisions that you make. So in terms of the future, I think certainly that's inherent in the job of members and probably where their judgment is needed most because we as humans probably are really bad at predicting what people in the future are going to want, and so I think you as a representative have to substitute your judgment for what you think will be good for them and best for them.

And so I mostly tell people that I don't envy anyone who has these jobs because these are—I don't want to make it sound like it's simple and clear-cut, that, sometimes you listen to your member, your constituents, and sometimes you listen to your gut or your heart or your brain—but that's the job, is figuring those out.

**CHERVENAK:** All right, next one is: how would your ideal Congress allocate its time?

**THORNING:** I think my ideal Congress probably would allocate its time something close to maybe 60 percent focused on being in Washington solving problems, working through a deliberative process, and probably 30 percent of its time back in in their districts meeting with constituents, and I think 10 percent of its time running for re-election, which a lot of people I know separate from the idea of what someone's job is as a member of Congress, but I think we've got to accept the reality that it is a part of their job, or it has become a part of it even if it's not ideal, but it's probably unavoidable. To a degree, that that might go too far: 60, 30, 10. But I think Congress has swung too far in the other way, and there's not a lot of time spent actually legislating and making policy.

But to be clear, what would need to happen for that to be viable is, there needs to be a change as well in the culture that people would actually want to engage in, that I'm not sure now how much members really want to do that versus wanting to be home in their districts and engaging in either direct or indirect re-election related activities because if that's what they really want to do, that time spent here in Washington won't be well used.

**CHERVENAK:** And the time in Washington, the split between legislation versus oversight, do you have an opinion on that?

**THORNING:** I think that is always going to change depending on what the legislative and oversight needs are of the country. It's hard to pin that one down. We have periods where, I think about the 2008/2009 time period where a lot of political activity seemed to be needed and at least was undertaken to respond to the financial crisis. A number of other things that were going on at the time. There's a season for all of these things.

What I would say is Congress probably spends too little time doing programmatic oversight. I think there's a lot of oversight that is much more seeking of attention and trying to draw out scandals and embarrass people, which is admittedly a legitimate function of Congress. For instance, if there's a scandal in the government that should be brought to light. But I think if Congress spent more time investigating how well or not well the programs it's enacted have worked, they probably could make better legislation to make those programs work. I think it will vary. But Congress probably could spend more time on oversight, so I guess I might put it at 50/50 if I really had to give you a number.

**CHERVENAK:** Right. Next one is something you've already discussed a bit, but how should debate, deliberation, or dialogue occur or be structured in Congress?

**THORNING:** Structure is something at least that I'm not too worried about because I think Congress just isn't doing deliberation. I do think there's a lot of debate that goes on. I think there's an instinct to model actual formal debate that you might see in debate competitions at high school and college level, which is really just a trading back and forth of talking points and hoping the other side to catch them in some kind of logical fallacy or something else. I think there's a lot of that that actually goes on in Congress. There's no lack of it, but I don't think there is a lot of genuine attempt to understand what people who have different views from you, where they come from, what their motivations are, what their constituents' motivations are, that I think a lot of assumptions are made now in Congress about what other people believe and why, and so for me I think what Congress really would benefit from is actually a deliberation that doesn't take place like anything we know it now. And that's probably stuff that needs to happen in private conversations rather than anything that could happen in public.

**CHERVENAK:** The next one is, what fundamental institutional improvement should Congress make within 50 years?

**THORNING:** Something I haven't talked a lot about, but I think is crucial, is I think Congress number one I would say is for years has been studying how to improve its staff recruitment, retention, development. And until recently not a whole lot of progress has been made in that area, the studies. And I think some decisions just have to be made about how this is going to happen, if the institution's really committed to it. Are staff going to be paid more, or not, and is that worth the—I think they need to be, but there's a political challenge to enacting that. So that's a major one because Congress, like any service-based business or service-based

organization, is basically as good as its people, and Congress needs to be able to attract good people and it's really not done terrible attracting those people but has not always done a very good job of keeping them around. So that's one major thing.

I think the other one is, and this is probably going to seem a little unrealistic, but I think what Congress needs is just a complete re-examination of what its systems and processes are for identifying problems and solving them—collective problem solving.

I think the systems we have in place now are aren't working, and that might be because of external factors, mainly partisan polarization, election motivations, that sort of thing, but we're basically—I'll credit Modernization Committee Chairman Derek Kilmer with this—but it's an 18th century institution using 19th century approaches to solve 20th century problems in the 21st century. And the Congress of today would not look all that different other than it might be—it's more diverse, but in terms of its processes, than it looked 100 or 200 years ago. And I'm not sure that's a good thing. I think we know more now about how humans interact, how you can build consensus around things, but for the most part we just continually repeat the same processes over and over that we've been using since the Congress started.

**CHERVENAK:** I was talking to Alan Schick about this issue, and he's pessimistic because of so many years of working on reform and having, he thinks, relatively little to show for it, but I reminded him and in this same situation, is that if Congress wants to, it can totally re-do its rules without any Constitutional Amendment or even law. It has the has the power to change all of its processes in one swoop, if it wants to.

**THORNING:** Much easier than a Constitutional Amendment, that's for sure.

**CHERVENAK:** There's always going to be hope.

**THORNING:** Yeah.

**CHERVENAK:** The next one is: what book or article most shaped your thinking with respect to Congressional reform?

**THORNING:** I think probably a sea change for me was Frances Lee's "Insecure Majorities," which really I think brought about a really needed understanding both for me, but I think for a lot of people in the field, about the nature of disagreement in Congress and why we have more disagreement in it, which has a lot to do just with the very unstable nature of majorities in Congress right now. We're seeing the majority flip back and forth between the chambers at a rate that we haven't seen in quite some time.

That creates a really difficult set of incentives for both parties, whether you're in the majority or a minority, but I think less that that provided any concrete examples of reforms that needed to be enacted. I think it really brought a lot of clarity for me, and for others, around the nature of the problem and why it's occurred.

**CHERVENAK:** The last question is really about your plans for long term. What are you looking to do with the Bipartisan Policy Center, and do you have any big programs coming up, or any research interests you'd like to share?

**THORNING:** I have really stuck with this issue of democracy reform because it's something that I'm passionate about and feels like a really pressing issue of our time, as much as things like climate change are. We are just in a really unstable time in terms of our democracy, and I think the events probably of the last year leading up to and including the attack on the Capitol to try to disrupt the counting of the electoral college ballots, that event in and of itself was obviously very troubling and horrific, but I think for what it says about where our democracy is, is that we're in just a very unstable place.

So, something I'm interested in, although we're not really in the phase of getting ready to start or even scope out or launch something, but I'm particularly interested in this question of kind of political extremism, domestic political violence, and how that impacts our governing institutions and our political institutions, whether it's elections or Congress. I think for me as someone who splits my time between trying to make improvements in both of those areas, January 6 was a really particularly terrible day because both of those areas were really implicated in that. It was a moment for me that I think I realized there was not enough attention being paid to that issue. There are a few really great scholars and centers out there, people who look at domestic extremism, but for the most part we, including BPC, other projects have really been focused on foreign extremism and that threat to the country. But I think we have a real need to address some domestic ones as well.

**CHERVENAK:** Michael, thank you so much for joining us. it's been a pleasure.

**THORNING:** Thank you, thanks for having me.