CHERVENAK: Professor Ballard, thank you so much for joining us.

BALLARD: Yeah, thank you for inviting me.

CHERVENAK: Why don't we start with your background, where you started off, where you are now, and the arc of your career.

BALLARD: Sure, I am right now an assistant professor in the Department of Government in the School of Public Affairs at American University. That is a position I've held since 2018, and earlier that same year I completed my PhD in political science at Duke University, so I'm still a junior scholar, but it feels like I've been doing this for a while already.

When I started my career, I thought of myself more as a political behavior scholar, so studying political psychology, attitudes and values, opinion, but then as I moved through graduate school I got much more interested in political institutions and, in particular, Congress. I thought that there was really cool ways in which we can try and answer questions that are a combination of high quality theoretical and empirical scholarship but also combining cutting-edge methodological techniques.

So I got into quantitative text analysis and machine learning, and usually both of those things together. And now I'm sort of coming back around with a project I think we'll be talking about later to doing some more behavior-oriented work, and I see myself now as sort of straddling the divide in political science between political behavior and political institutions, which, to be honest, makes sense to me in terms of how politics works because if you're thinking of any institution, Congress, the Supreme Court, whatever, the decisions are being made by individuals who behave in sort of a lot of the ways that are consistent with the microfoundations of political behavior, and if you are thinking about the political behavior of citizens, party elites, legislators, et cetera, they are operating within political institutions, so it makes sense to me to study those things simultaneously.

CHERVENAK: So maybe you've already answered my second question, then, but you know in the broad areas of your research interest, you know, there's this concept of political behavior, the concept of political institutions, does that kind of frame what you're interested in, or is there a more specific set of questions you're interested in answering, or a particular interest of parts of the political process that you find more fascinating than others?

BALLARD: There are definitely parts that I focus on more than others. It's not, it wouldn't be possible to do everything as much as I might like to, but I think of myself primarily as a scholar of American politics and Congress. Within the study of Congress, I focus largely on political parties, not just not necessarily Democrats or Republicans, but I'm more interested in who's in

the majority and who's in the minority, and what are the implications for that. There's been a lot of scholarship that has focused primarily on the majority party because they're the ones who are in power, but I I've become interested in what can the minority party do. And so through those ideas, what is the relationship with the interplay between the majority and the minority party, I've become interested in legislative negotiation and compromise, sort of how does policy actually get made, and how can we actually try and quantify, you know, when like a piece of policy is made or how policy changes as it goes through the legislative process in order to try and get at these questions of strategic negotiations, so what, how, what do members actually care about, what do they give up, how do they compromise.

And then that strain of thinking has also then led me to think about the relationship between Congress and the public, so you know Congress is not at all operating in a vacuum, members of Congress care deeply about what their constituents think, at least the constituents that they think are going to vote for them the next time they're up, and I have become interested in how perceptions of members of Congress and what happens in Congress change the ways in which, or shape the ways in which people think about Congress, and then ultimately how they act.

CHERVENAK: So why don't we start off our conversation on this topic of deal making. I think you have a paper, Social Psychology of Political Deals, or something like that, and you know this concept is very interesting. So you have, there's some kind of compromise, right, that's the definition of a deal. Something happens, there's an agreement. How does that happen in theory and in reality in the Congress?

BALLARD: Sure. So the work you're talking about is actually, it's a book that's under contract with Oxford University Press and I'm writing with David Barker, who's also an American and Chris J. Carman, who's at the University of Glasgow in Scotland, and this is sort of what I, this is a prime example of what I meant when I talked about the blending of behavioral and institutional work because the overall thrust of the book is that we are developing, and then testing, a theory of political compromise, and specifically, a psychological theory, a social psychology theory of political compromise.

And what I mean by that is that we think that there are certain traits and values that people possess to varying degrees that are strongly related to whether they are themselves willing to compromise in politics. If you are, say, a legislator, or if you prefer compromise among your legislators. And so in in that way we're talking both about the legislators, political elites, people who are elected and then represent constituents, and those constituents that they represent. And we're linking the ways in which people, those two groups of people, think about and act on ideas about political compromise. Now, the basic argument is that we believe that some sort of values relating to like social altruism, a preference for helping your fellow citizen, is one of the things that is most strongly related to political compromise.

And, you know, people have that value, that belief, to differing degrees, and one of the things that we find most striking is that there's a large difference between how Democrats hold those beliefs and Republicans. Democrats, we find, are much more likely to believe and act in a way

that is consistent with this idea. And we posit they are therefore more likely to be in favor of political compromise, and that's true in Congress as well. So this this idea that there's some sort of, it's hard to say whether it's an innate and stable characteristic, right, because these things are developed through the communities that we grow up in, the places that we choose to be in our lives, and then also through probably, you know, it's nature and nurture, right, is basically what I'm trying to say.

And, but, that at some, at any, you know, point in your life, the degree to which you believe that people should help other people is going to influence your, the degree to which you think that politicians should compromise, or if you are a politician, how much you do actually compromise. And this leads to some interesting stuff because we're able to show that these kinds of ideas are actually predictive of what happens in Congress, that legislators are, you can find political compromise in bills, in committee, on the floor, when you consider these ideas.

And, you know, this speaks to trends recently where Democrats in the last 15, 20 years have been much more willing to compromise on policy issues than Republicans. A number of examples, the Cap and Trade stuff in the mid-aughts, the Affordable Care Act went through tons of iterations, the Democrats right now are going through large scale changes to the bills that they're trying to pass, and it's on, you know, one of the more ambitious spending packages ever.

And contrast that with things like the Bush tax cuts or the Patriot Act or the attempts by Republicans to repeal and replace repeal, and maybe replace, the Affordable Care Act and the Trump tax cuts. There were very few relative actual changes that were made. There were far fewer changes that were made and there were far fewer compromises that were made by Republicans in those cases than there were in Democrats in all the cases that I just mentioned. And those are, you know, some of the biggest policy debates in the last couple decades, and so this is, we find that this actually is a really consistent driver of behavior.

CHERVENAK: So for this kind of compromise, I can imagine that there's different types of decisions, right. There's maybe values decisions, where it might be a less than zero sum game on compromise, or there are other kinds of decisions, you know maybe quantitative decisions, where you know compromise could just be done by averaging two numbers, for instance. I have a number, you have a number, we average it, and there's a process to come to a decision on a number, for instance. Maybe some appropriation. Does this show up as, are there different behaviors around those different types of decisions, or is it kind of a universal thing, like no matter what it is, whether it's values, whether it's numbers, whether it's assumptions about the future, some people are more likely to compromise and others are not based on their inherent traits?

BALLARD: That is a really good question. We do not in the book get it down to such a granular level, but now I'm interested in doing that work. I mean, we could talk about it. I would imagine that, I mean, and I should also preface that what we're talking about, this willingness to compromise and how it's related to sort of like humanitarian values, is just one piece of

ideology that people have, and so it's hard to come up with any universal truth to these kinds of things. And so I would expect reasonable variation along these lines, depending on what people are actually trying to compromise over. I haven't thought about this deeply, but off the top of my head, my gut reaction would be that you would see this trend in most cases, but that there would be relatively wider differences in willingness to compromise along a number of dimensions.

One would be like how important the issue is to the, like if let's say we're just talking about legislators, that how important the issue is to say an individual member or their party is going to matter a lot, and that cuts across all sorts of things, right, because so like the federal government spends almost nothing on, say, education or abortion policy, but these are policy areas that are extraordinarily important to members of both parties. And so you would imagine that this, like I think that people are probably less willing to compromise on the things that they care about the most.

That said, there is almost certainly some sort of like to get into Congress, I would imagine that people have to be relatively more willing to compromise historically, although you know there there's plenty of gridlock in Congress too, and other than importance of the issue, I'm having a hard time trying to come up with something that that seems like, yes this is going to affect the—

CHERVENAK: But it sounds like what you found is that there are traits that determine, that you can identify from outside, whether that person is more or less likely to compromise.

BALLARD: Yeah. That we do find relatively stable traits or values that lead to, or lead away from, willingness to compromise, among both legislators and the public.

CHERVENAK: And have you seen any kind of catalysts to compromise? If you have two people who are engaged in a debate, you introduce wild card x into the equation, and the chance of compromise increases. I'm thinking about Nicholas Christakis at Yale has a research program, I think, where they put robots into you know people working on a game or something, and if you put a robot in there, it's more likely that the game will succeed if the robot does certain actions. Now I'm curious if you've seen any kind of, in your work, whether you come across instances where people didn't compromise, and then they start to compromise based on some changing variable.

BALLARD: I mean there are always like you know exogenous shocks on things that like things that happen in the world that make it more or less likely for stuff to be able to pass. Again, the Patriot Act never would have happened without 9/11, right, but all of a sudden Democrats were extraordinarily willing to give up on a lot of their, on policy areas that they care a lot about. You hear a fair amount about individual members who are much more willing to, say, work across the aisle, or sometimes you also hear of members who people don't particularly like to work with. I don't necessarily want to name names there, but these are things that I've heard over the years.

CHERVENAK: Well there are things like the Lugar Center bipartisan index, right, where you can map votes based on such behaviors.

BALLARD: Oh definitely, and I wouldn't be surprised if you could say that there's greater degree of compromise when you put, say, those people into a debate, but then again this this also gets back to the idea of like, okay, well are you working on something that that legislator is actually going to care about? Because they all have finite resources, they all need to some degree care and put time toward the things that they think that their constituents are going to care more about. And so there's huge selection bias there, right, where you might say like, oh there's way more compromise on this issue, and yeah that's because someone so cares about it.

But I mean, so this this book that we're talking about is still relatively early in its development. We've written two or three of the nine chapters, and I mean even everything else is pretty well outlined, but you're also giving me a lot of good ideas for what to do.

CHERVENAK: Well it sounds like a very important piece of work because I think so many, this whole definition of polarization means, in theory, it's hard to compromise, right, and if you can find the magic variables to get people to work together, you'll definitely have a best seller.

BALLARD: Yeah, and I mean, so I would be remiss if I didn't also plug I'm part of the Center for Congressional Presidential Studies at AU, and that is the, directed by my co-author on this book, David Barker, and they recently just got the CCPS along with the Washington College of Law at American, just got a big grant from NSF, I believe, to fund their program for legislative negotiation, of which this work is part.

And so this is something that you know a lot of the folks who work on Congress care a great deal now and that there's a fair amount of money going towards, so these are answers that we're all trying to get.

CHERVENAK: Well let's move on a little bit to some of your other work. I know that you did a, did some work around rewards in party for loyalty, and this maybe has some overlap with this concept of compromise, right, because if your party's telling you not to compromise, how do they incentivize you not to do it, or if your party wants you to compromise, right, or someone wants you to compromise, what kinds of sweeteners can they provide you? So can you talk through a little bit of what you've done on this concept of rewards within the party for good behavior and, or toeing the line and or punishments that they might dole out if you don't toe the line? What questions have you asked there, and what have you found?

BALLARD: Yeah, sure. You've basically already outlined the broad question, thinking about how do rewards, and how does party discipline, you know, more broadly, manifest because, you know, and we're seeing Democrats right now with only, with a 50 with an asterisk, vote majority in the Senate having a lot of problems because they can only stomach, the cannot stomach, a single defector in order to get anything done, much less get to 60 votes that you

would need to get past cloture, so you know they're already limited by what can go into reconciliation, yada, yada.

So parties have this strong incentive to keep their members in line, get them to toe the party line, vote their way, and by and large that works out. The degree to which members of Congress, both in the House and the Senate, vote with their party has increased quite a bit over the last few decades. There are all sorts of trends that are contemporaneous with one another that, and sort of like the trend of polarization, whether you're talking ideological or affective polarization, and what you mean by ideological polarization that, you know, since the 70s or 80s there are a lot of similar trends, and this is one of them, that the degree to which members vote with their party has increased.

And, but there are still times, right, that the personal incentives of members of Congress go against those of their party either because they themselves don't agree with the policy or they think their constituents won't or their donors won't or they think it's bad optics for whatever reason, and the party has incentive to keep those people in line. First and foremost I think the, and so like the party could do that one of two ways, right, they could offer some sort of reward or they could punish a member. First and foremost parties are, have way more incentive to reward members for good behavior than to punish them for bad behavior, right.

The power that parties, because, you don't necessarily want to have a reputation for stripping members of power or punishing them, you know, running a strong primary challenger, taking away their committee assignments, et cetera, because then your members aren't going to like you as much. You, it's a lot easier to be the benevolent party than the maleficent one. And so there's been a fair amount of work on this over the years, and that's one of the big things that they've found.

The work that I've done has specifically pushed on an idea about what do, what types of behaviors do parties actually care about from their members? The sort of conventional wisdom has been that parties allow members to say whatever they want, just as long as they vote the right way, right, essentially saying that votes are the only thing that parties care about and that talk is cheap.

And I would argue that, you know, talk is cheaper, but the parties absolutely care about what their members say in public, right. You know, if we're talking about this view of parties as needing discipline, well, why would members associate with parties in the first place? Because parties offer a, have large resource networks, and they offer a clear brand, right. If you say that some candidate you've never heard for is a Democrat, you have some idea of what their policy positions are likely to be and that's incredibly valuable, and so with that in mind you would expect that really anything that is going to go off brand for the party, that parties are going to care about.

And so what we did was we generated a measure of how much, not only do members vote like their party, but how much do they speak like their party, and we were able to show that parties

care not only about votes, but they care about speech, too, the things that members say, and we were only looking at floor speeches for this, but I would imagine that it carries over to things like, you know, interviews, email blasts, tweets, social media posts in general, is that members who speak like their party are more likely to be rewarded.

Now there's almost certainly some selection bias there, too, right, like the process by which people get into Congress is going to be affected by how much they're going to be like their party, right, but even once they're in Congress, these people who speak more like their party are more likely to get things like party directed campaign finance donations and seats on choice committees, and if they put in a request to have their committee seek change, they're more likely to have that change approved. And that's true of votes, too, but it is also true of the things that members say. And so that was the main contribution we were trying to say is like, no, talk matters a lot, particularly today where you know, members have unfettered access to the world but, you know, 280 characters at a time.

CHERVENAK: So, what are the exact rewards that can be given? So you mentioned money for campaigns, you mentioned running a primary candidate against them as well—

BALLARD: Or not, I think.

CHERVENAK: The threat of that. You mentioned committee assignments. Are those the big three? Are there others? Like what really do these, what incentives are they really responding to toe this line?

BALLARD: Sure, I mean that's a good question. The unfortunate answer is that some of this stuff we're not going to be able to get at or observe, right, because parties, it's almost certainly also, in addition to directing money themselves, they allow members to tap into their network of resourced individuals to give campaign finance donations, right, and they can also, and parties can throw their weight, or not, behind policy that members care about. And these kinds of things we're not really going to be able to pick up on, particularly the latter because that stuff happens behind closed doors, right, the idea of how much is the party actually pushing for a specific policy or not.

CHERVENAK: Yeah, so that one I find the most interesting because if I think about something like money into a political campaign, or a seat on a committee, to me that's a personal advancement, right, so that's something, you know, if you are a corporation doing that, that would be, you might go to jail, right, whereas if it's a party, you don't, right, so the party can get around that kind of problem by its definition, but when it comes to exchanging policy for policy, right, when it's a trade between the one who wants a policy, you know, you vote for this policy and we'll push your bridge or whatever, or we'll push your bill on x—

BALLARD: Yep.

CHERVENAK: Right, now that's more like a trading relationship, where the policy is the currency in both directions. So I'm very curious about that breakdown.

BALLARD: I mean, so this is one of the things, I'm not sure I 100, I mean I think that there are some ways in which the behavior of members of Congress could rise to like criminal behavior if it were in a corporation, but I think mostly what I'm talking about is, you know, I would say that the analogy to the corporate world is more that you get a promotion in part for being a team player or something like that, which, you know, may not be as meritocratic as we want it to be, but I don't think is also illegal.

But no, so this idea of trading policy is something that has been a bit of a holy grail for political scientists, what we call log rolling, to try and quantify because if it only happens behind the scenes, right, you could say okay, given that a member, you could, you know, try and figure out what the probability of any member voting on any given bill is and then try and isolate large discrepancies in that predicted probability and what they actually do and then try and tie that to actions on measures that they really care about, but that's still only indirect evidence, even if you could do all those things, which I don't think we can right now.

And so, it's really hard. There is actually is some work that folks and I are trying to do that again would be indirect, but another avenue that you might be able to use to get at this idea, which is we've taken the text of all of the bills, and we've separated it into small chunks, sections, and then we've used text algorithms to compute the similarity between the sections of all the bills, so then we can actually document changes, not just at the bill level, but at the section level, so like more particularized pieces of policy, as bills move through the legislative process.

And we're hoping that we're going to be able to identify some of these situations, like where a bill that is introduced by a member doesn't go anywhere, but then a section of it ends up in a bill later that gets passed, and thinking about characteristics around the context of you know each of those two situations aggregated over many, many iterations, we hope to be able to say something about this idea of trading policy for policy. So, you know, stay tuned. Hope to have some answers there in the next year or so.

CHERVENAK: Yeah, so I think what you're talking about in my mind is like really, the key thing is atomizing the bill to its individual idea, right, or its individual component, and what is that component, right, is it a word, is it a sentence, is it a concept? And then how do you trace that across bills over time, between people,, and that becomes the traded unit, right, and so that step is exceedingly difficult, and if you're able to pull that off, I think that would be a phenomenal advance in study of Congress, and very useful, I think, to Congress itself, if they could. Like with patents, for instance, there's the claim in the patent, right, and the claim is that operative unit, you know there's no such thing in policy as the claim, and so if you can narrow that down and isolate that at scale, I think it'll be a phenomenal advance. So let's move on to another question, I think, which is around you know some work you've done related to the minority party, the majority party, and this concept of agenda control.

Now one interesting area is, of course, today the Speaker is all-powerful and controls the agenda of the House. What have, in your work thinking about agenda, you have this concept of negative versus positive agenda control. Can you talk through the questions you had when you came into this agenda project, and what did you find?

BALLARD: Yeah, sure, so I mean this is a concept that has been used in the Congress literature for a while now, and particularly what is most famously used by Gary Cox and the recently late Matt McCubbins in their development of what they call procedural cartel theory, which in essence says that parties operate as cartels over Congressional procedure and that one of the main ways in which the majority party wields power is by controlling what gets a vote and what doesn't, with much more emphasis on the latter, this idea of controlling what doesn't get a vote, which we call negative agenda control.

The other, controlling what does get a vote, we would call positive agenda control. And so what I wanted to do starting out with this idea was to get some sense of the sort of boundaries of both negative and positive agenda control, and in a way that is directly comparable between the House and the Senate, because the sort of, as the story goes, the institutions particularly in the House, like you mentioned with the speakership, the rules committee which today more or less functions as an arm of the speakership and the end of the party leadership, makes it so that the leadership in the House is relatively more empowered than that in the Senate, where in the Senate you don't have as strict control of the agenda by the majority floor leader as you do by the speaker in the House.

You can muddle the field even further with the fact that there is no rules committee and there's no germaneness requirement for amendments such that people often just try to attach entire other bills that have nothing to do with whatever's being talked about, but I wanted, we hadn't really gotten to a point where we could directly compare these ideas between the House and the Senate, and we didn't really have an idea, the greatest idea of how well the majority party in either chamber can push through the things that they really want. And so while the latter has been focused on much more by political scientists and you know Cox, McCubbins, their work is foundational and top-notch and you know inspirational, but I tend to think that we haven't focused enough on this idea of positive agenda control, you know, because not only do parties want to keep things that they don't want from passing, but they have to get stuff done, right. And figuring out how parties can get stuff done is important. And so what I did is I developed a classifier, it's a statistical model that can predict how members are going to vote on different bills, that was trained using the text, a quantitative representation of the text in each, of each bill, using something called vector embedding, which is a machine learning algorithm, or class of machine learning models, and I was able to build a really accurate, I mean somebody might have beaten it in the last few years, but when I did it in 2019, it was the most accurate classifier to date, for how members going to vote on something, and then I used that to predict how members would have voted on things that didn't come to the floor.

Because while you can get some idea of negative agenda control just by looking at what does come to the floor and seeing how often things that come to the floor the majority doesn't like,

which is a strong indicator, that's a really conservative metric, right. You would also want to know something about how often the majority successfully keeps things that they don't want off the floor if you're looking at agenda negative agenda control, and how often they fail to get things onto the floor that they like if you're looking at positive agenda control.

What I found in terms of negative agenda control is about the same thing that everybody else has found, that the House has extraordinarily high levels of negative agenda control, but actually so does the Senate, such that the ability at least empirically of the majority party, and I do make a theoretical argument as to why this should be the case, why we would expect this to be true, the observed ability of the majority party in either chamber to keep things they don't like from coming to the floor is about the same.

CHERVENAK: Even amendments or whatever, the non, in germaneness, they can't throw what they want in through an amendment somehow?

BALLARD: Right, largely because that thing also has to then pass to be adopted. You know, people can put forth as many amendments as they want, talking about germaneness in the Senate, but you know it's not likely to get adopted, but for much of the same reason the House majority is also more likely, although less so, to get things that they want through the chamber. The reason being, as far as I can tell, is that a minority coalition is just much more able to gum up the works in the Senate. The largest institutional roadblock that gives a, any minority coalition power in the Senate being the filibuster, you all of a sudden go from a an M plus 1 over 2, or M over 2 plus 1 threshold to sixty percent, and that just makes it so much harder for the majority to do what they want.

And then this work on agenda control move to say like, okay, what are the limits of the control in the, of the majority party. Thinking more along the lines of like, well, you know, if the positive agenda control isn't as high as we might think it is, when are there opportunities for the minority party, is what I was eventually getting to. And we, and then this now is some work with Jim Curry at the University of Utah, and we set up some expectations directly derived from the literature on party power of what should affect the probability that things come to the floor both in terms of negative agenda control and positive agenda control.

And we find that these things don't actually have all that much of an effect on what comes to the floor, or not, suggesting that you know while the majority party is certainly advantaged institutionally, that there are substantial limits to their ability to just unilaterally push the policy that they want, which then opens the door for the minority to affect the policy process.

CHERVENAK: What about the notion of the co-sponsorship, because I I'm always curious about why there's any mechanism you know, why, once it reaches a certain number of co-sponsors, why doesn't it just go to the floor, right, why isn't it automatically reported out of committee? You know if that co-sponsorship gets above the majority, then boom, you know, it's out there. What's, I mean I'm assuming you looked at the co-sponsorships, what did, how did that influence this whole process?

BALLARD: Sure, I mean co-sponsorship's an interesting one, and you know you've said that one of your interests is thinking about like Congress in a normative sense, and maybe there is something there about like a sort of an automatic measure, rather than still needing to go through party leadership. If a majority of the chamber wants it then signals that they want it, at least as it operates currently, I mean the reason for that is just that the membership has come to find that there is some good in not having things operate that way. You know, co-sponsorship is a signal, it's definitely a signal, but it's a relatively weak signal, right. It's a less, much less strong signal than voting for something or against something. Co-sponsorship—

CHERVENAK: But how much does it predict whether something will reach the floor?

BALLARD: Sure, a reasonable amount. If there are more sponsors for something, it's more likely to reach the floor. It's not, you know—

CHERVENAK: Anecdotally, when I was talking to, I can't remember which of the members it was earlier in the program, you know, they, I asked them directly, you know, how do you decide which ones to co-sponsor, right, particularly if it's on the other side and if you co-sponsor something, does that mean you're going to vote for it if it comes to the floor? And they said well you know, I'd look at it more if you know there's bipartisan support, if it was coming from the other side, if there's more bipartisan support I'll look at it, and yeah if I put my name on it I'd probably vote for it, so it's very anecdotal and equals one or two but at least gave me some hope that, you know, co-sponsorships could be some kind of a mechanism to automate some of this process that is governed, sounds a lot like by veto by leadership.

BALLARD: Yeah, and that's plausible in a, you know, if you're building a legislature from scratch kind of kind of thing. One of the difficulties in Congressional reform is that the institutions in Congress are particularly sticky in that they are quite resistant to change, perhaps even more so, I mean, well, definitely some ways more so than in other legislatures, because of the strong reliance on super majority thresholds and multiple veto points to get things done, and the fact that if you want to change things that, in the Constitution, you know the fact that there have only been, what, 27 amendments in almost 250 years, speaks to the, I mean it's working the way that it was designed to. They wanted, when the Constitution was written, the framers wanted people to be able to change it but for really hard to do so right.

CHERVENAK: But the chambers have total control over their own rules, right?

BALLARD: Sure.

CHERVENAK: That's surprising they change the rules so little given that they could in theory scrap all the rules and start over anytime they wanted to.

BALLARD: That's definitely true. I think that there are a whole lot of forces at play there. One is path dependence, where, you know people are less likely to just blow up systems and scrap

them if they are familiar with them. Another is that in many ways the rules are pretty nice for the majority but, you know, one thing that often gets brought up and I think that this is a reasonable concern, is that any one thing is brought up anytime anybody talks about getting rid of the filibuster, say in the Senate, is that well, yeah, but what the other side will just do that too, to which I would argue, well yeah, that's what elections are for.

You elect people so that they can enact a legislative program, right. You don't hold elections so that a minority coalition, or I mean in this case functionally a small handful of Democratic Senators from relatively lowly populated states can completely grind the legislature to a halt. But that's a larger conversation, I think.

CHERVENAK: Well let's move on, then to, we talked about agenda control. Maybe we can move on to your other topic, it's related obviously, is this minority capacity concept. Can you talk through what you've done in that area?

BALLARD: Yeah, absolutely. This is a couple papers that are being turned into a book, again with Jim Curry from the University of Utah, and aspects of this we're also working with Mary Kroeger at the University of North Carolina, Chapel Hill and Kelsey Shoub at University of South Carolina, but it's mostly Jim and I, Jim and me. And this was born out of this this work that I did on agenda control and actually this whole project started for me with a like throwaway figure that I made in the like weeks before my dissertation was due, where I found that the share of votes, the share of bills from the minority party, so sponsored by a minority party member, that got a vote, had increased fourfold from I think it was 1986 to 2016, or something like that.

And that struck me as odd because this is, you know, prime time for the growth of ideological and affective polarization, and as such I would not have expected a greater share of the floor space to be given to bills and proposals from members of the minority party. So that was where this started. Where we've gotten to now is a theory of when the minority party is going to be able to influence legislation, and we argue that this is a function of three main ideas. One, they have to have the opportunity to do so, and we operationalize this as disunity within the majority party. And we can get into measures of how we accomplish this if you want, but for now I'll just go over the basics.

And then they have to have the cohesion to actually act, which we operationalize as unity within the minority party, and again the way that we do this is issue by issue, you know like environment. The majority party's disunity on the environment in a given year would be different than the distribution of preferences on the gun policy, or I guess that would be in crime policy as a broader topic.

And then third, so they need to have the opportunity to act to influence legislation, they need to have the internal cohesion to muster their forces, and then finally they have to have the motivation to do so. Specifically the minority party has to have the motivation to engage in policy making versus electioneering. So you can imagine that if the majority is relatively disunified on an issue and the minority has their ducks in a row, they might actually see it as a

better issue to just hammer the majority with on the campaign trail with the hope of gaining some seats. Or they could also, it could be an issue that is a big policy priority for the minority in that particular year, in which case they would have more incentive to try and influence legislation on that issue.

And so we create quantitative measures of each of those three, and one of the reasons that we're expanding into a book is that there are all sorts of ways that you could think about operationalizing each of those concepts. But we're able to show that these, our operationalizations of these concepts, are able to predict both what gets to the floor and what ultimately becomes law in a way that is consistent with our theory, you know, so the sort of optimal situation for minority influence is when something is a policy priority for the minority party, when the minority party is really cohesive, and when the majority party is relatively disunified, and we're able to show, our estimates are that bills that meet that criterion are about as likely to become law as the reverse case, so when the majority is really cohesive and the minority is not, which is not necessarily what you'd expect if you're thinking of the world as a place where the majority party sort of rules Congress as a fiefdom and the minority gets the table scraps.

CHERVENAK: Yeah, that's very interesting. I mean it sort of, I'm recalling a little bit of when I talked with Frances Lee, and she talked about how legislation's more bipartisan than you think today just because in order to get anything passed you've got to get the other side to do it, and it's reasonable to assume if the majority party is not unified, then you can squeak through, a minority can squeak through their legislation.

BALLARD: That's, it's still, and none of this is to say that the majority party isn't advantaged, right, both institutionally in terms of how things are set up to get to the floor and just by having more votes, but that doesn't mean that there aren't lots of opportunities where the minority party can get some of the things that they want done.

CHERVENAK: Right. Great, well let's move on to the questions I ask all of our guests so that someday I can compare the answers, if you're ready for that that section of the discussion. The first question is, what do you think Congressional representation should mean?

BALLARD: I think this is a really good question, and it, I think my answer speaks to some of the dysfunction of Congress currently. Where, my view is what I said earlier, is that parties that win elections should be able to enact the policies that they prefer.

CHERVENAK: But this this question is more about your vision of an individual member.

BALLARD: Oh no, I know, but there are strong implications for that from what I just said, which are that, there should be, in my view, much more focus on broader goals in Congress than on particularized goals. That said, that's not a vision that is practical in any way. I think that one of the most harmful things that Congress has done from a representational standpoint because, you know, every member is the sole representative, except in the case of Senators, of a

particular chunk of people in their chamber, and in the case of Senators, there's only one other person who represents the same constituency, and so almost everyone has a different set of policy incentives, not just because they happen to believe different things but because the people in Alabama want different things from the people in New York, and the people in upstate New York want different things than the people in New York City. The people in the Bronx want different things the people of lower Manhattan, you know, if you want to get even more granular, and that makes it really hard in the current manifestation of Congress for members to focus both on common goals and to satisfy other constituents.

So we haven't had earmarks in Congress in more than a decade now. I think if you want to increase Congressional productivity, you bring those back. Now I understand the political context as to why those no longer exist. You know there this was in the wake of the rise of the Tea Party and budget hawkism was en vogue, but I think that that really harms the ability of members to get things done and to engage in this sort of deal making that we've been talking about sort of as a bit of a theme throughout. So to sum up, I think that members of Congress are in a bit of a tough spot because I do think that you have to represent the interests of your constituents, but you also have to represent the interests of the country.

I'm not clear that there's a correct answer to what happens when those things are in conflict. My gut tells me that you should try and represent the interests of the country over the interests of your particular constituency, but that's a really hard sell for members of Congress. And something like earmarks, or the ability to bring more particularized policy, would soften the blow of such things. Now another solution would be, another at least partial solution, would be rebuilding our entire electoral system from scratch, but that seems a little bit less plausible.

CHERVENAK: But just to be clear, so when you're talking about a person covering their, the interests of their constituency, you mean everyone in their district, or do you mean, I'm assuming you mean everyone? Or is it just the people who have voted for them, or their own party, or am I, you know, what the primary voters, you're, it sounds like you mean everyone in the district?

BALLARD: I do mean everyone in the district. I, that said I, and you know that that implies more of a delegate model of representation, where members are just doing whatever their constituents want. I don't think that's necessarily right either right. I—

CHERVENAK: So you believe in the personal judgment concept for the member?

BALLARD: At least at least to some degree, yeah, because I mean this is an extreme and somewhat unrealistic example, but what if all of your, what if the majority of your constituents want to nuke Russia? That seems bad, that seems like a bad thing to push to me, and so I do think that there are, you know, a particular, and there's a fair amount of work that shows that people are more willing to defer to their member of Congress's judgment on relatively more technical issues. I think that there are good reasons why we have a representative government in that we, that allows a lot of people to not have to specialize in all sorts of different policy

ideas. And so I do think that in some cases members of Congress probably should go against the will of their constituents.

CHERVENAK: All right, so the next question is, how would your ideal Congress allocate its time, and this is really, you know DC versus home district, it's legislation versus oversight versus campaigning.

BALLARD: I mean, my ideal Congress spends a lot less time campaigning. I think that my ideal Congress also spends less time on certain types of oversight. I think that, you know, large scale uses of Congressional resources for, say, steroid use in baseball and concussion issues in football is not the best, but at the same time, more government oversight into, say, self-enrichment by members of the government would probably be useful.

But in terms of the thing, and so, you know, like many things, I think it's a little bit of column A, little bit of column B for many of the dimensions that you mentioned, except it would be I think, it would be really beneficial for Congress if they, if it was not in their incentive structure to campaign as much, and you know, that again suggests large-scale changes to the electoral system that seem unrealistic, like I don't know, publicly funded campaigns, different term lengths, multi-member districts, things like that.

CHERVENAK: Got it. Next question is, how should debate, deliberation, or dialogue occur or be structured in Congress? Should it be on the floor, should they have closed sessions, you know, at the bar, should they duke it out in the committee room, in front of the public or in private? Where should all this happen?

BALLARD: I'm a big believer in the committee system or some version of a committee system. I think that it is good both for members and for legislation for legislators to have specific knowledge, issue specific knowledge on certain areas. That implies, and this is one of the ways in which Congress has operated historically, although less so in recent years, is that I think that the most debate on policy should probably happen in committee. I think that some of that should happen in front of the public and some of it probably should happen in private, just because there's going to be way less negotiation and compromise if everything has to be public. Members have to be able to, you know, cover themselves and talk about what they might want to do with each other. Otherwise you're just not realistically going to get those deals.

But I think that a return to rely, a further reliance on the committee system, you know, like the big bills in the, under the Trump administration, largely bypassed the committee system. Members were given very little time to vote on things, there were fewer hearings, and that's you know not just confined to the Trump administration. The proportion of bills that passed that had a committee hearing has been steadily declining, or that had any markup in committee, has been steadily declining for decades now. And I think that Congress would be better served to returning to that. That said, this has happened because it is in the incentive structure given the current political climate for Congress to operate in this way.

CHERVENAK: Right, well, next question is what fundamental institutional improvement should Congress make within 50 years?

BALLARD: I mean, it might happen soon, I think, to get rid of the filibuster is a very good idea. I also think that, I mean, this isn't as much of change in Congress. I don't necessarily have a problem with sort of an upper chamber and a lower chamber or necessarily have a problem with one of the chambers being relatively anti-Democratic in the way that the representatives are chosen like the Senate is. But to give that chamber that is anti-Democratic relatively more power seems like a problem to me. You know, if current population trends hold in the year 2050, 70 percent of the United States will live in eight states, meaning that the 30 percent of people who do not live in those eight states will be represented by 84 percent of the Senate, and that is an incredible imbalance, given that the Senate is the chamber that has a supermajority requirement for votes and is responsible for confirming judges, both of which give an incredible anti-democratic bias toward legislation and the judiciary.

And so I think that changes to those would be in the best interest of society. Like I said, I mean some of the things that we've talked about are kind of like, I don't know, I don't know whether it's like pie in the sky or if it's pie in a different sky, it's like, it's not, this requires Constitutional amendment.

CHERVENAK: Yeah. Next question is, what book or article most shaped your thinking with respect to Congressional reform?

BALLARD: Parties and Leaders in the Postreform House by David W. Rohde, not just for the ideas, which are phenomenal and have influenced a lot of my work on parties. I mean Dave was on my dissertation committee, so I am certainly biased, but also because it is, you know, Dave relies on data, but he is, his work is not incredibly technical in an empirical sense, and yet the chapter where he lays out his theory in that book is about the tightest logical, tightest and clearest logical argument that you will read in political science, or maybe academia anywhere. It is a master class on how to do good work.

CHERVENAK: Awesome. Last one is just about your plans. You know, you obviously said you're working on a couple books. What's in store for you in the next few years?

BALLARD: Yeah, so two books, actually three. The third one is on how party support in elections translates into legislative behavior and particularly the ways in which those contribute to like more party-aligned behavior and also contribute to more ideological polarization in Congress. That's one of the big things. Another is this like policy tracing work that's going to be many years in the making. I currently have I think seven or eight research assistants working on various aspects of this, so there's a small army trying to get these data into various forms.

And then I really want to lean more into legislative negotiation and sort of some of the questions that it sounds like you're interested in, is like what is actually, not just describing how Congress does work, which is a large task, but thinking more about what we could do as a

society to make Congress work better. And I will admit that there is relatively less of an audience for that in some circles of political science, but I also believe that we as people, and me as a person with the certain skills and training that I have, have an obligation to try and use those to further the public good.

CHERVENAK: Awesome, well thank you very much, Professor Ballard. It's been a pleasure talking to you, and best of luck with your research and your books.

BALLARD: Yeah, thank you, this has been great.