

**Reforming Congress Project
Sunwater Institute
Interview with Bryan Jones**

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

JONES: I'm happy to do it.

CHERVENAK: Why don't we start off with your background? You've covered a lot of very interesting areas as it relates to political science and Congress and ideas, you know, why don't you tell us about how it all started and sort of the arc of your career so far and where you are now?

JONES: Well, I got interested in political science and politics in undergraduate school. I was an undergraduate at the University of Alabama back when George Wallace stood in the schoolhouse door, so I got interested in Southern politics. I got interested in the work V. O. Key, the great political scientist, had done, and went to graduate school and changed a little bit. I got more interested in institutions than political behavior, and I did a dissertation on the Texas legislature back when.

I got interested in the legislatures that way as an example of policy institutions. As I work through some of the institutional work I did, and I have studied bureaucracies and a great deal of these studies that you mentioned, and yes I have done a lot of studies. When you're my age you look back and you say, geez, just to add up to a lot, I wonder if I said anything. But I got interested in the decision-making process and in particular reacting to some of the assumptions that economists and political scientists have made about full-blown rationality, which just didn't look right to me.

So I immersed myself in the work of Herb Simon, who was a political scientist who studied the kind of behavior of people and how that affected the structure of institutions and how institutions operated. And my first work in, on bureaucracies really was fundamental, that work by Herb was fundamental to that, that work, and I contributed to organizational science as a consequence and learned a lot about organizational science.

When I went back to Congress, or to legislative institutions, it was more from the perspective of policymaking, and you mentioned earlier in our informal talk that I built this with Frank Baumgartner, who's out at North Carolina, a database on policy concepts that had been moved across time. We did that so we could trace the changes in the emphasis of Congress across time and map out what policy choices they were making, what they were attending to over various data sets.

I've continued to do that through the rest of my career, still working in the area of policy institutions and how they make decisions, how they collect information, information processing has become very key over the last several, number of years, decade and a half, in

understanding how the institution works, Congress works, other legislative institutions work, [and] how they don't work because I think sometimes they build processes that just are designed to fail, from my view of how decision-making works. So that's a little bit of an overview of what I've done over the years, and it's been a great career for me. I'm still doing it at my age.

CHERVENAK: So the broad interest you had is in institutions and decision making, it sounds like. That was really what motivated you. And in terms of applying it, you applied it to the, sounds like the executive bureaucracy but also to the legislative branch, is that right?

JONES: Well, yes.

CHERVENAK: Great. So why don't we dive in a little bit deeper on this policy agendas project? Can you talk about what was the problem there, and then what did you do to ultimately solve that problem, and how is it continuing?

JONES: I don't think you ever solve a problem. [I always] said you contain it or you transform into something that's more manageable, but the problem we faced in building the database was, Frank and I wrote a book called *Agendas and Instability in American Politics*, which was about how the government itself focuses on this policy rather than that one, this problem rather than that one, why do they talk about what they do?. And we did a lot of case work. We collected as much case material that as we could from what other people had done and what we decided to work on.

And in the end, we put together what I thought was a good book and it's got good reactions, but we were frustrated because we could not say for sure that a topic was important at one time rather than another, compared to something else. So we said, if we could set up a system in which we could track these measures, these, this interest, the dialogue about public policy in these areas, we can trace the agendas. So we can take macroeconomics, for example, and trace a number of times this president mentions macroeconomics in his State of the Union speeches compared to Civil Rights. How many times does Johnson mention Civil Rights compared to Nixon or to Reagan? We don't do the direction, that's for somebody else to work on. We just want to know how much attention is paid to it, and whether anything follows from that.

So that's how we got into building this database, and over time we've added lots of variables to it, and a lot of countries have done similar measures of their agendas over time. So it's really a quantitative way to measure the agendas which we didn't have before. Policy was thought of as a qualitative field except for budgets, and by the way we measure, we set up our system to mimic what the budget the economists have done on the on budgets and also on accounts that the income and process accounts, I think they call it, to make sure we were getting the right sort of reliability in our data.

So people can use this system. I just got a call from the Politico, for example, wanted to follow our state of the union speeches since it's coming up, and we can do that, we can give the data

back to Eisenhower to see how many times Eisenhower talked about these topics compared to Trump. Well, Trump didn't talk, he talked about a few, not very many topics compared to Eisenhower, but anyway that's another story, so. That's kind of what the data set came about and what we've used it for. Used it in several books that we've done over time.

CHERVENAK: I mean I can imagine it's a very difficult, difficult database to construct because on the one side you have to create an ontology of topics, somehow, right, and you know I'm curious how you started to build that out. Was it just, you know, totally custom, or did you start off with some kind of other standard that you modified for the political realm? And that's sort of the first question I would have as it relates to a database like that.

JONES: Yeah, and that's a good question. We used, we started with what the Office of Management Budget had done on budgets to see what categories they used, and then some search categories. Congressional Research Service has some search categories. The problem with search categories for us is it doesn't track the same thing across time, and they'll use different names. I mean, environmental racism is a great term, but it occurs only once in a while compared to environment and civil rights, which we would use, that we can trace over time.

So we had to make these consistent over time. And here's the reason we have to. If you have a number, if you're counting something up in 1978, and you're comparing that to what's happening in 1998, if you use different terms to describe the same sort of concepts, you're going to get bad results. You're not going to be able to follow something on, in time. So we made sure that if we had to add a topic, and once in a while we have, we have to back date everything, we have to recode everything that's relevant to that topic. So we're careful about that. And sometimes we cram things into a topic that maybe stretches a little bit, but it's, at least you'll have the same topic there as you follow it forward, and not just the differences in languages.

So we do this with human coding and machine-assisted learning programs to follow these topics over time, and we do it for a number of topics, and we started with a set network of topics, and then for about two years we spent time modifying it and winnowing the topics that worked, subtopics. We have twenty topics and about two hundred and twenty subtopics that were used under, say, environment, and we just kept doing it until we thought we had it right. We looked at back backwards and saw how many other topics might be there and tried to keep it robust that way. And it's worked pretty well, it's worked pretty well.

CHERVENAK: And so how do you maintain that that kind of ontology? Is it every year you get together and you have a convention around the ontology and people [...]

JONES: We do—

CHERVENAK: ...differences and look at complaints or whatever? I mean how do you maintain it year to year?

JONES: Sorry. Well, we do two things. One, we are we have an ongoing staff made up partly of volunteers and graduate students and undergraduates who are interested in doing research, and they're amazing, by the way, and then we have meetings of all the policy agendas group once a year. We have now gone to meeting every quarter on Zoom, in which we see if our topics work together. So yeah, we take questions, queries, and usually clarifications from anybody that wants to contact us, and then we try to make sure every, all of our systems across nations stay in sync with each other through meetings, and make sure that all of them work together.

A few years ago we did a big re-evaluation of all the code books to be sure that they weren't out of whack, and we changed the system to make sure that our systems were measuring the same thing and people didn't just put in something that's characteristic of Spain, for example, or characteristics of The United States, but it's not more general policy topic. I learned a lot out of that.

CHERVENAK: Interesting. So you maintain this ontology, and then at the same time you have to run it against all this content, right? So whether it's, so how did you apply it? Did you apply it to just hearings or bills or speeches? How did you apply that structure to all the content, and which content did you cover?

JONES: Well, we try to hit all the policies that Congress talks about. We started with hearings, and it's still our gold standard data set. I think we do the best job of hearings in the country because Congress is very sloppy about keeping its hearings in any one place. Don't. So you have to, at one time there was an institute, a small non-profit. Forgot what they call it, that's not Congressional Research Service because that's a gov— that's the congressional arm, but anyway they kept all the hearings in good shape because lawyers always wanted to go back and say what was the intent of Congress, what did they say in the hearings. Well kind of the Supreme Court got less interested in intent, which is a shame, and the nonprofit got bought out, and the data wasn't as good, so we have to go back to the original sources, the CRS books that they collect on Congress, and try to get them. It's hard to get hearings, let me tell you.

And then we went to other fields, where it's much easier to get the data. Bills, for example. You mentioned bills in our conversation earlier. Yeah, bills are key, but there's a lot of them, but we use machine-assisted learning, and we are coding that with, along with John Wilkerson, who's at the University of Washington. He started this program. And we use those for hearings. We use laws, we use State of the Union speeches. We got a set of categories we use from the legislature to the executive to some public opinion questions, some bureaucracy issues. I wish we could do all the rules bureaucracy makes, but right now it's a little over our head. But you get the idea. We try to measure that that agenda over time, how it ebbs and flows in terms of policy content in all of these areas.

CHERVENAK: So that's the main application that you're using, then, is you've got your structure. You've applied it to these various content streams, you know mainly hearings and bills, and it's,

it sounds like, and maybe the laws and then you look at how it fluc[tuates], you know changes over time and where the bulk of the time, or at least the words, are concentrated.

JONES: That's right. Basically right.

CHERVENAK: And so from this work, you know, you were the first to really put it together, maybe still the only one, what did you learn from it? What did it illuminate? You know, what kind of new knowledge did we gain from that activity?

JONES: We've used it in a lot of different situations, and one is a book that we did, often basically relying, Frank and I did, off of the material we've gotten called *The Politics of Attention*, in which we trace the attention of various policies across time and why that attention was there and how it went downstream. If you had, if you got attention in Congress, on a hearing, did it end up being a law, for example.

And one of the great findings of this work is comparative, and it's easy to explain. If, can people, can groups keep anything off the agenda? That's a key question. We can't answer that, but we can tell you this. Let's compare parliamentary systems and our presidential system. It is fairly easy in the system we have, the congressional system we have, or it has been, it was when we wrote this book, to get an item, a policy issue on the agenda because you can introduce a bill anytime. There's discussion. We don't really trace that, but there's a group that's done a little bit of that, and there you can get a hearing on it with a little more effort, but you still can get a hearing on a problem. But what happens in the US because we have separation of powers, it is hard to get a law passed. It's hard to get change not because the agenda is jammed up, but because there's too many rules you have to follow, too many hurdles to cross that are in the institutions.

Now let's turn to a parliamentary system. In the parliamentary system, the majority party says no to any issue it doesn't want to deal with, but once it just chooses to deal with that that issue, then zoom, it goes through. So what you do you have a trade-off in parliamentary systems and presidential systems on how easy it is to get an item on the agenda but how hard it is to get through once that item gets on the agenda. And we found that by comparing parliamentary systems and presidential systems using these kinds of the policy agenda system that these countries have collected, including the United States. So that's some of the things we we've learned.

The second thing is that we two of my colleagues, Sean Theriault and Michelle Wyman, Michelle Wyman is a former graduate student at Florida State now and Sean's my colleague here at the University of Texas. We took a look at the pattern of adoption of policies, or let me say this, when policies get on the agenda over time. And we found that there was a period of time in which the policies were adopted at an incredible pace. This is not new to anybody. But we were able to take those policies, take those, that policy adoption or agenda-setting process and trace them from the First, Second World War, all the way through to 19, 2020 and we could

see a big arc going through almost all those areas and showed that the adoption went up during one period, but then it went back down after Johnson era, Johnson-Nixon era.

Then we connected what bureaucracies did from after those, that explosion of policies, and by the way, by explosion of policy, we don't mean more money. That's not the way to measure policy. We mean how many areas of your life is government involved in. So we call that the breadth of government rather than the intensity of government in areas. And it's been a hundred million more in defense, that doesn't move our needle. If it moves into an environmental area it had been in before, that would, even though it's just regulations, you could hardly see them on a budget. But we can see them quite clearly in the agenda-setting process.

And what happens is in the case of bureaucracies, those rules, call it friction, call it stickiness, they get in there and they are the rule of law that we follow once Congress acts, and the judges and so forth, we did judicial decisions, we did bureaucratic implementation questions, to see what the impact of that great broadening period is, was, and you can trace it up to this day. Now some things because there was a conservative pushback on these things, some things were reversed. There are not congressional hearings in some of these areas anymore. There are not rules, there are fewer rules and so forth, but other ways it's stuck, and we still deal with them today.

CHERVENAK: Yeah, it's interesting, you know, I was reading Lee Hamilton's letters to his constituents, and he, you know, he was in Congress for quite a long period of time, and he overlapped in his early days with Johnson, and Nixon before that, and you can tell that his letters are increasingly despondent over time because I think he looked at everything back at the Johnson days as the kind of the glory days of the Congress.

JONES: Yeah.

CHERVENAK: And then, you know, it's harder to get things done after that.

JONES: Yeah, and that's not necessarily a bad thing because you do get the pushback, but sometimes it gets like general movements and there, we can talk about this later, I think we will, about how you winnow out the bad policies from the good ones that should stay, and I think Congress has gotten worse at that, not better, unfortunately. But if you look at our data, sure that, it's called The Great Broadening, to put in the plug, and too has gotten good responses, but not as much as we hope. We hope people will continue to follow these bigger trends throughout time and see how they might fit with what the modern quality looks like.

CHERVENAK: Let's talk about the notion of attention. You know, the way to conceive of information flowing into Congress, in my view, is really, there's problems, right, that society is facing that might have some kind of policy response, right. So there's the problems. Then there's potential solutions that can address those problems, and then occasionally you might put those together into something called a bill, right, that matches up, in theory, should match

a solution with, a particular solution with a particular kind of problem. And you know, when you're thinking about, and when you've done your work as it relates to Congress, how does Congress come to focus on any of these individual—and when we say Congress, we're talking about as an individual thing, but in fact there's all the individual members and then there's a, there's the parallel process of the committees and then the serial process of the floor, so I'm curious about your perspective on those three things, how it really happens, and how does the organization eventually like focus its attention on particular issues.

JONES: Yeah, let's talk about the process because it's hard to talk about the substance of why Congress focuses on one issue rather than another, but I heard, one thing we need to remember is Mitch McConnell said a few years ago, look, we're going to, we get about six major things, six or seven major things done a year. That's this parallel of the serial process, we only get this number, the agenda is limited how much we can do. But how much we can talk about earlier is not unlimited, but it's more flexible. So one thing we have to understand about this discussion is that the problems and solutions can be discussed separately.

I might see a problem out there that ought to be addressed, and the problem may come from outside, all of a sudden Putin's invading Ukraine. Just, blam. Off the, we weren't thinking about that a year ago. I suspect the intelligence folks were, but I wasn't. You weren't, I suspect. But all of a sudden it happens, and then all the Congress has to focus on that problem. So that's a problem that is still going in this definition process, but it's so clear that, and the administration has done a superb job of making sure we understand the, what happened there and what was going to happen.

But almost all problems aren't that clear-cut. The problem in the pandemic, we've had a lot of debate about the pandemic and what we should do about it, for example. In other areas like that that, environmentalism, climate change, all these other issues are multifaceted. They're hard to grasp fully, and people disagree on them for reasons and have to with, legitimate reasons and the fact that they want to make some money or get something out of the manipulating that problem.

So some people come to the table with a problem. The problem is climate change and however we're going to deal with it. And there, it may or may not be connected to the solution. They might offer, and if we had this debate, I thought we settled it, but we don't settle anything. People don't remember this very clearly, but both Obama and McCain had very serious climate change policies using cap and trade in their systems to forward the attack on climate change. But it didn't end up selling. We thought we had a consensus. That's the solution part of it. Some people can come in with a solution, some economists would come in and tell you a tax on carbon is the best way to do it, it's the most efficient way to do it. And a politician's going to say, oh, no more taxes, that's not the way we want to do it, we'd rather see regulations, which are inefficient ways to do it, to the economist, but it might not be the to the politician.

So the solutions are important, too, and they're not always connected to the policy itself because I did a book with Walt Williams, a policy analyst, years ago, he's deceased

unfortunately, about tax policies, and the fact that from Reagan till today the Republicans have continued to push tax cuts as a solution to economic malaise. Well none of it's worked, and they keep pushing this again and again. And then Democrats have the same sort of issues with getting stuck on a policy. But this one's just so classic, it's just so obvious that it's not working, but you keep doing it because you're selling not the problem. You're not trying to analyze the problem. You're trying to sell a solution, and that selling of the solution, it can be useful because if we don't fully understand what the solution could be and what the problem, the connection to a solution to a problem is, then we we're going to miss some of the dynamism of the, what Congress as a legislative institution can do.

And that's why we go to the committee structure to make sure we can understand these things and not just salesmanship on the part of somebody that's got a solution to offer or wants to bring up the same problem that's not as important as some other people might think it is.

CHERVENAK: So, when we talk about problems, you know, you can imagine that all kinds of problems could flow into Congress either through constituents or, you know, or flow in through a speech or flow in through a bill or what have you. And there are certain questions that have to be answered about a problem, I would think, in order to make it attention-worthy, right? On the one side, the problem has to, would have to address a large number of people. Can't just be a problem of one person, right? On the other hand, you know, the problem would need to be a kind of problem that a federal policy could address, right? You know, if the problem is greed, right, it can't be solved, right? It lives, you know, Congress can't legislate it out of existence. So there have to be a subset of the total problems that are problems that are, that affect a large enough number of people that are addressable through policy, that are constitutional, constitutionally addressable, you know, there are a set of questions you sort of have to answer about any individual problem in order to make it sort of worth the time of Congress to really push on. Have you thought through that at all and how that process takes place?

JONES: Well, I'll take a step back first and think about, like you said, first, how do these problems get on to the congressional agenda anyway, and one of the things that attention does, and even if it's in an institution, is to, is if you focus on one policy, you're going to lose focus on another policy. And, for example, if we focus completely internally on the pandemic we might miss what's going on in foreign policy. And we did a lot of work and continued to do work in an area that Frank and I developed and called punctuated equilibrium theory, policy punctuation, and we showed that if you delayed action on a problem, you would build up, it would accumulate. We call it error accumulation models because you get further and further away from solving that problem, and if you do that by ignoring it, by pretending it doesn't exist or any other mechanism you might have, you're going to have to make a bigger change when the policy comes to crisis stage. Not all problems come to crisis stage, but some will.

And one of the great statements about Congress is made by a former ambassador to Belgium, a Republican whose name I cannot recall right now, and, but his statement so much more than what we could ever ask for, and that is Congress does two things: nothing and overreacting. And I think that sums up this punctuated equilibrium idea that we have. Now, how do you

address the fact that Congress is going to ignore problems for so much of the time? There's no easy solution to this, but if it does ignore them, there are consequences they're going to have to scramble to deal with later. I think that's what the committee structure is for, to try to figure out what the problems are out there, and then turn to the experts in the bureaucracy and in private industry to try to figure out [what] the solutions are. That's idealized.

But the quicker you can get on top of a problem, the quicker you have a committee that understands the problem, and a committee's staff probably more important than understands the problem, the more you're going to be able to at some point address it before it gets out of hand. It's a pretty simple idea, but it's critical, and we can follow it in so many different cases, and for sure it works for, across countries. We know that countries that are more pluralistic about collecting information are less likely to make big mistakes. So big mistakes are more likely to come from centralized systems, authoritarian systems, than they are from pluralistic democracies, systems like pluralistic democracies.

Another way to say it is pluralistic democracies make lots of little mistakes, probably more than the autocrat does, but when autocrats make mistakes, they make big mistakes. Not that democracies don't make big mistakes, sometimes they do, it's just they're less likely to do so. One economist has studied famines, for example. He said democracies don't have famines. They make people go hungry, but they don't have famines because they get to that before it's a crisis stage. So that's the kind of things we study when we get to the committee structure of Congress. Can we design a committee structure that was better at detecting problems than what we got now? Maybe we had a better system in the past. I think we did, for that, in that process.

So that one unifies, that brings the, that's the mechanism you can bring the problem into Congress because somebody's monitoring it than you might otherwise. I mean, that's my general take on your question, which has lots of other components, too.

CHERVENAK: What do you think about the information streams into Congress that would, in theory, contain a lot of these problems or solution sets, right? On the one side, you could have constituents just directly sending their congressmen a message about what problems they see and what solutions they have on their mind, and the other side it can come through highly-centralized media, on the other side, there can be magnification of certain people's views over others in a social media platform, for instance. You know, what do you think of that kind of landscape and how it's changed over time? Because presumably these members are responding to problems that are coming in from the various information streams and how those changes are going to determine what problems are really aired?

JONES: Yeah, I would add two more sources of information, and one is the standard interest group politics you have, which always bring information to the table, not just quote lobby, lobbying [] information. Yeah, you know it's colored toward their perspective, but it's information. The second is the bureaucracy itself. We've, some of my students have been studying that connection between who's testifying in Congress and what ideas and what a,

policy areas are being represented by those groups, and so those things are, they're always there. What hasn't been there is the shift in media tone and social media and so forth, which has this urgency set into it that makes it really hard for congressman now to sit down and work out solutions because you're always being bombarded by the last hysterical thing that somebody wants to raise. And politicians get on the deal, too. They turn to raising an issue that might not be the most important issue, but it's a way to get attention and to get it moving, and that's not a bad thing. That's not a bad thing. It's just a question of how much information overload an institution can stand, and it's at its limits right now. We're going to get, it's going to get worse over time.

But you can see with the invasion of Ukraine how one big item can push all these other items off of the agenda. But I can see in my state of Texas right now, we've made a lot of mistakes by not, by having a hysterical issue being used by politicians too easily to raise people's ire about something. And you're a cognitive scientist, that's your background, and it's important to understand that for some reason, I think, your negative enemy is easier to raise as a specter in the policy arguments than a positive solution to a problem. Ideally we would all like to see problems and solutions connected, but sometimes we're reacting to stuff that's going to cause us more problems down the pike, and that led us to write an article about policy bubbles.

When you overreact and build up a policy bubble, that's going to crash, too. So government can, yes, sir, be a reason for the problems, just like conservatives used to say in the old days. I'm not sure they say that anymore, but they sure did in the old days, and we have to take them seriously.

CHERVENAK: So when you think about Congress and this attention concept, right, which is really about prioritizations, right, because there's information flowing in and its prioritizations, you know, you've mentioned the committee as a prioritizing component of Congress, and that's typically driven by the chairman of the committee, and maybe depending upon, I guess, his whims, you know, the members of the committee. And then there's the, you know, the Speaker of the House and then in the Senate, you know, maybe it's a different process. What's your, do you have any thoughts about how that privatization happens within the committee or within the chambers?

JONES: I think it's changed over time, by observation here. And when you were attending to a lot of different policies at once, it's good to have a decentralized structure, and yes it's in the hands of the chair, but the best committees also work with the ranking member, like our foreign policy committees have done a pretty good job over time in consulting with each other as minority and majority staff, or members. So a well-functioning committee is going to have a few things going for it. And one, and of course, good leadership. That's without speaking, but that's not going to necessarily come. That's nothing you and I can do about that. But a good staff, and one of the things Congress decided to do over time is to pay its staff nothing and have high turnover as a consequence.

The older people that used to be around in Congress until they were retired, they don't do that anymore. You have people that stay two or three years and rotate off. Congress is trying to address that. There are major initiatives being addressed at stabilizing the staff situation. I don't think there's any substitute for a good staff because a good staff quickly brings a member up to speed when you get all the bombardments from social media, from interest groups, from the bureaucracy, which has its own urgencies that have to be addressed, and so forth.

So when you're prioritizing, and then the chairman's job is to get the priority issues up to the leaders of the House or Senate so that they can address them or not, because again that's the second place of prioritization. [It's] not going to be acted on if there's not some support at the central level. But today we have centralized institutions that are, it's really overdone, and the committees themselves have lost a lot of their function, and I'm not sure a congressman knows what regular order is anymore because we do these things and these big budget bills which involve compromise all right, but only between factions within the parties, rather than the committees themselves.

And we found in our data sets, because we tabulate, for example, what policies are connected to where in the process they might be, and in this case oversight hearings, hearings in which the committee is looking at the problems, and of older problems, how the bureaucracy is handling those problems, compared to lawmaking hearings, and we have many more oversight hearings than lawmaking hearings today. But the committee members get little benefit out of those committees unless there's some big thing like the January 6 committee that's being run at the House right now.

I think that's a shame. I think we've lost, but many of that in the expertise in that input structure that we really need in the committees today. We lost them because of the centralization that's going on in both House and Senate.

CHERVENAK: Yeah, I was curious about the application this concept of attention to oversight, right, because you know there's different versions of oversight, and I've talked to a number of people about oversight on this program, right, and there's the investigations oversight that's very exciting and splashy, but then, you know, there's the concept of just checking out an agency and what's the turnover of the staff in that agency, you know, what are the lines at the door? Are the people satisfied with the way they're interacting with the agency? You know, there's kind of the more what I would call board of directors kind of oversight that's really more mundane, and it's more about operations and checking that and checking some stats and numbers and this kind of thing, you know. What's your perspective on those different types of oversight, and how does that play into your work on attention?

JONES: There's nothing that can provide more attention to something than an exciting investigatory hearing, and congressmen know that, and so does the rest of government. So these are very important, and they can lead to major changes in legislation or rule making or something else, but they're a very small part of the number. It might be a lot of the attention if we could aggregate attention that way, but it wouldn't be very much of the number of hearings

that take place. One of my graduate students, Connor Dye, has examined the rule-making connection to hearings, and he finds that most oversight hearings, actually all of the hearings generally, deal with an agency's rule-making procedure. That is, the committee wants to know what's the reason for this rule and why are you asking, why are you writing it right now? And the agencies or agency, or more than one agency in many cases because it got divided jurisdiction, will come in and explain to the congressman why they think this is good, and the congressman is going to say, well here's what I've been hearing from the industry on this one, how do you respond to that? So it's a mechanism for making sure the rules are made appropriately in addition to the whole series of procedures that bureaucrats have to follow in making a rule governed by something called the procedures acts. Now I've forgotten the first name of it, but there's an Administrative Procedure Act, I got it, that govern what, how rules are made, and people need to remember that when they start throwing around deep state talk.

But then the congressmen get involved, too, because they want to make sure that the agency understands as it makes the rule what the committee of jurisdiction, what its thoughts are about that, too. So that's big business in Congress now, the whole oversight idea of the second way in which you described it. I'm not sure what we call them, but the non-investigatory hearings. Finally, there's a lot of problem-oriented studies that committees do that don't get a lot of press, and I wish they did. I wish they got more press, but there's just a lot of them, so there's these three functions that committees follow in doing their jobs as oversight legislators.

CHERVENAK: So if we move on, then, once you have attention on an issue, right, whether it's in committee or on the floor, you know, there ultimately need to be made decisions about those, right? You know, you pass the bill, you don't, or you change the bill, you don't, you accept the amendment or you don't. And they have procedures, right? There's different models or ways to execute on those decisions. So I know you have some work about that. Can you talk through your perspective on this kind of decision-making, the different models that can be used, and what works and what doesn't, in your opinion?

JONES: Well, I mean, again, major decisions are made when we decide what bill is going to get up there for choice, what bills are we going to, and what are they going to read like when they get up for the roll call vote stage. Lots of political scientists have been interested in the roll call vote stage, and I applaud them for it because we've learned so much about it, and they've been able to scale the roll calls and the, it's a preference-based model, that is the preference leads to a position on a roll call.

And I admire the work, is let's look at it before we get to that point, how did it get shaped that way, and how does the bill get written that way, because you have the same bill on two different areas, of the same area, one's going to work and one isn't, even though they have the same aim. And we are more subject, the Congress is more subject to just missed writing bills today than it was twenty years ago, and one of my students has found that out, too, and published an article about it. So decision-making is about forming alternatives and making those alternatives connect to problems. The bill may or may not do that, and if we adopt bills and they get passed that don't address a problem fully, then we're going to have problems

down the line again. And you can take any bill, any area you want, and analyze it that way. We don't have enough capacity as it, Congress doesn't have enough capacity right now to analyze those downstream measures. That's very hard to do, or the unintended consequences of what you've been active because we're in such a rush to take advantage of that social media bubble that we've just had to write legislation or an amendment or something at the state level. We've seen in Texas here because of that social media bubble.

And we're going to have to undo it. So it's really important to get it right at the first, and I think that's, again, that's the committee's job. But the committees have been stripped much of their power to do that because the negotiation takes place way too high up, and the decision-making there is not based on the same concerns that you might negotiate with your ranking member at the committee level. I'm not sure that we have moved from a decision-making system that is focused on problem solving versus solutions the way I think was pretty close to ideal, as close as we can get to ideal in the '70s, with a whole bunch of subcommittees working on all the legislation passed forward, to one that's very centralized and it's counted up by how many times you support the policy or your party rather than what the bill looks like.

And that happened this year, last year, now, when we were trying to put together, the House put together a bill, a stimulus package, a Build Back Better bill, and couldn't get through to the senator that that was needed, but it was not possible for the House members of the Progressive Caucus to put themselves in a position of Manchin, who had legitimate concerns on these things. And you can't negotiate across institutions without some better system of filtering out the things he was concerned about, compared to what the Progressive Caucus was concerned about. So these are the things that should have been able to be handled fairly easily.

This was a compromisable bill and could have attracted even a little bit of Republican support, in my opinion, if it had been handled but closer to what we call regular order, I think it could have been done. But it couldn't be done in the situation where you think of one party against the other, and let's throw out guys if they don't follow the party line. That's not a parliamentary system. That's not the way it works, even, but surely it won't work in America and get good bills.

CHERVENAK: So your thought is that if it had gone through a committee in a normal structure, the committee might have been able to integrate those concerns, anticipated them, smooth it out so that ultimately it would have passed.

JONES: Yeah, and this is where I think some people have a filibuster wrong. The filibuster doesn't force that kind of a compromise because if you have a bill that appeals to forty-five or fifty-five senators, you're doing pretty well, in history. It's not going to be the biggest bill in the world, but if you had taken that bill, made it, still not too late, and divided it up among the committees in the Senate and or in the House, you would have gotten rid of some of the language that just isn't going to work, I think, and you would have addressed some of the things that will work, and that can happen. If you can't, you might have to go something like a reconciliation, which jams all these things together, but try something else first. And you know,

Manchin, and the reason you needed Manchin's vote, was to break a filibuster, not, because you got a filibuster problem. And can the same sort of compromise work without the filibuster? I think it could. I'm against the filibuster but not for the same reason as jamming through a big buck bill. Those big bills are going bad, and certainly we can predict them because why? We know how the human mind works, and the institution works. Cramming all sorts of things together is going to make a bill that that might have been had a lot of smaller things that work well to and make them palatable to a broader swath of legislators. I think some things have to be pushed through, but we want to keep that as low as possible, and I think that's the role of a good committee structure.

CHERVENAK: Yeah, so I think that's leading to, you know, some questions about what's a good decision versus a bad decision, you know, or a good process versus a bad process, or a good, ultimately a good policy versus a bad policy, which you've also done some work on. But when it comes to, you know, the omnibus kinds of legislation versus more micro legislation, say, you know, there's a continuum. You have a bill which could have a single line in it that changes a single number, right, you could consider that the smallest possible bill, and then you have an omnibus bill that, you know, that could be passed just one bill a year for the whole Congress. So clearly having a million small bills isn't going to be an appropriate use of time for the legislature, right, just, you can't do a million votes, right, but doing one also has clear disadvantages. Any kind of thoughts or framework through which you would view kind of the size of the bill or the complexity of bills or the internal-like coherence of a bill around an issue? Do you have any thoughts about that and what would make more likely to have a good decision than not in the process?

JONES: Yeah, I've been critical of the institution and how it's been more centralized, and as it's more centralized it passes bigger bills, and there's going to be more errors in those bills. So that's the institutional side of this thing. But there's the second side, and that is the world. The world is more complex than it used to be. Things interact more. For example, you can't do agricultural policy without doing environmental policy today. In the past you could. Matter of fact, we didn't have much of an environmental policy, and as long as that's going to happen, you're going to have multiple agencies, multiple congressmen, multiple committees in overlapping situations that have to deal with this, and I don't think that's a bad thing, it's just the way the world works.

The problems are that way. Not this necessarily the solution. If the problems are that way, you can't have an ag commit committee doing things that hurt the environment without at least consulting the environmental committees, and that means the bills that are smaller in scope are going to bring in that just as well, they're going to bring in multiple constituencies in multiple areas of policy, but they can be negotiated easier than a big bill. These things get lost as in the attention-directing dynamics that go on you you've got to lose the part that's not being focused on. If you can break those parts down to smaller units in the bill, and what's the ideal size of the bill? I don't know, but I know a big bill, and you're right, a big bill or a small bill, two small bills wasted your time, a big bill is too comprehensive to grasp, but they are going to be bigger because of the nature of the world being more complex. There's no way around that,

so we don't have to worry too much about small bills. This is not going to happen, and they're going to be done by voice vote anyway. If it's a bad word or two.

So I think there's a middle ground there that ought to work and that ought to involve the a few areas rather than all areas in Congress the way that the omnibus bill will, and give you a chance to deal with those overlapping parts, but it's going to happen that you're going to have those overlapping parts. It's just not only the fault of the institutions that the bills have gotten bigger, and they have. If we follow these across time, the bills are just much bigger now. They're built bigger for two reasons, just let me say that again. One is the world is more complex. Two, the institutions have managed to cram all these things together to solve political problems rather than policy problems.

CHERVENAK: I'd be curious to see in your data, you know, the number of different topics or concepts in a bill over time and whether that's changed and whether the number of different topics within a bill increases or decreases the likelihood of passage. Maybe you've done that work?

JONES: We've done some of that. The first thing we had to do was to figure out how to do the committees versus their jurisdictions, and we do that by looking at our topics and the committee bills and see if in fact there are more included. And the more you get in there, the less likely they are to pass, but that doesn't mean they aren't worth dealing with that at that level. Committees themselves, we used to think of them as getting jurisdictions that overlap, and sometimes, and because they wanted to accumulate power. That happens, but it also happens just because that's the way the world works, and they have to deal with these things, and that makes it harder to be a committee member and to push that upstairs. It doesn't solve the problem. There's still going to be agricultural interests and other interests that you have to deal with.

I remember some years ago Tom Cole, Republican congressman from Oklahoma, spent forever putting together an ag bill that ended up getting deep sixed at the centralized level, even though he had done all the work with the constituencies and the other party and so forth, everybody was, nobody was satisfied, which is always a good sign for a bill, and it got deep sixed with at the top because of other considerations, not the expertise that's down at the bottom level. So good problem solving involves both problem analysis and expertise, the solution analysis. So very diverse systems, very diverse committee systems are great at getting the diverse problems that are there, but they're harder, it's harder for the experts to work.

We want congressmen to be experts, and they're less so now, but they do bring in, to be fair to the committee system that we have, they will bring in experts from the bureaucracy, which is the number one source of nonpartisan information. We can fume all we want to about the bureaucrats, my hat's off to them because of the kind of work they do.

CHERVENAK: So when we talk about a good versus a bad process or a good or bad decision or a good or bad policy, it sounds like one of the things you think is important is this kind of diversity

of opinion, expertise, being embedded into the process is important for the process to be good, which would ultimately result in a better, better decision. What about on the policy itself? Do you have a, I mean you've talked about, you've gone on the record as being positive or negative on particular policies. Do you have a way to view whether a policy is a positive or a negative in terms of either its effect on society or how it was, how it got to be law?

JONES: I think that both are involved in terms of effect on policy. I think we can measure some of this by taking a look at what, for example, in a comparative perspective, how do our lives compare to those in other countries that have similar systems to ours? Are we thriving the way they are? Not just how much GDP we have, but do we live healthier lives? We spend a lot of money on health care, but our lives are not more healthy than people from France, where they spend much less. So is there something wrong with our system there? Can we improve it?

So the question of improving some standard measures for the whole population seem important to me in legislative activity. That's hard to do, but sometimes we're way too narrow in how we consider this. Sometimes it's just a belief, and only a belief, that our system is the best in the world. Every damn country thinks that, but at any rate, we're the best in the world, why would we change? Because we will sacrifice better lives for something else, like the American way or freedom or whatever we want to call it, but those are abstracts, and I'd rather see policy addressed at what changes people's lives rather than what, an abstract value that can't necessarily be backed up by any hard data that makes our lives better.

The second amendment has been, for example, interpreted in a way, they don't kill a lot of people. There are too many guns around, but we don't see that because we think the freedom to own a gun is more important than the value of human life. So I think that's the role of a politician is to try to get those sorts of things done. The process by which is done might not be connected to that because if you believe deeply in the rights of people to hold guns, then you're not going to want to compromise on something that limits that. And politicians have to deal with that. There's no doubt about it. So the process itself has still got to bring in people that don't feel quite as committed to your goal.

Right now let's take the other side. The other side, right now there's plenty of people in my area that want to, universities, that want to cancel student debt and claiming the president can do that. Well they know they can't fit in a student debt cancellation program to the omnibus bill, so they're lobbying the president to do these changes. But that is, that's a lot more complicated than they say. Why not send it to the committee and try to work it out? Because is it fair to people that paid off their student debt? How much do we want to pay off if somebody's made a decision to go, to overpay for a private college and not get much out of it instead of a good old community college in the state of Oklahoma, or wherever? So these are the sorts of things that committees are better at balancing out. So the process and the product might be quite separate in my mind, but we can surely try to eliminate the policies that do bad things to the way we live and increase, at least incrementally, those who do good things to us. And I don't think that's that hard to measure, myself. On the other hand, the process, I

understand, is hard to connect those two. But it is in any society, and we're more likely to at least have the chance to do that in a more democratic society than a more closed society.

CHERVENAK: Well I like the idea of creating some kind of measures beyond GDP and seeing whether we're making progress towards those numbers or not, given the policies that we've passed. You know, there might be something there that can be at least used as some kind of benchmark. I mean, life expectancy is an example, right, or a health span or whatever you call it. You know, there's definitely other measures we could think of and try to judge policy accordingly over time.

JONES: Yeah, there's been some research groups in the European union that have been working on these, beyond the GDP measure, and it's hard, they, it's probably harder than we think. It seems easy to us sitting in our ivory towers, but when you get down to the situation of how do I build a system that leads to these kind of outcomes, it's much harder than we think, and I'm the first to admit that. But I'm also the first to say, why don't we try? And we know some simple policies because of experimentation do amazing things. One is the tax credit questions for children, tax credit issues for children. Interestingly enough, the whole idea of a national income, which could work better than our spotty welfare system, a guaranteed national family income, that was a Nixon idea, actually it's a Moynihan, Daniel P. Moynihan idea, who was a policy advisor to him, and we did so many experiments to see if these things would cause people to work less.

If we handed them money from government, would it cause them to work less? And you've got to give them a hell of a lot of money to get them to work less, it turns out. They keep right on working. So the question of labor effects here would come up again in the stimulus bills that we've been working on. So if we had a choice between one more welfare policy or a blanket check for your child, it turns out that the child policy looks better overall, and again the same result has turned out.

So the policy analyst, and I don't do that kind of work anymore, I did it one time, can give you the mechanism. If you have a goal, get people out of poverty, then there's easy ways and hard ways to do that. And they've got, that's what, where the policy evaluation folks are at their best. So we can't do some of this, and the committees can integrate that in how they make decisions because they're working with the policy analysts and the bureaucrats and the advocates of these things to try to design a policy that will lift our lives.

CHERVENAK: I think it's time for us to move on to the common questions I ask all our guests so I can someday compare the answers, so if you're ready for phase two, we'll move on.

JONES: Sure.

CHERVENAK: First question in phase two is, what do you think congressional representation should mean? You know, who does a member represent, and how should they represent them?

JONES: Yeah, you probably, you've heard from a lot of people that know Congress much better than I have because I've looked at the list. I'm more of an institutional specialist and public policy student than I am a particular student of Congress, but I do know that's a lot harder question than people think it is. Do you represent your voters? Do you refer to your constituents? What if your constituents have some wrong-headed ideas? Do you represent the common good? Do you represent your party? We can go on and on about that, and because representation tends to fluctuate that way, I would say it's a little bit contingent sometimes.

I mean, I've been restudying the Civil Rights movement as we have entered a period in which all those basic ideas I thought were settled when I was young man turn out not to be settled, and one of the things that has come up in this is the 1964 Convention, in which Johnson had just passed the first major Civil Rights Act since the Civil War, Kennedy's Civil Rights Act, which Johnson got passed with some additions.

And during that period, the Mississippi Democratic Party was fully segregated. No blacks were in power structures, so they, Fannie Lou Hamer and some other activists there started the freedom, the Mississippi Freedom Democratic Party and asked for representation at the convention. Well, Johnson was terribly afraid he was going to lose Southern states if they were allowed their representation, and he got it stopped. Did he do the wrong thing? He did not represent the right side of the issue from my perspective. On the other hand, he ended up being the most important president in Civil Rights in our history, for all his flaws. And without a second, without being re-elected, and maybe he was too afraid of losing the Southern states, then he wouldn't have had that.

So did he do the right thing in just terms of representing the collective good? I don't know. All I know is a congressman is put in that, those positions, too. Now I unfortunately think congressmen have become more and more representative of ideologies, babbling stuff that's just the same thing over and over again than they are thoughtful representatives of the kind of thing Johnson went through when he said there are two goods and two bads here. He had to have known that. He was a thoughtful man, and he did what looked like would be the hard-nosed wrong thing. It's discriminatory. He repaid his debts there by some major Civil Rights Act, the Housing Act, the Voting Rights Act, and others that we could list.

So those are the kind of things that people in representative situations have to ask themselves about representation. I just wish they'd be more self-conscious in thinking through all the different things you could represent and what you want to represent in the end because I think we have better Congress if they did more of that. And you hear congressmen that will do that, but just not very many of them.

CHERVENAK: Next question is, how would your ideal Congress allocate its time? You know, would you have them in DC three weeks, one week off? Full time one day a week, you know, and while they were there what would they be doing? Legislation? Oversight? How would you allocate their time if you could?

JONES: We can't miss the fact that there's one day a week spent downing for dollars there. There's too little time spent in Washington and too much away from Washington. I think representation doesn't work when you just go out to the constituencies from Tuesday to Thursday, and then one of those days is done on camp near Congress in which you go to the phones and call donors. I would like to see many more independent committee investigation studies and so forth. I want a Congress, but I'd like for congressman to spend more time in committees and less time doing whatever they do these days, in caucuses and in raising money and the other sorts of things. That would take some major changes in both law and custom, but then I would like to see a Congress that does much more decentralized work and become much more expert in a limited number of areas so that we could get better let the sort of things we've been talking about here today rather than what they're doing now.

And I'm not even sure what it is, my experts in Congress could tell me, well they're already doing that, and I wouldn't be surprised, but that's not where my expertise lies, but I am going to stick with more decentralized Congress a less centralized one.

CHERVENAK: And you'd think more time in committee.

JONES: I would.

CHERVENAK: Great. Next question is what should debate, how should debate, deliberation, or dialogue be structured or occur in Congress? And again, you've talked about committee, where you think a lot of that debate dialogue has to happen, so.

JONES: Yes, and I'm sticking with that first. That's an area where we probably haven't declined as much as we kick ourselves for. There can still be good debates in Congress at the centralized level, and I'm not sure I see terrible things there compared to what's been done in the past, and I don't know how much is ever changed by a discussion at that level. Probably not much. So I think the real deliberation has got to come down the ladder, where you're talking to your colleagues who have different viewpoints, or the same viewpoint as you do, and also the opportunity to talk to the sort of thing congressman do but not charge them to come in your office and talk to you.

So in terms of deliberation I'm, funny enough, I'm giving, got to give them a little better mark on that than some of the other people might, but I would say again it's connected to this committee lower down to discussions that ought to be had that aren't being had to the degree that I believe they used to be twenty or thirty years ago.

CHERVENAK: What are your thoughts on transparency versus privacy in some of these dialogues and discussion in committee or outside of that? You know, obviously you've made a career on getting the transparent elements of that, right, the transcripts, et cetera, and you've structured that that information. What about all the private information? Do you think that's a place where dialogue should happen more or less?

JONES: You know, there's got to be some, a domain in which you and I can go have a beer, and we can say, well let's just let it take, basically, that you don't want to really have out in writing, and you and I can and talk over things that probably we don't want to share. I'm mostly on the side of transparency, but there are some areas where, and we ought to balance it all. But if you had, if I said, you just got to choose, I'd still go for transparency, even though I've seen so many problems with that.

But you're right. The committees themselves didn't release, they had, they held everything, and then very little dumping on us from the information until they fully started passing along which is better now than we did. We had an incomplete picture of what Congress was doing over time, but that's the written record. That, you know, that normally shouldn't be kept behind closed doors. I don't see any reason for the written record generally to be kept behind closed doors. I can see the spoken record as, in certain situations, to be off limits from disclosure. I can even see meetings that way. You get a lot of issues with people having meetings in, not so much in Congress, but in community councils and city councils you have that problem, and all of a sudden someone's in trouble because they haven't told you what they said to somebody else, and that's going a little too far. But you know, we got a transparent government, you [] have democratic government.

CHERVENAK: Next question is what fundamental institutional improvement should Congress make within 50 years?

JONES: I already suggested my major one, and that's decentralize, decentralize, decentralize. Rely less on your party structure. Don't have a situation where both parties have agreed on one thing, and that's the centralized power more, and I think it's going the wrong way. Again, open democracies have open discussions, and that's best done at a lower level.

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

JONES: It's one of those areas where I can't cite a single particular piece. There's been just so many that are so insightful about how Congress works. I would cite a scholar who probably influenced me more than anybody else, or maybe I'll cite two or three. One is Charles O. Jones, who wrote just amazingly well on Congress and insightfully well, and I used his work extensively, Frank and I did, in the policy agendas book that we wrote. He understood the relationship between Congress interest groups and the inside and out of Congress. I would also cite Barbara Sinclair, somebody on that level, and so I just understood our Congress work and how it works within the context of society and the rest of politics around. Those two scholars were well respected, but they ought to still be read today, though they can't write anymore, so both are deceased today. Others I've mentioned are David Mayhew, but everybody mentions David. He's been so helpful in some of the work that I've done, and John Kingdon, whose work on separating problems from solutions helped us set up some of our ideas in the policy members area.

CHERVENAK: Great. Last question is an easy one. What do you have planned? Do you have any more books coming or work on the agendas project? What do you have in the hopper?

JONES: Well, I hope to, I hope that, we hope to continue the agendas project, but what I say now is something I haven't told many people, but I have because of the collapse of what I thought was a social consensus on the rights of minorities and blacks and collapses associated with an institution, the Supreme Court, less than Congress, I have gone back and began to put together a history of, well let me take this step at a time.

I thought it would be useful to, as a member of the last generation who grew up under legal segregation, quote legal segregation, I thought some of my remembrances as a white man, privileged side of the equation, might be useful, but then when I tried to write it, I said, well, you know, I'm in the, starting at the end. So I went back and traced my family history. They've been here a long time, and they've always been Southerners. Some of them been mountain folks, hillbillies, some of them have been planters in the bottom lands. How did that change over time? How did the system benefit some people and not others, and can I put together a story line like that?

Where I ended up was an understanding that it was a closer call than you might think, that we could have been a multiracial democracy much earlier because of the populist movement in the 1890s threatened the planters who represented the South, the old antebellum moonlight magnolias South, and I had ancestors on both sides of that divide, so I want to write that story up, but it's been a hell of something I shouldn't have taken on because I had to learn more history, I had to learn more how you investigate ancestors.

And it doesn't fit in with the institutions. It's a sweep of history thing. I went back to my VOT from college to start this project, so it's a history of the South as seen through a family's eyes.

CHERVENAK: Excellent. Looking forward to it. Professor Jones, thank you so much for your time, and best of luck with the future work.

JONES: Thank you so much for having me. I've enjoyed this very much.