THE OPINIONS ESSAY

Opinion

# These radically simple changes helped lawmakers actually get things done

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February 9, 2023 at 8:54 a.m. EST

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We hear a lot about the shocking dysfunction in Congress. By my count, this paper has published 90 articles on the GOP's many tortured attempts to elect a speaker and another 84 (and counting) on the debt ceiling.

But what about stories of shocking *function?* Lately, I find those stories even more captivating.

For example, if any congressional committee was set up to fail, it was the Select Committee on the Modernization of Congress. It was the only House committee in the last Congress required to get a supermajority vote of its members to get things done. But it was also evenly split: six Republicans and six Democrats, so you do the math.

Oh, and its mission? To fix Congress. No biggie.

The last select committee created to reform Congress, which focused on budgeting, passed exactly zero recommendations by the time it ended in 2018. So, how did this modernization committee become one of the most high-functioning bipartisan workplaces on Capitol Hill, creating what a *Roll Call* reporter called a "parallel congressional universe"? How did it manage to adopt in just four years 202 bipartisan recommendations, about two-thirds of which have already been executed or made significant progress in that direction? What in God's name is going on over there?

And what, if anything, can the rest of us learn about how to get things done in our own divided institutions and families?

After the Jan. 6, 2021, invasion of the Capitol, no one would have predicted this kind of comity, least of all the committee chairman, Rep. Derek Kilmer (D-Wash.). He met with all the committee members, one by one, to ask what they wanted to work on. The answer was, basically: *Nothing*. Most didn't think Democrats and Republicans would be able to sit in the same room together, let alone work with each other.

"Some of the conversations were really alarming," Kilmer remembers. One Democrat told him: "I feel like not only was I in a relationship with someone who cheated on me; I was in a relationship with someone who cheated on me *with someone who was trying to kill me.*"

Kilmer, a former management consultant and state legislator, is optimistic and fairly earnest by nature. His office is decorated with "Star Wars" throw pillows and a framed copy of the Rotary Club four-way test ("Is it the truth? Is it fair to all concerned? Will it build goodwill and better friendships? Will it be beneficial to all concerned?") But after those 11 conversations, even he felt demoralized.

"We're screwed," he told his chief of staff. "We're going to have to do some stuff differently."

Sometimes, crises make conflicts worse. Other times, they force radical creativity. In this case, Kilmer and his colleagues figured they couldn't expect to fix Congress if they didn't start with themselves. So they made a series of blazingly logical changes to their work routines and behaviors that were, in the context of Congress, straight-up radical.

Even before Jan. 6, 2021, Kilmer and his first Republican vice chairman, Georgia Rep. Tom Graves, had been doing things differently — questioning basic assumptions about how Congress worked. Much of their energy focused on updating arcane systems in Congress — like the antiquated scheduling system that routinely double-booked members, expecting them to attend two hearings at the same time, for example — but they also investigated how to collaborate in the midst of conflict. And those lessons were, in some ways, more straightforward. Because it turns out that basic practices you would use to prevent anarchy in any kindergarten classroom were not being followed in Congress.

To make conflict healthy, people need to have shared goals that they work on side by side, as equals. When they disagree, they have to talk to each other, rather than ignoring each other — or going to war. And it always helps to have snacks. (There are more than 500 studies showing this kind of "intergroup contact" can reduce prejudice and mayhem, but since you've likely been to kindergarten, you probably don't need to read them.)

In Congress, there is virtually no drop-in workspace where members from different parties can have a casual conversation without a camera. In the hearing rooms, members sit separately, with Democrats on one side and Republicans on the other. Outside the hearing rooms, the antechambers and cloakrooms are also segregated by party. There are almost no opportunities for members and staff to see each other as complicated humans with families, doubts, questions and regrets. This is dysfunction by design. As Winston Churchill put it: "We shape our buildings and afterwards our buildings shape us."

So the members of the modernization committee did things differently, on purpose. They started the session with a bipartisan planning retreat, which almost never happens. They hired one bipartisan team of staffers together, rather than separate staffs for Democrats and Republicans. That meant they started with twice as much capacity — and everyone rowing more or less in the same direction. They got a lot done in the 116th Congress, which led their colleagues to vote to extend the committee's life span into the next Congress. "If all of Congress could operate the way that the modernization committee has, the nation would be in a much better place," Rep. Emanuel Cleaver II (D-Mo.) said in 2020.

Then came Jan. 6, 2021, a rupture that felt irreparable, even for the modernization committee. Many Democrats were refusing to work with any of the 147 Republicans who had voted against certifying the election results — three of whom were on the modernization committee, including the new Republican vice chairman, William Timmons (S.C.).

After a long conversation that involved tequila, Kilmer and Timmons decided to confront the fracture directly. Because the only way out of difficult conflict is through. On March 20, 2021, the committee members met for a confidential conversation (on Zoom because of the pandemic) about what they'd experienced on Jan. 6 and how it was affecting their ability to work together.

No one was sure this intervention would help, not even David Fairman, a veteran mediator brought in to facilitate. "With elected officials, you wonder how much frankness and authenticity they will bring," says Fairman, who works with the nonprofit Consensus Building Institute. Still, he knew from experience how critical it was for people to feel heard, especially when they've been harmed. So, he asked everyone to put aside their phones and other distractions. And he asked the committee's leaders to speak first.

Kilmer talked about getting texts from the Capitol Police on Jan. 6, telling him to shelter in place. Alone in his office in the Rayburn House Office Building, he turned off the lights and pushed the furniture against the door. The building, which can be a maze, was new to him. The only exit he knew about had been closed by the police, according to the texts he was getting. So he stayed put.

For about five hours, he watched CNN on mute and texted with his family and his staff. He felt more heartsick than frightened. He thought about how, before he'd left for work, he'd told his kids not to worry about him; after all, he'd told them, he worked in some of the safest buildings in the United States.

Timmons then talked about his own experience that day. He explained that he wanted the protesters who had breached the Capitol to be arrested and held accountable under the law. He wished that President Donald Trump had done more, sooner, to stop them. And, at the same time, he said, he had serious concerns regarding the constitutionality of election-law changes that had been made very quickly in certain states, which was why he'd voted not to certify the election results that night. To Timmons, those things could all be true.

Then, Fairman asked both men to acknowledge what they'd heard. What had resonated with them? What did they understand, even as they disagreed? This sounded painfully awkward, and it was, at first. But they did it anyway. Then all the other members took their turn, one by one. "The conversations were quite remarkable," Fairman says. "They surpassed my expectations."

When people in intractable conflict sit down and listen to each other under the right conditions, they make surprising discoveries. "There were several cases when one party said something, and the other side's jaw dropped," said David Eisner, head of the nonprofit Convergence, which helped organize the retreat. "Both sides believed the other side had been acting politically. And something happened where they realized they were all people — people who had been through something traumatic."

Even as they continued to bitterly disagree about many things, the simple experience of being heard was cathartic. "It felt like someone turned the air conditioner on," Eisner says. "You saw people starting to be curious about each other again." Afterward, several members told Kilmer they were ready to work together. Nothing was resolved, but much was illuminated. "It was still pretty raw," Timmons says, "but it was helpful to understand the degree to which [some members] were legitimately in fear for their lives. It made me understand where they were coming from."

Three weeks later, the committee held its first formal convening, inviting 25 other representatives to testify about what would help Congress function more effectively. For advice on how to fix a broken culture, the staff reached out to very outside-the-Beltway experts such as psychotherapist Esther Perel, organizational psychologist Adam Grant and master facilitator Priya Parker.

Then, as Congress returned to in-person hearings, committee members did something truly startling: they stopped sitting up on high, on a dais, like every other committee and started sitting in a round table format, at the same level of the people who came to testify. Turns out that fixing politics starts by rearranging the furniture. "You can foster more productive conversation when you can look each other in the eye," Kilmer says when I ask him to explain the obvious.

Remember how, in kindergarten, the teacher wouldn't let you sit next to your best friend and co-conspirator? Well, the committee also integrated the hearing-room seating so that Democrats sat next to Republicans. And it stopped seating people based on tenure and allotting only five minutes to each member to talk. Instead, members chimed in whenever they felt moved to do so.

This sounds small but it was utterly subversive — and surprisingly popular. "The members truly loved it," remembers Yuri Beckelman, the committee's staff director. "It made people more comfortable. It was very conversational." This was in stark contrast to his experience on other committees, where members glared at each other from opposite sides of the room.

It was also refreshing for the witnesses, as I can attest. The modernization committee asked me to testify two years ago, based on a book I'd written on conflict, and I came in with low expectations. I'd covered a lot of hearings as a reporter, and they always felt choreographed, stilted and performative. This experience was different. It felt, at times, like members were sharing their genuine fears and asking real questions. It was not obvious who was on which political side, which was both disorienting and wonderful, all at once.

"I learned more in one hour in a modernization committee hearing than weeks sitting in every other committee venue," Rep. Dean Phillips (D-Minn.) says. "We learned by conversation — not confrontation. It was the most profoundly meaningful and gratifying time I've spent in Congress."

The members broke bread together too, meeting for dinner every few months, at Timmons's insistence. Sounds simple? It wasn't. "It was absolutely insanely hard to find the space," he says. That's partly because, in our polarized Congress, the speaker of the House controls just about everything, including the meeting space, and there was no easy way to reserve rooms for something like a bipartisan dinner.

But it was worth the hassle. In his short career in Congress, Timmons has served on the Budget Committee, the Education Committee and the Financial Services Committee, and none operated this way. "I've never had an exchange of ideas outside of the modernization committee," he says. His phone contains the cellphone numbers for every Democrat on the committee. This might seem trivial, but it reveals an unusual level of trust. These days, personal phone numbers get leaked to the public by partisans, out for revenge. By contrast, Timmons has the numbers for only two Democrats from the Financial Services Committee in the last Congress (out of 30); both of those Democrats were also on the modernization committee.

To summarize, here is the secret to making an organization function in a time of deep division: "We actually spent time together, and we talked about things," Timmons says.

Even hard things. After Jan. 6, 2021, Kilmer had a recurring nightmare that woke him up in the middle of the night. In his dream, he could not get out of the Rayburn House Office Building, try as he might. He was trapped, just like he was in real life. He didn't tell many people about this nightmare, but it kept him up at night on multiple occasions. And then, after that one tough, direct conversation with his Republican colleagues, the nightmare stopped. He has not had it since.

Just about every day, I hear from an American who is suffering in some kind of poisonous conflict — in their company, their school, their church or their family. We are living in a culture that amplifies contempt and manufactures fear. A lot of people feel trapped. What if they could build a counterculture, like this one committee did? How much better might they sleep?

“My big takeaway,” Kilmer tells me, “is we need to have these tough conversations with each other.” Otherwise, the resentments and blame ferment underground, and they will come out in some other way.

In January, the committee disappeared, just like Cinderella’s dress. That was always the plan with a temporary committee like this. There is some talk of reincarnating it as a subcommittee to the House Administration Committee. But either way, many of the committee’s recommendations are being rolled out, including new nonpartisan programming that took place during new-member orientations late last year and more bipartisan dinners through the Library of Congress. Others, including a recommendation to create more bipartisan gathering spaces and a particularly clever one to allow dual sponsorship of bills across the aisle, have gone nowhere — so far.

But the recommendations are only half the story. “The most compelling legacy of the modernization committee,” Phillips says, “is not what it did but how it did it.” Any committee in Congress could do the same things, should its leaders choose to do so. It’s unlikely, but then again, so was this whole story.