

Cambridge University Press

978-1-107-00351-4 - Congress in Black and White: Race and Representation in Washington and at Home

Christian R. Grose

Excerpt

[More information](#)

I

African-American Legislators, African-American Districts, or Democrats?

In November 2008, then-Senator Barack Obama surprised the nation and the world by becoming the first African-American president of the United States. In a country where nearly all major elected officials are white, Obama had pulled off what seemed impossible to many. Not only had no African American ever won the presidency, in a country whose voting majority is white, but very few African Americans had ever been elected to *any* federal office in constituencies where black voters did not constitute a majority. Prior to the 2008 elections, for instance, only three African Americans had ever been elected to the U.S. Senate since Reconstruction (one of whom was Obama, representing Illinois from 2004 to 2008). Dianne Pinderhughes (2009, 4), reflecting on Obama's historic electoral triumph, noted that a "number of the most high achieving, successful African Americans, whether in academic, literary or political life thought it improbable that there would ever be a president of African American ancestry."

In the U.S. House of Representatives, cracks in the racial glass ceiling had become apparent a decade before Obama won the presidency. Until the mid-1990s, nearly all African Americans elected to the U.S. House won election from districts without white majorities. However, beginning in 1996, a few black legislators – in southern states that had only decades earlier employed Jim Crow laws to disfranchise African Americans – won election to Congress in districts in which whites were a majority. It was on the shoulders of these lesser-known black members of Congress that Obama stood as he won the White House with a coalition of white, African-American, Latino, and Asian-American voters. This book is about these members of Congress and their legislative colleagues and

Cambridge University Press

978-1-107-00351-4 - Congress in Black and White: Race and Representation in Washington and at Home

Christian R. Grose

Excerpt

[More information](#)

what they mean for race, representation, and the history of the struggle for full voting rights in America.

The symbolic importance of Obama's election to the highest office in the United States is without question. However, beyond the symbolic importance of electing an African American to the presidency, does race matter? Does it matter that Obama is an African American for the substantive and policy needs of African-American voters? Does the election of African-American politicians result in better outcomes for black Americans? In this book, I argue that race matters in the U.S. Congress, but not always in ways that might be anticipated. Electing black members of Congress is important for substantive outcomes that enhance the lives of African-American constituents, but only in certain congressional activities in which legislators have significant power and control.

In the case of Obama, we will have to wait until he completes his presidency to determine whether he has made a greater substantive impact on the lives of African Americans than had his predecessors. However, we can look to late 20th-century America to get a sense of whether having black elected officials in office matters for substantive outcomes that affect African Americans. Contrary to the great expectations placed by some on Obama in 2008 to deliver for the African-American community (and the American community in general), some have raised doubts that the election of African-American officials to public office necessarily results in meaningful, substantive change that benefits African Americans. As Valeria Sinclair-Chapman and Melanye Price (2008) have noted, "Having a member of one's own group command the enormous power of the presidency is, for some, the ultimate manifestation of full integration – though [by itself it] does not satisfy requirements for accountability or responsiveness between voters and their representatives."

This quote echoes a first generation of scholars who have examined racial representation in the United States. Carol Swain (1995), arguably the most prominent scholar in the field of race and representation, contends that African-American elected officials are no better than white elected officials at delivering policy outcomes that are beneficial to African-American constituents. Legal critics, historians, political scientists, and the U.S. Supreme Court have also questioned the efficacy of drawing black-majority districts, which has often resulted in the election of African Americans to Congress.¹ Even though varied theoretically and

¹ For instance, see the following works, which all argue that black-majority congressional districts (which typically elect black legislators) resulted in "worse" roll-call vote outcomes

empirically, these political and legal observers generally find that the creation of black-majority districts actually hurts black interests by packing black voters into a small number of districts, leaving surrounding districts with fewer black constituents. Thus, many of these scholars claim that electing Democrats, regardless of race, will lead to better representation for African Americans. A number of cases decided by the U.S. Supreme Court have concurred with these scholars, arguing that maximizing black-majority districts is a detriment to the best aggregate substantive representation of black interests in the legislature. *Substantive representation* is defined as legislative decisions, such as roll-call votes, that serve the interest of a subset of constituents, in this case black constituents. *Descriptive representation* is defined as the election of black legislators to office.² Summarizing much of the first-generation conventional wisdom on the subject, Marvin Overby and Kenneth Cosgrove note that “the bad news is that there does, indeed, seem to be a significant trade-off between descriptive representation and substantive representation” (1996, 549; see also Cameron, Epstein, and O’Halloran 1996; Lublin 1997).

Most scholars point to the canonical example of the twelfth congressional district of North Carolina as an example of this dilutive effect of racial redistricting and how descriptive representation does not necessarily result in substantive representation in the U.S. Congress (e.g., Lublin 1997). The twelfth district of North Carolina was originally drawn in 1992, as required by the mandate of the Voting Rights Act extensions passed by Congress in 1982 (and as interpreted by the U.S. Department of Justice). The twelfth district, long and narrow in shape, stretched from Durham to Charlotte for about 200 miles. Its width, in parts, was no wider than a few inches. As state legislator Mickey Michaux (D-NC) noted, “[i]f you drove down the interstate with both car doors open, you’d kill most of the people in the district” (Biskupic 1993). This

in the aggregate for African Americans: Guinier (1994); Lublin and Voss (2003); Lublin (1997); Overby and Cosgrove (1996); Swain (1995); Tate (2003); Whitby (1997). However, see Shotts (2002, 2003a) and Kousser (1999, 275). See also Canon (1999), Haynie (2001), and Tate (2003) for pro-descriptive representation arguments unrelated to roll calls. Hutchings, McClerking, and Charles (2004), examining only white members of Congress, also suggest white legislators are able to substantively represent African Americans in the North, but less so in the South. Others have argued that certain electoral and institutional settings can yield differences in descriptive representation or substantive outcomes that benefit minorities (Austin 2002; Casellas 2009a; Meier et al. 2005; Reckhow 2009).

² See Hanna Pitkin (1967) for an extensive theoretical discussion of descriptive and substantive representation.

Cambridge University Press

978-1-107-00351-4 - Congress in Black and White: Race and Representation in Washington and at Home

Christian R. Grose

Excerpt

[More information](#)

district elected Mel Watt, one of North Carolina's first black members of Congress since Reconstruction. It also, arguably, resulted in the election of white Republican legislators in the surrounding districts that had been "diluted" by removing most African-American voters and placing these voters in the twelfth district. Observers suggested that a large number of white Democratic members of Congress in North Carolina would have been better for black voters than the dual election of black Democratic legislators and white Republican legislators in surrounding districts. As I will discuss, the Supreme Court later ruled the 1992 North Carolina districting plan unconstitutional. Based on criticism from the Court and scholars, this redistricting map became the symbol of the dilutive effect of racial redistricting that resulted in the election of African-American members of Congress.

Yet those who work in politics do not necessarily agree with the contention that the election of black members of Congress via black-majority districts is harmful to black substantive interests. A disconnect between scholars of African-American representation and a conversation I had with someone who works for a congressman demonstrates this point. Congressional staffers, especially those from offices of black legislators, did not agree with and were surprised to hear of scholarly findings claiming white Democrats are better representatives of black voters in the aggregate. The following is an exchange that occurred during an interview I conducted with a black staff member working in a district office of Mel Watt:³

QUESTION: Do you think black members of Congress are better representatives than white members in terms of the concerns and interests of their black constituents?

ANSWER FROM STAFFER: [looking at me in quizzical disbelief] Yes, of course.... Isn't it obvious? Mel understands the [black] community in ways that someone white can't. He's from here, he lives here. Now we reach all voters – black, white, whoever – but what we do in this office is going to be different than what's done in ... [neighboring white representative's office].... Why would you even ask?

Q: Well, ... [some] academics who have written on the topic think that white and black Democrats, at least, are similar in terms of their voting records and responding to their black constituents. So having black-majority districts might not be the best way ...

A: (cutting in, laughing): What? Are they crazy? Do you think they're right?

³ Interview with Tawana Wilson-Allen in Charlotte, NC, on May 9, 2002.

Cambridge University Press

978-1-107-00351-4 - Congress in Black and White: Race and Representation in Washington and at Home

Christian R. Grose

Excerpt

[More information](#)*Legislators, Districts, or Democrats?*

5

Q: That's what I'm here to find out and why I'm asking you these questions. But I really want to know what you think.

A: Well, I *really* want to read this book when you're done with it. And you can write down that I said they're wrong.

What do we make of her incredulous dismissal of some scholars' previous findings? Are the scholars missing something or is the staffer missing something? One reason for this disagreement is that scholars and policy makers are conceiving of a broad concept (black representation) in a relatively narrow fashion. Minority representation scholars generally measure substantive representation as roll-call voting and Washington-based activities (such as bill sponsorship, co-sponsorship, or the accumulation of leadership and committee positions) but do not address the fact that members of Congress engage in multiple activities in their districts.⁴ This same staffer, at another point, when detailing for me a laundry list of how her boss works for black constituents, only rarely mentioned specific votes on a particular bill. Instead, she detailed how Watt has worked to serve black constituents through service in the district beyond roll-call voting. Yet, surprisingly, few minority representation scholars have looked at legislative behavior beyond roll calls. Even fewer have looked at behavior outside of Washington where each legislator can be pivotal. Further, few have analyzed the rational choices legislators make by connecting the electoral incentives facing legislators and their resultant decisions in both roll-call voting and activities beyond the vote.

Whereas many observers have claimed that black-majority districts and the subsequent election of black legislators in these districts has hurt African-American interests, a second generation of scholars have instead

⁴ Canon (1999) and Tate (2003) are exceptions as they explore more than behavior in the legislative chamber. Canon, though, is primarily concerned with variation in representation within the subset of black legislators, whereas Tate focuses on symbolic representation. Sinclair-Chapman (2002), Haynie (2001), and Platt (2008a) have also looked at bill introductions and/or committee memberships, though they have not focused on district-oriented activities. Orey et al. (2007) also examines bill introductions and success at bill passage of these introduced bills. Gamble (2007) and Minta (2009, 2011) have examined committee participation by black and nonblack members of Congress, and Fraga et al. (2007) have examined priorities of minority legislators. Mansbridge (1999) and Williams (1998) have also theorized that representation is more than roll-call voting but have not tested their normative claims empirically. Others have examined the role of race, ethnicity, and/or descriptive representation in the realm of the courts (Bonneau and Rice 2009; Jensen and Martinek 2009; Killian 2008; Scherer and Curry 2010), the bureaucracy (Goode and Baldwin 2005; Theobald and Haider-Markel 2009), and the media or Internet (Cooper and Johnson 2009; Gershon 2008; Grose 2005; Wilson 2009; Zilber and Niven 2000).

Cambridge University Press

978-1-107-00351-4 - Congress in Black and White: Race and Representation in Washington and at Home

Christian R. Grose

Excerpt

[More information](#)

argued that African-American legislators are critically important in providing substantive representation to African Americans. Katherine Tate (2003) has made this argument, noting that black legislators provide crucial symbolic benefits for their constituents; David Canon (1999) has also suggested that a legislator's race is important. Canon has demonstrated that African-American legislators are more likely to propose legislation, make statements, and prepare press releases relating to racial issues. Further, Kenny Whitby (1997) argues that African-American legislators share a "consciousness" with black constituents, thus providing better public policy or substantive representation. Kerry Haynie (2001) has argued that black state legislators enhance African-American interests via bill sponsorship and other legislative activities (also see Orey et al. 2007; Preuhs 2006; Rocca and Sanchez 2008; and Sinclair-Chapman 2002).

Whereas these scholars point to the importance of African-American legislators and descriptive representation, no one has disentangled the effect of the race of the legislator and the African-American population of the district in studies of race and representation in the U.S. Congress. These scholars claiming to find that race affects legislative behavior do not consider that almost all black representatives they examine in their research have historically hailed from black-majority districts. Kenny Whitby and George Krause (2001, 561) have called this problem a "dilemma [that] hampers all other research on this topic." No scholar has analyzed the *separate* effect of a legislator's race from the racial population of the congressional district that elects the legislator with data that can allow for the disentanglement of these two explanations. These scholars may claim to find effects for a legislator's race on roll-call votes and other activities, but this may simply be due to the demographics of the electorate voting for these black representatives. I am able to provide a more sophisticated analysis in this book because of the increased racial diversity of the districts that have sent African Americans to the U.S. Congress at the end of the 20th century, and because of a natural experiment due to mid-1990s, court-ordered redistricting.

As mentioned previously, most scholars and practitioners who claim that the race of the legislator has no impact do not consider activities beyond roll-call voting. By only looking at representatives' roll-call voting, researchers have neglected other important substantive avenues of institutional behavior in Congress and behavior that occurs in the district. Richard Fenno (1978) first established the importance of congressional behavior in the district, whereas others such as Bruce Cain, John Ferejohn,

Cambridge University Press

978-1-107-00351-4 - Congress in Black and White: Race and Representation in Washington and at Home

Christian R. Grose

Excerpt

[More information](#)*Legislators, Districts, or Democrats?*

7

and Morris Fiorina (1987) and Richard Hall (1996) have demonstrated the importance of other participation in Congress beyond roll-call voting. Morris Fiorina (1989, 39) states that members of Congress, for the most part, have three primary activities: lawmaking, pork barrelling, and casework. Lawmaking is self-explanatory, though pork barrelling and casework are worth defining. Pork barrelling is when a legislator secures federal projects or grants for constituents (examples could include grants for a new transportation project, a community center, a public park, or a small business). Casework is defined as assisting constituents with any type of service request unrelated to legislation, and these requests are usually dealt with in a member's district office. Common requests include assistance with immigration applications for family members, help in securing veterans or social security benefits, and so on. No scholars of minority representation have ever attempted to look at the second of these activities, and only a few have attempted to measure its impact on the third (Canon 1999; Swain 1995). This book examines both. Further, the scholars that have examined non-roll-call legislative actions have focused on symbolic legislative behavior (e.g., Fenno 2003; Tate 2003) or on substantive decisions in which an individual legislator is not pivotal or is unlikely to be effective. The policy activities I examine result in tangible goods and services received by African-American constituents. They are not symbolic actions but decisions with substantive impact. Symbolic activities are also important, but goods and services delivered to constituents have the potential to result in the substantive betterment of African Americans' lives. A key gap in our understanding of race and representation is whether an individual legislator can be pivotal in delivering substantive outcomes to African-American constituents.

What factors cause legislators to represent the substantive needs of black constituents in their districts as measured by roll-call voting as well as activities beyond the vote? Are legislators who are African American or who hail from districts with a large black population more likely to reach out to black constituents than other legislators? Does race matter for substantive outcomes – and not just substantive behavior – in legislatures? This book will answer these questions, attempting to shed light on this puzzle in the study of minority representation.

Specifically, I determine the effect of the following three factors on the substantive representation of black constituents: (1) electing black representatives; (2) drawing black-majority districts; and (3) electing Democratic representatives. Few scholars have disentangled the separate

Cambridge University Press

978-1-107-00351-4 - Congress in Black and White: Race and Representation in Washington and at Home

Christian R. Grose

Excerpt

[More information](#)

effects of these factors, and I do so here. I also offer a fourth factor – racial trust – that explains substantive representation. Moreover, I will answer these questions by examining different modes of substantive representation in Congress: roll-call voting, federal “pork” project allocation, and constituency service.

In addition to addressing these questions, this book is at its core about, in Gunnar Myrdal’s words, the “American dilemma” of race. The book focuses on congressional districts in the U.S. South, though is also supplemented with analyses of congressional districts in the entire country. The South is the focus because it is the region in which race has been one of the most politically charged issues throughout this nation’s history. As V.O. Key (1949) famously stated, “In its grand outlines, the politics of the South revolves around the position of the Negro.” The South is also the region in which much of the racial redistricting described previously has occurred. Somewhat ironically given the region’s tortured history with race, it is the one area of the country that has produced the largest number of black members of Congress who have won election from white-majority districts. Whereas my argument in the book is not limited to the U.S. South, it speaks to enduring debates in political science, history, and the law over the role of race in politics in this region and in the entire country.⁵

Summary of Book’s Argument and Findings

The primary argument of my book is consistent with the comments offered by Mel Watt’s staffer: descriptive representation yields substantive representation in Congress, when measured as activities beyond roll-call voting. To increase the substantive representation of black interests as measured by the delivery of goods and services to black constituents, the best strategy is to elect African-American legislators. Legislators like Watt have the electoral incentives to deliver targeted distributive policy benefits to African-American constituents. To increase the substantive representation of black interests as measured by roll-call voting, however, the best strategy is to elect Democratic legislators, even though the race of the legislator and the black population of the district are also important factors.

⁵ From an empirical standpoint as well, my focus on the South suggests that my conclusions presented at the end of the book may be limited primarily to the debates over racial redistricting in that region.

Cambridge University Press

978-1-107-00351-4 - Congress in Black and White: Race and Representation in Washington and at Home

Christian R. Grose

Excerpt

[More information](#)*Legislators, Districts, or Democrats?*

9

However, even when the Democrats controlled the U.S. House before the 1994 elections, civil rights policy outcomes on the floor were not substantially different from other years (1995–2006) when the Republicans held the majority. Few members of Congress of any party or race are pivotal on roll-call outcomes, and oftentimes African-American legislators are less effective at passing legislation (Haynie 2001) because they are shut out of the legislative process due to racial bias (Guinier 1994; Hawkesworth 2003). The institution of the U.S. House – a legislative chamber with mostly white legislators elected from white-majority districts – favors the status quo. The decision of one legislator to influence the allocation of millions of dollars of federal funding to African-American constituents is usually more meaningful than a non-pivotal roll-call vote on the floor of the U.S. House, no matter which party is in the majority.

In addition, a key finding of this book is that the election of black legislators from politically competitive districts with black populations just under 50 percent results in the best district for the substantive representation of black interests. However, it is also important to note that white legislators from competitive districts, while less focused on the delivery of projects and services to black constituents, attempt to reach black constituents in districts with large black populations under certain conditions. Finally, again in terms of the delivery of projects and services to black constituents, there is surprisingly little difference between white Democrats and Republicans. *In sum, if we want to enhance substantive representation for black constituents, and conceive of it as roll-call voting, then electing black legislators is not very important. However, if we want to enhance service and project delivery to black constituents, then descriptive representation in Congress is crucial.*

These results speak to decisions by the U.S. Supreme Court, lower courts, and public policy debates in Congress regarding the utility of racial redistricting. In the 1990s and 2000s, the U.S. Supreme Court generally ruled against drawing black-majority districts, though has on occasion permitted race to be considered as a factor (but not the predominant factor) in the drawing of legislative districts. The U.S. Congress, both in 2006 and much earlier, passed voting rights legislation at odds with the Court's more limited interpretation of the extent that race can be allowed in drawing districting plans. Given evidence that I offer in this book regarding the importance of race in the legislative representation of African Americans, I also offer some policy guidelines that can be used

Cambridge University Press

978-1-107-00351-4 - Congress in Black and White: Race and Representation in Washington and at Home

Christian R. Grose

Excerpt

[More information](#)

by the courts and policy makers as they continue to grapple with these fundamental legal and policy questions of race in the United States.⁶

The courts and Congress have tended to debate the utility of black-majority versus black-influence districts. Instead, I propose a new category of districts be considered that I call *black-decisive districts*. These are districts that are likely to elect black legislators. In some instances, these will be districts without a black majority, whereas in other instances these districts may require a majority-black district. The determination of the likelihood of electing a black legislator is achieved by considering the local conditions and past willingness of white voters to cast ballots for black candidates. Specifically, I present evidence and argue that black-influence districts, which have generally been defined as districts ranging from 25 to 49 percent black, should *only* be encouraged when there is a strong likelihood of electing black legislators. If it is unlikely that a black legislator will win in a black-minority district, then black-majority districts of just over 50 percent should be drawn to maximize black substantive representation. In the conclusion of this book, I argue that black-decisive districts should be pursued by those advocating for stronger voting rights via congressional redistricting. These legal questions are likely to persist for decades as states must redraw their congressional districts every ten years. I argue that with careful redistricting, substantive and descriptive representation are not mutually exclusive goals.

Regarding the scholarly debate related to race and representation, these results suggest that black legislators are more likely than other legislators to make substantive decisions affecting African-American constituents, but not that black legislators are somehow different in character or nature than their white colleagues. Some, such as Mary Hawkesworth (2003), essentially argue that black legislators are distinct from their colleagues due to their personal experiences. In particular, she argues that African-American (and female) legislators are not driven by the same rational, general election vote-maximizing decisions of their white (and male) colleagues. I contend that this logic is highly problematic and not empirically demonstrated. Black legislators – like their white colleagues – are rational. If black legislators are rational actors – interested in getting reelected – then these personal experiences are much less likely to shape

⁶ Whether my policy prescriptions offered in the book are legally or politically viable is a separate question. I leave this to legal and political experts to determine whether my policy prescriptions are able to be implemented. As Canon (2008, 4) has stated, even as these issues are in constant flux in the realms of the courts and Congress, they “are still extremely important for both legal and policy debates” that “are far from settled.”