

I

Introduction

Our representative democracy is not working because the Congress that is supposed to represent the voters does not respond to their needs. I believe the chief reason for this is that it is ruled by a small group of old men. – Rep. Shirley Chisholm (D-NY12) in *Unbought and Unbossed*, 1970

These words were spoken by a former member of Congress who was not afraid to rock the boat, and who made a name for herself by serving as an advocate for many of those voters whose needs she felt were not being met. Rep. Shirley Chisholm was the first Black woman elected to the United States Congress, and she served as a voice for the minority and impoverished constituents of her Brooklyn congressional district. She even launched a consciously symbolic bid for the presidency to highlight the discrimination faced by women and Black Americans.

There are some signs over the course of the past decade – from Occupy Wall Street, to Black Lives Matter, to DREAMers, to the #MeToo movement – that a growing portion of American society has begun engaging in a deeper scrutiny of the inequalities within its social and political structures that Rep. Chisholm emphasized back in the 1960s and 1970s. But while popular attention has just begun to shine a brighter light on these issues, for the actual members of marginalized or disadvantaged groups, the struggle to be recognized by governing institutions – and Congress in particular – has gone on for decades. Congress is an institution that tends toward the status quo. And since its founding, that status quo has indeed tended to be in the interest of wealthy, able-bodied, white men.

Congresswoman Chisholm’s observations about the deficits that exist when it comes to representing constituent needs have been supported by a considerable amount of scholarship in the intervening years, particularly

when it comes to the needs of some of the most disadvantaged groups in American society. For instance, prior research has shown that members of Congress are more likely to cast votes in line with the views of wealthier individuals (Carnes, 2013), and that the preferences of white Americans tend to have a greater influence over member behavior than those of non-white Americans when preferences conflict (Griffin and Newman, 2008). These examples provide clear evidence that disadvantaged groups may be less likely to see their needs addressed in Congress, but the important question is, why does it matter?

1.1 THE CASE FOR STUDYING THE REPRESENTATION OF DISADVANTAGED GROUPS

Disadvantaged groups, from racial/ethnic minorities and the poor to women and senior citizens, hold a unique place in American society. What sets them apart are the additional challenges they face relative to non-group members. These barriers can be cultural, as with groups who must navigate racism, sexism, or ageism, or material, as is the case for groups with limited access to resources. In this section, I lay out four main reasons for why it is important to study disadvantaged groups, and to care about the representation they receive.

First and foremost, the representation of disadvantaged groups matters because they are among the most vulnerable groups in American society. In *Federalist 51*, James Madison wrote of the critical importance of having a system of government that can protect the rights of the minority from the tyranny of the majority. Now, Madison may well have been talking about protecting the smaller number of wealthy, landed interests from a lower-class “mob mentality,” but the importance of this idea extends beyond this initial conception. If our democratic system was designed and intended to protect the rights and needs of the minority, it is important to determine how well these less-powerful and disadvantaged minority groups actually fare within Congress. The existence of clear differences in how well disadvantaged groups are represented implies that some element of the representational system is not functioning as it should. This creates a crucial need to diagnose and understand the flaws in our system that keep disadvantaged groups from receiving more equitable representation.

Second, the representation of disadvantaged groups as a whole is not well understood. There are some disadvantaged groups, such as racial/ethnic minorities and women, that have received a considerable amount of focus from scholars, while others, such as veterans or Native

1.1 *Why Study Representation of Disadvantaged Groups?* 3

Americans, have received very little attention. This creates a situation in which there is a considerable amount of excellent and worthwhile scholarship into the representation of some specific groups, but not a good sense of what drives the representation of disadvantaged groups more broadly. Gaining a clearer, big-picture view of the representation of disadvantaged groups as a whole is an important next step in creating a more cohesive picture of how congressional representation really works. Disadvantaged groups, by their very nature, are systematically different from other groups in American society. By developing a broader theory of how disadvantaged groups generally are represented in Congress, this project offers a clearer understanding of how well our political system actually represents some of the most vulnerable people in society.

Third, relative to other Americans, members of disadvantaged groups have very real economic, educational, and health-related needs that are not fully addressed under current government policies. Economically, racial and ethnic minorities, unmarried women, and single and bisexual women are less likely to say that they are doing okay financially relative to other Americans (Federal Reserve Board, 2020). LGBTQ Americans are more likely to live in poverty and experience homelessness, and are less likely to own their own home (Freddie Mac, 2018; Movement Advancement Project et al., 2019). Americans experiencing poverty are more likely to face financial burden from medical care (Cohen and Kirzinger, 2014). When it comes to education, Black and Hispanic Americans are less likely to complete a bachelor's degree, and are more likely to be behind on student loan payments (Federal Reserve Board, 2020). Inequities also exist when it comes to healthcare. Veterans, women, and the poor are at greater risk of severe psychological distress compared to other demographic groups (Kramarow and Pastor, 2012; Weissman et al., 2015). Native Americans, Black Americans, and Puerto Ricans have increased incidence of infant mortality (MacDorman and Mathews, 2011). American Indian and Alaska Natives are more likely to report being in poor or fair health than other Americans (Villarroel, 2020). Seniors and immigrants who face discrimination suffer from a decline in their mental and physical well-being (Burnes et al., 2019; Szaflarski and Bauldry, 2019). LGBTQ Americans are more likely to have experienced discrimination from a healthcare provider (Movement Advancement Project et al., 2019). These examples are just a small sampling of the hardships that members of disadvantaged groups must navigate over the course of their lives. Given the very real challenges these groups face, it is worthwhile to gain a better understanding of the

circumstances under which addressing their needs is prioritized by a member of Congress.

Finally, this study of the representation of disadvantaged groups stands apart from previous work that investigated members' representational decision-making through the lens of party pressures or committee membership. Unlike situations in which a member makes the choice to represent, for example, manufacturers, teachers, or environmentalists, there is not a single committee (with the possible exception of the Veterans Affairs committee) with its jurisdiction exclusively linked to serving disadvantaged groups. Every single committee in Congress offers opportunities to serve as an advocate for disadvantaged groups, if a member wishes to take them. Appropriators can make sure that poor communities are receiving funds to promote economic development, or push for increases in the resources devoted to studying women's health. Members of the Agriculture committee can propose amendments ensuring that food stamp requirements do not negatively impact seniors. Individuals serving on the Armed Services committee can investigate the rate of promotions for non-white service members relative to white service members. Similarly, both Democrats and Republicans can make the choice to serve as advocates for disadvantaged groups, even if their proposed solutions take on very different forms. Regardless of whether a Republican member chooses to push for tax breaks for businesses that hire veterans or a Democratic member works to fund additional job placement programs for veterans, they both can gain a reputation for veterans' advocacy. The distinct phenomenon that I explore in this study – disadvantaged-group advocacy – is clearly one that cannot be readily explained by committee or party factors alone.

I.2 INSTANCES OF DISADVANTAGED-GROUP ADVOCACY

Despite the strong tendency for legislation coming out of Congress to favor those who already wield a considerable degree of power in American society, disadvantaged groups have not been wholly without allies in the US Congress, nor have they gone entirely without legislative successes. From Social Security to the Voting Rights Act to the repeal of Don't Ask, Don't Tell, Congress has at times taken actions that are specifically intended to benefit disadvantaged groups. While disadvantaged groups clearly still face a variety of important challenges and barriers, as highlighted in the previous section, Congress has passed some substantively impactful legislation. In every fiscal year since 2008, the

1.2 *Instances of Disadvantaged-Group Advocacy*

5

federal government has spent over 400 billion dollars on Medicare, and over 600 billion dollars on Social Security. Since 2010, Congress has authorized over 100 billion dollars a year on veterans' services, almost 40 billion dollars a year on housing assistance, and nearly 100 billion dollars a year on food and nutrition assistance. Yearly appropriations since 2004 have also provided over 10 billion dollars for federal litigation and judicial activities, including the work of the Civil Rights Division of the Justice Department, which works to enforce federal discrimination statutes.¹

In each case, for any of the aforementioned high-profile pieces of legislation to have made it through the legislative process, the successful alignment of political will, popular support, and competent coalition building was essential. But while the passage of any bill is marked by a moment of clear cooperation from a number of different actors at the time the final vote occurs, none of these legislative coalitions are constructed instantaneously. Instead, they can only come into being after building on the steady, determined actions of members of Congress who make the decision to invest their time and energy in advocating on behalf of the disadvantaged groups who would benefit, often long before a successful piece of legislation ever comes to fruition.

In this book, I focus not on the specific discrepancies that exist between the representation of advantaged and disadvantaged groups in society, but instead make use of the knowledge that *some* members of Congress do choose to represent *some* disadvantaged groups, at least *some* of the time. In particular, I investigate what drives these members to make the choice to serve as an advocate for disadvantaged groups. Much is to be gained by taking a systematic look at what drives these decisions, both to fill some of the gaps in the scholarly understanding of how congressional representation works, and also for its normative implications. Building a better understanding of the reasons why members of Congress choose to advocate on behalf of disadvantaged groups can open the door to identifying how it could be possible to boost the representation that disadvantaged groups receive.

Who, then, are these members who make the choice to fight on behalf of the disadvantaged? A few short examples, pulled from the member profiles of the 110th Congress edition of Congressional Quarterly's

¹ All data on federal spending were taken from the Historical Table on Federal Budget Authority by Function and Subfunction: 1976–2025, as published by the Congressional Budget Office (www.whitehouse.gov/omb/historical-tables/).

Politics in America, can quickly provide a glimpse into the variety of individuals who make the decision to consciously serve as an advocate for disadvantaged groups, and provide some clues into the reasons behind their decision-making:

[Rep. Jose Serrano (D-NY16)] is always mindful that he represents one of the poorest districts in the country. As a new member of the college of cardinals, as the 12 Appropriations subcommittee chairmen are known, he will be attentive to social welfare spending for the inhabitants of the Bronx.

[Sen. Olympia Snowe (R-ME)], one of 16 women in the Senate, likes being a role model for younger generations entering politics. A 2002 Miss America pageant contestant cited her as inspiration. As the top-ranking Republican on the Small Business Committee, she encourages female entrepreneurs.

[Rep. Ciro Rodriguez (D-TX23)] was born on the Mexican side of the Rio Grande. . . . He began his college studies intending to be a pharmacist but soon turned to social work. He has held jobs helping heroin addicts and patients in mental health clinics. ‘My experience as a social worker had a profound influence on my decision to enter public life,’ Rodriguez said in March 2007. ‘I could see that many of the challenges facing my clients and those that I worked with had stemmed from the decisions being made at the public policy level. Serving in Congress allows me to be able to continue to help my clients in a broader capacity.’

[Rep. Dale Kildee (D-MI5)]’s grandparents, immigrants from Ireland, had frequent contact with Indians on the reservation near Traverse City. As a child, Kildee often heard his father say that Indians were treated unfairly. . . . When lawmakers in 1997 started talking about taxing Indian-run gambling operations, Kildee founded the Native American Caucus.

Each of these members varies at least to some degree in their backgrounds and formative experiences, in the groups they choose to advocate for, and in the specific actions they have taken in Congress. But the common element that links them all is that they have made an explicit decision to build a reputation within the legislature as an advocate for a disadvantaged group. This project recognizes the centrality of these legislative reputations to the way in which members of Congress demonstrate the work that they are doing to represent their constituents. By focusing on the reputations that members of Congress build as disadvantaged-group advocates, this book offers a new way of thinking about the representational relationship. This fresh conceptualization makes an important contribution to the study of congressional representation by offering a realistic portrayal that takes into account both the way that constituents understand their representative’s work within the legislature as well as the diversity of actions that a member can choose to engage in.

1.3 BIG QUESTIONS ADDRESSED BY THIS BOOK

This book strives to untangle a key thread in the representational knot by answering this question: Why build a reputation as an advocate for disadvantaged groups? To address this, I focus on three components in turn. First, what is a legislative reputation, and how common are reputations for disadvantaged-group advocacy? Second, what drives members to make the choice to form a reputation as a group advocate? Third, does this decision-making dynamic work differently in the House of Representatives and the Senate?

Before it can be known why members choose to build a reputation as a disadvantaged-group advocate, there must first be a thorough understanding of what makes legislative reputations a valuable component of representation. In this book, I present a clear definition of legislative reputations and describe what makes them different from other means of conceptualizing representation. I also develop an original measure of which members have a reputation for disadvantaged-group advocacy, differentiating across intensity of advocacy behavior. By utilizing this measure, this project presents a clear overview of how common these reputations for disadvantaged-group advocacy are among members of Congress, while also breaking them down along the important dimensions of group, party, and chamber. Gaining a better grasp of the frequency with which certain members of Congress choose to visibly integrate disadvantaged-group advocacy into their work within the institution provides important information in its own right, and also lays the foundation for a deeper analysis of why members are driven to form these reputations.

The heart of this project comes in addressing this second question – why do members of Congress choose to form reputations as disadvantaged-group advocates? I offer a new theory to explain the representational choices that members of Congress make, through the introduction of the concept of the *advocacy window*. As articulated in Mayhew’s first seminal work in 1974, much of the behavior of members of Congress is driven by the urge to vigilantly guard their electoral prospects. Thus, their representational choices are constrained by their desire to secure the vote of as many of their constituents as possible. The advocacy window represents the level of discretion that individual members have in which groups they choose to incorporate into their legislative reputation without compromising their electoral margins, once relevant district characteristics,

such as the size of a group within a district and the average feelings toward that group, are taken into account.

However, not all disadvantaged groups are exactly the same. Therefore, decisions to form a reputation as an advocate of a particular disadvantaged group are not made in exactly the same way, either. By leveraging differences in how worthy of government assistance different disadvantaged groups are generally perceived to be, this project is able to shed light on what drives a member's decision to form a reputation as an advocate for particular categories of disadvantaged groups. Examining the motivations of those who choose to stake their reputation on working for disadvantaged groups provides deeper insight into the character of representation provided by Congress.

The final component of this project addresses how the institutional differences between the Senate and the House create distinct incentive structures for legislators. I investigate the diverging characteristics of the decision-making environments of the Senate relative to the House – such as electoral instability and the need to share representational responsibilities with another senator – and explore how those distinctions can impact the representation that disadvantaged groups receive. Examining what drives a member to form a reputation for serving a disadvantaged group within each of the chambers of Congress provides a more complete determination of why members cultivate this reputation, as well as how distinct circumstances can alter a member's calculus. In a bicameral legislature, it is not enough for a group to only be represented in one chamber. By analyzing the differences that exist in the advocacy offered on behalf of disadvantaged groups within the House and the Senate, it becomes possible to see where representational bottlenecks exist, and thus to begin to determine the ways in which these discrepancies can be mitigated.

I.4 OVERVIEW OF THE BOOK

The central argument of this book rests on four key assumptions:

1. *Some* members do provide *some* representation to *some* disadvantaged groups at least *some* of the time, and this representation is both substantively and symbolically meaningful.
2. The means by which members of Congress provide this representation and communicate it to their constituents is by building a legislative reputation as a disadvantaged-group advocate.

1.4 Overview of the Book

9

3. The formation of reputations as disadvantaged-group advocates is not randomly distributed among members, and there are consistent sets of conditions that increase the likelihood that a member will build a reputation as a disadvantaged-group advocate.
4. Knowing which members of Congress choose to build reputations as disadvantaged-group advocates and why provides valuable information on how to increase the representation disadvantaged groups receive.

In the chapters to follow, I offer an original theory to explain what drives members to form a reputation as a disadvantaged-group advocate, and introduce the concept of the advocacy window as a means of understanding those choices. This project places legislative reputations at the center of understanding how congressional representation works, by focusing on the commonalities in how both members of Congress and their constituents view the political world. Through the use of empirical analysis, I investigate the impact of constituency factors, personal demographics, and institutional characteristics on the likelihood that a member will make the choice to cultivate a reputation as a disadvantaged-group advocate, and compare those results for the House and the Senate. I also take a closer look at the means by which members of Congress build and maintain their reputations, and analyze how well they line up with the expectations found in earlier research. The remainder of this section provides a brief overview of what is to come in the subsequent chapters.

Chapter 2 reviews the previous literature surrounding congressional representation and highlights the important contributions that this project offers relative to this body of scholarship, both theoretically and methodologically. It then proceeds to offer a definition of what it means to be a disadvantaged group and presents a means of categorizing disadvantaged groups based upon the extent to which the group is generally perceived to be deserving of government assistance. In this chapter, I introduce the concept of the advocacy window as a new way of conceptualizing the key factors shaping a member's decisions in cultivating legislative reputations for advocacy on behalf of disadvantaged groups. The advocacy window concept illuminates the amount of leeway members have in deciding what level of representation to offer a given disadvantaged group, once constituency characteristics are taken into account. I argue that the size of a group within a district should determine the minimum level of representation that should be expected, while the feelings toward that group by the district at large act as a cap on the potential

range of representation that a member could offer without negative political repercussions.

Chapter 3 establishes what a legislative reputation is and explains why members of Congress aim to cultivate them. I present a novel measurement for legislative reputation by utilizing the member profiles found in the well-regarded *Politics in America* collection and explore the frequency with which members choose to develop reputations as disadvantaged-group advocates. This chapter demonstrates the variation in the intensity of the level of advocacy offered, and displays the differences in the reputations that tend to be formed by members of the House of Representatives compared to the Senate. It also shows the breakdown of the members who choose to form these reputations across a number of dimensions, including the disadvantaged group being represented and the party affiliation of the member.

An empirical analysis of what drives members of the House of Representatives to cultivate a reputation as a disadvantaged-group advocate is found in Chapter 4. I perform these analyses using an original dataset of the members of five Congresses sampled from within the 103rd–113th Congress time frame (ranging from 1993 to 2014). I find that the greater the size of a disadvantaged group within their district, the more likely a member of Congress is to form a reputation as a group advocate. Higher levels of district hostility toward a group reduces the odds that a member will be a group advocate, particularly for groups that are generally considered to be less deserving of government assistance. The results of this chapter also demonstrate that descriptive representatives tend to be more likely to capitalize on a wider advocacy window to increase the level of representation that they offer than nondescriptive representatives.

In Chapter 5, I perform a similar set of analyses on members of the Senate from the corresponding Congresses. I find a number of important differences in the factors most strongly influencing a senator's decision to form a reputation as a disadvantaged-group advocate relative to a member of the House. Chief among these distinctions is the diminished impact of the size of a disadvantaged group within the state. Senators are not likely to choose to build a reputation as a group advocate for any but the groups considered to be the most highly deserving of government assistance. This chapter also introduces and tests three additional hypotheses reflecting the unique institutional characteristics of the Senate, finding that the larger the number of group advocates present within a given Congress, the more likely it is that another senator will also be willing to incorporate advocacy on behalf of that group into their own reputation.