

Skinfolk - Representation in a Time of Anti-Black Governance

by

Christian Hosam

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Committee in charge:

Professor Eric Schickler, Co-chair

Professor Taeku Lee, Co-chair

Professor Marcia Chatelain

Assistant Professor Desmond Jagmohan

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Abstract

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The study of Black representation has focused largely on the relationship between formal congruence between having a descriptive representative and their commitments with respect to serving Black interests. But because the suite of tools that any individual Congressman has at their disposal are so often tied to factors beyond their control, the field has usually measured the quality of representation through formal measures such as roll-call votes and agenda setting rather than in terms of material outcomes. This dissertation attempts to re-center the study of material outcomes for understanding the impact of Black representation by looking at major changes in the institution of Congress and within the polity. In Chapter 1, the history of representation in the Courts is discussed to illuminate how the contemporary epistemological understanding of representation within political science was established, which is termed the comparative framework of representation. In Chapter 2, it is argued that the dynamics of the Congressional policymaking process have shifted the focus of Black lawmakers from being primarily concerned with legislating around issues chiefly relevant to Black communities and more so concerned with being party loyalists. Building on that, it is then argued that the nature of contemporary political science has shifted away from analysis of institutions and, in doing so, obscures the ways in which incentives of members across racial lines are circumscribed in ways that hamper the chances for substantive policies benefiting Black people to pass, a phenomenon called “anti-Black governance”. In Chapter 3, federal award funding sent home by Members of Congress is used to argue that Black members compensate for their legislative constraints through disproportionate effort in non-legislative activity, a strategy called representational triage. Finally, in Chapter 4, the desire for descriptive representation within Black communities is discussed as a counterweight to a more critical vision that would call for its elimination as a political tool.

To Cheryl Hosam - Our relationship never ended, it just changed.

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Chapter 1

Black Politics and the Anxieties of Incorporation

Introduction: Representation as a “Next Step”

The post-Civil Rights era was frenetic, dizzying, and long. Frenetic because the types of avenues opened for political participation and action were achieved through meticulous, decades-long struggle but their installation was rapid. Dizzying because the need to translate the political victories of the Civil Rights Movement while also contending with the national unrest and rage sparked by the successive deaths of major Civil Rights figures such as Medgar Evers, Malcolm X, Martin Luther King Jr., and Robert Kennedy Jr, created both a large political agenda but a power vacuum in terms of who would help complete it. And long because the consequences of the policies instituted at the federal level and the social conditions that preceded them created new configurations of political institutions that would have reverberations for decades. In other words, the United States government, having overturned much of the formalized discrimination that structured the relationship between state and society, was now in the position of having to adjudicate what was the correct role of government in the provision of social goods.

These reverberations were seen perhaps most directly within the field of law and jurisprudence. Both judges as well as legal scholars were tasked with finding ways to ensure that the implementation of anti-discrimination law would be able to withstand fierce Southern resistance as well as a shifting legal terrain that was attempting to find ways to out-manuever the spirit of the law that allowed for equal access to the rights and privileges afforded to American citizens that Black people were only now formally guaranteed. This was a challenge that was ultimately about differing ideological dispositions about what the goal of civil rights should be moving into the 1970s onward.

After the assassination of Dr. Martin Luther King Jr., the Black leadership class that developed during the Movement both had to contend with how to strategize their organizational capacity but also the fact that none of the leaders that were deputies to King could command the same type of media attention or buy-in from the Black community. This

mattered a great deal because as the organizational apparatus that developed during King's time within organizations like the Southern Christian Leadership Conference (SCLC), the Student's Nonviolent Coordinating Committee (SNCC), and the Black Panther Party (BPP) were trying to find their footing in the years post-assassination, the legal strategy it would use to organize around federal implementation of the Civil Rights Laws were split between nationalists and integrationists.

Nationalists thought that the most important political strategy was community control of local institutions, both for the purposes of defending against white encroachment into decision-making for Black movements and local policy but also for the educational purpose of showing Black people that they were qualified and powerful enough to take the helm of spaces that they were generally excluded from until that time. And they found a key ally in the newly formed Congressional Black Caucus.

In June 1971, the first ever Annual Congressional Black Caucus Dinner was held, a banquet inaugurating the formal emergence of the Congressional Black Caucus. For one of the founding members of the Caucus, William (Lacy) Clay, the dinner reflected something historic: "In convening this meeting, the Caucus took a giant step in advancing the cause of black people by solidifying broadbased, national support for the development of a black agenda....It was imperative that...blacks would control the politics in their own communities. We believed that no one should leave the banquet with any doubt about who was authorized to speak for our people." In other words, the Black Caucus was a particular type of Civil Rights victory, a reflection of a new durability of African American politics that would serve as a consistent reminder of the struggles that were had as well as an institutional scaffolding for moving forward "from protest to politics." [26]¹ So while they might have doubted the political utility of the Caucus (and this was found particularly true during the two National Black Political Conventions in 1972 and 1973), the affective shifts were positive for them as well. The impact of the CBC, to be more succinct, was in the affective shift that its members provided within the realm of Black political participation.

Integrationists, for their part, were more interested in community uplift as a broader goal, reflecting a desire for African Americans to be able to participate as co-equals in American society in order to move towards a more harmonious future as a way to both entrench their interests but also to highlight their worthiness as a defense mechanism against racial stereotypes. Therefore, a body like the CBC was a way to demonstrate the results of this newly formed regime of formalized political participation.

So for both camps, voter enfranchisement became the way to recognize and develop their goals. For nationalists, the political empowerment that would come from enfranchisement sat elegantly with the goal for group consciousness and the cultivation of self-worth. In addition, the mistrust of white voters meant that there would be heightened political activity in Black

¹For other ways in which the Civil-Rights era reoriented the relationship between race and public policy, some major works in the field of history include works such as *Franchise: The Golden Arches and Black America* by Marcia Chatelain [21], *The Loneliness of the Black Republican: Pragmatic Politics and the Pursuit of Power* by Leah Wright Rigueur [141], and *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* by Elizabeth Hinton [59]

communities as a way to guard against improper resource allocation. For integrationists, the ability to extend King’s legacy of mass movement through participatory democracy was centered within the context of the vote.

Therefore: “For integrationists and many nationalists, the struggle for effective use of the ballot became ‘the number one civil right.’ Black activists saw political empowerment as a vehicle for mobilizing the black community, articulating a black social and economic agenda, and electing both authentic black and responsive white officials.” [50] And yet, how to get there remained a challenge, and the differences that they had played out in terms of differences in strategy, mobilization approaches, and the elusive question of who would be “the next Dr. King.”

The Comparative Framework of Representation

Into this “leadership vacuum” [118] stepped a new iteration of Black leadership: Black elected officials. As described by David Chappell in his book *Waking the Dream: The Struggle for Civil Rights in the Shadow of Martin Luther King Jr.*, while there were black elected officials before the Civil Rights era, this new class reflected a new intervention and threat:

“Though most successful BEOs [Black Elected Officials] were coalition builders in practice, they were not so much ideological integrationists as practical ones. They made allies to get things done. But their coming from black-majority districts and cities, as most of the major ones did, allowed them to lay claim to greater allegiance of the authentically black masses than ideologues of any stripe. Their mass support in the form of votes legitimated their position and by the same token undermined the nationalist activists’ own credibility. Nationalist enthusiasm, like integrationist enthusiasm, had already peaked in the streets. To maintain legitimacy and visibility, the activists needed to influence the BEOs or to supplant them [20].”

Rather than fight against this, both integrationists and nationalists saw a potential opportunity. Even though many nationalists thought that Black representatives would potentially put their need for re-election above the needs of their communities, they also felt that by having majority-Black districts with Black lawmakers, Black people would be able to develop domains of full control, which they felt was a necessary first step in solidifying a power base for future organizing [20]. So having a Black elected official became a touch-point to measure the level of success that Civil Rights in the new era would have.

Meanwhile, the courts were also searching for a sustainable, tractable metric to adjudicate claims of southern states’ intransigence and found it in the use of Black representation. Guinier explains:

“Courts demanded judicially manageable instructions which dictated where to draw the line between marginal and substantive claims. If dilution was the

submergence of minority votes in a racially polarized electorate, then courts needed a mechanism for distinguishing that phenomenon from undilution. The courts looked to the language of the statute [Voting Rights Act 1982 Amendment] for an answer. Because the key statutory phrase characterized equal opportunity in the political process in terms of being able to elect ‘representatives of choice,’ judicial intervention appeared to be limited to claims that racially polarized voting denied blacks the ability to elect viable black candidates. Black electoral success, which apparently defined undilution, became the statutory metaphor for equal political opportunity. The right to a meaningful voice through voting thus became simply the right to elect minority ‘representatives of choice.’ [50]

So liberal integrationists, Black nationalists, and legal scholars and analysts found common cause in the tool of descriptive representation. This is because Black representation was a potent type of political victory. It was politically advantageous and sensible because elevating Black people to elected office ensured continued presence within oppressive institutions and they would be expected to defend the gains won during the Civil Rights Movement. It was strategically advantageous in that the legal standard of having the right to representation was a parsimonious way to understand the statutory law of civil rights, which was still nascent at the time. And it was affectively beneficial because the visibility of Black representatives was a major point of pride for Black people, who often saw these historic firsts [115] as a way to solidify their place and inclusion within American society in ways that were bound up with the representatives themselves [32].

However, in more recent years, the import of descriptive representation has come under more scrutiny. For example, in a 2020 New York Times article called “The End of Black Politics”, Keeanga-Yamahtta-Taylor argues that in the aftermath of the rebellions that raged in the immediate aftermath of the Civil Rights Movement, Black elected officials were “seen as managing the crisis in black working class communities rather than rooting them out.” [127]. For Taylor, the entrenchment of Black politicians into their positions made them drift further away from a class politics that centered working class Black people, even when they share the same identity and then use the ornaments of Blackness to shore up their racial bonafides. She notes:

“As the black movement wound down, the nation went into recession, and black legislators became more entrenched in their positions. With seniority, repeated election cycles and without a robust movement as a source of accountability and direction, black elected officials began to govern like typical politicians. [127].”

She sums this up by saying, “Black electoral success has not translated into qualitative improvements in black life.” [127].

This is a complex claim but a difficult one to refute. As noted by the Center for American Progress, since data started being collected in 1972 (just a year after the Congressional Black Caucus became a formal institution) the Black unemployment rate has often been twice that

of the white unemployment rate [3]. There is also research within the fields of education and public health around the concept of minorities' diminished returns (MDRs) which posit that even though there should be a protective benefit of social advantages like high parental educational attainment on childhood outcomes, these findings are often greatly reduced for minority students, and Black students in particular [12, 8]. This also says nothing about the ways that Black people are subject to police brutality [136] and environmental racism [88] as well as staggering public health co-morbidities (two sobering illustrations are the disparities in morbidity rates during the Covid-19 pandemic [140] as well as rise in the maternal mortality and morbidity rate disparity during that time [58]).

However, the extant literature in political science paints a much more positive picture of Black Congressional representation. Black members are more likely to bring up issues relevant to Black people to the Congressional agenda, (and, it should be noted, are even better in terms of identifying issues related to those members with intersecting identities) [119, 90], are more active when it comes to congressional oversight [89] and funding to majority-Black communities and Historically Black Colleges and Universities [48], are more responsive with respect to constituent service [14] and, perhaps most important of all, have used their increasing influence and seniority to push the Democratic Party further to the Left over time [126]. A recent review article by Katherine Tate, Meagan Wilson, and Christopher Stout asserts: "...most recent studies have presented a preponderance of evidence that black descriptive representatives are essential for quality black representation in government" [124].

Beyond these instrumental outcomes, the literature is also quite clear about the ways that Black constituents view representation as a central part of their belief in the legitimacy of government. Perhaps the most well-known treatment of these affective considerations comes from Richard Fenno, whose book on the ways that politicians interact with their constituents within their districts, *Home Style: House Members in their Home Districts* [40], was so inflected by the particularities of race and the inclusion of Black members, that he wrote a second book, *Going Home: Black Representatives and their Constituents*, that spoke directly to the ways that Black members serve a particular psychological role of pride within their communities [39]. In his chapter on Congressman Louis Stokes, Fenno recounts him as saying:

"People take pride in our accomplishments. They like what we've stood for and they know the abuse we've taken when we've stood up for the black community....People in the black community read avidly about what I'm doing....They read it and they feel proud. They know I'm a black man standing up for the black man [39]."

Subsequent research on political trust, legitimacy, and the positive feelings engendered by descriptive representation have only bolstered this claim and the earlier claim made by Clay. In a 2002 article, Marschall and Ruhil find that blacks report higher levels of satisfaction with their neighborhood conditions when they are represented by Blacks in city hall and on school boards [83]. In a 2021 article, Mara Ostfeld and Diana Mutz find that descrip-

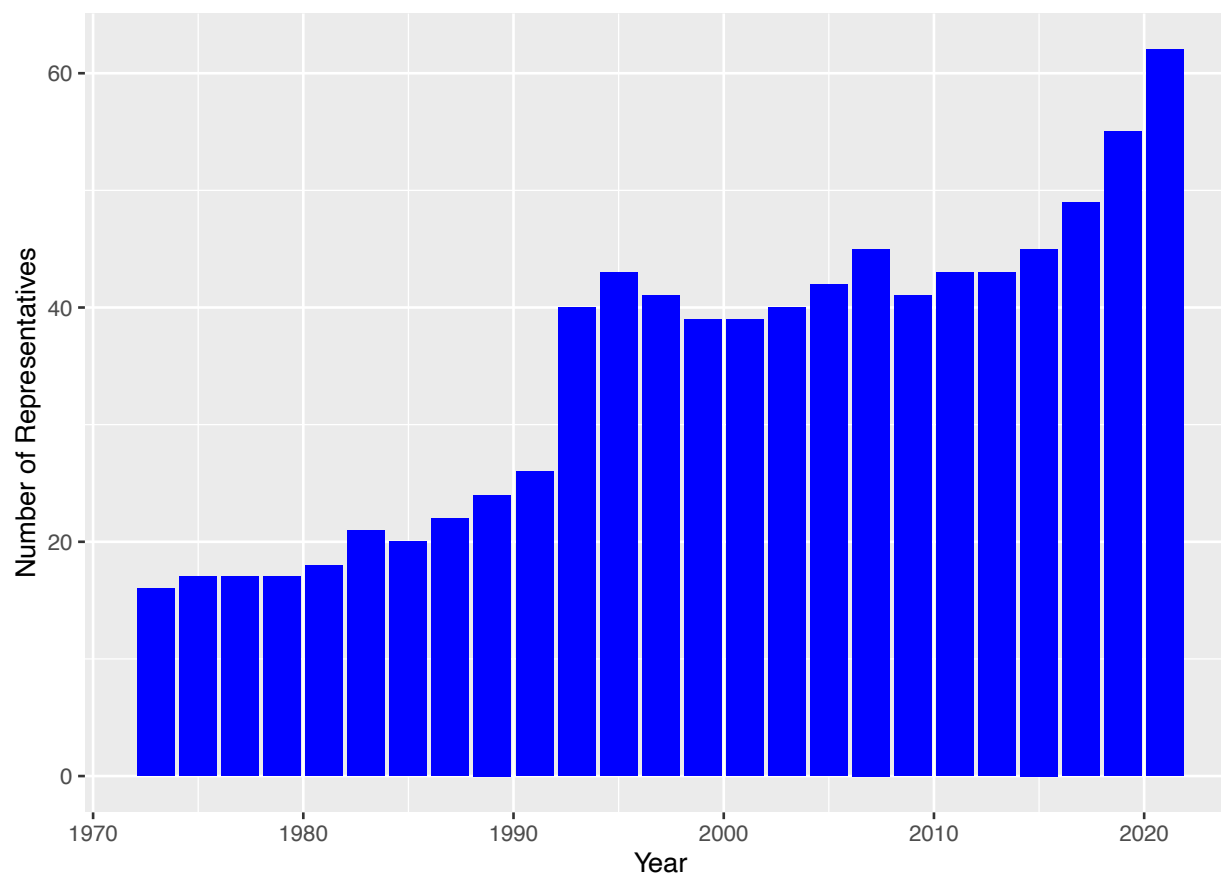


Figure 1.1: African American Members of the House of Representatives (1973-2021)

tive representation via the election of an African-American president produced a significant increase in perceptions of government responsiveness among African-Americans, regardless of their political support for Obama [94]. In recent work on the impact of descriptive representation on voter turnout, Matthew Hayes et al find that there is an empowering effect for African Americans, though it depends on numbers and jurisdiction, with local representation associated with greater boosts to turnout than federal representation [56].

On one level, Black representatives have played an increasingly central role in Black politics both on instrumental and affective levels. However, on another, Black outcomes have nonetheless stagnated over time. All of this is to say, with higher Black representation than ever before (see Figure 1.1) but durable racial disparities on a number of different dimensions for African Americans, to what extent can we (or should we) place these stagnating and often worsening conditions at the feet of Black representatives?

To know how to adjudicate representation's effectiveness, it's key to recognize the differences underlying the claims core to an argument like the one that Taylor makes and the

one that Tate et al make about representation's import to Black Politics. For Taylor, a historian, the failures of the Congressional Black Caucus, symbolized most vividly by their support of the Clinton Crime Bill of 1994, highlights a lack of dedication to a more radical, class-conscious approach to Black politics as opposed to a more militant approach within earlier iterations in which the Caucus boycotted the State of the Union address in 1971 by President Richard Nixon to force his hand into taking an agenda they created to ameliorate major issues within the Black community more seriously. Their inability to take major stands highlights a decline in both their effectiveness but also in their usefulness as a tool for Black liberation.

This is in distinction to work in political science such as the review article by Tate et al cited earlier because the field largely takes the approach of seeing Black representation as effective because it is based on the counter-factual of having a non-Black representative. In other words, Black representation is good because it's *better*. As stated before, this is true on a host of issues such as bill sponsorship, committee testimony, and agenda-setting. So while both articles make reference to the constraints that Black members face, for Taylor, the success that they have in materializing their stated goals is the way to adjudicate their wins regardless of those constraints whereas for Tate and her co-authors as well as many other political scientists, representation is best understood through its marginal benefit to Black people. I call this the *comparative framework to representation*.

While the use of a counter-factual is a standard practice within political science, it should not be understood solely as a matter of methodology. Returning to the Guinier quote above on the statutory metaphor of having a representative of choice, the legal terrain is incredibly important to understanding how this orientation to studying representation developed.

Changing the Playing Field

The passage of the Voting Rights Act was a watershed moment in American public policy because of its refashioning of the ability of African Americans to be able to vote for a representative of choice. The mechanism by which this occurred, the creation of majority-minority districts, however, was largely an aberration; a landmark moment that didn't set precedent, but rather was the exception that proved the rule. And by design. The Supreme Court, on a number of other different dimensions (particularly on affirmative action) was hostile to attempts that attempted to take race into account when considering political outcomes. But when it came to voting rights, there was an awareness, made explicit through Section 5 of the Voting Rights Act, that race-conscious decision making was necessary to ameliorate the historical legacies of racism. This was due to the large-scale efforts, particularly in Southern states, to make the practical ability to vote, which was enshrined in the 15th Amendment, impossible to enact for Black people in the decades following its passage.

In a 2018 article, Guy Uriel-Charles and Luis Fuentes-Rohwer argue: "Racial classifications that are not tolerated in other domains, such as education and employment, are viewed as necessary in the context of race and voting. Moreover, they are not just viewed as necessary, sometimes they are even celebrated. [46] For Uriel-Charles and Rohwer, the Court's

opinion in the 1993 *Shaw v. Reno* case brought the distinctive nature of voting rights to the forefront. The Court held that North Carolina Democrats that had created the maps to apportion voters within the state had run afoul of the Fourteenth Amendment's Equal Protection Clause because the bizarre shape of the districts that were created to have two rather than one majority-minority district could only be seen as justifiable in the nature of providing a benefit to African Americans.

This decision was seen as the beginning of the end for the Court's commitment to race-conscious voting rights, but as Uriel-Charles and Fuentes-Rohwer note, subsequent findings, particularly the finding in the 2001 case *Easley v. Cromartie* that held that state legislatures drawing majority-minority districts could justify their use if the consideration used was one of partisanship vs race. This allowed them to largely evade Fourteenth Amendment issues because: "Given the relationship between political and racial identity, it was not hard for state legislatures to plausibly claim that their redistricting lines were motivated by politics and not race." [46] In other words, while the decision in *Shaw* made it seem like there was slippery slope to Section 2 of the VRA to be dismantled, the finding in *Easley v. Cromartie* helped establish a logic that state actors could use to maintain race-consciousness in ways that would be disqualifying in other political realms.²

The intuitive tension being drawn out with the sequence of Voting Rights opinions would be one between the Court's overarching commitment to an anticlassification doctrine that disallowed any law to specify the remedy given to a particular group vs. one of antisubordination which identified the importance of allowing for space for racial consciousness to combat historical legacies of discrimination. This tension between anticlassification and antisubordination maintained itself in spite of divisions withing the Court. However, Uriel-Charles and Fuentes-Rohwer identify something else at play. They note:

"The districts at issue in the Shaw line of cases represented the State's struggle to balance competing objectives, including substantive representation, while attempting to provide descriptive representation, which they maintained was mandated by the VRA....Though the *Shaw* majority was hostile to the manner in which the states chose to provide descriptive representation in the *Shaw* cases, the [conservative] *Shaw* majority was not hostile to the states' pursuit of descriptive representation as such....In fact, to the extent that Justice O'Connor represented the Shaw majority's views, she, and by extension the Shaw majority, believed that the state was required, under some circumstances, to pursue descriptive representation." [46]

²Important to note that this tension was maintained even in spite of partisan divisions on the Court. While liberal justices often supported other forms of amelioration for voting rights discrimination, most notably multimember districts, this was largely opposed by conservative justices. So a decision by Justice O'Connor reflected the swing position, attempting to reconcile the opposing factions. Over time, however, as more and more conservative justices were appointed to the Court, the tension played out as a broader winnowing of the VRA, seen most notably in the decision largely removing pre-clearance protections in the *Shelby County v. Holder* case in 2015 [63]

So the tension is not just between a desire for not specifying race vs being conscious of it but also between the provision of descriptive and substantive representation. Two things that can be pulled out from this quote are that a.) the Supreme Court, in addition to legal scholars and multiple factions of Black activists, also believed that the central core of the remedy provided by the VRA was the ability to have a representative of choice and b.) this meant that while the state might be called upon to protect that right, the expected value of having that representative, a direct pathway to lowered levels of protection from racial discrimination and which could play out on terrains such as environmental racism, protection from police brutality, etc., was not subject to this protection.

One major result of the state's carve out of racially-conscious descriptive representation as a legally protected good was a continuous campaign of legal and political challenges in the courts, led primarily (though not exclusively) by Republican state legislatures and conservative state actors, though sometimes in seemingly opposing ways. Most often, the strategy would be the one seen in *Shaw*, particularly if Democrats are engaged in attempting to increase their overall statewide representation through increasing the number of majority-minority districts. However, as has often been the case, Democrats increase their statewide influence in Southern states through reducing the overall number of Black residents "packed" into a district in order to maximize the number of districts that could be conceivably swung to their side through the Black vote. In those cases, as was seen in the case of Georgia state representative Billy McKinney, the Republican delegation would offer to work together to contravene the Democrats to maintain the highest number of Black districts. [60]

The creation of majority-minority districts, in other words, could be used to the benefit of either party, suggesting in its own way its discordance from substantive representation. Moreover, the re-authorization of the Voting Rights Act in 1992, following from the newly implemented district lines created a decade earlier in the 1982 reauthorization, led to the largest ever term-to-term increase in Black Congressional representation. This was followed shortly thereafter in 1994 by the first wave of Republican control of the institution in almost 30 years. In the wake of this complicated one-two punch, there was a rush of scholarship, particularly in the legal academy, that questioned the particular benefits of having Black representation over and above higher levels of Democratic Party representation more broadly, which would supposedly have had the effect of increasing Black political power at the statewide level vs the specifically district level. In other words, was it really the case that having a Black member for an individual district was of a higher value than having more Democratic members in a state's Congressional delegation?

Articles such as the one written by Cameron, Epstein, and O'Halloran [17] arguing that majority-minority districts were associated with higher levels of Republican control, argued that this was true but these types of articles simultaneously misinterpreted and forecasted the next generation of scholarship around the intersection of race and elections. For one, it tacitly took for granted that having more Democrats in office would be a first-order condition for Black voters. It also implied that any Democratic lawmaker might provide better representation for Black voters. Many political scientists therefore took on the agenda showing the reasons that Black legislators are better, on balance. Work like Michael Minta's,

Christian Grose's, or Nadia Brown's highlight the inadequacy of an approach that focuses only on a raw vision of formal political power for the reflection and expression of Black interests.

What this highlights for me is that the nature and scope of descriptive representation is theorized with much greater frequency and consistently than substantive representation. This is not necessarily because of a simple, easy valorization of descriptive representation (though I write more about how Black people make sense of their politics using descriptive representation in Chapter 4), but rather because it is one of the few political tools that was, for decades, seen as a legitimate and defensible strategy of racial remediation.

What this means is that the relationship between descriptive and substantive representation, even if not taken for granted, is certainly seen as largely in alignment; a pipeline that leads from the former to the latter. This is largely borne out in the way that the review article cited earlier by Tate et al approaches it, with the evaluation of Black representation for Black people being largely found in its comparative benefit relative to non-Black representatives. In creating a specific form of racially conscious protection for descriptive representation, the Court created a target for conservative activists to argue against, solidifying the comparative framework for political actors across the ideological spectrum. But what happens when the question of how to evaluate representation is not assumed to be found in its comparative benefit? What underlies this project is that once this assumption is lifted, other types of critiques made about the concept of representation begin to have more depth and clarity.

Destabilizing the Pipeline

Perhaps most important of these critiques is that the nature of representation and its subtypes is one that is designed to be fraught with internal contradictions. Hanna Pitkin, who wrote the first major conceptual treatment of the concept, outlines a schematic of various component types of representation and states that each type cannot and should not stand in for another. In *The Concept of Representation*, Pitkin states that functionally, either extreme of representation isn't representation at all. For Pitkin, representation is best conceptualized as a paradox, a concept largely unable to be reconciled across different definitions. Note her sensibility on the distinction between how representation is configured and how it is actualized:

“Our notion of representative government thus seems to incorporate both a very general, abstract, almost metaphorical idea - that the people of a nation are present in the actions of its government in complex ways - and some fairly concrete, practical, and historically traditional institutions intended to secure such an outcome. The notion has both substantive and formal components. In this way, representative government is an excellent illustration of a phenomenon that seems to be very common in human practices and their corresponding concepts: the duality and tension between purpose and institutionalization [103].”

Pitkin did not reconcile the value or the interplay between the types of representation that she outlines but that is, in my reading of the book, a feature more than a bug. The determination of representation's value should not be static but rather dynamic, changing over time as different conditions shaping . The Supreme Court's jurisprudence, and more specifically *stare decisis*, which requires the use of precedent, was helpful on the level of defining a site for race to be put on the table for explicit government protection but it had the effect of shoring up a particular vision of what representation would mean to those who found themselves advocating for it, both within and beyond the academy.

Pitkin doubles down on the issues with seeing representation as a normative good in her later work, arguing in *Representation and Democracy: Uneasy Alliance* that as representation becomes entrenched, it can become antithetical to democracy. She laments that: "The repeated widening of suffrage and the many technical improvements in systems of representation have brought about neither the property redistribution and social chaos the conservatives feared nor the effective democracy the reformers expected. The arrangements we call 'representative democracy' have become a substitute for popular self-government, not its enactment."³ [102] So representation has not been central to the maintenance of democracy and has often served as a major counterweight to its flourishing. Nonetheless, its importance to the protection of Black interests in contemporary life has often led to a knee-jerk defensiveness of the concept's usefulness.⁴

What I aim to do here is bring these types of concerns to bear on empirical political science within the United States because a pipeline between descriptive and substantive representation is something that theorists largely argue is normatively and conceptually inappropriate. Again, this is less of a criticism of the empirical validity of studies about representation in American Politics and more about the consequences of a political environment that carved out racially conscious protections for descriptive representation at the behest of a more nuanced approach to protecting the rights and liberties of communities of color.

Lani Guinier made a more pointed and direct criticism not just of the normative traps that come up through expecting descriptive representation to lead to substantive representation but on the particularities of the histories that lead to this conception and what this would mean for Black communities specifically. For Guinier, rather than centering whatever ends it would take to achieve racial justice, the development of descriptive representation had the effect of centering the means; the political tool of descriptive representation. The importance of descriptive representation, which today seems to be predicated primarily on its importance to making institutions relevant to communities of color, is therefore primarily a legal construction even though it now seems like more of a cultural one.

Black electoral success theory was Guinier's attempt at critiquing and breaking down the underlying assumptions present within this approach to both litigation and organizing. It

³The gnarly relationship between democratic self-rule and representation has been picked up by multiple political theorists such as Henry Richardson, Thomas Christiano, and Michael Saward, albeit in varying ways. [107, 24, 111]

⁴This in many ways calls to mind the work of Jennifer Nash, who makes a similar critique of defensiveness around the concept of intersectionality [92]

rests on four key factors. The first was authenticity, which suggested that Black elected officials, by virtue of their racial background, serve as psychological role models for Black people because they are able to provide leadership that comports culturally with their communities. Second was mobilization, which suggested that black grassroots level support would be increased through black electoral success. Third was polarization which stated that racialized bloc group voting took place at such a high level that for majority-white institutions, Black electoral success was all but doomed because whites would refuse to vote for any qualified candidates of color, creating the need for majority-Black districts. Fourth was responsiveness, which stated that Black representatives would intuitively understand the positions favored by their black constituents.

For Guinier, each assumption was flawed because it took for granted that looking to elections was a valid and sufficient avenue for Black civil rights beyond the direct effects of elected representation. Put another way, to the extent you are a proponent of this theory, you imagine that the key factor in the advancement of African Americans is the advancement of more African American elected officials. You therefore don't need to index your goals around particular economic visions such as poverty reduction or employment because you believe that the Black elected officials that you have voted for will represent your interests and take you towards that path.

As noted earlier, the redistricting battles that were capped off with a Republican-led House caused a great deal of concern about this theory, if not in name, then certainly in practice and while there were many legal scholars who were writing as Guinier's contemporaries such as Abigail Thernstrom, Pamela Karlan, and Kathy Abrams [128, 74, 1], who all questioned Guinier's approach from the perspective of the broader aspirational benefits of colorblind ideology, in ways similar to Justice O'Connor's opinion in *Shaw*. For empirical political scientists, the most direct response to Guinier was David Canon in his book *Race, Redistricting, and Representation: The Unintended Consequences of Black Majority Districts*.

While the entire book can be seen as a response to Guinier given its broad focus on how Black representatives were elected in and legislated from majority-Black districts, he spends an entire chapter explicitly dealing with one of her key assumptions about Black electoral success theory, namely responsiveness. He reports (with a bit of surprise) that not only does race matter in the U.S. House but it is facilitated and expanded by Black representatives. He finds that substantive bills with some racial content had more hearings than non-racial bills, were more likely to make it out of committee, twice as likely to pass the House, and nearly twice as likely to become law. Paired with his findings that show a willingness on the part of Black representatives to overcome polarized voting through what he calls "a politics of commonality" Canon sympathizes with the spirit of Guinier's theory but rejects its logical end, which calls for a re-orientation of election law away from single-member majority-rule districts to multi-member districts [18].

Another type of criticism that Guinier's theory faced was an influx of research that showed a positive vision of Black authenticity through the lens of group bonds and solidarity, reflected primarily by *Michael Dawson's Behind the Mule: Race and Class in American*

Politics and his theory of linked fate [32]. While perhaps not Dawson's intention given the book's other interests with radical politics within the inner-city, linked fate came to represent a paradigmatic way, known as the black utility heuristic, of studying race and politics that identified African Americans as seeing each other as bonded, particularly through the question of "Do you believe that your self-interest is tied to the interests of your racial group?" As a mode of study, it created a sensibility that to the extent that Black politicians were not behaving in ways in keeping with the needs of the community, it could be seen as not just a constraint or necessary evil, as Pitkin might have us believe, but rather a lack of commitment and a sign of corruption because we now had a sense that the authenticity that they offered was not just based in a kind of coarse fidelity but rather in a political behavior rooted in psychological terms as well as practical ones.

Another way of saying this is that even the literature that is critical of Black politicians, whether from the perspective of financial corruption and neoliberalism [120, 33], their ties to the carceral state [31, 41], and their acquiescence and promotion of respectability politics [27, 15], largely focuses on the individual failings of Black politicians as proof of the hollow promise of representation rather than a conceptual truism based on the structural paradoxes inherent within the concept.

To be sure, much of the field has done work to engage with Guinier's theoretical underpinnings and does find that her sharp takes on some of these assumptions were overstated. As I stated above, there are effects on voter turnout with respect to Black representation (although as I described when talking about Hayes et al, those findings do come with caveats [57]) as well as a continued finding in the survey research literature that Black people do find it important to have descriptive representation. And perhaps most importantly, the continuation of struggles for voting rights, seen as recently as the summer of 2023 [123], which went unexpectedly well for voting rights proponents but seemed to suggest more battles ahead, highlight that representation as a political tool is nonetheless still a part of any political action plan for Black politics.

One critique that I do have of Guinier is that then and now, it is quite hard to delineate between the positive benefits found in terms of direct legislative benefits (e.g. direct cash transfer, increased consumer protection through an agency like the Consumer Financial Protection Bureau, etc.) and a more defensive posture that Black members can take to protect against legislative drives that are likely to have racist effects (e.g. Black members voting against things like increased welfare work requirements or deregulation of education agencies responsible for anti-discrimination law). This means that it is in fact quite difficult to discern the ways that representation's benefits accrues to Black people, making it understandable that we would use descriptive representation as a measure of civil rights.

The problem, ultimately, is that empirical social science has allowed for descriptive representation to be its own end. The comparative framework of representation is a manifestation of a good that was coerced through American jurisprudence but entrenched through political science's epistemological approach to its study. Even in our critiques of someone like Guinier, we engaged with her work primarily on quantitative grounds, sidestepping the spirit of her argument, which was that the use of representation as a measure for the long-run advance-

ment of Black interests is not a panacea for the material ground gained or ungained for Black people.

The Value of a Paradox

This dissertation argues that by focusing the lion's share of our research studies on findings that focus on formal political decisions, we center elite decision-making of representatives rather than the lived experiences of the represented. This undermines what Jane Mansbridge calls the "contingent" nature of representation [82], where the benefits of descriptive representation are good only inasmuch as they reflect an ongoing relationship between descriptive representation and substantive outcomes.

I hope to add to the literature on race and representation in American politics by returning to the spirit of Guinier's approach, which centered on the relationship between institutional design and the lived experiences of African Americans, rather than on the level of congruence between what a representative endeavors to do and what the represented claim to want.

Even if we think that any object that we call "Black Politics" should have a normative orientation towards civil- and economic-rights, what that means would necessarily vary both at the level of the representative and at the level of the constituent, meaning that its conception would have to run up against the formal commitments that Black members have to their constituents who had different policy preferences and priorities, many of whom would themselves be Black. It would also conflict with the political and institutional commitments that the members themselves have.⁵

We can't, in other words, understand the effectiveness of representation outside of knowing that an individual representative can credibly do at a given time. We know that Black representatives, like all representatives, are constrained in terms of their individual agency in getting legislation passed but these constraints are as much about the given rules, procedures, and norms of Congress at a given time than it is about the intentions and/or the ideological commitments of a representative. Moreover, the preferences of other members and the politics of contestation means that if preferences for a member or a group of members are largely different from most other members, they are going to struggle to get anything done as well. The comparative approach fails because it loads on the assumption that the best situation for a given constituent, and certainly a Black one, is about having the representative who tries the hardest. While this is certainly shown in the literature, it obscures the ways that Congress as an institutional site has become increasingly hostile to initiatives that work to support the needs of communities of color, Black communities in particular.

⁵One outgrowth of this is that because there is only a coarse sense of the members as fighters for racial justice rather than a complicated sense of them as contingent actors, there is a stable and durable high level of public opinion approval rating for Black legislators, often credited to their commitment to a fight against racism faced by African Americans as well as the social pressure that African Americans place on each other to vote for racial co-ethnics [139]. This is discussed more in Chapter 4.

If a high proportion of all initiatives introduced are doomed to failure from the very start of their path through the legislative process, intention and agenda-setting become an incomplete way to understand the importance of representation. An alternative framing could be: what is the extent to which the material conditions of Black constituencies change over time as a result of having a Black representative? When asked in this way, the stagnation of the lived experiences of Black people can be brought more to the forefront in our study of American politics and its relevance to the lives of Black people.

Knowing what Black people get out of having Black representation is not just about knowing whether Black representatives express racial fidelity, are honest in their commitments, or are radical enough to support the types of issues that would credibly reduce anti-Black attitudes and policy. It is also a matter of understanding how institutional constraints shape their political incentives and what this means for the fortunes of pro-Black public policies.

I argue that as Congress became more polarized in the years following the 1960s, Black representation became more important as a marginal good, becoming a site of political expression for Black needs and priorities as well as a defense mechanism to ensure the Democratic Party's continued reliance on Black voters. However, an outgrowth of the increasing distance between the parties (though a largely asymmetric one with Republicans moving further to the right) was an increased hostility to social policy more broadly, meaning that all representatives are less likely to deliver political goods that would ameliorate entrenched social and political hierarchies. This had particularly deleterious effects for Black people but as a result of descriptive representation being seen as both a legitimate and defensible good, Black representation has continued to be seen as a major normative good in American politics, even though its use as an absolute good has waned over time.

In Chapter 2, I describe the the procedural matrix that tips legislative drives against the favor of racial justice as *anti-Black governance*, showing how the inclusion of Black members into the Democratic Party did have key benefits such as agenda-setting and committee chair positions but those benefits have also meant that the degree to which Black members sponsor bills primarily about Black communities has declined significantly over time. In Chapter 3, I describe how Black representatives use local constituent service, federal award funding, and other non-legislative means to account for this hostile environment, a phenomenon I theorize as *representational triage*. Finally, in Chapter 4, I analyze how Black Congressional politics exists within a broader universe of Black Politics that has become central to the sustained engagement of Black people in politics to show that even though representation has many structural deficiencies, it is now a major, entrenched part of any Black political project so any political project dedicated to advancing Black interests will nonetheless have to find a use for it.

This project has a very critical view of representation but not one that attempts to dismiss it. The nature of representation should be paradoxical, as Pitkin (along with a theorist like Iris Marion Young [142]) would suggest. So the aim of this project is to highlight the ways in which the establishment of a pipeline between descriptive and substantive representation has had a negative impact on American Politics, and Black Politics in particular. Issues of corruption and failure on the part of Black representatives are present here but largely take

a backseat because in my estimation, the story of an institution being hostile is a worse one than a story of a leadership class that just can't seem to get its act together [34]. But the question I hope lingers is this: If we know that representation is indispensable for a number of different outcomes related to the advancement of Black politics, how do we reconcile the durability of racially disparate outcomes with unprecedentedly high levels of representation in the U.S. Congress?

Chapter 2

Black Congressional Politics and Anti-Black Governance

Introduction

The last systematic investigation of the interplay between the institutional rules of Congress and the stagnation of Black outcomes was written by Robert Singh in his 1998 book *The Congressional Black Caucus: Racial Politics in the U.S. Congress*. That book's normative thrust largely focuses on the inability of the CBC to achieve any major landmark legislative victories and uses this as evidence of the Caucus as a structurally deficient initiative, too far away from the center of the Democratic Party to fully get its initiatives onto the broader Party agenda, not disciplined enough to quiet any discontent that it might have had internally, and existing within an institutional context that was always going to see any increased government spending, which would be core to any legislative amelioration of racial disparities, as anathema. Singh, in a postmortem on the Caucus's first two decades as a formal political organization, is pretty dour about their strengths, stating:

“Confronted by conservative administrations and increasing budgetary constraints, the most propitious course for black politicians was to act cautiously and settle for small, if unspectacular, advances. Ironically, however, the CBC was more apt to act imprudently in pursuit of radical advances and eschew a politics of incrementalism as inadequate to address black needs. However, for an organization claiming to represent a social group whose successful members often nourish a sense of disappointment or grievance at the unfulfilled promise of American democracy and whose many disadvantaged members suffer from a degree of social disorganization striking even by the standards of American society, modest advances represented an inadequate substitute for rapid and comprehensive alterations in economic and social policy.” [118]

Singh correctly notes that the individual and institutional incentives that faced Black

members were impediments to their organizational inclusion. The types of legislative proposals that they promoted were often far afield from what would be seen as feasible from the perspective of the Democratic Party, to say nothing of the broader Congress.

This was exemplified by the Humphrey-Hawkins Act, legislation (co-sponsored by Augustus Hawkins, an early member of the CBC) that in its initial configuration was designed as a full employment bill to enshrine the government as the “employer of last resort”. This was seen as a way to significantly drop the unemployment rate broadly but the Black unemployment rate specifically from the perspective of the Caucus, which at the time sat around 15% and would continue to rise until the early 1980s. Katherine Tate refers to the bill as having a “Marshall Plan” style approach to government job creation [126], an ambitious framework that was seen as dead on arrival for most conservative lawmakers for that exact reason. What the law became when it was eventually signed into law, which was largely a simple reporting imperative to the Federal Reserve, reflected both the broad sensibility of budget cutting over budget increases in the era of stagflation but also a sense of putting the Caucus, largely seen as an outsider organization, in its place. Even though the watered down legislation still faced a great deal of Republican opposition, the lasting legacy of Humphrey-Hawkins was placing full employment off the agenda after the fight was over.

A key takeaway from this is that the Caucus was penalized for being willing to make large demands that, while responsive to the needs of Black Americans, were nonetheless seen as beyond a threshold of feasibility in ways that drew punishment from the rest of the party. In other words, they were penalized for being iconoclastic, taking a maverick approach in a majoritarian institution.

This in many ways highlights just how much has changed from then to now in ways related and unrelated to the Caucus and Black representation specifically. While the parties were far apart even then, the level of polarization we see now is well beyond what it was during the Carter years. As a consequence, the party unity that was much more tenuous during that time is now taken as a matter of course. Perhaps most saliently, while the Caucus was perceived as willing to propose and push for more radical changes, they are now seen as a much more centrist force within the Democratic Party. Put another way, the imprudence that marked the CBC’s emergence as a Caucus was replaced by a sensibility of party fealty along with higher levels of seniority, authority, and numbers.

Simply put, both the individual and institutional incentives that shaped the Caucus have changed dramatically in its subsequent thirty years. However, while much has changed, much has nonetheless stayed the same when it comes to the fortunes of legislative drives offered by Black Congresspersons.

But in order to know how this might play out, we would need to be able to delineate between the individual and the institutional. Does the fact that the Caucus is still struggling to pass landmark legislation mean that over time, the type of party loyalty that Black members are more apt to show in the current moment is met with unceasing hostility? Or might it mean that broader shifts within the state and the polity would mean that the issues that the CBC started out fighting for, a political agenda shaped by a commitment to social policy, would find a more treacherous path, even as Black members find new and

more effective ways to maneuver through the Congressional policymaking process?

An illustrative story of the current dynamics in the Caucus's Congressional influence can be seen in 2020. At the height of the Covid-19 pandemic, the Black Caucus found itself thrust into a leadership position not just within the Black community but within the broader Democratic Party when it came to finding a legislative response to the police-involved shooting of George Floyd. Whereas the Caucus might have been perceived as a fly in the ointment in its infancy, it was now as influential a group as any other within the Party, with a Politico article talking about the potential for a police brutality bill stating that the Caucus plays "...an outsize role among House Democrats and the broader party. Several CBC members are being vetted as possible vice presidential picks, and others are being talked about as future speakers. CBC members now chair four major House committees, with even more possible next year. And no major bill goes through the House without Democrats asking, "What does the CBC say?" " [13]

In discussing the stakes for passing a piece of legislation that could meet the moment of furor that was gripping the nation and the world [138], CBC member Emmanuel Cleaver stated "We have been placed on center stage of this American racial and justice moment. ... Things are in place and we cannot flunk this moment," [13]

But flunk they did. In spite of their highest level of influence, even a watered down compromise proposal that took out the end of police choke-holds and no-knock police warrants couldn't make it to a floor debate [38]. The question of blame seems to be a bit misguided given universal Republican intransigence but if we keep our focus squarely on the Caucus's inability to get legislation passed, it creates a different question: if willingness to be more radical in its earlier years was a major reason for the Caucus's failure to get legislation passed then, how do we understand the Caucus's more contemporary struggles, which are made in the context of its highest influence ever?

I make two types of points in this chapter. The first, an empirical argument, is that the dynamics of the Congressional policymaking process have shifted the focus of Black lawmakers from being primarily concerned with legislating around issues chiefly relevant to Black communities and more so concerned with being party loyalists. Building on that, I then make a more conceptual, epistemological argument, that the nature of contemporary political science has shifted away from analysis of institutions and, in doing so, obscures the ways in which incentives of members across racial lines are circumscribed in ways that hamper the chances for substantive policies benefiting Black people to pass, a phenomenon I call "anti-Black governance".

Understanding Black Bill Sponsorship in the American Congress

At all historical periods, being a member of Congress is a matter of toggling between being isomorphic and iconoclastic. On one hand, you need to be like the members of your party

and/or other members that you believe you can create winning coalitions with in order to get legislation passed. On the other, you also need to be able to know when it is prudent to be different from the pack, signaling your fidelity to those communities, both direct constituents but also, for Black members, Black people, to highlight your commitments and also because you know that on certain issues, without your input, there can be no progress. To think about this delineation for Black members and how it has changed over time, I look at the bill sponsorship of Black Members of Congress but rather than a simple comparison to non-Black Members (though I include that as well), I use time as a source of variation in order to show how their priorities shift over time in ways that highlight if they are privileging the needs of the Party over the needs of their Black constituents. In other words:

Research Question: Are Black Members of Congress becoming more like other members of the Democratic Party in their bill sponsorships over time at the expense of Black communities?

The spirit of this question is to think about entrenchment in the context of Black representation. If we see that Black Members of Congress are not prioritizing the needs of Black people over time and instead prioritizing the needs of the Democratic Party, we could imagine that they are entrenched, becoming more isomorphic like their non-Black counterparts. If, on the other hand, these members are still sponsoring bills that are relevant to Black communities at consistent rates, then we can think of the dust-up over the police brutality bill as the Caucus perhaps wielding influence but being consistently hung out to dry when the going gets rough in terms of legislative campaigns.

Hypotheses

Returning to the point about the tension between isomorphism and iconoclasm, Black members' relative seniority to the rest of the Democratic largely emerges because of their higher likelihood of coming from safe (and primarily majority-Black districts). On one level, this could suggest that Black members would be more able to act as individuals, untied from the Party agenda. On another, it in some ways crystallizes their constraints, being tied to a constituency that often have greater needs in a context that can be largely hostile to the types of policies that would support those needs. As recent work by Emily Wager argues, as racial diversity increases, support for government intervention as a way to reduce economic inequality decreases [135]. This means that a Black member who is trying to both attend to more issues to achieve notable victories while also being realistic about where and how to do that would likely be co-opted, if by co-opted we mean standing out in terms of their bill sponsorships.

I hypothesize that because of both increased needs within their constituencies as well as the fact that to achieve any of their potential agenda items, they are also in a they will demonstrate more bill sponsorship of party-centric bills over time.¹

¹The methodological approach and data for this as well as the next section are located in the Appendix

H₁: Black MCs sponsor more party-centric bills over time.

At the same time, as they get more preoccupied with trying to fit racial issues into bills (one limitation of this study is that I am not coding on the content of the bill itself but rather its subtopic), they will likely sponsor less bills that are relevant to Black communities over time. This comes with a proviso, however. Because they also need to highlight the credibility of their commitments to Black constituents, this will not apply to bills that are racially targeted and explicitly tied to race, racial discrimination, and Black issues that can be read directly as such.

H₂: Black MCs will sponsor less bills relevant to Black communities over time.

H₃: The exception will be bills that are racially targeted.

In other words, while we might imagine that there are some bills that are going to be directly helpful both in terms of a kind of surface level way that can be seen as “pro-Black” (e.g. a bill around reparations), those bills can be seen as doing more to signal priorities than to shift policy (though that distinction is more fuzzy than it might seem at first glance). However, because of that, if we think that co-optation is happening through increased party fidelity, the subset of these Black relevant bills that are more directly targeted should not drop off in the same way as an overall trend of Black members’ attention shifting from those individual bills that are relevant to Black communities to bills that are relevant to the Party.

Finally, because my story suggests that these party-centric bills will shape Black legislative behavior by crowding out other concerns, I also argue that the rate of bill sponsorship on economic issues will decline as well.

H₄: Black MCs will have low overall sponsorship rates of issues related to both redistribution and predistribution.

Are Black Members of Congress Becoming More Entrenched in The Democratic Party Over Time?

The first and most striking finding is that in the broadest terms, when we look at the issues for which Black members would have a great deal of issue ownership on in Figure 2.1, I find that the proportions of bills with these subtopics sponsored by Black members are precipitously declining over time, meaning less and less bill sponsorship on issues as diverse as civil rights, education, and public health from the inception of the Congressional Black Caucus through to the Trump era. Perhaps even more surprising is the range of these proportions. At their beginning, almost one out of every two bills that were put forward by CBC members were on an issue that could plausibly be seen as reflecting the interests of the Black community.

2A of this chapter. The listing of bill subtopics to show my case selection for subtopics according to category can be found in Appendix 2B.

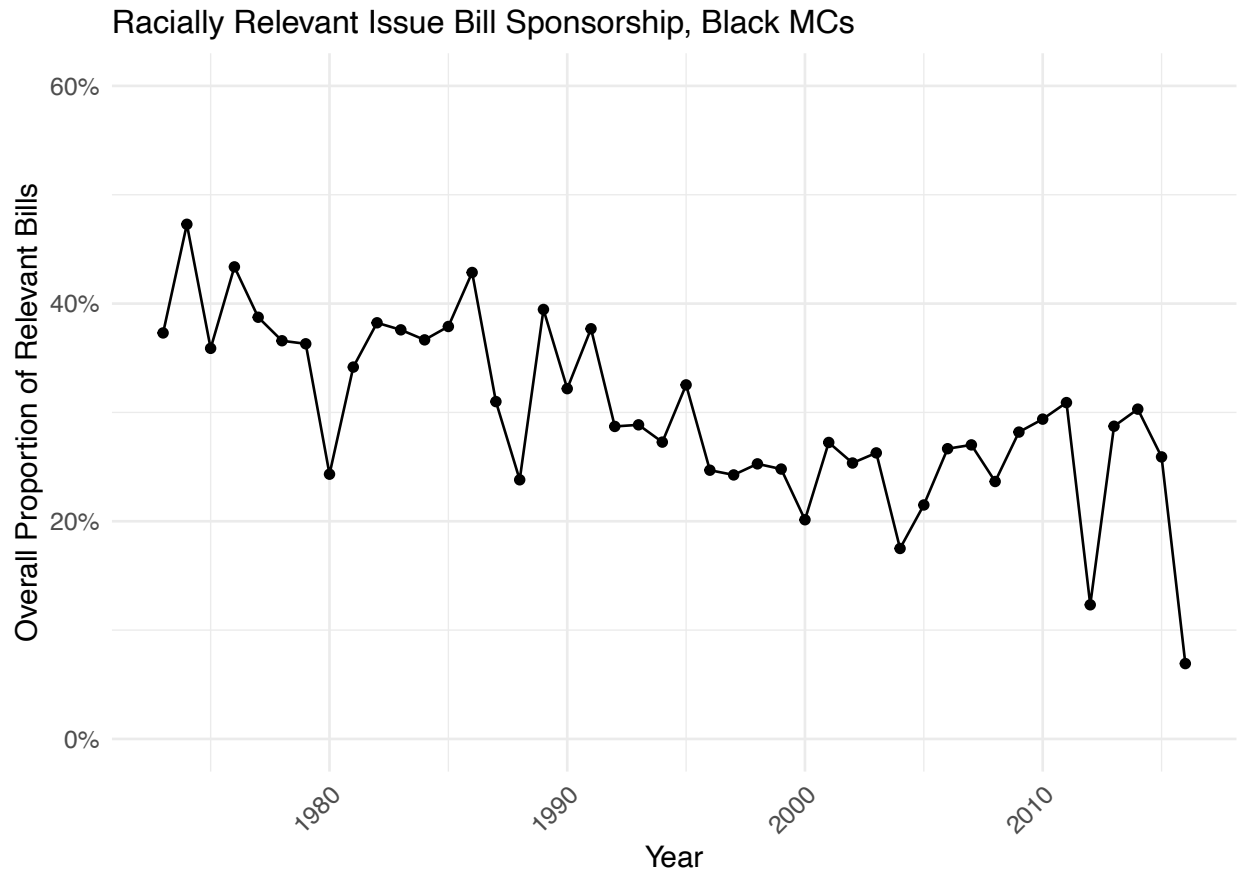


Figure 2.1: Bills Sponsored by Black Members with Topics Relevant to Black Communities

In the most current year in the dataset, 2016, Black members were sponsoring just around 6.5% of bills on these topics.

But we might think that this could be a simple matter of what types of bills are relevant to African American communities changing over time. While I coded relevance broadly to account for issues that highlight disparities as well as issue ownership (including comprehensive health reform, small business issues, and prescription drug coverage), it might be the case that when we focus on issues that are only centered on issue ownership [47, 97], which in my coding scheme would mean either bills that are directly about civil rights of ethnic minorities or issues, such as higher education and public health, that have a history of receiving specific targeted attention within legislative text, that we find a different dynamic. Therefore, I also include a smaller subset of these bills that are more likely to reflect legislation that targeted racial disparities explicitly.

Here I find that my hypothesis for Black targeted bills is largely correct, because while the specific sponsorship range is not quite as high in its peak (around 17% at the height of

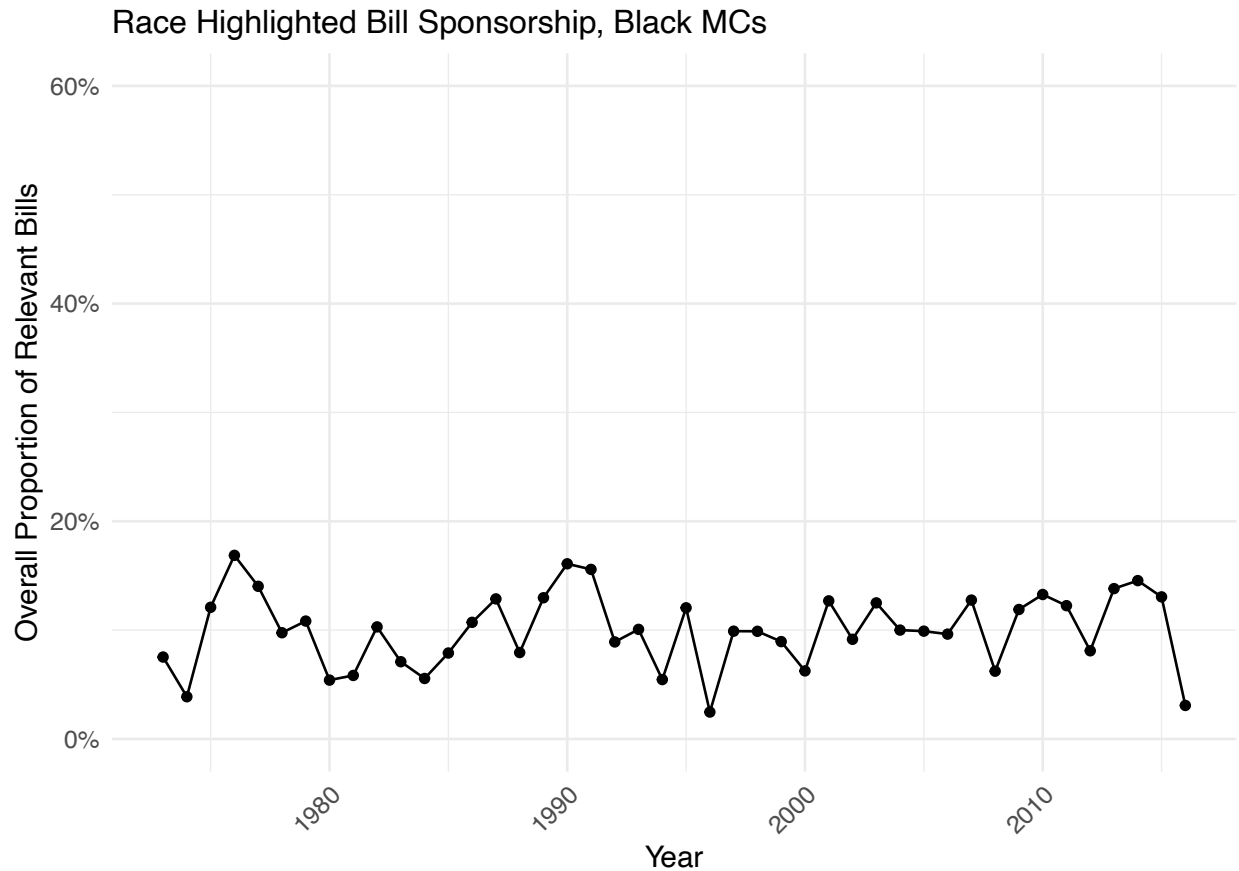


Figure 2.2: Bills Sponsored by Black Members with Topics that Have Been Targeted to Black Communities

the early years of the CBC), it would be difficult to call this a decline. The overall trend line here is much more uneven with peaks and valleys across years and party control meaning that Black members' focus on these bills is much closer to constant than when you take a broader approach with bill relevance.

But what these findings indicate that across the last fifty years, the legislative portfolio of Black members has shifted in ways that have taken them more and more away from these issues and towards other issues. This in and of itself does not necessarily reflect a complete abdication in their role as virtual representatives, showing up for Black communities. It does, however, mean that there are other things that have brought onto their agenda.

One potential explanation of this trend is that they have shifted their focus to more economically focused issues, which considering Black people's continued and sustained attention to the economy, could be both an authentic and shrewd strategic shift. What do we find when we perform the same exercise but look at the proportion of bills sponsored that relate

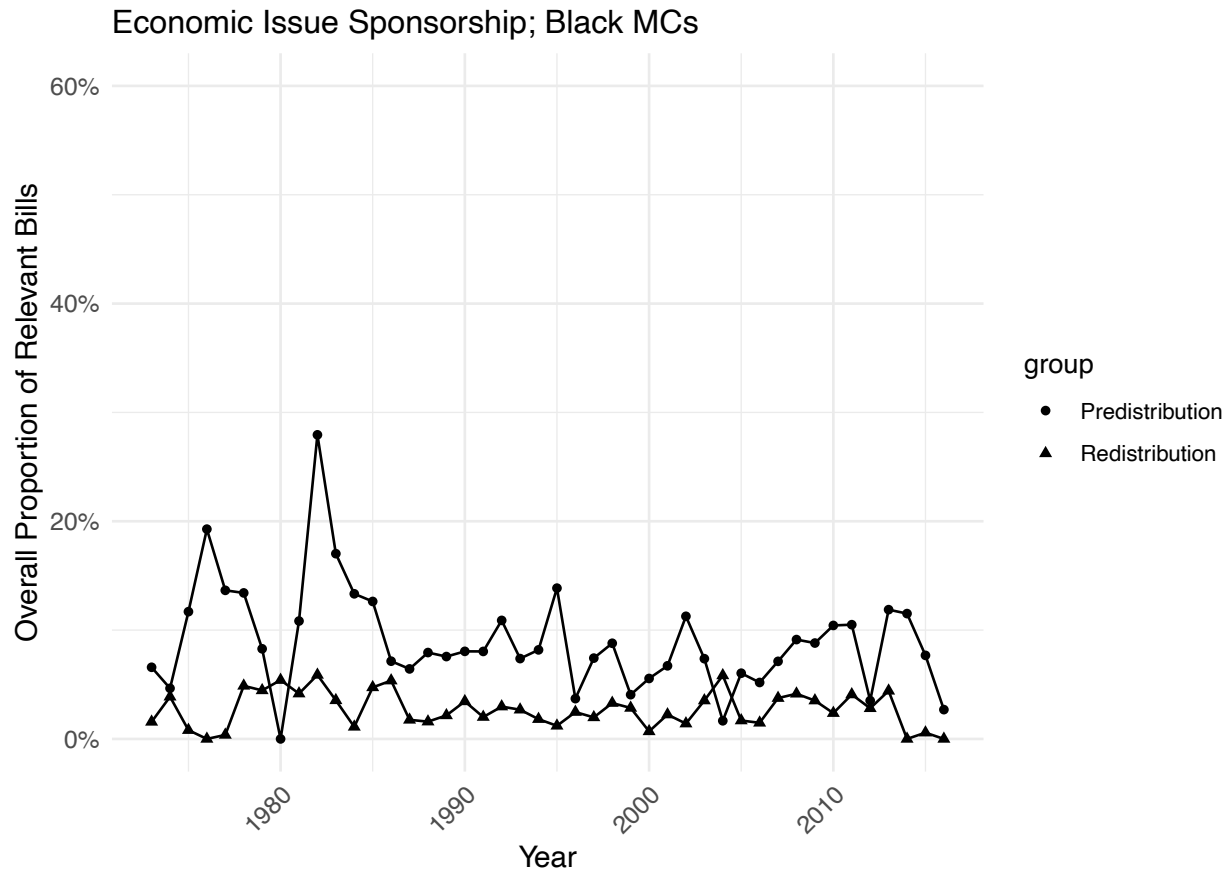


Figure 2.3: Bills Sponsored by Black Members with Topics Relevant to Economic Issues

to economic concerns?

Are Black Members Shifting their Focus to More Economic Concerns?

The answer to this question is illustrated in Figure 2.3 and, succinctly, the answer is no. While issues related to predistribution (which in my coding scheme is a broader category) such as unemployment, consumer finance protection, and issues related to wages, labor, and employment have had a broader appeal, they too have shown a large decline since the early 80s, when those issues peaked at around 28% of total Black Member bill sponsorship. On the other hand, issues around redistribution, relating to taxation, the national debt, and inflation have always been a small part of the legislative portfolio of Black members and in recent years such as 2014 or 2016, accounted for absolutely no bill sponsorships of Black members.

That said, economic concerns in this story are largely of the macroeconomic variety (though a bit less so within the predistribution category, which does include the subtopic “Poverty and Cash Assistance” for example) so we may not think that this reflects a lack of focus on Black economic performance and outlook. Nonetheless, this figure does show that economic issues were largely *not* substituting in for the decline of Black relevant issues within the context of Black bill sponsorship. Perhaps more importantly, the fact that the bill sponsorship rate for economic issues was as high as 28% in the early 80s shows that, similar to more directly relevant issues, the suite of issues that Black members pay attention to has *also* declined with respect to economic issues.

How, then, might we explain the ways in which Black members are allocating their time in ways that look different now from the beginning of the Congressional Black Caucus? This brings us to the issue of party and party prioritization. It could very well be the case that Black members are in fact using the priorities of the Democratic Party to signal their commitments across the board in ways largely un-tethered from their more racialized commitments, which is the topic of the next question:

Are Black Members Paying More Attention to Issues Relating to the Priorities of the Democratic Party Over Time?

Indeed, this is what I find. As Figure 2.4 shows², Black members have generally always supported bills that are in keeping with the political agenda of the Democratic Party. While there was a slight dip during the first part of the Reagan administration, for almost all years in the dataset with Democratic Party Control of the House, over 40% of all bill sponsorships of Black Representatives were bills that aligned with one of the top ten bill subtopics within that year’s Congress. The one thing I didn’t quite predict correctly is that this has not been a steady increase, Black members of Congress have always been party loyalists, with large proportions of their bill sponsorships reflecting the top priorities of the Democratic Party from the very beginning of the Caucus through til today.

Even though there has been some extant literature that suggested that during the early years of the Black Caucus, they were more willing to take risks in ways that ran afoul of party fidelity [118, 127], this highlights that Black members have never seen their role as being a fly in the ointment to deliver goods for Black people but rather, at different times, reconciling more (and then less) effectively the needs of the race with the needs of the party. This in some ways highlights a pre-history of Katherine Tate’s work in *Concordance* [126] to show that while the Caucus has always been to the Left of the Democratic Party with respect to their ideological median, this has not necessarily meant that they have been unwilling to play along with sponsoring bills that are consonant with the needs and priorities of the Party.

²I code Figure 2.4 as a scatter plot rather than as a line graph because of the intentional omission of years with a Republican controlled House but include a regression line instead, which nonetheless shows a small increase in the proportion of Democratic priorities out of all bills sponsored.

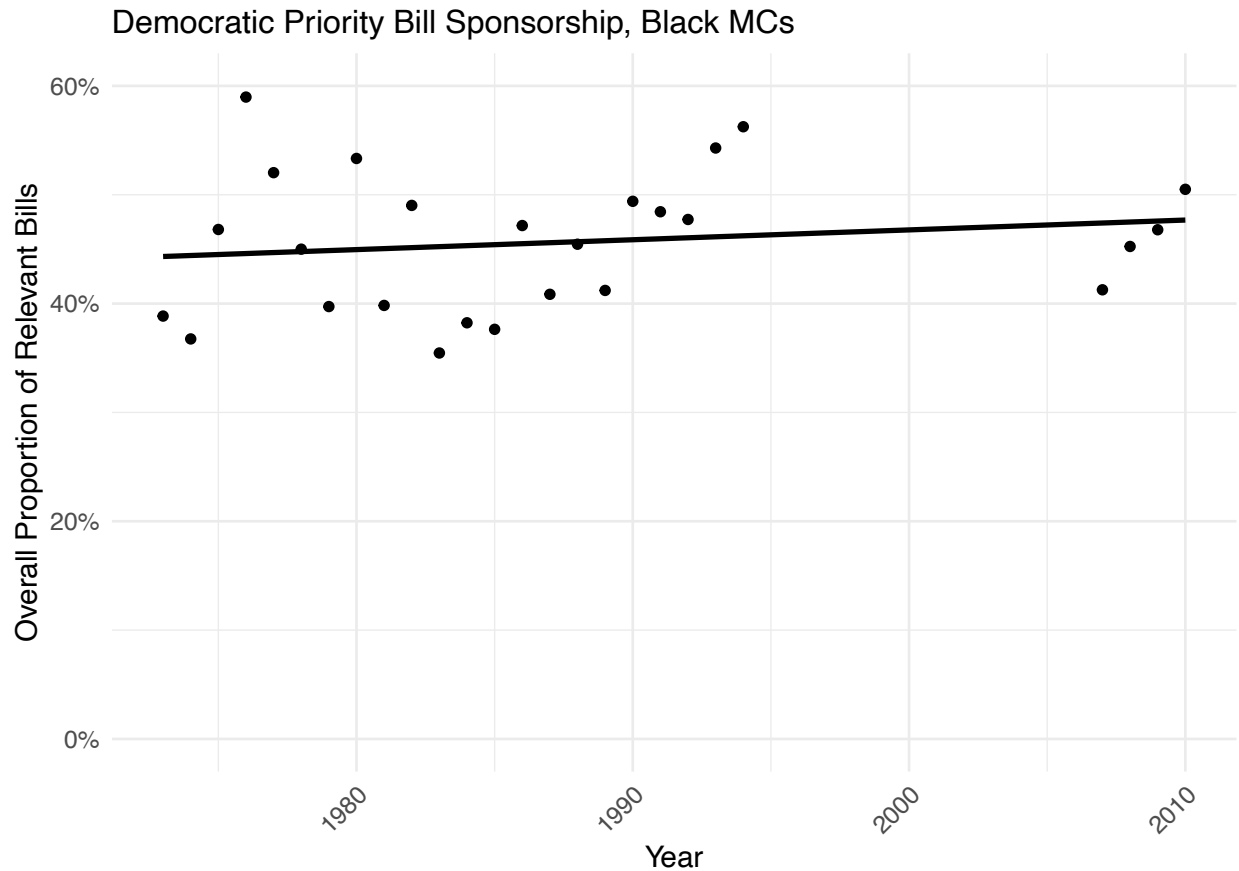


Figure 2.4: Bills Sponsored by Black Members with Subtopics Related to Democratic Party Priorities

One potential interpretation of this that I don't delve into with this data is that Black members in earlier years put forward more things on the agenda that reflected the needs of their Black constituents to the party and, through the winnowing of the legislative process, arrived at bills that they felt would be more amenable to the Party. Over time, as they developed seniority, the process required less iterations as they got closer and more enmeshed within Party leadership.

What is sobering, however, is that as the parties polarized and there has been a greater need for performances of party loyalty, this has likely meant that to the extent that the issues prioritized by the Democratic Party are discordant with the needs of Black people, this has resulted in a drop off of Black members serving as leaders in the promotion and delivery of legislation relevant and core to what could be called a "Black agenda". While this is not dispositively shown by Figure 1, to the extent that we think that there are differences between what Black Members want and what the Party wants, both in terms of preferences

and in terms of needs driven by sociological outcomes, an interpretation that I have is that Black Members are serving the role of mediator rather than advocate, at least within the role of legislative author. Even as party platforms have gotten more progressive over time (which suggests the role that the CBC has played in shifting the Party to the left) [10, 62], the fact that Black members are not sponsoring legislation that can clearly lay out priorities relevant to Black people shows that the way that Black members are interpreting their role as racial representatives is shifting in ways that privilege party commitments.

Regarding *Concordance*, in drawing on DW-Nominate ideology scores to show that the Party and the CBC are getting closer in their scores over time, Tate demurs on if it is the Caucus pulling the Party to the left or the Party pulling the Caucus to the center. She need not be so equivocal. Even though I cannot show that party bill sponsorship causes a drop off in relevant bill sponsorships, It is clear from my work here that the Party has certainly been more of an influence on the Caucus's legislative behavior than the other way around. The dynamics that are drawing the Caucus to party loyalty may not necessarily suggest simple capitulation, but they do help explain how to understand the Caucus's strategy for developing their influence, slowly but surely becoming more isomorphic actors, rather than being known for a willingness to sponsor bills that aren't central to the party agenda, does have impacts on the substantive foci of Black members over time.

Where Does Congressional Racism Live?

Perhaps I'm being too hasty. It might very well be too simplistic to think of increased party-line bill sponsorship as necessarily reflecting a type of capture by the Party, especially considering the large body of scholarship on the barriers to effective legislating often faced by Black members. The legislative process is long, multi-step, and driven primarily by a status-quo bias unique in the world to its closest economic counterparts [37]. Moreover, as Periloux Peay documents in his work on the committee stage of legislative drives, Black members struggle to get their work even through this first stage of deliberation [95]. So a trend line showing greater fealty to party might not necessarily reflect an abdication of a commitment to racial co-ethnics but instead a broader manifestation of the party cartel thesis, in which legislative institutions are driven primarily through intra-party collusion rather than inter-party competition.

But for that to be true, we would also need a way to know if the Party is taking a "stick-based" approach to developing loyalty, meaning that they are finding ways to coerce Black members to party relevant work rather than shifting priorities among Black members themselves. This is difficult to pin down methodologically on two dimensions. On the first, because so much of what happens in Congress is a matter of signaling priorities rather than passing them, the continued work of Black representatives in highlighting agenda items relevant to Black communities through their non-legislative actions would serve as a counterexample to a more punitive approach taken by the party. In addition, in spite of Peay's work cited above, it could plausibly be the case that the issue isn't that more Black-relevant

bill sponsorships are being replaced by party-agenda but rather that these types of bills are just converging over time in terms of their substantive content.

Understanding the first dimension, however, requires knowledge about how each individual member is being shaped by their position in the Party, it's hard to say clearly if members are being coerced or seduced (and we can infer its likely some mixture of both). What complicates this further is the impact of racism in the institution. The initial configuration of the Black Caucus, it should be noted, was assembled not as a legislative caucus but rather as a social club to escape the explicit racism that they faced in the chambers, according to William Clay, one of the first members [26]. In other words, what might on its face be a matter of Black members simply assenting to the demands of navigating a legislatively complex institution might also be a matter of them acquiescing to political demands placed on them by a racially hostile environment.³

So the question becomes how might we adjudicate between broader shifts in the institutional environment in Congress and the types of obstacles that being a Black legislator might create? Empirically, one way to do this is to think of the relative likelihood of getting a bill passed in Congress.

I work to get at this process by developing a regression model that regresses the proportion of bills that a member can get passed through the committee process out of all bills they sponsor on two variables: if the member is Black and if the bill was focused on a topic of substantive relevance to Black people. I then extract the coefficients for both factors for each year that I have full data for in my dataset to decompose the impact of each. More specifically, I'm looking to see if the impact of a member's identity is greater than the impact of what the topic is about and how that relationship changes over time. So for each year, the unit of analysis for the dependent variable is the proportion of bills passed in a given year and the unit of analysis for the independent variables is each bill for a given member in a given year. I then repeat the process but have the unit of analysis be the bill instead of the member to be able to delineate between the impact on individual bills and individual members. In the second step, I run a regression model that takes whether or not a bill became law as its dependent variable and the presence of a Black member or if the bill was as substantively relevant to Black communities as its independent variables. Put another way:

Research Question: Does the relative impact of having a Black member matter more or less for bill passage than a bill being about an issue relevant to Black communities over time?

Hypotheses

Given the nature of this analysis (I don't include covariates in this analysis because the other major variables taken from the Center for Effective Lawmaking Dataset are at the

³For work thinking about the racial milieu of Congress from the perspective of Black staff members, see James R. Jones's forthcoming work *The Last Plantation* [72].

member level), I'm aiming here to highlight a descriptive illustration of how institutional changes affect the fortunes of Black members and Black relevant bills. From above, we know that Black members have sponsored less bills that are relevant to Black communities over time but are sponsoring more bills relevant to the Democratic Party. Even if we agree with work cited earlier by Peay (which I do), it still wouldn't predict an over time decrease in the coefficient if we think that the party's priorities are allowing for more bills to be made on the party line and in fact, while there should be more of a "tax" during moments when the Democrats are in the minority, this would be largely because the vast majority of Black representatives are within the Democratic Party. Therefore, I hypothesize that:

H₁: While there will be a negative point estimate associated with being a Black member, that coefficient's magnitude will trend towards 0 over time.

At the bill level, if we assume that the dynamics of party are overtaking the dynamics of race, that would still play out in this analysis because a more polarized Congress will, like in the member level above, predict a rockier road to bill passage for both having a Black member given their party membership and bills that are relevant to Black communities since they are more likely to reflect higher social investment, which was largely seen as unpopular from the 70s onwards for a number of related, but distinct reasons [113, 118]. Because of that,

H₂: There will be a negative point estimate for both having a Black member sponsor a bill and a bill being focused on on a topic relevant to Black communities.

Is Identity or Substance More Important In Congressional Racial Justice Initiatives?

Figure 2.5 highlights the vexing and complex nature of Congress as a lawmaking body in the post-Civil Rights years. The slopes of both lines are largely flat but are driven by some pretty dramatic peaks and valleys within the data, suggesting that at one point in the 1970s, having a Black relevant bill was actually predictive of an increased likelihood of bill passage for the member that sponsored that bill. This actually makes historical sense in terms of the last big legislative drives of the 1970s for the Democrats. The fact that the coefficient of having a Black member hovers around a precise null is telling in a couple of ways. It suggests some supporting evidence for the theory of "conditional party government" offered by Aldrich and Rohde [4, 109, 110] in which parties act as cartels only when there is unified party agreement over the party agenda. For Black members, this would mean that they are going to have some years of actually having a positive coefficient because in those years when the party is in the majority and it agrees, the likelihood of them being able to establish some concrete goals (particularly at the CBC level) would increase and would especially increase in light of the fact that it's an over time measure so this is charting the decrease the likelihood in times when the Democrats are the minority party. Put another way, as party is eaten up

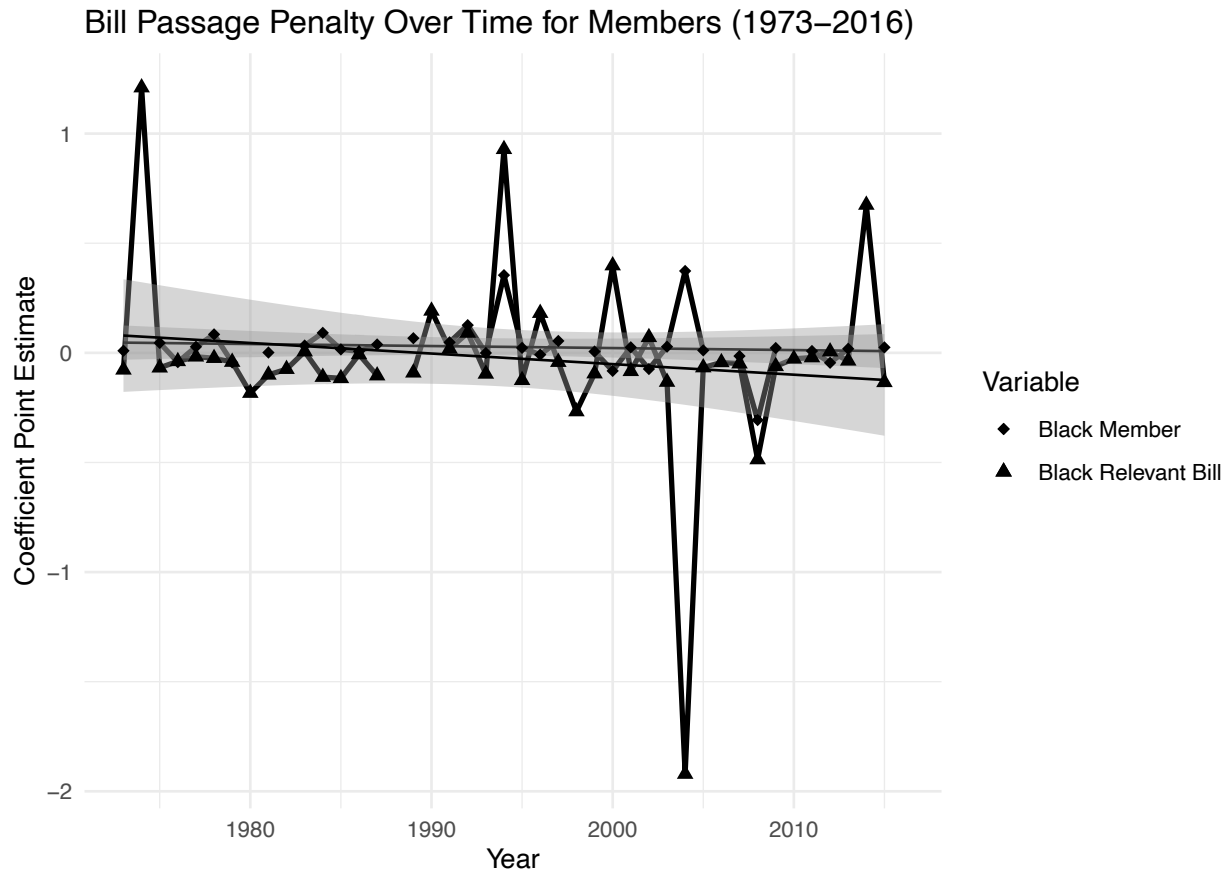


Figure 2.5: Importance of Being Black vs. Black Relevant Bills - Members

by race, this is a phenomenon that both gives and takes because of the dynamics implicit in coalition building in a bicameral legislature. Important to note is that in most years, the point estimates are not significantly away from 0, suggesting that the site of the penalty is not necessarily found in the fact of their identity.

Figure 2.6 helps explain why. It highlights mixed results that do more to show what Congress has become over time than anything tied primarily to the specific nature of race in American Politics. The slopes of the lines for both having a Black member sponsor a bill and a bill being sponsored with a Black-relevant topic are both negative, signifying that over time, both are suffering from harsher penalties when it comes to the likelihood of bill passage. However, the point estimates for black relevant bills are more consistently negative. This suggests that while we might think of conditional party government as playing both sides of the political spectrum, as Jones, Theriault, and Whyman argue in *The Great Broadening*, our sense of polarization as the driving factor in institutional change, it is also the case that Congress has moved away from being an organization oriented around

legislating to one oriented around oversight. This has meant that the coalition-building and logrolling necessarily to produce public policies on issues that would require strange bedfellows across party lines (and geographic lines as well) are much less likely to occur. For Black issues such as public health and investment in public education, the appetite for massive social investment (or the maneuvering to get it) is much lower now. This would hurt Black members specifically, who now have to find other ways to signal their racial fidelity (more on this topic in Chapter 3) but also and more emphatically hurts the chances of any type of bill tied to social policy or those seen as supporting particular groups, both types of bills that would be most relevant to Black communities.

Another way of thinking about this is through the broader concept of representation. While the first set of work above showing that Black members are sponsoring less legislation on Black relevant topics could be seen as a matter of co-optation, the bigger issue is about what they can even offer that can be of service through the avenue of legislative sponsorship. Even though the majority of studies in the discipline focus on the congruence between what constituents want and what members prioritize, what I'm showing here is that the supply of feasible legislative goals for Black members (and all members committed to more robust social policy) has winnowed, making both the race of the member and the race of the topic predictive factors of a more hostile legislative environment.

Black Politics Between Institutionalization and Entrenchment

The empirical results of this chapter don't paint a pretty picture for Black representation. Even though there is evidence that Black members have remained committed to issues that target Black communities in their sponsorships, there is little evidence that the fortunes of Black legislative drives have changed over time because, frankly, they largely haven't. While there have been key exceptions, large legislation tied directly to amelioration of anti-Black racism has struggled consistently within the American Congress. But in some key ways that tells us very little about what the intentions of Black members are. Because of the fact that Congress has largely moved away from its role as a key site of positive rights provision and social policy and has largely moved towards a role of more oversight and cartelization [71], it's not (and shouldn't be) a clean exercise to know how the increased incorporation of Black Members into the Democratic Party has shaped their political strategies and preferences. Because of that, I think that the results in this chapter mark the beginning of a story, rather than a definitive end to more direct question about if Black members are good at representing the race (though I delve more into this in Chapter 4).

The story I'm more interested in here is how to evaluate the increased institutionalization of Black Politics. On one hand, as a smaller, insurgent faction, the Congressional Black Caucus faced reproach from Party leadership in ways that stymied their more radical demands. On the other, higher entrenchment and seniority into the Party was not successful at securing more distributive demands made by Black people. Does this mean that representation doesn't matter and that, in a Machiavellian sense, inclusion into dominant governing institutions is by its nature corrupting? Or do we need to look beyond legislative intent to

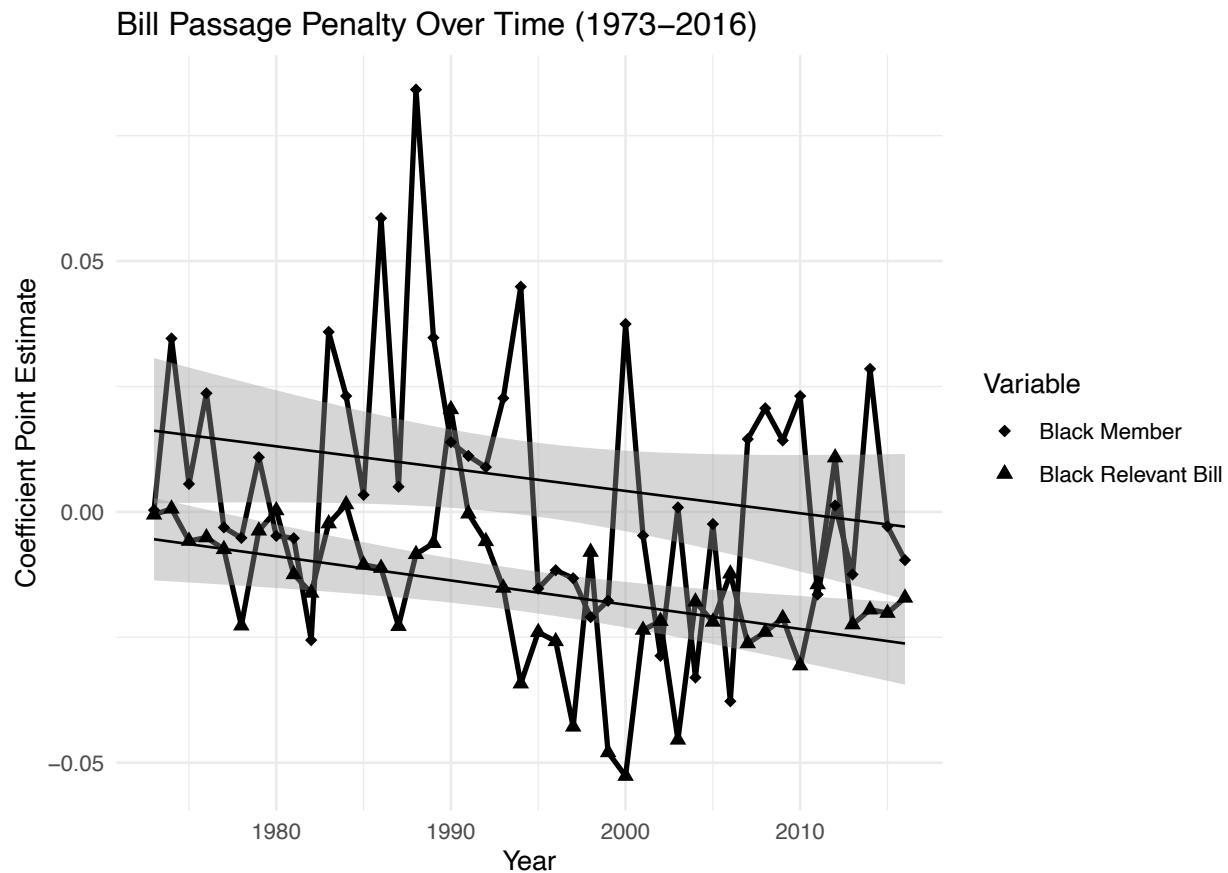


Figure 2.6: Importance of Being Black vs. Black Relevant Bills - Bills

find the importance of representation given the shifting nature of Congress more broadly, where teamism has taken on an increasingly central role in the day-to-day experiences of Members and which, given where Black people sit ideologically in the country, would necessarily mean that they are less likely to get what they want/need?

While the results can be read at first glance as a simple critique of the importance of Black representatives, I would argue for a slightly different but deeper story about representation more broadly. If we think of representation as a political tool, I would argue that the results show that it is important at higher levels in *marginal terms* but important at lower levels in *absolute terms* (I return to this in Chapter 4). On one level, the type of civic and affective benefits of representation are more and more important to keeping Black issues on the Congressional agenda because the inclusion of Black members in the Democratic Party sustains much of the Civil Rights victories that keep Black people (particularly older voters) invested in the Party as well as keeping agenda items relevant to Black communities from going away fully. On another, when we focus in on the impact of Black representation on

Black lived outcomes, the story is decidedly more bleak because in order to maintain their status as party loyalists, Black Members have given less and less thrust to these agenda items over time.

Understanding the importance of representation is therefore a story less about if it matters (or if representatives' intentions are the correct way to evaluate that) and more a story about what it can be credibly expected to do. The increase of descriptive representation in Congress in the years following the passage of the Voting Rights Act did not lead to a concomitant change in substantive representation if the latter is measured solely in terms of legislative productivity on issues related to Black communities. The extent to which we lay this at the feet of Black members is a complicated question but what I can say is that the institution responded to an influx of diversity through increased disciplining of party members in ways that shifted the dynamics of getting things done in Congress. This has meant that even as major changes in the institution happens, those changes weight against the interests of Black people. I call this phenomenon *anti-Black governance*. The strategies of Black members are varied but their individual decisions, whether for good or for ill, slot in for the political realities of working through incentives that privilege the "median voter". As both the country and Congress polarizes, the common sense of what it takes to be a good legislator drifts further and further away from being responsive to the needs of Black people.

Institutional Change and Anti-Black Governance

Before I end the chapter, I want to sketch some conceptual notes on anti-Black governance, primarily because it is not just a concept that I draw directly from hypothesis testing, but rather a concept that I think helps explain the development of Congress, particularly in the years leading up to and following the Civil Rights Movement. What the concept is designed to illustrate is that individual rules in a system as byzantine as the one that shapes American institutions are often talked about in neutral ways that because of their highly technical nature are stripped of any broader overarching story that tie them to ongoing dispossession of Black people.

Very influential to my thinking on Anti-Black Governance is the concept of *frontlash*, a concept coined by Vesla Weaver in her wonderful 2007 article by the same title [137]. In that article, Weaver notes that the construction of punitive criminal justice policy in the aftermath of the Civil Rights Movement was "not just an exercise in crime fighting" but an elite counter-movement driven as a response to major losses within the realm of civil rights. For Weaver, the creation of a new civil rights regime that created not just a social but a legal norm around a color-blind, non-racist approach to lawmaking meant that the approach to conservative political movements had to shift, leading them to "issue entrepreneurship" on other dimensions, meaning a move from working against positive dispensation of civil rights and anti-discrimination law and a move towards punitive crime policy [137].

One very beneficial aspect of this argument is that it connects what had been up to that point seen as disparate threads between the liberalization of civil rights and the increased

repressiveness of prison policy. In echoing Weaver's intervention, I want to expand it by focusing not just on specific facets of public policy but on the very nature of American public policy making. The aftermath of the Civil Rights Movement certainly shifted the way that both major parties dealt with what they felt should be at the top of their agenda and, perhaps more importantly, how to think about who comprised their constituencies.

But what goes less remarked upon is how the fissures that Civil Rights liberalism caused were themselves not value neutral but had both racial connotations and racial effects, in ways that served to winnow the types of legislation that could be reliably expected to reduce racism in meaningful, durable ways. Small changes to procedure or caucus composition often seen as normal order within an institution like Congress are often weighted with the path of what constituents demand in the wake of social movements and the incentives that members have to help them in their search for re-election. Therefore, the types of changes that can be initially perceived as simply about how to operate within the institution are both caused by and effect the racial landscape of American Politics.

Weaver's work also helps bear this out. In the section where she outlines her scholarly intervention relative to other scholars of the 20th century rise of crime policy, Weaver argues that while scholars such as Bruce Western, Naomi Murakawa, and Katherine Beckett are able to identify the importance of race to crime policy, they work less to identify why that time period in the midst of the Civil Rights era lead to such a supercharged attempt to push forward a more punitive approach to crime policy. I think the same type of concern is warranted within the bounds of Black representation but, even beyond that, within contemporary work in Black Studies, specifically on the concept of Afro-Pessimism.

Afro-Pessimism, Social Science, and the Psychoanalytical Turn

Afro-Pessimism might at first glance seem like an odd departure to highlight the point of institutional change and its constitutive role in shaping my arguments for how to think of anti-Black governance in Congress but its an intuitive shift for me because of the original epistemological intervention that it sought to make. In *Scenes of Subjection*, one of the original texts shaping the field (though not a text that itself claims to be Afropessimist), Saidiya Hartman establishes a shift in the ways that we should understand the critical markers of anti-Black violence, arguing that we move away from sites of spectacular violence to the places that are best understood as quotidian and banal to understand the connective tissue of anti-Blackness across various points in time [54].

Another way of saying this is that racism sustains itself not only through (or, for Hartman, primarily through) the moments of the lynch mob and the police precinct but rather through the more quiet moments of private and intimate terror that give texture to the experiences that shape the outlook and experience of Black people.

Two key theorists of Afro-Pessimism, Jared Sexton and Steve Martinot, use the terminology of the "avant garde of white supremacy" to describe the sites of elite life that sustain these types of anti-Black attitudes [84]. Notably, while Sexton and Martinot describe places such as the police, the judicial system, and the media as this avant-garde, they talk little

about the specific laws and regulations that govern and shape the state. Even in knowing the stakes of the internal machinery of the state, thorough analysis of how the operations of the state are manifesting in forms that could be considered concomitant with anti-Blackness is collapsed into a nihilism that assumes that the state is constant in its discrimination and hatred of Blackness and Black people, and is therefore under-theorized within this field of study.

This isn't surprising considering the ways in which Afro-Pessimism determines its own stakes. Particularly from a methodological perspective, the wide use of "auto-theory" in its work by key adherents and those in Black studies that it draws largely from such as Frank Wilderson and Christina Sharpe, highlights that the conceptual division between anti-Blackness and other, more generalized forms of racism are playing out at the level of the psychological state of mind that it compels Black people to contend with. In other words, a question that someone like Sharpe might pose is how might we more clearly understand the ways that Black people maneuver their affective lives in the long aftermath of chattel slavery?

What I think is absent in this type of approach, and one that brings us back to the topic of discussion at hand for this chapter, is that even if there is a hostile orientation towards Black people at any time throughout American history, the state is anything but constant in its approach. As Weaver instructed us earlier, the specific contours of a time and place have specific effects on not just the psyches but also the lived realities of people across backgrounds and need to be fully understood in order to understand their manifestations in a whole host of ways.

However, in spite of this, I think that Afro-Pessimism has something to teach us, not through its contrasts to fields such as political science and economics in terms of how it approaches, but rather in its similarities. For our part, the social sciences have also become more and more concerned with the ways to understand the internal lives of communities of color, and Black people in particular in the last number of generations. The majority of contemporary studies within the field of racial and ethnic politics are preoccupied with the ways, reminiscent of Afro-Pessimism, that political factors such as voter suppression, turnout, intra-racial social ties and emotional non-disclosure shape political engagement and participation [42, 98, 139]. This has not necessarily supplanted more institutionally-focused analyses completely but has reflected a broader behavioral turn within the sub-field. While there have been perhaps diametrically opposed roads for these fields to meet, meet they have. As a result, Afro-Pessimism's lack of theorizations on the state in many ways mirrors political science's.

Both fields, in my estimation, do this because of a broader disillusionment present within Black communities. Given a sense of either passive or disaffected participation, the strategies that might be available for political advancement within the context of the state for Black people have largely been seen as anachronistic or ultimately in service of more gradualist goals rather than a more seemingly radical approach that would, given this disaffection, eschew the state in lieu of analysis that focuses more squarely and explicitly on individual

or grassroots activism.⁴

So Afro-Pessimism appears here not because of its great difference to political science in centering the individual and psycho-social but rather because of its relative symmetry. In tying an analysis of the state to an affective investment in it, however, I argue that both fields actually struggle on their own terms, centering a more affective approach in understanding how to theorize anti-Blackness when one that deals with the more specific machinations of the state and the material consequences therein are equally as important, and perhaps more important in terms of indexing how the affective manifestations of anti-Blackness originate at all.

Another way of saying this is that Afro-Pessimism helps draw out some of the ethical challenges that linger right beneath the surface in terms of analyzing how to understand the differences between the marginal and absolute benefits of representation, which have seemed to predominate understanding of the benefits of Black elites, a topic for which many in Black Studies have a whole lot less patience for than we do in political science.

The upshot here in returning to Hartman is that we should understand racism/anti-Blackness as sticky, constituted as much within quotidian, lower stakes moments than in moments and sites that have explicit hostility towards Blackness and Black people. I argue that Congress as an institution with such a major history both as a major site of racial progress and hindrance, would seem to be a site for the spectacular. But to understand anti-Blackness in the American context, you'd need to understand the inner workings of Congress just as much as the legislation that demarcates its priorities. The committee room, the chamber floor, and the rules, norms, and customs that govern Congress (and, equally as importantt, the ways that those rules, norms, and customs are changing over time) are largely driven by a meta-analytical story about the ways that the American state has needed to contend with Blackness in ways large and small. They become analogous in this way to the domestic sphere, the shop floor, and the classroom; places that might not be shaping race explicitly but are, through their operation, maintaining and unfurling racial hierarchies in ways that might have different outlooks for different people from different backgrounds but are sites of political, affective, and ideological importance even as their operation is seen as neutral. As Robin D.G. Kelley notes in his work on anti-Blackness (not to be conflated with Afro-Pessimism):

“...to say that anti-Blackness is foundational to Western civilization is not to say that it is fixed or permanent. On the contrary, it is incredibly fragile and must be constantly remade; it is epiphenomenal to the production of Blackness—which is an essential component of modern racial regimes, but not its totality. In the last century alone, racial regimes have been remade, reconfigured, destabilized,

⁴This doesn't take away from a different story in public opinion, where Black people (even as there are strong upticks in disillusionment, particularly in the wake of the genocide in Gaza and lack of economic advancement) still retain close to parity in terms of responses to survey questions such as excitement to vote and enthusiasm for candidates. I return to this in Chapter 4.

and consolidated many times, employing new technologies to circulate old racial fabulations and new fictions in the process of capitalist expansion.” [75]

For Kelley, like Weaver, anti-Blackness is ever changing, made and re-made in overlapping and jagged ways. As a field so concerned with parsimony, political science often misses the smaller bits that aggregate to something called racial domination in lieu of understanding the mechanisms underlying racial discrimination and specific outcomes that shape political decision-making. So Afro-Pessimism finds its value for me not in its broader trans-historical claims (some of which I disagree with) but in its shifting of perspective away from the grand ordering traditions that center large movements and political entrepreneurship (though those don’t go away in this story) but in the smaller moments that help lock in the types of political configurations that make moving away from anti-Blackness so vexing.

In *Disjointed Pluralism: Institutional Innovation and the Development of the U.S. Congress*, Eric Schickler makes the argument that while there are a number of schools of thought as to what drives institutional change in Congress, it is more adept to see the *interaction* of member incentives as the key driver of these moments of innovation [113]. I agree with Schickler but would add that when looking at his more recent work in *Racial Realignment: The Transformation of American Liberalism (1932-1965)* illuminates and complicates this earlier argument [114].

In *Racial Realignment*, Schickler argues that rather than an elite-centric approach to thinking about civil rights liberalism, we need to understand that party leaders were far more intransigent than they let on and the true shifts were happening decades earlier at the level of public opinion, state parties, and Congress. Congress’s response to the shifting terrain of American Politics is often studied through the legislation it did and did not pass but what Schickler along with other scholars of Congress such as Barbara Sinclair, John Aldrich, and David Rohde would note is that a major form of movement pressure in the lead-up to the Civil Rights Movement was also through the types of rules that were enacted to shape and orient the incentives of members at the individual, group, and party level [117, 109, 4].

In political science, this is often studied as the end of the cross-cutting cleavage that emerges after the Civil Rights Movement but the reverberations of Black movement activism are happening all throughout the institution in ways that go largely unremarked upon because of their highly subtle and technical nature. One important exception to this is *The Great Broadening* (described earlier in this chapter) which uses the Civil Rights Movement along with other social movements as a touchstone to understand the expansion then winnowing of Congress’s portfolio of policy types that it addresses through legislation but this again is a story focused on the *big*, the over time changes that can now be looked at as a major change. *Disjointed Pluralism* helps show that some other, more small changes are happening that are no less impacted by race.

An example is instructive here. In 1974, the Democratic Party was going through major changes. The end of the Civil Rights Movement portended new dynamics within Congress. One such shift was a large influx of new, liberal freshmen Democratic Representatives. As

Schickler notes, this led to a number of changes, but one stands out for further analysis here. Schickler reports:

“In December 1974, the Democratic caucus changed the party’s committee assignment process, voting 146 to 122 to allow the Speaker to nominate Democratic members to the Rules Committee, subject to confirmation by the full caucus. The caucus also transferred control of other committee assignments from Ways and Means Committee Democrats to the recently created Steering and Policy Committee, which was chaired by the Speaker and included several leadership appointees.” [113]

For Schickler, this change emboldened many of these new freshmen, who were aware that the Democrats on Ways and Means were those members with entrenched power bases and far more likely to be conservative, southern Democrats. Less discussed is that the influx of freshmen as well as the confluence of interests between liberals in the chamber and Democrats in the chamber were both due in large part to the wave of Democrats elected as a result of the activist tendency unlocked by the Civil Rights Movement [55]. In other words, the new dynamics that were created by social movements tied to race shifted the incentive structure for a subset of Democratic politicians, leading to a shift that had major implications for policymaking down the line across the institution.

What’s interesting here as well is that this was also the time that saw the influx, noted earlier, of the Congressional Black Caucus’s first class. What’s key here is that in subsequent years, while the freshmen Democrats above fought to dislodge the importance of seniority from committee appointments, CBC members, owing largely to the sobering experiences of the Humphrey-Hawkins Act discussed earlier, were opposed to that insurgent force, hoping instead to elevate themselves through the entrenchment that they knew was more likely given the composition of the majority of their districts [118].

So Schickler’s point about the interaction of incentives stands but what I want to draw out is that so many of the unremarkable changes that are taking place within the boundaries of rule-making and procedural reforms have a meta-analytic pre-history in the context of racial justice and racial history. Moreover, it helps explain some of my empirical findings from earlier. The attentiveness to seniority that Black members advocated for in opposition to other young members in less competitive districts paid off, allowing them to have more plum committee assignments and influence in the Democratic Party. But over time it also meant that party leadership can shape the rules of what gets on the agenda with much more force and acuity, which has meant that attempting to pass what it would actually take to ameliorate racism, massive social policy, has become more and more difficult over time. Even as these rules can potentially benefit Black members in terms of the influence they have on party leadership (reminding us of the concept of representation as a marginal good in Chapter 1), as parties have more ability to force control through these procedural methods, the political needs Black people are more likely to get left on the Congressional cutting room floor.

This is what I mean by anti-Black governance. It is not simply a matter of racism being a driving force in terms of certain individual legislators and policy entrepreneurs (though that it certainly present in the story of American Politics). It is instead the complex web of rules, procedures, and laws (both those passed and rejected) that, as a matter of course, maintain an anti-Black structure within the United States. Much of the discipline in trying to reckon with the realities of race and racism in American politics tend to isolate when and under what conditions race matters. This seems to me to be wholly besides the point. Race isn't the weather, it's the climate, serving, much like contemporary polarization, as a terrain upon which decisions and strategies manifest themselves. Legislative strategies by Black and non-Black members alike exist on this terrain and therefore have to attend to the consequences of racial hierarchy at one time in order to try to move forward into another. This is partially captured by what Schickler calls "layering" but in his story, he is focused primarily on how the institutional innovations at one time lead to an incomplete layering of those innovations on top of others because of the commitments and influences that members don't want to give up. What I hope to add here is another reason for *why* layering happens. Much of the incentives and things that Members are defending against losing are themselves tied to histories and contemporary realities of anti-Blackness, whether that be commitments to being policy brokers for fiscal conservatism, constituencies that stand in stark opposition to racial progress, or policy changes that create feedback loops [100, 87] that then create new opportunities for policy entrepreneurship that can work for or against the interests of racial minorities.

A helpful rejoinder to this theory is the theory of American "racial orders" coined by Desmond King and Rogers Smith [77]. In their story, the two major racial orders, a white supremacist order and a transformational egalitarian order, are marked by their competition, shifting in terms of the collection of actors and institutional power bases that they have to shape the orientation of race at a given moment. This is largely true but what I think Anti-Black governance does, is to think broadly about how and when to combine behavioral and institutional approaches to the study of race in American politics. The core tenet of the "transformational egalitarian" order is the moment at which there is an explicit linkage between governing institutions and social movements to bring about change away from a white supremacist order. But, as I show above, often times there is a struggle to understand under what conditions those changes happen because of the fact that the maintenance of a racial order is happening primarily in the places where those linkages would be most subtle. Political meaning making is always happening and the places where we expect it to be most value neutral can often be the places that have the most lasting effects, for both as sites of entrenchment but also, perhaps, where the conditions for those linkages can emerge.

Conclusion: Anti-Blackness as Connective Tissue in American Representational Politics

Returning to Singh from back in the introduction, a claim implicit in his argument about the failures of the CBC at their 20th anniversary was their unwillingness to be more prudent in an approach that would allow them to cajole the party leadership to become more amenable to the views and needs of Black communities. Looking back on their legislative accomplishments after their 50th anniversary, I think more imprudence would likely have been helpful. Regardless of their strategy, what I hope is taken away from this chapter is that it would have had aftershocks in ways that would have been difficult to know and certainly difficult to evaluate in the moment.

One more piece of analysis illustrates this point. In building the structure for looking at the subtopics that Black members sponsored over time, I also parsed this information by major topic to be able to know what types of legislation Black members sponsored vs. what types of legislation they were able to pass. In the arena of Civil Rights, where Black members have been seen as the leaders for decades, out of 245 bills introduced solely by a Black member (I was unable to track co-sponsorship fully with my dataset), only 3 became law. The last, passed in 2007, was sponsored by Rep. John Lewis who was often called a Lion of Civil Rights. The bill itself, named after Emmett Till, established “...an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation.” When I searched the Division on the Justice Department’s website, it took a relatively dour approach to its own work, stating:

“Department officials have conducted and continue to conduct extensive outreach to identify evidence and witnesses to enhance the Department’s efforts to investigate and resolve these unsolved cold cases. The legal and factual challenges in these decades-old matters are enormous, and we realize that few, if any, of these matters will be prosecutable.” [25]

Similarly, within the realm of crime and policing, only 15 bills were passed out of 561 introduced by Black members. Of all of the bills passed, one of the few that didn’t have to do with administrative affairs of the Court, was H.R. 1720: The Family Support Act of 1988 [30]. This bill, sponsored by Rep. Harold Ford, was the bill that established the practice of withholding wages from a non-custodial parent to pay for child support along with other measures designed to establish state standards for the establishment of paternity to more firmly enforce child support payment. This was a Reagan-era attempt to punish Black parents at the height of a time when the state was finding new and innovative ways to reduce its role in social and community investment.

What is the right way to think about this? Is it laid at the feet of the tool of Black representation and representatives like Ford who went along with the times (and, indeed, promoted these anti-Black policies) in ways that ensnared Black people into an increasingly

bureaucratized matrix of social control and punishment? Or is the correct aperture to use the fact that in spite of a large number and broad diversity of legislative proposals offered by Black lawmakers, some of which were far more progressive in terms of their impacts on Black communities and poor communities across the country, the few that passed were either ineffective or actively hostile to Black life.

Anti-Black governance articulates that the connective tissue of American politics is often the squishy distance between individual desire for power, re-election prospects, or some other incentive and the broader complex of factors that tip the scales against Black people and the types of policies that could be truly expected to achieve a society more egalitarian, more open, and more life-giving for Black people and all people.

Chapter 3

Triaging Representation: Legislating Under Constraint

Introduction

In her ultimately unsuccessful bid for the U.S. Senate seat vacated by the passing of Dianne Feinstein, Barbara Lee identified herself as a progressive champion willing to take stances that set her apart from not just the rest of the field but from the Democratic Party. From her introductory page: “In 2005, Lee was nominated for a Nobel Peace Prize for her work to promote peace around the world. Today, she is the only California candidate for the U.S. Senate to call for an immediate, sustained ceasefire in Gaza and demand President Biden seek congressional approval for global weapons transfers and the Authorization of Use of Military Force (AUMF).” [80]

What is curious is that in the paragraph immediately preceding this one, Lee states that: “She has fought tirelessly for working families and communities of color, focusing on the shrinking middle class, working to expand SNAP benefits, invest in child care, make the Child Tax Credit permanent, and advance legislation to lift millions of American families out of poverty.” [80]

And indeed, Lee has been known for all of these priorities, with her Issues page describing her leadership on issues relating minimum wage increases, the expansion of SNAP benefits, and her authorship of the OLIGARCH Act, which would have been “a wealth tax that would automatically rise during periods of surging inequality and fall once inequality moderates” [69]. That none of these initiatives passed was the focus of Chapter 2 and an attempt to get at how to think of the ways that Lee’s race might play into the fortunes of these legislative drives but laying out the ways that Lee distinguished herself from the rest of the field of candidates also highlights the limits of that approach.

If we know that Lee, like other Black Members, is constrained legislatively, how might she identify strategies that could credibly show her racial commitments? More broadly, how do Black Members, keenly aware of their constraints, reconcile the difficulties of passing legislation and the cross-pressures of having both local and virtual audiences to satisfy? In

this chapter, I argue that Black members compensate for their legislative constraints through disproportionate effort in non-legislative activity, a strategy I term *representational triage*.

The relationship between race of the Member, racial composition of their constituency, and the types of legislation that Members are compelled to introduce means it is hard to think of the plot laying out the relative importance of identity vs type of bill as fully reflecting whether being Black is a penalty or benefit in bill passage. Another way of saying this is that Chapter 2 is limited when it comes to making causal claims. That said, seeing the relative difference of having a Black member in comparison to introducing bills relevant to Black communities does highlight other work in the discipline on the overall lawmaking environment of Congress, namely work cited in Chapter 2 by Bryan Jones, Sean Theriault, and Michelle Whyman about the shifting nature of Congressional policymaking [71].

The authors argue that the run-up and aftermath of the Civil Rights Movement saw a dramatic increase in the realms that legislators created policies for, there was a corresponding decline in what Congress would create positive policy agendas for in the 1970s onward. Much of the types of legislative initiatives that might have been done in Congress previously shifted to the bureaucracy as a matter of agency control and implementation rather than the development of new legislative solutions to new problems (at least to the extent that they already had legislative frameworks for bureaucrats to draw from). The functional result of this according to the authors is that Congress is no longer accurately conceptualized as an institution focused on lawmaking but rather one focused primarily on oversight, getting much of their discretionary power within American politics from their subpoena and hearing authority over a variety of actors, but especially members of the Executive Branch.

This also helps to explain both some of the explanatory power and limits of the other focus of the last Chapter and the ways to interpret the steepness of the decline of Black members sponsoring Black relevant bills. If Congress is indeed more of an oversight body now, then Black members would logically spend less time on sponsoring directly relevant legislation in lieu of using their discretionary powers on non-legislative activities.

What I do think that analysis illustrates is just how murky legislative victories and losses are for evaluating the effectiveness of legislators broadly. For Black members specifically, this has the added extension of showing that the need to highlight their commitments to multiple constituencies, both their direct constituents as well as their more indirect racial commitments are likely not going to be shown primarily through the types of victories they are able to secure in terms of turning bills into law.

On Noisy Signals: What Legislation Can't Tell Us About Member Effectiveness

Chapter 2 was focused so heavily on the passage (or failure) of legislation largely because this was in many ways the promise of Black members in their initial self-conception as a Caucus. Members like Lacey Clay Sr. and Charlie Rangel talked in their autobiographies about the movement from social movements to legislative politics as one about defending

the ground that was won and expanding the types of policies that could help Black people in this new avenue that was itself hard-won through the victories of the Civil Rights Movement [26, 105]. So how can you adjudicate the space between what was hoped by these new insurgent politicians who had the winds of change at their backs and the structural realities of lawmaking in Congress?

Well, for one, even if Black members have largely been ensconced in safe seats, the fact remains that the majority of members are driven by their re-election interests [86], meaning that there was always going to be a relatively small number of members who were going to benefit from promoting and voting for policies that were far to the Left of the median of both parties. Moreover, as Chapter 2 described, the re-election interest often manifested, particularly in the latter-half of the 20th century, as being more aligned with the Party, with less ability for any legislator to build a portfolio based largely on votes that were made from amalgamations of votes across party lines [4]. Meanwhile, as the parties moved further apart, so too did the electorate, placing less of their evaluative considerations on local and state issues and more of them on the issues relevant to the federal government [61].

There is a great deal of scholarly attention paid to legislative effectiveness. However, while it often suggests that Congress is in better shape than we might expect given the intensity of partisan control [116], it is nonetheless the case that even accounting for the positive manifestations of legislative victories highlights the difficulties for Black communities and communities of color more broadly to be able to signpost legislation as a metric for the effectiveness of their representatives. For example, in a reflection on the work of legislative navigation “behind closed doors” Theodore Johnston uses both his scholarly perspective as well as his experiences as a committee staffer to argue that “committees remain the locus of legislative negotiations over big policy ideas and small phrasings alike”, with the most effective senators being the ones that can both know how to best use narrow interpretations of statutes to accomplish legislative victories [70]. And as we saw earlier in Chapter 2, Periloux Peay describes the increased difficulty that Black members have in getting their legislative proposals even through the committee stage [95]. So the very sites where we might conceptualize “the work” happening are also the places where Black members face higher obstacles to success.

This isn’t to say that legislation isn’t where members should be spending the lion’s share of their time but rather it lends credence to the idea that it is perhaps not the site where Black members will articulate their racial commitments because they know that this is where, central as it is to their work, they are going to run into the most harsh and visible opposition to their work.

Perhaps just as relevant is the fact that in the same article, Johnston also discusses legislator effectiveness through the lens of navigating agencies and mobilized interests to highlight the importance of debates over implementation to the policymaking process but there are a number of examples to show that nonetheless, when laws pass, they often result in unintended consequences that redound to citizens in racially discriminatory ways. For example, the passage of the Paycheck Protection Program during Covid was designed to allow for lenders to give out credit with federal backing of the loans but Black businesses

found themselves being rejected for these loans at disproportionately higher rates (subsequent work found that automated lenders were far less discriminatory in their lending practices) [85]. Put another way, evaluating the intentions and actions of legislators, especially for Black people, is murky business both with respect to understanding their intentions as well as understanding their impact on your life. But this isn't the only tool in the Member's portfolio and looking elsewhere might shed light on some of the ways that they highlight and illustrate these commitments.

Federal Awards and Racial Commitments

Figure 3.1 is a screenshot of Barbara Lee's Congressional website showing the federal awards that were disbursed within her Congressional District and what they were used for. Right on the top of the page, it states "I am committed to bringing home federal funds to the East Bay." Her responsibility for doing so, much like a legislative victory, is not completely up to her. The process normally goes that a community member representing a particular interest (e.g. a small business, a non-profit, an educational institution, etc.) can apply to the federal government for use of funds for a particular purpose and that individual's/organization's Member of Congress can intercede on their behalf, advocating for them to receive approval for that funding. Important to note here is that the only things that are seen on the record (meaning on the federal award database) are those that have been approved, meaning it's not possible to tell which awards are denied or how many. While this means that awards are also potentially a noisy signal like legislation above, there are also some benefits of using award data to highlight the priorities of members in Congress.

First, as a scholarly matter, using federal award funding to highlight relative performance of a member of Congress isn't without precedent. Sarah Anzia and Christopher Berry argue that the overall funding that a district receives is at least partially a function of the work of the member of Congress and their staff. Currently, the papers that have used federal awards as a measure do so through the conduit of relative performance of Black representatives vis-a-vis white representatives and take as the point of comparison the overall dollar amount dispensed, or the aggregate total in terms of either count or value of earmarks [48]. This makes sense given that most of these types of studies were conducted as late as 2011.

Fortunately, in 2014, the DATA Act created a larger suite of transparency requirements for every federal award, meaning that there are a number of ways to categorize and disaggregate the award data such that a sharper sense not just of the amount of money that members are sending home but also the composition of those funds can be gathered [132].

For our purposes, this has the additional benefit of allowing us to specify what types of awards are being awarded and, as we can see above, it is not at all the case that Members shy away from using awards granted to their communities as a signal for their effectiveness. For Black members, this means that in a context of intense legislative constraint, the discretionary power that they wield in the advocacy of federal funding would serve the dual purpose of highlighting their ability to navigate the policy process, to return to Johnston earlier, and also their ability to act in ways that would credibly align with all of their con-



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GRANTS PAGE

I am committed to bringing home federal funds to the East Bay. This map shows the location of federal grants (red pins), small business loans (blue pins) and aggregate business support (green pins) received by organizations located in or operating in California's 12th Congressional district.

I want to ensure that my constituents have the information necessary to identify potential federal funding opportunities. If you have a project that could benefit from federal grant funding, please use the resources on this page, or contact my Oakland office for assistance.

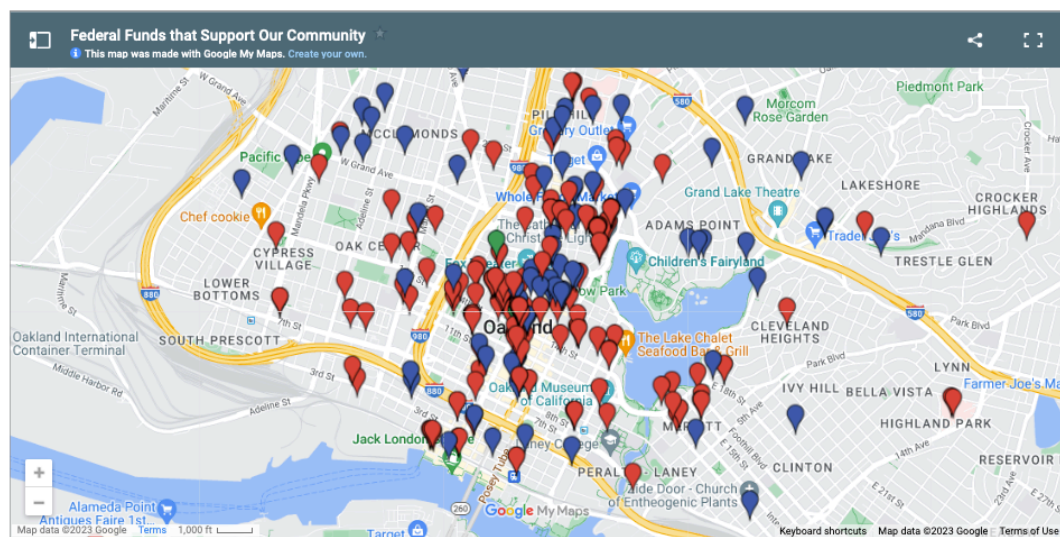


Figure 3.1: Barbara Lee Federal Award Disbursements

stituencies, both local and racial. Therefore, in this chapter, I use federal award funding as a proxy for legislative prioritization of Black relevant issues to understand how, in a more activist context, Black members use their influence in ways that do or don't align with the needs of Black communities.

Research Question/Hypotheses

My analysis aims to get at two related but distinct questions:

1. Does having an African American Representative predict higher levels of district funding at the aggregate level and, to the extent that it does, does this higher level of performance extend to specific sectors of public policy that are particularly important to Black people?

2. Relatedly, and perhaps more saliently, are African American Members more aggressive at getting funding for awards that would affect the most marginalized members of their community?

For each step of my analysis, my thoughts on what might occur are drawn from my reading of the Black politics literature. Thinking about the literature on non-voting actions taken by Black members of Congress, they are in fact more aggressive at advocacy efforts understood to be beneficial to Black communities, in sites such as Congressional oversight and constituent casework. Given that this non-legislative responsiveness would likely concentrate across Black members in ways that it wouldn't for non-Black members, I hypothesize that, similar to work by Christian Grose [48], I will find that having a Black member does predict higher levels of award funding.

H₁: Having a Black member of Congress will predict higher levels of district award funding.

That said, we might imagine that the places that Black members are most active on reflect the types of issues that they are the most accountable to constituents for, particularly those for which Black members are expected to have issue ownership on [47, 36]. One way of thinking about this is that, in keeping with the “electoral connection” [86], Black members have a unique type of expectation, pressured by both a commitment to their individual constituencies but also a desire to highlight their racial commitments, will likely spend the highest proportion of their time on those sectors that have a more direct, visible impact on racial minorities and can therefore show both commitments at once, a proposition that echoes work from Scott Ashworth [7], who argues that district funding is a less noisy and therefore higher quality signal of Congressional performance. My sense is that this will relate primarily to the sectors of education and poverty, which are both highly salient to all citizens but acutely felt in communities of color, which, on average, have higher rates of poverty and lower educational attainment but also, across different types of Black communities, have high attentiveness to the importance of education and high levels of support for social policy [44].

H₂: Black members will be more aggressive in getting funding for the education and poverty sectors, showing above average levels of funding within the distribution than their non-Black counterparts.

Research Plan

The strategy for data collection leverages a variable available for all awards in the database: the CFDA Assistance Listing. This number usually reflects two things (more on this in the appendix). First, it highlights the government agency that the money was disbursed from and then the specific project that the money is supposed to fund. By limiting my selection of awards to project grants, which are ones that are not dictated in terms of formulaic approaches by the federal government as well as CFDA listings that were relevant but not

always directly targeted to Black communities across sectors, I am able to get a wide cross-section of awards that represent what should be a suite of awards that representatives of all backgrounds could advocate for that would have a demonstrable impact on the day-to-day lives of communities of color.

While you could not track the full suite of Congressional activities within a sector with this analysis, a test of representation like this one that prioritizes the outcomes with respect to Black representation would be able to move beyond policy congruence as a measure of representational quality and instead focus more principally on service delivery by focusing on project grants to the district, which have been used in the past as a proxy for Congressional performance. The research design for this project is as follows:

Regression Model Predictions of Award Funding: Using the work done by Christian Grose as a template¹, I return to a question of aggregate funding as a starting point. Does having a Black member predict having a higher level of dispensation for all awards? Drawing on the model including both member-level and district-level variables is specified as:

$$\ln(\text{TotalFundingAmount}_{it}) = \alpha_i + \beta(\text{AFAM}_{it}) + \Phi X_{it} + \varepsilon_{it} :$$

Where the natural log of the total funding amount (measured at the district-year level) is regressed on having a Black member of Congress² in addition to a vector of covariates, including the district's median property value, the poverty rate, the district's average median household income, whether the member's party affiliation, their level of seniority in Congress, and whether they are a woman. Because the majority of the covariates used come from the Census Bureau and the first complete annual 5-Year estimates were started in 2011, the majority of the sectors have data within the period 2011-2021. Additional regressions are run that take out variables having to do with the characteristics of the member and the characteristics of the district. I also run regressions for all three types of model for each individual year that is present in the dataset in order to check for any potential effects due to a particular moment in time.

- I also include a base model of the impact of having a Black member on funding dispensation for both aggregate spending and specific policy areas.

¹Grose finds that Black legislators are more likely to obtain earmarks for projects in predominantly black communities and HBCUs. In addition, the value of the earmarks earned for Black communities from Black legislators is higher than the earmarks earned for Black communities by White legislators.

²A quick note on using Black/non-Black as a dyad vs Black/White or even POC/White. First, while it might make sense to do the last approach, particularly in light of the work that Vanessa Tyson does to show coalition building across racial groups in her book *Twists of Fate: Multiracial Coalitions and Minority Representation in the US House of Representatives* [130], by focusing solely on African American members of Congress, the stratification used to determine similar districts is much easier to accomplish because the political geography for African Americans and Latinx/Asian Americans is so different. Also, as a project on Black politics, it made substantive sense as well.

- Then, I extend this analysis by dis-aggregating the data across sectors then running the same model for each sector.³ The same additional regressions with District and Congress variables removed are then run.
- In addition, I also break down the business sector according to an analysis of awards pulled in through CFDA assistance listing numbers as well as all business contracts awarded between 2013 and 2021.⁴
- Finally, I run a model for the aggregate funding level as well as for each sector using district-level and year-level fixed effects in order to attempt to capture any unobserved differences across districts or in specific years.

Each type of model presents its own limitations with respect to inferential strength but taking each in turn allows for a logical intuitive way to understand the patterns that we are interested in finding here. I start with the naive model to show a purely descriptive relationship with no controls. I then look at observable variables at the level of the district and member. Finally, I use a fixed effects model to account for the un-observable variation taking place at those levels.

By stitching these models together, I essentially *scale* the benefits of representation, indexing the performance of members not to self-reported outcomes or legislative behavior (which is complicated to track given macro-forces such as partisan gridlock and procedural wrangling) but rather dispensation of funding to specific facets of their constituencies. This allows tracking not just comparisons between members but also comparisons between districts as well as within districts across policy sectors. I argue that this more closely aligns representational activities of members of Congress to a baseline of how funding decisions play out in constituents' lives rather than a baseline of their peers' performance.

³It is the case that the database is far from perfect [76] and there are questions of missingness that crop up throughout my analysis. Because I am largely looking at within district spending and comparisons of composition of spending between Black and non-Black members (vs. just the overall level of funding), my results should still be robust in the face of challenges posed by the incompleteness of the database.

⁴Because contracts are sent to individual businesses rather than to non-profits, local governments, or individuals, i do analyze them separately, although the findings below within the business sector hold for both Business Awards and Business Contracts.

Does Having a Black Member of Congress Predict Higher Levels of Federal Award Funding?

As we can see in Figure 3.2 (with more comprehensive numbers in Table 3.1), there is a large impact in the naive model for having a Black member. Perhaps more importantly, we see a small but statistically significant effect of having a Black member on level of funding going to a district in the combined model. When the effect of having a Black representative is regressed on the amount of funding for all awards in my district as a purely descriptive model, the effect size is well beyond 0, meaning that without controlling for other variables, there is a near zero percent chance that the effect is due to random chance. When we add in more variables, the chance of a null effect does increase. However, even in the strictest test, using the fixed effects model, while we do get an estimate that is near 0, the confidence intervals still indicate that the estimate is likely not due to randomness. Black members are associated with a 0.155% higher level of district funding than their non-Black counterparts. Important to note that this point estimate is small but reflective of pattern I am trying to highlight across the various models. The fixed effects model is a strict test, reflecting the fact that once Black members emerged into their seats, few went back and forth between a white and Black member. So the smaller estimate suggests that even under those conditions, Black members are still substantively important in terms of overall funding.

That said, given the calcification of party politics, the independent effect should reflect the ongoing positive racial effects of having a Black member providing dispensation to your local district. However, unlike in the combined model, the fixed effects model's effect size and significance is less than both having a Democratic representative and having a more senior representative.⁵

⁵Important to note are some of the other significant factors in the model, including seniority or having a woman representative. None of these covariates, however, have a higher effect size than having a Black member in the combined model.

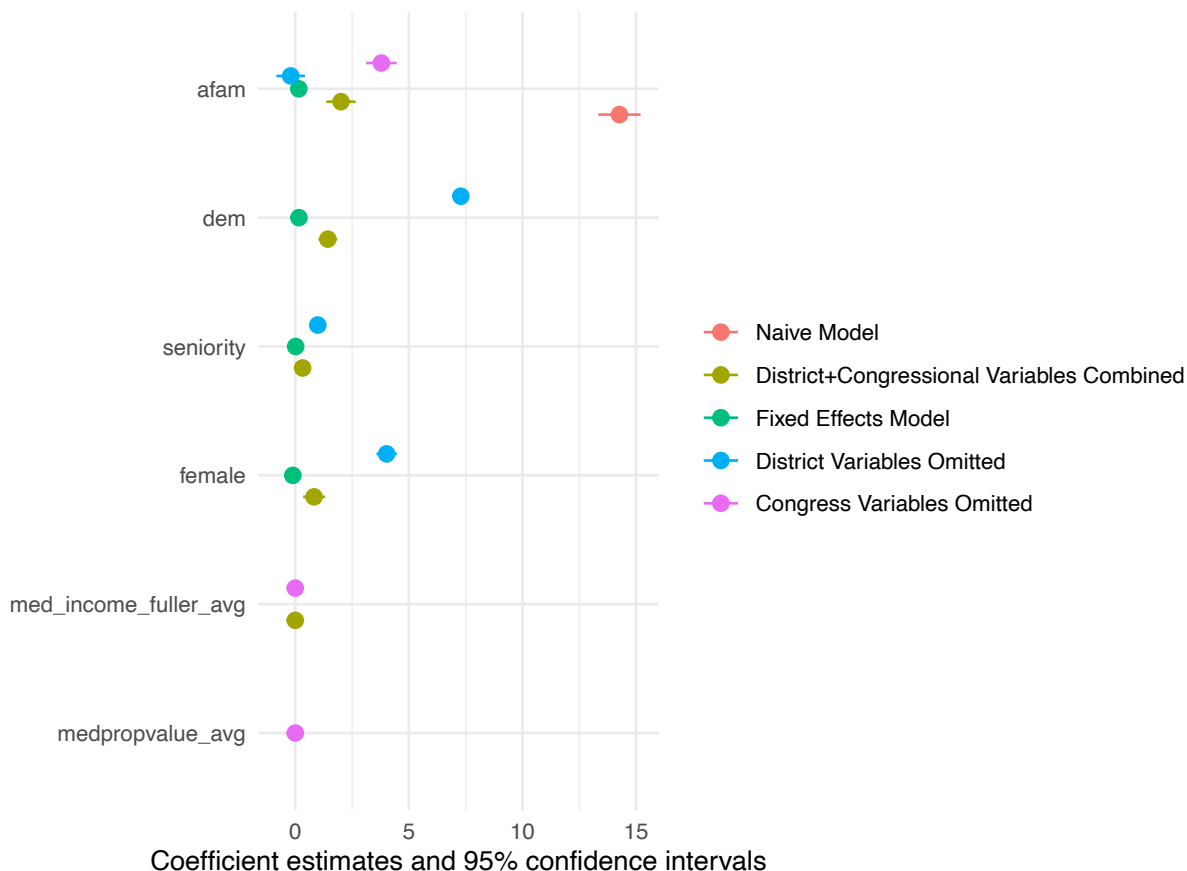


Figure 3.2: Coefficient Plot for Aggregate Funding

The pattern, however, tends to minimize within policy sectors. In Figure 3.3, which focuses on poverty grants, there is still a large effect within the naive model, an attenuated but stable effect within the combined model, and a statistically insignificant effect in the fixed effects model. While within the fixed effects model, the signs change across some sectors (education, for example, has a slightly negative estimate but is also close enough to zero to be rendered insignificant statistically), the overall story largely repeats across sectors.

That is, however, with the exception of those contracts awarded to minority businesses (Figure 3.5), which has a (small) but statistically significant effect at the 0.05 level in the fixed effects model. We see here that even accounting for unobserved variation across districts, Black representatives' efforts are still visible within the context of minority business contracts. To the extent that we believe that the majority of recipients of these awards are people who are more middle-class than other potential recipients of awards from other sectors, this is suggestive evidence that Black representation privileges advantaged subgroups [125].

Table 3.1: Model Summary for Aggregate Funding

	Naive Model	Combined Model	Fixed Effects Model	District Variables Omitted	Member Variables Omitted
afam	14.266*** (0.474)	2.012*** (0.330)	0.155* (0.068)	-0.200 (0.320)	3.789*** (0.345)
med_income_fuller_avg		0.000*** (0.000)			0.000*** (0.000)
dem		1.434*** (0.211)	0.162*** (0.041)	7.285*** (0.180)	
seniority		0.324*** (0.021)	0.017*** (0.004)	0.992*** (0.016)	
female		0.827*** (0.245)	-0.107* (0.049)	4.020*** (0.228)	
medpropvalue_avg					0.000*** (0.000)
Num.Obs.	8272	2595	8251	8254	2409
R2	0.099	0.890	0.988	0.667	0.873
R2 Adj.	0.099	0.889	0.988	0.666	0.873
AIC	299 295.5	90 194.1	263 703.0	290 357.8	83 677.7
BIC	299 309.6	90 229.3	267 920.9	290 392.9	83 700.8
Log.Lik.	-33 245.601	-7760.760	-15 189.436	-29 066.383	-7359.695
RMSE	13.47	4.81	1.52	8.19	5.14

+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001

But not so fast. While it is the case that minority contracts are the only place where we see a significant effect for our fixed effects model, this is in spite of the fact that are not dramatically outspending their non-White counterparts for these contracts. Looking at , we see that both bars (with the blue representing Black members and the grey representing non-Black members) are roughly the same height. The financial difference in terms of the average amount of spending on minority business contracts is only around \$4,000. This pales in comparison to the largest difference in terms of sector level spending in education, for which African American members spend over \$1.1 million more on average in education compared to their non-Black counterparts.

Yet, when we show the composition of spending priorities by measuring the overall distribution of funding proportion in Figure 3.7, the story becomes a bit more clear. The two bar graphs are different in terms of the amounts that they are capturing because the first bar is average dollar amount and the proportion graph is proportion of counts of awards (which I use because the order of magnitude in terms of funding dollars between sectors is too large to make an apples-to-apples comparison). While they spend more money on education than

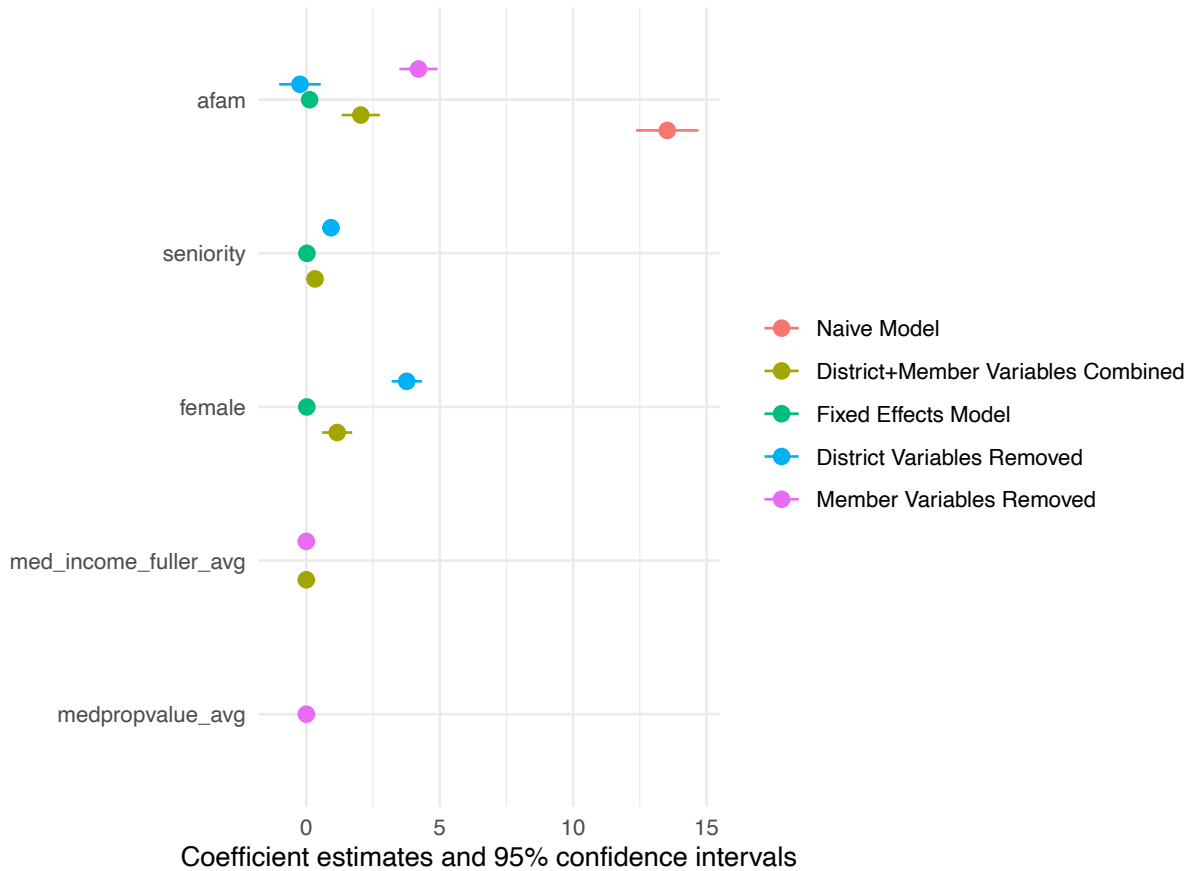


Figure 3.3: Coefficient Plot for Poverty Awards

their non-Black counterparts, it is the case that their highest proportion of funding goes to minority business contracts. However, in a number of different sectors including housing, education, and poverty, we see a higher proportion of Black member's project allocations than their non-Black counterparts. In addition, while business funding is their highest proportion funding priority, this is also true for non-Black members as well. So the findings here are not simply reducible to Black members caring more about business contracts than other types of funding.

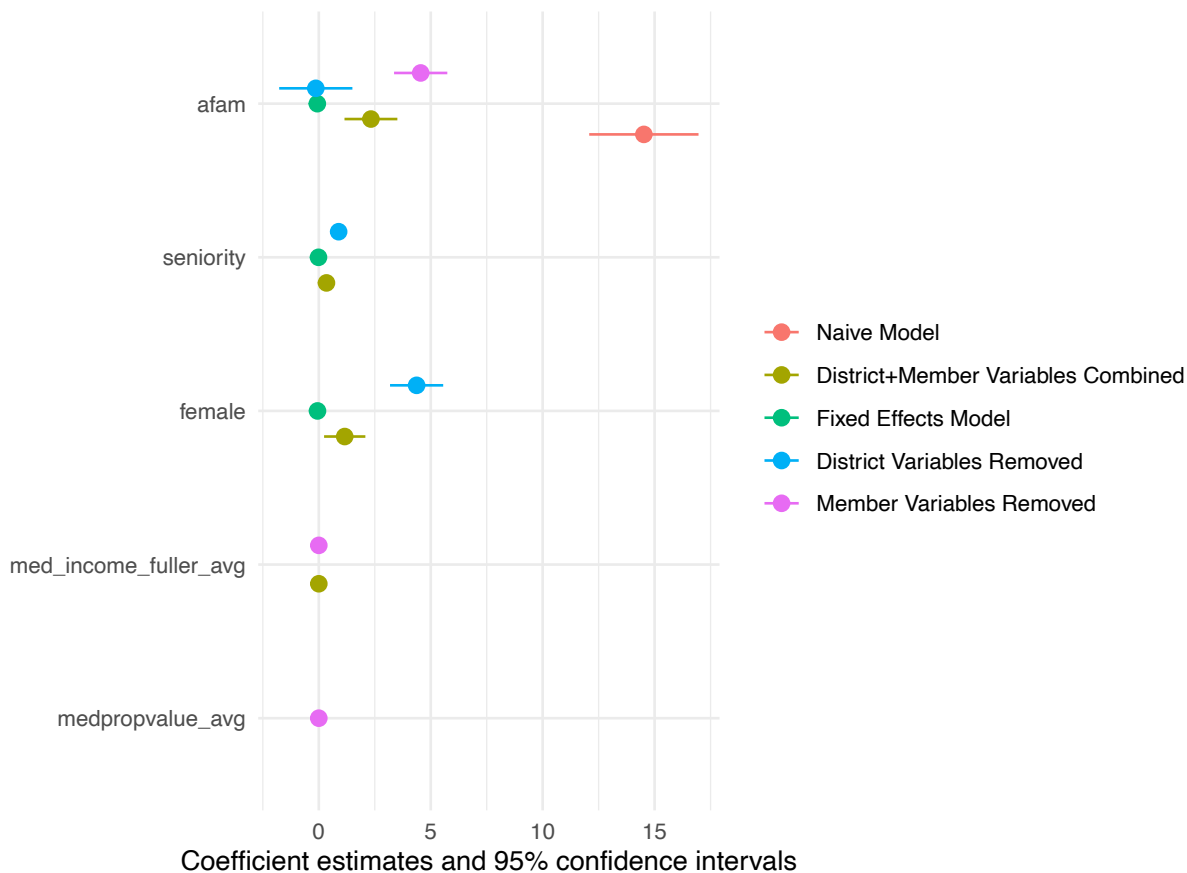


Figure 3.4: Education Spending Coefficient Plots

Discussion

Anzia and Berry note that: “...while some program spending is formulaic, we assume that a representative’s talent and effort play an important role in the logrolling, agenda setting, coalition building, and other deal-making activities that characterize distributive politics. Of two legislators who come from districts with similar characteristics (or who represent the same district at different times), the one who succeeds in directing more spending to her district can be deemed to have performed better in the context of this fundamental political pursuit.” [6]

For Black members, once we account for variation, the effect of having a Black member within almost every sector is substantively null. Their ability to secure funding in ways that highlighted a benefit to having a Black member was only present in the arena of business. This means that they are likely performing for as many of their constituents as possible but the impacts of their work is felt most amongst those in advantaged subgroups. The

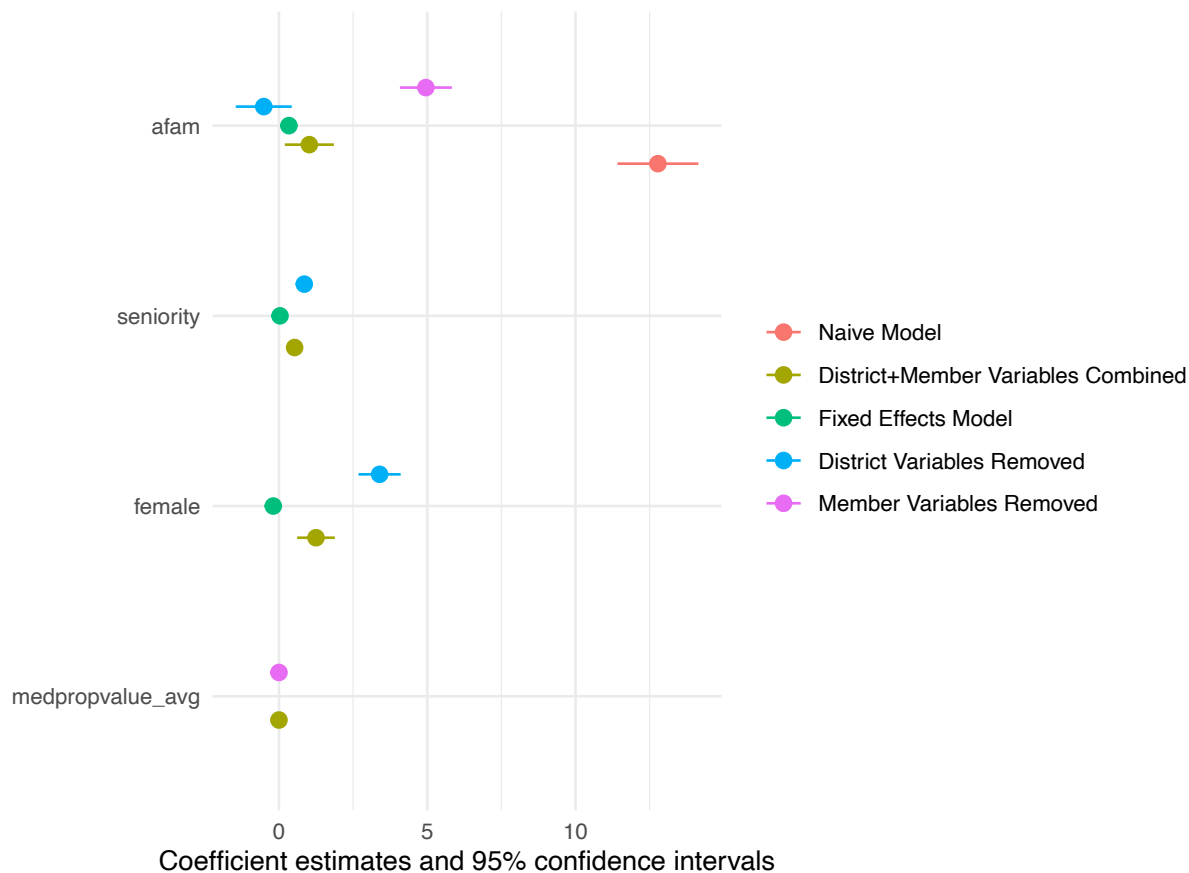


Figure 3.5: Coefficient Plot for Minority Business Contracts

distinction between performance and impact is not necessarily clear. It is the case that Black members do prioritize funding to the business sector. However, this does not account for the fact that in a place like education, where the aggregate amount of money Black members direct to their communities dwarfs that of their non-Black counterparts, having a Black member actually predicts an estimate with a negative (though statistically insignificant) sign.

Therefore, while H_1 is proven to be correct at the aggregate level, even accounting for a fixed effects model, what we see is that while H_2 is also proven correct if we look at the descriptive level in terms of the average amount of funding that is given to education and poverty, when we look at regression models, those effects largely go away when we account for potential unobserved variation at the district and the year level. This to me actually means that H_2 is effectively disproven because the spirit of my argument was that Black members would prioritize program funding in ways that would strategically show visible “wins” in those categories vs the others, which is not borne out by the regression results. While you

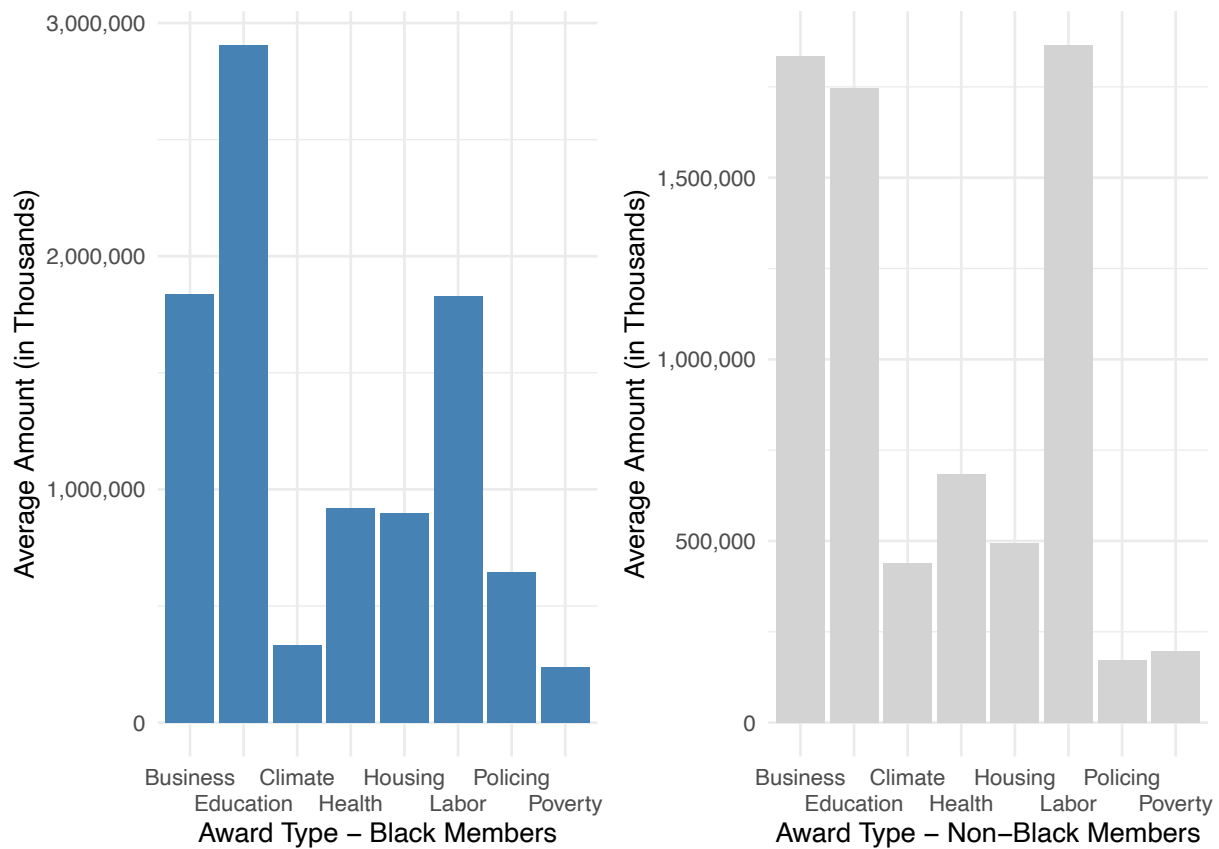


Figure 3.6: Average Award Funding by Award Type (Black vs. Non-Black Members)

could say that individual awards are easier to observe (returning to Ashworth) if we imagine that Anzia and Berry or Grose are thinking about funding as a proxy for performance, these sectors are not the dimensions on which Black members are able to show their effectiveness.

It is important to note that there are significant limitations to using the fixed effects model as the key form of variation within the study of Black representation. Because African Americans are so often elected for long periods of time, the use of fixed effects can be seen as throwing out the data for many of those members because the model leverages variations within district Member changes, which are less present here. However, by structuring the analysis this way (and also including models that include observable district characteristics), the fact that we still see an effect for minority business contracts highlights a new mode of inquiry that should be explored further.

Beyond that, even though the development of minority set-asides as a way to increase access to capital has its own history [78, 108] beyond the scope of this paper, as a mode of funding it highlights something important. Namely, the use of undifferentiated funding

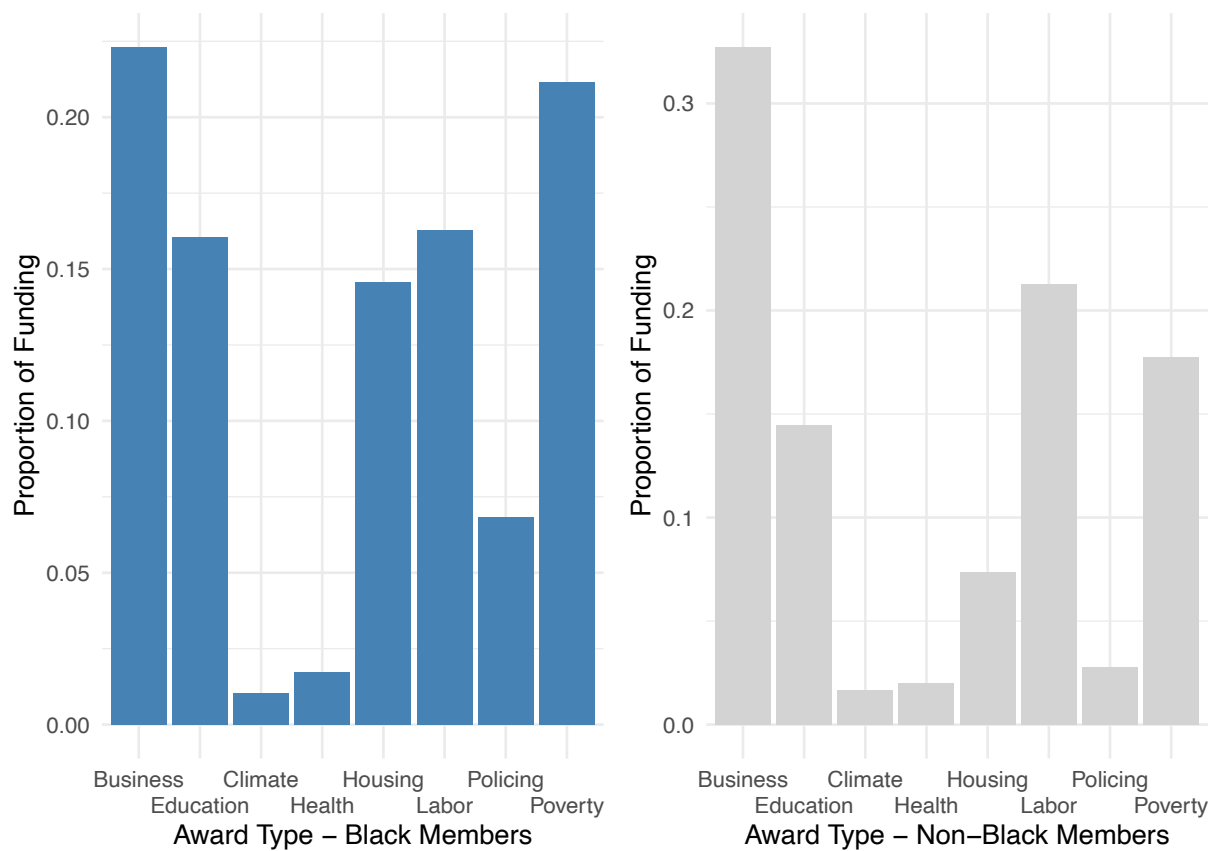


Figure 3.7: Proportion of Funding by Award Type (Black vs. Non-Black Members)

as a performance proxy for members of Congress likely obscures the ways that this award process tracks on social and economic advantage, even within communities of color. This study is therefore a first step in understanding a more granular, holistic approach to program spending as a form of Congressional behavior.

In addition, I cannot disprove that these results aren't driven by increased activity of business owners relative to other potential recipients that received awards from other sectors. It could be the case that the sector-level effects aren't coming from Members but rather from business owners who are more active in lobbying members to support them than other policy demanders in other sectors [9]. That said, the lack of control for business intervention actually biases my results against what I find. If business owners, who might have more access to their members of Congress, were able to secure more funding support than their more marginalized community members, it would actually more cleanly prove a story of advantaged subgroups being able to achieve their political ends than the data shows here in only suggestive fashion.

On a separate note, CFDA assistance listings, while they are tremendously useful as a proxy for the types of individual-level programs that I pulled in, are also coarse in the amount of information that they give you about the program that they reflect. Because of that, it is plausible that another pull of the data using a different approach or even just a different selection of assistance listings could yield different results. The trickiness here is that government provided data such as the data provided by the USASpending.gov database has a great deal of irregularities, meaning that while I have confidence in my selection strategy, if another researcher pulled in a smaller subset of awards, they might be able to gain more precision in their margin of error.

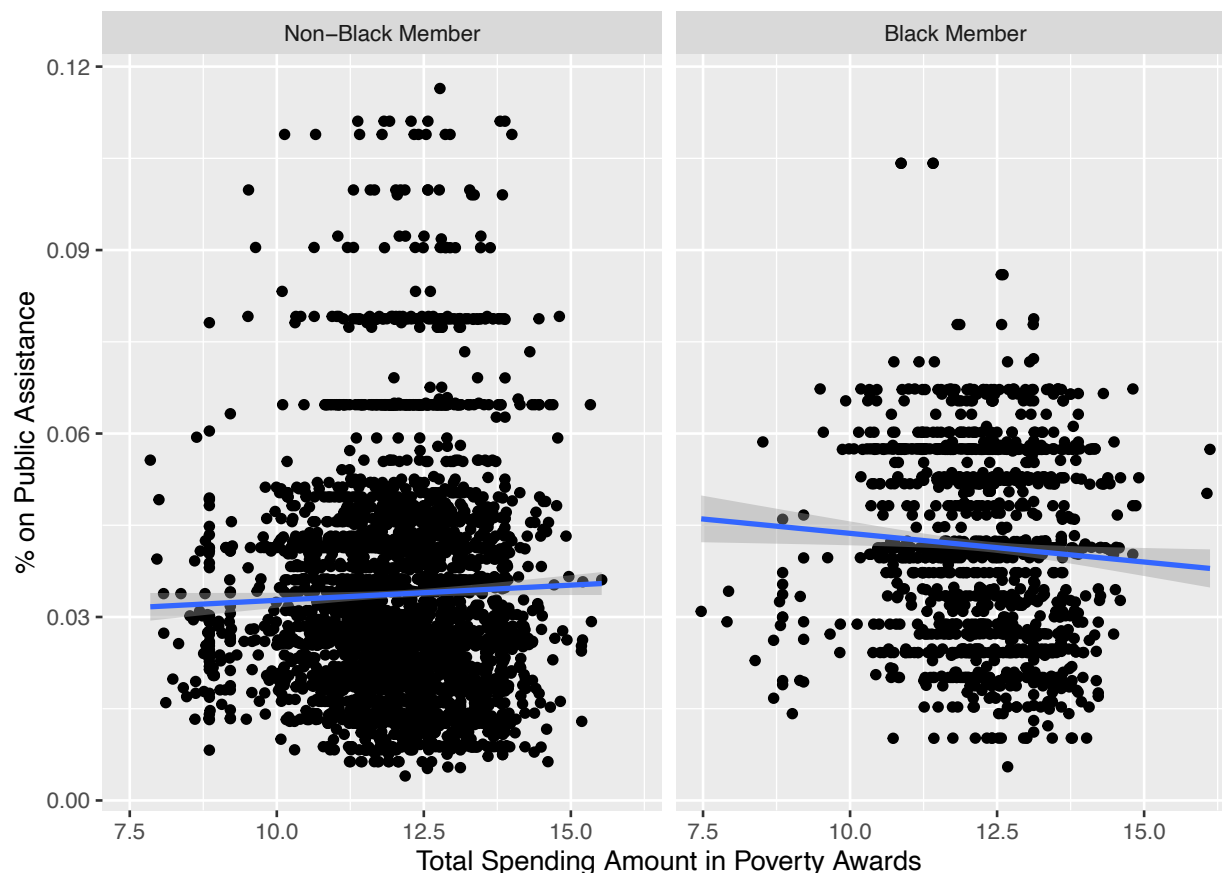


Figure 3.8: Relative Performance on Poverty Reduction

Implications/Next Steps

One question that came out of this work was that even though Black members are not necessarily better at getting money to their districts for most sectors when unobserved variation is taken into account, does the money that they send home through program funding nonetheless have a demonstrable impact on outcomes related to those sectors? In education, for example, is it the case that the money that is sent home has an impact on educational attainment within their constituencies? In order to look at this, I constructed scatter plots for any sector that had longitudinal data at the district-level that I could do a year-by-year comparison for with respect to sector-level funding. I then separated the plots out by race of the member. Then, in order to try to account for the political geography of the United States, I limited the results to only those districts that were in urban or suburban areas, which account for the majority of places where African Americans reside.

Interestingly, across a number of sectors, I find that having a Black member does lead to

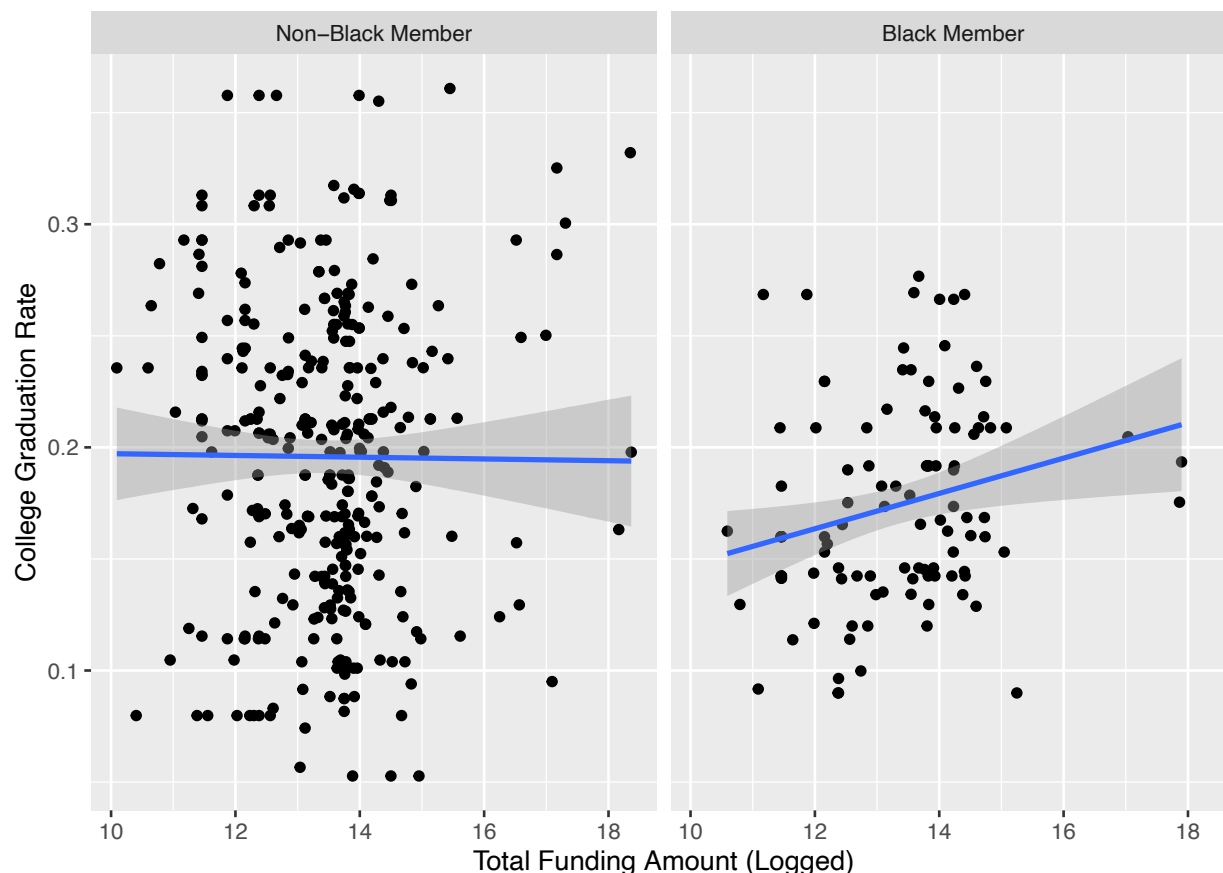


Figure 3.9: Relative Performance on College Graduation

a stronger correlation between a measure such as percent on public assistance and poverty funding or college graduation rates and education funding. We see, for example, that in the case of poverty, there is a stronger downward slope between dispensation of poverty funding and the number of people on public assistance within districts that have Black representatives.

Similarly, for housing, I calculated a measure for rent burden (meaning in this paper the proportion of residents within a district that pay over 30% of their income on rent within a given year) and also find that in those districts with a Black member, there is a stronger negative slope, meaning that higher levels of funding is more tightly correlated to lower levels of rent burden.

This data also gives some insight into why minority business contracts might be predicted by Black representation. Looking at the faceted scatter plots, we see that in education and housing there is roughly a flat line for non-Black members (and a slightly positively sloped line that shows a small positive correlation for poverty), showing that there is generally no

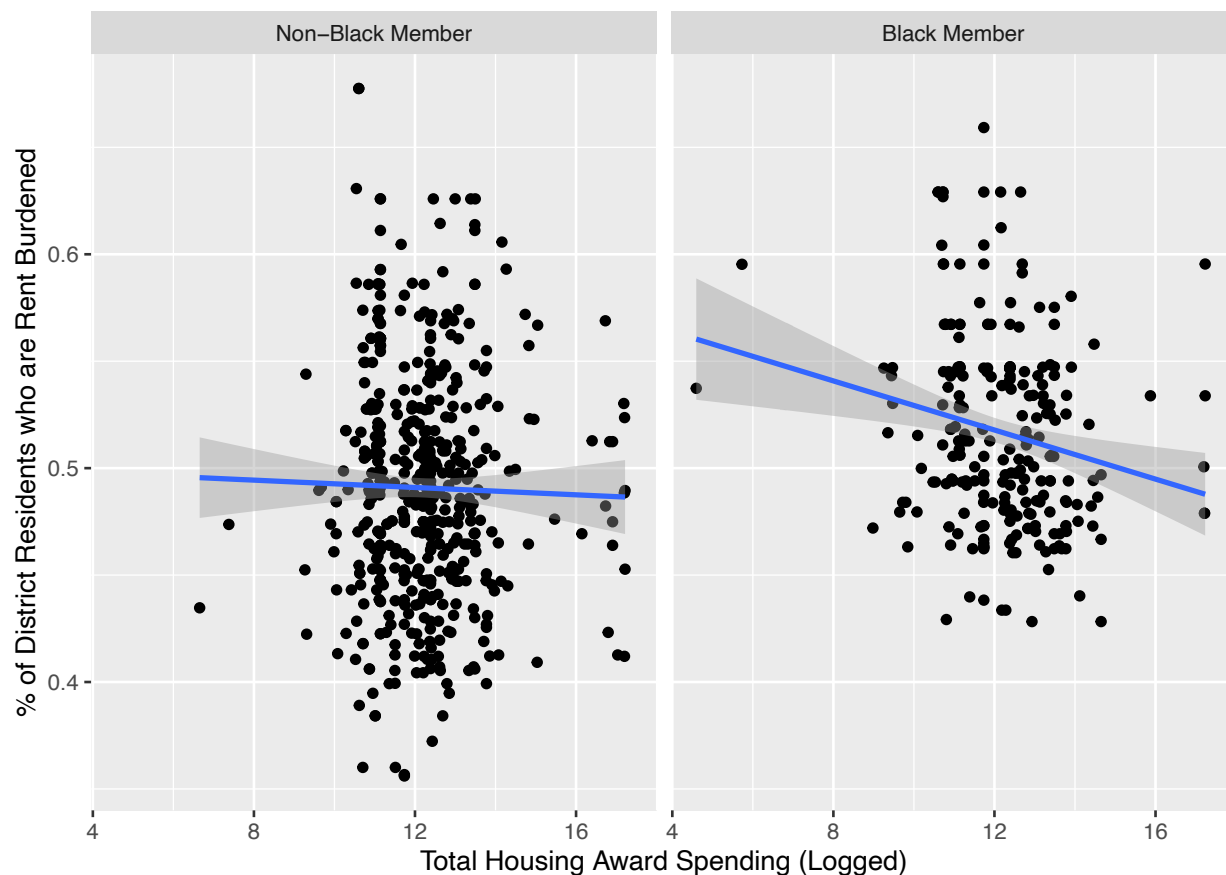


Figure 3.10: Relative Performance on Rent Burden

correlation between the outcome and that sector's funding . This is not, however, the case for minority business contracts. While there is a positive slope for Black members between minority contract funding and the establishment of businesses within a district, there is actually negative slope for non-Black members, meaning that a higher level of funding is actually associated with less businesses being opened in that district.

In spite of the provocations that these scatter plots provide, they are also a hard set of findings to explain. Because there are a number of different things that could be endogenous to the strength of the correlations for Black members and their non-Black peers, including questions of timing (it is hard to imagine that funding in the year 2002 would have an immediate impact on educational attainment in the same year) as well as geographical effects (perhaps more Black-led districts have higher concentrations of recipients of the type of ameliorative funding that I pulled in). However, the fact that it occurred in every sector that I ran this analysis for shows a need to explore this further. It seems that while having a Black representative does not predict more funding for districts, having one could mean that

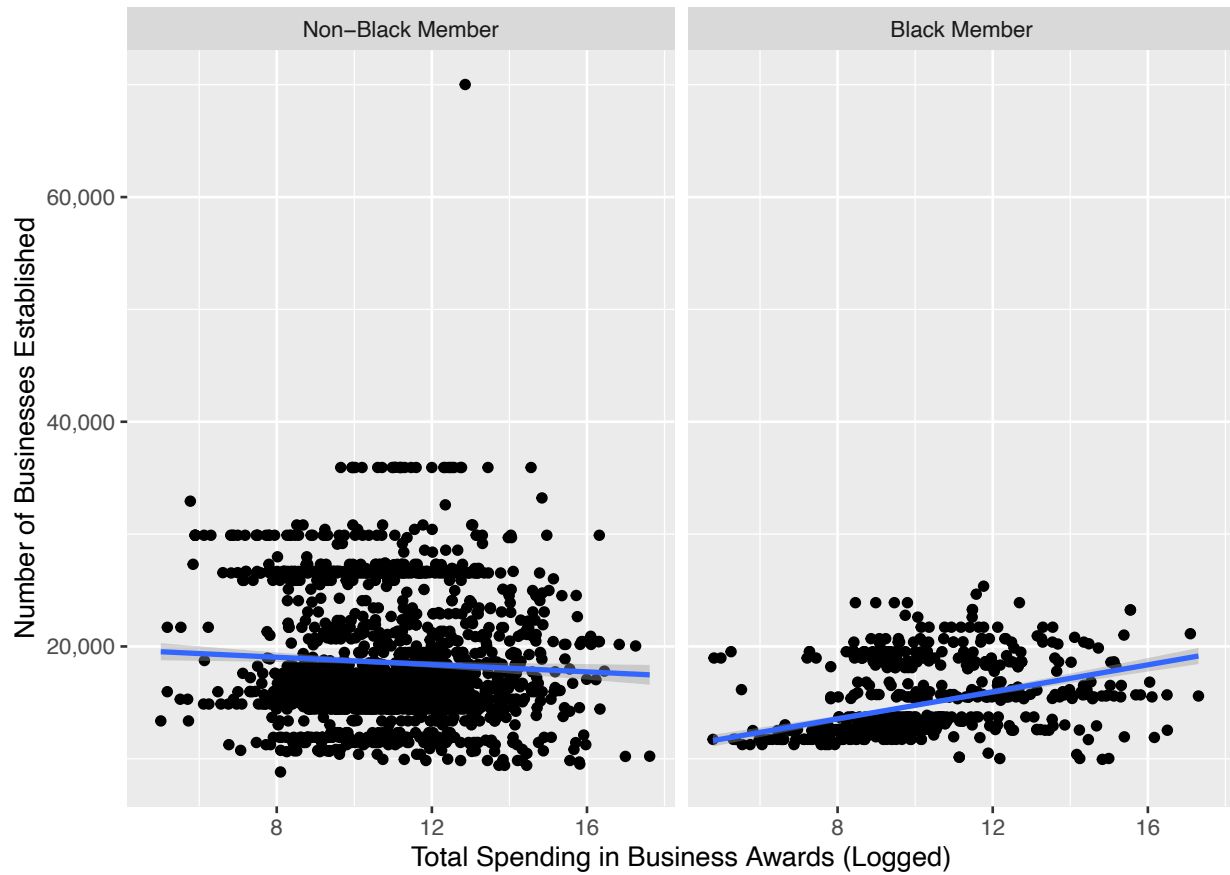


Figure 3.11: Relative Performance on Number of Businesses Established in a District

each marginal dollar that they send home has a stronger observable impact than non-Black representatives.

Conclusion: Representational Triage

While we might intuitively believe that the findings in this chapter are about shifting incentives in Congress that promote elite-centric behavior on the part of Black congressmen (in terms of more centrist or capitalistic voting decisions), I think this story is speaking more acutely to the ways that the features of the political economy are shifting such that even in the moments where they are more responsive to the concerns of Black people, those needs are nonetheless going unmet, leaving the benefits of descriptive representation in place while gutting the types of social transformation that were supposed to follow substantively from those benefits.

Similar to the last chapter's conclusion, this doesn't mean that there are not serious discussions to be had about how to remove those Black members (any member for that matter) who is unable and unwilling to support the types of changes that would be necessary for a more egalitarian society but it seems to me that when we focus in too narrowly on the effectiveness of an individual legislator, we both miss how the dynamics of the institution mediate their decision-making and also how they think through their roles both as direct representatives and also as racial representatives in other, non-legislative methods.

As Paul Frymer notes about Black lawmakers in *Uneasy Alliances: Race and Party Competition in America*, "That they win on many constituent-oriented and low-profile issues is reflective of the design of Congress. That they lose on many high-profile pieces of legislation is reflective of the fact that black interests remain captured in the national party system." [45] My work clarifies and refines Frymer's by showing that these low-profile issues often serve as a way for Black representatives to highlight their racial commitments in spite of supporting what Frymer describes as conservative procedural measures such as seniority, committee autonomy, and racial gerrymandering... "despite their recognition that all three hurt the overall coherence and power of the Democratic party." [45] This is likely happening because this strategy is the only way that they can retain some semblance of influence that continues to be constrained by higher and higher proportions of legislative activity being eaten up by partisan gridlock.

As less legislation over time serves as a legitimate expansion of the social safety net, Black lawmakers have indeed shown a perceptiveness and aggressiveness when it comes to using their individual spheres of influence to help fund positive local initiatives and programs. But they are doing so in a way that reflects the erosion of Congress as an institution, both in terms of its reticence for more broadbased social welfare policy as well as a site for trust in government. In other words, Black legislators are *triaging representation*, highlighting their racial fidelity in more localized ways while being increasingly constrained in their roles as legislative statesmen.

Representational Triage: When Black Members of Congress perform disproportionately high levels of non-legislative activity as a method of compensating for racialized legislative constraint.

There is work yet to be done on if this coalitional model of Black electoral politics outlined by Frymer, where Black members slowly gain influence through party positions was actually an effective way to compensate for legislative constraint. But what I can say here is that representational triage shows both that there are trade-offs that are being made in the pursuit of racial egalitarianism and that those trade-offs are likely less helpful to the most marginalized members of society.

In this way, the spirit of Guinier’s challenge to electoral representation as emblematic of a more advanced Black politics remains relevant. As she argued:

“For those at the bottom, a system that gives everyone an equal chance of having their political preferences *physically represented* is inadequate. A fair system of political representation would provide mechanisms to ensure that disadvantaged and stigmatized minority groups also have a *fair chance* to have their policy preferences *satisfied* [emphasis in original] [50].”

Guinier’s argument was very likely a prescient one. And yet, ironically, the importance of representation as a defense mechanism and counterbalance is likely gaining more importance over time as we see in terms of how they prioritize program funding in ways that do articulate an awareness of working for those who are in marginalized positions.

So while we might have a sense that Guinier’s correctness necessarily means a lack of commitment to racial equality on the part of Black Members of Congress, this is not necessary for her to be right. In the context of the work outlined here, all that it takes is showing that even when they outperform their peers, the performance of Black legislators does not result in the erosion of social forces that continue to entrench white supremacy. For political scientists, this means that in spite of the robust set of literature that shows the positive impacts of descriptive representation, we don’t necessarily know if the promise of Black representation at the beginning of the 1970s actually resulted in a more robust set of outcomes for communities of color.

This is easier said than done. It is far more difficult to de-link the concept of Black representation from the physical body of the representative in lieu of a focus on the features of the American political economy that make Black people *harder to represent*. It is not simply a matter of how Black politicians fail us; though they often do [19, 93]. It is rather a story about how political configurations lock-in [52], making the prospects for the types of transformational social policy that is so desperately needed in African American communities harder to come by in any legislative session.

Legislators are often expected to find their biggest victories in the smallest sites. For Black legislators, this just won’t do because the needs of Black people and what it would take to truly reverse the tide of some of the major demographic challenges that racism creates and sustains are so large. Passing any piece of legislation is tricky, herculean work. Passing legislation in the context of a Congress that has largely abdicated the role of crafting a functional social safety net is even harder. While I deal with the ways that failure on these issues is often a reflection of capitulation to corporate, often conservative interests in Chapter

4, it's important to sit with the fact that the structure of Congress often presages the failure of much of their potential pro-Black legislative agenda items.

Because of both the results here and the context in which they emerge, political scientists need to be more circumspect not just about if descriptive representation matters, but what we can reliably expect it to do. In a moment where the cultural import of representation is trending upwards [131, 73] while the absolute political benefit of representation seems to be declining, our questions about the quality of representation should move away from the framework of "Is this representative better in their role than the potential white alternative?"

Governing for Black members isn't simply a matter of success or failure at reflecting the desires of Black people. It is instead representational triage, which I think is best thought of as a practice of jagged substitution. Black members, to show their commitments to Black communities, find imperfect, often inadequate ways to show that they are still up to the challenge of representing Black interests. That they fail so often is unsurprising. But by taking a more deeper, less affect-centric approach, we find not just insights into where intentions end and action begins but also how the broader dynamics of the American Political Economy have and continue to shape both.

Chapter 4

Moving Through and Beyond Representational Intimacies

Introduction

As a teenager growing up in Prince George's County, a region known for being simultaneously the location with the highest concentration of Black wealth in the country while also being the poorest county in the Washington-Metropolitan area, a story from my time in high school was one of my first inklings of the contradictions of Black capitalism. The Fall of my senior year, Woodmore Town Centre opened, a new town center combining both newer apartments and McMansions with fast casual restaurants and some higher end shops. The centerpiece of this new development was Wegman's, the county's first ever high-end grocery store.

The store represented for many a signal of a new status of our county as a place where people could and would spend their hard-earned dollars and, moreover, that we deserved to have it as a Black place to live. An article in the Washington Post announcing the construction of the Wegman's said as much, stating:

"The site in Prince George's carries special significance for a community that has largely been ignored by upscale retailers. The county, part urban and part rural, has an ailing school system and last year recorded a record number of homicides. It is also home to expensive gated communities, a growing number of \$1 million homes and a population that bristles at having to travel outside the county to spend money." [91]

Our delight at the new Wegman's was undercut less than a year later when the FBI arrested then County Executive Jack Johnson and his wife, Leslie (who had been elected the PG City Council just a week earlier) for a long-term campaign of bribery and a practice of awarding county contracts to his friends and fraternity brothers and, among other allegations, used those contracts to help entice and secure the deal that brought Wegman's to Woodmore.

The scandal rocked the County both because in such a small location, many of us knew the Johnsons personally and, beyond that, as only the second African-American to hold the powerful role, how he was talked about by residents in the media reflected both circumspection and disappointment. An article in the Post describing his release from prison

after serving a reduced five-year sentence configures Johnson as the proverbial Prodigal Son. His supporter and mayor of Seat Pleasant (a neighborhood in the county) Eugene Grant stated: “That’s why this thing is so devastating...If he’s guilty, it’s a betrayal of our ancestry - that’s how people view this. It’s a betrayal of W.E.B. DuBois and Booker T. Washington and Rosa Parks. It’s a betrayal to all those great people who worked to allow someone to become county executive.” [81]

The deputy state’s attorney during Johnson’s tenure, Mark Spencer, opined that Johnson’s rise to the role was supposed “to debunk stereotypes that said we were incapable of being in leadership and accomplishing positive things.” His long-time friend and then-member of the County Council Obie Patterson said that when Johnson was elected, “Seeing someone who had grown up in a very poor area, and segregated, who came out of that to be the chief of a county of 800,000 people - it was almost like a part of you was up there.” Reflecting on Johnson’s downfall and what it would mean for him moving forward in the County, he went on to say: “We also are a forgiving people,” Patterson said. “We don’t turn our back. That’s part of our culture. We still believe you should be there, pray for them, keep them lifted up. I’m more disappointed than angry.” [81]

What’s curious about this last sentence is that the antecedent is never made clear. Are the people that Patterson is talking about PG County residents or are they simply Black people?

The personal coda to this story that kept it in my mind for the years between then and now was that about a month or so later on Facebook, someone in my high school class said something along the lines of “I know that Jack Johnson embarrassed us as a county and maybe as a race, but if it got me my Wegman’s, I think it was worth it.”

And perhaps it was. Having these amenities is certainly not an embarrassing thing to want, especially in the regard that it was a way for many residents to signal that we were worthy and just as able to have access to the types of residential and commercial properties and opportunities that our neighbors in the nearby (and whiter) Montgomery and Arlington Counties had. However, during that same time period, other parts of the County seemed to be in rougher shape. The County even now ranks in the bottom 50% in the state for graduation rates, has had a steady rise in the number of children in poverty since 2007, and has a dramatically high primary care physician to patient ratio, growing from 1,320 patients to 1 doctor in 2012 to 1,920 patients to 1 doctor in 2023 [29]. Can you place these factors solely at the feet of Johnson, especially considering the relatively small importance of county-level funding on these major socio-political outcomes. No. And yet, like any elected official, there are trade-offs to be made between supporting an increased tax base, courting new potential revenue sources, and investing in redistributive funding [96] to support those members of your constituency that are, for many reasons, facing down social problems and ills that make it hard to live a life in which your primary concern are the things you can buy.

What did it mean to have Johnson preside over a period of vibrant and highly publicized commercial development and expansion that allowed the County to Keep up with the Joneses even as its social and demographic profile were (and are) stubbornly behind neighboring communities? In other words, Black representation meant something to PG County residents

on *both* substantive and descriptive levels and yet that was just the beginning of the story.

We can (and should) critique the actions of Black politicians on the register of their corruption but what the quote from my high school classmate shows is that this does not always reflect a lack of substantive representation on behalf of elected officials. Many people did in fact want the types of amenities underwritten by Johnson's pay-for-play approach to the County Executive office and it's not necessarily the case that this was only accomplished through corruption. But how to distinguish between a self-serving politician helping themselves and alignment between a constituency and representative both committed to growth-centric policies at the potential expense of support for policies that help the most marginalized is a difficult task.

A story of trade-offs is a hard one to tell in the context of Black representation because the biggest trade-off is rarely conceptualized as one between various outcomes for community members of different backgrounds when those community members are all Black. Rather, it is seen as a two-for-one deal. You get both the affective benefits of having someone in office who looks like you and the assurance that they are the best shot you have at advancing in society. But do the effects of Black representation effect all Black people positively?

Where I end this project is by thinking about what sustains it as a potent political tool for African Americans. Its import is in many ways distinct from its instrumentality. I argue that only through understanding their relationship can we understand what a normative vision of representation might mean moving forward.

“Demand Side” vs. “Supply Side” Representation

The spirit of this project has been to re-frame the story of Black representation within the context of American institutions, particularly Congress and Congressional representation. In Chapter 1, I showed the post-Civil Rights legal history of descriptive representation to highlight the ways that having a representative that looked like you was a palatable good, amenable to a broad cross-section of political actors even if it didn't on its own terms carry forward the promise of civil rights that the movement fought so hard for. Chapter 2 attempted to bear this out empirically, showing that while having Black representation was tied in some ways to a benefit rather than a penalty within the context of bill passage, it was dwarfed by the penalty of promoting policies directly relevant to Black communities. In Chapter 3, I argued that to account for these constraints, Black members took to other non-legislative means (particularly federal awards) to highlight their racial priorities. What connects these chapters is a sense that the lion's share of the field has a relatively positive view of descriptive representation even as outcomes relating to Black life have continued to stagnate. I wanted to understand if, in our awareness of the ways that Black elites can be subject to racism in their professional experiences, we were too defensive in our appraisal of their importance and thus too quick to base evaluations of substantive representation around the comparative framework of representation rather than centering the connection between Black representation and Black lived experiences.

However, what I think that the work that I have presented here does is to establish a stronger sense of the “supply side” of representation, the ways that institutions shape the decision-making priorities of lawmakers and Black representatives in particular. While I sketch out a very critical view of how those decisions play out, the banner under which it operates, which I called anti-Black governance in Chapter 2, this work of course needs to return to where the field has been and understand how these institutional design questions are tied to the ways that Black people perceive the importance of representation within the broader context of their political worldview.

In doing so, we return to the fact presented in Chapter 1 that having people in office who looked like was itself a goal of civil rights activists. Many of the Black nationalist and Black liberals who sought community control of elected offices did so because they conceptualized representation as having a precursor function, creating the fertile ground for Black people to see themselves as having a role to play in American politics through the vote that would be legitimatized through the election of Black representatives. If we think about how this played out in terms of how Black people view themselves and their role within American politics, they were largely correct.

According to the 2016 Collaborative Multiracial Post-Election Study, Black people are the racial group that have the highest proportion of people who believe in the importance of all forms of political activities including not just voting but also campaign donations, working with others to solve community problems, contacting elected officials, and attending protests [44].

In addition, Black people have a consistently large awareness of the importance of racism in their lives. 63% of Black respondents responded Yes to the question “Have you ever been treated unfairly or personally experienced discrimination?” and 78% stated that racism remains a major problem in our society. And yet, this results in feeling like an outsider in American society for only 29% of Black respondents (and only for 8% strongly). Moreover, Black respondents are roughly at parity with other racial groups when it comes to agreeing with the statement: “Most Americans value and respect your individual presence in the United States.” with 86% of Black respondents agreeing with the statement in comparison to 86% for Latino respondents, 89% for Asian respondents, and 92% for White respondents [44].

In short, Black people are deeply invested in American politics and see their participation as important and useful. This plays out in terms of how they view political leadership as well. While a majority of Black respondents (56%) actually respond No to the question of “Is there any political leader or any group or organization that you think looks out for your concerns?”, Black respondents are the group least likely to respond No to this question.¹ When we set this next to the fact that 68% of Black respondents believe in Black men representing their interests and 70% believing in Black women representing their interests [44], the core of Black representation’s contemporary importance becomes more clear. Representation helps sustain Black people’s attention, investment, and engagement in American politics.

¹Compare this to 58%, 61%, and 69% for Whites, Latinx, and Asian American respondents, respectively.

Returning to the story that started this project, I was struck then and now by the ways that representation was equated with hope. In both the anecdote and in the CMPS data, a desire for representation does not imply a lack of awareness of the constraints that Black elected officials face nor an inability to understand the pervasiveness of racism and racial discrimination. This is reminiscent of Melissa Harris-Perry's work on the political consequences of the stereotypes that Black women navigate. In her discussion of recognition, she skillfully attends to the ways that a "politics of recognition" is both a rejoinder but also often a precursor to a more materialist analysis of politics. As she writes:

"Recognition is thus a problematic entry point for a work on African American women's political lives. Recognition scholarship, like its political counterpart, identity politics, is routinely maligned as concerned with symbols rather than substance, cultural battles rather than economic ones, the appearance of power rather than the exercise of it. What difference does it make that other people recognize your uniqueness if you don't have equal access to political and economic resources?" [53]

She answers her own question by using the work of political theorist Nancy Fraser, who even as she critiques a focus on recognition politics in lieu of a politics of redistribution, nonetheless argues that recognition serves as a key precursor to redistributive politics. For Harris-Perry, "Distribution inequalities of social, political, and economic goods are related to the inability to 'see' citizens from low-status, stigmatized groups accurately. Fair distribution alone cannot solve the problem of misrecognition, nor can accurate recognition alone fairly redistribute resources." [53]

My goal in this project has been to show that the two types of politics and their horizons are both historically situated, with the needs of representation intensifying as the institutional boundaries and limits of Congress as a site for positive political project making winnowed in the aftermath of the Civil Rights Movement. But even stating this tends to reduce representation to its instrumental vision, which as I have stated, was the way that a theorist like Pitkin would have thought of the process. But it is important to sit with the ways that representation is playing another role in this story.

As Harris-Perry notes in her chapter on the stereotype of the strong Black women, there is suggestive empirical evidence to suggest that Black people are largely adherent to the "just world" theory, which posits a psychological strategy of looking to individual failings as ways to interpret the unjust nature of the world. In other words, if bad things happen to good people, those people must have made a mistake along the way. Furthermore, she also shows that when asked about white people, Black women's most intuitive reactions tend to be negative. An open ended word association game described white men with terms such as "dishonest", "mean", and "powerful" and white women as "passive", "arrogant", and "privileged", suggesting that there is both the pull factor of pride in supporting representation as well as the push factor of not believing in the moral benefits of having white people as

political representatives (though, as she notes, this is about these racial subgroups in the abstract, not specific white politicians).

Providing For All Groups While Blaming the In-Group

This speaks to a broader discordance within contemporary survey research on Black people. On the one hand, Black people are often the most supportive respondents when it comes to progressive, broad-based social policy. Returning to the CMPS battery, Black people were the most likely to support increased federal spending for Medicare/Medicaid, public education, and aid to the poor and the least likely to support the death penalty. On the other hand, when asked about what sustains Black-white disparities, Black people are overwhelmingly likely to cast the blame internally, with 88% agreeing that family instability is important in explaining Black-White disparities and 80% agreeing that lack of effort by Blacks is important in explaining them.

If we take Harris-Perry's use of the just world theory as a starting point, we can see that representation suturing Black people to American politics and American democracy is not only a story about a sense that descriptive representation leads to substantive representation but also one about the aspirational material that is created through political ascendancy. This ascendancy then takes on its own momentum that works in ways distinct from the relationship between representation's canonical sub-types.

One entry point to think about this is the literature on Black people's conservatism. A 2022 CCES survey had the share of Black respondents who self-reported conservative ideology hovering around 35 percent [112] in spite of having egalitarian views on a host of social issues. In addition, Hakeem Jefferson finds that those Black people who identify with a scale indicating their support for respectability politics are more likely to support punitive policies against Black people [67].

Put together, I think this evidence helps to show that Black people's individualistic attitudes are playing out not in their abstracted policy preferences in ways that are simply scaled differently than other racial groups but rather that their beliefs that do or do not tie in with conservatism are really about how they feel about what Black politics *specifically* should be.

Evidence for this interpretation can be seen in the fact that in spite of what I presented earlier about Black people largely feeling like insiders, 46% of Black respondents feel that Black people constitute a nation within a nation and 59% see Blackness as an ethnicity on par with Chinese-Americans or Mexican-Americans. In other words, Black people understand their politics in relation not to a white norm but to a black one, orienting their views and their understanding of ideological markers such as liberalism or conservatism. This is how you can have both a high level of support for a party like the Democrats and the bundle of policies that that party supports while also having a deep belief in both the maintenance of racism and individual uplift as one of, if not the, major factor in combating it. It also likely means an increased willingness, as a scholar like Lefleur Stephens-Dougan argues, to allow for co-ethnic candidates to get away with speech acts that could be considered anti-Black or

racially regressive and helps to explain why conservative identification could be so high in ways that cut against a story of lack of political knowledge. [122, 66]

Political representation is a nifty way to square the circle of both knowing that racial inequality plays out in your life in a number of ways on a day-to-day basis while also having a belief in the importance of individualism. If you know that racial representation is a useful political tool and one that you will, along with and in concert with your vote, continue to express, that helps to sustain a positive psychological world view that allows for a hope in American politics even as it continues to increase the precarity of Black life year after year. Even in surveys targeted to voters with more cynical views towards politics, this still holds. A 2020 GenForward Survey, which is targeted towards voters aged 18-36, found that 78% of Black respondents agree with the statement that “leaders in government care very little about people like me” and, moreover, were less likely to think that voting in national elections (10%) was the most effective way to make real change than revolution (16%).² Even here, in this sample with a relatively hostile view to conventional modes of political participation, a majority of respondents still expressed agreement with the belief in the good of having a co-ethnic candidate, with 34% stating that the appointment of Kamala Harris as Joe Biden’s running mate made them more likely to vote for him. [129]

One reading of this data is that even Black people have a hostile view, they believe that Black representation is a core facet of any type of political strategy to move a Black agenda forward. To the extent this is true, the failure of Black representatives to provide landmark legislative victories would not be met with major turnover in the composition of the Black Caucus both because of a desire for Black representation but also, relatedly, a sense that Black representatives, who are indeed constrained by the nature of Congressional policymaking, are nonetheless the best reflections of their interests.

This brings us back to the comparative frame of representation explained in Chapter 1. I critique evaluating representation through the lens of Black members being comparatively better than non-Black, particularly white representatives, on the basis of it not being able to correctly illustrate what Black people get out of having Black representatives materially, my framing is itself incomplete.

While my aim here was to uncover the ways that procedural and institutional constraints narrow what Black people can credibly expect from Congress, what is clear to me is that formal inclusion *was* its own victory, creating a solid voting bloc, a commitment to formal American politics from Black citizens, and a distinct, stable, and attentive stable of Black politicians who were and are indeed better at reflecting the interests and preferences of Black people than their non-Black counterparts.

Black representation is therefore a political tool not easily dismissed even as incomplete and narrow as it is. The spirit of this project is to show that the attachments that descriptive representation creates are secondary to more material considerations but a complete evacuation of it is simply not on the table given the structure of Black politics and the deep and consistent connection between both high levels of belief in the state and high levels of

²Compare this to 17%/14% for Whites and 15%/13% for Latinx respondents

belief in the importance of descriptive representation. This isn't to say that Black representation is completely orthogonal to substantive benefits for Black people. It is to say that the institutional role that descriptive representation plays is eroding over time in the face of increased constraints and party fealty.

The commitments created through descriptive representation are sticky, created and sustained over time through not just the victories that representation was supposed to portend but also, ironically enough, the failures that it wrought and the ways that it helped maintain the legitimacy of American institutions.

But what does it mean to find solace in the belief that American politics will continue to get better even as the dimensions for radical change continue to narrow through the conduit of representation? Its not at all helpful (or empirically accurate) to suggest that more political education is the solution here. African Americans, particularly when asked to think through the manifestations of racial inequality, are quite adept at understanding the issues with American politics [28]. It is not simply a matter of identifying where radicalism or progressivism lies. Rather, I think it is more apt to consider the relationship that Black people have to politics as a form of what Lauren Berlant calls "cruel optimism," a situation in which something that you are attached to becomes an obstacle to your flourishing [11] .

While I do see a waning in positive party attachment as people become more and more disillusioned with the Democratic Party (which largely follows an age gradient with younger people) and, perhaps more importantly, the types of institutional bonds that people often used as entry points into politics have largely frayed especially in the run-up to the 2024 Presidential election, it is still the case that attachment is a powerful thing and to the extent that people have a desire to reconcile a sense of their need to participate both for material reasons as well as reasons as diverse as racialized social norms [139] and ancestor respect [5], representation will be a key way that they make sense of how to do just that.

Whither Representation?

So then, what to make of representation? Will it continue to seduce us only to let us down yet again? Perhaps, but in any event, this question brings me back to cruel optimism. For Berlant, this concept was not necessarily one to be escaped from or evaded. In her work, she focuses primarily on how subjects make sense of their own attachment to situations that, under the auspices of neoliberalism, become more risky, more activating of the nervous system, and more mortally tenuous. But what is key is the way that the experience of equality and democracy are marked by disorientation. As she notes:

"...people come to fear and hate these processes because they exert a constant pressure for negotiating social location. Cruel optimism or not, they feel attached to the soft hierarchies of inequality to provide a sense of their place in the world. The internal tensions between capitalism and democracy seem resolved as long as a little voting, a little privacy, and unimpeded consumer privilege prevail to prop up the sense that the good-life fantasy is available to everyone. Ideally,

then, one would achieve both mental health and a commitment to equality if one embraced precarity as the condition of being and belonging.” [11]

What strikes me about this passage is how much it resonates with another on the arc of Black politics from Richard Iton in the towering work *In Search of the Black Fantastic: Politics & Popular Culture in the Post-Civil Rights Era*. When talking about the connection between the generational shifts in both Black politics and Black popular culture, he turns his attention to time and more specifically to tempo. For Iton, the arrival of a more integrated, institutionalized politics was refracted through a different sensibility towards the popular desires in both musicality and political expectations. He states:

“In contrast to the high-velocity exchanges and instantaneous pleasures of the post-1980s cultural realm, the increased access to institutionalized electoral politics won as a result of the civil rights campaigns, in some respects, encouraged black formal politics to assimilate to a slower and more regular tempo; specifically the ‘every four years’ rhythm characteristic of the American system. Indeed, one might suggest that, like younger deejays, the growing ranks of black elected officialdom were to some degree understandably preoccupied with establishing rhythmic continuity with mainstream actors and the temporal logics of brokerage politics (e.g. Bayard Rustin’s arguments) rather than challenging and transforming the norms prevalent in these arenas, for example, by pursuing means of expression and change - the protest, the riot, and possibly irregular internal mobilization campaigns (e.g. the convention movement) - that might disregard or disrupt the dominant politico-temporal framework and its related ablative disjunctions.” [64]

For both Berlant and Iton, it’s not so much that a connection to conventionality suggests bad politics (whatever that means) but that those conventions, beyond their immediate political impact or consequence, often compel Black people to conform to and even promote modes of politics that nonetheless continue the entrenchment of racial hierarchies. The formalized rhythm Iton discusses, for example, which we might also call electoralism, traps Black people within the bounds of an American two-party system [45].

For Black people specifically, this intimate dance between searching for ways to undermine the effects of racism and the search for political leadership has been core to the history of Black politics and, beyond simply shaping individual Black perceptions of the state, upends traditional understandings of concepts used to understand the development of capitalist modernity. In her work *Charisma and the Fictions of Black Leadership*, literary scholar Erica Edwards argues that the aftermath of emancipation circumscribed Black freedom by tying fitness for citizenship to a constant obligation to prove one’s fitness for liberty through the acquisition of individual sovereignty and claim to private property. This phenomenon led to an inward turn, meaning that “the sedimentation of singular black male charismatic leadership as a cultural ideal can thus be understood to correspond to the post-Reconstruction

reliance on gender hierarchy as a mark of civilization, the effects of mass migration during World War I, and the emerging technologies of the twentieth century charismatic scenario.” [34]

Leadership, for Edwards, is about finding someone to deliver master narratives or official stories: “...the official story creates the public language with which people articulate their desires, ideas, and very identities...the charismatic leader is a discursive sign, a narrative fixity of black nationalism. He promotes excitement, then stability, as alternatives to meaningless chaos and lack.” Edwards takes this phenomenon to task, highlighting that the “romantic investment in leadership in black culture ignores three constitutive violences.” The first is historical silencing, in which “a history of African American freedom struggle that relates historical transformation as a story of leadership effectively silences masses of historical agents.” The second is the creation of “...an undemocratic relational structure that charisma as a form of authority potentially generates.” And the third is the “reinscription of gender and sexual normativities.”

But while Edwards point is to center Black literature to “intervene in the relegation of black leadership, as an object of study, to the social sciences,” what she sketches out is what underwrites this entire project. The charismatic scenario is not a static space but rather one in which the desire to have descriptive leaders sits elegantly alongside the critiques of those leaders because the search for leadership and the proof of individual fitness for citizenship are coterminous. In this way, the inclusion into politics is its own technology of anti-Black governance, propping up the legitimacy of the state even as it creates multiple avenues to curtail the types of policies that would ameliorate anti-Black policies and structures.

One could rightfully state that the alternative could be worse, relegating Black people to a sub-citizen status that struggles even more to achieve political victories. It’s hard to say. The search for a counter-factual here, a type of political strategy that would reliably lead to more radical gains is not clear, though some scholars have certainly tried [68, 106]. What I argue here is that a great deal of Black people themselves agree with the point that a politics of inclusion, with representation as its centerpiece, is a victory worth protecting. So suggesting that the ability to participate in politics and a positive feeling towards that participation is inherently negative fails both normatively and as a matter of historical analysis.

Evidence of the seductive nature of descriptive representation can be found in the work of a political scientist as core to the field of legislative studies as Richard Fenno, who in *Going Home: Black Representatives and Their Constituents*, states when talking about Louis Stokes, one of the first members of the Congressional Black Caucus:

“Given its historic significance, Cleveland’s active black citizens could hardly wait to elect their first member of Congress. And once elected, he became, instantly, a topmost political leader of the black community and a symbol of newfound black power. His constituents tendered him their trust, it seemed, almost before he did anything....With his election, Lou Stokes became an instant leader, prominent as well as powerful. He knew that he had become a symbol of the black community, and he knew that his behavior would be judged in that light. He was particularly

cognizant of being”the first.” He was “writing the book,” and he wanted to be a positive symbol. He wanted to act in such a way that members of the black community would be proud of him and - because he was descriptively like them - proud of themselves as well.” [39]

What is being shown here is not a simple matter of facile racial pride or an inattentiveness to politics but a deeply held sense of self generated through the ascendancy of one of your own. Edwards is articulating a deeper historical truth about this desire, that the tension between finding a leader and finding a politics has its own origin story in the broader dispossession of Black people and their fight for inclusion in the wake of emancipation from slavery. So the desire for descriptive representation, even as I think the tool itself is being mediated and eroded by anti-Black governance, is something more than just a commitment to liking someone who looks like you. Representation is, in other words, something more than a political tool. It serves as an ur-text for Black people making their way through American politics and political subjectivity.

More than that, Black representation, whether political or cultural, serves as a way for all political subjects to understand themselves. As Edwards states in her book *The Other Side of Terror: Black Women and the Culture of US Empire*: “...the developments in the culture of Black books at times shook but at times shored up the ideological scaffolding of late-Cold War and post-Cold War US security. Black texts, in this way, played an important role in making the world that was being made safe for democracy *feel* democratic for American readers.” [35]

So Blackness (though Edwards is talking about Black women’s literature I believe the lesson applies to Black political representation as well) both structures Black engagement with the state as well as allowing for a more generalized template of democratic participation. That it comes from such a sordid origin is important, but in many ways this adds to why it is so hard to shake as a tool. To understand representation as bereft of any political value useful towards the ends of racial justice runs afoul not just of a liberal orthodoxy but also of many of the people that type claim hopes to support.

As political philosopher Wendy Brown notes in a recent interview on her new work on nihilism, the soft and kind liberal order that believes that conservative victories are simply aberrations because reason and justice are on their side fail both because reason and justice often *aren’t* on their side but also because it abdicates the creation of alternatives. She states:

“If we are going to contain the climate disaster and avoid fascism, we’d better reckon with this fast. We need to build compelling visions of an alternative political and economic order—visions based not on”interests” or rationality, but which recruit popular desires and yearnings for a better world while reinterpreting or rerouting most existing expressions of those desires and yearnings....It is perfectly reasonable for middle- and working-class whites to seek to dismantle democracy, and to challenge everything from school curriculums and progressive taxation to

decent responses to refugees and migrants to protect what remains of their privilege. We can refute the premises of these positions until the cows come home. But only a compelling vision of a less frightening and insecure future will recruit anyone to a progressive or revolutionary alternative future—or rouse apolitical citizens for the project of making that future. This vision must be seductive and exciting, and it must be embodied in seductive and exciting leadership and movements, hopefully oriented by an ethic of responsibility.” [121]

So if we think that Black representation is a hollow prize, we have to also deal with what it takes to build a positive political program. It is improbable to fully know the longitudinal impact of Black inclusion into Congress. It does seem clear that less Black members in the institution would have led to more conservative overreach and worse outcomes for Black people. But the literature has been too pat with allowing this good news to obscure the bad, which is that Black outcomes have, on so many dimensions, remained stagnant or even worsened.

When I started this project, I was unnerved by what I took to be an overly rosy view of representation in the political science literature. But this was far too simple a story. The increased diversity of Congress has been a fundamentally good thing for American democracy.

To understand how to adjudicate the political work that representation does and does not do therefore requires a constant, difficult maneuvering between the nihilism that Brown refers to here and the cruel optimism defined by Berlant earlier. Given the nature of the American political economy, the odds are not stacked in the favor of those who want liberation. But like very many other tools, including direct action, political contestation, and indeed violent revolution, representation is not to be dismissed because it is not a one-size-fits all tool. This is a recurrent theme of the excellent book *Civil Rights and the Making of the Modern American State* by Megan Ming Francis. The fight against lynching was bruising battle that suffered loss after loss. But for me, what makes that book stand out is that it paints Black people as keenly aware of the value of being venue shoppers, moving assiduously through different registers of formal and radical action [43].

Bringing the limitations of representation to the forefront and then merging those limitations with more nuanced and world-building visions of politics rather than a simple orientation towards defense against what’s wrong will serve Black people and indeed, all people in a fight against a necro-political world that year after year squeezes more productivity, more money, and more life out of Black people. The issue, put another way, isn’t that some type of compelling positive political project that allures people is by its nature wrong. It is that the seductive qualities of descriptive representation obfuscates its limitations. Black representation is vexing not because it doesn’t matter, but because it so evidently does.

The upshot is that representation cannot be thrown out because nothing should be thrown out. What Brown highlights is that what we consider a worthwhile political tool is never limited to its worst consequences. The radicalism or lack thereof a political approach is found in its ends rather than in its means, particularly when those political strategies are being employed by marginalized communities [65]. Representation isn’t a panacea and its

use is often overhyped and overwrought. But I don't end this project thinking calling for its abolition as a tool. Rather, what we need to do is move in ways that compel us to think more creatively about what liberation can look like, moving into a space where our desires for recognition can be matched by our abilities to secure the freedoms that they have come to represent.

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Appendix

Appendix 2A: Understanding Black Bill Sponsorship Data and Methods

I use data from the Congressional Bills Project, which includes information about the bills that are introduced in a given Congress [2]. I then merge this data with information about the member that sponsored the bill drawn from the database constructed from the team at the Center for Effective Lawmaking [133, 134]. I then coded five different Boolean variables to reflect different types of legislative strategies that we might expect Black members to have. Because the Bills Project code book includes both the broader topic that a bill is related to (e.g. Macroeconomics, Civil Rights, Education) but also the subtopic (e.g. Unemployment Rate, Ethnic and Racial Discrimination, Higher Education) I code these variables using the subtopic to give more precision on where the categories fall.

1. Relevant to Black Communities: This category looks at all bills that, explicitly or implicitly, should be important to Members representing Black communities. I first took in all major topics that are core to the Congressional Black Caucus's initial agenda in the 1970s, which included crime, poverty education, social welfare, and civil rights and then chose the subtopics on which Black members had a higher proportion of sponsorship than their non-Black counterparts (across time) to show their attentiveness to the issues. I then added in categories on broad social policies within these major topics that would plausibly be given a lot of attention by non-Black members but still be directly relevant to Black communities. One limitation is that this categorization is the least systematic because even though we know that something like comprehensive health care reform would be important to eliminating racial health disparities, this is not necessarily true across sectors. That said, this is my broadest category and therefore should bias against my hypothesis because it could nonetheless show some isomorphism, which should lead to higher sponsorship rate if the null hypothesis is correct.
2. Black-Targeted Bills: This is a more narrow version of Category 1 that limits bill topics only to those that are related to things directly and explicitly tied to Black communities/race such as the Ethnic/Racial Discrimination subtopic under civil rights, higher education (which includes all legislation related to Historically Black Colleges

and Universities), and the Poverty and Cash Assistance subtopic under Social Welfare. A cynical take is that these topics go up or stay the same even as those under Category 1 go down, which would show that the comparative benefit of having a Black member is limited to those things that they think Black people want to hear from Black Representatives rather than the broad sweep of issues that they would know would be important for Black advancement.

3. Economic Issues: Recent work by Suresh Naidu on the shifting Democratic coalition in the post-War period suggests that it is prudent to delineate between predistribution and redistribution [79]. The ones that reflect “predistribution” are bills on topics that have what Jacob Hacker has argued is “a focus on market reforms that encourage a more equal distribution of economic power and rewards even before government collects taxes or pays out benefits” [51]. In contrast, redistribution is about the use of taxes to moderate economic policy and encompasses legislation designed to tax the rich/poor. To do this, I code an either/or variable for all bills related to wages, unemployment, price controls, and consumer finance (as well as other related topics) as “predistribution bills” and those related to taxation, national debt, inflation, and other financial issues related to post-tax income and wealth as “redistribution”. This is done to make sure that any shifts in economic sponsorship trends are not driven primarily by one type of policy over another, especially considering that economic policy largely shapes Black life in disparate ways [101, 99].
4. Finally, in order to draw out the argument about isomorphism more intently, I created a dataset based on Congress.gov of all top ten House Bills (H.R.1-H.R.10) in Congresses with Democratic control of the House of Representatives, which have historically represented the top priorities of the majority party at the beginning of each Congressional term. I then use the Congressional Bills code book to hand code the subtopic for that bill. I do this by hand in order to be able to document any subtopic that could be drawn from the bill, which in some rows within the dataset are limited to only appropriations for major bills. Because I want to know if Black members are attempting to signal their commitment to the party line in their sponsorship decisions, I take a broader approach, allowing any relevant subtopic in the code book to be applied to the bill. The extent to which Black members are out in front on these issues should serve as a good proxy for both their position in the party as well as their isomorphic behavior. If we imagine that Black Members are becoming more aligned with the Party above their commitments to their racial groups, we would see an increase here and a decrease in Categories 1 and/or 3.

Appendix 2B: List of Subtopic Codes by Category

Black Relevant Bills

- Health Insurance (302)
- Public Health and Disease Prevention (331)
- Children and Prenatal Care (332)
- Ethnic Minority and Racial Group Discrimination (201)
- Voting Rights, Participation, and Related Issues (206)
- Civil Rights - General (200)
- Elementary and Secondary Education (602)
- Illegal Drug Production, Trafficking, and Control (1203)
- Higher Education (601)
- Prisons (1205)
- Child Abuse and Child Pornography (1207)
- Court Administration (1204)
- Juvenile Crime and the Juvenile Justice System (1206)
- Cash Assistance to the Poor and General Poverty Issues (1302)
- Charities and Volunteer Associations (1305)
- District of Columbia Affairs (2014)
- Federal Holidays (2030)

Black Targeted Bills

- Public Health and Disease Prevention (331)
- Children and Prenatal Care (332)
- Ethnic Minority and Racial Group Discrimination (201)
- Voting Rights, Participation, and Related Issues (206)
- Elementary and Secondary Education (602)

- Higher Education (601)
- Cash Assistance to the Poor and General Poverty Issues (1302)
- Nutrition Assistance (1301)
- Parental Leave and Child Care (1308)
- Urban Economic Development and General Urban Issues (1403)
- Consumer Safety and Consumer Fraud (1525)

Predistribution

- Price Controls (110)
- Unemployment (103)
- Industrial Policy (108)
- Cash Assistance to the Poor and General Poverty Issues (1302)
- Agricultural Price Controls (402)
- Consumer Finance, Mortgages, and Credit Cards (1504)
- Bankruptcy (1507)
- Small Business Issues (1521)
- Consumer Safety and Consumer Fraud (1525)
- Employment Training and Workforce Development (502)
- Employee Benefits (503)
- Fair Labor Standards (505)
- Youth Employment, Youth Job Corps Programs, and Child Labor (506)
- Vocational Education (604)

Redistribution

- Inflation (101)
- Monetary Supply (104)
- National Debt (105)
- Taxation (107)

Appendix 2C: What’s the Black Tax on Passing Legislation Data and Methods

I used the same data collected for the analysis. For the analysis, I constructed the following regression model for the member level analysis:

$$(AllPastComm_{it}/AllBills_{it}) = \alpha_i + \beta(AFAM_{it}) + \Phi PropRelevant_{it} + X_{it} + \varepsilon_{it} :$$

This model accounts for the proportion of bills that a member is able to get out committee session relative to all bills that they propose within a given Congressional term regressed on if that member is Black, and the proportion of bills that were relevant to Black communities (using the same conventions in Category 1 above) in addition to a vector of covariates including party affiliation, membership on a prestige committee, their first dimension DW-Nominate score, and their seniority. I then did this for each year in the dataset and extracted the coefficients for both being Black and the proportion of relevant bills that they sponsored, then plotted each yearly estimate to construct the line graph.

For the bill level analysis, I used the model:

$$(BecameLaw_{it}) = \alpha_i + \beta(AFAM_{it}) + BRelevant_{it} + X_{it} + \varepsilon_{it} :$$

I didn’t include the vector of covariates here because they were observed at the member level given my merging the data with the Effective Lawmaking data. But the approach here was the same. There are a number of covariates I could have included such as party control and perhaps a polarization score, but without them the variation tells a story that speaks to those concerns because they are shown in detail within the graph itself.

Appendix 3A: USA Spending Database Data Collection Strategy

In order to study the award priorities of Congressional representatives, CFDA listings were inductively selected based on their relevance to Black life within a given sector then pull in all awards that have that listing. This required researching to try to find lists of CFDA numbers within given sectors as well as navigating the CFDA Catalog for information about specific forms of funding as well as specific numbers. In addition, for the Business sector, all minority business contracts were pulled in, which literature in economics suggests was a major intervention for the development of Black business ownership [22, 23]. I then take advantage of the fact that each award’s Congressional district is listed in the database to connect it to the member of Congress that was representing the recipient’s district when the award was granted. I connect this database to the Legislative Effectiveness Score Dataset run out of The University of Virginia and Vanderbilt University [133] as well as information on bill sponsorship and committee appointments compiled by the team at Michigan State University under the banner of *CongressData* [49].

Finally, to get longitudinal sociological measures, I pull in information about each district from the US Census Bureau API [16] and the ProPublica Congress API [104], creating

merged data based on either using, transforming, or imputing information about the district identification abbreviation (e.g. NC-07), the year the award was approved, the name of the member of Congress, and their ICPSR number, a unique id number for every member of Congress. The full dataset of all awards came out to 140,724 rows with 571 variables used across the five sources (an additional 193 variables were pulled in for only the Business Contracts). This data provides me with what is to my knowledge the most comprehensive and broad dataset on Congressional spending thus far compiled at the district-level. While previous scholarship has looked at the impact of aggregate funding as a proxy for Congressional performance, this is the first to categorize it by sector and tie it to district-level characteristics to illustrate the relationship between sector-level funding and district-level effects.

Because members have some considerable influence when it comes to federal award grants (which includes but is not limited to earmarks, of which members have direct and specific influence) but are not necessarily conferred decision-making authority over them, the process is both important to the material conditions of communities and variegated enough to show at least some pattern of prioritization of the representative.

For all sectors, my logic was to focus on (with the exception of Poverty because it was spread across multiple sectors) one or two specific grant-making entities that dispensed funds that were based within specific communities but broad in scope, meaning both that many different people could plausibly apply and also that if a member of Congress strategically considered program funding allocation as part of their work, they would likely be working on getting a grant like the ones in this dataset.

For example, a grant to the City of Fresno in 2021 which was designated with the Assistance Listing number 93.137 - Community Programs to Improve Minority Health Grant Program. This award was listed as: “Advancing Health Literacy To Enhance Equitable Community Responses to COVID-19.” Within the text of the award, you can see that this award is for improved contact tracing, testing, and vaccinations for the entire city but with an explicit focus on Spanish-speaking and Arabic-speaking communities. In other words, throughout the dataset, there are a number of awards that are for entire cities and communities that have a specific focus on ameliorating racial barriers, meaning that we can plausibly imagine a benefit getting the performance benefit outlined by Anzia and Berry while also highlighting their racial commitments in a way outlined by Mayhew. I looked at the following sectors each with a slightly different approach but always with the priority of finding award types like the one above, which showed a broadbased statutory focus but one that could likely also identify a Member’s commitment to racial equality through the desire for things such as equity or diversity within the text of the grant³:

- Housing: I pulled in all CFDA listings focused on public housing and fair housing/equal opportunity initiatives

³The two exceptions here are Labor and Environmental funding because as places that just didn’t give out that many project grants at all, I slotted in being broad for being specific with my criteria.

- Business: I pulled in all business contracts awarded to recipients in HUBZones or Small Disadvantaged Business Programs as well as any listing from the Small Business Administration or the Department of Commerce that matches the logic above.
- Poverty: In order to be able to track poverty awards, which is not clearly outlined as a policy area because there is not a direct poverty agency in the United States, I looked across sectors for all CFDA numbers related to transitional support, broadly defined and then pulled in any award that was for this purpose and *not* found in another sector.
- Labor: Because the Department of Labor is not primarily a grant-making entity in the way an agency like the HHS is, I was as broad as possible, pulling CFDA numbers for project grants that it awarded.
- Environment: Similar to the DOL, the Environmental Protection Agency is not primarily in the business of disbursing funds, so I pulled in all CFDA listing numbers that I could find that had anything to do with pollution, environmental racism and equity, or anything having to do with disparity reduction.
- Education: Because education is broad, encapsulating not just K-12 education and higher education but also a number of research endeavors as well, I limited my pull-in of awards to those that were identified as Congressionally Directed Spending for Education (there is a special CFDA distinction for these awards).
- Policing: I limited my selections here to large programs that make a high frequency of disbursements, the Byrne Memorial Assistance Program and the Community Oriented Policing (COPS) Small Grants Programs.
- Covid-19: In order to be as broad as possible here, I pulled in all CFDA listings that came up with the search term Covid-19.
- Health: I pulled in as many award listings as I could find for local initiatives designed to help eradicate either racial disparities or community level health co-morbidities. For example, I pulled in all grants from CFDA number 93.924, the Ryan White HIV/AIDS Dental Reimbursement and Community Based Dental Partnership Grants. In addition, I also pulled in all grants that were disbursed by the Health Resources Services Administration, the agency within HHS responsible for “improving access to health care for people who are uninsured, isolated, or medically vulnerable.”⁴

⁴While I report all health awards together in the analysis here, I do also run the same analysis for HRSA awards separately to see if there are any agency-level effects, of which I find none.