# An Examination of Black Representation and the Legacy of the Voting Rights Act
## by

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## Abstract

Fifty years after the passage of the Voting Rights Act of 1965, there are still many questions about one of its signature achievements, the surge in black Congressional representation. This paper examines the legacy of the Voting Rights Act in terms of the differences between black and non-black members of Congress regarding bill sponsorship, black issue recognition, and responsiveness to black protest. The findings show that there are racial differences in overall bill sponsorship, but those disparities are driven by ideology, rather than race, when it comes to black issues. Black members of Congress are more responsive to black protest in the post-civil rights era, but they recognize black issues at a lower rate compared to black representatives prior to 1965. As a result, it seems that protest is necessary for black representation to reach its full potential.

Chief Justice John Roberts is a master of irony. In the case of *Parents Involved in Community Schools v. Seattle School District No. 1* (2007) Roberts used the momentous language and logic of *Brown v. Board of Education* (1954) to strike down a voluntary school desegregation program as an unconstitutional racial classification. That was classic irony, but Roberts must have known that he could do better. In 2013 in the case of *Shelby County v. Holder* Roberts performed a master class on ironic adjudication. The Chief Justice used the language and logic of *South Carolina v. Katzenbach* (1966), the case that upheld the original Voting Rights Act of 1965, to strike down the law's most important enforcement mechanism – preclearance. Even more impressively (from the perspective of connoisseurs of irony), Roberts used the heightened rates of black voter turnout and registration that accompanied the election of the first black president to invalidate the law that made such achievements possible. The punch line is that the Voting Rights Act of 1965 celebrates its fiftieth anniversary as a shell of itself.

The tragic irony of the Voting Rights Act is not an isolated incident. Barack Obama's election to the presidency has seemingly injected a level of surrealism into America's racial politics: The "I can't believe it happened in our lifetime" euphoria of Obama's existence

is coupled with the apparent necessity to reiterate that "black lives matter." On a surface level these realities should not be able to coexist. Beyond the surface they become less novel. Booker T. Washington becomes arguably the most powerful black man in American history (not named Obama) at a time when black Americans were experiencing the highest levels of marginalization and terrorism since slavery. Urban riots in the 1960s are greeted by both more social welfare and a more punitive criminal justice system. *Frontlash: Race and the Development of Punitive Crime Policy* shows that while southern segregationists were losing the battle against civil rights, they were creating the carceral state that we now analogize to Jim Crow. Black politics has always been transactional: sacrifice is required for any victory; and retrenchment greets every advance. The Voting Rights Act is just the latest episode in an ongoing series.

One of the most important consequences of the Voting Rights Act has been the surge in black congressional representation. The 103rd Congress saw an influx of twelve new black members of Congress as a result of the creation of new majority-minority districts following the 1990 census (Carol Mosely-Braun is excluded here). Counterintuitively, majority-minority districts are also probably the least likely to suffer from retrenchment. The creation of black districts has been pushed forward by coalitions of black legislators and Republicans at the state level. Black legislators are looking to further their own political ambitions, while Republicans believe that concentrating black voters into black districts will increase their party's vote share in the surrounding districts. Black representation is part of a transaction. To assess the legacy of fifty years of the Voting Rights Act we have to investigate the nature of that transaction.

The 1992 leap in the numbers of black members of Congress (MC hereafter) has inspired a wealth of scholarship seeking to understand the consequences of black descriptive representation in terms of the impact on citizens' political behavior, the potential tradeoffs between descriptive and substantive representation, and the congressional behavior of black representatives themselves. However, that latter category of research still leaves a large number of questions unexplored. In particular, we know relatively little about the role that black MCs have played in advancing a black policy agenda within Congress. Previous work on the importance of non-black MCs to black agenda setting suggests that black descriptive representation has declined in its value as an agenda setting tool since 1965. This paper builds on those findings by exploring the nature of black representation over time by asking the following questions:

1. What are the racial differences in the volume and content of members' legislative portfolios?

2. What are the racial differences in terms of the types of black issues that are recognized?

3. How has black representatives' responsiveness to black political activity changed over time?

The paper proceeds in four sections. The Data, Definitions, and Concept section describes the data being used, defines black issues, and provides a conceptual approach to bill sponsorship. The Racial Differences in Bill Sponsorship section shows that there are racial differences in MCs' legislative portfolios. The Recognizing Black Issues section examines how the general racial differences in bill sponsorship translate to the recognition of black issues. The final section concludes by returning to the discussion of how the Voting Rights Act fits within a narrative of transactional black politics.

## Data, Definitions, and Concept

Before any of the above questions can be addressed, we first need a basic understanding of what sort of bill sponsorship data I am using, how black issues are defined, and a conceptual framework to guide the empirical exploration. First, I draw on data from the Congressional Bills Project, which has compiled every bill introduced in Congress from 1947 to 1998 and classified them according to nineteen policy topics. Second, I coded all of the non-private bills as addressing black issues or not. Based on the "pragmatic black solidarity" developed by Shelby, black issues are being defined as policies that attempt to fight racism and/or promote racial justice in the United States. In a less abstract sense, black issues must satisfy at least one of the following conditions:

1. *Anti-Racist*: Policies that erect legal protections against racial discrimination and remedies for the negative effects of past discrimination. Hate crime legislation, civil rights bills, the voting rights acts, minority set asides, and affirmative action are all examples of this criterion.

2. *Cultural*: Cultural policies are those landmarks, commemorations, holidays, and monuments that celebrate black achievements and history while simultaneously undermining negative racial stereotypes of inferiority.

3. *Social Welfare*: Social welfare is limited to policies that explicitly address some racial disparity; explicitly attempt to remedy urban poverty; and those which disproportionately impact black Americans. These policies must foster non-stigmatizing, non-discriminatory social programs such as full employment, a guaranteed income, federal control over programs, or an opposition to work requirements. This encompasses a wide range of policies from expanding benefits under AFDC to funding research on sickle cell anemia to increasing federal funding of elementary and secondary education.

Throughout the paper, *black issues* refers to a policy idea that meets at least one of the criteria outlined above. The aim of this paper is to provide a more comprehensive examination of how black representation contributes to the congressional recognition of these black issues.

Congressional recognition is how bill introductions are conceptualized.

Studies of legislative effectiveness have made it clear that most of the bills introduced in Congress never receive anything that might remotely be labeled as attention. Over the fifty-two years of bill sponsorship included in this study, only five percent of public bills are enacted into law. Given these small rates of success, the agenda setting literature has generally overlooked the introduction of legislation as a meaningful measure of placing issues onto the formal agenda. Instead, the formal congressional agenda has been measured through the holding of congressional hearings, what Jones and Baumgartner refer to as congressional attention. Unfortunately, the existing literature on bill sponsorship does little to redeem its position as an important aspect of agenda setting. Introducing legislation is conceived as either symbolic position taking or as a strategy for institutional advancement, but neither of these approaches provides a policy-relevant purpose for bill sponsorship. A purpose called legislative problem solving with a conceptual framework must be provided.

The basic argument is that MCs introduce legislation in order to cultivate reputations as problem-solvers. Problem-solvers are members who identify existing problems, define new problems, and then craft solutions to those problems. Members then use these problem-solving reputations to pursue their multifaceted goals of election, institutional advancement, and good public policy. Legislative problem-solving provides a policy-relevant purpose because it shifts our focus to one of the central ideas in agenda setting –

problem definition. Research on agenda setting argues that policy entrepreneurs strategically define/re-define issues to appeal to cross-cutting audiences, and these broadened coalitions of interests allow new participants into the process who break apart established policy monopolies. Introducing legislation is how MCs identify and define problems, so even bills that never get out of committee serve the policy relevant purpose of placing issues onto the public agenda. In that sense, bill sponsorship gauges congressional recognition of issues. Given this conceptualization of legislators as problem-solvers, variation in bill sponsorship should be driven by differences in how MCs recognize and identify problems and the institutional resources available for crafting solutions to these problems.

Rather than going into more detail about how MCs identify problems, the focus will be limited to the conceptualized role that race plays in how MCs craft their legislative portfolios. Race is an important factor in understanding how MCs recognize problems because it helps to define their integrity costs. Integrity costs refer to conflict between a member's personal preferences and public legislative activity. Basically, MCs have some core set of values that shape how they view the world, and these values will make them more likely to identify certain types of problems as opposed to others. Previous research has shown that race and gender impact how MCs construct their legislative portfolios, so I simply extend those findings by arguing that racial identity shapes the types of issues that MCs recognize to establish their

reputations as problem-solvers. The first questions raised above call for the exploration of these racial differences in how MCs identify problems. In particular, I am interested in three aspects of bill sponsorship: activity, richness, and diversity. Activity is the number of bills introduced by a member of Congress in a given year. Richness is the number of policy topics (out of a possible nineteen) in which an MC has introduced at least one bill. Diversity is how evenly distributed an MC's activity is over the nineteen policy categories, and it is measured by Formula 1.

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FORMULA 1

$$D = \frac{1}{\Sigma \left( \frac{n_i}{N} \right)^2}$$

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In Formula 1, $n_i$ is the number of bills/hearings that fall within a given topic and $N$ is the total number of bills/hearings. Higher values mean that there is greater diversity, and the highest possible score is the total number of categories. In this case, there are nineteen policy topics, so a diversity score of 19 means that issues have been evenly distributed across each topic. In the next section, the task is to examine racial differences in activity, richness, and diversity over time.

## Racial Differences in Bill Sponsorship

Among the most fundamental questions about black representation is whether there are meaningful racial differences in congressional behavior. The literature on race and representation has investigated that question almost exclusively in terms of voting behavior. Earlier work on the tradeoffs endemic to racial redistricting concluded that party and the racial composition of districts – not the race of the member – were most important for maximizing substantive representation. In contrast to these findings, research on the Congressional Black Caucus shows that black MCs vote as an extremely cohesive bloc, even when compared to state, regional, or party affiliations. Whitby and Krause find that black MCs have a higher probability of voting favorably on issues of primary importance to black Americans – those that provide concentrated and/or preferential benefits, and Cobb and Jenkins demonstrate that black MCs in the Reconstruction congresses were the most ardent supporters of racial issues. Lastly, Grose argues that even after controlling for party and racial composition – race matters for creating liberal voting records generally and on civil rights issues specifically. There has been much less work on racial differences outside of voting behavior. Canon presents evidence that black MCs are more active in giving speeches on racial issues and introducing black issue legislation, and Gamble highlights the importance of black MCs' participation in committee markups of such black issue bills. However, in terms of bill introductions more generally, demographic factors such as race and gender are usually not included in the analysis. Rocca and Sanchez are an

exception to this trend by arguing that black and Latino representatives are institutionally disadvantaged in terms of passing bills, so they strategically sponsor at lower rates when Republicans are in control of the House. This section builds on Rocca and Sanchez's discovery of racial disparities in MCs' legislative portfolios.

## Overview of Racial Differences

Table 1 presents the racial differences between the mean levels of activity, richness, and diversity. Going across the rows, cell entries show the mean for black MCs, the mean for non-black MCs, the difference (*black − nonblack*), and the white/black ratio. All of these differences are statistically significant at standard levels. Dealing first with activity, we see that – regardless of whether it is public bills, private bills, or both.

TABLE 1
AVERAGE ACTIVITY, RICHNESS
AND DIVERSITY BY RACE

| Measure | Black MC's | Non-Black MC's | Difference | Ratio |
|---|---|---|---|---|
| Total Activity | 8.74 | 13.51 | -4.77 | 1.55 |
| Private Activity | 1.78 | 2.8 | -1.02 | 1.58 |
| Public Activity | 6.96 | 10.70 | -3.74 | 1.54 |
| Richness | 3.42 | 5.00 | -1.58 | 1.46 |
| Diversity | 2.68 | 3.71 | -1.04 | 1.39 |

Black MCs only sponsor two for every three bills that white MCs

sponsor. A similar pattern is found in terms of the content of members' legislative portfolios. On average, black MCs recognize problems in almost two fewer policy areas than their white counterparts, and that lessened breadth is combined with decreased depth to yield a full point gap in the diversity scores of black and non-black MCs. Table 1 sends a fairly straightforward message: black MCs identify fewer problems in a more narrow range of policy areas than non-black MCs. The key question is what accounts for these disparities. Legislative problem solving offers an alternative explanation for these results rather than relying on the claim of institutional disadvantage posited by Rocca and Sanchez. Racial disparities in richness and diversity suggest that perhaps black Americans are interested in a smaller range of policy issues, so black MCs' efforts to establish reputations as problem solvers are concentrated in these areas. Racial disparities in bill sponsorship may be a response to constituents rather than the constraints of the institution. Similarly, Griffin and Flavin show that black constituents hold black MCs less accountable, so it could be that less is required for black representatives to establish themselves as problem-solvers.

In order to have a better appreciation of which policy areas exhibit racial differences in congressional recognition, table 2 presents the ratios of bills introduced by white MCs to those introduced by black MCs in specific policy areas. For example, the cell entry in the first row and first column shows that white MCs introduce 2.53 times the amount of bills on macroeconomic

issues compared to black MCs. The difference of means for all these issues were statistically significant. The first point to take away from table 2 are the issues for which there are no significant differences: health, education, labor, law / crime / family, government operations, and international affairs. (These issues were excluded from the table because the different in means were not statistically significant.)

## TABLE 2
## RACIAL DIFFERENCES IN PROBLEM RECOGNITION

| Topic | White/Black Ratio | Topic | White/Black Ratio |
|---|---|---|---|
| Economics | 2.53 | Housing | 0.72 |
| Civil Rights | 0.43 | Banking | 1.50 |
| Agriculture | 7.34 | Defense | 2.93 |
| Environment | 3.41 | Science | 2.78 |
| Energy | 3.51 | Foreign Affairs | 3.59 |
| Transportation | 3.01 | Public Lands | 4.60 |
| Welfare | 1.30 | | |

Health, education, and labor contain a number of policy proposals that were part of the core black agenda from 1947 to 1998. Issues of law / crime / family were not at the center of the black agenda, but certainly it is understandable that questions of criminal justice or teenage pregnancy would be pressing issues that black MCs could build problem-solving reputations upon. Government operations cover a wide range of topics, many of them dealing with bringing pork back to the district, so its exclusion from the table of differences is also intuitive. However, it was not immediately obvious why there would be a lack of racial disparities for international affairs. One possibility is that there are simply very few members overall who can benefit from reputations that revolve around the recognition of non-domestic problems. Alternatively, it may be that the identification of problems relating to South Africa and / or Haiti served to bolster the reputations of black representatives.

The second key point is to note the two areas in which black MCs are more active than their non- black colleagues: civil rights and housing / community development. Black MCs recognize more than double the number of civil rights issues than their white counterparts, and black MCs sponsor over one and a half times the number of bills on housing / community development introduced by non-black MCs. As with health, labor, and education, these two policy areas were integral to the black agenda over this time period, so it is not entirely surprising that black representatives would disproportionately establish problem-solving reputations by concentrating on civil rights and housing issues. Lastly, table 2 shows that black MCs are dramatically outpaced in almost every other policy area. These descriptives suggest that racial differences in bill sponsorship are not driven by institutional disadvantages, but by truly distinct views of the types of problems that should be addressed by the national government. In that sense, black representatives are interested in being viewed as qualitatively different kinds of problem-solvers than non-black members of Congress.

## Racial Differences Over Time

For our purposes, it is not enough to know that there are racial differences in how MCs recognize problems. The intent is also to address questions about the changing nature of black representation. With that in mind, figure 1 plots the white/black ratio for sponsorship of all bills and for public bills respectively. The dotted horizontal line indicates when there are no racial differences. Looking at figure 1(a) we see that black MCs outpaced their non-black counterparts for extended stretches in the 1950s and 1960s. However, when those periods are compared to the plot of public bills in figure 1(a), we see that private bills accounted for these sponsorship gaps. After 1970, both plots seem to tell identical stories. There was a peak in the white/black ratio around the time that Ronald Reagan was elected, that peak had trailed off by the mid 1980s, and the gap between black and white bill sponsorship has steadily grown over the last ten years of the sample. Overall, these trends seem to be fairly stable over time, generally fluctuating between a ratio of one and two. In that sense, the nature of black representation has not changed sufficiently to impact the standard disparities in legislative activity.

That basic message of stability is echoed by figure 2. These two plots show the expected first differences in activity and richness. Each plot is the product of multi-level regression in which the coefficient on the race of the member is allowed to vary by year. Figure 2(b) suggests that black MCs have begun to

recognize a broader array of problems (relative to white MCs) since the mid-1970s. Despite that slight upswing, the richness gap in legislative portfolios has hovered between one and two policy areas for most of the second half of the twentieth century. Figure 2(a) provides even less room for an argument about the changing nature of black representation. Black MCs have consistently recognized fewer problems in terms of both number and type. This finding of stability is not entirely surprising. Examinations of the CBC's voting cohesion also suggest that there have not been substantial changes in black representation since 1972. Canon is interested in changes in black representation that deal specifically with how issues of particular interest to black Americans are recognized. I take up some of those questions in the next section by investigating racial distinctions in the recognition of black issues.

## Recognizing Black Issues

Previous studies have shown that race matters for the recognition of black issues. Canon finds that older black MCs devote a larger proportion of their legislative portfolios to black issues compared to other MCs – black and white. Baker and Cook separate cultural and material black issues in their analysis, but find that race matters for the recognition of both types of issues. Neither of these studies looks at more than three congresses, so they simply do not have the flexibility to analyze changes in how black MCs sponsor black issue bills over time.

## FIGURE 1
## WHITE/BLACK RATIO OF BILL INTRODUCTIONS OVER TIME
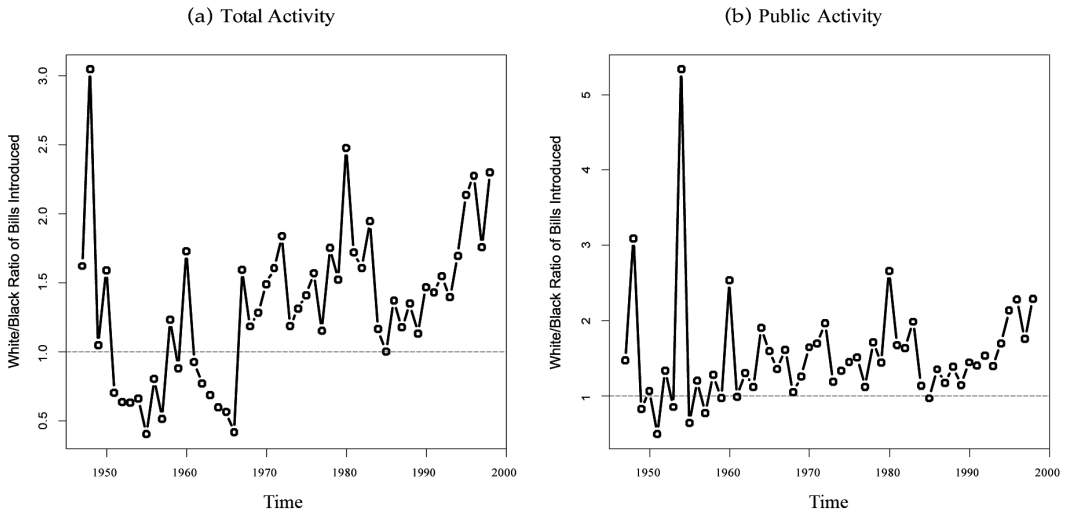
(a) Total Activity     (b) Public Activity



## FIGURE 2
## THE IMPACT OF RACE OVER TIME

These plots show the first differences in Activity and Richness for black and non-black representatives when the coefficient for "Black Reps" is allowed to vary over time.
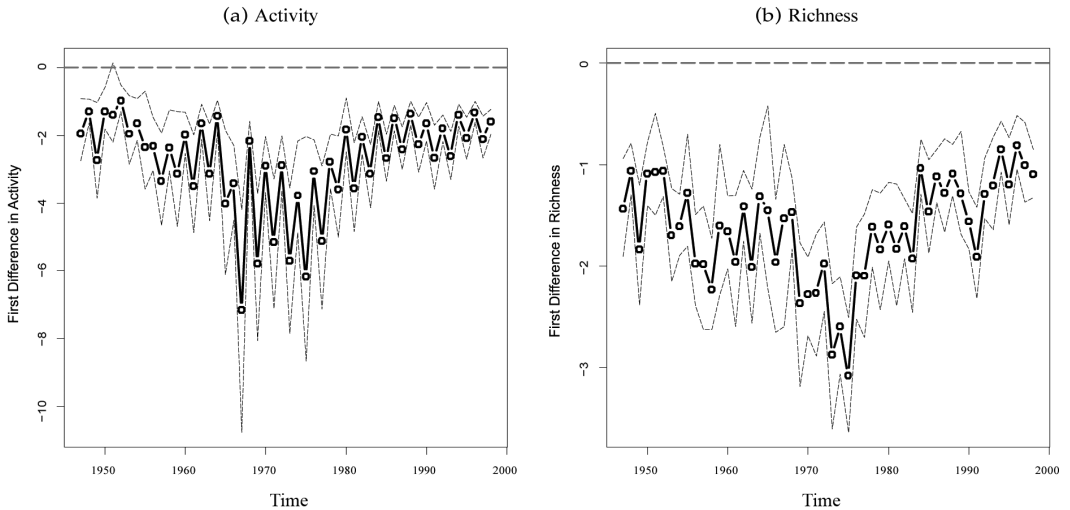
(a) Activity     (b) Richness

TABLE 3
DISPARITIES IN BLACK ISSUE
BILL SPONSORSHIP

| Measure | Non-Black MC's | Black MC's | Difference | Black/White Ratio |
|---|---|---|---|---|
| All Black Bills | 0.29 | 1.32 | 1.03 | 4.53 |
| Anti-Racist | 0.07 | 0.36 | 0.29 | 5.49 |
| Cultural | 0.01 | 0.19 | 0.18 | 16.88 |
| Social Welfare | 0.22 | 0.77 | 0.56 | 3.59 |

Table 3 presents the overall racial differences in the recognition of black issues. The rows break down these differences according to the black issue criteria discussed in Section 1. Given the small numbers of black issue bills introduced, it is more instructive to compare the ratio of black issues recognized by black MCs to those recognized by non-black MCs. Looking at the third row, we see that black cultural issues

FIGURE 3
DIFFERING PRIORITIES IN BLACK ISSUE RECOGNITION



(a) Black MCs: Anti-racist vs. Social Welfare



(b) White MCs: Anti-racist vs. Social Welfare



(c) Cultural Issues
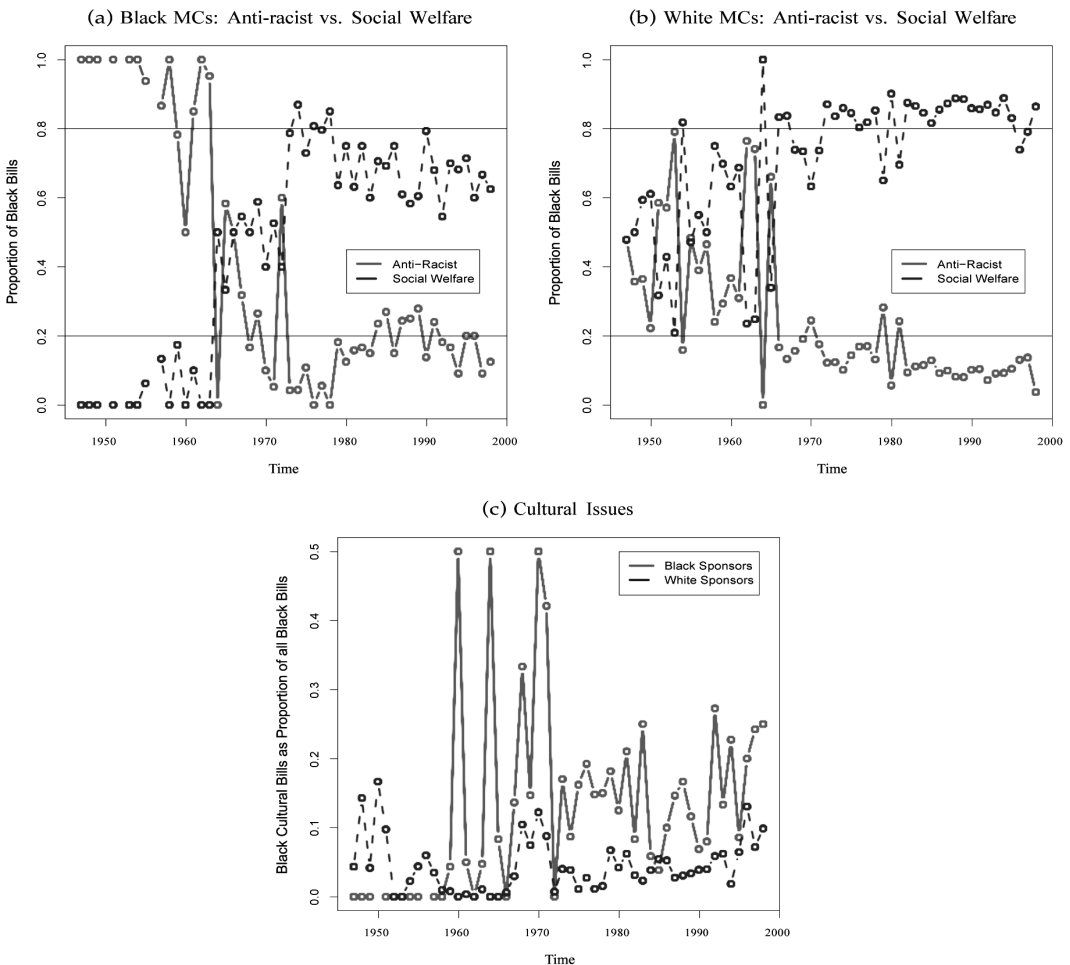
are almost entirely the province of black representatives. Although the disparity is not as large, it seems that black descriptive representation is also required for the adequate recognition of black anti-racist issues. On average, black MCs recognize roughly five and a half times the number of anti-racist issues as their white colleagues. Not surprisingly, the smallest gap – though it is still substantial – occurs for the social welfare criterion. These descriptive statistics fit in nicely with previous findings that black MCs are far more active on issues that deal more explicitly with racial concerns.

The higher disparities for anti-racist and cultural issues suggests that non-black MCs are still hesitant to create problem-solving reputations that are openly geared towards racial issues. Figure 3 illustrates that idea by seeing how black and non-black MCs construct the portions of their legislative portfolios dedicated to black issues.

In figure 3(a) we see the proportion of black bills sponsored by black MCs that fall under the anti-racist and social welfare criteria respectively. Prior to 1965, black MCs recognized anti-racist issues to the exclusion of social welfare problems. After a transition period from 1965 to 1973, social welfare issues became the focus of the black agenda put forth by black MCs; however, anti-racist concerns were still not forgotten. Figure 3(b) presents some contrast. Prior to 1965, there was parity between social welfare and anti-racist issues on non-black MCs' congressional agenda. After the major civil rights victories in 1964 and 1965, parity gave way to overwhelming domination of

black social welfare issues, typically accounting for more than 80 percent of all black issue bills introduced by non-black MCs. Conversely, black MCs have only rarely allotted social welfare issues more than 80 percent of their black congressional agenda. Figure 3(c) shows that part of these racial differences are the result of black MCs' introduction of black cultural bills. Just as table 2 conveyed that black and non-black MCs established problem-solving reputations on distinct foundations, figure 3 displays the substantial racial disparities in the types of black issues that are recognized by Congress.

Although these simple descriptives provide fairly strong evidence that black descriptive representation is essential for the recognition of black issues, multivariate analysis is required to build on the work in the literature. In previous work I found that the introduction of any black bills is more important than the number of black bills introduced, so the dependent variable is simply whether a given MC introduced at least one black issue bill in a given year. I use a multilevel model in order to allow the coefficients for Democrats, race, and the racial composition of the district to vary over time. Figure 4 presents some of the results from that estimation.

The solid black line in figure 4(a) represents the first difference in the probability that a black MC will sponsor at least one black issue bill relative to a non-black MC, and the dotted lines are the 95 percent confidence bands. Surprisingly, the race of the member consistently has not had any impact on the probability of recognizing black issues. Although this finding is not in

FIGURE 4
THE IMPACTS OF RACE AND IDEOLOGY ON BLACK BILL
SPONSORSHIP OVER TIME



(a) Race of the Member               (b) Member Ideology
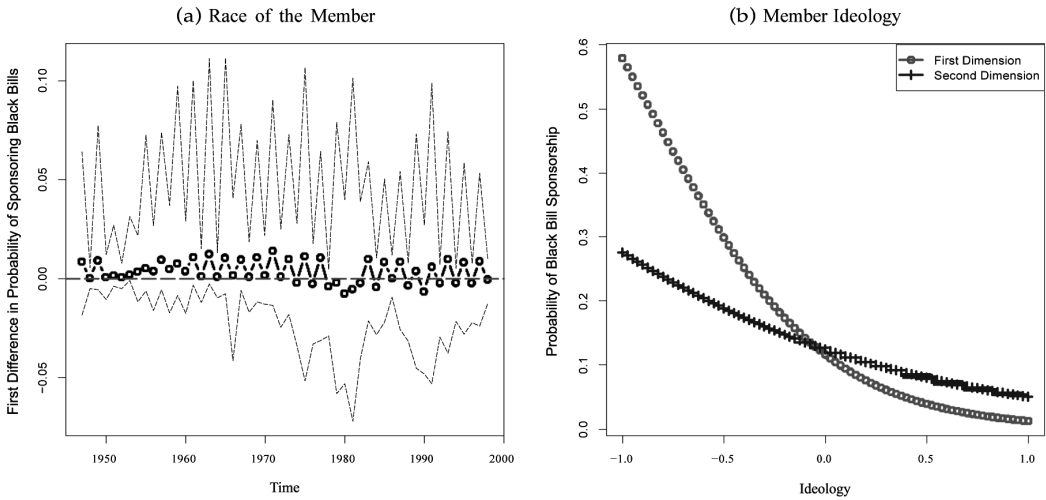
accordance with what has been shown in previous studies, it is not necessarily a contradiction. Unlike these previous examinations of black bill sponsorship, I include variables for members' ideology in the analysis. Figure 4(b) presents the expected probability of sponsoring black issue bills as an MC moves across the ideological spectrum. There is a drop of roughly 30 percentage points when ideology moves from -1 to -0.5 on the first dimension. Of the 754 member-year observations for black MCs in the sample, 444 (58.9 percent) of those observations fall within that most liberal range of -1 to -0.5. The point is that the impact of ideology washes out the effects that are generally attributed to race. Figure 4 asserts that there is nothing special about the blackness of representatives when it comes to the recognition of black issues; preferences

are what actually matter.

These results speak directly to the ongoing debate in the race and representation literature about the tradeoff between substantive and descriptive representation. Party and the racial composition of a district are two key factors discussed by those who argue that descriptive representation negatively impacts black substantive representation. Figure 5 contains the expected first differences in the probability of sponsoring black issue legislation when we vary these two factors.

In figure 5(a) we see that – after taking members' preferences into account – Democrats are actually less likely to recognize black issues. Figure 5(b) shows the effect on the probability of sponsoring black issue bills when a district moves from having

## FIGURE 5
## THE IMPACTS OF PARTY AND RACIAL COMPOSITION ON BLACK BILL SPONSORSHIP OVER TIME

(a) Party
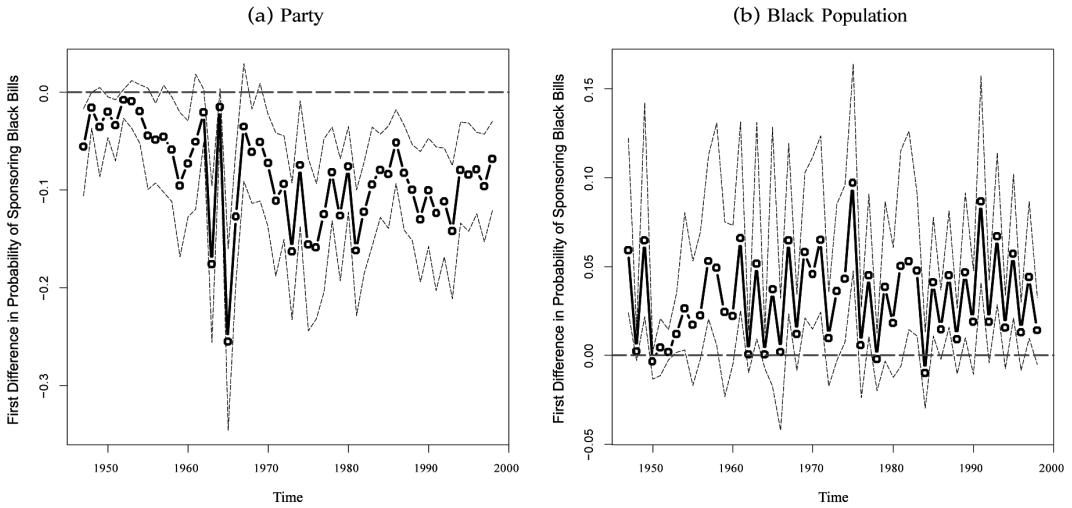
(b) Black Population



10 percent black population to becoming a majority black district (51 percent). For most of the years in this sample, becoming a majority district would raise the probability of sponsorship by roughly five to ten percentage points. These results fit in with the argument in Sharpe and Garand that large changes in racial composition are necessary to impact substantive representation. Taking figures 4 and 5 together provides a rebuttal to claims that descriptive representation is vital due to its impact on black agenda setting. The key finding here is that liberals are the key to congressional recognition of black issues. Grose shows us that black Democrats tend to be among the more liberal members of Congress, so it would seem that the policy prescription for enhancing black substantive representation should be to maximize the number of black Democrats. However, Lublin demonstrates the difficulty of electing black non-incumbents without majority districts, and Shotts suggests that racial redistricting outside of the south might decrease the number of liberals in a state's delegation. Thus, we are still left with the "paradox of representation." Maximizing the liberals who are needed for the recognition of black issues could result in decreasing the number of black people serving in Congress.

Despite the lack of racial differences in black bill sponsorship, descriptive representation might still be essential for black substantive representation if black representatives are more responsive to black political activity. The social movements literature argues that having

## FIGURE 6
## THE RELATIONSHIP BETWEEN BLACK PROTEST AND BLACK
## CONGRESSIONAL RECOGNITION

(a) All Black Bills

(b) Anti-Racist Bills

(c) Cultural Bill

(d) Social Welfare Bills
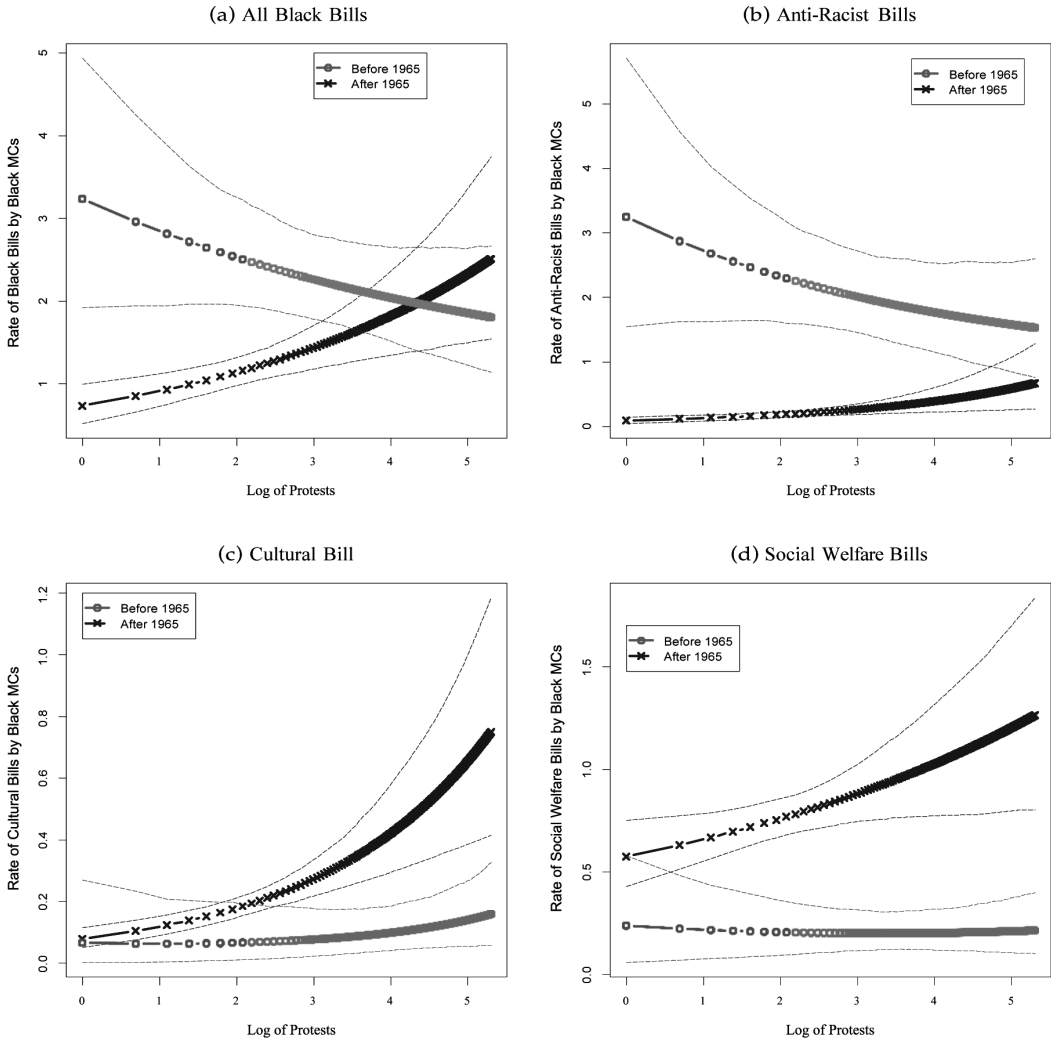
allies in institutionalized positions of power increases the likelihood of movement success. In that sense, we should expect black MCs' recognition of black issues to increase in accordance with rises in black protest activity. Platt finds that aggregate congressional recognition of black issues by non-black MCs has an inverse relationship with black protest: increasing protest activity leads to declining recognition of black issues after 1965. The task for this section is to explore the relationship between black MCs' recognition of black

issues and black protest activity from 1948 to 1997. Rather than looking at individuals, this analysis will focus on the aggregate number of black issue bills introduced in a year by black MCs. Protest activity is measured as the count of events reported in the *New York Times* as collected by Jenkins, Jacobs and Agnone. Due to the importance of 1965 as a turning point both in black politics generally and protests specifically, I include a dummy that takes a vale of one for years prior to 1966, and that dummy is interacted with the measure of protest. In order to control for broader trends in bill sponsorship, the total number of bills introduced by black MCs is included as a control. Lastly, the number of black people serving in Congress is used as an offset, so the dependent variable is actually the number of black issues recognized per black member of Congress.

Figure 6 presents the expected rates of black bill sponsorship by black MCs as the annual number of protests increase. For each of these four plots the red circles represent the impact of protest before 1965, and the blue crosses show the impact of protest after 1965. Our discussion begins with figure 6(a). This figure shows that prior to 1966 black protests are actually associated with declining rates of congressional recognition by black MCs, but after 1965 black representatives are fairly responsive to the political demands of black protesters. These results are in stark contrast to the results for aggregate white recognition of black issues. In that analysis, the relationships were reversed – non-black MCs were responsive to protest prior to

1966 and protest was counterproductive after 1965. At least with regard to legislative responsiveness, descriptive representation leads to substantive benefits. Another important point to take away from figure 6(a) is the difference in the intercepts for black rates of black issue recognition. Black legislators were more active in sponsoring black issue bills before passage of the Voting Rights Act. Examining the remaining plots provide some nuance to the discussion.

We see in figures 6(b) and 6(d) that the overall patterns we observe mirror the transition from anti-racist to social welfare black issues that were demonstrated in figure 3. Black MCs during the civil rights era were focused on recognizing anti-racist issues that established civil rights and the basic privileges of citizenship. Conversely, black MCs in the post-civil rights era have concentrated their efforts on addressing the material needs of black Americans through social welfare issues. However, their zeal for these types of issues does not match the efforts of their predecessors. Figure 6 provides an interesting illustration of how black representation has changed over time. As black Americans have become more politically empowered their descriptive representatives in Congress have become less active on black issues, the issues themselves have changed, but responsiveness has increased. These findings fit in nicely with critiques of black leadership in the post-civil rights era. The lowered levels of recognition for black issues provides evidence for claims that black leaders have become too politically incorporated to offer substantive changes in policy. However,

the increased responsiveness black representatives show toward black protest activity suggests that such changes might be possible if black Americans are able to successfully mobilize.

## Conclusion

This research has shown that, in terms of black representation in Congress, the legacy of the Voting Rights Act is complicated. There are clear racial differences between the legislative portfolios of black and non-black members of Congress: black MCs introduce fewer bills in fewer policy areas than white MCs and black MCs take the lead in introducing black issue bills that explicitly mention race (such as anti-racist and commemorative bills). However, there are not any significant racial differences in the recognition of black issue bills. Instead, this form of black agenda setting is driven by ideology. These findings would seem to suggest that the legacy of the Voting Rights Act – in terms of Congressional recognition of black issues – is that it allows black voters to elect more liberal representatives. The last set of findings complicates the story even further. Black MCs are more responsive to black protest in the post-civil rights era. In that sense, the use of preclearance to create majority-minority districts was essential to maximizing the effectiveness of strategies for black agenda setting.

The ambiguity of these findings fits in with the broader description of a transactional black politics. Black Americans engaged in decades of struggle to achieve passage of the Voting Rights Act, but the high cost of voting rights has not been an unequivocal success in terms of the larger agenda setting or policymaking goals of black political entrepreneurs. Guinier argues that the legal interpretations of the Voting Rights Act of 1965 (and its subsequent amendments) shifted away from the original aims of a sort of transformative political power toward a more easily identifiable requirement of black faces in high places. These findings buttress that argument. Black people may have gone too far too fast in the transition from protest to politics. Representation in and of itself is not enough to enact a black policy agenda, but the combination of representation and protest could be a viable strategy.

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## Endnotes

1    Fording 2001
2    2007
3    Alexander 2012
4    Canon 1999
5    Cameron, Epstein, and O'Halloran 1996; Overby and Cosgrove 1996; Lublin 1997
6    Gay 2001, 2002; Tate 2001, 2003; Griffin and Keane 2006
7    Swain 1993; Cameron, Epstein, and O'Halloran 1996; Overby and Cosgrove 1996; Lublin 1997; Whitby 1997; Canon 1999; Sharpe and Garand 2001; Whitby and Krause 2001; Shotts 2003; Grose 2005
8    Gile and Jones 1995; Pinney and

Serra 1999; Gamble 2007
9   Platt 2008
10  Adler and Wilkerson 2007
11  Shelby 2005
12  Moore and Thomas 1991; Wawro 2000; Anderson Box-Steffensmeier and Sinclair-Chapman 2003; Krutz 2005
13  Cobb, Ross and Ross 1976
14  Jones and Baumgartner 2005
15  Mayhew 1974; Schiller 1995, 2006
16  Herrick and Moore 1993; Wawro 2000
17  Platt 2008
18  Cobb    and    Elder    1972; Schattschneider 1975; Cobb, Ross and Ross 1976; Baumgartner and Jones 1993; Kingdon 1995; Baumgartner Jones and MacLeod 2000; Sheingate 2006
19  Canon 1999; Baker and Cook 2005; Swers 2005, 2007
20  Swain 1993; Cameron, Epstein and O'Halloran 1996; Overby and Cosgrove 1996; Lublin 1997; Sharpe and Garand 2001
21  Gile and Jones 1995; Pinney and Serra 1999
22  Whitby and Krause 2001
23  Cobb and Jenkins 200.
24  Grose 2005
25  Canon 1999
26  Gamble 2007
27  Rocca and Sanchez 2008
28  Ibid.
29  Ibid.
30  Griffin and Flavin ,2007
31  Walton and Smith 2003; Platt 2008.
32  Gile and Jones 1995; Pinney and Serra 1999
33  Canon 1999
34  Ibid. 195
35  Baker and Cook 2005

36  Canon 1999; Whitby and Krause 2001; Baker and Cook 2005
37  Platt 2008
38  Canon 1999; Baker and Cook 2005
39  Cameron, Epstein, and O'Halloran 1996; Lublin 1997
40  Sharpe and Garand 2001
41  Grose 2005
42  Lublin 1997
43  Shotts 2003
44  Santoro 1999; Cress and Snow 2000; Jenkins, Jacobs, and Agnone 2003; Stearns and Almeida 2004; Amenta, Olasky, and Caren 2005
45  Platt 2008
46  Jenkins, Jacobs, and Agnone 2003
47  Platt 2008
48  Smith 1990, 1996
49  Smith 1992
50  Guinier 1994

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