

The Congressional Black Caucus in the Republican Era

By

Carol M. Swain
Professor of Law and Political Science
Vanderbilt University Law School
131 21st Avenue South
Nashville, TN 37203-1181

carol.swain@law.vanderbilt.edu
www.carolmswain.com
(615) 322-1001(615) 322-6631

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A decade ago I argued in *Black Faces, Black Interests: The Representation of African Americans in Congress* that “black influence would drop precipitously if the Democrats were to lose control of the House. . . . Gone would be the committee chairmanships, the leadership posts, and other key assignments.”¹ The Congressional Black Caucus’s (CBC) loss of power and influence occurred one year after the book was published in 1993. Since 1994, the power of minorities in the Congress has largely depended on their relationship with the Republican majority. While Hispanics and women have regularly had some Republican members in their caucuses, the black and Asian caucuses have almost always been composed mostly of Democrats. In 2002, the Congressional Democrats in the 107th Congress operated in an environment where national fears of domestic and international terrorism, threats of war and global confrontations, combined with a weak economy, and an unstable stock market turned national attention away from the domestic issues Democrats have traditionally championed.

This paper focuses on challenges confronting the CBC during the first decade of the 21st century. I examine the politics of redistricting, the growth of Hispanic voters, the role of money in elections, and institutional constraints on the organization that purports to represent the interests of 36.2 million African Americans. I argue that the CBC with 37 voting members is much weaker now than it was in 1992 when it numbered 25. For several reasons, the CBC is likely to decline in size and in its ability to effectively represent the interests of an increasingly diverse group of African Americans.

The factors most likely to adversely affect the numerical growth of the CBC include decisions made about redistricting, demographic changes boosting the percentage of Hispanics in CBC member districts, and the ease or difficulty of raising enough funds to retain existing seats once incumbents retire. Its ability to adequately represent the interests of Black America could well depend on whether the organization is flexible enough to seize any opportunities that may arise in the Republican-dominated institution and whether it can frame its policy priorities so that these resonate more closely with the interests and desires of America's non-black population.

The CBC has lost the advantages it had amassed after the 1992 elections when race-conscious districting helped boost its membership from 25 to 38 representatives, plus a delegate and a senator. The possibilities for making a meaningful substantive difference through policy changes seemed unlimited in a Democratic-controlled Congress where CBC members were holding key positions. Nine blacks were assistant whips, three served on the Democratic Steering and Policy Committee, and Georgia's John Lewis was a deputy whip. CBC members were chairing three standing committees and 17 subcommittees. In addition, William J. Clinton had been elected the first Democratic President in 12 years and Carol Mosely-Braun (IL) had been elected the nation's first black Democratic senator. However, their euphoric sense of hope and optimism came to a screeching halt two years later when white Americans voted overwhelmingly for Republican control of the House and Senate for the first time in 42 years. Overnight, all but one CBC member became a minority member of the minority party.

¹ Carol M. Swain, *Black Faces, Black Interests: The Representation of African Americans in Congress*, (Cambridge, MA: Harvard University Press, 1993, 2nd ed., 1995).

Since 1994, the number of black representatives has fluctuated between 37 and 39, significantly more than the 13 members who founded the CBC in 1971.² Since that historic election, a large number of senior black Democrats such as Ron Dellums (D-CA), Louis Stokes (D-OH), and William Clay, Sr. (D-MO) have retired. Almost half of the current CBC members have never experienced being in the majority party and as a consequence they have escaped the humiliation experienced by more senior blacks that mistakenly thought they would always be in the majority party.

Table 1 provides a list of the 37 black representatives (excluding delegates) elected to serve in the 108th Congress, and it presents demographic information about the racial composition of their districts, their committee assignments, election years, and electoral margins. During the 107th Congress, the majority of CBC members represented majority black legislative districts. Ten represented heterogeneous majority-minority districts where no single group composed a majority of the voting-age population, and 4 represented districts with white majorities. Of the 4 representatives of white majority districts, one was elected in one of the more liberal districts in the country, two were first elected in majority-black districts that were struck down by the Supreme Court; thus, leaving only one black representative of a more typical majority-white legislative district.

Most of the districts represented by CBC members are located in the South where 54 percent of the nation's African-American population resides. Long-term prospects for achieving significant CBC growth seem dim at best. Although black candidates and incumbents have proven their ability to win elections in majority-white legislative

² Robert Singh has written the most comprehensive history and exploration of the CBC's rise to power and its impact on public policy through the 104th Congress. See Singh, *The Congressional Black Caucus: Racial Politics in the U.S. Congress* (Thousand Oaks, CA: Sage Publications, 1998).

districts, some retrenchments could occur when current incumbents retire and are replaced by either white or Hispanic representatives.

History tells us that there is no reason to expect a majority-white district that has elected a black representative to automatically elect another when the seat becomes vacant. Open seats are usually filled in hotly contested contests where financial resources, celebrity status, and connections often dictate the winner. In 1994, the 80 percent white Kansas City, Missouri district that elected Representative Alan Wheat for six terms replaced him with a white woman once he resigned to run unsuccessfully for the Senate. Similarly, Andrew Young was replaced with a white man once he left his office. However, Ron Dellums's Berkeley, California district replaced him with a black woman. White majority districts currently represented by Sanford Bishop (D-GA), Julia Carson (D-IN), Brenda Lee (D-CA) and Melvin Watt (D-NC) could switch to white representation once the incumbents leave office.

The Politics and Implication of Redistricting

The redistricting that followed the 1990s Census created a number of majority-minority legislative districts that boosted the number of blacks in Congress from 25 to 38 and the number of Hispanics from 10 to 17. At that time, civil rights activists were staunchly convinced that their prospects for growth rested on their ability to persuade legislative bodies and redistricting commissions to create additional districts with majority-minority voting-age populations. Self-interest led many black and Hispanic leaders to join forces with Republicans to pressure legislatures and commissions to create new districts that increased their numbers in legislatures, but ultimately benefited the

Republicans more than the minority caucuses after some state legislatures switched from Democratic to Republican for the first time since Reconstruction.

The tradeoff for increased descriptive minority representation in Congress was the loss of substantive representation on policy issues after the Democrats lost the House and Senate in the 1994 elections. The losses of no fewer than 17 Democratic seats could be directly traced to the creation of the majority-black congressional districts in the South.³ If Democrats had retained those districts, they would have had a 221-213 advantage in the 104th Congress. The increased descriptive representation gained from drawing the maximum number of minority districts came at great costs given that a number of CBC members had high seniority and were represented in a high leadership posts in the Democratic-led Congress. Since 1994, the retirements of many senior Democrats have left CBC incumbents (excluding those elected in 2002) with an average seniority of 9.1 years. New York's Charles Rangel and Michigan's John Conyers are the deans of the group with more than 30 years of service each. Since both men are in their early 70s, it is possible that they will not experience being in the majority party again.

The election and reelection of Republican congresses and a Republican president could reflect a greater conservatism among white Americans grown leery of the policy priorities of a Democratic Party often seen as too aligned with special interests. The strategic decision of civil rights activists and black politicians to push for maximizing the number of minority districts facilitated the Republican takeover of the House of Representatives. In 2002, however, after being out of the majority for almost a decade, black politicians have joined forces with white Democrats to craft legislative districts more likely to benefit the Democratic Party as whole rather than simply facilitate the

election and reelection of minority politicians.⁴ The U.S. Supreme Court must decide if it will endorse the new strategy that unpacks minority voters while giving them a reasonable chance of electing a group member.

Two redistricting cases pending before the U.S. Supreme Court in 2003 builds upon a series of U.S. Supreme Court cases that followed the 1990s redistricting. The most important of these started in North Carolina in 1993 with the famous *Shaw v. Reno*, 113 S.Ct. 2816, (1993), case in which the Court ruled that race-conscious districting can be a violation of the 14th Amendment rights of white voters and that racial classifications would be subject to strict scrutiny, which is the Court's highest form of judicial review when examining possible Equal Protection violations. *Shaw I* was followed by a spate of other decisions spanning 8 years that brought further clarifications to the law. The most significant of these cases include *Miller v. Johnson*, 115 S. Ct. 2475 (1995), which struck down Georgia's majority black 11th Congressional district; *Bush v. Vera*, 116 S. Ct. 1941 (1996), which struck down 3 majority-minority congressional districts in Texas; *Shaw v. Hunt (Shaw II)*, 116 S. Ct. 1894 (1996), that struck down North Carolina's majority black 12th district, and also dismissed plaintiffs challenges to its majority black 1st congressional district due to their lack of standing to bring the case; *Hunt v. Cromartie*, 119 S. Ct. 1545 (1999), which reversed a district court's grant of summary judgment in a challenge to North Carolina's 47 percent black redrawn 12th district, thus allowing to stand a political gerrymander of Democrats that benefited black voters; and finally, *Easley v. Cromartie*, 121 S. Ct. 1452 (2001), that upheld North Carolina's redrawn district and clarified when race can be used in redistricting.

³ Swain, *Black Faces, Black Interests*, 227.

Although race cannot be the predominant factor in drawing district lines, gerrymanders that pack partisan voters, for example black Democrats, are not necessarily unconstitutional gerrymanders. According to Vanderbilt Law Professor James Blumstein, in order to “trigger strict scrutiny under the Equal Protection clause, a race discrimination claimant must establish that the government acted deliberately on account of race. But, in situations where race is not obviously the basis of action, a plaintiff bears a considerable evidentiary burden in isolating race as the controlling factor.”⁵ *Easley v. Cromartie* places the burden of proof on challengers to demonstrate that there were alternative districting plans that could have met the political objectives of the parties without violating traditional districting principles, and that the alternative plans would have created a better racial balance.

One of the cases currently pending before the Court, *Georgia v. Ashcroft*, 02-182, seeks to clarify what the Court’s no-retrogression standard⁶ means in cases where legislatures with the consent of minority politicians have sought to lower the percentage of minorities in Democratic districts.⁷ In the Georgia case, a Democratically-controlled legislature, in an effort to reduce the strength of Republicans in the state, shifted black voters from safe black districts into adjacent ones. A three-judge panel ruled against the Democrats, forcing them to redraw the lines in favor of more tightly packed black

⁴ Salim Muwakkil, “The Blame Game; Black Voters did their Part for the Democrats—But their Issues are on the Back Burner,” *In These Times*, (January 6, 2003), 17.

⁵ James B. Blumstein, “Racial Gerrymandering and Vote Dilution: Shaw V. Reno in Doctrinal Context,” *Rutgers Law Journal* (Spring 1995), 579-80.

⁶ The no-retrogression standard articulated in *Beer v. United States*, 425 U.S. 130 (1976) stipulates that a redistricting or electoral change cannot leave minority voters worse off. It is not clear how the Court will interpret this standard in cases where minority representatives of majority-white districts might seek to increase the percentage of minority voters in their districts.

⁷ The Court also agreed to hear a case arising out of Mississippi in which it must decide whether a federal court plan said to favor Republicans stands or one drawn by a black state judge said to favor Democrats

districts. After Democratic candidates performed poorly in the 2002 elections and Republicans in the state elected Sonny Perdue their first governor in 130 years largely on his promise to have a referendum on restoring the Confederate emblem to the state flag, Democrats brought suit asking that the original districts be reinstated.⁸

The Georgia case has Republicans arguing alone this time in favor of the creation of safe majority-black districts rather than the districts favored by Democrats that lower the black population percentages by shifting black voters into adjacent districts. The Supreme Court will need to clarify whether Section 5 of the Voting Rights Act of 1965 requires the drawing of safe black districts in a case where blacks have decided to opt for districts that maximize Democrats. The court's ruling on this matter could affect Democratic plans for regaining the House either negatively or positively. A decision requiring the drawing of super majorities in black or Hispanic districts could bleach adjacent districts leaving them ripe for appeals that Republicans can offer more easily to conservative white voters. The key to regaining the House could rest on what the Court decides on this issue.

Unlike the early 1990s when blacks and Republicans both wanted super-sized black districts, CBC incumbents have taken positions favoring the interests of the Democratic Party above their own self-interest in having safe districts. Their altruism and pragmatism on this issue potentially benefits black voters by giving them an opportunity to exert influence over a much larger number of politicians. A side benefit is

(Branch v. Smith, 01-1437). Gina Holland, "SCOTUS: Supreme Court Agrees to Referee Mississippi Dispute," *Naples Daily News*, June 11, 2002;

⁸ Some of the facts cited come from a personal communication with Gina Holland, reporter for the Associated Press, January 17, 2003; Adam Cohen (editorial), "Why Republicans are Shamelessly in Love with the Voting Rights Act," *The New York Times*, (March 24, 2002), A14; See also, David E. Rosenbaum, "Fight Over Political Map Centers on Race," *The New York Times*, (February 21, 2002), A 20 .

that less heavily black districts could affect the representational styles of black candidates and incumbents by pushing them toward more moderate policy stances on a range of issues, including school vouchers, where their more liberal positions are often out of step with constituent wishes.

Given demographic changes in the racial composition of the nation, multiracial coalitions between two or more groups will become increasingly important for all politicians. Democrats cannot depend solely on black voters to deliver elections. In the 2002 mid-term elections a black voter turnout of 39.3 percent was swamped by an even higher turnout of white voters who supported Republican candidates.⁹ While black voters can take credit for providing winning margins in two major races, Tennessee and Louisiana, Hispanic voters were credited for affecting outcomes in a much wider array of elections including some elections like New York State where Hispanic voters helped reelect Republican Governor George Pataki.¹⁰

Less heavily black districts could also work to the advantage of blacks that have ambition for higher office since it provides them with an opportunity to prove themselves with voters of another race or ethnicity. The push toward moderation can be seen in the voting behavior of Harold Ford, Jr., for example, who has made known his desire to run for the Senate, and has positioned himself as a centrist despite his representation of a 61 percent black district.¹¹ Positioning himself as a conservative Blue Dog Democrat, Ford recognizes that blacks who aspire to win broad support from white voters must expand

⁹ Muwakkil, "The Blame Game."

¹⁰ Green, "Record Number of Hispanics Elected to U.S. House of Representatives," <http://usinfo.state.gov/usa/race/diversity/a111202.htm>

¹¹ Staff, "A Look at Some of the CBC Members, 34 *The National Journal* (March 2, 2002), No. 9; Alexandra Starr, "A Cadre of Young, Centrist African Americans is Redefining Black Politics," *Business Week* (July 15, 2002), 86-89.

their agendas beyond the traditional civil rights issues and include economic growth, tax cuts for middle class Americans and free trade among the issues championed.

The Impact of Hispanic Americans on CBC Districts

The size of the CBC and its growth potential could be adversely affected by the growth and aspirations of Hispanic Americans and how closely their interests intertwine with those of African Americans.¹² In 2002, Hispanics surpassed African Americans as the nation's largest minority group, something not expected to occur until 2010.¹³ Hispanics now constitute 13 percent of the U.S. population compared with African Americans's 12.7 percent. When some of the seats presently held by black incumbents become vacant, they could easily shift into Hispanic hands. Twelve CBC members represent districts where Hispanics are more than 15 percent of the voting-age population, and two of these, Juanita Millender-MacDonald and Charles Rangel, have served districts where Hispanics are respectively, 52.9 and 47.5 percent.

The growth of Hispanic voters and the aspirations of Hispanics with political ambitions for higher office could increase inter-group competition and conflict once seats become open.¹⁴ Some future battles will involve the redistricting process in districts with two or more groups that can be drawn to favor either blacks or Hispanics. Although it is

¹² It should be noted that the Hispanic category is treated as an ethnicity and not as a racial group. Hispanics can be either black or white. If mixed-race Hispanics are counted in the black data category, then the combination of black and mixed race would favor blacks over Hispanics as the largest minority group.

¹³ Lynette Clemetson, "Hispanics Now Nation's Largest Minority," *The New York Times*, <http://www.nytimes.com/2003/01/22/national/22CENS.html>; David Bositis, ed., *Redistricting and Minority Representation* (Washington, D.C.: Joint Center for Political and Economic Studies, 1998), p. 5.

often assumed that different minorities will unite in favor of collective interests, sometimes groups have competing interests. Bernard Grofman and Lisa Handley, for example, have found that some redistricting plans of the past seemingly favored black politicians over Hispanics, since it takes a much higher percentage of minorities to elect a Hispanic politician given the fact that some percentage of the district may be composed of non-citizens.¹⁵ Other research has reported on the different forms that competition between blacks and Hispanics can take.¹⁶

Although blacks now have almost double the number of House seats as Hispanics, the gap between the groups is closing. Blacks added one additional CBC member in the 2002 elections, whereas Hispanics added 4, due to the creation of 3 new majority-Hispanic districts in Florida, Arizona, and California. Unlike blacks, Hispanics have been more successful at winning white support and in raising the dollars needed to win statewide offices. While blacks have not elected a governor since 1989, when Douglas Wilder was elected in Virginia, Hispanics have elected two governors Bill Richardson in New Mexico (2002) and Florida's Bob Martinez in 1986. Moreover, Hispanic voters were credited with helping Florida's Jeb Bush and New York Governor George Pataki win their 2002 reelection bids. Arturo Vargas, executive director of the National Association of Latino Elected Officials Educational Fund (NALEO), commented that "at all levels of government [Hispanics] continue to run competitive, winning campaigns.

¹⁴ Leo F. Estrada, "Making the Voting Rights Act Relevant to the New Demographics of America: A Response to Farrell and Johnson," 79 *North Carolina Law Review*, 12 83 (June 2001).

¹⁵ Bernard Grofman and Lisa Handley, "Minority Population Proportion and Hispanic Congressional Success in 1970s and 1980s," *American Politics Quarterly*, 17 (October 1989), 436-445; Kimball Brace, Bernard Grofman, Lisa Handley, and Richard Niemi, "Minority Voting Equality: The 65 Percent Rule in Theory and Practice," 10, no.1, *Law & Social Policy* (January 1988), 43-62.

¹⁶ Paula D. McClain and Albert Karnig, "Black and Hispanic Socioeconomic and Political Competition," 84 *American Political Science Review*, no.2 (June 1990), 535-545.

Every election cycle breaks new ground and moves the Latino community a step closer to political maturity and full participation in our nation's democracy."¹⁷ "The Pew Charitable Trust reported that the Hispanic population was a 'distinct presence' that demonstrated 'broad but shallow party loyalty and a mixture of ideological beliefs and policy positions that defies easy categorization.'"¹⁸

Indeed, Hispanics are poised to become more powerful institutional players because their Caucus has members in both political parties. The size of the Hispanic population in the U.S. and its potential for expansion makes the group attractive to both political parties. Hispanics are not as liberal as black voters and they are not as solidly democratic. While President George W. Bush and his Administration may have strong incentives to court members of the Hispanic Congressional Caucus, bad relations between him and the CBC have caused him to rebuff the group and seemingly reject its claims to represent the interest of African Americans. During the 107th Congress, it was reported that none of Bush's executive branch officials attended the CBC's annual Legislative Caucus Weekend.¹⁹ Instead, President Bush has opted for fairly regular meetings and interactions with black ministers and black conservatives.

¹⁷ Eric Green, "Record Number of Hispanics Elected to U.S. House of Representatives," <http://usinfo.state.gov/usa/race/diversity/a111202.htm>.

¹⁸ Ibid.

¹⁹ Askia Muhammad, "Hard Times Loom for Black Caucus?" *The Final Call Online Edition*, <http://www.finalcall.com/national/cbc9-24-2002.htm>.

The Role of Money in Elections

The ease or difficulty of raising adequate campaign money affects who decides to run for political office as well as their probability of winning.²⁰ Historically, racial and ethnic minorities have had the most trouble raising sufficient funds to run competitive races in open seat contests. Adequate funding is essential because studies have shown a positive and direct correlation between vote share and the candidate's campaign receipts and expenditures. A study by Gary Copeland using expenditures from the 1998 elections showed that "a House challenger who spent \$1,000,000 received 43.1%; a challenger who spent \$2,000,000 received 45.4 percent. . .In order for the predicted vote total to have been more than 50%, a House challenger would have had to spend \$8,000,000."²¹

Over the years, few black candidates have raised enough money to mount serious bids for statewide elections or for open seats in majority-white legislative districts. Those blacks that have mounted statewide contests almost always cited a lack of money as a major factor in their defeats. In the 2002 elections former Dallas Mayor Ron Kirk was grossly under-financed during his bid to become the first black senator from Texas, as was New York's H. Carl McCall who tried to become that state's first black governor. McCall raised a paltry \$2.5 million dollars to Pataki's \$23.3 million. When Missouri's

²⁰ Gary C. Jacobson, *Money in Congressional Elections* (New Haven: Yale University Press, 1980).

²¹ Jason P. Conti, "The Forgotten Few: Campaign Finance Reform and its Impact on Minority and Female Candidates," 22 *Boston College, Third World Law Journal* 99 (Winter 2002), 3; See also, Gary W. Copeland, "The Impact of Money on Congressional Elections, 19 (Paper presented at the Annual Meetings of the American Political Science Association Meetings, August/September 2000).

Alan Wheat and Washington's Ron Sims were defeated in their 1994 senatorial bids, both candidates trailed their white opponents in campaign dollars.²²

Wheat, who represented a white majority district for 12 years, has observed that black candidates running for election in majority-white geographical units are stigmatized by a strong belief that the black candidate will lose to a white opponent. This belief can curb contributions and set into motion a self-fulfilling prophecy.²³ Accordingly, Jamin Raskin and John Bonifaz have found that white candidates are favored in the financing of statewide contests and in those contests that take place in majority-white legislative districts.²⁴

Understanding the history of wealth disparities between white and black families can help us to better understand the disadvantages that can deter and hamper black candidates.²⁵ Unlike whites that decide to run for the Senate or for a statewide office, few blacks can tap into family fortunes that can provide them with the needed seed money to get their campaigns off to a strong start. Affluent blacks have proven not to be especially generous donors to the political campaigns of black candidates. Several newspapers reported how Al Gore's efforts to raise money for Carl McCall and Ron Kirk fell flat at the CBC's legislative weekend after he could get only a handful of the nation's wealthiest and most educated blacks to commit themselves to donate and hold fundraisers on behalf of the candidates.²⁶

²² It should be noted that the four candidates discussed above all lost their races in years in which Democrats fared poorly across the country, making it much harder to determine how they might have fared under more favorable circumstances.

²³ Swain, *Black Faces, Black Interests*, 122.

²⁴ Jamin Raskin and John Bonifaz, "Equal Protection and the Wealth Primary," 11 *Yale Law & Policy Review*, 273, 279, n.26. (1993).

²⁵ For more information on the history of wealth inequality, see Melvin L. Oliver and Thomas M. Shapiro, *Black Wealth/White Wealth: A New Perspective on Racial Inequality* (New York: Routledge, 1997).

²⁶ "Roland S. Martin, "Don't Sit on Wallet and Expect Political Clout," *USA Today*, October 8, 2002.

Black candidates are chronically under funded. But one advantage has emerged for the offspring of sitting CBC members that aspire to hold seats in Congress. Harold Ford, Sr., William Clay, Sr., and Carrie Meek passed the incumbency advantage on to their children. Likewise, Jesse Jackson, Jr. was able to easily raise funds for his successful bid to Congress after cashing in on his father's connections and name recognition. Black candidates not positioned to benefit from parental connections have a harder road to travel since they must depend on white donors and PAC's to amass sufficient funds to mount competitive races. The resource disparity between blacks and whites works to the disadvantage of would be black senatorial candidates given party incentives to recruit and support candidates who can finance their own campaigns.

Over the years, blacks and other Democrats have regularly benefited from the largesse of Jewish donors and Jewish fundraisers held in cities and states far from where the legislative districts were located. This relationship has benefited many minority candidates in the South and elsewhere in the country and Democrats more broadly. Unfortunately, the 2002 elections brought a new wrinkle to the situation and could potentially adversely affect black/Jewish relations. The strained relationship involves congressional races where Jewish donors stand accused of targeting popular CBC members and financing the more moderate black challengers who defeated them.²⁷

In two high profile contests that seemingly pitted Jewish donors against Arab donors, two relatively unknown black challengers raised enough money to defeat two senior black incumbents. In Georgia, Denise Majette, an Ivy-league educated woman

²⁷ Salim Muwakkil, "Georgia Race Widens Racial Rift," *The Baltimore Sun*, August 26, 2002, A13; Steven Thomma, "Ouster of Incumbents Divides Political Allies; Leader of the Black Caucus Warns of Voter Anger Over Jewish Support," *Milwaukee Journal Sentinel Inc.*, September 1, 2002, A23. Clarence Page, "A New Rift in an Old Ethnic Divide Unfolds," *Chicago Tribune*, August 25, 2002, C11.

defeated Cynthia McKinney, while Artur Davis, another Ivy- league educated challenger ended the career of Alabama's Earl Hilliard.

Both McKinney and Hilliard were five-term incumbents. McKinney was allegedly targeted and defeated because of careless statements she repeatedly made and because of her coziness with pro-Arab PACs. In addition, she angered a number of constituents after suggesting that perhaps President Bush knew in advance about the September 11th attacks. McKinney also criticized popular New York Mayor Rudy Giuliani for not accepting \$10,000,000 from an anti-Arab sheikh. Whereas, Earl Hilliard attracted the ire of some Jewish organizations when he refused to support a resolution condemning Palestinian suicide bombings. While the CBC suffered no net loss of members, the defeat of the more strident incumbents fueled accusations that Jews were trying to use their influence to hand pick more moderate black leaders.

Although the CBC has been a strong supporter of Israel and of anti-Semitism more broadly, the relationship between Jews and black politicians has become more strained after these defeats. Some CBC members argue that Jews crossed a line when they targeted these incumbents and have threatened to retaliate against Jewish interests by voting to block aid to Israel. Journalist Salim Muwakkil notes that the historic relationship between blacks and Jews has eroded as well because of "increasing cycles of Middle East violence and growing black support for some Palestinian issues."²⁸ Also, hurting the relationship are CBC members' flirtations with Nation of Islam Leader Louis Farrakhan and all too frequent expressions of anti-Semitism among black politicians such as Democratic Presidential candidate Al Sharpton.

²⁸ Salim Muwakkil, "The Middle East's Political Spillover," *The Chicago Tribune* (August 5, 2002) 13.

Some observers believe that a growing presence of pro-Palestinian Democrats have combined with a much more Israel-friendly foreign policy stance in the Bush Administration to push Jewish voters and opinion leaders toward the Republican Party.²⁹ Since Jews are a core constituency group of the Democrats and since they have been especially generous to black campaigns, providing both dollars and volunteers, any significant drop in Jewish financial support or Jewish voters could have far reaching implications on the ability of blacks to finance their campaigns and on Democratic hopes of regaining the House and winning presidential elections.

The role of money in campaigns gets murkier now that we have had the historic passage of a campaign finance reform bill in 2002 that bans the use of “soft money” in elections.³⁰ The long-term impact of the bipartisan bill that passed in 2002 is unknown. All but three CBC members supported the legislation after assurances were given to them and others that money would be available to support voter mobilization. The campaign finance reform legislation now faces a challenge from a broad coalition of unhappy groups, including the National Rifle Association, American Civil Liberties Union, and the AFL-CIO, who argue that the legislation is unconstitutional. It will be up to the U.S. Supreme Court to decide its ultimate fate.³¹ Already, there are some Democratic fears that the law, if it stands, will benefit Republicans more than Democrats, since Republicans are less dependent on soft money to finance their campaigns.³² The law

²⁹ Thomas B. Edsall, “GOP Gains With Jewish Voters; Democrats Worry Party Critics of Israel are Costing Support,” *The Washington Post*, June 25, 2002, A13.

³⁰ Soft money is the name given to a category of funds that have allowed for unlimited contributions from individuals, corporations, unions, and political action committees. Parties have traditionally used these funds to finance get-out-the-vote efforts and generic independent advertisements.

³¹ Tom Hamburger, “Broad Legal Attack May Undo Reform of Political Fundraising,” *The Wall Street Journal*, November 6, 2002, A1.

³² Thomas B. Edsall, “Democrats Go to Bat with 2 Strikes; Bush Fundraising, Loss of Soft Money Hurt Party for '04,” *The Washington Post* (January 12, 2003), A4.

could also adversely impact black candidates since they cannot count on a steady stream of affluent donors to provide hard money for their campaigns.

Institutional Constraints

It would be difficult to imagine how the CBC could be any more constrained than it is today as the most liberal Democratic caucus in an institution where Republicans have more than enough votes to advance its policy priorities. Although the CBC's founding motto states, "Black people have no permanent friends, no permanent enemies, just permanent interests," it has never aspired to be more than an extension of the Democratic Party. J.C. Watts (OK), the last black Republican to serve in the House, refused to join the organization when he was elected in 1994.

The CBC, along with its foundation and PAC, are in a much stronger financial position now than they were in 1995, when it was among the 28 legislative caucuses stripped of federal funding after the Republicans took control. Since 2000, the CBC has enhanced its financial position by collecting more than a million dollars from donors in the casino, tobacco, energy, and defense industries. In addition, the CBC has sought to build coalitions with the Hispanic and Asian Pacific Caucuses by sponsoring in 2002 a retreat designed to identify areas of commonality.³³

The CBC was adversely affected in 1995 by the Republican streamlining of the committee system since it involved the elimination of the two of three standing

³³ Eliza Newlin Carney, 34, no. 9, "The Cost of Clout," *The National Journal* (march 2, 2002); Lynette Clemetson, "Ethnic Bridges For 3 Minorities on Capitol Hill," *The New York Times* (May 19, 2002), A1.; Laura Sessions Stepp, "The Congressional Black Caucus Foundation has a New Bottom Line," *The Washington Post* (September 16, 2002), C1.

committees that had the highest percentage of black members: Post Office, Civil Service, and District of Columbia.³⁴ Junior Democrats lost numerous positions on prestigious committees and hundreds of minority staffers lost their jobs as committee personnel and staff persons to defeated Democratic incumbents.

Table 2 lists the committees and subcommittees where CBC members are now ranking members. In the 108th Congress, the CBC has not reached the broad representation that it had before the 1994 elections and it lacks the influence to force Democratic leaders to defer to its wishes on matters it considers important. In the 108th Congress, the organization tried to pressure Nancy Pelosi (D-CA), the House Democratic leader, to appoint Representative William Jefferson (D-LA) as the chair of the Democratic Congressional Campaign Committee and instead she selected fellow Californian Robert Matsui (D-CA). Pelosi, however, did use her influence to get the Ways & Means Committee to appoint its first black woman, and she was able to get another CBC member placed on the Appropriations committee.

When one looks at the organization's current agenda in the 108th Congress and the issues it championed in the 107th, one finds the usual array of mostly liberal democratic concerns which have included ballot box election reform, health care reform, ending felony disenfranchisement, slave reparations, the unfairness of INS policy toward Haitian immigrants, reinstatement of the draft, and opposition to possible war with Iraq. Election reform was touted as one of its major priorities and accomplishments.³⁵ Some civil rights groups, however, have accused the organization of compromising too much on election reform by supporting final passage of a bill that excluded federal mandates on states that

³⁴ Swain, *Black Faces, Black Interest*, 234-235.

would have required them to improve their voting equipment.³⁶ The CBC has taken credit for White House approval of an African American Museum on the Mall, educational reforms benefiting poorer schools while excluding vouchers which many blacks support, expanded trade opportunities in Africa, increased governmental contracts for minority businesses, and increased financial assistance to minority farmers. While these are all important issues, most will not affect the material well being of the vast majority of African Americans the organization purports to represent.

Conclusion

Given redistricting choices, the growth of Hispanic voters in CBC member districts, and the uncertain impact of campaign finance reform and fundraising more broadly, the CBC is unlikely to achieve any significant numerical growth in the near future and the organization could easily experience retrenchment once current incumbents retire. In addition, institutional constraints make it less likely that the CBC, the most liberal of the Democratic caucuses, will be able to garner enough support to accomplish very many of its policy priorities. After all, the CBC is totally submerged in an institution controlled by Republicans and led by a Republican President who has rejected its claim of being the most legitimate voice of Black America's needs and concerns. Instead, President Bush has turned to other voices such as black pastors and black conservatives.

³⁵ Eric J.S. Townsend, "Congress Reaches A Deal on Election Reform," *The Hartford Courant* (October 7, 2002), A4.

³⁶ Eliza Newlin Carney, "The Cost of Clout," 34 *The National Journal*, (March 2, 2002), No. 9

Although the U.S. has changed dramatically over the last 30 years, becoming more racially diverse with a more fragmented economy due to globalization and the loss of high wage, low skill industrial jobs, the CBC has not changed much in how it frames its policy concerns and priorities. In 2003, the CBC sees expanded governmental spending programs as the best avenue for improving the life chances of its constituents. Unfortunately, it has few, if any, carrots and sticks. Its reaction to President Bush's refusal to meet with the group last fall was to hold an old-fashioned 1960s prayer vigil.

If the CBC is to achieve any significant policy victories in a more conservative political environment it will become necessary for it to identify issues of commonality and frame its concerns as affecting the vast majority of Americans. By pushing hard on the impact of felony disenfranchisement on African Americans as a major policy priority, the CBC unwittingly helps reinforce negative stereotypes of black criminality. A much more constructive way to address the problem and achieve a positive outcome would be to focus on educational initiatives at the local level that advise convicted felons of the procedures available for restoring voting rights in given states and localities.

The CBC has understandably pushed hard on the issue of racial profiling of people of color. However, the over-representation of African-American males in the criminal offender categories highlights a critical need for black leaders to make sure that black leadership itself takes its share of the responsibility for ensuring that crime reduction is a number one priority of African Americans. A serious effort to address the issue might involve expanded partnerships between the CBC, churches and organizations such as the National Association for the Advancement of Colored People (NAACP) and the Urban League, in which leaders would take the initiative to heighten Black America's

awareness of the extent of the problem and how its existence contributes to racial profiling and to the rough handling of law-abiding African Americans. Crime should be of special interest to the black leadership because many of the crimes are black-on-black.

If the CBC does not change its way of thinking and its approach to public policy, it places itself at risk of becoming increasingly irrelevant in a more conservative environment where it does not have the clout or numbers to get much done. A great deal of energy is expended on issues that do not advance the cause of constituents in CBC districts. Representative Charlie Rangel's (D-NY) threat to bring back the military draft, for example, garnered him a great deal of short-term media coverage, but accomplished little overall.

The CBC needs to explore the range of policy initiatives endorsed by Republicans and supported by large percentages of black people such as School Vouchers and Charter Schools and programs designed to increase teacher accountability for student achievement. Moreover, it should take seriously the national surveys that have shown that a majority of African Americans are opposed to racial preferences and instead of fighting for the maintenance of racial preference programs that disproportionately benefit better off minorities, CBC members need to focus on the promotion of means-tested need-based programs and on more creative means of fighting discrimination.

What is also needed, in my opinion, is a collective recognition on the part of CBC members that the federal government cannot solve all the problems affecting African Americans and that national priorities have changed dramatically over the last few years. There is a critical need for black leaders to experiment with new approaches for dealing with poverty and with the myriad of problems decimating inner-city communities.

Additionally, there is a need to acknowledge that some of the suffering experienced by the poor are the direct result of individual choices that contribute to the over representation of African Americans among the societal groups with the highest rates of violent crime, single parenthood, illegitimacy, infant mortality, welfare dependency, incarceration, and rates of infectious diseases such as AIDS. Perhaps, this is why President Bush has shifted his attention to black churches and black ministers as the only leadership capable of addressing the deep-rooted problems that plague certain segments of African Americans. Many of the longstanding problems harming blacks are not ones likely to be solved by the payment of slave reparations or by the presence of an African American Museum on the Mall. Nevertheless, many blacks would welcome such gestures as manifestations of national goodwill.

America is in a new day. Only the future will determine if the CBC can make the necessary internal and external changes to reclaim its authority as the most legitimate and authentic voice of Black America. The CBC can take credit along with other Democratic legislators for the passage of much positive legislation over the years that has been enormously beneficial to many Americans and has greatly reduced the poverty rate among African Americans while increasing the percentage of blacks and other minorities in the middle classes. The organization's work is far from over. How the CBC goes about its job will largely determine what it accomplishes during the era of Republican domination.

Table 1: Data on CBC Members in the 108th Congress

Representative	District	Location	Year Elected	BVAP	HVAP	% Vote in 2002	Committees
Frank Balance	NC-1 st	Greenville, Norlina	2002	205,919 (47.3%)	11,590 (2.7%)	63%	
Sanford Bishop	GA-2 nd	Albany, Columbus, Valdosta	1992	174,165 (36.9%)	14,246 (3%)	99%	Agriculture, Veterans's Affairs, Intelligence
Corrine Brown	FL-3 rd	Jacksonville, Orlando, Daytona Beach	1992	191,103 (45.4%)	22,439 (5%)	59%	Transportation and Infrastructure, Veteran's Affairs
Julia Carson	IN-10 th (now the 7 th)	Indianapolis	1996	130,850 (31.1%)	18,688 (4.4%)	53%	Financial Services, Veterans' Affairs
William "Lacy" Clay, Jr.	MO-1 st	St. Louis	2000	208,048 (55.3%)	4373 (1.2%)	70%	Financial Services, Veterans' Affairs
James Clyburn	SC-6 th	Columbia, Charleston, Orangeburg, Sumter	1992	252,959 (57.5%)	5718 (1.3%)	67%	Appropriations
John Conyers	MI-14 th	Detroit	1964	287,984 (76.2%)	4293 (1.1%)	83%	Judiciary
Elijah Cummings	MD-7 th	Baltimore	1996	286,516 (71.2%)	5029 (1.2%)	74%	Transportation and Infrastructure, Government Reform
Artur Davis	AL-7 th	Birmingham, Montgomery, Tuscaloosa	2002	262,473 (67%)	3692 (1%)	93%	
Danny K. Davis	IL-7 th	Chicago	1996	235,882 (57.3%)	20,111 (4.9%)	83%	Small Business, Government Reform
Chaka Fattah	PA-2 nd	Philadelphia	1994	242,240 (59.2%)	8069 (2%)	88%	House Administration Appropriations

Representative	District	Location	Year Elected	BVAP	HVAP	% Vote in 2002	Committees
Harold Ford, Jr.	TN-9 th	Memphis	1996	226,065 (61.1%)	10,287 (2.8%)	84%	Financial Services, Education and the Workforce
Alcee Hastings	FL-23 rd	West Palm Beach, Ft. Lauderdale, Miami	1992	219,123 (50%)	56,273 (12.8%)	78%	International Relations, Rules
Jesse Jackson, Jr.	IL-2 nd	Chicago	1995	281,422 (73.4%)	27,429 (7.2%)	82%	Appropriations
Sheila Jackson-Lee	TX-18 th	Houston	1994	174,015 (39.3%)	131,846 (29.8%)	77%	Judiciary, Science
Stephanie Tubbs Jones	OH-11 th	Cleveland	1998	233,750 (60.4%)	5010 (1.3%)	76%	Financial Services, Small Business
William Jefferson	LA-2 nd	New Orleans	1990	262,820 (62%)	15,677 (3.7%)	63%	Ways and Means
Eddie Bernice Johnson	TX-30 th	Dallas, Irving, DFW Airport, Love Field	1992	171,518 (38.3%)	138,747 (31%)	74%	Transportation & Infrastructure, Science
Carolyn Kilpatrick	MI-15 th	Detroit, Hamtramck, Grosse Point	1996	254,865 (68.2%)	27,859 (7.5%)	92%	Appropriations
Barbara Lee	CA-9 th	Alameda, Oakland, Berkeley	1998	111,762 (24.1%)	69,586 (15%)	81%	International Relations, Financial Services
John Lewis	GA-5 th	Atlanta, Clayton County, DeKalb County	1986	284,157 (57.9%)	24,792 (5%)	99%	Ways and Means
Denise Majette	GA-4 th	Decatur, Stone Mountain, Lithonia	2002	251,844 (45%)	59,966 (10.7%)	77%	
Kendrick Meek	FL-17 th	Miami	2002	219,393 (54.9%)	116,468 (29.1%)	99%	
Gregory Meeks	NY-6 th	Queens, St. Albans, Far Rockaway, Richmond	1998	241,289 (50%)	84,084 (17.4%)	96%	Financial Services, International Relations

Representative	District	Location	Year Elected	BVAP	HVAP	% Vote in 2002	Committees
		Hills, JFK Airport					
Juanita Millender-McDonald	CA-37 th	Carson, Compton, LA, Long Beach	1996	104,470 (26.6%)	208, 105 (52.9%)	73%	Transportation and Infrastructure, Small Business
Major Owens	NY-11 th	Brooklyn	1982	271,946 (64.6%)	43,873 (10.4%)	86%	Education and the Workforce, Government Reform
Donald Payne	NJ-10 th	Newark, Elizabeth	1988	249,591 (57.4%)	66,467 (15.3%)	84%	Education and the Workforce, International Relations
Charles Rangel	NY-15 th	Harlem, Upper Manhattan, Bronx	1970	148,748 (32.6%)	217,189 (47.5%)	87%	Ways and Means
Bobby Rush	IL-1 st	Chicago, Evergreen Park	1992	275,299 (68.7%)	25,867 (6.5%)	81%	Energy and Commerce
David Scott	GA-13 th	Atlanta	2002			60%	
Robert Scott	VA-3 rd	Richmond, Newport News	1992	222,350 (52.8%)	10,369 (2.5%)	96%	Judiciary, Education and the Workforce
Bennie Thompson	MS-2 nd	NW Mississippi-Bolton, Greenville	1993	220,552 (60.8%)	4661 (1.3%)	54%	Agriculture, Budget
Edolphus Townes	NY-10 th	Bedford-Stuyvesant, Brooklyn Heights, downtown Brooklyn	1982	264,225 (60.3%)	71,907 (16.4%)	98%	Energy and Commerce, Government Reform
Maxine Waters	CA-35 th	Los Angeles	1990	142,982 (35.9%)	197,575 (49.6%)	78%	Judiciary, Financial Services
Diane E. Watson	CA-32 nd	Los Angeles	2000	141,239 (32.5%)	142,013 (32.7%)	83%	International Relations, Government Reform
Melvin Watt	NC-12 th	Charlotte,	1992	205,825	32,536	65%	Judiciary,

Table 2: Committee and Subcommittee Assignment for Ranking Minority Members (107th Congress)

FULL COMMITTEE	SUBCOMMITTEE	RMM
Ways and Means Committee		Rangel
Judiciary Committee		Conyers
Judiciary Committee	Subcommittee on Immigration, Border Security and Claims	Jackson-Lee
Judiciary Committee	Subcommittee on Commercial and Administrative Law	Watt
Judiciary Committee	Subcommittee on Crime, Terrorism and Homeland Security	R. Scott
Committee on Transportation and Infrastructure	Subcommittee on Coast Guard and Maritime Transportation	Brown
Small Business Committee	Subcommittee on Workforce, Empowerment, and Government Programs	Millender-McDonald
Committee on Science	Subcommittee on Research	Johnson
Committee on Government Reform	Subcommittee on Civil Service, Census and Agency Organization	Davis
Committee on Government Reform	Subcommittee on Criminal Justice, Drug Policy and Human Resources	Cummings
Committee on Government Reform	Subcommittee on the District of Columbia	Norton
Committee on Education and the Workforce	Subcommittee on Workforce Protections	Owens
International Relations Committee	Subcommittee on Africa	Payne
Energy and Commerce Committee	Subcommittee on Commerce, Trade and Consumer Protection	Towns
Financial Services Committee	Subcommittee on Financial Institutions and Consumer Credit	Waters
Permanent Select Committee on Intelligence	Subcommittee on Tactical and Technical Intelligence	Bishop
Permanent Select Committee on Intelligence	Subcommittee on Intelligence Policy and National Security	Bishop may become RMM because Condit was defeated in 2002.

Committee on Resources	Subcommittee on National Parks, Recreation and Public Lands	Christensen
Appropriations Committee	Subcommittee on the District of Columbia	Fattah
Committee on Rules	Subcommittee on Technology and the House	Hastings