

**Incorporation and Representation:
Congressional Black Caucus Leadership in the Committee System**

Katrina L. Gamble
Assistant Professor
Department of Political Science
Brown University
Katrina_Gamble@brown.edu
401-863-1769

Prepared for presentation at the Woodrow Wilson International Center on January 12, 2009
Please do not quote or cite any portion of this paper without permission of the author.

Historically, black elected officials have been viewed as an important, if not, necessary for providing black Americans with quality representation and political inclusion. During the civil rights era, it was assumed that “black political leaders would temper the rhetoric and overt racism of white elected officials. In particular, black representatives would, by definition, constitute a progressive force affirmatively promoting black interests” (Guinier 1994, 47). Many civil rights activists saw a direct connection between descriptive representation and the potential for substantive political gains for black Americans. Since its inception nearly four decades ago the Congressional Black Caucus has grown and changed in many ways. In 1970 there were only 9 black members of Congress, a year later the number jumped to 13, and there will be 42 black members in the 111th Congress this January. In 1970, William Dawson (D-IL) was the only black to chair a committee and in the 110th Congress blacks chaired 5 committees and 18 subcommittees, including the powerful Ways and Means Committee chaired by Charles Rangel (D-NY). Black members of Congress have not only grown in size, but have also made significant gains within the congressional leadership structure. In addition to leadership positions within the committee system, black legislators have also been incorporated into the party leadership structure. In the 110th Congress James Clyburn (D-SC) served as Majority Whip for the Democratic Caucus, John Lewis (D-GA) served as a Senior Chief Deputy Whip, and both Maxine Waters (D-CA) and G.K. Butterfield (D-NC) served as Chief Deputy Whips.

Questions have often been raised about the ability of the CBC to provide substantive political benefits for black Americans. Those arguments often come in two frames. First, some argue as a numerical minority within majority white institution black legislators would have limited influence and would play only token roles inside the institution (Guinier 1994). Another argument is that with increased political incorporation black legislators may find it difficult to be

strong advocates for issues relevant to blacks and other marginalized groups. In other words, can an organization such as the CBC become incorporated and remain true to its mission.

Strength within the congressional committee system has always been a priority for the Congressional Black Caucus. Having members on various standing committees and in certain leadership positions allows the Caucus to gather information about important pieces of legislation as well as bring political voice to an important aspect of the legislative process. I argue, that an analysis of committee action is important to understanding black representatives contribution to the legislative process and substantive representation of black constituents. Given, recent changes in the political context, it is equally important to understand how these changes might influence the representation of policies relevant to many black Americans.

I should state here that one major challenge in studying black political representation is defining what one means by black interests. The African American community is in now way a monolithic group—differences exist in gender, income, ideology, region, religion, and sexual orientation and make for a diversity of policy concerns. However, black Americans have historically and continue to be at the bottom of various socioeconomic indicators. Disparities in employment, education, health, and salary continue to disproportionately affect the black community. When I reference black interests or issues relevant to black Americans that includes both traditional civil rights issues as well as policies that work to address various racialized socioeconomic disparities. It is important to note, that even if one agrees about the policy priorities this does not translate into agreement on policy solutions.

While the Congressional Black Caucus, has a stated mission to address such disparities, one should not assume that the membership is in agreement about how to achieve such outcomes. While the CBC has always had to manage diverse opinions, this challenge has

become increasingly more difficult with the growing diversity of the membership. In the early 1990s the election of blacks from the south brought not only regional differences into the Caucus, but also ideological differences. Representatives, like Sanford Bishop (D-GA) and David Scott (D-GA) are more ideologically moderate than most CBC members. Furthermore there exists generational diversity within the Congressional Black Caucus. Representatives such as Artur Davis (D-AL) and Yvette Clarke (D-NY) are a part of what one would describe as the post-civil rights generation. Some scholars have argued that with this generational shift has also come a push towards deracialized politics. This does not mean that race is no longer relevant, but rather a push away from race-based politics. Deracialization is defined as “the practice of blacks articulating political demands in terms that are not racially specific so that they appeal to a broader group and presumably do not alienate those who are predisposed to oppose black efforts” (Barker and Jones 1994, 321). President-elect Obama’s message of “One America” with little mention of race during his campaign is a good example of the deracialization of the political landscape.

I think it is important to understand how these changes will affect black political representation and leadership. However, the newness of it all makes it difficult to access data that would help in this investigation. In this paper I want to do two things. First, given the focus on congressional committees, I present some data and qualitative analysis on racial differences within the committee system. Second, I will make some speculations, based on previous trends, how we might expect the shifts in political context to influence black legislative behavior within the committee system. Democrats are in control of both chambers, we just elected the first black President of the United States, and black representatives are both committee and party leaders. I

suspect that in the coming months, much will be written about changes in black political leadership.

CONGRESSIONAL BLACK CAUCUS AND THE COMMITTEE SYSTEM

One of the top priorities of the Congressional Black Caucus in the 1970s was to work to get black representatives key committee assignments. Having black legislators on all the major standing committees provided the CBC with a seat at the table. The idea was to ensure that no major legislation left the committee without having been seen by a member of the Caucus. Louis Stokes in speaking about the absence of blacks on the three prestigious committees (Rules, Appropriations, and Ways and Means) prior to 1973 stated: “In the history of the Congress no black has even sat as a member of these committees. We were not in the system. Essentially, we had no power in Congress” (quoted in Canon 1999, 160). Obtaining seats on powerful committees and gaining leadership positions on other committees of significance to black Americans allowed the CBC and its members to gain influence within the legislative process. By the 103rd Congress there was black members of Congress on every standing committee in the US House of Representatives. Furthermore, Ronald Dellums (D-CA), who almost a decade before battled Democratic leadership to get a seat on the Armed Services committee, became Chairman of the Armed Services Committee.

Whether in the minority party or the majority party the committee system allows black legislators, despite their small numbers, to influence the development of policy. Recently, many scholars and others have been critical of the CBC’s ability to bring about substantive social and economic change in the lives of black Americans. Much of that scholarship focuses on roll call votes and bill introductions to investigate the value of descriptive representation (Swain 1995). However, one need only look at the history of the CBC to find that representation measured with

only roll call votes is very limiting. More than 35 years ago, Shirley Chisholm stated “There is a great deal I can do for the people of my district by using my office and the resources it opens up to me in helping individuals. But beyond that, my most valuable function, I think is as a voice” (1970, 111).

The CBC has always asserted itself as the voice for the voiceless. Quality representation, for black Americans, is not just about having enough votes to pass legislation, but also having individuals inside an institution that will actively advocate for issues significant to the community. I argue that the best place to analyze the effects of race on political deliberation and voice is within the committee system. Even when in the minority party, representatives have the ability to offer amendments and speak during committee markups and offer questions during committee hearings. While representatives of the minority party have no control over the agenda, they are still able to use their voice to introduce ideas and concerns into the legislative process. Even if one does not get the outcome they are seeking, it remains important to have ones voice be included in the process.

Of course, however, being apart of the majority party and more importantly part of the committee and subcommittee leadership structure provides representatives with many more ways to influence the process. Dellums (D-CA) wrote the following about his new power as Chair of the House Committee on the District of Columbia in 1979:

Assuming the responsibilities of the leadership of the House Committee on the District of Columbia changed my relationship with my legislative colleagues and my own view of the conduct of my office. First, it meant that I was a member of the leadership and was invited to attend meetings to discuss party policy. This provided me the opportunity to make my points more effectively, away from the hubbub of the floor. Second, I could

bring witnesses to the committee hearing room who had not previously been given voice in any official forum. If there was a terrible problem of infant mortality in the city . . . we could schedule an official House hearing, require witnesses to attend, and most important, bring new information to the debate (2001, 96).

In the next section I will discuss racial differences in committee action and the use of political voice in a context where most black representatives were a part of the minority party.

DOUBLE MINORITY?: RACE AND COMMITTEE ACTION IN THE 107TH CONGRESS

In the 107th Congress, with the exception of J.C. Watts (R-OK), all black representatives were members of the Democratic minority party. Several black members of Congress, I interviewed during this period, expressed challenges as a “double minority.” There are the obvious challenges facing all members of the minority party, but some black representatives thought they faced additional challenges as black legislators. First, black representatives are expected to represent not only their constituency, but also blacks more broadly. As one legislator put it “I have only 24 percent black population in my district, but I also have a responsibility to represent blacks everywhere. Whether I see it or not there are 43 blacks in [Congress] that must pick up the mantle and support blacks across the nation.” Certainly, black members of Congress, like all elected officials understand they must be responsive to their constituents, but as black leaders they are also expected to champion issues relevant to the black community. Many of these policy issues not only affect blacks, but the economically marginalized—individuals frequently outside the political process. One legislator explained, that it is difficult to draw attention to issues that effect the poor and politically marginalized. Add the additional challenge of maneuvering within the institution in the minority party and it becomes, some legislators argue, very difficult to get movement on certain policies. Despite these

challenges, research as shown that black congresspersons remain active participants within the committee process.

An analysis of participation during congressional markups revealed that black legislators were not only active, but on average more active than their white colleagues on a range of policy issues (Gamble 2007). Black legislators were more likely to offer amendments and speak during committee markup meetings. When asked what might explain these high levels of participation among black legislators, one senior staffer on the Judiciary committee stated:

When you represent a minority constituency that has often been left out of the process, whenever a bill comes up you have reason to suspect your constituents' interests have not been fully considered in the development in that legislation. They [black members] are more experienced at, inclined to, and feel more of a necessity to scrutinize all legislation that comes up" (quoted in Gamble 2007, 436).

The staffer's statement suggests that the history of exclusion and additionally challenges faced by black legislators may actually result in them participating more rather than becoming "tokens" or "invisible" inside the institution as suggested by some. Research on legislative behavior also finds that committee and subcommittee leaders are also much more active during committee markups (Hall 1996; Gamble 2007), therefore black legislators serving as ranking members of committees and subcommittees are expected to be particularly engaged in the committee process.

While the analysis of participation within committees provides important information about black representatives behavior within the committee system, it tells us very little about what legislators are saying within committee meetings. As Representative Chisholm stated,

black legislators most important contribution may be their political voice, particularly in contexts where they are a political minority. I present two examples from the 107th Congress where having black legislators on the committee shifted the deliberation. While the legislators were not able to influence the final policy outcome in both cases, they do expand the scope of deliberation inside the institution.

Small but Significant Differences: No Child Left Behind Act

H.R. 1, or *The No Child Left Behind Act*, was the educational reform bill that was signed into law on January 8, 2002. The policy was a major initiative pushed by President George W. Bush during his first year in office. While there were differences between the initiatives offered by President Bush and policies favored by some Democrats, the process began in an unusually bipartisan fashion.

Within the Committee on the Education and the Workforce in the House a bipartisan working group was developed; Chairman John Boehner (R-OH) and then ranking member George Miller (D-CA) invited members to be involved in the development of the policy. Despite some splits among Democrats, *No Child Left Behind* passed easily in the House with broad bipartisan support. On May 23, 2001 the House passed the *No Child Left Behind Act* with a final vote of 384 to 45—6 of the 10 Democrats that voted against H.R. 1 were African American. There were two major frames used during full committee markup on H.R. 1. One frame focused on closing the achievement gap between wealthy students and poor and disadvantaged students. The other frame emphasized holding schools and school districts accountable for failure by connecting funding to school performance.

During the markup of *No Child Left Behind* none of the members of color framed the issue around encouraging school accountability. For most black representatives the central issue

was closing the achievement gap between the most disadvantaged children and more wealthy children—as one black member argued, it was about leveling the playing field. Certainly there were members from both parties and all races emphasizing the need to close the achievement gap. However it is important to note that three of the four (or 75 percent of) black members who were active on this bill offered amendments that would benefit the most disadvantaged students.

Furthermore Representatives Donald Payne (D-NJ), Major Owens (D-NY), and Bobby Scott (D-VA), all black members, opposed using testing as the core tool to measure school success. Some white Democrats also opposed testing, but for different reasons. Representative Betty McCollum (D-MN) offered an amendment to remove testing. She supported accountability and testing, but believed *No Child Left Behind* as written did not provide enough funds for what it required of states. Most white Democrats, who opposed testing, made arguments about the financial burden it placed on states, whereas black legislators argued that many standardized tests are culturally biased, are not necessarily good measures of a child's ability, and are often used for tracking and other high stakes decisions. Scott offered an amendment that would bar using tests for high stakes decisions such as graduation, to get promoted, or to qualify for college track courses. He argued a test “should not be the sole determinant of a child's future” (Hess, 2001).

While Scott's amendment failed, he and other black members introduced new information and distinctive perspectives into the debate. In fact over the course of the markup it became apparent that one Republican member had not ever heard of the term, tracking. And Representative Scott was able to explain that standardized tests and other methods are often used to track poor students and students of color into remedial and non-college track courses. One might imagine a member not being persuaded by the arguments about funding, but shifting

positions based on information and arguments about the biases associated with testing. Ultimately testing remained in the bill, but debate was expanded with the inclusion of black members' statements and a range of perspectives was included before a decision about testing was made. The initial analysis demonstrates that there are some racial differences in what policy frames members use, but a close examination of the debate reveals further differences between black and white representatives. Black legislators personal experiences and connection to the black community may make them more aware of problems with standardized testing not recognized by their white colleagues. This is a moment where having a more racially diverse committee likely expanded the scope of deliberation.

We Can Do More: No Fear Act

The *Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2001 (No Fear)* addressed a rampant discrimination problem within federal agencies. The bill as introduced only affected policies within the Environmental Protection Agency (EPA) and a few other agencies. The aim of the legislation was to deter discrimination by (1) forcing agencies to pay judicial settlements out of their own funds, (2) notify federal employees of their rights and (3) require agencies to submit annual reports on discrimination within the agency to Congress and the Attorney General's Office. *No Fear* was a bipartisan bill introduced by Representative James Sensenbrenner (R-WI), then Chair of the Judiciary Committee and Representative Sheila Jackson-Lee (D-TX), a black member. It was not surprising to find that most members of the committee supported a bill that worked to prevent discrimination based on race and gender and that there was little controversy and the bill moved easily out of committee. However, the bill underwent dramatic changes between the committee hearing and the committee markup.

During the committee hearing, Representative John Conyers (D-MI), the ranking member on the committee and a black member, argued “that H.R. 169 is inadequate in and of itself to respond to this ubiquitous problem, and that we can and must do much more” (Committee on the Judiciary, Hearing Transcript, 5/23/01). Representative Conyers submitted a statement into the hearing record pushing for changes that he believed would strengthen the bill. Conyers stated:

I believe we should create a uniform standard for agencies to discipline managers who have committed illegal discrimination or whistle blower retaliation. We also need to encourage the use of EEOC-based [Equal Employment Opportunity Commission] voluntary disputes resolution at an early stage in the process, and provide more funding to process the backlog of complaints. We also need to examine the standard of proof required to prove illegal conduct, and any other disincentives to employees seeking redress of their legal rights. We are at the beginning, not the end of the legislative process. And I look forward to working with the Chairman in developing a full and complete response to this racism, sexism, and illegal retaliation by our own government (Committee on the Judiciary, Hearing Transcript, 5/23/01).

Furthermore Representative Jackson-Lee in her statements argued to have the *No Fear Act* cover all federal agencies. Although not in direct response to anyone, Chairman Sensenbrenner warned that jurisdictional conflict with other committees could prevent the legislation from passing. He stated:

the bill is before the Government Reform, Energy and Commerce, and Transportation and Infrastructure Committees; and this Committee is a pushover compared to the other three. So I would just like to advise everybody that in this instance trying to ask for too

much might end up preventing us from taking the first step (Committee on the Judiciary, Hearing Transcript, 5/23/01).

Chairman Sensenbrenner and Representative Jackson-Lee were the lead legislators on this policy. Chairman Sensenbrenner strongly supported this legislation and pushed for it to pass through the House. In fact, the markup transcripts indicate that his office worked closely with Representatives Conyers and Jackson-Lee to incorporate their suggested changes. When the bill was reported out of the Judiciary Committee it was a stronger and more comprehensive bill than when it was first introduced in the House.

Although most members of the Judiciary Committee supported the *No Fear Act*, it was two black members, Representative Conyers and Representative Jackson-Lee who pushed for stronger and more comprehensive legislation. Mr. Conyers and Ms. Jackson-Lee were not deterred by the potential conflict with other committees holding jurisdiction over the legislation. In 2007 we might expect most legislators, regardless of race, to support standard employment anti-discrimination legislation. And one might expect on such policies having a black legislator present would have little if any impact, but this example suggests otherwise. In this example, we see how not only support for a policy but active engagement in the policy process may result in stronger civil rights legislation.

WHAT CAN WE EXPECT IN THE FUTURE?

There are several reasons why, I believe, black legislators expand congressional discussions and debates within the committee system. One reason is that most feel an obligation to represent the interests of blacks beyond their district. Second, and more importantly, is that they bring to the table their life experiences just like all legislators. However, even with their varied backgrounds, black legislators share a history of being members of a historically

marginalized group. Legislators' backgrounds and individual histories, regardless of race, shapes their legislative behavior and perspective (Burden 2007). Race remains significant influence in the American political landscape. Black representatives will continue to bring to the table their life experiences as black Americans. As we continue to see younger blacks elected to Congress those perspectives will likely differ from those who lived through the civil rights movement, but it remains an experience shaped, to some degree, by race.

Black representatives must often balance many competing interests as minority legislators inside majority white institutions (Haynie 2005). They are expected to advocate for black community concerns without alienating white colleagues, white constituents, and being essentialized as representing only black interest policies. They are expected to advocate for black community concerns while also functioning as skilled insiders; this balancing act will only become more difficult as black legislators gain more leadership positions inside the Congress. I believe this will result in more members adopting a more deracialized approach to political debates, especially given the success of deracialization in the election of Obama. Black legislators, I contend, will continue to work as advocates for the black community, but may strategically avoid using racial frameworks. Black representatives for strategic reasons may adopt liberal policy frames and speak in support of policies relevant to black Americans, but not mention specific groups to avoid being labeled race-men or race-women or being labeled as representatives that focus only on racial issues.

Finally, I think the leadership gains among blacks in the committee system will allow black members to expand their contributions, not constrain them. If black legislators were actively engaged in the committee process and legislative deliberations when they were considered a "double minority" I suspect they will continue to champion these issues, but

perhaps, for some, with a different approach. A quick look at the congressional hearings held by the Judiciary Committee chaired by John Conyers (D-MI) seems to support this idea. Conyers held hearings on the disproportionate impact of the mortgage crisis on minorities; how to address gang crime without racial profiling; and disparities in sentencing for crack cocaine compared to powder cocaine. I do not offer this as an empirical assessment or something that can be generalized to other black legislators, but as an example of a black legislator using his committee leadership position to draw attention to policy areas that have disproportionately negative impact on the black community.

In thinking, about how the presence of black representatives in Congress expands congressional deliberation and representation for minority constituents, scholars will need to focus less on racialized language and more on the diversity of experiences minority legislators bring to the institution and what that means for congressional deliberation.

Works Cited

- Burden, Barry C. 2007. *Personal Roots of Representation*. Princeton: Princeton University Press.
- Canon, David T. 1999. *Race, Redistricting, and Representation: The Unintended Consequences of Black Majority Districts*. Chicago: University of Chicago Press.
- Chisholm, Shirley. 1970. *Unbought and Unbossed*. Boston: Houghton Mifflin.
- Dellums, Rondald V. and H. Lee Halterman. 2001. *Lying Down with the Lions: From the Streets of Oakland to the Halls of Power*. Boston: Beacon Press.
- Gamble, Katrina L. "Black Political Representation: An Examination of Legislative Activity Within U.S. House Committees" in *Legislative Studies Quarterly* 32: 421-447.
- Guinier, Lani. 1994. *The Tyranny of the Majority: Fundamental Fairness in Representative Democracy*. New York: The Free Press.
- Hall, Richard L. 1996. *Participation in Congress*. New Haven: Yale University Press.
- Haynie, Kerry L. 2005. "African Americans and the New Politics of Inclusion: A Representational Dilemma?" In *Congress Reconsidered*, 8th edition, ed. Lawrence C. Dodd and Bruce I. Oppenheimer. Washington, DC: CQ Press.
- Hess, David. 2001. "Bush Wins, Loses in House Education Committee Action." *National Journal News Service*.
- Swain, Carol. 1995. *Black Faces, Black Interests: The Representation of African Americans in Congress*. Cambridge: Harvard University Press.