A Bicameral Perspective on the Effects of Racial and Ethnic Diversity in Congress

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Research on minority representation in Congress has focused almost exclusively on the House, the more diverse of the nation’s two legislative bodies. The reasons for this are straightforward. On average, minorities make up a larger share of the population in House members’ districts. Given the nature of the electoral connection, researchers reasonably expect that the House, more so than the Senate, should be the chamber where racial and ethnic minorities are most actively represented in policy proposals, recorded votes, hearings, and other legislative activities. The vastly different numbers of minority legislators in each of the chambers also contribute to the focus of minority representation research on the House rather than the Senate. The House has more than ten times as many minority legislators as the Senate and most research has mainly focused on whether a House member’s race or ethnicity influences how well minority constituents are represented. However, the bicameral nature of the Congress dictates that the Senate be recognized as an equally important partner in minority representation, particularly when racial and ethnic minorities are looking to Congress for favorable political outcomes rather than symbolic gestures.

The Constitution requires that concurrent majorities in both chambers approve policy proposals with exactly the same wording before bills can advance to the president’s desk. Enacting any legislation, therefore, requires a high degree of cross-chamber coordination. Yet, short of enacting proposals, the House and Senate have considerable latitude in whether and how they bring attention to issues that minorities seek to place on the national agenda. Presenting the concerns of racial and ethnic minorities as issues meriting national attention is an important step along the path to winning substantive legislative victories (Wood and Doan 2003, Rochefort and Cobb 1994). Thus, the share of hearings on racial/ethnic issues held by each chamber is a
valuable measure of minority representation.\(^1\) Even in the absence of new legislation, however, hearings addressing the concerns of racial and ethnic minorities may serve group interests. Legislators themselves recognize that stand-alone hearings can be important achievements independent of other congressional action. According to one senator, “Legislation need not always be the answer. In many areas, the most important missing ingredient is attention, and an elevated awareness of the problem can be a very successful outcome of hearings” (quoted in Oleszek 2007, 93). The central question we ask in this paper is, given the very different racial/ethnic contexts of the House and Senate, both in terms of chamber membership and constituency size, do the House and Senate divide duties in minority representation, e.g., on hearings, in predictable ways?

Such a bicameral perspective on minority representation has not been widely studied in political science. The bicameral nature of the national legislature suggests a division of labor such that the lower chamber will be predisposed toward more responsiveness to minority concerns because electoral reforms centered around redistricting have made it easier for minority office-seekers to win seats in the House than in the Senate, and because minorities will, on average, comprise larger shares of House districts than Senate districts. The upper chamber may be perpetually insulated from substantial minority demands for policy attention because the number of minority legislators is likely remain small for the foreseeable future as is the relative share of minority constituents in senate districts. Furthermore, senators’ districts are larger and more heterogeneous. This can increase the competition and the costs in time and resources for racial and ethnic minorities to get an issue on the Senate agenda relative to the House, especially with so few minority members in the chamber (Davidson, Oppenheimer, and Lee 2009).

\(^1\) Smith (1999, 58) points out that hearings are “perhaps the most important formal information-gathering mechanism for Congress and its committees.” He goes on to note various purposes for holding hearings including media coverage for members on an issue, or drawing attention to a problem rather than gathering information.
Examining minority representation through an explicitly bicameral framework reveals another important feature of bicameralism: although Court or legislative decisions to expand the electorate affect both chambers, e.g., the Voting Rights Act of 1965, electoral remedies that rely on redistricting affect only the House directly. Supreme Court decisions such as *Wesberry v Sanders* (1964) and *Reynolds v Sims* (1964), establishing a one-man, one-vote standard, directly affect the political fortunes of members in only one of the chambers. Reapportionment and redistricting are not cause for worry for senators because their constituencies are unaffected when the Constitution, Courts, or Congress mandate the redrawing of district lines. The disproportionate impact of redistricting on the House provides a natural experiment for examining the effects of bicameralism on minority representation. Since the treatment—redistricting—affects only the House, examining the intra- and inter-chamber effects of racial and ethnic diversity in membership provides a new perspective on how the underlying logic of redistricting shapes and constrains minority incorporation in Congress.

We argue that the House has become more responsive to minority concerns as the number of minority legislators has increased. The fact that the Congressional Black Caucus and Congressional Hispanic Caucus, both valuable Democratic voting blocs in the House, routinely advocate for the interests of their group members in the House, should help minority concerns gain recognition in hearings. Moreover, in the House, as minority legislators ascend to committee leadership positions, they are also more likely to use positive agenda setting power to hold more hearings on minority interest bills.

With regard to the upper chamber, many questions remain unanswered. For instance, how has the Senate adjusted to changing black and Latino political power as evident in the numbers of minority legislators in Congress and in the growing black and Latino clout? Has
attention to minority concerns declined, increased, or remained about the same since the heyday of civil rights activism in 1950s and 1960s? Expectations for the Senate’s level of attention to minority interests are, in some ways, less clear. Unlike in the House, the Senate has statewide constituencies, thus the one-man, one-vote standard does not apply (Lee and Oppenheimer 1999). In fact, malapportionment in the Senate under-represents blacks (who reside in states with larger populations at greater proportions than whites) and, even more so, Latinos (whose population is growing at a faster rate than whites and blacks, but also in large rather than small states) (Lee and Oppenheimer 1999, Malhotra 2007, Griffin and Newman 2008). We know, for instance, that increases in the number of racial and ethnic House MCs has led to a greater number of minority interest bills being introduced in Congress (Canon 1999; Tate 2003). Since legislators in the House need U.S. senators in order to get their bills passed, black and Latino House members must find senators who are willing to introduce companion bills and/or hold hearings. Senate Democratic party leaders may also levy their resources to increase the chamber’s responsiveness to minorities to satisfy policy demands from the electorate and to secure support from minority legislators across the Capitol on proposals that originate in the Senate.

To determine the extent to which racial redistricting has affected each chamber’s attention to minority concerns, we examine legislative hearings activity on racial/ethnic civil rights in the House and Senate from 1951 to 2004. The numbers of minority legislators in Congress and in each chamber, a proxy measure for the variable effects of redistricting on each chamber, are our primary variables of interest. Controlling for a variety of standard and theoretically motivated variables, including the Democratic party seat margin, we find that the likelihood of racial/ethnic hearings in each chamber increases as the numbers of minority
legislators in the chamber increase. In light of existing research, our results show that racial and ethnic diversity in Congress matters not just in the individual representational relationship between a representative and her constituents (as shown elsewhere), but, also in the collective representation of minorities by the Congress. We conclude that bicameralism acts as a major impediment to advancing minority concerns in Congress.

In what follows, we discuss existing literature on minority representation in Congress. Next, we briefly discuss our theory, followed by our data and methods. After presenting the results of the analysis, we conclude with a discussion of the findings and implications for future research.

**Background**

To what extent are the substantive interests of racial and ethnic minorities represented in the Congress? Most existing research has focused on the dyadic relationship between legislators and their district constituents in the House of Representatives. Little or no attention has been paid to collective representation, i.e., how institutions rather than individual legislators represent people and groups (Weissberg 1978), or to the upper chamber in the nation’s bicameral legislature. Understanding how well minorities are represented collectively is important for at least two reasons. First, a citizen’s preferences may be well-represented by her own senator or representative, but not well-represented by the House, the Senate, or Congress as a whole (Weissberg 1978). Alternatively, a citizen whose preferences are distant from his own representative may find that the Congress is more closely aligned with his policy views.

Modern practices of minority representation are rooted in both dyadic and collective approaches. The racial and ethnic caucuses in the House (and likewise the women’s caucuses in the House and Senate) were organized, in part, to identify and advocate the interests of blacks
and Latinos nationally (see, for example Clay 1993). As described by Richard Fenno in *Going Home* (2003), which is a rare look at black legislators in their districts rather than in Washington, the claim to represent blacks outside of their geographical constituencies is consistent across many black legislators (see also Tate 2003). Recent research on Senate malapportionment, which advantages citizens in less populous states relative to those in more populous states and underrepresents racial and ethnic minorities who tend to live in larger-population states along the nation’s coasts, also sees minority representation as a collective rather than dyadic enterprise (Griffin 2006; Lee and Oppenheimer 1999; Malhota 2007).

**Minority Representation and Institutional Responsiveness**

Institutions play a vital role in determining how the preferences of citizens are translated in Congress. Congress does not just react to citizens’ preferences, but also plays an essential role in translating those preferences into both policy inputs, e.g., bills or hearings, and outputs, e.g., votes or laws. In *Invisible Politics*, a classic examination of black politics, Hanes Walton, Jr. states that most scholars study individual determinants of legislative behavior and overlook the ways that institutional mechanisms can impact the ability of legislators to provide representation as well as the ability of constituents to make their representatives more responsive. Given that blacks and, to a somewhat lesser extent, Latinos, prefer liberal policies and identify with the Democratic Party (Lublin 1997; Canon 1999; Tate 2003; Griffin and Newman 2008), House and Senate ideology as well as the Democratic margin in seats will have an impact on how well minority concerns are represented in Congress. For instance, legislators who push for liberal policies will be regularly out-gunned in an ideologically conservative legislature. On average, black legislators are among the most liberal in Congress, far to the left of the median in both

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2 More research is needed to understand why legislators develop national constituencies. Given the added demands on resources (e.g., staff or time) what is the pay-off for legislators in cultivating national rather than district followings?
chambers (Lublin 1997). This typically has meant that the CBC as a voting bloc is more successful at blocking policies it doesn’t prefer, such as parts of Clinton’s crime bill, than at winning on policies it does (Canon 1999, 155-59).

Providing a voice to underrepresented groups in the public policymaking process and deliberations has been the spirit behind many court and legislative decisions that allow partisan and racial/ethnic redistricting. Districts that were majority black and Latinos were constructed in order to increase the likelihood of increasing black and Latino office holders and thus overall increasing Congress’ responsiveness to the interests of marginalized groups. Several Supreme Court decisions in the 1960s and 1980s established the one-man one-vote rule and allowed states to redraw districts to increase the likelihood of creating a more racially and ethnically diverse Congress. As expected most of the redistricting greatly increased the presence of black and Latino legislators in the U.S. House of Representatives but has done little to increase diversity within the U.S. Senate. The increase in diversity is believed to increase a chamber’s overall responsiveness to issues that are more favorable to historically disadvantaged groups such as blacks and Latinos. Rarely have studies of political representation, including those studies that focus on race and ethnicity, considered the institutional effects on political representation of marginalized groups. Most have studied the House and very few have focused on the Senate. There are those who study the Senate, but rarely do they compare how congressional responsiveness relates to minority interests. Has the majoritarian structure of the House led this chamber to be more responsive on minority interest legislation than the supermajoritarian Senate? Have exogeneous factors such as the Voting Rights Act and redistricting (partisan and

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3 Obvious exceptions were representatives J.C. Watts (R-OK) and Gary Franks (R-CT) who served briefly in the 1990s.
racial) led to changes in the level of attention and effectiveness in getting racial/ethnic issues bills passed? We test the following hypotheses:

1) As the racial/ethnic diversity of the House and Senate increases, hearings increase correspondingly in each chamber.

2) Increasing racial/ethnic diversity in the House should have a positive effect on the number of hearings devoted to race-related civil rights hearings in the Senate.

**Data and Methods**

We assess both the House and Senate’s level of responsiveness to black and Latino interests by examining the number of hearings that each chamber held pertaining to specific racial/ethnic issues from the 82nd to 108th Congress (1951-2004). We use hearings data from the Policy Agendas Project. We examine the hearings coded as racial and ethnic hearings. In addition to the explicitly racial and ethnic category, we include racial hearings under the civil rights’ category that address topics such as enforcement of civil rights by the Department of Justice and that pertain to the establishment of the U.S. Civil Rights Commission.

We chose the 82nd to 108th congresses because this time period marks the return of civil rights issues to the congressional agenda since Reconstruction. In the House, this time period also represents a good control for examining the influence of racial or ethnic diversity because the House is controlled by the Democrats with the exception of six congresses out of 27 congresses. Because these data are a count of the number of hearings held by each chamber, we use a negative binomial regression to estimate the likelihood of each chamber to hold hearings related to racial and ethnic issues. The model is as follows:

\[
\text{Number of racial/ethnic hearings held} = f(\text{number of Democrats, number of racial/ethnic minority legislators, number of southern Democrats, divided government, GOP control of...})
\]
House /Senate, total number of hearings held, civil rights years of 1964 and 1965)

We also examine responsiveness comparing how liberal each chamber is on the civil rights dimension. We use DW-NOMINATE Common Space scores to compute the median ideology for each chamber to conduct the comparison. We use the steady increase of black and Latino legislators to indicate the direct effect of racial redistricting on chamber responsiveness. The greater number of blacks in the House of Representatives should determine the extent to which racial redistricting has affected each chamber’s overall attention to minority interest issues.

**Results and Analysis**

Although previous research has found that the House in the 1950s and 1960s was more liberal than the Senate in its support for minority interest legislation (Grofman, Griffin, and Glazer 1991; Kernell 1973), we find that there is no difference between the two chambers on the civil rights dimension. As it relates to roll call voting, a difference of means test shows that from the 82\textsuperscript{nd}-86\textsuperscript{th} Congress (1951-1960), the difference between the House common space chamber median of .01 and the Senate chamber median of .02, is not statistically significant, with a p-value of .25. This is surprising considering the large influx of liberal northern Democrats that entered the Senate in the late 1950s (Sinclair 1989; Zelizer 2004). During the John Kennedy and Lyndon Johnson years, 87\textsuperscript{th}-90\textsuperscript{th} Congress (1961-1968), the House’s chamber median of .04 is not statistically different from the Senate chamber median of .04, with a p-value of .80.

The hearings data provide further support that House and Senate chambers were not significantly different in their responsiveness to civil rights in the 82\textsuperscript{nd}-86\textsuperscript{th} Congress (1951-1960). A difference of means test shows that the percentage of House hearings devoted to civil rights, .2 percent, is not significantly different from the percentage of Senate hearings held on
civil rights, .3 percent, with a p-value of .46. However, we find in the Kennedy and Johnson years that the House devotes more attention to racial/ethnic or civil rights issues than the Senate. Figure 1 shows the percentage of racial hearings held in both chambers from 1951-2004. The House average of 1.3 percent racial hearings held is significantly different from the Senate average of .4 percent, with a p-value of .03.

[Figure 1 about here]

We now turn to the multivariate analysis to examine what determines each chamber’s level of attention to racial and ethnic hearings. We find that the increase in the total number of racial and ethnic minority legislators is significant in determining the likelihood of both the House and Senate to hold more racial or ethnic based hearings (see tables 1 and 2). Figure 2 shows that, in the House, the increase in minority legislators is positively associated with greater attention to minority interest hearings. Despite the smaller number of racial and ethnic minorities in the Senate, Table 2 shows that minority legislators increase the Senate’s level of attention to minority interest issues. For example, Figure 4 shows that the presence of one additional minority legislator led to a predicted rate of 2.5 more race-related hearings.

[Table 1 about here]

[Figure 2 about here]

The momentum of the civil rights movement led to greater attention to civil rights issues in both chambers in the mid-1960s. The impact of the civil rights legislation is instrumental in explaining the likelihood of the House devoting greater attention to civil rights issues. The House was likely to hold 6 more hearings during the civil rights years than in the pre- and post-civil rights legislation years. However, Table 2 shows that the increased activity during 1964 and 1965 did not affect the Senate’s attention to civil rights as measured by the number of
Divided government does not have an impact on the level of attention that the House devotes to civil rights issues but it does impact the Senate. The Senate holds an average of six hearings during divided government, compared to three hearings under unified government.

As expected, the number of southern Democrats in the House is responsible for a lack of attention to civil rights as shown by the decrease in the number of predicted hearings in figure 3. The decline in the number of southerners in the Democratic Party is related to the increase in the number of racial or ethnic hearings. Surprisingly, the number of southern Democrats in the Senate does directly impact the level of attention that the Senate devotes to minority interest hearings.

The Republican take over of the House in 1995 is responsible for a marked decrease in the chamber’s attention to civil rights issues. Prior to 1995, the GOP only held control of the House once, in 1951-1952. However, Republican control of the Senate does not directly impact the number of minority interest hearings held by that chamber.

Conclusion

Our findings show that roll call voting studies can overstate the level of Senate support for civil rights issues and understate that of the House. The hearings provide another measure of responsiveness and show that the House is generally more responsive than the Senate to civil rights. Racial and ethnic diversity has also affected the level of attention that legislators have devoted to race-related issues in the Senate. However, it is the small percentage of minority legislators, and not Democrats in the Senate, that is responsible for this increase in attention to
racial/ethnic issues. The increased racial/ethnic diversity in the House does not seem to impact responsiveness in the Senate.

The findings confirm that the Senate still lags behind the House in the attention devoted to racial/ethnic minority interest hearings. Although the Senate has been less responsive to redistricting and other measures that changed the racial and ethnic diversity of the House, it has responded to small increases in racial and ethnic diversity among its members with an increase in the number of civil rights hearings held. Our analysis of ideology scores show that the Senate is more liberal generally, but that this is not the case for racial issues where the House is the more liberal of the two chambers.
Figure 1: Percentage of Racial/Ethnic Hearings Held by House and Senate, 1951-2004
Table 1: Likelihood of Holding Racial/Ethnic Hearings in the House, 82\textsuperscript{nd} to 108\textsuperscript{th} Congress, 1951-2004

<table>
<thead>
<tr>
<th>Explanatory Variables</th>
<th>Likelihood of Holding a Racial/Ethnic House Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Minority Legislators</td>
<td>.01\textsuperscript{+} ( .01 )</td>
</tr>
<tr>
<td>Civil Rights and Voting Rights Act Years. 1964-1965</td>
<td>1.10\textsuperscript{**} ( .32 )</td>
</tr>
<tr>
<td>Number of House Democrats</td>
<td>.00 ( .00 )</td>
</tr>
<tr>
<td>Number of Southern Democrats</td>
<td>-.02\textsuperscript{**} ( .01 )</td>
</tr>
<tr>
<td>Divided Government</td>
<td>.12 ( .14 )</td>
</tr>
<tr>
<td>GOP Controlled House</td>
<td>-1.79\textsuperscript{**} ( .37 )</td>
</tr>
<tr>
<td>Total Number of House Hearings</td>
<td>.00\textsuperscript{**} ( .00 )</td>
</tr>
<tr>
<td>Constant</td>
<td>3.09\textsuperscript{**} (1.41)</td>
</tr>
<tr>
<td>Log pseudo-likelihood</td>
<td>–73.68</td>
</tr>
<tr>
<td>Wald chi-square (7)</td>
<td>105.09 (p&lt;.001)</td>
</tr>
<tr>
<td>Alpha</td>
<td>.02 ( .03 )</td>
</tr>
<tr>
<td>N</td>
<td>27</td>
</tr>
</tbody>
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Robust standard errors are in parentheses.
*Statistically significant at .05 level, one-tailed test.
**Statistically significant at .01 level, one-tailed test.
+Statistically significant at .10 level, one-tailed test.
Figure 2: Expected Racial Hearings in the House of Representatives
Figure 3: Southern Democrats Effect on House Hearings

Number of Southern Democrats vs. Number of Racial Hearings
Table 2: Likelihood of Holding Racial/Ethnic Hearings in the Senate, 82nd to 108th Congress, 1951-2004

<table>
<thead>
<tr>
<th>Explanatory Variables</th>
<th>Likelihood of Holding a Racial/Ethnic Senate Hearing</th>
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</thead>
<tbody>
<tr>
<td>Number of Minority Legislators</td>
<td>.33** (.14)</td>
</tr>
<tr>
<td>Civil Rights and Voting Rights Act Years. 1964-1965</td>
<td>.28 (.37)</td>
</tr>
<tr>
<td>Number of House Democrats</td>
<td>.01 (.03)</td>
</tr>
<tr>
<td>Number of Southern Democrats</td>
<td>.11 (.08)</td>
</tr>
<tr>
<td>Divided Government</td>
<td>.79** (.39)</td>
</tr>
<tr>
<td>GOP Controlled Senate</td>
<td>.36 (.00)</td>
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<tr>
<td>Total Number of Senate Hearings</td>
<td>.00** (.00)</td>
</tr>
<tr>
<td>Minority Members in House</td>
<td>.01 (.01)</td>
</tr>
<tr>
<td>Constant</td>
<td>-4.53 (4.13)</td>
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<td>Log pseudo-likelihood</td>
<td>–62.24</td>
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<tr>
<td>Wald chi-square (8)</td>
<td>19.84 (p&lt;.01)</td>
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<td>Alpha</td>
<td>.08 (.07)</td>
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<td>N</td>
<td>27</td>
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Robust standard errors are in parentheses.
*Statistically significant at .05 level, one-tailed test.
**Statistically significant at .01 level, one-tailed test.
+Statistically significant at .10 level, one-tailed test.
<table>
<thead>
<tr>
<th>Minority Legislators</th>
<th>Predicted Rate of Race Hearings</th>
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<tbody>
<tr>
<td>1</td>
<td>2.5</td>
</tr>
<tr>
<td>2</td>
<td>3.5</td>
</tr>
<tr>
<td>3</td>
<td>4.9</td>
</tr>
<tr>
<td>4</td>
<td>6.8</td>
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Appendix A: Total Number of Hearings Held in House and Senate, 1951-2004
REFERENCES


