

## **Minority Representatives, Electoral Constraint, and Racialized Institutions: When and Where Does Descriptive Representation Matter?**

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**Abstract:** Recent decades have witnessed an increase in the number of minority representatives to state legislatures, yet establishing a clear and consistent connection between the presence of minority representatives and policy outputs benefiting minorities in the states remains elusive. We test several hypotheses in the literature regarding this connection, including the presence of minority representatives, electoral constraint, and the difference between diversity awareness and racialized institutions in the states using an original data set of bill sponsorship in nine chambers. We find strong support for a direct link between minority representatives and the introduction of explicitly racial bills. We also find white Democrats introduce more implicitly racial bills in states with higher minority delegations within the Democratic Party. These results suggest the identity of minority representatives and the character of the institution affect the introduction of racial issues to the legislative agenda.

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Recent decades have witnessed a considerable increase in the level of minority political empowerment in the United States. Although local government has historically provided the first point of entry for minority candidates (Browning, Marshall, and Tabb 1984), black and Latino candidates have also enjoyed success in elections to federal and state governments.

Approximately four times as many blacks held federal office in 2000 compared to 1970. Meanwhile, over three times as many blacks served within state legislatures in 2000 compared to 1970 (Joint Center 2001). While these figures fall below the sevenfold increase in the descriptive representation of blacks within municipal governments, scholars and activists nevertheless expected this shift in the political fortunes of minority candidates to affect public policy outputs at the state and federal level and, consequently, the life circumstances of people of color within the United States.

Such expectations, however, are been called into question by scholars who fail to establish a consistent link between the presence of racial/ethnic minorities in state legislatures and the production of policies designed to benefit minority groups (Nelson 1991). In part, this is viewed as evidence for the conclusion that minority state legislators, controlling for district characteristics, do not act as more fervent activists of minority interests. While this arguments draws some support from studies of minority representation at the federal level (Swain 1993; Lublin 1997), it stands in stark contrast to studies of minority political empowerment at the local level, where an increase the number of minorities serving in elected office is regularly found to have a direct and linear relationship with minority-friendly policy outputs (Meier et al. 2005; Polinard, Wrinkle, and Longoria 1990).

We explore these arguments by examining the individual-level behavior of minority and white state legislators. We argue that the conclusions we can draw from previous work on

minority representation are limited because the state, not an individual legislator, is often used as the unit of analysis (see Bratton and Haynie 1999; Bratton 2002 for exceptions). In this paper, we focus on individual legislators in order to determine how minority and non-minority legislators set the legislative agenda in several state legislatures, and whether the presence of minority constituents affects black, Latino, and white representatives in the same manner. Using sponsorship data from 1999-2000, we find evidence that minority legislators do sponsor more legislation pertaining to racialized issues. The presence of minority constituents does not appear to systematically encourage similar behavior on the part of white representatives across states, although minorities in the chamber may change the legislative behavior of white Democrats regarding other racial issues.

### **Models of Minority Representation: Incorporation, Electoral Constraint, and Racialized Institutions**

#### **Minority Incorporation**

Is the presence of minorities in legislative bodies necessary in order to achieve the substantive representation of minority interests? The importance of minority empowerment has been largely accepted by scholars of local politics, but is heavily debated when researchers examining the effect of racial gerrymandering in Congress. For example, Swain suggests that the election of blacks to public office is not necessary in order to maximize the substantive representation of blacks in Congress. According to this argument, minority Members of Congress are no more or less likely to support minority interest legislation. A relationship between race and the behavior of MCs appears only because minority MCs tend to represent districts with large concentrations of minority constituents. Conversely, white MCs tend to be

elected from districts with largely white populations, removing any electoral incentive for them to become strong advocates for racially liberal policy proposals. Were a white representative to be elected from a district with a large minority population, Swain and her colleagues would expect her to act in a way comparable to most black or Latino MCs.

Indeed, Swain holds that this explains why the increased descriptive representation of minorities in Congress which occurred in the years following the Voting Rights Act did not result in an increase in substantive representation. VRA ensured the election of minorities to Congress by establishing several majority-minority districts, thereby removing significant minority populations from districts represented by white MCs and further limiting the any electoral incentive white legislators may have possessed to represent minority interests. Hero and Tolbert (1995) similarly argue that the substantive representation of Latinos in Congress is a product of Democratic control, not the percentage minority lawmakers. To the extent that VRA was a detriment to the political fortunes of Democrats (see Lublin 1997), it may have also limited the substantive representation of Latinos in Congress.

While the inability of scholars to find a consistent relationship between the descriptive representation of minorities and the passage of minority interest legislation at the state level would seem to confirm this argument, this null relationship has generated considerable interest within the literature because a significant body of work at the federal level concludes that, contrary to Swain, race does significantly influence the behavior of minority representatives at the roll call stage as well as prior to it.

Canon (1999), for example, finds that black Members of Congress are more likely to discuss racial issues on the floor of the House and sponsor legislation on racialized topics. Moreover, when the Congressional Black Caucus opposes the position of most white Democrats,

race proves to be a robust predictor the roll call voting behavior of minority MCs even when controlling for district characteristics. Espino (2007) offers a similar analysis for Latinos, also finding that ethnic identification partially determines roll call voting behavior. Gamble's (2007) work suggests that minority MCs differ not only in their roll call voting behavior, but also with respect to participation in committee work.

In short, several works suggest that minority lawmakers offer a unique type of representation for minorities, while others question the extent to which the direct link between descriptive and substantive representation disappears once partisanship and district characteristics are accounted for. This leads us to the first relationship we test, the effect of individual minorities on racial legislation. We expect that African American and Latino lawmakers will be more likely to introduce legislation on issues that are explicitly or implicitly racialized (see below for our distinction between these issues). Once controlling for party identification and district characteristics, however, test whether it is the case that African American and Latino lawmakers will be no more or less likely to introduce legislation on issues that are explicitly or implicitly racialized.

### **Electoral Constraint and Racialized Institutions**

Studies of Congress do concede that district characteristics do play an important role in predicting the behavior of MCs. In short, works suggest that the presence of minority constituents acts as an electoral constraint on representative, encouraging them to introduce and support minority interest legislation. Canon (1999) offers mixed evidence regarding the relationship between the percentage of blacks within a congressional district and the roll call

voting behavior of MCs; however, he offers more consistent evidence that district characteristics influence actions which precede roll call voting. Lublin (1997) similarly demonstrates that the voting patterns of House members become increasingly liberal as blacks make up a larger proportion of their constituency. Like Swain, he suggests that the drawing of majority-minority districts works to limit the degree of substantive representation for minorities in Congress. In short, minority members of Congress appear to act in a manner which distinguishes them from their white counterparts and the presence of a large minority constituency within a district typically produces a member who declares liberal stances on racial policy issues.

Studies of minority representation within state legislatures are often at odds with these two conclusions. Nelson (1991), for example, finds that the presence of black or Latino state legislators does not have much of an effect on state education expenditures and actually lowers state expenditures on social services programs. Moreover, these relationships occur even in states where Democrats control the legislature. Although there is some evidence (e.g. (Owens 2005)) for the notion that states with larger minority delegations are more likely pass racial liberal legislation, Preuhs (2006) demonstrates that only under a limited set of political and racial contexts can a link between descriptive and substantive representation be found in state legislatures. Scholars have been left to conclude that minorities do not act as more fervent advocates of minority interest legislation given this evidence. The inability of scholars to establish a link between descriptive and substantive representation at the state level has been especially puzzling considering the large number of studies which conclude that minorities benefit from increased political empowerment at the local level (Browning, Marshall, and Tabb 1984; Dye and Renick 1981; Eisinger 1982a, 1982b; Kerr and Mladenka 1994; Meier, Stewart, and England 1989; Meier and Stewart 1991; Mladenka 1989a, 1989b; Polinard et al. 1994).

In a departure from this trend, Bratton and Haynie (1999) use individual-level data to show that black state legislators hold a unique set of policy interests and are more likely to sponsor black interest legislation, and bills pertaining to education and welfare programs. Thus, Bratton and Haynie's (1999) study, in which the individual legislature serves as the unit of analysis, casts doubt on the notion that white state legislators are just as likely to represent minority interests as are representatives of color. Interestingly, Bratton and Haynie (1999) also find mixed evidence showing legislation sponsored by black representatives is significantly less likely to be enacted than legislation sponsored by whites of comparable seniority and invitational position. This presents another contrast between minority representation at the state and federal levels. Canon (1999) shows at the federal level that bills sponsored by racially moderate black MCs are more likely to pass while bills sponsored by racially polarizing black MCs are no less likely to pass than those introduced by white MCs.

Bratton and Haynie (1999) offer one possible solution to the null finding regarding the size of minority delegations and the enactment on minority-interest legislation in the states. That is, while minority state legislators may regularly act to promote racial liberal policies through bill introduction, their efforts may be relatively unsuccessful. This differs from the traditional interpretation of the null findings, which argues that constituency characteristics, not the size of the minority delegation, are the primary determinants of racial legislation in the states. Minorities may be supportive of minority interest bills, but if the probability of white support for such bills declines in states with larger minority delegations, researchers are unlikely to observe any significant changes in policy. Nelson (1991, 117) hints at this possibility, when he black descriptive representation “is not translated into policies likely to have a positive effect on their improvised constituencies. *Other political actors are more important*” [emphasis added].

Does the legislative behavior of white representatives, including their support for minority legislation and their reaction to minority constituents, differ in certain contexts? While we can draw inferences about the behavior of white legislators from studies such as Bratton and Haynie (1999), no study to date offers a test of this question within the states. Again, research on race and representation at the federal level may serve as a guide, although the dynamics of representation within the states may vary.

Relying on an in-depth analysis of legislative practices within the 103<sup>rd</sup> and 104<sup>th</sup> Congresses, Hawkesworth (2003) argues that Congresswomen of color are routinely marginalized and excluded from the policymaking process. Women of color, and perhaps to some degree men of color, may endure a similar set of experiences within state legislatures. Bratton (2002) finds that white representatives abdicate the role in the introduction of minority interest legislation when serving in bodies with large minority delegations. In addition to the notion that white representatives become increasingly likely ignore racial legislation due to the presence of minority representatives, whites may have an electoral incentive to shy away from racially liberal positions. The election of minority representatives from non-majority-minority districts is an extremely rare occurrence at the federal level. Although minorities enjoy slightly more success at the state and local levels, the increase in the of minority delegations within state legislatures is partially a product of concerting minority voters into a small number of districts, a process which is facilitated by the increased spatial concentration of minorities within the states (Massey and Hajnal 1995). As white legislators find themselves representing districts with increasingly white constituencies, their incentive to support racially liberal policy positions is likely to decline, just as the creation of majority-minority districts in the 1990s lowered the

overall level of minority substantive representation at the federal level just as levels of descriptive representation began to increase (Lublin 1997).

Moreover, the attitudes of white constituents within states with large minority populations, and therefore large minority delegations within the state legislature, may differ from those of whites residing in states with few minorities. Several works note that whites living near large minority populations are likely develop hostile racial attitudes, conservative preferences on racial policy issues, and vote for racially conservative candidates (Giles and Bunker 1993; Giles and Evans 1986; Glaser 1994; Hood and Morris 1997; Tolbert and Grummel 2003; Tolbert and Hero 1996). Although the contextual unit of analysis in these studies is often local, some studies find evidence for the notion that diversity at the state level influences racial attitudes as well (Hero 1998; Hood and Morris 1997). Feelings of racial threat may be exacerbated when whites live in the same general area as minorities, but not in close enough proximity to promote enough social contact between groups to offset feelings of racial threat (Oliver and Wong 2003; Rocha and Espino 2009). The increased residential and political segregation of whites and minorities at the state level (Massey and Hajnal 1995), therefore, is likely to serve to promote the election of racially conservative candidates.

Even without this trend in racial segregation at the state level, Hero and Preuhs (2008) find that Republican MCs score lower on voting scorecards developed by the National Association for the Advancement of Colored People and the National Hispanic Legislative Association when their constituencies have larger minority populations. While this conflicts with Lublin's (1997) analysis of constituent diversity and the DW-nominate scores of MCs, Griffin and Newman (2007) find that the representation of Latinos tends to be poorest in districts where Latinos make up a substantial part of the population but do not constitute a majority.

In short, a null relationship between the percentage of minority representatives within a state legislature and minority friendly policy outputs may be the product of changes in the behavior of white representatives. The behavior of white representatives, in turn, may be the product of electoral pressures from their white constituents or a negative reaction to service within a diverse legislative institution.

At odds with these conclusions is a series of studies that find that more diverse states (which also tend to have more diverse legislative bodies) are characterized by greater levels of policy equity. Although policy outcomes in such states may be poorer in such states, the gap between blacks and whites tends to be relatively small (see Hero and Tolbert 1996; Hero 1999; 2007). The racial diversity thesis contends that in heterogeneous states dialogue tends to center around issues of racial inequity and politics is often used as a mechanism to address inequity. In homogenous states, lawmakers tend to be unaware of racial differences in policy outcomes and do not use the policy process to change outcomes. Owen's (2006) analysis of state budget expenditures lends support to the notion that states with diverse legislative bodies tend to spend more money on programs that benefit minorities. This line of research suggests that whites may be more aware of issues pertaining to diversity when they serve in legislative bodies with large minority delegations. Rather than abandoning issues related to race when serving alongside representatives of color, white legislators, or at least Democratic white legislators, may become increasingly interested and concerned with issues related to race. The result is an uptake in the amount of their legislative activity related to such issues. We term this diversity awareness.

This leads us to the second and third relationships we examine regarding minority representatives and racial issues. Although several studies suggest that lawmakers from heavily minority districts are more likely to take up issues pertaining to race, others suggest that

representatives from diverse districts will be hesitant to champion causes pertaining to due to the polarized nature of public opinion regarding such issues in their districts. We test whether representatives with larger percentages of minority constituents will be more likely to introduce legislation on issues that are explicitly or implicitly racialized. Likewise, the greater effect of diversity within the legislative body remains unclear. Institutional diversity may encourage white lawmakers to resign their roles of advocates for minority interest legislation or it may promote political discourse about race, thereby encouraging white lawmakers to sponsor more legislation related to race. Intuitional diversity may lower the degree to which white lawmakers introduce legislation on issues that are explicitly or implicitly racialized (the racialized institutions hypothesis). We test whether either of these hypotheses – the negative effect of racialized institutions or the positive effect of diversity awareness – determines white legislators behavior regarding racial issues.

### **Data and Methods**

To test these three puzzles regarding minority representation, we use an original data set consisting of every bill sponsored in nine lower state house chambers in 1999-2000. The nine states in our sample are Arkansas, California, Colorado, Georgia, Illinois, Michigan, Texas, Washington, and Wisconsin.<sup>1</sup> We chose these states because they offer substantial variation on our key independent variables of interest – the presence of African American and Latino legislators. However, they should not be construed as a representative sample of any kind. Though we ultimately would like to have bill sponsorship evidence from all 99 state chambers, for this study, collecting data beyond 10 chambers was simply not feasible. The nine chambers

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<sup>1</sup> Due to data limitations, the Arkansas House bills are from the 2001 session.

we coded for this study contained a total of nearly 20,000 bills. The entire 99 chamber population contains states like New York and New Jersey where a regular session can produce over 10,000 bills, making the total number of bills introduced across the 99 legislative chambers in any given year well over 100,000 (Book of States). Coding and assessing these large numbers of bills was simply beyond the scope of this study.

The information on each bill comes from the official online legislative research archives of each chamber. The data contain the primary sponsor (sometimes called the author, as this designation varies across chambers) of each bill and codes for the substantive content of each bill (see below). We only include bills original to the chamber (i.e., only House bills and not Senate bills reintroduced in the House) and with substantive policy content (i.e. no memorials or resolutions).

We coded each bill using a coding scheme developed by the Representation in America's Legislatures Project at Indiana University. This coding scheme categorizes bills by substantive issues. In the original coding scheme, there are 21 substantive issue areas in total ranging from abortion policy to parks and recreation. Within each of these substantive areas, there are specific policy codes for items that might appear in that area. For instance, one of the substantive issue areas is crime. The crime category contains twenty-seven subcategories, such as juvenile crime (code 1505), sentencing and punishment (code 1520), and hate crime (code 1527). In developing the content coding we utilize here, the Representation in America's Legislatures Project attempted to make the coding comparable with large issue coding schemes in other sources, primarily Baumgartner and Jones' (ed.) *Policy Dynamics* (2002), Welch and Carlson's (1973) issue coding in their study of nonpartisan Nebraska.

We completed the coding with the help of several research assistants. We gave each bill at least one content code and up to two content codes. We used a second code only when the bill addressed two different substantive areas; it was quite common to have bills with content accurately captured by only one code. For each of the nine chambers, we compared coder reliability on at least a portion of the bills. The average inter-coder reliability was 84% across the nine chambers. It was often the case that even on the 16% of codes in which the two codes did not match, the codes they chose were from the same issue family (e.g. both crime codes) or captured different aspects of a related policy area. For instance, a bill about parole requirements for release from a state prison might be accurately coded as 1504 (prisons) or 1509 (criminal code and procedure). Similarly, a bill about health insurance claims could be coded as 1123 (health coverage) or 1351 (insurance claims). Typically, the solution to the latter problem was to include both codes. In the former, all final coding decisions in situations where the codes did not match across coders were reconciled by the authors' choice of code. In the resulting analysis, we utilize both policy codes (when applicable) equally, meaning if the bill received two codes like the insurance example above it, we treated it as falling equally into the health and insurance categories.

Using the subcategories within each of the 21 main policy categories, we created two specific definitions of racialized issues based on Canon's (1999) distinction between explicitly and implicitly racialized issues. Explicitly racialized issues are issues that are specifically about race and ethnicity. This is a small category of policies, consisting of discrimination policies, immigration policies, migrant workers, hate crime, and affirmative action. Implicitly racialized issues are issues that on the surface do not affect one race or ethnicity; however, in practice, they have disproportional effects on minorities. These issues relate to education, crime, housing

issues, and social welfare. More specifically, they are issues relating to equality, admissions, and discipline in education; housing equality and subsidized housing programs; prisons, juvenile crime, procedure, sentencing and punishment, and the public defender system; and social welfare and public health programs.

Table 1 summarizes our data. The first two columns show the variation in the percentage of African American and Latino legislators across the nine chambers. We also have five chambers controlled by Democrats and four controlled by Republicans, each with a variety in the sizes of the majority party. Finally, the last two columns show the percent of the agenda comprised of explicit and implicit racial issues. As mentioned above, the explicit racial issues make up a very small portion of the overall agenda, and this portion does not really change regardless of the character of the institution. It ranges from a low of .23 in Washington to a high of 1.37 in Colorado. The implicit racial issues make up a much larger portion; from a low of about 10% in Georgia to a high of over 19% in Illinois.

[Table 1 here]

To analyze the data, we utilize negative binomial regression, since our dependent variable is a count of the bills each legislator introduced. We have three main sets of independent variables of interest. At the individual level, we account for whether the legislator is African American or Latino, to examine the first question of whether minority representatives are more fervent representatives of minority policy interests. To test the effect of the legislator's district on their behavior, or the electoral constraint question, we use the natural log of the percent of African Americans and Latinos in the representative's district.<sup>2</sup> Finally, at the chamber level, we

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<sup>2</sup> We log the percent African American and Latino in the district for two reasons. First, as is consistently problematic in this literature, minorities tend to represent heavily minority districts. The correlation between percent minority and minority representative is very high across the

also control for the percentage of the Democratic party comprised of minority legislators. This tests the racialized institutions argument, or whether a larger percentage of minorities in the Democratic party makes the remaining white legislators less interested in pursuing minority interests. Alternatively, if the diversity awareness hypothesis holds, an increasing percentage of minorities might actually increase the attention white legislators pay to minority interests. We control for two other influences on the number and content of one's sponsorship, the overall number of bills each legislator sponsored and the legislator's party identification. Finally, we control for the particular circumstances of each state by using dummy variables for each state.<sup>3</sup>

### **Analysis**

For the first step in our analysis, we examine the sponsorship behavior of legislators in the nine states. Table 2 shows the results of this negative binomial regression analysis of the number of explicit (column 1) and implicit (column 2) racial issues bills introduced on the legislator characteristics.

[Table 2 here]

From the outset, it is clear two variables have a significant effect on the number of explicitly racial bills a legislator introduces to the agenda. Both African American legislators and Latino legislators are significantly more likely to introduce greater numbers of explicitly racial bills. The percentage of African American and Latino residents in the district, however, do

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states, as high as .94 in Wisconsin. Logging the population variable reduces this correlation. Second, we wish to compare our results about the effect of the district to Bratton and Haynie's (1999) analysis more explicitly, and they log their districts.

<sup>3</sup> Wisconsin is the eliminated category; Texas is also omitted from the analysis as it dropped from the analysis due to collinearity. We tried an alternative specification that included clustered standard errors by state as well, but this did not change our results. Thus, for parsimony we have presented the simpler model.

not have a significant effect on bill introduction. This distinction suggests it is the identity of the legislator, and not the legislator's constituents, that drive the introduction of explicitly racial bills. Though this relationship can be tough to specify because of the substantial correlation between these two variables (see footnote 2) we are reasonably confident in these results (see also the results of Table 3 below). To some degree, they are inseparable; it is so often the case that an African American representative or a Latino representative comes from a heavily minority district that the identity is strongly related to the district. Finally, for explicitly racial issues, as is common, a legislator who introduces more bills is significantly more likely to introduce more explicitly racial bills.

The relationship between minority legislators and implicitly racial bills, however, is less strong. Latino legislators introduce more implicitly racial issues; however, African American legislators do not introduce significantly more implicitly racial bills. Again, district variables are also insignificant; electoral constraint does not directly drive legislators to place implicitly racial items on the agenda (again, see Table 3 for more on this hypothesis). Several of the state dummy variables are highly significant; this is likely a reflection of the differences in the proportion of the agenda comprised of implicitly racial issues in Table 1. Finally, it is very interesting to note that the percentage of minorities in the Democratic party is positively and significantly related to the introduction of implicitly racial bills. This indicates that legislators in chambers with larger percentages of minorities in the Democratic party introduce more implicitly racial legislation, even though the direct link between minority legislators and implicit racial bills is less strong.

Regarding our hypotheses, the results of Table 2 offer strong support for one half of the first relationship; clearly, minority legislators (both African American and Latino) are fervent supporters of explicitly minority interests, at least when it comes to placing them on the agenda.

However, this link is less certain for implicitly racial bills, even though they are policies that have a differential impact on minorities' lives. For the second hypothesis regarding electoral constraint, scant evidence exists for the idea that racial minorities in the district lead a legislator to introduce implicit or explicitly racial bills. To some degree, we suspect this is an artifact of the remaining correlation between minority representation and minority districts; therefore, we examine this relationship further below. Finally, on implicit issues, the significant coefficient for percent minority in the Democratic party suggests there might be something to the diversity awareness hypothesis, relative to the racial threat hypothesis. The presence of racial minorities seems to increase the number of implicitly racial bills introduced to the agenda.

In Table 3, we consider the latter two hypotheses in greater detail. Table 3 gives the results of the negative binomial regression of the number of implicitly racial bills introduced for two subsamples: white Democrats and white Republicans. We consider these subsamples for two reasons. First, if there is any credence to the electoral constraint hypothesis, then we might expect it to show up most prominently among white Democratic legislators. White Democrats are not minorities (obviously), but they represent varying percentages of minority legislators in their districts. If they are electorally constrained by their districts, than those white Democrats with more minorities in their districts should introduce more implicitly racial bills. Second, we examine the third hypothesis about racial awareness versus racial threat with both of these subsamples. If racial awareness holds, we might expect the number of implicitly racial bills introduced by white Democrats to increase in states with more minorities, as white Democrats become more aware of the implications of racial equality. If racial threat holds or the institution is racialized (in that minorities alone are left to “fend for” minority issues), however, we might

see white Democrats introduce fewer implicitly racial bills. For white Republicans, we expect to see little effect for the percentage of minorities in the Democratic party.

[Table 3 here]

The results of Table 3 are split with regard to these hypotheses. First, we see no district effects in either model. This indicates no support for the electoral constraint hypothesis; white legislators of either party with minorities in their districts do not significantly change their behavior regarding implicitly racial issues. Second, we see a highly significant effect for the percentage of minority Democrats among white Democrats. This indicates white Democrats in chambers with larger proportions of minority Democrats introduce more bills about implicitly racial issues. This effect does not exist for white Republicans. This is strong support for the racial awareness hypothesis.<sup>4</sup>

Though we focus here on analyzing agenda setting behavior in the form of bill sponsorship, one further interpretation of racial threat may exist. Perhaps minority legislators introduce explicitly racial bills to the chamber or white Democrats in chambers with more minorities introduce more implicitly racial bills. Racial threat might also exist when these bills do not pass through the rest of the legislative process. Certainly, this is some of what Bratton and Haynie (1999) suggest when they find that in some states, black legislators have lower passage rates than white legislators.<sup>5</sup> Table 4 considers this possibility in the aggregate by summarizing the passage rates for explicit and implicit racial bills in the nine chambers in our sample.

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<sup>4</sup> We should note we also tried these models for explicitly racial issues; the district variables and the percentage of minority Democrats is not significant in either case.

<sup>5</sup> We also find this is the case in two chambers in our analysis.

[Table 4 here]

It is encouraging to note that in four of the nine states (Arkansas, California, Georgia, and Illinois), the passage rate for implicit and explicit racial legislation is nearly identical to the overall passage rate for the chamber, even as the overall passage rate varies substantially among these four chambers. Interestingly, these chambers are all controlled by the Democratic party. In Wisconsin, the passage rate for explicitly racial issues is somewhat lower at 12.5 percent, although this is only a few points below Wisconsin's low average passage rate overall. In the other four states, however, an interesting pattern emerges: the passage rate for explicitly racial issues is low (in two cases, about half, in the other two, almost nonexistent) while the passage rate for implicit racial issues is about average. In Texas and Colorado, the passage rate for explicit racial issues is half the average passage rate. In Washington (which only had six explicitly racial bills introduced) and Michigan, it is almost zero. Three of these four chambers are controlled by Republicans; the other (Texas) is controlled by Democrats, although with a tight majority of 52 percent. Although our evidence here is largely suggestive, it does indicate backlash against racial minorities might come in the form of lessened bill passage rather than agenda setting. More evidence from other states is needed to examine the contribution of this pattern to the lack of connection between minority legislators and policy outcomes from the legislative process that benefit minority populations.

### **Conclusion**

In the decades that have passed since the passage of the *Voting Rights Act*, scholars have continued to debate the effect of minority representation on various stages of the public policy process, including agenda setting. A series of works argue that the presence of minorities in

government is not necessary in order for minorities to have a voice in government, as white lawmakers react to the presence of minority constituents by becoming more heavily involved in issues important to that community. Others maintain that black and Latino legislators bring a unique set of concerns, interests, and policy positions to the chambers in which they serve.

While scholars have begun to unpack this puzzle through an examination of Congress and local governments, the effect of racial identity and district demographics on legislators within state government remains unclear. This uncertainty is made all the more interesting by empirical results at the state level that at times contradict findings regarding the role of race and the local and federal levels. By utilizing a unique set of data, our study of agenda setting in state legislatures suggests that the incorporation of minorities into elected office results in, at the very minimum, the addition of explicit racial policy items to the state legislative agenda. In this way, we confirm the findings of Bratton and Haynie (1999) in the state legislatures.

Also of interest is our assertion that there is little evidence for the notion that white lawmakers serving in bodies with large minority delegations are more likely to forgo sponsoring legislation on issues that implicitly involve race. Rather than creating racial antagonism, diversity in legislative bodies appears to encourage white Democrats to become more active in implicitly racial policy. In *Faces of Inequality*, Hero (1999) suggests that racial diversity plays a crucial role in determining the nature of politics within the states. Working within this tradition, we find that diversity within legislative chambers alters the behavior of lawmakers, despite the lack of a direct connection between racial populations in a legislator's district and the introduction of racial legislation. This may occur because diversity changes political discourse and levels of awareness regarding the role of race in many policy areas. This represents a significant departure from previous works (e.g. Bratton 2002) regarding the effect of legislative

diversity, and demonstrates further research is clearly needed in order to fully understand why this dynamic exists.

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## Tables

**Table 1. Descriptive Information for Nine Chamber Sample**

Chamber	% Black	% Latino	Party Control	Majority Size	% agenda explicit	% agenda implicit
AR	9.00	0.00	D	70.00	0.97	11.60
CA	5.00	21.25	D	58.75	1.09	10.87
CO	2.99	10.45	R	62.69	1.37	9.91
GA	17.78	0.00	D	57.78	0.74	9.57
IL	11.57	3.31	D	52.07	0.46	19.22
MI	13.64	1.82	R	52.73	1.05	18.11
TX	9.33	18.00	D	52.00	1.14	16.45
WA	1.00	2.00	R	51.00	0.23	12.56
WI	6.00	1.00	R	55.00	0.83	13.01

**Table 2. Sponsorship of Explicit and Implicit Racial Bills in Nine States**

	Explicit Racial Issues	Implicit Racial Issues
Af Amer	0.876**	-0.019
	0.336	0.122
% Af Amer District	0.165	0.049
	0.088	0.025
Latino	1.747***	0.311*
	0.377	0.135
% Latino District	0.035	-0.001
	0.141	0.039
Party ID	0.375	-0.083
	0.256	0.068
Total Sponsored	0.024***	0.032***
	0.006	0.002
% Minority Dems	-0.001	0.012*
	0.018	0.005
AR	0.239	0.172
	0.618	0.173
CA	0.216	-0.022
	0.391	0.126
CO	0.422	-0.325*
	0.464	0.155
GA	-0.525	-0.579***
	0.474	0.134
IL	-0.410	0.524***
	0.465	0.115
MI	0.611	0.434***
	0.404	0.113
WA	-0.694	0.482*
	0.846	0.210
Constant	-3.361***	-0.305
	0.674	0.176
N	998	998
Pseudo R2	0.13	0.15

**Table 3. Sponsorship of Implicit Racial Bills for Non-Minority Legislators**

	White Democrats	White Republicans
% Af Amer District	0.029	0.061
	0.038	0.043
% Latino District	0.038	-0.107
	0.065	0.063
Total Sponsored	0.022***	0.044***
	0.003	0.004
% Minority Dems	0.030***	0.008
	0.009	0.008
AR	0.834**	-0.120
	0.296	0.267
CA	0.243	-0.040
	0.214	0.210
CO	-0.473	-0.260
	0.357	0.199
GA	-0.149	0.194***
	0.237	0.158
IL	1.124***	0.194
	0.211	0.158
MI	0.684***	0.298*
	0.215	0.147
WA	1.451***	0.123
	0.374	0.308
Constant	-1.068***	-0.188
	0.336	0.246
N	380	459
Pseudo R2	0.16	0.13

**Table 4. Passage Rates for Racial Legislation by Chamber**

	Explicit	Implicit	Overall
AR	64.29	61.78	67.25
CA	40.62	37.03	41.42
CO	33.33	62.35	58.09
GA	30.77	29.88	41.11
IL	13.64	11.09	10.49
MI	0.04	20.26	19.85
TX	11.36	22.92	24.25
WA	0.00	17.95	17.15
WI	12.50	16.67	15.48