

## Conclusions

In every state and district, there are a number of groups jostling for the attention of their member of Congress. Not all of these groups, however, are on an equal playing field. Disadvantaged groups, from the poor to racial/ethnic minorities to veterans, are uniquely positioned in that they face additional challenges and have been recognized across levels of government as requiring additional protections to ensure their equal treatment. Given this recognition, it is particularly important to determine how well Congress is actually doing at providing adequate representation and group advocacy.

This research offers a new approach to the topic, and reconfigures the way that the representational relationship between members of Congress and their constituents has previously been conceived. It has explored which legislators are the most likely to prioritize representing disadvantaged groups and why, by investigating the formation of legislative reputations as disadvantaged-group advocates. Taken together, this project suggests three major conclusions.

First, members of Congress cultivate specific group-centered legislative reputations as one of the primary means of fulfilling their representational responsibilities and of communicating their legislative activities to constituents. Second, the framework of the advocacy window makes an important theoretical contribution to understanding the constituency-specific constraints a member faces when making decisions about whether or not to include a group in their legislative reputation, as well as the circumstances under which those constraints can be overcome. Third, the representation of racial/ethnic minorities consistently takes a different form than that of other disadvantaged groups, with members, particularly

in the Senate, demonstrating a marked wariness to forming a reputation as a minority advocate. In the sections to follow, I explore these conclusions in greater detail, and discuss the normative implications of each.

#### 7.1 LEGISLATIVE REPUTATIONS AS AN ESSENTIAL CONDUIT FOR REPRESENTATION

This project presents legislative reputations as a critically important, but frequently overlooked, means of understanding how representation happens on a realistic, practical level. The overwhelming majority of the constituents of a member of Congress will be almost entirely in the dark about the specific actions that a member engages in while in the legislature. Instead, what they know about their representative is filtered through the media, and commonly comes in the form of a distilled picture of which groups a member tends to focus their attentions on. Recognizing this, most members seek to create a pattern of behavior that can trickle down to their constituents in a way that will effectively signal which groups on whose behalf they are working. This requires that members make specific choices about which groups they wish to try to center their reputations around. The central focus of this book has been to determine when and why members of Congress choose to cultivate legislative reputations as advocates for disadvantaged groups, in particular.

Chapter 3 demonstrates the frequency with which members include disadvantaged-group advocacy in their legislative reputations, and finds that a significant percentage of legislators do make the choice to include this advocacy in their reputations. Within that group of legislators, though, there is a considerable degree of variation in terms of the level of advocacy being offered, and the particular group that is the focus of those advocacy efforts. A higher percentage of Democrats hold these reputations for group advocacy than Republicans, with reputations for primary advocacy being more common in the House, and superficial advocacy being more common in the Senate.

Legislative reputations are both universal and adaptable. All members of Congress, whether they serve in the House or the Senate, have a reputation surrounding their work within the institution. But at the same time, the focal point of these reputations and the means by which they are built can be vastly different. Every member may have a consciously cultivated reputation, but they were able to craft that reputation in a variety of different ways based upon the particular groups they are seeking to represent, their positions within the leadership or

committee structure, or even just based upon their own strengths and preferences. Focusing on reputation, rather than on particular discrete legislative actions paints a broader and more realistic portrait of the means by which representation takes place, as seen in Chapter 6.

While it is true that some members will use common tactics like sponsorship or cosponsorship to uphold their reputations as group advocates, these actions are not one-size-fits-all for all groups. Bill sponsorship and cosponsorship may be appealing for building a reputation as an advocate of groups with mixed perceptions of how deserving they are of assistance from the government, such as Native Americans or the poor, but less appealing for groups with especially high or low levels of perceived deservingness, such as veterans or racial/ethnic minorities. By utilizing member reputation as a big-picture conception of how representation occurs, scholars can also avoid overlooking disadvantaged-group advocacy that exists, but may take a less traditional form than is most commonly the point of focus in the literature.

### 7.1.1 Normative Implications

To truly understand the quality of representation being offered to disadvantaged groups, it is necessary to take a big-picture view of what representation looks like. If representation is about forming these group-based legislative reputations that can serve as a place of shared understanding for representatives and their constituents, it becomes necessary to survey the entire landscape of reputation building within the House and the Senate to comprehend how equitable our congressional politics really are. Under this framework, constituency characteristics do play an important role in shaping which disadvantaged groups members of Congress will choose to include in their reputations. But at the same time, no member can possibly represent all of the groups within their state or district at once – there is a finite limit to the number of groups that can be included in a single member's legislative reputation. Given this, the likelihood is that any particular group included will also be the most important.

This group-centered view of politics, wherein legislators must make choices about which groups they choose to advocate for, reflects many of the norms of a pluralist system. Each group cannot expect to find an advocate in every member, but they should be able to expect a similar chance that a member will choose to represent them, relative to the size of their group. But, as the preceding chapters have clearly shown, this

pluralistic norm breaks down, even among already disadvantaged groups. Groups that are considered less deserving of government assistance generally do not receive the same level of advocacy as those groups that are broadly considered to be highly deserving of government assistance. This discrepancy matters and can make a real difference in people's lives.

On a purely substantive level, group advocacy on the part of members of Congress is necessary to ensure that the needs of a group are addressed, and to push for their inclusion within important legislation. But this advocacy can have more symbolic effects as well. Individuals who feel that their needs are getting a fair hearing in the legislature are more likely to have confidence in the political system, and to be active and engaged in the political process (Uslaner and Brown, 2005). Groups that do not feel that they are being adequately represented, however, can be disincited from participating in the political system, exacerbating the inequality that already exists.

## 7.2 MEMBER REPUTATION AND THE ADVOCACY WINDOW

Chapter 2 of this book introduced the concept of the advocacy window to explain some of the primary drivers of a member's choice about whether or not to include disadvantaged-group advocacy in their legislative reputation. The advocacy window demonstrates the level of discretion that a member has in their choice to include advocating for a disadvantaged group as a component of their reputation, once the size of a group and the ambient temperature toward a group are taken into account. The advocacy window, as depicted in Figure 2.2, is essentially the range in the amount of group representation that a member could engage in without unduly risking the ire of the constituency at large and damaging their electoral prospects. The floor of the advocacy window, the level of representation that would be expected as a starting point, represents the size of the disadvantaged group within the district, while the ceiling, the high point of representation that a member could reasonably engage in, reflects the level of negative feelings toward a group in a district.

As demonstrated in Chapters 4 and 5, the advocacy window is a useful means of conceptualizing which members will choose to focus their advocacy on disadvantaged groups, and why. In the House, group size is seen to be an important baseline factor in determining the level of representation that a group will receive for nearly all groups under evaluation (with women being the sole exception). Consistently, members with a higher percentage of group members in their district are more likely to form

a reputation as a group advocate. Similarly, for all but the most highly regarded group (seniors), the ambient temperature does serve as a high water mark on the representation offered, with members being significantly less likely to form a reputation as a group advocate the lower the ambient temperature toward the group in their district.

While there is a good deal to be learned from these instances in which disadvantaged group representation follows the expectations of the advocacy window, there are also important insights to be gained by examining the conditions under which group representation occurs in ways that are not predicted by the advocacy window. When considering representation in the House of Representatives, for instance, the representation of women essentially serves as the exception that proves the rule. Women are unique, in that they not only have very little variation in their size from district to district, but that size – around 50 percent of a constituency – always has the capacity to make a considerable electoral impact.<sup>1</sup> Thus, for women, the floor of the advocacy window would be almost entirely stationary from district to district. Instead, other factors, such as the district ambient temperature, partisanship, and most especially, having a representative who is a woman, have an outsized influence on the reputations as women's advocates that are formed.

Over in the Senate, representation of disadvantaged groups – particularly those who are not generally considered to be highly deserving of government assistance – defy some of the expectations for the advocacy window in extremely important ways. Chief among them is the placement of the floor of the advocacy window. For groups such as seniors and veterans, the larger the group presence within a state, the more likely it is that a senator will include advocacy on their behalf as a component of their legislative reputation, as the advocacy window would predict. But for nearly all of the groups that are not consistently seen as being deserving of government assistance, increasing a group's size within a state does not actually make their senator more likely to form a reputation as a group advocate. This means, in practice, that for groups that are not generally seen as deserving of government assistance, the floor for an acceptable level of representation in the Senate is doing nothing at all. This is strikingly different from the advocacy window in the House, where, regardless of the disadvantaged group under consideration, group size in

<sup>1</sup> Obviously, women do not vote anywhere near a monolithic block, but all the same, there is no district in which it could be argued that women did not at least have the potential to be an electorally important constituency.

a district does have a significant effect on the minimum level of representation that a group receives.

Finally, Chapters 4 and 5 have also provided insight into which members of Congress are most likely to take advantage of the existence of a wider advocacy window. Generally speaking, descriptive representatives in the House are more likely to take advantage of having a wider advocacy window to boost the level of representation that they offer a group than non-descriptive representatives. This tends to be true for each group, at each level of advocacy, but with two important exceptions. The first exception is, once again, the representation of women. Female representatives are significantly more likely to have a reputation as a women's advocate than men, regardless of the size of the advocacy window. The second exception is narrower, and refers exclusively to those descriptive representatives who form a reputation for primary or secondary advocacy of racial/ethnic minorities. Unlike in other instances, in which descriptive representatives are more likely to take advantage of the larger advocacy window, minority representatives are more likely to form a reputation as a primary or secondary advocate when the advocacy window is *small*. As discussed in Chapter 4, this is important, as it implies that a minority representative acts to maximize their representation of racial/ethnic minorities in conditions where the threat level is higher, and their margin of error is lower.

In the Senate, the role of descriptive representatives more closely resembles the behavior of racial/ethnic minority representatives with reputations for primary or secondary advocacy in the House. Though female representatives are once again more likely to have a reputation as women's advocates regardless of the size of the advocacy window, for other descriptive representatives in the Senate, they too receive a stronger push to action relative to non-descriptive representatives when facing a narrower advocacy window. In the Senate, then, descriptive representatives are not seeking to maximize the representation they offer to a group when the advocacy window is at its widest, but rather are more likely to include at least some level of group advocacy into their legislative reputation when the advocacy window is at risk of closing.

### 7.2.1 Normative Implications

There are a number of normative consequences that stem from these findings about how members of Congress alter their representational decision-making based upon the advocacy window that they face. First

and foremost, the differences in the location of the floor of the advocacy window between the House and the Senate have some troubling implications in terms of the representation that different groups receive. One of the most basic theories of how representative democracy should work contends that representation must be rooted in the needs of the constituency itself. In the House, this holds up reasonably well. But in the Senate, the choice to form a reputation as a disadvantaged-group advocate is, in many cases, untethered from the size of the group within the constituency. This means that, especially for groups that are considered to be less deserving of government assistance, simply being present in a state, even in large numbers, does not guarantee the level of representation that would otherwise be expected.

Generally speaking, the representational scheme through which seats are allocated in the Senate tends to work to the detriment of disadvantaged groups, as they are unlikely to ever represent a majority of a state (women being the exception to this). But these results show that this handicap may in fact be even worse for those disadvantaged groups who are not considered to be broadly deserving of government assistance, as the degree of representation they receive is not even significantly related to what they could expect given their size within a state. Given the bicameral nature of the lawmaking process in the United States, this asymmetric representation of groups that are less well regarded by the population at large could have outsized effects. Even if disadvantaged groups tend to receive more appropriate levels of representation in the House than in the Senate, it is not enough to guarantee that their needs actually make it into law, as all legislation must pass through both chambers.

There are also normative implications to the reluctance of members to utilize the openings that their advocacy windows present to provide a higher level of representation for the disadvantaged. This hesitancy is evident in both the House and the Senate, where, even for groups whose size within a district provides a stable floor for the level of representation that can be expected, few members seek to move above that floor. This tendency of most members to avoid shooting for the ceiling can make the disconnect between group size and representation in the Senate even more problematic. If the floor for the majority of groups who are not considered to be the most deserving of government assistance is actually doing nothing at all, and members are hesitant to utilize the additional representational space that their advocacy window provides, that means that less well-regarded disadvantaged groups can end up having few or no

advocates in the Senate (as is largely the case over the time period studied for racial/ethnic minorities and the LGBTQ community).

Even in the House, where group size does generally represent a solid floor that can be relied upon when members are making their representational decisions, most members are unwilling to take risks and take advantage of the level of disadvantaged-group advocacy that could be permitted, given the size of the advocacy window. The overt caution of most lawmakers when it comes to the advocacy window available to them makes the placement of the floor within a district especially crucial. Because most members tend not to budge from the floor of their advocacy window, the intentional creation of things like majority-minority districts can bolster the representation that a disadvantaged group receives. Steve Cohen (D), for example, is one of the few white members of Congress representing a majority non-white district, the 9th District of Tennessee. To meet the level of representation that would be expected given his advocacy window, he assiduously cultivates his reputation as an advocate for racial/ethnic minorities, once even petitioning to join the Congressional Black Caucus.

Finally, these results do clearly show the importance of having descriptive representatives of the disadvantaged present within Congress. While it is far from a new argument to say that descriptive representatives lead to better representation, this project is able to demonstrate this in a comprehensive way, across a number of different groups, including those that have been less subject to scholarly scrutiny. The advocacy window, in an ideal world, should work in the same way for all representatives – with each being equally likely to utilize their discretion and boost their advocacy on behalf of any given group. The clear separation between descriptive and non-descriptive representatives when it comes to making the decision to incorporate disadvantaged-group advocacy – especially for groups that aren't broadly considered to be highly deserving of government assistance – demonstrates the extent to which it cannot simply be assumed that any representative for a state or district will represent that group in the same way. Instead, for most groups (with the primary exception receiving further discussion below), boosting the number of descriptive representatives in Congress is an effective means of increasing the likelihood that a member of Congress will prioritize their representation.

### 7.3 THE REPRESENTATION OF RACIAL/ETHNIC MINORITIES

One of the last big takeaways from this project is that, quite simply, the representation of racial/ethnic minorities is different than that of other



disadvantaged groups in a number of key ways. Most crucially, these differences tend to only run in a single direction – that of receiving less representation than would otherwise be expected. The previous two sections have alluded to several of these distinctions, but it is worth examining them at greater length. To begin, as seen in Chapter 3, the partisan and chamber-specific differences in who chooses to cultivate a reputation as an advocate for racial/ethnic minorities are markedly unlike those seen for any other disadvantaged group.

Chapter 3 demonstrated that, though Democrats are more likely to have a reputation as a disadvantaged-group advocate overall, the breakdown of which groups a member is an advocate for are rather similar, with one particular exception. Namely, there are very few Republicans with reputations for advocacy of racial/ethnic minorities. Even among Democrats, however, the bulk of these advocates are found in the House and not in the Senate. In fact, there is only one senator sampled with a reputation as a primary advocate of racial/ethnic minorities, compared to fifty-five in the House. There is no other disadvantaged group studied for which these discrepancies by party and by chamber are this stark.

As discussed in the previous section, descriptive representation can be a means through which disadvantaged groups that are generally considered to be less deserving of government assistance can bolster the level of representation that they receive. But is this also true for racial/ethnic minorities? The unsatisfying answer to this question is: it depends. As highlighted above, in the House, representation generally tends to nicely follow along with the broad precepts of the advocacy window. As expected, members who are themselves racial/ethnic minorities are more likely to form reputations as disadvantaged-group advocates, even after the percentage of non-white individuals in a district is taken into account.

Racial/ethnic minorities serving in the Senate, however, are not significantly more likely to form reputations as minority advocates. This is quite different from what is seen for the descriptive representatives of most other disadvantaged groups perceived as being less than highly deserving of government assistance in the Senate, and a departure from the effect of minority representation in the House. It is likely, however, that this outcome for minority representation in the Senate is a direct result of the small sample of racial/ethnic minorities that ever make it to the Senate in the first place. As an example, there are only two Black senators out of all of the Congresses sampled. One of these, Carol Moseley-Braun (D), former senator from Illinois, is the only senator included in the sample with a primary reputation as an advocate for racial/ethnic minorities. So,

while suggestive of the potential benefits of electing more descriptive representatives to the Senate, the limited numbers make it difficult to estimate what the predicted effects of having a greater number of racial/ethnic minorities might be, and what conclusions should be drawn.

It is also possible that there are systematic differences between the racial/ethnic minorities that get elected to the House, and those that get elected to the Senate. Much of the previous research into effects of descriptive representation of racial/ethnic minorities has looked at the House (for the obvious reason that minority representatives are so scarce in the Senate). But if the electoral environment of running for statewide office makes it less likely that racial/ethnic minorities will be elected to serve in the Senate, and those who are elected are less likely to serve as advocates than those elected to the House, it makes it much more difficult to resolve the representational inequalities that exist.

### 7.3.1 Normative Implications

The consequences of this unequal access to representation for racial/ethnic minorities, even relative to other disadvantaged groups, may be straightforward and easy to diagnose, but exceedingly difficult to solve. For most of the groups evaluated over the course of this project, the best ways to increase the likelihood that a member will form a reputation as a group advocate is to boost the percentage of group members within a state, or to elect more descriptive representatives. But in the case of the representation of racial/ethnic minorities in the Senate, neither of these are a sure-fire solution.

Ultimately, this representation deficit has real and consequential effects on the amount of effort Congress as a whole puts into addressing the problems facing racial/ethnic minorities in the United States. The reluctance of most members of Congress to incorporate minority advocacy into their legislative reputation, even when their advocacy window would allow for it, speaks to the uniquely precarious position of racial/ethnic minorities, even among other disadvantaged groups. This tendency, particularly in the Senate, for members of Congress to shirk the representational responsibilities that would be expected for nearly any other group serves to exacerbate the challenges that racial/ethnic minorities already face, and makes it markedly less likely that their needs will be addressed.

It is also noteworthy that even those members who do choose to build a reputation as an advocate of racial/ethnic minorities are much less likely, particularly in the Senate, to uphold that reputation through

bill sponsorship or cosponsorship, which are the tools that are most closely tied to actual legislation. This implies that two potentially troubling forces could be at work. First, these trends may demonstrate that advocates themselves may frequently be pessimistic about the prospect of positive change and/or community assistance through the most common legislative means. Or, secondly, the risk of committing to a specific bill to address racial inequalities is seen as posing too high of a risk of backlash to be worth it, especially for those holding state-wide office, even for members who are seeking to build some form of reputation for advocacy. If one or both of these forces are at work, it suggests that advocates of racial/ethnic minorities face an even steeper climb to producing tangible results than advocates of other disadvantaged groups.

#### 7.4 NEXT STEPS FOR THIS RESEARCH AGENDA

This project has provided a deeper understanding of which members of Congress will choose to build a reputation as a disadvantaged-group advocate, and why. In doing so, it also opens the door to new questions that are worthy of further research. The three most interesting of these paths for future research involve evaluating further links between member reputation and specific legislative actions, exploring the extent to which members of Congress actively campaign on their legislative reputations, and investigating the frequency with which disadvantaged-group advocates in the House move to the Senate.

Utilizing legislative reputation as a means of understanding the groups that members of Congress choose to represent has an important advantage over other ways of conceptualizing representation by not placing a priori requirements on the types of issues or actions that a member may choose to undertake on behalf of a group. However, once those reputations are established, there is value to understanding any specific patterns in the ways that members tend to form their reputations as advocates for specific groups compared to others, or if there are consistencies in how superficial advocates act relative to primary or secondary advocates. Considering the connections between bill sponsorship and cosponsorship and member reputation has started this process, but there are many more steps in the legislative process that should be investigated. Pursuing further understanding of the patterns of which actions members choose to engage in to cultivate their reputations as advocates for disadvantaged groups could provide important

information about the stage of the process in which advocates tend to put their efforts. It could also be used to demonstrate the effectiveness of these efforts at advancing bills in the legislative process or expanding the size of legislative coalitions within the institution.

Throughout this project, the focus has been directed solely at a member's actions within the legislature. But a member's actions within Congress itself and on the campaign trail are not wholly separate, and there a good deal that could be learned by evaluating the extent to which members of Congress advertise their reputations as disadvantaged-group advocates. Or, in the case of non-incumbents running for office, how clearly they foreshadow their future disadvantaged-group advocacy. Additionally, examining any variation in how selectively members with reputations as advocates for different groups tout those reputations during their campaigns could provide valuable information about how wary members are about deterring other voters who are not themselves group members. This could be particularly important for members of the House who are choosing to run for the Senate, which ties in directly to the last of the most promising next steps for this research agenda.

Since some of the earliest Congresses, between roughly 30–50 percent of individuals serving in the Senate had previously been elected to the House of Representatives (Glassman and Wilhelm, 2017). In recent years, the percentage of senators with prior service in the House on their resume has stayed near the top end of that range, with fifty out of 100 senators in the 115th Congress having previous House experience. Thus, to better understand the differences in the type and degree of disadvantaged-group advocacy that exist between the House and the Senate, an important place to look would be among members of the House who attempt to move to the Senate. This is a particularly interesting extension of the research agenda, and would have the potential to answer three questions. Specifically, are members of the House with reputations as advocates for a given disadvantaged group more or less likely to: make the decision to run for the Senate, win those races for a Senate seat, or change their legislative reputation upon arrival in the Senate? Providing answers to these questions could provide valuable insight into why the House and the Senate provide such different levels of representation across disadvantaged groups, and also point toward some potential solutions.

### 7.5 CONCLUDING THOUGHTS

Questions about who gets represented in the United States Congress, and when, and why, and how, make up the very bedrock of our system of representative democracy. This project has contributed to these perennial questions by investigating which members of Congress make the choice to represent some of the most vulnerable groups in our society, and by providing a theoretical framework for understanding what drives those decisions. The research has demonstrated that not all disadvantaged groups receive equivalent levels of representation. Members of Congress are highly cognizant of how their representational choices could affect their reelection prospects, and are particularly wary when it comes to representing those disadvantaged groups that are not widely seen as being deserving of government assistance.

Group-based legislative reputations are a conduit through which members can express their representational priorities in ways that match up with how their constituents understand the political world. By centering this investigation on the critical but underappreciated role that legislative reputations play in the representational relationship, this project offers a fresh perspective and a new step toward a better understanding of congressional representation as a whole, while also offering insight into the specific representation that disadvantaged groups receive. This research provides an opportunity to fill in some of the gaps in our knowledge about why representational inequality exists, and in doing so, sheds light on a potential path to more equal representation within the US Congress.