Black-Majority Districts or Black Influence Districts? Evaluating the Representation of African Americans in the Wake of *Georgia v. Ashcroft*[1]

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Do representatives elected from majority-black districts allocate more federal projects to black constituents than representatives from black influence districts? In this paper, I argue that studying distributive policy decisions—where legislative coalitions may be universal—may be preferable when assessing the efficacy of black-majority versus black influence districts. Black-majority districts are defined as districts greater than 50% African American, and black influence districts are defined as districts with a 25–50% African-American population.[2]

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[1] This chapter is a revised version of a paper prepared for the Chief Justice Earl Warren Institute on Civil Rights, Ethnicity, and Diversity at the University of California School of Law, Berkeley: "Voting Rights and Democratic Participation: The Decade Ahead."

[2] There is confusion in the legal and political science literature regarding the precise definition of a black "influence" district, and this confusion is warranted as the Court has never laid down precise numbers corresponding to its definition of an influence district. However, I numerically define influence districts in the spirit of the definition offered in the majority opinion by Sandra Day O'Connor in *Georgia v. Ashcroft*, where the constitutionality of a number of districts between 25% and 50% black were considered. O'Connor defined influence districts as districts "where minority voters may not be able to elect a candidate of choice but can play a substantial, if not decisive, role in the electoral process." I have arbitrarily chosen 25%–50% black as the numeric representation of this "influence" given that African-American candidates are almost always able to win election in districts greater than 50% black but not always so in 25% to 50% black districts. Further, the Court's majority opinion regularly used the terms "influence" and

Further, when examining the allocation of distributive policy projects to African Americans, drawing what I term *black decisive districts* is critical to enhancing African-American influence. Black decisive districts are a new category of districts I introduce to the debate over voting rights and racial redistricting: they are districts that are highly likely to elect an African-American representative, yet they are districts that are still electorally competitive. Given the extant and mixed evidence that roll-call policy outcomes change under different racial redistricting schemes (see the debate between Shotts 2003a, 2003b and Lublin and Voss 2003) and that African Americans receive more federal projects under black decisive districts, I argue that these black decisive districts improve African-American substantive representation in Congress. These districts fit within the law as established in *Georgia v. Ashcroft* (2003).

This chapter addresses a puzzle in the literature on minority representation. If we are interested in questions about American democracy and concerned about how best to enhance minority representation, is it important to draw black-majority districts? Is it important to elect black representatives? What arrangement of black voters in a district maximizes the representation of black policy interests: black influence districts as suggested by cases such as *Georgia v. Ashcroft* or black-majority districts as suggested by the Voting Rights Act extensions of 1982? Scholars have not provided a clear answer to these questions.

Early literature on the subject focuses on the need for enhanced descriptive representation—defined as the election of black representatives to office (Davidson and Grofman 1994; Parker 1990). These scholars argue that policy or substantive representation is more likely to reflect "black interests" if black-majority districts are drawn and black representatives elected.

A second wave of studies, however, questions the efficacy of drawing black-majority districts (Cameron, Epstein, and O'Halloran 1996; Guinier 1994; Lublin 1997; Lublin and Voss 2003; Overby and Cosgrove 1996; Thernstrom and Thernstrom 1997; Swain 1995; Whitby 1997). These scholars find that the creation of black-majority districts leads to "better" representation of black constituents only in those districts with black majorities; in the aggregate, however, these districts actually hurt black interests by packing black voters into a small number of districts. Furthermore, Swain's (1995) seminal work pointed out the lack of an incentive for black members of Congress from very safe, supermajority-black districts to engage in substantive representational activities on behalf of black constituents. More recent work, though, has contradicted these claims, finding that black-majority districts are likely to create more pro-African-American outcomes in the legislature as a whole (Shotts 2002, 2003a, 2003b). In addition, recent scholarship has indicated that black descriptive representation provides benefits for black voters through both Washington-based activities and through enhanced participation

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"coalitional" districts interchangeably to suggest there is no substantive difference between an "influence" district and a "coalitional" district. Thus, throughout this chapter, when I use the term "influence district," the term "coalitional district" could also be used in its stead.

among black voters relative to white voters (Bratton and Haynie 1999; Canon 1999; Gay 2001, 2002; Haynie 2001; Preuhs 2006; Tate 2003; Whitby 1997).

One reason for this lack of consensus is that scholars studying African-American representation are focused primarily on roll-call votes and other Washington-based decisions made in the aggregate legislature. Where one scholar finds a deleterious effect when examining one set of roll-call votes, another points to just the opposite when looking at a different subset of votes. In order to see which, if any, of the above competing theories of black representation are accurate, I look at representational behavior beyond roll-call voting. By looking at other representational activities such as "pork barrelling," a clearer picture of this scholarly and policy debate will emerge.

Distributive Public Policy as a Measure of Policy Representation

As detailed above, the study of roll-call voting has been the bread-and-butter of scholars of both Congress and minority representation, yet the importance of congressional roll calls may be overstated by voting rights scholars when assessing districting plans (Grose 2006). However, some congressional scholars (Cain, Ferejohn, Fiorina 1987; Fenno 1978; Hall 1996) have addressed other facets of legislative representation beyond the vote. Only a few scholars of minority representation, both empirical (Canon 1999; Sinclair-Chapman 2002; Swain 1995) and normative (Mansbridge 1999; Williams 1998), have begun to consider other ways of conceptualizing substantive or policy representation. Moving beyond policy representation, Tate (2003) and Gay (2001, 2002) have examined symbolic representation and political participation.

I extend the study of substantive representation and racial redistricting in a new direction by focusing on *distributive* public policy. I analyze the distribution of federal "pork" projects within congressional districts in order to capture manifestations of policy representation other than roll-call voting. "Pork" projects are likely to be of importance to constituents in ways that voting on bills may not be. Tangible goods delivered to the district are important for legislators hoping to establish and expand personal connections within their districts.

Another advantage of studying the distribution of projects is that I am measuring legislative policy outputs that are not typically based on ideology. Distributive policy outputs (or "pork" projects) are much more likely to be passed by an overwhelming margin on the House floor than other more ideologically driven legislation that may be favored by black constituents, such as redistributive policies or social policies (e.g., affirmative action, civil rights, or liberal economic policies). Unlike voting on ideological policy, distributive politics is not always a zero-sum game between legislators of different parties (Weingast 1979; Shepsle and Weingast 1981; Weingast, Shepsle, and Johnsen 1981). By this, I mean that legislators often form large coalitions spanning party and ideology to support project delivery. Thus, individual legislators have the ability to garner projects and give them

to multiple constituencies, while with roll-call voting they must cast either "yea" or "nay."

Majority-Black Counties as Proxy Measures for African-American Constituents

My goal is to measure the distribution of federal projects to black constituents within congressional districts. However, it is impossible to chart the flow of individual projects to each individual recipient by race.[3] Thus, a proxy unit of analysis for black constituents is required. Due to residential and historical segregation in many parts of the U.S., members of individual racial groups are highly concentrated in some geographical areas. In this section, I look at one of these geographical subunits: counties within congressional districts. Specifically, I look at counties with majority-black populations in order to capture the flow of federal projects to black constituents. While this is not a perfect surrogate measure of congressional outreach to individual African-American constituents, it does have appeal, given what we know about how members of Congress view and compartmentalize their own districts.[4]

In this section, I will look at the distribution of projects within congressional districts to those counties that have very high levels of black population. I will estimate models with a sample of counties from all congressional districts in the 104th, 105th, and 106th Congresses (1995–2000), a period where many black legislators represented white-majority districts following court-redrawn districting plans. Specifically, I examine counties with a black population greater than 50% in all congressional districts during these three Congresses.

Data Variance Problems in Previous Work on African-American Representation

Why are cross-sectional data including these districts so useful? The data are useful because previous researchers have not had enough variation in their samples to test competing theories. Scholars have made broad conclusions regarding the size of the African-American district population and the effect of a legislator's race and party on congressional vote outcomes. However, those who have tried to divine the differential effects of (1) electing black legislators and (2) the overall black population of districts on the substantive representation of black

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[3] Perhaps other scholars in the future can conduct such a study. Surveys of those recipients of projects could be conducted in order to learn which individual constituents receive projects and what impact this might have on opinions of their representatives.

[4] Other researchers also have examined the delivery of projects to geographic constituencies within congressional districts (Ansolabehere, Gerber, and Snyder 2002).

constituents typically run into a methodological "brick wall": multicollinearity. Until recently, nearly every black legislator was elected from a majority-black district. As a result, the correlation between these two variables was typically so high (>0.9) that quantitative scholars have been forced to choose just one variable to include in models. Whitby and Krause (2001: 561) have called this problem a "dilemma [that] hampers all other research on this topic."

Multicollinearity is typically a problem in that it causes standard errors between correlated variables to become inflated even when the variables may in fact be significant. In fact, the "so-called multicollinearity problem" is simply a problem of sample size and of lack of variation among observations, as Achen (1982:82) has stated: "[M]ulti-collinearity violates no regression assumptions. Unbiased, consistent estimates will occur. . . . The only effect of multicollinearity is to make it hard[er] to get coefficient estimates with small standard error[s]." Previous scholars examining racial representation in Congress have faced this problem in part because the number of observations has been small (in some analyses), but for the most part simply because of the lack of variation that has historically existed between these two key independent variables (race of legislator and black district population). Methodologically, by examining counties during the 104th through 106th Congresses, I am able to overcome this multicollinearity problem that has seriously hampered past scholars examining racial representation. For a more extensive discussion of how these congressional district data from 1995 to 2000 provide leverage on examining the effect of both the race of the legislator (descriptive representation) and the district black population (black-majority versus black influence districts), see Grose (2005).[5]

One additional point needs to be made about the unit of analysis. Above, I simply use the word "counties." However, in order to utilize more complete data, I include those counties that are split into multiple congressional districts. Thus, the above measures include both whole counties and portions of counties. However, for the sake of parsimony, I typically refer to all as "counties" throughout the manuscript.[6]

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[5] The correlation between the *black district population* and *black legislator* variables in the analyses presented later is high: 0.8. However, this is much lower than past studies where the correlation between these variables is well over 0.9. Demonstrating reduced levels of correlation does not fully demonstrate that multicollinearity is not present. Thus, I also conducted a diagnostic test of multicollinearity (examining the variance inflation factors, or VIFs, of all variables in the analyses). VIF values above ten indicate high levels of multicollinearity (Chatterjee, Hadi, and Price 2000). The values of the VIFs for the race of legislator and district black population variables discussed in the next section were low, and thus multicollinearity is not a serious problem (especially given the large sample size by looking at counties as the unit of analysis).

[6] Unfortunately, data for many of the independent variables related to the 106th Congress in North Carolina and Virginia congressional districts are not available, and thus counties from districts in these two states for the 106th Congress were excluded from the analysis. Following the 1998 elections, these states were forced to redraw their districts, and these data were not available. In three of the districts, black representatives

Hypotheses: The Effect of Black-Majority Districts
on Distributive Policy

To determine whether (1) black-majority districts versus black influence districts; (2) descriptive representation; and (3) political party affect distributive policy outcomes, I examine the effect of these factors on "pork" project allocation to majority-black counties. These factors are likely to have an impact on the substantive representation of black constituents; below, I briefly detail how we might expect these variables to affect project allocation to African-American constituents.

We know from the Congress literature (Fenno 1978) that the size of particular constituency groups within a district affects the representative's responsiveness to that group. In order to secure reelection, a member of Congress cannot neglect large groups of voters within the district. Others studying roll-call voting have found that, at the level of the individual district, high levels of black population lead to a more pro-civil rights voting record in Congress. Taking this logic to the level of distributive policy projects, I expect that the larger the black constituency in a district, the more likely the district's representative will allocate projects to counties with substantial black populations.

Alternatively, perhaps legislators are not as motivated by the size of their black constituencies as much as their own racial backgrounds (e.g., Whitby 1997). Thus, I hypothesize that African-American legislators are more likely to deliver a larger number of projects to majority-black counties. Third, in addition to examining the impact of the district black population and the presence of a black legislator, I also hypothesize that the interaction of these two variables will predict "pork" project allocations to black constituents. This variable is justified because Swain (1995) has shown that black legislators from supermajority-black districts have less of an incentive to work extensively on constituency service and other activities geared toward the district compared to black legislators from more competitive districts. Thus, this variable is included based on the expectation that black legislators from districts with fewer black constituents may be more likely to allocate projects than their African-American counterparts from heavily black districts (and this relationship may not exist for white legislators). Finally, it is expected that Republicans will be less likely to reward those who do not support them, and thus are likely to deliver fewer projects to majority-black counties than Democrats. Since black voters have historically been unlikely to support Republican congressional candidates, it is also unlikely that Republican legislators will work extensively to distribute projects to African-American constituents. Alternatively, with Republicans in the majority, perhaps they allocate more projects.

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were redrawn into much whiter districts. The inclusion of these data could potentially reduce multicollinearity even more.

Data and Methods

The data used for the dependent variable are from the Federal Awards Assistance Data System (FAADS). Other details regarding the unit of analysis were given earlier, but more information about the data in the sample of counties is needed before we proceed to the analysis. The FAADS data are available from the U.S. Census Bureau as a list of every project allocated with associated geographic information. I began the data collection with the entire data set of all projects sent to all congressional districts in the 104th to 106th Congresses and selected only those projects allocated to heavily black counties (>50% black counties). Then I excluded all types of federal assistance other than new project grants—formula-based grants, loans, contingent financial aid, and so on were not included. New project grants are the most likely to be "pork," where legislators are able to control distribution to particular constituencies (Stein and Bickers 1995). Next, I aggregated these data to each county so that the *total number of new projects* allocated to each county was known. Finally, I collected independent variables associated with each of these counties, their districts, and their representatives.

I only look at the final year of each session (1996, 1998, and 2000) for two reasons. First, "pork" projects may have a greater effect during election years.[7] Second, there is a lag between the time when a project is actually approved by Congress and when it is processed. Thus, it would be difficult to distinguish whether project data in early 1999, for example, was a result of maneuverings of the legislator elected to the district in November 1996 or of the legislator elected in November 1998.

Because the dependent variable is based on count data, the use of OLS may be inappropriate and a nonlinear event count model is needed. For these reasons, I estimate the model with the negative binomial distribution. The negative binomial regression model relaxes the assumption of constant mean and variance across observations that is required for a Poisson distribution (King 1989: 51–54; and Long 1997: 230–38 give more information on the negative binomial regression model). I have hypothesized, and past research indicates (Stein and Bickers 1995), that projects are not distributed equally: legislators attempt to reward supporters with projects. Additionally, the number of new projects allocated depends in part on demand in each county based on such variables as overall population, economic need, and the like (Rich 1989). Thus, the assumption of constant variance and mean required of the Poisson model will be difficult to meet, and the negative binomial model is the most theoretically appropriate specification. Also, the models are estimated with robust standard errors.

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[7] Anagnoson (1982), for example, finds the electoral impact of projects to be greatest when they are announced near an election period.

Modeling the Effect of Racial Representation on
Project Allocations to Black Constituents

As mentioned above, I measure "pork" projects by looking at the total number of projects allocated to a particular county. The dependent variable in each model is the *number of new federal project grants allocated*. The number of projects, instead of dollar outlays, is the most appropriate measure according to Stein and Bickers (1995).[8]

Independent Variables of Interest:
Racial Representation Variables

Four variables are needed to test the hypotheses, and these variables are at a higher level of aggregation than the unit of analysis (counties >50% black). Thus, each of these four variables is related to the legislator that represents the county. The first is the *black population of the district*, included to test the first hypothesis. This variable is simply the percentage of the population that is black according to 1990 census figures.[9] In this sample of counties higher than 50% black, the minimum value for the district black population variable is 18% and the maximum value is 74% black. To test the second hypothesis, which addresses the effects of descriptive representation on the allocation of federal projects, I include a dummy variable: *black representative*. It is coded "1" for all

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[8]The need to include portions of counties does not allow us to have precise measures of allocations to these portions. The FAADS data set only details which counties receive projects, not which portions of counties within congressional districts do. Stein and Bickers (1995) address this measurement problem in their study of congressional districts and federal projects. In counties split by congressional districts, they assign the number of projects proportionally based on overall population of the portions of counties within each district. I do the same in this analysis. For example, assume a county is split between two congressional districts and receives three projects. District 1 contains one-third of the county's population, and district 2 contains two-thirds of the population. Thus, the dependent variable for the county portion in district 1 will be "1"; the dependent variable for district 2 will be "2". For those cases where the project allocations estimate for a county portion is not a whole number, I round to the nearest integer. Ideally, exact data would be available even to these county portions. Unfortunately, it is not, so I turn to the literature for a solution to this measurement problem. Also, just to be sure, I have estimated similar analyses as those presented later on just "whole" counties. The results are generally consistent. Fortunately, for all independent variables in the analysis, I was able to gather precise values for both whole counties and county portions and thus did not make similar estimations for split counties.

[9] Black voting age population was not available for a significant number of districts (any of those redistricted after the initial 1992 redistricting). Thus, I use black population.

counties that are represented by a black legislator and "0" for all counties with nonblack legislators.

The variable *black population of district x race of member* is specified in order to test the third hypothesis. I expect white representatives will be differentially responsive compared to black representatives when representing districts with larger black populations. African-American legislators in heavily black districts will not need to respond in safer, black-majority districts as much as white representatives from high-black population districts (and the inverse may also be true). The independent variable is measured by multiplying the observations of the district black population variable and the race of representative variable. Thus, for nonblack representatives, the variable is coded "0"; for black legislators, the variable is the district black population percentage.

Stein and Bickers (1994, 1995) find that the party of the representative has an impact on the allocation of projects. Thus, I include a variable *party of representative* to test the fourth and final hypothesis. I expect that Republican legislators will allocate fewer projects to black constituents than will Democrats. Alternatively, as members of the majority party, Republicans may allocate more as they have access to more projects. The variable coded "1" for counties represented by Democrats and "0" otherwise.

Other variables predicting project allocations. There are a number of other variables that are likely to predict project allocations. Most of these variables are based upon a legislator's status in the congressional hierarchy (e.g., seniority, whether on the Appropriations committee) They are also based on demand for projects within the legislators' districts (e.g., percentage of constituency in agriculture). I include these additional variables in the analysis as well. However, since they are not central to the questions regarding racial representation, the descriptions and measures for these independent variables are included in the appendix.

Results: Black-Majority Districts Needed for Distributive Policy to African Americans?

The results from the analysis are quite interesting. Holding all other variables constant, black representatives allocate more projects to majority-black counties than their white colleagues do. However, the district's black population affects the allocation levels of projects for both black and white representatives in different ways. These findings lend support to arguments that both the district's black population and the election of African-American representatives matter to predicting project allocations. Table 1.1 details the results of the negative binomial regression analysis.

In Table 1.1, two of the four variables of interest were significant—the race of the representative and the variable for the interaction of the legislator's race and district black population. The presence of a black representative had a positive and

Table 1.1: The Effect of Racial Representation on the Number of "Pork" Projects Allocated to U.S. Counties with > 50% Black Population, 1996, 1998, 2000[1]

Dependent variable: Number of new distributive policy projects

Independent variables	Coefficient (standard error)
Racial representation variables:	
Black population of district (%)	0.010 (0.016)
Black representative	2.184 (0.948)[2]
Black population of district x race of member	-0.044 (0.020)[2]
Party of representative	-0.163 (0.350)
Congressional variables for those representing each county:	
Member on House Appropriations committee	0.481 (0.314)[3]
Previous election margin of House representative	0.008 (0.003)[4]
Senator on Senate Appropriations committee	0.482 (0.155)[4]
Seniority of House member	-0.004 (0.012)
Seniority of Senators (combined total)	-0.007 (0.004)[3]
County-level project demand variables:	
Median family income in county (in 1000s)	0.002 (0.051)
Overall population of county (in 1000s)	0.003 (0.0008)[4]
Proportion below poverty in county	3.405 (2.505)
Proportion blue collar workers in county	-0.165 (1.583)
Proportion in farming occupations in county	-7.970 (2.381)[4]
Proportion over age 65 in county	15.621 (4.194)[4]
Proportion under age 18 in county	-0.550 (3.441)
Proportion urban in county	1.604 (0.330)[4]
Proportion with less than high school diploma in county	-2.931 (2.292)
State capital located in county	1.496 (0.249)[4]
Constant	0.327 (2.157)
α (alpha)	1.501 (0.110)[4]
N	466 counties/portions of counties

[1] This model is estimated using negative binomial regression and robust standard errors. The sample is majority-black counties in all congressional districts in the 104th, 105th, and 106th Congresses.

[2] $p \leq 0.05$

[3] $p \leq 0.10$

[4] $p \leq 0.01$

All variables are one-tailed tests except for the following (see text and appendix for details): black population x race of member, party of representative, previous election margin of House representative, seniority of House member, and seniority of senators.

significant impact on allocations to black constituents at the 0.05 level. Interestingly, the race of legislator and district black population interaction variable is negative and significant, also at the 0.05 level. Given the potential multicollinearity between the race, district black population, and interaction variables, we must be careful about conclusions related to just the district black population variable by itself (and its lack of significance). However, instead of dropping the interaction variable as its inclusion is theoretically appropriate, the results of the analysis in Table 1.1 suggest that the interaction of a legislator's race and a district's black population is an intervening variable and that the district black population, in isolation from other variables, has little impact of its own. Only when we consider the interaction of the presence of a black representative with the racial population of a district can we best understand the impact of racial representation on distributive policy projects.[10]

A clearer interpretation of the impact of these variables is determined by computing the expected values of the number of federal project grants associated with each variable (Long 1997: 224, 237).[11] After calculating these expectations, it becomes clear that the presence of a black representative leads to more project allocations. All else equal, *a majority-black county with a black representative will receive about eight more projects than a similar county represented by a white legislator.* This is not inconsequential given the millions of dollars typically spent on each distributive policy project. Districts during the 104th through 106th Congresses (1995–2000) represented by black representatives vary from 37% to 74% black, while all but one white representative in the sample represents white-majority districts. Thus, in the range of districts where black and white legislators overlap (37% to 52%), *black representatives almost always allocate more projects than do white representatives*. Thus, the results indicate that descriptive representation has a clear impact on project allocations to African-American constituents.

Having established that African-American legislators allocate more distributive policy projects to predominantly black counties than white representatives (regardless of district population), it is useful to look only at the subset of African-American legislators. Figure 1.1 shows the expected values of the number of distributive policy projects for African-American legislators while varying the district black population and the interaction variable (holding other independent variables at their means). Surprisingly, majority-black counties receive substantially greater numbers of projects when represented by black representatives *in districts with smaller black populations.*

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[10] Due to potential multicollinearity concerns, I also estimated this analysis separately for black legislators and nonblack legislators. The results displayed in Table 1.1 and Figure 1.1 were consistent with this split-sample analysis as well.

[11] Note that for each sample, $p \leq 0.01$ for α. This indicates that overdispersion exists and the negative binomial specification was therefore more appropriate than the Poisson distribution.

**Figure 1.1. Distributive Policy Allocations to Majority-Black Counties:
African-American Members of Congress**
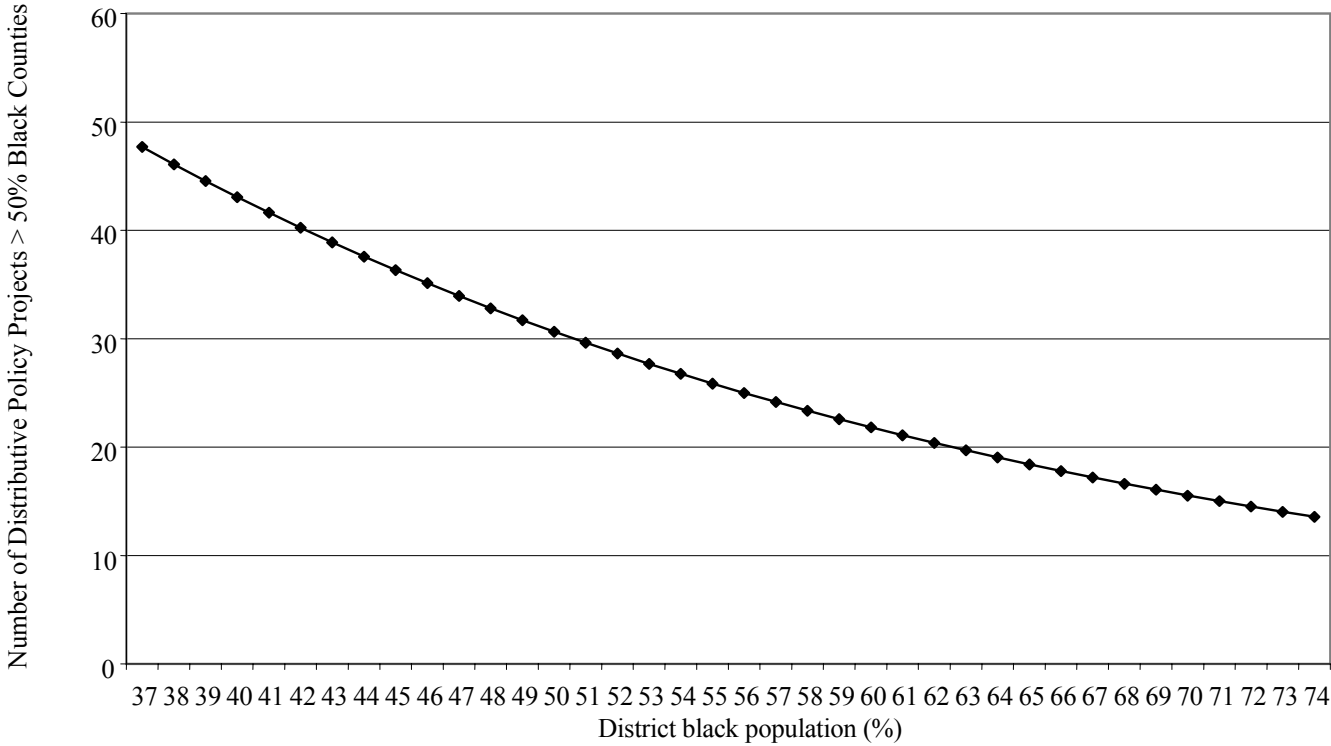
Black representatives are most likely to give substantial numbers of projects to black constituents in districts without black majorities. In Figure 1.1, contrast the expected number of projects received when there is a black representative representing a 37% black district (37% is the district in the sample with the lowest black population, represented by a black legislator) and when there is a black representative representing a majority-black district.[12] In a 37% black district, a black representative allocates about forty-eight projects to majority-black counties. A black legislator from a district with a 55% black population will allocate almost half that number, only approximately twenty-six projects.

In sum, these results demonstrate that racial representation affects the allocation of projects to black constituents. Black representatives allocate more projects than white representatives even when controlling for a district's black population. Thus, a conclusion based on this evidence is that black legislators are responsive to black constituents in general. Thus, any county in a black legislator's district with a significant black population (>50%) is likely to receive a larger number of projects from an African-American legislator than from a white legislator.

Other variables have an impact on the number of projects allocated and deserve a brief mention. As seen in Table 1.1, most of the demand control variables and a couple of the congressional control variables affect levels of allocation. The overall county population, the proportion over age sixty-five, and the presence of a state capital, for instance, all have sizable effects on the number of projects. Two congressional variables that are highly significant predictors of increased project allocations are the previous general election margin of the House representative and the presence of a senator (from the state within which the district is located) on the Appropriations committee.

Finally, it is important to note that party was not significant in this particular analysis (though see other work I have done indicating this is not the case, such as Grose 2003). While we must be cautious with conclusions based upon a negative finding, it does appear that race is a more important factor than party when it comes to the distribution of project allocations to black constituents. Surprisingly, both Democrats and Republicans seem to exhibit similar levels of project allocation to these counties. Thus, electing black legislators has an impact on larger project allocations to black constituents, while electing Democratic legislators does not.

Implications for the Future of Majority-Minority Districts and the Voting Rights Act

What do these analyses of federal project allocation mean for voting rights and the law? Benson (2004) has argued that *Georgia v. Ashcroft* should be the impetus the voting rights community needs to push for stronger protections for majority-

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[12] The expected number of projects is derived from the regression results displayed in Table 1.1.

minority districts. The Court's finding in the case, though, suggests that black influence districts may be the preferred method of insuring black interests in the future and that majority-minority districts are no longer needed. I suggest a third way: *black decisive districts* should be maximized. *Black decisive districts* are congressional districts that are drawn with two goals: (1) to increase the likelihood of electing African-American legislators—or more generally, the preferred candidate of choice of African-American constituents; and (2) to be electorally competitive. Black influence districts are not enough, but black-majority districts are not always needed. Instead, black decisive districts are districts that are drawn with a local context in mind. In many instances, the local context of racial voting patterns will suggest that a black-majority district will be needed to elect an African-American legislator or an African-American preferred candidate. In other instances, where there is greater racial crossover voting, districts that are 40%–49% black will suffice to make the election of African-American legislators highly likely. Redistricting officials should maximize black decisive districts and pay heed to the local context of states and localities where districts will be drawn.

This argument for black decisive districts fits within the constraints of the Court's implied support of influence districts. Sometimes black decisive districts will be similar to what the court calls black influence or coalitional districts, while other times a district may need to be 50% African American or greater in order to be decisive. If the choice is a black influence district likely to elect a white legislator versus a black-majority district likely to elect a black legislator, then the black-majority district is more likely to enhance representation of the interests of African-American voters (given the results in Table 1.1 showing black legislators allocate more projects to African Americans than white legislators). However, black decisive districts (with black legislators as representatives) from districts less than 50% black are preferable to super-majority black districts represented by black legislators (given the results in Figure 1.1). This finding supports Swain's (1995) argument that safe black-majority districts lead to legislators who are less focused on responsiveness to constituents. Black influence districts are only useful mechanisms for enhancing black substantive representation when they will almost certainly elect black legislators. Unfortunately, given racially polarized voting, black influence districts do not frequently elect black legislators in open seat elections.

Gerken (2005: 1189) notes that the legal debate over *Georgia v. Ashcroft* centers on "the tradeoff between 'influence' and 'control.'" My findings suggest that African Americans do not have influence over the distribution of project allocations when black influence districts are represented by white legislators. Thus, districting plans that lean more heavily on the "control" side of the coin may deserve the most protection when attempting to safeguard African-American representational strength.

This policy suggestion for black decisive districts is based on the results of the distributive policy analysis presented here. In terms of project allocation, an arrangement that allows for the election of the most black representatives in districts just a hair under 50% black or in districts that are just barely black-majority seems to be the best. This way, black legislators or black-preferred candidates can win in

districts that are not overwhelmingly black, yet surrounding districts will not be diluted so substantially that white representatives can ignore black constituents or take them for granted.

The Supreme Court in *Georgia v. Ashcroft* argued that maximizing black-majority districts may be a detriment to the best aggregate representation of black interests in the legislature (Cameron, Epstein, and O'Halloran 1996; Lublin 1997; Swain 1995; Whitby 1997). Others have pointed to other benefits besides roll-call voting inherent in descriptive representation, though besides Bratton and Haynie (1999); Haynie (2001); and Tate (2003), much of this work has been theoretical (Mansbridge 1999, Williams 1998).

The analysis presented here suggests a different view. The "best" districting arrangement would clearly be a districting plan that maximizes black decisive districts. In the case of project allocations, black legislators (regardless of black population) allocated more projects than did white legislators. In electorally competitive districts lower than 50% black, however, black legislators allocated even greater numbers of projects to black constituents than in districts with a black majority. In the aggregate, then, maximizing black legislators while not "diluting" surrounding districts clearly seems to be the best policy prescription for the maximization of substantive representation via distributive policy. This policy prescription differs substantially from scholars who have simply suggested that black influence districts are preferable. By noting the need for descriptive representation, I am suggesting that districts under 50% black should only be drawn under very narrow conditions: those in which black legislators are very likely to win, and not those in which black candidates have an even chance of victory. The even chance of victory has typically been the standard offered by other advocates of black influence districts.

This policy suggestion may be easier said than done, however. The cases analyzed here of black legislators from districts without a black majority are only very recent phenomena. It is not clear whether white voters with histories of racially polarized voting are ready to elect black legislators in open seat elections. The cases of black legislators representing white-majority districts studied here are almost entirely those who were forced to run in white-majority districts once the courts ruled their districts unconstitutional, but who also had the advantage of running as incumbent representatives. Would African-American members of Congress Mel Watt (D-NC), Corrine Brown (D-FL), or even Sanford Bishop (D-GA) have been able to win in their court-ordered white-majority districts had they not been incumbents? Few black members of Congress have been elected in districts that are white-majority, and most that have were initially elected in districts with a black majority. In 2000, thirty-six black incumbents ran for reelection and all were successful. Five of these were elected in white-majority districts, and eight were elected in districts with a black minority but a combined majority of minority (African-American, Asian-American, and/or Latino) constituents. In contrast, based on 2000 figures, nonincumbent black candidates did not fare as well. Of fifteen black candidates who ran in open seats or against incumbents, only one was victorious: Lacy Clay, to an open seat in a black-majority district. The other fourteen

ran in white-majority districts and lost. Prospects for many more black members of Congress appear bleak given these trends.

Recently, however, some black legislators have succeeded in winning in white-majority settings. For instance, David Scott (D-GA) won in a 47% black district in the 2002 open seat election in the 13th district of Georgia.[13] However, this result may be exceptional and less likely to occur in other geographic locations (Scott's district includes the suburbs of Atlanta).

Thus, as mentioned earlier, local conditions should be examined when determining whether black legislators can succeed in garnering some nonblack voter support. What is different about Scott's district where he was able to win compared to other similar districts that tend to elect white legislators? Future researchers should examine in more detail the preconditions that may allow black candidates to win in white-majority settings to determine when black decisive districts with black minorities are possible and when black decisive districts with black majorities are needed.

Another strategy for drawing black decisive districts that can lead to more black legislators from districts without a black majority, and thus increase substantive representation for African Americans, is to create more majority-minority districts with a black plurality (Lublin 1997, Swain 1995). Black legislators can more easily win in black-plurality districts that have a combined black and Latino majority than in white-majority districts with a significant black minority (Lublin 1999). Also, a district with Asian-American, black, and/or Latino voters forming a majority may also be more likely to elect a black legislator, though the evidence on the extent that Asian-American voters would be likely to cross over and vote for an African-American candidate is limited.

In sum, this study speaks to the Supreme Court decision in *Georgia v. Ashcroft*, where the Supreme Court suggested that majority-black districts no longer need to be maximized in districting plans. I somewhat concur with their opinion, but also disagree in part. Districting plans that maximize black voters' interests and black voting rights are those that maximize the election of black legislators in relatively competitive districts. Thus, depending on the local context, the policy to be adopted should include black influence districts only if black legislators can win. Otherwise, black-majority districts are critically needed.

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[13] This black district population figure is based on dividing the district population identifying only as black or African American in the 2000 census by the total population in the district based on the 2000 census.

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Appendix

Specification of Other Independent Variables in Pork Project Allocation Model

Below I detail the other independent variables used in the negative binomial regression model shown in Table 1.1 and how they are measured:

Congressional Variables

Member on House Appropriations committee is a variable included to control for the access to projects that legislators serving on this committee have (Arnold 1979; Ferejohn 1974). The expectation is that counties that are in districts represented by Appropriations committee members will receive more projects than counties without representation. The variable is coded "1" if the legislator representing the county is on the committee and is coded "0" if not.

Senator on Appropriations committee is a similar control variable. Lee (1998) shows that the Senate also plays a role in the distribution of projects. Here, too, the variable is coded "1" if a county is represented by a Senator who is on the Appropriations committee.[14]

Seniority of House member. This variable is measured as the number of years served by a House member at the opening of the Congress in which the project is allocated. Seniority indicates greater access to projects, though senior legislators may be more secure and do not have to allocate as much as junior members.

Seniority of senators. The seniority of senators can also affect the allocation of projects. This variable is the total number of years served by both senators in a state.

Previous election margin of House member. Stein and Bickers (1994, 1995) find that the lower the electoral margin of a House incumbent, the more likely an incumbent will allocate a greater number of projects in the subsequent Congress. Those legislators that are the most electorally unsafe will need to use all advantages available to incumbents, and "pork" project delivery is one of these advantages. On the other hand, the relationship may be inverted—safer members allocate more projects as it keeps them electorally secure.

Demand-level Variables

Distributive policy projects are sometimes allocated because of political concerns, but also are often distributed purely out of need or demand (Stein 1981; Rich 1989). After all, even when political influence is involved, a potential grant recipient must still apply for a grant. A representative's influence is limited to the ability to advertise available grants to constituents and to work to

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[14] No senators from the same state concurrently serve on the Appropriations committee in this sample, so a dichotomous variable is sufficient.

procure specific grants once the grant has been applied for (Ferejohn 1974; Arnold 1979). Thus, well-specified models of project distribution need to consider that "some communities find project grants difficult to apply for and politically undesirable to accept" (Stein 1981).

The models presented involve U.S. counties. In order to determine which explanatory variables predict project allocations to counties, I turn to the literature on project distribution. This literature, though, has typically looked at only district-level or state-level allocations. Because of this, the independent variables used are those found to affect project allocations at these higher levels of aggregation. In this analysis, they are applied to the county level.

The first and most obvious demand-level variable is the *overall population of the county*. Largely populated counties will receive more projects than those counties with few residents. Levitt and Snyder (1995), Stein (1981), and others have found that the overall population of a geographic area is one of the most important predictors of project allocations.

Other demand-level variables deal with the occupational backgrounds of constituents. Bickers and Potoski (2000) and Bickers and Stein (1996) find a negative relationship between the percentage of employees in agriculture and project allocations. Bickers and Potoski (2000), Bickers and Stein (1996), and Levitt and Snyder (1995) find that the higher the percentage employed in blue collar jobs, the less likely projects will be allocated. Thus, I include two independent variables to control for these factors. The *proportion in farming occupations* is the proportion of all employed people in each county who are classified as working in "farming, forestry, and fishing" occupations by the 1990 U.S. census. The *proportion of blue collar workers* is also calculated using census data: the proportion of all employed people in each category who are classified as working in one of four blue collar occupation categories.[15]

Similarly, economic variables pertaining to the residents of geographic areas are important. Levitt and Snyder (1995) and Bickers and Potoski (2000) find that median family income has a negative impact on project allocation. The rationale is that very wealthy communities are more likely to seek market-based assistance or simply do not need government projects as much as middle- and low-income communities. Also, though, very poor communities may not have the skills or resources to seek projects (Stein 1981), so a variable capturing poverty in each county is also needed. The *median family income* variable is the median family income in each county from the 1990 U.S. census. The *proportion below poverty* is the number of persons in poverty in each county divided by the number of persons for whom poverty status is established (also from the 1990 U.S. census).

Other demand-level constituency characteristics affect project allocation. Control variables for younger residents, senior residents, urban residents, and less-

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[15] The four census occupational categories used to calculate the blue collar variable are the following: (1) machine operators, assemblers, and inspectors; (2) transportation and material moving occupations; (3) handlers, equipment cleaners, helpers, and laborers; and (4) precision production, craft, and repair occupations.

educated residents are needed. Following Bickers and Potoski (2000) and Bickers and Stein (1996), I include the variables *proportion over age 65* and *proportion under age 18* in each county.[16] Large senior populations are more likely to receive projects than younger populated areas.

The *proportion urban* and the *proportion with less than a high school diploma* are included to control for demand and are both from the 1990 census. The urban variable is the number of persons living in urban areas divided by all persons in the county, while the education variable is the proportion of all persons over age twenty-five without a high school diploma living in each county. Urban residents are much more likely to receive projects (Bickers and Potoski 2000; Levitt and Snyder 1995). Less-educated populaces, on the other hand, are less likely to have the skills to apply for grants and thus will not receive as many (Bickers and Stein 1996).

Finally, I also include a variable that designates whether a state capital is located in the county. Levitt and Snyder (1995) find this to be a significant predictor of project allocations. Given the way that the FAADS data are reported, many projects are allocated to the state government to distribute throughout the state. However, the actual coding in the FAADS database indicates these projects as allocated to the county in which the state capital is located (Stein and Bickers 1995). Thus, I include a dummy variable indicating the presence of a state capital in a county as these counties will receive many more projects than others.

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[16] Levitt and Snyder (1995) also find that the population over age sixty-five affects project allocation levels. The specific data for these variables is from the 1990 census as well.