

# Race, Party, and Representation in Criminal Justice Politics

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What explains racial inequalities in law enforcement and criminal justice policy? I argue that political representation plays a key role. Most explanations of representation focus on partisanship or use a left-right scale to measure the effectiveness of representation. However, liberal cities like Berkeley, San Francisco, Minneapolis, and Seattle have racial disparities in policing that dwarf those found in Ferguson, the nation's exemplar of unequal policing. Divisions by party and divisions by race interact to produce serious problems of representation on issues related to crime, policing, and violence. Black and white Democrats do not hold similar views; for both historical and electoral reasons, white Democrats have typically determined the party's policy stances. As a result, black Americans face substantial barriers to obtaining representation on criminal justice issues (and beyond) through a partisan political system. Researchers should analyze parties as coalitions rather than homogeneous groups.

**W**hite and black Americans face notably unequal treatment from the criminal justice system. Despite similar rates of drug use across racial groups, African Americans are much more likely than whites to be arrested for drug-related crimes (Edwards, Bunting, and Garcia 2013). Black drivers are (much) more likely to be stopped for investigative purposes (Epp, Maynard-Moody, and Haider-Markel 2014), and black pedestrians are more likely to be stopped, questioned, and frisked (Gelman, Fagan, and Kiss 2007; Goel, Rao, and Shroff 2016; Spencer, Charbonneau, and Glaser 2016).

While much of the work on unequal policing focuses on the biased cognitive processes of individual police officers, a growing body of work identifies a relationship between political processes and police repertoires (Goldstein, Sances, and You 2018; Mummolo 2017; Sances and You 2016). If policing is the result of representative political processes, this invites questions about how coalitions, communities, and voters gain representation in the political process.

Political parties are the primary representative linkage in American politics. Parties solve a delegation problem, allowing voters to identify and select candidates who will support their community's interests. As the country has become more polarized, parties seem even more central to policy-making and representation, as well as to identity.

And yet partisan politics cannot explain variation in unequal policing. After the Ferguson uprising, the Ferguson Police Department drew scrutiny from news organizations and the Department of Justice for its unequal treatment of African Americans. In Ferguson, black residents were about 2.67 times as likely to be arrested for minor offenses as whites.<sup>1</sup> In notably liberal cities like San Francisco, Berkeley, and Madison, those ratios were far worse: 6.61, 7.06, and 8.57, respectively. White voters in these areas overwhelmingly support Democratic candidates, and many of these exceptionally unequal cities are known for their liberal character.

I argue that the structure of public opinion on an issue affects the incentives of national parties to take up the preferences

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1. Arrests are from the Federal Bureau of Investigation's 2011 Uniform Crime Reports and include all arrests for Part 2 offenses. Population data are from the 2007–11 five-year American Community Survey estimate.

of racial minorities. On issues where African Americans have support from their white copartisans—or even a subset of those copartisans—parties are more likely to advocate for their interests. When issue differences between copartisans across racial subgroups are large, however, parties are unlikely to provide representation to subordinate groups. In such cases, descriptive representation—black elected officials who represent black constituents—play a critical role in securing representation. Descriptive representation (including direct power for subordinate groups) is especially important when differences across group within a party coalition are high.

In this article, I make two core arguments. First, I use public opinion from the General Social Survey (GSS) to argue that gaps between black and white Democrats are substantively large and often large in comparison to partisan gaps between white Democrats and white Republicans. I show that this is not a consequence of greater liberalism or less punitiveness among black Democrats but rather of two distinct ways of defining the problems of crime and policing, bundling issues, and assessing likely solutions.<sup>2</sup>

Second, I argue that issues where intraparty divisions are particularly high, partisan linkages often fail to secure representation for black Democrats. Instead, black preferences have historically become part of the Democratic Party's advocacy primarily when they mirror those of whites—a process described by Hinton, Kohler-Hausmann, and Weaver (2016) as “selective hearing.” I use historical examples to show the role of black policy makers in articulating the preferences of black Democrats, and the challenges they face in recruiting support from their white copartisans. This suggests that descriptive representation—and local political venues where people of color may have greater access to political power—may be more effective venues for representation for black interests than national partisan politics (Eckhouse 2016).

This article has implications for our understanding of party representation. I join a line of scholars who have expanded our understanding of representation beyond a unidimensional voting position to include problem definition, resource distribution, and political control (Grose 2011; Miller 2008; Weaver and Decker 2014), as well as articulating a new theory of when descriptive representation matters. It also helps explain an enduring puzzle in the study of criminal justice: the tremendously

unequal policing in liberal cities and states. Finally, the results of the article suggest that researchers should treat parties as coalitions. Even in a hyperpartisan era, within-party divisions can be as substantively important for policy making as partisan differences.

### PARTY COALITIONS AND RACIAL DISAGREEMENT

In the American politics literature, most work on representation deals with the dyadic relationship between individual representatives and their constituents. Do members of Congress vote as their constituents would prefer? Which constituent preferences influence votes in Congress (Gilens and Page 2014)? Do voters hold members of Congress accountable for their votes and punish them for taking extreme positions?

As polarization has risen, however, the textbook Congress connection between individual constituencies and the behavior of their political representatives has been increasingly mediated by political parties (Wessels 2007). Rising partisanship has even begun to disrupt the dyadic relationship around particularistic benefits for representatives' districts in the US Congress. After the 2010 election, in which numerous moderate Republicans were replaced by Tea Party supported candidates who opposed “earmarks” on ideological grounds, historically coveted seats on the House Appropriations Committee were filled by junior members. The risks of political fallout from ideological opponents outweighed the benefits of directing funds to constituents.

The substantial differences between white and black Democrats on issues related to crime and policing make it challenging for political parties to effectively represent their divided constituents. Beyond the inherent challenges that parties face when their coalition partners disagree (Bawn et al. 2012), white Democrats in the twentieth century often pursued a strategy of minimizing their support for the political priorities of black constituencies because they believed that visibly embracing black priorities would cost them the votes of “moderate” white Democrats (Frymer 2010). Even after the consolidation of African Americans in the Democratic Party's coalition, white Democrats have often explicitly distanced themselves from black interests, as when Bill Clinton “publicly dismissed [Jesse] Jackson in what would forever become known as the ‘Sister Souljah moment,’ a term that has come to constitute and signify when a candidate attacks a friendly constituent group in an effort to appeal to a broader base of American voters” (Frymer 2010, 208–9). Black Democrats also use explicit racial appeals to generate support from white voters (Stephens-Dougan 2017).

How do parties resolve these conflicts? Hinton, Kohler-Hausman, and Weaver describe the process of “selective hearing” as follows: “Policy makers pointed to black support for greater punishment and surveillance, without recognizing

2. In this article, I focus on the views of black Democrats, white Democrats, and white Republicans. I omit consideration of black Republicans because they do not make up a significant group within the Republican Party's coalition. I also focus on white-black cleavages because this racial divide has been a key structuring force in the development of the politics of criminal justice (Weaver 2007).

accompanying demands to redirect power and economic resources to low-income minority communities. When blacks ask for better policing, legislators tend to hear more instead” (Hinton et al. 2016, A27). I argue that selective hearing is an appealing strategy for white Democrats precisely when there are major gaps between the views of black and white Democrats. This selective hearing privileges points of agreement between black Democrats and their white copartisans and allows white Democrats to claim that they are responding to black constituents’ needs—without considering the ways black and white Democrats differ in problem definition, issue bundling, and resource allocation preferences.

When there are gaps between the dominant group and subordinate groups, parties will often fail to provide representation to their subordinate group coalition partners. Since, as I show in the following section, partisanship forms the core linkage between constituent groups and representatives, black constituents and other minoritized groups need an alternative representative linkage.

In her seminal work on descriptive representation, Mansbridge (1999) argues that descriptive representation is especially important for handling “uncrystallized interests” which have not yet been incorporated into party conflict. Mansbridge’s examples focus on events that occur after the election, like the Supreme Court confirmation hearings for Clarence Thomas, and thus were not part of preelection campaigning. Certainly, criminal justice has been an important aspect of party conflict for decades. However, the specific interests of black voters have not been adopted or brought into partisan conflict.

Descriptive characteristics, like party membership, solve a delegation problem. Ethnoracial identity signals that a person is in and of a particular community; gender conveys information about a person’s likely experiences within a gendered world. Even when members of a group have heterogeneous policy preferences, they may have a shared problem definition (Weaver and Decker 2014). White Democrats’ and Republicans’ assessments of the role of racism in US politics are for more similar to each other than they are to the assessments of African Americans (Fiorina and Levendusky 2006; Hutchings and Valentino 2004; Mangum 2013). In this context, descriptive characteristics—especially ones like race, which typically embeds individuals in a community of others who share both identities and interests—might not be the distraction that Achen and Bartels (2017) argue but a valuable mechanism for identifying people who have a credible, irrevocable connection to a particular community.

To identify the ways that descriptive representation promotes this linkage on issues related to crime and policing, researchers must look beyond roll call votes in Congress. Floor votes capture a highly constrained set of opportunities, limited

by the agenda control powers of political parties. Two alternative contexts provide opportunities to examine the way black representatives provide substantive representation to black Democrats’ views on crime and policing.

First, researchers can focus on contexts like local politics in which descriptive representatives of black voters and other ethnoracial minorities can in fact wield power. Researchers have found that black mayors are more likely to diversify police forces (Hopkins and McCabe 2012; Saltzstein 1989), and that cities with greater black representation on city councils rely less on fines and fees (Sances and You 2016).

Second, at the national level, researchers can look beyond congressional voting. Research on black elected officials suggests that black officials often represent black constituents in ways that go beyond roll call votes, like directing earmarks (Grose 2011), and responding to nonconstituent requests (Broockman 2013). In the following section, I examine efforts by members of the Congressional Black Caucus to shape crime policy. These proposals reflect the bundled problem definition seen among the black public, in which racial bias, crime, and police violence should be addressed simultaneously.

More broadly, this article challenges the conventional view that partisan divides are the primary form of political disagreement in our highly polarized modern US politics. Instead, I argue that parties are made up of coalitions of various groups (Bawn et al. 2012). Intrapartisan divides by race, class, and other group characteristics can be as substantively important as partisan divisions (Broockman, Ferenstein, and Malhotra 2017; García-Castañón et al. 2019; Walker, forthcoming).

## **RACE, PARTY, AND VIEWS OF CRIMINAL JUSTICE Data**

To assess party divides, I draw on three surveys conducted in the United States. First, the GSS is a nationally representative survey that has been fielded at least every two years since 1972 (the survey was nearly annual from 1972 to 1993, and biennial since 1994). The survey’s great strengths are its long-running repeated questions and its large sample size, which allow me to assess public opinion on criminal justice, policing, and crime over a long period. Sample sizes in any particular year can range from about 1,500 to nearly 3,000.

The second, the African American Men Survey, “was conducted by telephone from March 20 to April 29, 2006, among 2,864 randomly selected adults nationwide” and included large oversamples of African American adults. Finally, in the summer of 2015, the Associated Press–National Opinion Resource Center (AP-NORC) for Public Affairs Research conducted a survey on Law Enforcement and Violence, which included an oversample of black respondents.

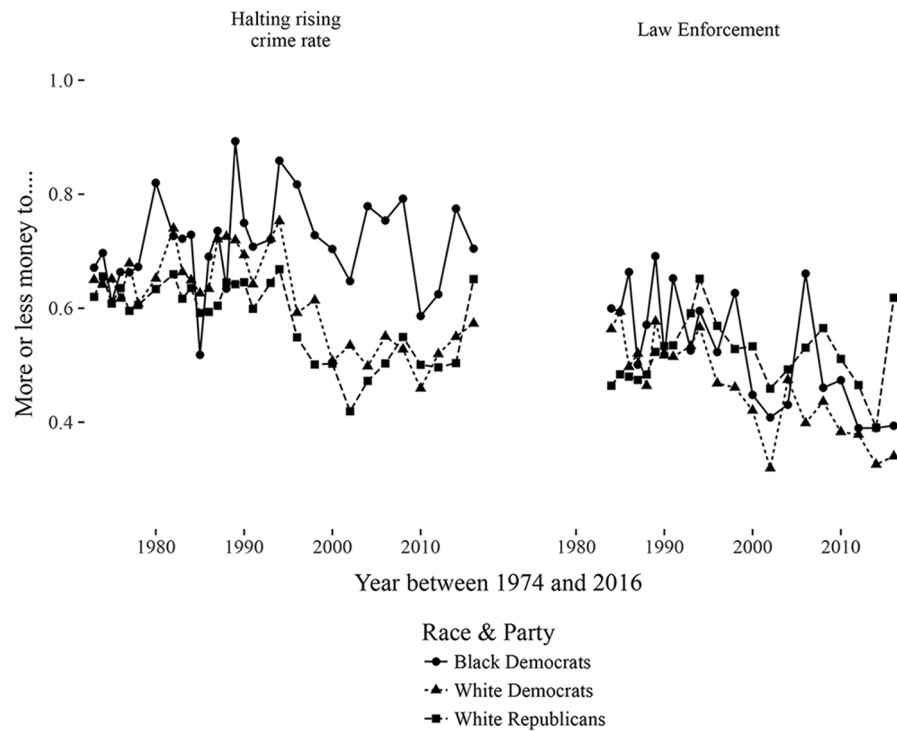


Figure 1. GSS data on allocating resources for crime and law enforcement by party and race

### Preference differences

These surveys reveal substantial differences between white and black Democrats—differences that are often as large as or larger than partisan differences. Figure 1 shows answers to questions about allocating resources to two key policing-related questions: “halting the rising crime rate” and “law enforcement.”<sup>3</sup> Black Democrats are much more likely than their white copartisans to think more money should be spent on halting the rising crime rate, suggesting greater concern about criminal justice.

One strand of research argues that public punitiveness—and especially punitiveness among black politicians and voters—played a key role in the growth of mass incarceration (Enns 2016; Forman 2017; Fortner 2015). And yet black Democrats’ desire to allocate more resources toward crime does not translate into higher support for key markers of punitiveness. As figure 1 shows, gaps between black and white Democrats on allocating more resources to “law enforcement” are low: indeed, on this issue, both race and party differences are small.

Enns’s index of punitive sentiment correlates with support for capital punishment at  $>.95$  (Enns 2014). As a proxy for punitive sentiment Figure 2 shows public opinion by race and party on capital punishment. Over much of the period between 1980 and 2000, black and white Democrats

held very different views on capital punishment. In the last decade and a half, both black and white Democrats have become less punitive, but white Democrats have become much less punitive, to the point where black and white opinion among Democrats has converged. Indeed, over this period, white Democratic leaders at the national level have begun speaking, at least occasionally, about racial inequality in criminal justice. Throughout the period covered by the GSS (with the sole exception of 1990), black Democrats have been less likely than whites to believe the courts should be more harsh.

The final panel in figure 2 shows a measure of concern about police violence. Here gaps between black and white copartisans dwarf those between white Democrats and white Republicans. These survey responses reveal a pattern: black Democrats are much more concerned about crime and willing to allocate resources to it, than either white Democrats or white Republicans. This is unsurprising, since black Americans are much more likely than whites to be victims of crime. Black Democrats combine this concern about crime with less punitiveness and more concern about overly harsh courts and police violence.

### Crime and policing in context

While major intraparty gaps between black and white Democrats are not unknown on other issues, the gaps on criminal justice related issues do not arise from generally more liberal opinions among black Democrats. In fact, black Democrats are

3. All question wordings are reproduced in app. B.

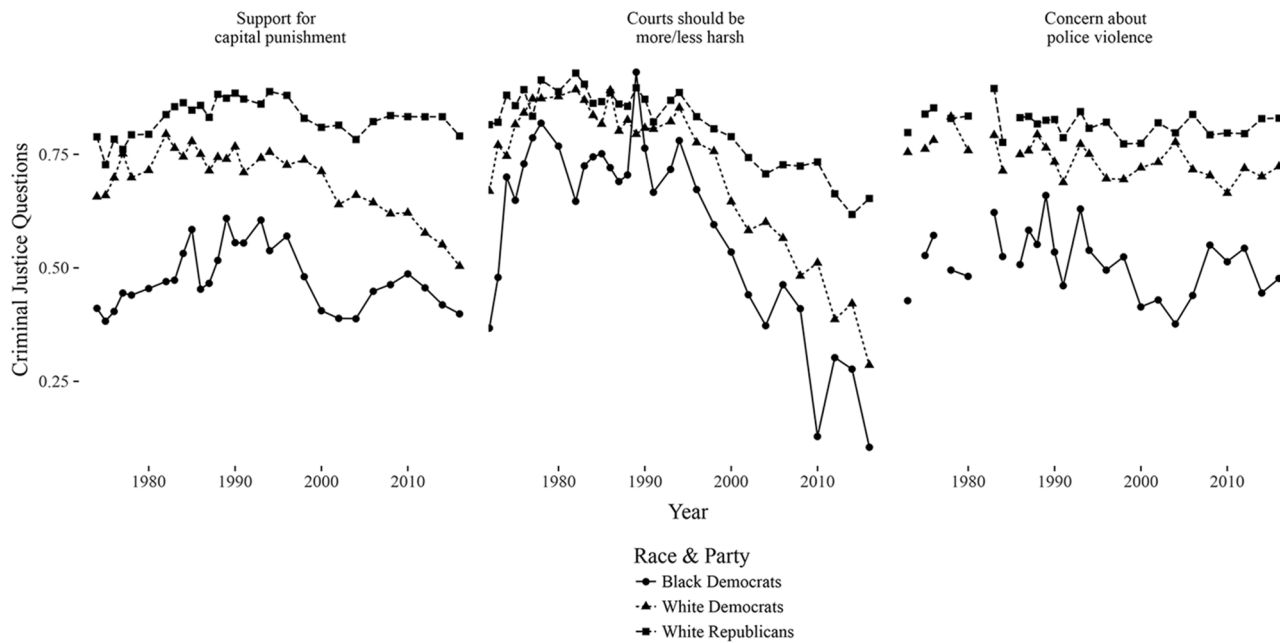


Figure 2. GSS data on capital punishment, courts, and police violence

somewhat more likely than white Democrats to describe themselves as conservatives. In order to compare the views of black and white Democrats, I use a series of questions about resource allocation on the GSS. Figure 5 in appendix A (figs. 5, 6 and apps. A, B are available online) reports preferences about spending more or less money on neutral issues, while figure 6 reports preferences on racialized and explicitly racial issues. The consistent question wording allows for clear comparisons of gaps. (For reference, app. A also reports the gaps on specifically racial questions about “assistance to blacks” and “improving the conditions of blacks.” These questions, as expected, show large gaps between black Democrats and their white copartisans.)

Questions that are highly racialized in public discourses, like urban spending and welfare, do show differences between black Democrats and their white copartisans. However, these gaps are small relative to the substantial differences on crime spending (and other, nonresource questions).

More generally, white and black Democrats overall hold similar views on welfare state spending, including health care, childcare, education, and, in recent decades, welfare itself (Social Security is an exception). Generally, black Democrats are slightly more likely to support increased spending. In recent decades, differences by race have been small relative to the gaps between white Democrats and white Republicans.

### Problem definition and issue bundling

Weaver and Decker (2014) argue that during the development of the War on Crime, a distinctive approach to fighting crime arose within black communities: one rooted in community

control and social justice, which saw law enforcement as only a small piece of what was needed to reduce the impact of crime on communities of color. Black respondents’ reactions to the GSS reflect this problem definition. Both black and white Democrats are less likely to think spending on “law enforcement” should be increased than spending on “halting the rising crime rate,” but the gap is much larger for African Americans than for white Democrats. Also, while black and white Democrats have fairly similar preferences about spending for law enforcement, despite their very different preferences about spending for “halting the rising crime rate.”

Among African American respondents to the AP-NORC poll, 71% think “problems with race relations in our society cause police to treat minorities unjustly” is a major reason for police violence against civilians, compared to 42% of white Democrats and 21% of white Republicans. Here, again, the gap between white and black Democrats is larger than the gap between white Democrats and white Republicans. That is, black Democrats define the problem of police violence quite differently from white Democrats.

Finally, in the AAMS, several questions ask about the causes of mass incarceration and other social phenomena. Black Democrats are more likely than white Democrats or white Republicans to name all of the listed factors as causes of the disproportionate incarceration of young black men. But this gap is smallest on socioeconomic factors and largest on the role of racism in the criminal justice system. Black Democrats are much more likely than white Democrats to say that mass incarceration arises from racial inequality: 72% of black Dem-

Table 1. Problem Definition by Race and Party

	Index			<i>n</i>
	Socio-economic	Personal Responsibility	Racial Bias	
Black Democrats	.70 (.011)	.60 (.013)	.78 (.013)	1,180
White Democrats	.62 (.018)	.46 (.023)	.56 (.022)	406
White Republicans	.52 (.017)	.55 (.022)	.43 (.022)	380

Note. Standard errors in parentheses.

ocrats say “police are more likely to target black men than whites” is a big reason that young black men are jailed disproportionately, compared to 41% of white Democrats and 27% of white Republicans. However, black respondents are also more likely to identify factors related to “personal responsibility” as reasons for incarceration.

Using the AAMS questions about reasons for the incarceration of young black men, I identify the extent of individuals’ agreement with “personal responsibility” factors, “socioeconomic inequality” factors, and “racism in the criminal justice system” factors. Appendix B shows the question wording involved. I create an index for each type of factor: identifying a “social inequality” factor as a “big reason” is coded 2 points, and identifying it as a small reason is coded 1 point. These are divided by the maximum coding in each category (6 for social inequality, 4 for personal responsibility, and 4 for criminal justice racism.)

Table 1 shows these indexes for black Democrats, white Democrats, and white Republicans. This question, with its

opportunity to assess from multiple directions the ways that race and party interact to determine how different groups define the problem of mass incarceration, also allows us to understand how respondents connect these definitions. When respondents identify socioeconomic factors or racial inequality as major causes of racially disparate incarceration, do those same people identify personal responsibility as a key factor, or are these separate populations? Figure 3 shows the relationships among these indexes.

White and black Democrats, by and large, show similar relationships between the socioeconomic index and the personal responsibility index. Those who rate personal responsibility highly are slightly more likely to rate socioeconomic factors as major reasons. Conversely, the socioeconomic index is highly correlated with the racial bias index for all groups. African Americans at all levels of the socioeconomic index are much more likely than white Democrats or white Republicans to describe racial bias as a big reason for racial disparities in incarceration—suggesting that black respondents view racial bias as something closely connected to other issues.

When the racial bias index is plotted against the personal responsibility index, however, important differences in the patterns of issue bundling emerge. For black respondents, as agreement with the personal responsibility index rises, so does agreement with the bias index—increasing from .65 to nearly .85 and rising with every increase in support for the personal responsibility index. For white Democrats, in contrast, the relationship is much flatter and is entirely flat in the top half of the personal responsibility index. The same is true for white Republicans. If we hypothesize that zero scores on both indexes are inflated by social desirability bias or anxiety about expressing opinions on fraught issues and confine ourselves to people who agreed with at least one reason, the personal responsibility index and the bias index are strongly

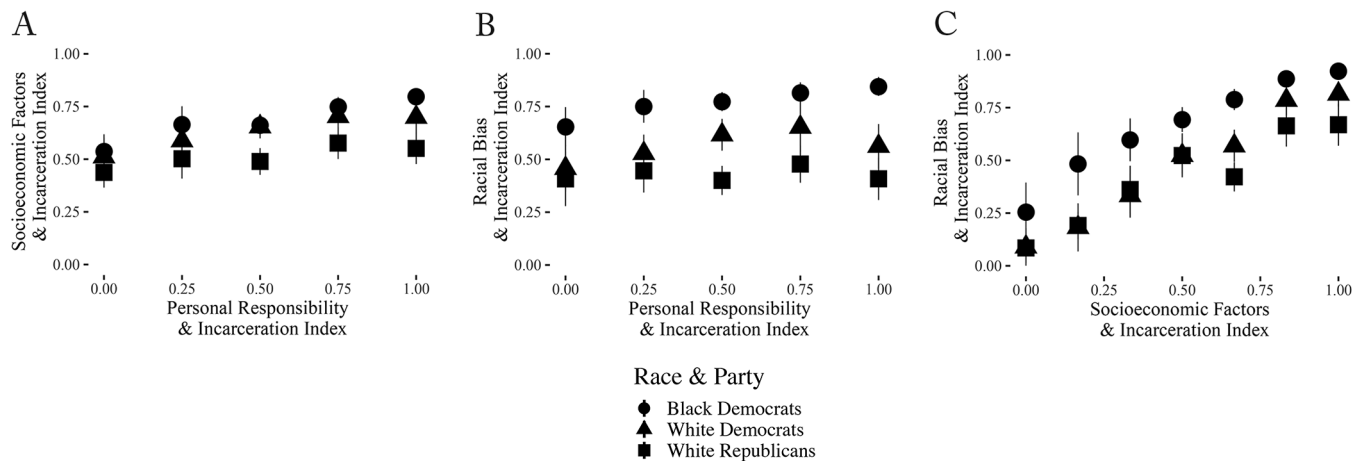


Figure 3. Issue bundling using AAMS data

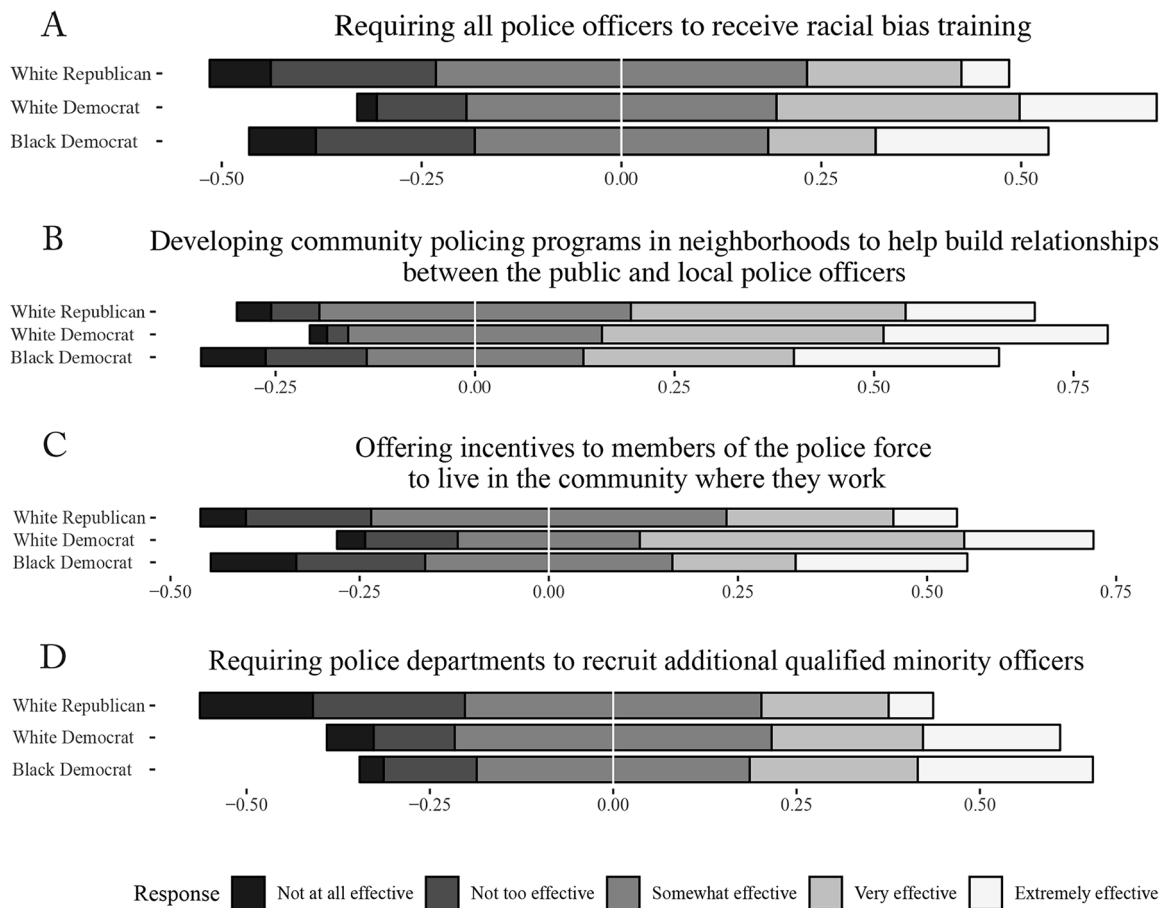


Figure 4. AP-NORC: Evaluations of policies to “reduce tension between minority communities and the police”

correlated for black Democrats but not for white Democrats or white Republicans.

Neither white nor black respondents understand racial bias and personal responsibility as substitutive explanations. Rather, for white respondents they are unrelated, while black respondents who attribute incarceration to personal responsibility also attribute it to racial bias. Weaver and Decker (2014, 5) write of the movement for community control that “their framings and policy goals stood apart from the approach and rhetoric of other liberal groups: they did not argue the traditional liberal mantra that crime was not about race—as their white counterparts had; instead, they embraced that crime was essentially a ‘minority condition’ and should be confronted by blacks themselves.” While Weaver and Decker are describing the positions of community activists and political actors, the AAMS results suggest that these positions continue to represent mass opinion several decades later.

The AP-NORC poll offers the opportunity to assess party differences on solutions, shown in figure 4. The poll shows substantial intraparty divisions on policies aimed at reducing “tension between minority communities and the police.” In

fact, black Democrats are closer to white Republicans in their evaluations of the likely effect of these policies, because white Democrats are much more optimistic about the likely effects of most of these policies than either black Democrats or white Republicans. The exception is that black Democrats are much more confident about the effectiveness of “requiring police departments to recruit additional qualified minority officers.”

**BLACK REPRESENTATION AT CRITICAL JUNCTURES**

In the case of racially unequal law enforcement, recent research indicates that descriptive representation plays a key role in shaping inequality in arrests, fines and fees, and other important outcomes (Goldstein et al. 2018; Sances and You 2016). In this section, I trace the role of black representatives in crime policy at the national level. I show that descriptive representatives of black communities—and especially the Congressional Black Caucus—often advocate for distinctive positions that reflect the ways their black constituents define problems and bundle issues. Elite proposals reflect mass priorities, suggesting that descriptive representation is in fact creating an effective linkage between elites and the public.

### John Conyers and the law enforcement assistance administration

While mass incarceration became a major force in the 1980s, scholars have traced the roots of carceral expansion far earlier (Hinton 2016; Muhammad 2011; Murakawa 2014; Weaver 2007). One crucial episode was the battle for control over the Law Enforcement Assistance Administration (LEAA). Created by the Safe Streets and Crime Control Act of 1968 (the first major federal crime control legislation), the LEAA disbursed about \$10 billion in funding before it was abolished in 1982 (Hinton 2016). “Safe Streets began a behemoth crime program that birthed the modern criminal justice system by funneling billions in aid to states for prison construction, police manpower expansion, and infusion of technology, spawning SWAT teams, bullet proofs vests, and 911 call centers” (Weaver and Decker 2014, 20).

At the same time, community based responses to crime began to develop in black communities. These perspectives were supported by a broad array of black led organizations, including the California Black Correctional Association, the National Organization of Black Law Enforcement, and Harlem’s Congress of Racial Equality, but Robert Woodson at the Urban League played the most significant role. Woodson advocated for community groups to take the lead in crime prevention, rather than focusing on apprehension and punishment, and pointed to a wide variety of citizen-led efforts, from the residential House of Umoja in Philadelphia to block associations and citizen patrols. The House of Umoja is an illustrative example: it was founded by the parents of former member of Congress Chaka Fattah, who took in about 15 young gang-involved neighbors, offering them housing and support to divert them from dangerous and illegal activities (Weaver and Decker 2014).<sup>4</sup>

These strategies reflected distinctive black attitudes toward policing and crime, including the characteristic problem definition and issue bundling that combines concerns about racism in the criminal justice system with concerns about criminal victimization. Note that approval for this type of policy is difficult to measure using standard surveys: the AP-NORC poll described above evaluates only policies implemented via police departments, rather than policies that use other techniques to address crime, and thus bypass policing.

The funding distributed by the LEAA created an opportunity for political conflict over which crime control strategies to pursue. Woodson’s advocacy created bridges between black mass attitudes and black elected leaders. “The Urban League’s community-based approach to crime was quickly

embraced by black congressional leaders and the new black Caucus endorsed the approach in their 1975 legislative agenda” (Weaver and Decker 2014, 28–29). Throughout the 1970s, John Conyers, a black Democrat from Michigan who chaired the crime subcommittee of the House Judiciary Committee, pushed (unsuccessfully) for a national crime-fighting agenda that directed resources to community groups rather than police and national organizations.

Descriptive representation helped these policies reach Congress. This representation operated through linkages between community anti-crime organizations, national advocacy groups, and black members of Congress. Woodson, working for a national organization, developed relationships with community organizations, then created linkages to Congress. He testified in favor of a community-based approach to crime control, rather than funding law enforcement and large organizations that could comply with matching fund requirements.

The Democratic Party as a whole was largely unreceptive to this strategy; indeed, the anticrime strategies adopted by white Democrats contributed substantially to the development of mass incarceration (Hinton, Kohler-Hausmann, and Weaver 2016; Murakawa 2014). Instead, white Democrats and white Republicans cooperated to expand LEAA funding, including funds for sting operations that targeted minority communities (Hinton 2016). Instead of funding black self-determination, the LEAA offered funds to law enforcement, large nonprofits, district attorneys, and other organizations outside black communal control. While much of this funding was allocated during Nixon’s presidency, Democrats controlled both House and Senate, and white Democrats largely cooperated with Republicans on funding priorities (Hinton 2016). Despite the best efforts of Conyers and Woodson, the LEAA’s approach to fighting crime remained punitive, top-down, and oriented toward resources to law enforcement: far from the bundled concern about racial bias, police violence, crime, and community well-being that is visible in black public opinion.

### The Congressional Black Caucus and the 1994 crime bill

Nearly two decades later, as Congress considered the Violent Crime and Law Enforcement Act of 1994, a similar dynamic played out. The 1994 crime bill, drafted in an era of serious concern over violent crime levels nationwide, made substantial changes to federal criminal law, as well as authorizing vast sums of money for policing, prisons, and other projects related to crime. Like funding for the LEAA, the 1994 crime bill became a site for arguments about different philosophies for addressing crimes.

Craig Washington, a Black Democrat from Texas, put forward an entire alternative bill, with major differences from the version that would ultimately be adopted. Washington’s bill,

4. For significantly more on this fascinating set of strategies, see Weaver and Decker (2014).



the Crime Prevention and Criminal Justice Reform Act, directly addressed racial inequalities in the criminal justice system by mandating training on racial and gender bias and allowing challenges to racial inequalities in death penalty administration (Murakawa 2014; Phillips 1994). In response to the 1994 crime bill's expansion of the death penalty, Washington also argued that it would be inconsistent not to also expand the death penalty to police officers who kill civilians (although Washington added "my heart is not in that part of the legislation" and used it primarily to make a point about police brutality; see Phillips 1994).

In addition, Washington pushed back against federalizing youth gun and gang crimes on the grounds that it would move youth out of specialized juvenile justice systems and treat them as adults (Phillips 1994)—a position reminiscent of the House of Umoja's emphasis on treating gang offenders as youngsters in need of protection, community, and support, as well as potential threats to other members of the community. Washington's bill included money for boot camps and police officers, but it also included a massive expansion for resources devoted to school safety, drug treatment, and public safety (including education and health programs intended to prevent crime). Both the Congressional Black Caucus and the Congressional Hispanic Caucus endorsed this alternative approach, which bundled public safety, crime responses, community resources, and racial bias. The Racial Justice Act, an element of Washington's proposal, became a centerpiece of the Congressional Black Caucus's demands. This bill would have allowed challenges to the death penalty on the basis of statistical evidence.

Like Conyers in the 1970s, Washington articulated the preferences, problem definition, and issue bundling of black voters on criminal justice issues. His proposals reflect the distinctive preferences of black Democrats: opposition to the death penalty, concern about racial inequality and police violence, and a combination of funding for policing with funding for community-driven policies, public safety, and supportive strategies like drug treatment.

While Washington and the Congressional Black Caucus pushed for policies that drew on the distinctive preferences of the black public, white Democrats instead cooperated with white Republicans. Ultimately, the Racial Justice Act was jettisoned in conference committee in order to attract votes from moderate white Democrats and Republicans (Murakawa 2014). Washington's proposals addressing community control, local responses to violence, and police violence were ultimately stripped from the bill, which instead implemented punitive measures. This example of selective hearing had far-reaching consequences, creating a punitive bill justified in part based on the exposure of black communities to crime, but without incorporating black preferences, problem definitions, and issue bundling (Hinton et al. 2016).

## CONCLUSION

This article makes a handful of interventions in the literature on race, representation, and criminal justice. First, I show that there are substantial racial divisions within the Democratic Party on issues related to criminal justice. White Democrats are less concerned about crime, more supportive of punitive policies (including the death penalty), and less concerned about police violence and racial inequality. Black Democrats define the problem of crime in a way that integrates public safety and racial inequality, rather than treating the three as separate issues. This makes sense in light of the fact that black voters are more exposed to crime, police violence, and racial inequality than whites.

Second, I argue that descriptive representation is likely to matter for substantive representation precisely when parties fail to offer representation to a particular constituent group. When parties are divided, party representatives face real challenges in deciding which position to represent. However, when one group (whites) both supplies the majority of party elites and is perceived to have more opportunity to defect, party representatives defer to that group when they do not have alternative linkages (Frymer 2010).

Thus, we should expect that when a party is divided on an issue, descriptive representation plays a key role in translating the preferences of the public with the actions of elites. This dynamic is amplified when the issue in question has a substantial element of local control: because local elections are so often nonpartisan and local electorates are often homogeneous by party, parties are even less effective at providing representation in this context. In fact, both national and local politics provide evidence that black representatives play a key role in bringing black Democrats' preferences on criminal justice into policy making.

Criminal justice is certainly not the only issue featuring serious racial divisions by race, but it provides an important example of the consequences, and the ways that descriptive representation promotes substantive representation. Parties are not homogeneous and comparable groups. Rather, the Democratic Party is a coalition of multiple ethnoracial groups with diverse perspectives on many important political issues, while the Republican Party is primarily composed of white voters. To understand partisan cleavages, political scientists must begin seeing them as the result of substantive compositional differences in the constituencies of the parties, not merely issue-specific opinions.

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