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THE INTERSECTION OF RACE AND GENDER ON REPRESENTATION: BLACK
WOMEN LEGISLATORS' IMPACT ON LEGISLATION

By

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ABSTRACT OF THE DISSERTATION

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My project analyzes how the intersectional identities and subgroup membership of female Black legislators in the Maryland state legislature shapes their legislative decisions in comparison to White men, White women, and Black men. Specifically the dissertation focuses on the role that identity plays in legislative decision making and representation. Specifically, my dissertation explores the complexities of representing the intersections of race, gender, and class in policy deliberations by investigating how Black female office holders legislate ‘intersectional issues¹’ that are pertinent to members of marginally disadvantaged subgroups. I utilize in-depth elite interviews, case studies, and participant observation to investigate how members of the Maryland state legislature articulate the factors they include in the legislative decision making process

Acknowledgement and Dedication

Dedication

This dissertation is dedicated to my grandmother, Eleanor Owens. It is her unwavering support encouragement that has helped me to succeed in graduate school. When I felt as if I did not belong in my first graduate seminar because I was twenty two, African American, female, and had different lived experiences than my cohort, she reminded me that I had a specialized knowledge that was needed in that classroom. She taught me to be unabashedly proud of who I was even if others sought to belittle me and my academic contributions. Over my six year tenure in graduate school our relationship evolved into a very special friendship. I am honored to carry on your legacy, to be your granddaughter, and to have had the fortunate opportunity to bond with you in your twilight years.

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Chapter One: Identities Matter

The link between identity and representation has traditionally been discussed with respect to members of non-dominant identities. Blacks represent blacks and women represent women. Legislators who enjoy “master status,”¹ however, are not burdened with the responsibility of descriptively representing a certain population. The default or most common identity in American legislative institutions are White, male, middle or upper class, and heterosexual. The Center for American Women and Politics reports that women representatives currently make up 16.4% of representative bodies at the federal level and 23.7% at the state legislative level, far less than half of the population. Thus, the somatic norm of White males has positioned women and racial/ethnic minorities as an outside identity in American legislatures. Consequently legislators from “skewed groups” (those that are roughly 85%-15% in composition) find themselves feeling the burden of their identity (Kanter 1977, 966). Authoritative political spaces that are seen as legitimate places for members with master status identities are not challenged by “other” identities, experiences, and counter-perspectives, but representatives who differ from these norms carry the burden of their difference. On the other hand, those who fit the predominant identities are for the most part freed from the burden of having anyone call attention to their specific identities (Hawkesworth 2003). In this respect, White men are consequently depicted as identity-free and as the unmarked norm.

A space becomes “reserved” (Puwar 2004) for a particular type of body by social construction (Berger and Luckmann 1967), performance (Butler 1999), and/or discourse (Foucault 1969) depending on a particular epistemological leaning. Lefebvre argues

¹ Evertt Cherrington Hughes, “Dilemmas and Contradictions of Status,” in *The American Journal of Sociology*, March, 1945

“each living body *is* space and *has* its space; it produces itself in space and it also produces that space” (2002, 170). Fanon (1986) finds bodies are impressed with certain categorical and allotted spaces which are often the byproduct of racialization. Most often spatial outsiders are classified into the inferior mirror side of a binary, such as insider/outsider; civilized/uncivilized; domesticated/primitivised; good/bad; intelligent/dense; good/evil (Hill Collins, 2000). Puwar’s (2004) examination of British parliament finds that women and minority bodies come to occupy spaces that are not empty or neutral, but are imbued with history and meaning in environments where White male power is entrenched. Consequently, positions of authority and subjection are embodied. The corporeal schema is embedded by the spatial-temporal world that restricts outsiders from moving into spaces historically and conceptually belonging to White males.

The response to witnessing a female or minority body in a space typically reserved for White males elicits the question “What are you doing here?” The juxtaposition of “othered” bodies in a space that is traditionally somatically occupied by White males then creates a set of “anxieties that represent a psychical somatic collision” (Puwar 2004, 43). Both Fanon (1986) and Puwar (2004) posit that the racialized body causes the most severe form of anxiety into the disruption of psychic/social/physical spatial boundaries. Gender, on the other hand, is less acute due to the increase of women in political positions. However, when any gendered and/or racialized body occupies historically White male spaces as figures of authority, they generate unease. Puwar finds that the presence of an “othered” body in a position of authority challenges the privileged sense of Whiteness and is received as a terrorizing threat (2004, 48).

Building from this theoretical and empirical work in women and politics as well as Black politics, this dissertation argues that intersectional identities mediate political representation among women elected officials. In particular, I focus on Black women legislators in the Maryland state legislature and systematically investigate the extent to which their identity influences legislative behavior. I argue that the political context surrounding a particular issue strongly influences the likelihood that a representative will use her identity as a means for understanding and articulating policy preferences. This argument is based in the assumption that gender, race and class are social markers that play a major role in organizing U.S. society and its institutions in hierarchical terms. I test my hypothesis that Black women legislators are more attuned to the effects of an intersectional identity in the legislative process by examining data from interviews with legislators in Maryland. My data support the notion that Black women legislators are more likely than Black men legislators to represent the policy perspectives of marginalized subgroups, namely LGBTQ (Lesbian, Gay, Bisexual, Transgendered, Queer). I argue this pattern of behavior rooted in Black women's own sub-marginalized status. Further, focusing an empirical lens on anti-domestic violence legislation in the Maryland state legislature, I argue that Black women legislators use their intersectional identities to understand how anti-racist and feminist legislation can marginalize Black women. In so doing, this work brings a representational context to identity politics by investigating how representation and identity are linked.

Representation for whom?

Scholars of political representation have long debated the tenets of majority/minority accounts in representative democracies (Mansbridge 1980; Pitkin

1967; Dovi and Gay 2001; Sanbonmatsu 2006; Tate 1996; Canon 1999; Verba and Nie 1976; Young 2000; Kymlicka 1995; Phillips 1995; Swain 1995; Tate 2003; Williams 1998; Fenno 2003; Smooth 2001; Junn 1997; Wolbrecht, 2000; Lien 1998; Conover and Shapiro 1993; Carroll 2006). Similar to my take, these scholars challenge the normative position that representation in America's political institutions reflects the makeup of citizens. Rather, representation is skewed to favor dominant groups, i.e. White males.

The challenging of the somatic norm in political representation directly contests the presumed disembodied characteristics of Whiteness and maleness. For example, we most readily associate descriptive representation with women and minorities which begs the question if White males are adequately represented in legislatures. Pitkin defines descriptive representation as:

depending on the representative's characteristics, or what he is or is like, or being something rather than doing something. The representative does not act for others; he 'stands' for them, by virtue of a correspondence or connection between them, a resemblance or reflection. In political terms, what seems important is less what the legislature does than how it is composed (1967, 61)

Suzanne Dovi articulates a "descriptive representative as an office or position that has been set aside for members of historically disadvantaged groups" (2002, 729). For Mansbridge, descriptive representation occurs when "representatives are their own person yet lives in some sense typical of the larger class of persons whom they represent" (1999, 629). Melissa Williams adds that liberal representation (based on the principles of individual equality and autonomy) that

within the theory of liberal representation, the social identity of elected legislators is entirely irrelevant to the question of whether representation is fair. In this theory, fair representation for marginalized groups does not depend on their member's legislative presence; it is guaranteed by the principle of 'one person, one vote,' in open and free elections. If women and minorities fail to

organize around their identities, this reflects either their lack of sense of the political salience of those identities or the fact that they are minorities (1998)

Identities of marginalized groups are embodied with a particular identity group. Alcoff argues that “social identities can and sometimes do operate as interest groups, but that is not what identities essentially are” (2006a, 41). However, I do not wish to contribute to the essentialism of identities, consequently we must remain mindful that identities operate in a historical, discursive, and agential space that have led to the privileging of certain identities in a hegemonic cultural and societal space.

The notion that identities lead to separatism or mutually exclusive political agendas seems to be based on the idea that identities represent discrete and specific sets of interests. Identities, it is assumed, must therefore operate on the model of interest-group politics: a specific set of interests is represented by lobbyists or movement leaders in order to advance that specific agenda (ibid)

The debate surrounding descriptive representation in many ways contradicts Dahl’s (1961) notion of pluralism in American democracy. Specifically, Blacks², unlike the White ethnics interviewed in Dahl’s New Haven political community, have not fully assimilated into American democracy. Likewise those who use a racialized or gendered lens to explore American politics have a difficult time subscribing to the traditional model of liberal democracy. Political liberals often ignore racial difference, but “may tolerate them and in some cases accept them as part of a multicultural society,” (Canon, 1999, 38). Proponents of an American national identity downplay the significance of other identities in favor of an all encompassing American identity and are therefore less tolerant of difference. Difference theorists are suspicious of viewing identity through a

² Throughout the dissertation I used the terms “Black” and “African American” interchangeably. I capitalized “Black” because “Blacks, like Asians and Latinos, and other ‘minorities’ constitute a specific cultural group and, as such, require denotation as a proper noun.” (Crenshaw, 1988, 1332 n. 2, citing Mackinnon 1982, 516).

monolithic lens to emphasize common political ideals. This dissertation is more concerned with those who view politics *via* racialized and gendered lenses. “Descriptive representation becomes critical if inherent differences are recognized in terms of identity and shared experiences rather than ideas and opinions” (Phillips, 1995, 6). On the other hand, the politics of commonality views politics through biracial or non-racial terms. However, it is noted that the politics of difference and the politics of commonality are merely political strategies that representatives use in American’s seemingly pluralistic representative democracy. These debates around descriptive representation are in many ways a reification of the “default category” status of White Anglo male identities in comparison to women and minorities. Alternatively, women and minority representatives appear in the legislative body with physical manifestation of difference sets them apart as out of place in authoritative political positions.

Identity & Representation in Context

A representative democracy functions best when the substantive interests are represented through deliberation and aggregation. A representative democracy is advantageous to ensure that policies are good for representatives and constituents alike. Mansbridge finds “in its deliberative function, a representative body should ideally include at least one representative who can speak for every group that might provide new information, perspectives, or ongoing insights relevant to the understanding that leads to a decision” (1999, 634). Similar to Mansbridge, however, I find that the deliberative quality of American legislatures is valuable due to its synergistic quality. Deliberation

adds to the larger understanding of political phenomena through vantage points of legislators from diverse perspectives.

The more representatives who deliberate on an issue the more information, insight and new ideas will be contributed to the debated issue. In addition, the presence of historically excluded groups to the deliberative process will produce new voices, vantage points, and perspectives counter the prevailing wisdom, thereby adding to the perspectives of the majority groups (Mansbridge 1999). Specifically Mansbridge argues “because the content and range of any deliberations is often unpredictable, a variety of representatives is usually needed to represent heterogeneous, varied inflections and internal oppositions that together constitute the complex and internally contested perspectives, opinions, and interests characteristic of any group” (1999,636). Therefore the inclusion of historically excluded groups, through descriptive representation, benefits the policy process. This perspective is consistent with my argument that identity matters in legislative contexts, specifically with respect to representation acted out by Black women legislators.

Drawing on a long trajectory of Black feminist activism and thought, Crenshaw (1989) illustrates that the intersection of racism and sexism are factors in Black women’s lives that shape their structural and political realities. Crenshaw’s term, intersectionality, is historically linked to the theoretical claims of the Combahee River Collective whose understanding of simultaneity of Black women’s oppression was drawn from an understanding of African American experiences that challenged analyses emerging from Black and male-centered social movements and as those from mainstream White, middle-class, heterosexual feminists (1986). Indeed, it is the Combahee River Collective that has

been credited with coining the term identity politics, which they defined as "a politics that grew out of our objective material experiences as Black women" (Duchess 2001, 300). Succinctly put, intersectionality is historically and theoretically rooted in the lived experiences of Black women. While intersectionality has been institutionalized in academia, it first started out as a Black feminist 'home truth' (Nash 2010).

Building on Crenshaw's (1989) conceptualization of intersectionality, Patricia Hill Collins' (2000) tenth anniversary edition of *Black Feminist Thought* incorporates intersectionality into her definition of Black feminism. Collins argued that "cultural patterns of oppression are not only interrelated, but are bound together and influenced by the intersectional systems of society, such as race, gender, class, and ethnicity" (Collins, 2000, 42). Both Crenshaw and Collins' projects inserted Black women's experiences into politics and society. Their projects shared assumptions – the intersection of race and gender, which has become the backbone of how race and gender are marked to impact the structures of marginalization in Black women's lives. Nash (2010) argues that this is the point of conflation of intersectionality and Black feminism. Over the last decade, this outsider knowledge has become the mainstay of the academy. Black feminism has moved from an expansive view to a narrow view of intersectionality, that looks at race and gender generally and Black women specifically. Black women became subjects to illustrate the domination of oppression. (Nash 2008).

In her seminal work "Mapping the Margins," Crenshaw defines three distinct forms of intersectionality: structural; political; and representational. The terminology that Crenshaw introduced provides examples of women of color's manifestations of inequality. Structural intersectionality refers to the "multilayered and routinized forms of

domination that often converged on Black women's lives" (2003, 174). Whereas representational intersectionality is defined as the images that are produced by the confluence of prevalent narratives that often times further silence and make Black women invisible. The concept of political intersectionality³ "highlights the fact that women of color are situated within at least two subordinated groups who frequently pursue conflicting political agendas" (Crenshaw 2003, 178). Black women legislators often have to bifurcate their political energy when issues that adversely affect racialized and gendered bodies are debated in legislatures. Identity politics often ignores differences within groups while consequently creating tensions among groups. "Recognizing that identity politics takes place at the site where categories intersect thus seems more fruitful than challenging the possibility of talking about categories at all" (ibid). Following this line of reason, Ange-Marie Hancock (2004) has advocated the use of intersectionality to understand how public policy can often create interlocking oppression for sub-marginalized groups when policy solutions are articulated in mutually exclusive parts. This project seriously takes up the notion of political intersectionality to better understand the ways in which identity mediates representation for Black women legislators.

Political intersectional issues are those in which marginalized political, social, economic and cultural categories and/or identities overlap. Dara Strolovitch (2007) defines intersectional issues as those that only affect disadvantaged sub group members. These issues are most readily seen in public policy that targets a marginalized population such as women, Blacks, homosexuals, or the poor. The failure to incorporate

³ The term "intersectionality" refers to *both* a normative theoretical argument *and* an approach to conducting empirical research that emphasizes the interaction of categories of difference (including but not limited to race, gender, class, and sexual orientation). Hancock 2007, 63-64

marginalized perspectives *within* the marginalized group results in silencing the political priorities of sub-marginalized group members who most often are the most disadvantaged members of society⁴.

Intersectionality considers the interaction of such categories as organizing structures of society, recognizing that these key components influence political access, equality, and the potential for any form of justice (Hancock 2007). Political intersectionality advances intervention strategies that use the experiences of women of color to understand how public policy can discriminate against sub-marginalized groups. Thusly, Black women legislators may use political intersectionality to determine the parameters of anti-racist and feminist policy preferences that fail women of color by not acknowledging the full dimensions of racism and sexism within public policy. The failure to incorporate an intersectional political analysis will often replicate and reinforce the subordination of Black women.

Intersectional Politics – Black women legislators

Scholars of identity politics either documented African Americans or women's influence in legislative bodies. These studies often only recognized the experiences of White women or Black men and thusly failed to acknowledge experiences of African American women (Hull et al. 1982). This ontological fallacy has failed to keep up with the changing demographics of elected officials. The growing number of Black women legislators, while still undersized in proportional terms, is cause to study the legislative impacts of Black women discrete from Black men, White men, White women, Latinos/as, Asian American men and women, as well as Native American men and women.

⁴ See example Cathy Cohen (1999)

Primarily using the multiple approach⁵ methodology, the following section provides an overview of scholarship on Black women legislators. My project builds upon this literature, however, uses an intersectional approach⁶ to investigate the complexities within categories.

The politics of race and gender marginalize the voices of Black female legislators. Marianne Githens and Jewel Prestage claim that White men historically have controlled American politics, and “as a consequence, Black women have been doubly excluded from the political arena,” (1977, 399). Citing Bryce and Warwick (1977), Bratton and Haynie (1989), Swain (2000), Hawkesworth argues that “in addition to under representation, studies of elected women of color consistently document forms of marginalization including stereotyping complemented by a policy of invisibility, exclusion of women of color from leadership positions within legislatures, and lack of institutional responsiveness to the policies women of color champion” (Hawkesworth, 2003, 529). Male and racial majority legislators often overlook the policy preferences of women of color. Therefore, Hawkesworth terms racing-gendering as the political production of creating and maintaining raced and gendered divisions by establishing differential rights based on the inequalities of constructed power relations. Consequently Black women legislators occupy a unique role in American politics. Despite encountering the duality of racism and sexism, Black women remain viable actors within legislatures (Darcy and Hadley 1988).

⁵ recognizes a priori the role of several categories, such as race *and* gender or race *and* class as equally important yet conceptually independent considerations when examining political phenomena (Hancock 2007, 67)

⁶ It posits an interactive, mutually constitutive relationship among these categories and the way in which race (or ethnicity) and gender (or other relevant categories) play a role in the shaping of political institutions, political actors and the relevant categories themselves (Hancock 2007, 67)

Hawkesworth (2003) argues that Congress effectively marginalizes Black female legislators because of their double marginalization – both race and gender. Moving away from the previous conceptualization of race and sex oppression to racing-gendering, Hawkesworth investigates the persistent marginalization within legislative institutions experienced by women of color despite seniority and impressive legislative accomplishments. “Racing-gendering attempts to foreground the intricate interactions of racialization and gendering in the political production of distinctive groups of men and women” (Hawkesworth 2003, 531). To comprehend racing-gendering, intersectionality theory is useful in understanding how the processes of racialization and gendering are interrelated.

The process of racing-gendering is critical to my use of intersectionality theory because it brings to surface the hyper-visibility of White male heteronormativity within legislatures as well as highlights the invisibility of women of color who are often silenced, excluded, discounted, insulted, stereotyped, discredited, and marginalized as somatic “outsiders” in legislatures. Racing-gendering produces difference in political hierarchies that created the dominant and subordinate based on visible identity markers. Because Black women legislators cannot assume the unmarked status of White and male, their position within legislatures indicates marginalization that is a byproduct of the larger hegemonic power structure present in society. In this regard, the process of racing-gendering serves to further marginalize Black women within legislatures.

Feminist scholarship presents two views of Black women candidates: Githens and Prestage (1997) argue that Black women must overcome race and gender, thus are doubly disadvantaged; Darcy, Hadley, and Kirksey (1993) claim that Black women have fared

better than their White counterparts in similar electoral environments. However, the majority of literature on Black women legislators adopts Githens and Prestage's view of double marginality. Carroll (1994) maintains that a successful female politician must walk a fine line balancing masculine traits and the traditional feminine characteristics. King (1977) notes that Black women are stereotyped as being tough or non-feminine which makes it increasingly hard for Black women candidates to walk Carroll's 'fine line.' For Black women, this image directly contrasts with White women as feminine archetypes (Holloway, 1995).

However, stereotypes of the Black woman as emasculator are prevalent within both American and the Black community which serve to cast Black women in negative terms (Alexander-Floyd 2007). The sapphire stereotype, named after a character in "Amos 'n' Andy" is seen as loud talking, hands on the hips, always putting down her man, too strong willed to be controlled by men, and undesirable. Sapphires are blamed for the weak position of Black men in society. On the professional side, Sapphires are seen as goal-orientated, driven, intelligent, ambitious, and hard working (Yarbrough and Bennett 2000). Yet because they are seen as ball-busting and wise-cracking, Sapphires are in direct opposition to Black men as they engage in verbal putdowns in attempts to emasculate Black men. This masculine/emasculating stereotype is a challenge to Black women who are stereotypically not able to walk Carroll's fine line. The feminine nature is stripped by the Sapphire stereotype, as Black women legislators are often portrayed, and are left with the emasculating remnants their professional career choice.

Townsel (1997) asserts that Black women legislators have to represent their constituency as well as championing the causes that affect women and the Black

community. Black women legislators have the dual responsibility of representing Blacks and women which forces them to broaden their range of policy interests to cater to women and minority interests as well as the accepted mainstream interests. Barrett (1997) asserts that Blacks have to be broader in their policy interests than Whites while still addressing the needs of the Black community. “As a minority within a minority, Black women face sexual discrimination as well as racial discrimination by voters who may expect them to represent only a narrow constituency, Black and/or women” (Bryce & Warrick, 1977; Githens & Prestage, 1977) in (Clayton and Stallings, 578, 2000). In addition, Black women have to overcome invisibility within politics as a consequence of falling into the larger sub-groups of race and gender (Gill, 1997).

Consequently, Black female legislators face the difficult task of balancing their broad and narrow policy interests as well as portraying the image of a successful politician necessary to succeed to American politics. Given these constraints it is not surprising that African American women report that their legislative experiences are different substantially from their legislative counterparts (Barrett 1997; Hedge, Button, and Spear 1996; Hawkesworth 2003). In addition, Hedge, Burton, and Spear (1996) find that Black women describe lower quality of legislative life than their African American male counterparts and are less optimistic about the influence of African Americans on the overall legislative agenda.

Edith Barrett (1995) explores the policy priorities of Black women in state legislatures. She finds that Black women are similar to non-Black women in their support for women’s issues and are like Black men in their support of racial issues. “On the other hand, they are unlike other groups in their near unanimous agreement on the

policies that are most important to them and that they are most likely to pursue while in office. Unlike race and other gender groups, Black women in state legislatures seem to share a strong consensus on which policy areas should receive priority. To these women, the most pressing issues are education, health care, economic development, and employment,” (Barrett, 223, 1995). In this respect, Black women legislators are comparable to their female counterparts who prioritize similar issues (Thomas 1994; Kathlene 1994; Norton 1995; Rosenthal 1998).

Bratton and Haynie (1999) report a relationship between bill sponsorship and a legislator’s gender and race. Blacks are more likely to sponsor Black interest bills when compared to Whites and women are more likely to sponsor women interest bills when compared to men. Based on their findings, Black women are less likely to introduce Black interest bills and women interest bills. Bratton and Haynie (1999) do not disaggregate their analysis and thusly fail to interrogate the complexities of intra-group identity.

Orey et al. (2006) contradict Bratton and Haynie’s finding by employing an intersectional approach in which they disaggregate the data by race, class, and party identification. Using the Mississippi state legislature as their unit of analysis, the authors find “a progressive bill is more likely to be introduced when a Black woman serves as the primary sponsor, as compared to other members in the state legislature. In addition, African American women are not significantly less likely to get their bills passed when compared to their colleagues” (2006, 98). This intersectional approach allows Orey et al. to better understand the impact that substantive and descriptive representation have on Black women, who are ‘doubly disadvantaged’ due race and gender, have on policy

(Darcy and Hadley 1988; Moncrief, Thompson, and Schuman 1991). This study importantly deconstructs the previously assumed mutually exclusive categories of race and gender to provide empirical differences among and between groups of legislators.

Using intersectionality as a framework, Wendy Smooth (2006) links African American women's political participation to their electoral success. Smooth argues that once given the opportunity via the Voting Rights Act of 1965, Black women moved into the formal sphere of traditional politics at astounding rates. Black women's numbers in elected positions are directly related to her role as 'bridge leaders' (Robnett 2000) who did not occupy the spotlight, but worked to link members of the community to the Civil Rights movement organizers. Also, Black women's informal leadership roles within the Black church, the pillar institution of Black America, may have helped Black women gain the necessary skills needed to become elected politicians (Guy-Sheftall and Cole 2003).

"In fact, in the 109th Congress, 29 percent of African Americans in the House are women compared to only 15 percent of all member of the House who are women. African American women are a larger proportion of Black elected officials than White women are of White elected officials" (Smooth 2006, 120). This finding further substantiates Darcy and Hadley's (1988) conclusion that Black women were more politically ambitious than White women despite negative expectations. Darcy and Hadley discovered that Black women election to mayoral, state legislative and congressional office by comparison with their White female counterparts throughout the 1970s and 1980s (ibid). Smooth also finds that of the "more than 3,000 African American women elected officials, most are elected to the sub-state level offices such as regional offices,

county boards, city councils, judicial offices, and local school boards” (2006, 130). However, African American women legislators are only found in 39 of the 50 states. To date, only two Black women served as mayors of America’s largest cities and there has never been a Black woman governor. While substantial progress has been made for Black women in electoral politics, there is still a long way to go.

Smooth’s intersectional framework allows women and politics scholars to understand how the complexities of race *and* gender work both for and against Black women candidates. For example, she uses a quote from 2004 Democratic nominee long-shot Carol Moseley Braun to illustrate how race, class, and gender worked to her disadvantage. “Nobody ever expected me to get elected to anything. For one thing, I’m Black, I’m a woman, and I’m out of the working class. So the notion that someone from my background would have anything to say about the leadership of this country is challenging to some” (2006, 125). Moseley Braun, articulating Black women’s positionality, concluded that the nation did take her presidential bid seriously because her visible identity prohibited significant consideration. Furthermore, Paula McClain finds that “Moseley Braun’s identity as an African American women positioned her clearly as a ‘left-of-center candidate’ and subsequently constrained her ability to establish an alternative identity as a candidate in the minds of voters” (2006, 126). In sum, unable to transcend her race, gender and class background, Moseley Braun was never considered a viable Democratic candidate for president despite her experiences with local, state, national, and international politics.

The literature on Black women in elected office have yet to produce and consensual depiction of the impact of race and gender on Black women’s political

experiences, policy preferences, and legislative influence. Instead, the literature finds that Black women elected officials must continue to be studied to shed more light on their political behavior and how the intersection of race, gender, and class influences their politics. Building from and expanding on concepts of political intersectionality, strategic intersectionality, strategic essentialism, legislative influence, and racing-gendering my study presents a nuanced understanding of the role that identity plays in mediating the legislative decision making process for Black women state legislators. My project is situated within scholarly conversations of identity politics, intersectionality, and representation.

Intersectionality as an Analytical Tool

The complexities of identity should be reflected in political science research. This interdisciplinary approach recognizes the interactions within categories as well as the differences among categories that organize political, cultural, and economic institutions which reify inequality. “Intersectionality is an analytical tool that rejects the separability of identity categories, as it recognizes the heterogeneity of various race-sex groups” (Simien 2007, 265). Moving beyond simple additive models, intersectionality as an analytical tool recognizes that oppression can be manifested simultaneously in which an individual can experience advantage and disadvantage in chorus. The benefit of using intersectionality as a research paradigm enables scholars to better understand the complex inequalities faced by the fusion of multiple sites of marginalization.

Theoretically, Kimberle Crenshaw defines intersectionality as “a conceptualization of the problem that attempts to capture both the structural and dynamic consequences of the interaction between two or more axes of subordination (2000, 7). Zinn and Dill (1994) and hooks (1990) view intersectionality as the interlocking systems of domination. Intersectionality involves an acute sense of awareness that Black women “don’t have the luxury of choosing to fight only one battle” because they must contend with multiple, interlocking systems of oppression and the actuality of layered experiences of multiplicative as opposed to additive (T. Jones 2000, 56). As its epistemological foundation, intersectionality is rooted in the lived-experiences of Black women (Collins 2000; Crenshaw 1991, 1993; Wing 1997) which argues that marginalized identities (such as race, gender, class, sexual orientation, etc. are mutually constituted and cannot be added together.

The term “Oppression Olympics” coined by Elizabeth Martinez (1993) in an endless debate between minority groups to posit one groups’ pain is worse than another. As discussed by Ange-Marie Hancock (2007), the refers to the unfortunate byproduct of marginalized groups fighting amongst themselves for the scraps of political spoils left over from the dominant group. In this scenario, marginalized groups try to out-do one another by proving that they are the most oppressed within American hierarchical stratified society. In doing so, marginalized groups fail to challenge the existing structure of oppression and thusly, unintentionally play by the unfair rules set in place by the dominant group to keep marginalized groups from enjoying political, social, and economic equality in America’s pluralist democracy (Gaventa 1980). This term useful for understanding how popular models used in identity politics fail to embrace the

complexities of identity that are readily seen by using intersectionality as an analytical tool. In tandem with this line of thought, Cohen's (1999) finding that Black political elites are more likely focus on consensus issues - issues that have equal impact on all group members, as opposed to cross-cutting issues - issues that a built upon social, political, economic cleavages that tear at the perceived unity and shared identity of group members, and silence intra-group differences also highlights the ways in which marginalized groups actively suppress sub marginalized groups.

Intersectionality moves beyond traditional identity politics scholarship which views a theoretically privileged identity, for argument sake, as static and uniformed. This unitary method, which borders on essentialism, often marginalizes group members who differ in other aspects of their identity (Cohen, 1999; Hancock, 2007, Strolovitch 2007). Group based politics that rely solely on unitary politics privileges one identity to the determinant of other intra-group identities. Therefore, this approach silences and further marginalizes the most vulnerable sectors within the population (Berger 2004). The unitary model places an emphasis on one identity as the most relevant political category while ignoring how identities may shift due to institutional policy change (Harris 2004).

The second model prevalent in identity politics is the multiplicative model. This model examines race *and* gender (or two or more categories of marginalization) as distinct and separate identities. Similar to the unitary approach, this model assumes that categories are static and uniform but unlike the first model, the multiple approach recognizes that both categories play a role in marginalization (Harris 1999). This design still assumes an independent and separate approach to identity while allowing for "double disadvantage." This approach can most readily be seen in the scholarship on African

American women legislators who argued that the duality of Black women's oppression contribute to differences in political behavior (Baxter and Lansing 1981; Barrett 1995; Darcy and Hadley 1988; Moncrief et al. 1991). Traditionally, work done on Black women legislators incorporated scholarship on both race and gender (as homogeneous and mutually exclusive sites of representation) and failed to disaggregate the legislators' race and gender. These previous studies treat race and gender as parallel identities but neglect to incorporate a political space for those that occupy the margins of multiple groups. Moreover, the empirical studies conducted in this tradition incorrectly often use a dichotomous dummy variable for race or gender in the regression model to control for its effects statistically (Junn and Brown 2008, Simien 2007). The dummy variable effectively levels the complexity and nuanced character of identity by weakening the interactions within categories.

The intersectional approach moves beyond the unitary and multiple approaches by averring the explanatory power of several categories as well as the interactive and mutually constitutive relationship among these categories. The ways in which these interactive categories manifest themselves in politics, public policy, political actors, and political institutions are the focus of this project. This cross-sectional analysis seeks to make comparisons among groups as well as across groups. Utilizing personal narratives of the legislators to create case studies on distinct public policies allows me to delve into the complex relationships that define the social networks. From this perspective, intersectionality as an analytical tool enables scholars to observe a range of the multilayered dimensions present in a single-group analysis.

By investigating and challenging the complexities of categorical identities in a deconstructive format, I do not deny the importance of categories – material and discursive – that are produced and reproduced in everyday life (Fernandes 1997; Glenn 2002). However, there is a need to further complicate the notion of discrete boundaries of race, gender, and class as categories that form an intersectional analysis. The need to “move beyond an ‘interaction’ or ‘interplay’ between discrete identities, terms, that continue to suggest static distinctions between categories of social analysis” (Fernandes 1997) allows researchers to explore the ways in which the construction of race and gender become political processes that produce “both hegemony and resistance.” (Fernandes 1997).

Using the intra-categorical approach, which focuses on groups at the intersection of marginalized categories (McCall 2005), this dissertation takes marginalized intersectional identities as an analytic starting point, which allows researchers to “reveal the complexity of lived experiences within such groups” (McCall, 2005, 1774). In favor of the intra-categorical approach, I contend that this approach has the most potential for revealing complexities within the inequalities of marginalized groups. This position acknowledges that there is inequality within marginalized groups that are fluid, ever changing, and socially constructed. I take this relationship as a point of departure in my analysis. While this site of marginalization has no inherent essence and is by definition consistently complicated (Fernandes 1997), the intra-categorical approach allows me to explore change within social relationships. This complexity will be managed in a comparative format across the various subgroups that are held within a marginalized group – Black women legislators.

The narratives of Black women legislators in this study expose the under-theorized experiences of doubly marginalized subjects. Specifically, Black women legislators' rhetorical commitment to identity in the legislative decision-making process illustrates the ways in which the multiplicity of a marginalized subject's experiences better approximates the material effects of identity than a binary, additive, or multiplicative approach.

While much of the literature on women of color legislators has focused on double or multiplicative marginalization because of their race and gender, belonging to two identity groups can be seen as a useful in legislatures. Fraga et al. (2006) hypothesize that belonging to multiple identities allows Latinas to build cross group coalitions and develop allegiances and networks to help them position themselves on certain issues. In this regard, "strategic intersectionality" gives Latinas an advantage in substantive policy issues as well as a multiple identity and gender inclusive advantage. Fraga et. al. contend that that this combination positions Latinas to utilize their multiple identities to build cross-group coalitions which consequently enables them to obtain greater levels of legislative success. Because "ethnic" women belong to their racial/ethnic group and to their gender, they are more likely to utilize their dual identities in finding legislative consensus. Additionally, because of their gender, Latinas may be viewed in a more favorable or less hostile/confrontational than their co-ethnic men. Further, Fraga et. al. argue that women's feminine attributes soften them and makes them more approachable than their co-ethnic male counterparts as well as more likely to form cross-ethnic coalitions.

Postcolonial scholar Gayatri Spivak (1987) coined the term “strategic essentialism” to refer to the ways in which subordinate or marginalized social groups may temporarily put aside local differences in order to forge a sense of collective identity through which they band together in political movements. In turn, concepts of strategic intersectionality and strategic essentialism would allow Black women legislators to utilize their identities to build coalitions with both White women legislators and Black male legislators.

As both a normative theoretical argument and an approach to conducting empirical research (Hancock 2007, 63), intersectionality as an analytical tool provides scholars the opportunity to better understand the complexities of interactions within categories. My specific concentration is on “political intersectionality [which] focuses on the relevance of the impact of inequalities and their intersections to political strategies” (Jordan-Zachary 2007, 256). Thus, this project employs this methodology for investigating the relationship between and within categories of marginalization and its effects on representation.

Representation of the “Other”: Methods & Hypotheses

This study is designed to examine how Black women legislators represent policy preferences through their intersectional identities. Because the African American and feminist communities typically coalesce around single axis issues⁷, Black women legislators are often forced to choose between either a gendered or racial identity.

⁷ Strolovitch describes axis issues as those that differentiate between dichotomous choices affecting the entire group rather than incorporating subgroups. This conflates the issue into two separate categories, failing to distinguish between the interests of the majority from the interests of the advantaged subgroup (Strolovitch 2007, 28).

According to Ange-Marie Hancock, focusing on single causes leads to attempts to “treat multiple diagnosis problems with a single magic policy prescription,” thereby creating a permanent set of marginal groups who remain unaided by the proposed solutions (Hancock 2007, 70).

Drawing from these ideas about intersectionality in politics I hypothesize that Black women legislators reject the single axis approach to policy formulation and legislation. Instead, Black women legislators “recognize that important inequalities persist *between* marginalized and dominant racial, gender, and/or economic groups. Intersectional approaches highlight the ways in which social and political forces manipulate the overlapping and intersecting inequalities *within* marginal groups” (Strolovitch 2007, 23). I find that Black women legislators are stellar examples of political intersectionality in action. They may not consciously incorporate academic notions of intersectionality theory in the decision-making process when proposing, developing, negating, or advocating for legislation that affects marginalized subgroups. But the evidence I will present indicates that Black women legislators behave in accordance with what theories of intersectionality would predict. Indeed, Black women representatives use aspects of intersectionality theory to communicate how identity affects how they behave in legislative politics and engage in political representation.

Data Collection

My research design and methods of collecting data are guided by substantive and theoretical questions about Black women legislators’ intersectional identities and their influence on political representation. Given the complexity of both the independent and dependent variables at issue here, my research methods for data collection include in-

depth interviews and a case study. Weiss (1994) claims that interviews enable researchers to learn about the settings and people that may be unfamiliar and thus providing a window to understand social processes with more depth. The size of the population of women of color among public officials is another reason for these methodological choices with respect to data collection (Liebowitz and Carroll 1996, 4). Given the small number of Black women legislators, qualitative data provide the best measures of indicators relevant to understanding how identity mediates representation.

This study is centered on the Maryland state legislature. This legislature was selected for analysis because it has the largest number Black women legislators in the country during the time of my fieldwork. Also, unlike other legislatures with a critical number of Black women legislators, the Maryland legislature was scheduled to legislate on social issues. Due to the national financial crisis of 2008, many state legislatures were heavily focusing on fiscal legislation. Maryland, however, included several social issues bills along with budget and fiscal bills on their legislative agenda.

The Maryland General Assembly is divided into two chambers. The upper chamber, the Maryland State Senate, has 47 representatives and the lower chamber, the Maryland House of Delegates, has 141 representatives. The legislature meets for 90 days. Maryland has a part-time legislature that is highly professional. Each house elects its own officers, judges the qualifications and election of its own members, establishes rules for the conduct of its business, and may punish or expel its own members. Maryland legislators have their own office space and legislative staff. There are six standing committees in the House and Senate. Maryland legislators only serve on one major committee which allows for issue specialization (Smooth 2001).

There are several benefits for selecting the Maryland legislature as a case study. First, the case study method allows researchers to examine the linkages between the research object and the outcomes with reference to the original research questions. This study utilizes elite interview data to illustrate the ways in which legislators use their identity to mediate political representation. Maryland's diverse racial and ethnic diversity among legislators provides for a variety of perspectives and insights to examine the data and the patterns. In the Senate there are 32 White men, 5 White women, 5 Black men, and 5 Black women. In the House there are 72 White men, 29 White women, 18 Black men, 15 Black women, 1 Latino, 2 Latinas, 2 Asian American women and 2 Asian American men. Next, case studies are useful for multiple data collection methods and analysis techniques, provides researchers with opportunities to triangulate data in order to strengthen the research findings and conclusions. In order to corroborate legislators' self reports on how identity matters in the legislative process, I included participant observation and examined select legislation to better understand the role that identity plays in the legislative process. Selected legislation for this study - Religious Freedom & Protection of Civil Marriage; Denial or Dismissal of Domestic Violence Petitions - Expungement of Record; and Financial Exploitation of the Elderly, centered on identity and legislators often included their own identity into their understanding of this legislation. This multi method approach allowed me to investigate the Maryland state legislature as a case study to will expose or create new on how identity mediates representation. Lastly, case studies provide for deep engagement with a political phenomenon. This study's focus on rhetorical commitment to identity and its policy

outcomes offers an intervention into the effects of identity politics on Black women legislators.

However, there are methodological limitations in this study. Due to the snowball sample technique employed to gather elite interviews, I do not have a representative sample of White men and women, Black men, and other men and women of color. Therefore, testing hypotheses of group behavior without a representative sample is problematic. My findings are suggestive about the other groups. I offer group based comparisons as tentative findings. Yet, my analysis of Black women legislators, the focus of this project, is reliable as I include interviews with the universe of African American women Maryland legislators.

The interview data for this project comes from fifty one in-depth, semi-structured and open-ended interviews that I conducted with Democratic Maryland state legislators. Interviews were only with Democrats to control for partisanship as all the Black women legislators were Democrats. Also, the Democratic Party held control of both the lower and upper chambers during the 2009 legislative session. In Maryland's professional legislature, the party dictates much of the leadership structure, namely committee and leadership positions. Only interviewing Democrats ensured that partisan politics would not distort comparisons made among racial/ethnic and gendered lines. Controlling for party identification also allowed for differences to be highlighted among identity lines as opposed to partisanship.

Legislators were faxed and e-mailed with a letter of request to interview on Rutgers University letterhead. The letter outlined the project and asked legislators to talk about the decision making process during a fifteen-minute interview. The in-person

interviews were conducted between March 11, 2009 and March 20, 2009. Additional phone interviews were conducted between June 30 and July 2, 2009. The majority of the interviews took place in person in offices of the Maryland state legislature. All interviews were on the record and lasted between eleven minutes to an hour, and the average length of interviews was twenty minutes. The interviews were conducted in various legislative settings depending on the legislator's schedule and accessibility. Most interviews were conducted in the legislator's office; however several were conducted in committee meeting rooms. A few interviews were conducted with legislators as they walked to or from meetings. Detailed notes were taken during the interviews.

Interviews were conducted with all twenty of the African American women serving in the Maryland state legislature. In addition to the African American women legislators, I also interviewed a sample of their colleagues who were White, Latina/o, Asian, and male. Interviews were conducted with five White women, thirteen Black men, nine White men, one Latina, one Latino, and two Asian American women. Table 1 below lists the names and districts for each of the subjects interviewed.

Table 1: Maryland State Legislators Interviewed

Black Women Legislators in Maryland	
Name	District
Delegate Joanne Benson	24; Prince George's County
Delegate Aisha Braveboy	25; Prince George's County
Delegate Jill P. Carter	41; Baltimore City
Delegate Tawanna Gaines	22; Prince George's County
Delegate Cheryl Glenn	45; Baltimore City
Delegate Melony Ghee Griffith	25; Prince George's County
Delegate Hattie Harrison	45; Baltimore City
Delegate Carolyn J. B. Howard	24; Prince George's County
Delegate Jolene Ivey	47; Prince George's County
Delegate Adrienne Jones	10; Baltimore County
Delegate Ruth Kirk	44; Baltimore City
Delegate Gerron Levi	23A; Prince George's County

Delegate Shirley Nathan-Pulliam	10; Baltimore County
Delegate Barbara Robinson	40; Baltimore City
Delegate Veronica Turner	26; Prince George's County
Senator Joan Carter Conway	43; Baltimore City
Senator Lisa Gladden	41; Baltimore City
Senator Delores Kelley	10; Baltimore County
Senator Catherine Pugh	40; Baltimore City
Senator Verna Jones Rodwell	44; Baltimore City
Total Number of Black women in the House of Delegates	15
Total Number of the Black women in the Senate	5

White Women Legislators

Name	District
Delegate Kathleen Dumais	15; Montgomery County
Delegate Sheila E. Hixson	20; Montgomery County
Delegate Elizabeth Bobo	12B; Howard County
Delegate Barbara Frush	21; Anne Arundel & Prince George's Counties
Delegate C. Sue Hecht	3A; Frederick County
Senator Rona Kramer	14; Montgomery County
Total Number of White women in the House of Delegates	29
Total Number of White women in the Senate	5

Other Women of Color Legislators

Name	District
Delegate Joseline Pena-Melnyk (Latina)	21; Anne Arundel & Prince George's County
Delegate Kriselda Valderrama (Asian American)	26; Prince George's County
Delegate Susan Lee (Asian American)	16; Montgomery County
Total Number of Other women of color in the House of Delegates	2 Asian American 2 Latinas

Black Men Legislators

Name	District
Senator Nathaniel McFadden	45; Baltimore City
Senator David Harrington	47; Prince George's County
Delegate Keith Haynes	44; Baltimore City
Delegate Nathaniel Oaks	41; Baltimore City
Delegate Frank Turner	13; Howard County
Delegate Shawn Tarrant	40; Baltimore City

Delegate Herman Taylor, Jr.	14; Montgomery County
Delegate Curtis Anderson	43; Baltimore City
Delegate Emmett C. Burns	10; Baltimore County
Delegate Melvin Stukes	44; Baltimore City
Delegate Jay Walker	26; Prince George's County
Delegate Alfred Carr, Jr.	18; Montgomery County
Total Number of Black men in the House of Delegates	28
Total Number of Black men in the Senate	5

White Men Legislators	
Name	District
Delegate Henry Heller	19; Montgomery County
Delegate James Gilchrist	17; Montgomery County
Delegate Benjamin Barnes	21; Anne Arundel & Prince George's County
Delegate Kevin Kelly	1B; Alleghany County
Delegate Kirill Reznik	39; Montgomery County
Delegate Norman Conway	38B; Wicomico & Worcester
Delegate Jeffrey Waldstreicher	18; Montgomery County
Senator John Astle	30; Anne Arundel County
Senator James Brochin	42; Baltimore County
Total Number of White men in the House of Delegates	72
Total Number of White men in the Senate	32

Other Men of Color Legislators	
Name	District
Victor Ramirez (Latino)	47; Prince George's County
Total Number of other men of color in the House of Delegates	1 Latino 2 Asian American men

I interviewed a cross-section of legislators in both the Maryland House of Delegates and the Senate. I interviewed legislators with varying years of service in the legislature. Legislative tenure ranged from 26 years in office to legislators serving their first four year term. As result, the data reflect a myriad of legislative ranking and seniority, race, gender, and ethnicity.

During the interviews, legislators were asked a set number of questions that covered their district characteristics, legislative history, institutional influence, policy preferences, perception of identity and politics, and questions about two specific pieces of legislation, the Religious Freedom and Protection of Civil Marriage bill and The Financial Exploitation of the Elderly bill. Because the interview questions provided for open-ended answers, the legislators were able to express themselves and narrate their stories to me. In many instances, I tried to continue the flow of the conversation by asking follow up questions. There were many points during several interviews where legislators mentioned things that I found interesting or did not anticipate. Here I would again ask the legislators to further explain or provide more depth to their response. This interview method led to a surprising finding that the women of color legislators wanted to discuss HB 1181 – Expungement of the Records bill that focused on domestic violence victims.

In conducting the interviews, I found that the African American legislators were extremely open about and willing to discuss the role that race plays in the legislative process. Indeed, the women of color also went into detail about the intersection of race and gender and its effects on representation and their legislative behavior. The fact that I am an African American woman likely contributed to the willingness of legislators of color to speak with me. Second, my identity also provided comfort and candor in which the women of color legislators spoke with me about issues regarding race and gender. Similar to Smooth's (2001) finding that "interviewer effects" enhanced the richness of her data, I too find that my identity added to what legislators told me and how they phrased certain ideas. I was introduced to the Legislative Black Caucus of Maryland by

Delegate Aisha Braveboy during its meeting on March 12, 2009. Delegate Veronica Turner, president of the caucus, then instructed caucus members to “help the baby and give her an interview” because I was one of their own looking to further research on “us.” While my identity was privileged with legislators of color and women, it also had negative effects with respect to other subject populations. Specifically, I had a much greater difficulty convincing White male legislators to agree to do an interview with me. In two instances, White male legislators on the Judiciary Committee actually turned their backs on me as they saw me approaching to ask for an interview. Lastly, White women legislators were not as welcoming as the women of color or Black male legislators, but were more welcoming toward me than the White men legislators. I discuss the effects of my race and gender and potential recruitment and interviewer effects more fully in the appendix A and B.

Lastly, to protect the anonymity of the legislators I do not attribute quotes to the individuals who provided them. Instead, I list the legislators’ racial and gendered make up to illustrate the ways in which the somatic indicators of the legislator inform their articulation of how identity mediates representation. As detailed in the appendix, the Black legislators, and African American women legislators specifically, felt a particular closeness with me due to my identity as a Black woman they most likely disclosed information that they would not have to a researcher of a different racial/ethnic and gender background. Consequently, although legislators consented to on the record interviews, I have do not identify by name the legislators to their quotes in an effort to protect their identity.

The Sample

For the African American women legislators, I interviewed the universe of cases, gathering systematic data from all 20 of the Black women in the Maryland state legislature. For the other groups, including White men, White women, Black men, Latino men, and other women of color legislators, I utilized a method of snowball sampling to obtain interviews with subjects. Cornelius (1982) finds snowball sampling techniques to be useful in gaining access because it allows the researcher to establish rapport and credibility with the initial contacts that produce referrals that can later be tapped. By waiting outside of committee hearings, caucus meetings, county delegation meetings, and voting sessions, I asked legislators if they would be willing to speak with me for about fifteen minutes. I also visited legislators' offices and spoke with their staff about finding a time to interview. This method proved to be more successful way of gaining access to legislators because in some cases, they or their staff did not respond to the emailed and faxed requests for an interview, had time constraints, and/or were wary of the purpose of the project. Legislators who agreed to interview with me in this manner indicated that time constraints prohibit them from participating in many academic requests for interviews.

While I interviewed the universe of cases of Black women legislators, I utilized referrals from one African American woman representative to another. As previously mentioned, the project was introduced to the Black caucus by one of its members and was vouched for by the president of the caucus. This introduction "put in a good word for me" and thus allowed entry into the legislative activity of the Black caucus members. I found that the Black caucus members were willing participants for the study. This

technique was able beneficial because those I had previously interviewed lobbied their colleagues on my behalf so that I could also interview reluctant legislators. For example, one Black woman delegate, a member of the Legislative Black Caucus of Maryland, had a bad experience with an interview in which she felt a newspaper columnist misrepresented her words. As a result of her previous experience, this delegate originally refused to interview with me. However, the president of the Legislative Black Caucus of Maryland interceded on my behalf to reassure her colleague that my research would respect the integrity of her comments in the interview. This delegate subsequently granted me an interview and apologized for previously refusing to speak with me. Thus, employing a snowball sampling technique, I learned that the role of referrals is essential because it helped to legitimize my study through those who the legislators knew. The snowball sample facilitated the recruitment process because I had time constraints and commitments that did not permit me to stay in Annapolis for an indefinite period of time. Once I informed the Black caucus president that I needed to interview all twenty of the Black women legislators in Maryland, she contacted the other Black women legislators to let them know that I needed to interview them.

Methodological Framework

This study utilizes qualitative techniques rather than quantitative methods due to the small number of Black women legislators in the Maryland legislature. While observations on roll-call data are useful for many studies of legislative behavior, these data cannot capture well the indicators of intersectional identity and the dynamics of this mediating influence on legislative behavior. Indeed, standard social science

methodological techniques, particularly large-N techniques that attempt to isolate the effects of gender by controlling for race/ethnicity by controlling for gender are unsuitable methods to trace the complex interactions of race-gender in an organization. In addition, quantitative techniques are “devised to reveal uniformities of behavior are by design insensitive to difference, treating anything that deviates from the norm as an outlier or anomaly” (Hawkesworth, 2003, 532). Consequently, scholars have found that qualitative studies are required to examine the practices and processes that disadvantage women of color in organizations (Acker, 1989; Cockburn, 1991, and Siltanen, 1994).

A feminist approach to qualitative work investigates the subject/researcher relationship. Collins (2000) finds that feminist research underscores the subjective nature of qualitative work to make unapologetic claims that research is value-laden. Indeed, the topic that the researcher selects reflects his or her personal preferences. Thus, there is a personalized nature that is embedded in methodology (Menjivar 2000). Additionally, unlike quantitative research, qualitative research has an imbedded personal connection because the researcher is inserting himself or herself into the lives of those that he or she researchers.

I utilize interpretivist methods based in feminist epistemology to examine the dynamics of race and gender in the Maryland legislature. Interpretivists underscores their methodological approach with “their commitment to incorporating intersubjectivity into the way we conceptualize meanings” (Adcock 2003, 16). Researchers employing interpretive methods seek to understand how people construct their shared perceptions of their political world. Rather than standing objectively back from political events, the researcher must be “empathic” because the goal is to understand how people construct

their shared perceptions of their political world (Atwood and Stolorow 1984). Feminist qualitative work argues that empathy and immersion is an adequate and alternative strategy when conducting research. This methodological approach allows the researcher to appreciate the world of the researched all the while reaching a level of understanding that is based on the constructed meanings and the world of the research subjects. Consequently, the discourse that is produced from the study is both reflexive and engaged.

To probe how identity mediates representation in the Maryland legislature, I situate the claims made by the legislators into a larger interpretive framework that seeks to explain both the social and political experiences of those interviewed. “Treating individual statements as texts, interpretive theorists probe meaning of those texts by analyzing them in relation to cultural and linguistic practices, historical traditions, and philosophical frameworks in order to provide an enhanced explanation consistent with the meaning of the experience to the agent” (Hawkesworth, 2003, p. 533). Utilizing the theory of intersectionality helps to situate the experiences of the Black women legislators described in their interviews. Intersectionality theory helps to identify how identity is dynamic and fluid while having discernible effects. While this study is informed by interpretivist framework rooted in feminist epistemology, it also utilizes a multi-method approach, combining textual analysis of interview data with legislators and case study analysis of legislation during the 2009 Maryland legislative session.

Qualitative methods were chosen for this project because it allowed me to contextualize the experiences of Black women legislators. Through the use of qualitative methodology, this dissertation presents a more in-depth description of the processes that

influence and affect the ways in which identity mediates representation. Unlike quantitative methods, an interpretive approach enables me document the nuances and contextual effects of gender and race in the legislative process. This qualitative approach allows for a different angle from which scholars can explain the role of identity in representation. Although the dissertation is a single snap shot in time, it can be expanded to other sites and other legislatures in order to draw comparisons.

Within qualitative methodology there are weakness and strengths. One of the weaknesses in this study is the fact that the results cannot be generalized to all Black women state legislators because it is unreasonable to draw conclusions from twenty respondents. The strength of this methodology, however, is that it paints a picture of Black women legislators that adds context to the numerical data that is currently available. While these Black women legislators may not represent the larger population, each account adds a distinctive account of the experiences of Black women legislators and advances our knowledge about the differences and similarities that exist within groups. Finally, this dissertation contributes to growing body of literature that explores Black women in elected office. I show that the early scholarship on Black women's multiple jeopardy of race and gender are less applicable to contemporary Black women legislators who are using their race and gender as assets to succeed in politics.

Dissertation Outline

Legislators' policy deliberations and decision making processes are informed by race, and gender not only of their own but also of their constituents. Women of color, specifically Black female legislators, are often pulled in opposite directions when

legislation has distinctly raced and gendered implications. This dissertation explores the complexities of representing the intersections of race and gender in policy deliberations by investigating how Black female office holders legislate intersectional issues that are pertinent to members of marginalized and disadvantaged groups. For the case studies, I selected legislation that incorporates the intersection of race and gender in the Maryland state legislature, including the Religious Freedom & Protection of Civil Marriage bill and the Financial Exploitation of the Elderly bill. I asked legislators to discuss how, if at all, their identities mediate the representational process. In particular, representatives were questioned about whether and how their identities influence what groups they advocate on behalf of within the context of these two important pieces of legislation.

In the chapter two, I investigate how the intersection of race, class, and gender affect Black women legislators' decision making process. I find that Black women legislators are more likely than White men, White women, and Black men to express a rhetorical commitment to the effects that race and gender has on the legislative decision making process. At the same time, I also evaluate the extent to which the data support the hypotheses that Black and White women legislators are more likely to articulate a gendered approach to how identity matters in the legislative process more than Black and White men legislators, and that African American women and men legislators are more likely to articulate a racialized approach to how identity matters in the legislative process more than White men and women legislators. In this chapter I argue that models of legislative decision-making should incorporate identity into explanations of behavior. In addition to the party identification, leadership, caucuses, constituency, known and respected information sources, and influence of staff the data in this chapter support the

arguments that intersectional identities as well as identities of female and African American mediate legislative decision-making.

The chapter three examines Black women legislators' legislative influence. I utilize theories of racing gendering, strategic essentialism, and studies of Black women's legislative influence to examine the behavior of legislators in the Maryland state legislature and evaluate the extent to which it helps explain legislative behavior. Here I find that Black women use their positionality and identity to their advantage and are not always disadvantaged by their somatic indicators. This finding complicates the picture drawn from earlier literature on Black women elected officials which often presents a double marginalization, poor quality of legislative life, and silencing of African American representatives. In so doing, the evidence from my research on the Maryland state legislature finds that Black women legislators mobilize around identity at times to articulate legislative influence.

Chapter four examines the decision-making process comparing a controversial and a non-controversial bill situated around consensus and cross cutting issues in the Maryland state legislature in 2009. Here I analyze the decision-making process regarding the Religious Freedom and Protection of Civil Marriage bill and the Financial Exploitation of the Elderly bill. I test hypothesis that Black women legislators are more likely to support the Religious Freedom and Protection of Civil Marriage bill than Black men legislators. Similarly I analyze the data to see whether White women and men legislators are more likely to support the Religious Freedom and Protection of Civil Marriage bill than Black women and men legislators. Finally, I test the idea that all legislators, regardless of race/ethnicity or gender, are more likely to support the Financial

Exploitation of the Elderly bill than the Religious Freedom and Protection of Civil Marriage bill. The analysis leads to the conclusion that advanced marginalization of Black women legislators will make them more attentive to affecting other marginalized populations. However, solely viewing this bill along race or gender lines misses the complexity role of identities in informing representation. While the older Black men and women opposed this legislation and White women and men supported this legislation, there is clear generational split between Black women legislators born after 1960 because they are more likely to support same sex marriage. This intra-group difference between Black women legislators suggests that it is beneficial to incorporate a generational analysis when comparing intra-group policy preferences.

The chapter five investigates policy preferences at the intersections of race, class and gender through an analysis of domestic violence legislation, the Denial or Dismissal of Domestic Violence Petitions - Expungement of Record in the Maryland state legislature. The analysis in this chapter demonstrates how an understanding of political intersectionality is an important analytical tool for understanding how African American women representatives navigate traditional feminist policies and behave in legislatures.

The chapter six of the dissertation concludes with a discussion of the potential for employing intersectionality as an analytical tool to better understand the complexities of political representation among women of color, and African American women in particular. I argue that identity plays an important role in the deliberative debates within legislatures as well as in the decision-making process of legislators.

This project expands the state of knowledge in the field of women and politics and U.S. politics by expanding our understanding of the dynamics of race and gender

within legislatures. Equally as important, this study contributes to our understanding of the effect of visible marginalized identities on legislative policy-making. I go beyond previous research by looking closely at marginalization *within* subgroups and systematically gathering data on the influence of this marginalization in terms of intersectional identities on legislative behavior. By moving away from the utilizing White women's or Black men's experiences as the sole basis for formulating research questions, this project extends our understanding of Black women's politics. Indeed, the presence of distinctive representational problems and advantages faced by sub-marginalized communities – a reality often overlooked in the subfields of Black politics and women and politics – is the focus of the study.

An innovation in this study is the use of intersectionality as a methodological tool for examining legislators' policy preferences. By moving away from a unity or multiplicative analysis, my use of intersectionality allows for greater depth and complexity in both the measurement of variation *within* groups as well as explanations that can account for those differences. Rather than further silencing sub-marginalized members within the dominant group, intersectionality as an empirical paradigm reduces in-group essentialism by not privileging only one aspect of identity. An intersectional approach recognizes the political significance between the categories of investigation by positing an “interactive, mutually constitutive relationship among these categories and the way in which race (or ethnicity) and gender (or other relevant categories) play a role in the shaping of political institutions, political actors and the relevant categories themselves” (Hancock 2007, 67). In so doing, my work contributes to the study of identity politics by examining how marginalized identities affect political representation.

My findings show how Black women legislators in Maryland use their identity developed through lived experiences due to marginalized visible identities of difference in their understanding of policies with consequences for marginalized and intersectional subgroups.

Finally, my project contributes to the growing literature on Black women in elected office in legislatures in the United States. This population of representatives has been understudied and my work will enhance knowledge of legislative behavior in the fields of Black politics and women and politics. Of the 1,799 women state legislators serving nationwide, 355 or 20.3% are women of color, 230 of whom are African American (CAWP data sheet 8/09). Using the unitary approach, scholars of identity politics document African Americans or women's influence in legislative bodies. While recognizing the experiences of White women or Black men, most existing studies fail to acknowledge experiences of African American women (Hull et al. 1982). By 2001, there were a reported 9,101 Black elected officials and 3,220 were African American women (Orey et al. 2006, 98), and since 1990, African American women have outpaced African American men in achieving elective office (Smooth 2005). In 1998, for example, only 168 African American women served as state legislators, and by 2004 their numbers increased by 47 women accounting to a 28% increase (ibid). This growing number of Black women legislators, while still undersized in proportional terms, is cause to study the legislative impacts of Black women distinct from Black men, White men, White women, Latinos/as, as well as Asian American men and women.

Chapter Two: Identity and the Decision Making Process

In this chapter I analyze how Black women legislators at the intersection of race and gender use their intersectional identities in the legislative decision-making process. In particular, the analysis presents the ways in which identity mediates representation among Maryland state legislators. In testing my hypothesis that identity does indeed influence legislative decision-making, I compare accounts of representation by Black women to White men, White women and Black men. In addition, I test the extent to which the data support the hypotheses that Black and White women legislators are more likely to articulate a gendered approach to how identity matters in the legislative process more than Black and White men legislators, and that African American women and men legislators are more likely to articulate a racialized approach to how identity matters in the legislative process more than White men and women legislators.

Research on Legislative Decision Making

Most existing models of legislative decision making do not account for the role that identity plays in representation. In this section, I first provide an overview of the literature on congressional decision making and then go on to show my project makes a contribution to the extant literature on the topic.

The cue-taking model of decision making attributed to Matthews and Stimson (1975) operationalizes the cues or directions that come from colleagues, committees, party delegations, or the legislative body as a whole. The cue-taking model allows for legislators who are not specialists in the particular legislative area to make educated judgments about the legislation. Often legislators rely on policy specialists, the chairman

or more senior members of the committee from which the legislation emerged. Additionally, the cue-taking model finds that legislators take their cues about legislation directly from colleagues as opposed to people outside of the institution (Kovenock 1973). Along those lines, David Truman (1959) argues that legislators take their most direct cues from regional or state delegation groups. Porter (1974) found that state legislators were almost totally dependent upon others for information on complex issues. State legislators would then use those cues during the relatively short legislative session to decide how to vote on a bill.

The policy dimensions model, most closely associated with Aage Clausen (1973) posits that Members of Congress start with a basic understanding of the policy under consideration. He or she then thinks of the legislation in terms of a political-philosophical leaning or dimension. This dimension then allows the Congressman to analyze the policy and choose an alternative closest to his or her position. Members of Congress select a policy closest to his or her own policy position. It is important to note that in Clausen's model of decision making, context matters in how the legislator will ultimately decide. The policy dimensions model allows for difference in the cues to explain how a legislator may act differently on varying policy.

Cherryholmes's and Shapiro's (1969) predisposition communication model (1969) utilizes computer simulation to explain legislative decision making. Cherryholmes and Shapiro find that a Congressman first assesses the strength of his or her predisposition for or against a bill. Then a Congressman takes into account his or her past voting behavior, effects on his or her constituency, and party position. If these factors predispose him or her in either way, the Congressman will vote according to this

predisposition. If the predisposition is not strong, the Congressman will consult his colleagues, the President, and perhaps other policy insiders to help to determine his or her position.

The goal oriented model assumes that decision makers are goal-seeking. However, goals are not unanimously specified in the literature as to what goals decision makers seek to maximize. The most famous goal oriented model is posited by Mayhew (1974) who argues that re-election substantially structures a Congressman's behavior. The single minded goal of reelection helps one to understand many features of the legislative process. Fiorina (1974) finds that the constituency-representative relation is primarily based on the congressman's goal of reelection. Instead, Fenno (1973) contends that members of congress have three goals: re-election, influence in the House of Representatives, and good public policy.

Wolman and Wolman (1977) argue that Congressional staff play a large role in legislative decision making. Staff are often the intervening variable between constituency attitudes and a congressman's perception of constituency attitude. Staff are also able to provide or withhold pertinent information or access to it. The issue's degree of salience and level of development will determine the staffs' ability to influence the legislator or the policy. Additionally, the staff role in the decision making process includes monitoring and evaluation information on policy developments, structuring legislative hearings, formulating policy alternatives, and negotiating compromises (Rosenthal, 1973; Ornstein, 1975; Huwa and Rosenthal, 1977; Stenger, 1978; Malbin, 1980; Whiteman 1985). Specialist legislators, such as chairman or senior members of legislative committees are the most important sources of information (Zwier, 1979; Maisel, 1981)

A critical factor in legislative decision making is information, specifically information communicated to Members of Congress by key actors in persuasive positions, is the empirical information made available to legislators. Most studies start with the assumption that legislators have a limited amount of information about the consequences of a particular vote. Because legislators have many demands on their time and energy, they are forced to find the most efficient way to inform themselves. Therefore they begin with most accessible information. Legislative information sources can be listed into three categories: insiders – colleagues and staff members; outsiders – constituents, government officials, mass media, and academics; and mid- range sources – interest groups, representatives for executive agencies. With the information, legislators decide their position on bills (Mooney, 1991). The flow of information is critical in understanding legislative decision making (March and Simon, 1958; Bauer, Pool, and Dexter 1963; Huber 1989). In the state legislative process, Sabatier and Whitman (1985) find that the information that lawmakers read and hear about legislation can have an important impact on the laws of a state. However, information is rarely objective, and those who supply it can often put their own spin on it (Schlozman and Tierney 1986). Consequently, those who supply information to legislators will have their interests better represented than those who do not.

John Kingdon (1989) is perhaps most associated with the consensus model of decision making. In this model, the Congressman asks whether there is controversy over the issue in the environment or field forces that would affect his own decision. If there are no controversies, he votes with that field. If minimal controversies exist, the Congressman will still utilize this model. However, if there is controversy in the

environment, the Congressman will attempt to find consensus among the major reference groups and the structuring fields. The Congressman also weighs his or her policy attitudes, past voting history, and the wishes of his or her constituency.

Identity and Legislative Decision-Making

All of these studies are focused primarily on legislators during a time in which representatives were overwhelmingly White and male. Not only are gender and race rarely considered, but the idea of intersectionality as a mediating force in decision-making had not been articulated during the time in which much of the previous literature was written. But now democratic representatives are much more diverse. It is possible that identities based in race or gender or some other politically-relevant category influence legislative decision-making. In this section, I analyze the ways in which African American women legislators in Maryland describe the way that their identity mediates their decision making processes. Comparisons between this group and White men, White women, and Black men's responses are made. In analyzing the in-depth interview data systematically, I test the following hypotheses:

H1: African American women legislators are more likely to articulate an intersectional approach to how to how identity matters in the legislative process than Black men legislators

H2: Black and White women legislators are more likely to articulate a feminist approach to how identity matters in the legislative process more than Black and White men legislators

H3: African American women and men legislators are more likely to articulate a racialized approach to how identity matters in the legislative process more than White men and women legislators

H4: White women and men legislators are less likely to express a rhetorical commitment to identity in the legislative decision making process than Black women and men.

These hypotheses are informed by scholarship on legislative decision making, intersectionality research, along with Black politics and women and politics research. This chapter examines how legislators articulate the relationship between identities and the way they conduct themselves as political representatives. It does not, however, argue that there is any essentialist guarantee that women or Black legislators will necessarily deliver results for female or Black constituents.

I find that the role of identity in representation is more pronounced for intersectional minorities, specifically Black women legislators. African American legislators in Maryland were more likely to articulate or describe an intersectional identity as a meaningful and significant component of their work as representatives. More specifically, I find that Black women legislators use their identity to interpret legislation differently due to their intersectional identities. Rhetorically, Black women legislators expressed different concerns, challenges, and advantages in the legislative process based on their social positioning. Contrary to my expectations, Black women legislators did not use gender as an analytical category to mediate the legislative decision making process. Instead, some African American women legislators said that “race trumps gender” in the legislative decision making process, referencing race as a meta-language but not discussing gender. However, the majority of Black women legislators utilize an intersectional approach to the legislative decision making process that is informed by both their race and gender. Namely these legislators find that race and gender are thoroughly interconnected in the lives of Black women. The findings suggest that race and gender play a profound role in African American women’s legislative decision making. In contrast to White men, Black men, and White women legislators

Black women legislators are the only group to employ an intersectional analysis in the legislative decision making process.

Intersectionality

My first hypothesis is that Black women articulate their legislative decision-making style as mediated by their intersectional identity to a greater degree in comparison to Black men, White men, and Black women. As more fully discussed in chapter one, intersectionality is an inclusive theory where we can take account of multiple, subordinated subject positions such as race, gender, class and language status. Specifically, it is “a way to articulate the interaction of racism and patriarchy” (Crenshaw, 1989, 367). Intersectionality accounts for the problematic view that Black women are women or minorities. Instead, “race constructs the way Black women experience gender; gender constructs the way Black women experience race” (Mansbridge and Tate, 1992, 488.) This section examines how African American women legislators bring an intersectional analysis to the legislative decision making process in ways distinctive from their colleagues who do not exist in similar intersectional spaces.

The Black women legislators invoked multiple identities in explaining how identity plays a role in the legislative process. Additionally, these legislators were unable to parse out factors of their identity specific and unique to being Black and to being a woman. This indicates that for Black women legislators race and gender are mutually constitutive. Almost all of the Black women interviewed claimed that there are times when identity influences legislative decision making. For example, a Black women delegate explained:

It [identity] probably contributes to but is not the only factor in how I feel about legislation. It would be difficult for me to tease out which parts of me because I

am a Black woman and I am from the Mid-West, I'm a mother, so which part of me is it that?

Similarly another Black woman delegate stated:

When I look at something I consider what would it do to women, what would it do to people of color, what would it do to individuals over sixty, what would it do to individuals who have not lived in that type of environment, and what would it do to send a message that your condition does not have to be your conclusion. When I look at things I put myself how would I respond, what would I want and then I make an informed decision based on past experiences.

Likewise, one Black woman delegate concurred:

Absolutely, absolutely, [identity matters] because I have a different experience. If I did not bring my experience here I don't think I would be doing a service to the entire State. I don't make decisions based on my race and gender, I bring an understanding that's reflected of my race and gender....[In certain situations] I feel my gender more here or my race more here my class background.

Correspondingly, a Black woman delegate finds that her identity allows her to see legislation differently:

Being a Black woman I understand the social determinants of health. I understand racism and the culture and the disparities the health care disparities that exist within the African American and other minority communities.

Belonging to two identity based caucuses has helped a Black woman delegate in the legislative decision making process.

For example we have the women's caucus, the Democratic caucus, and the Black caucus. We get together and we meet and discuss the issues that affect various groups. We will frequently identify a set of issues that we think are important to woman or minorities or even Democrats.

Some of the Black women legislators spoke of differences between Black men and women legislators. Another Black woman delegate finds that her identity as a Black woman plays a large role in the legislative decision making process.

[My identity makes] a big difference, men are not as passionate as woman are, they see a situation and they will brush it off and they don't think it's important. Whereas, if you investigate and find out that it is important then that's the difference between the man and the woman. They know that I'm passionate

about a lot of big issues and that I will fight for what I feel is right for our issues. There are forty four of us in the general assembly for the Black Caucus; we are the third largest in the world having African Americans. I just feel that being a Black female it has it's good points because a lot of people give you more respect as being a Black female down here.

A Black woman senator also argues that Black women bring a difference to the legislative decision making process than Black men.

I don't think [Black men and women view legislation completely differently from one another]. I think this is the issue, I think Black men in many instances in terms of the legislative process see the same things that we do but they are not as vocal or outspoken as Black woman are.

In the same way, another Black woman senator finds that her identity as a Black woman in the Maryland legislature was an asset as opposed to a liability.

When people see me they are always going to see an African American female, what is important as an African American female is that we are comfortable with who we are and I'm extremely comfortable and confident about who I am, so I think I bring added value to the table I don't look at that as a negative at all.

A Black woman delegate said that her intersectional identity lends itself to a differing viewpoint than some of her colleagues. "If I was a White male who may be a little chauvinistic, I would have a different viewpoint as opposed to a female of color. You can relate to more people who are different from you as opposed to someone that was of one particular gender." Similarly, another African American delegate finds that her identity as a Black woman influences the way some of her colleagues view her.

Sometimes people can't get pass my Blackness or my being a woman and realize that there is a brain here and sometimes this brain can out do yours, sometimes you really have to get on your soapbox and let them know that I can deal, like whatever you got bring it on, I am not intimidated and I can hold my own regardless of what you see when you look at me.

A few Black women legislators provided legislative examples to illustrate the role that their identity influences their understanding, support, or opposition of a particular

bill. When asked how identity influences one's interpretation of legislation, several legislators provided examples of the minority business enterprise (MBE) legislation to illustrate the ways in which identity based policies in Maryland are largely championed by minority legislators. The minority business enterprise program is a set-aside program in which a percentage of government contracts are for women and minorities. Maryland's MBE Participation goal is 25%, with sub-goals of 10% for women owned firms and 7% for African American owned firms. The DBE goal for USDOT assisted contracts is established on an annual basis.

A Black woman senator detailed an intersectional analysis of Maryland's MBE program that is influenced by her racialized and gendered identity.

Last year I introduced Senate Bill 606 that required the state to diversify its portfolio's [as] it relates to engaging African Americans more specifically minorities in general and its investment portfolio's which increased the participation of minorities from about 300 or 400 thousand to about one point two billion dollars. This legislation is moving through the general senate now where African American women, specifically when being certified to do business with the state, have to declare at the time of certification whether they are a female *or* minority. The fact of the matter is they are *both* and so in changing the legislation to say that a African American woman specifically or minority woman in general when being certified by the state to do business can declare themselves as a minority and as a female and only at the time of bidding on a specific contract do they have to declare which way they want to go. (emphasis original)

While this Black woman senator does not believe that the legislation was intentionally designed to slight Black women business owners, she doubts that Black women's perspectives were included twenty years ago when the legislation was first introduced:

I don't think anybody really thought about it because they thought that they [Black women] would check one or they check the other. And I think that people assumed that African American women would choose minority first. And one reason being is that the goals for minorities in the state are larger than the goal for females, so you would think that they would choose that first. By

being able to choose both, for example if in fact someone says to you [referring to me as an example – a Black woman] ‘female I would really like you to be on this contract with me’ and you say ‘whose on the contract with you’ they have the opportunity to say well if you have a minority already then I can. Hopefully it works.

Similarly, another Black woman senator explains:

I think being a woman effects how I see legislations impact and also being an African American because I have been very involved with minority business enterprise and promoting the States responsibility in inclusion making sure that minority woman were included with the contracts with the State. As far as making sure that if there are equity refunding different programs I bring the perspective of a Black woman to the table.

The African American legislators expressed a rhetorical commitment to ways in which their intersectional identity mediates legislative decision making. A majority of legislators find that their identity allows them to interpret legislation differently, with an intersectional analysis. Others find that identity is complicated. This multifaceted identity affords different experiences that allow Black women legislators to draw from in interpreting legislation. In sum, the African American women legislators suggest that the complexity of identities and experiences are utilized in the legislative decision making process.

Distinctly non-Intersectional Approach

Not all legislators have an intersectional understanding of identity. In contrast to the African American women representatives, the Black male legislators interviewed for this study find that a gender identity is not salient in their decision making processes. When asked if identity played a role in how legislators interpret legislation some

legislators relied solely on a racialized construction of identity. Specifically, a few of the Black male legislators said that they do not think about gender in the legislative decision making process. In one such example, a Black man delegate said “gender, no not as much. I’m kind of like a gender-neutral person.” Similarly another Black man delegate said “I think gender has very little to do with how I interpret legislation.”

A Black man delegate provided an example of why gender does not influence his legislative thinking.

My race does, more than anything else I think race trumps gender, although a lot of Black women didn’t see it that way they were jumping up and down for Hilary Clinton and not Barack Obama. But anyway, race influences how I interpret legislation.

In discussing the Minority Business Enterprise (MBE) program, a Black man delegate expressed that may matter in but he is not as invested in securing state contracts for African American women business owners.

There was a hearing for the MBE bill for the dual legislation for Black women to count as African American and a woman. I’m sure they are impacted, the person that is doing that type of work. MBE’s had issues pertaining to the social and economic issues pertaining to all areas of the MBE participation.

This Black man delegate does not seem to have a clear understanding or commitment to Black women’s role in the MBE. This delegate is concerned with African American women business owners receiving their fair share of state contracts but this statement does not reflect a clear understanding of the legislation’s impact on Black women like the previous statements by the Black women legislators. Without the perspective of Black women legislators, it is unlikely that the legislature would revisit MBE legislation to include a more comprehensive way of assisting Black women business owners to receive state contracts. Also, because a Black woman legislator introduced the bill, this

illustrates that Black women are more likely than Black men legislators to understand how gender inclusivity is needed in legislation that targets a racial minority. However, it is only the African American women legislators who problematize the legislation for failing to account for the double minority status of Black women contractors. Without the Black women legislators, it is doubtful that African American women business owners would be allowed to negotiate what identity they would like to file under to receive a state contract. The Black male legislators who commented on the MBE seemed less concerned with the gendered element of Black business owner's ability to secure state contracts.

These statements reflect that maleness is the unmarked gender category, the norm against which women are compared. This social construction of gender reflects patriarchy and male privilege and a prevailing notion of Black male dominance with the African American community. The fact that these Black men do not think in gendered terms reifies the dominant role that maleness plays in society, even by men who are disadvantaged by their race. Additionally, these statements illustrate Black male control of the Black political agenda and the silences around conversations of gender differences

Feminist identity

While data from Black male and female legislators confirmed my hypothesis that the African American women drew from both their racial and gender identities while Black men did not describe an intersectional effect on their legislative decision-making, my second hypothesis did not receive support from the data. Contrary to my hypothesis that Black and White women legislators would both be more likely to articulate a feminist approach to how identity matters in the legislative process than Black and White

male legislators, none of the Black women legislators used gender alone as an analytical category to mediate legislative decision making.

Diverging from Mansbridge's and Tate's findings that Black women are more likely than White women to be supportive of feminist organizations and the women's movement, more likely to consider themselves feminist, and are more sympathetic to strengthening women's status in society (1992, 488), African American legislators in the Maryland state legislature in 2009 do not employ feminist identity as an organizing structure or analytical tool. Evelyn Simien (2006) finds that marital status, age, income, education, employment status, religiosity, place of residence, interviewer sex, race identification, and power discontent are factors that shape Black feminist perspectives for both Black women and men. However, Simien's definition of a Black feminist consciousness incorporates intersectionality and is uniquely tied to the politics of race. Specifically, Simien draws upon intersectionality, African American community politics, and the experiences of Black women to conceptualize Black feminist consciousness. Because race and gender are intertwined for Black women it is likely that my findings further suggests that African American women legislators cannot parse out their gendered identity, or are reticent about describing it in traditional feminist terms. The lack of findings here does not mean that Black women are not feminists; indeed, the results from the previous section make clear that Black women legislators express their gender identity in intersectional terms – that their racial identity is inseparable from their feminist identity.

A White woman delegate was the only legislator who mentioned gender devoid of race as a factor legislators include in the legislative decision making process. This

delegate has represented Montgomery County since 1976. She is chairwoman of the powerful Ways and Means Committee. There are seven standing committees in the Maryland House of Delegates, there are only two women chairs of those committees⁸. Delegate Hixson is a past president of the Women Legislators of Maryland. She is also active in several other women's organization such as National Organization of Women (NOW) and the National Professional and Business Women's Organization. This White woman delegate's commitment to women's issues is well known in the legislature. When asked if her identity affects the considerations she brings to legislation this delegate said that her identity as woman matters in the legislative process. "I've always had a statement 'all bills are women's bills'." In explaining how this statement is applicable to her role as committee chairwoman she said:

Because a lot of people always say "you deal with daycare and you deal with the children." And of course we do, but, that isn't all we do. And we [women] can compete in the male world. Certainly we pay income taxes so tax bills are very important to us and how much we spend on programs and that kind of thing. But, I would say that I obviously have bias towards fairness with women's issues. I'm trying to think of anything I wouldn't promote or wouldn't support. That's just for us [women] to get a fair shake in the man's world that we're in.

This delegate later commented that a majority of women's issues bills are brought up in the Environmental Matters Committee. Women's issues are her priority, even in her role as chair of the Ways and Means committee.

This White woman delegate was the only delegate to directly mention gender and women's issue bills. As a White woman, this delegate may be able to see her gender as more salient because she is advantaged by her race, and because she has been involved in women's issues in racially-mixed environments that have been dominated by White

⁸ Delegate Maggie McIntosh of Baltimore city is chairwoman of the Environmental Matters Committee.

women such as NOW. Finally, it is worth noting that the Black and White male legislators do not explicitly mention women's issues either. This finding further strengthens arguments in the women and politics literature that illustrates that women legislators are more likely to represent women's interests.

Race identity

My hypothesis that African American women and men legislators are more likely to articulate a racialized approach to how identity matters in the legislative process more than White men and women legislators is confirmed with the interview data. Race is clearly a social construction, but it is neither natural nor trans-historical and has important material effects. Power and representation differ substantially between members of social categories aligned around perceived differences (Higginbotham, 1992). As articulated in theories of race as a metalanguage, race is the guiding principle through which other social constructions such as gender and class are manifested. Dawson (1994) argues that (middle class) Blacks operate through "Black utility heuristic" as a short cut to explain how race governs and informs the ways Blacks think and act politically. The African American legislators interviewed for this study articulated race as a governing structure through which they view the legislative decision-making process. These legislators did not interrogate the construction of race but instead relied on the tangible effects of race in American society. For these legislators, there is a distinct Black community as well as certain proscribed notions of "Blackness."

Similar to Mansbridge's and Tate's (1992) finding that race trumps gender, the African American women legislators in this study articulated the ways in which they utilized a racialized identity to mediate the legislative decision making process. For these

Black women legislators, race can be more salient than gender in the legislative decision making process. Race identification may act as a first lens through which crosscutting issues are evaluated in relationship to the hierarchy of interests, which prioritizes race over gender in the Black community (Cohen 1999). While history points to numerous examples where Black women have resisted a race-only approach to political equality (i.e. women's suffrage vs. universal male suffrage debates; the role of Black women in the women's movement, civil rights movement, and Black power movement; and the Clarence Thomas nomination hearings) a shared history of past and present race based discrimination – slavery, Jim Crow, de jure segregation, literacy tests, grandfather clauses, lynching, poll taxes, White primaries, discriminatory practices such as steering and blockbusting by realtors, redlining by banks and loan companies, de facto segregation, and racial profiling – have reinforced African Americans' strong reliance on racial identification.

African American legislators of both genders feel a commitment to represent the Black community. For example, one Black men delegate finds that race affects his legislative decisions. "I think that's true, I think it can be both an asset and you have to make sure it remains an asset instead of a liability. I'm here to clearly represent the African Americans." Black legislators said that they bring a racialized understanding to the legislator because they have experienced struggles based on racial discrimination. As a result, Black legislators represent Black interests better than non-Black representatives.

For example, one Black man delegate observed:

Yes [identity plays a role in the legislative process] because there is an understanding in the Black community that it will be very difficult for someone in the White community to understand, so there is a need for the Black Caucus in that regard to legislate on Black issues. How can you truly understand what's

happening in our community if you don't know it, you haven't walked it? I'm not going into any Jewish community. And say, "I understand exactly what you been through" because that would be a lie, and they can't come into my community and say I understand exactly what you are going through and that would be a lie. We can share each others concerns and the more that we talk to each other and not talk to each other like we are walking on eggs we will begin to understand each other.

Another Black man delegate suggests that Blacks experiences with racial discrimination cause African Americans and Whites to view the world differently.

Yes I do, it's based on your environment and your surroundings I bring that effect to legislation. They don't understand that driving while Black versus their driving while White, and they don't understand that "the Man" is going to pull me over.

One Black man delegate explained that he uses race in the legislative decision making process:

Absolutely, anytime there is a piece of legislation and something that is near and dear to me, but, when you are talking about minority business enterprise and minority business participation, I do believe that there is a difference in how I would look at minority business legislation versus one of my White colleagues and how they would vote.

Similarly, a Black woman senator finds that that race influences the way she interprets legislation:

Yes, I think it does because many people will look at it and say it's an excellent bill. [But I tell them] no, it's not an excellent bill because you have not weighed the pros and cons and you have not taken into consideration the racial disparities or the diversity piece, although I'm fair they say I'm Black, *Black*, oh they say she raise so much hell just give it to her!!

Several of the African American legislators said that their racialized identity plays a role in the type of legislation they sponsor. With few exceptions, African American legislators expressed a rhetorical commitment to race based legislation. Interestingly, the Black legislators all mentioned symbolic legislation as types of bills they introduce as in

providing examples of how race influences representation. For example, one Black woman senator finds that her race influences the types of legislation she champions.

I do pick bills; I'm champion of a piece of legislation right now that I've been doing for a couple of years that will require insurance companies to disclose their connections with slavery. I know that perhaps a White legislator would never even thought about it, there are some if it had came to their attention they'd like it but it took a Black professor at the University of Maryland School of Law and then took this Black senator to say okay we are going to bring to Maryland. In that regard I am serious about history and very sensitive to historic issues, if I can do it.

Similarly, a Black man delegate explains:

My legislative work here has a racial overtone, Thurgood Marshall Baltimore Washington Airport. I named it, it was my bill that did that, and, I did the same thing in Mississippi, Jackson Mississippi Airport was named for Medgar Evers. My work here is mostly in the area of Civil Rights, I have a bill now that would make January *and* February Black History months because January flows right in to February, that can be rather conflicting as a legislator. One other thing, this is not a legislative initiative in, my area district 10 for the first time we are going to have a Black parade, Memorial Day Parade, in the Black district there are four or five parades in the White districts but none in our district, and this will be the first year that I initiated that. I'm saying that race for me is the focus of my legislation.

Another Black man delegate also provides an example of legislation that he sponsored because of his race:

I introduced a resolution to ask for a commemorative day to be established for the old Negro baseball. More Whites sat up and spoke on that than Blacks because they remember how some things went down and how Negro League players endured racial discrimination. When he (unnamed White colleague) remembering going to Oaksville in St. Mary's County [one of the oldest Negro League ballparks in the country] and so forth. They [Whites] were on board because some of them are looking for a way to say I'm sorry. Some of them are looking for a way to say I'm sorry about slavery, but just aren't quite sure how to say it. That's one example that occurred this year that everybody could join together with.

One Black man delegate devotes his legislative energies to combating racial disparities.

Drug laws are the main thing. Ninety percent of the people that are locked up in our prisons are there for drug related crimes and seventy percent of them are African Americans so there has to be some discrepancy with the drug laws.

In support of my hypothesis, the Black legislators illustrate how race affects their legislative decision-making process. Namely, because American society is organized around race the tangible effects of race-based discrimination weighs heavy on some legislators' minds and thus their legislative agenda. Additionally, all the legislators in this section considered race to be an asset in the legislative process. While race is not the salient factor all the time for the majority of the legislators, it is a feature that they include in the decision making process.

African American men are more likely to comment on race devoid of gender when discussing the ways in which identity matters in the legislative process. Black women legislators, although utilizing race as a metalanguage, express a rhetorical commitment with regard to gender but mostly within the context of their intersection position as both women and Black.

Identity matters... Somehow

The White legislators interviewed for this study did not make explicit claims based on identity. Instead, they posited that identity matters but were not convinced that it played a role in the legislative decision making process. In line with my hypotheses, Whites were the least likely to make use identity in the legislative decision making process. Indeed, their racial categorization as White went without mention; no one said they legislated the way they did because they are White. Thus there is no analog to the claims of racial identity in mediating legislative behavior for Whites as there are for Black members of the Maryland legislature.

For White legislators when asked about identity, most replied that it operated as an unknown or intangible variable that may or may not influence legislative decisions. For example, one White woman delegate observed “I’m sure it does, it must everyone’s identity must have an impact on it, I’m not sure what it is.” Without mentioning race and/or gender, White legislators agree that identity influences the legislative decision making process. For example, a White man delegate suggests “all of things are part of who you are, so, to the extent that they make up who you are of course they are going to have an influence on how you see the world, legislation is how you see the world.” Similarly, a White woman delegate finds that identity matters in the legislative process. “Yeah, I think for all of us your practical experience and what you bring to this job absolutely makes a difference.” Likewise, another White man delegate finds that identity plays a role in the legislative decision making process vis-à-vis experiences.

Certainly I can’t separate the way I view things from the experiences that I have had to the extent that the experience that I have had are related to those identity factors then it’s connected, not a direct connection but I can’t escape my own Whiteness and I can’t escape my own middleclass upbringing.

Other legislators find that their profession chiefly influences their legislative decision making. For example, a White woman delegate suggests “I think we all bring our own individual prospective but, for instance I work a lot on family law and domestic violence legislation because I practiced family law.” Likewise, another White woman delegate that insisted:

I would venture to guess you can’t divest yourself entirely of your background in making those decisions, certainly my work experience definitely makes a difference in the way I see and my ability to see certain aspects of legislation.

A White man delegate and fellow attorney additionally explained:

I simply think it’s based on professional experience. I’m an attorney. Your past observations and legislative history in review of the law simultaneously you

ought to take in the fact that the consideration how your constituency would like you to vote.

Some White legislators said that identity, in any form, does not influence their legislative decision making. For example, a White man delegate said “I hope not” while a White woman delegate said “I don’t think so, no”.

As an illustration of the ambiguous nature that identity plays for White legislators in the decision making process, one White man delegate provided an example of recent legislation. When asked if his identity matters in how he interprets legislation, this delegate said “I suppose it must, but I don’t really know in what ways it does.” This White man delegate seemed to be very concerned with the question and paused for a minute to reflect before answering. After a moment the delegate provided an example of a stamps license bill concerning downtown Rockville that would enable supermarkets to sell beer and wine. Several small businesses, namely liquor stores, do not want supermarkets to sell wine and beer for fear that they will lose business to the supermarkets. This delegate explained the bill’s racial component as follows:

The Korean community has been the most vocal opposition of giving the supermarkets the license. What we found is that the Korean community around the county has come to oppose it because they are owners of one of the nearby stores. They all come in and my sense is that they think they are going to be losing their jobs if this bill passes. I understand that they are concerned and that they believe it, but I don’t. The point of the project we are working on is to revitalize the city of Rockville, the town center, and so if that works it’s good for all businesses. So I don’t expect them [Korean business owners of the liquor stores] to go out of business. There’ll be competition, no kidding.

This White man delegate views the bill to allow supermarkets a stamp license as a means to revitalize downtown Rockville rather than a bill with a negative impact on one particular racial community. For example, he commented that it’s so much easier to pick up a bottle of wine to go with the food items you’ve just picked up at the grocery store

than to drive to another store for a bottle of wine. For this delegate, this bill is about fostering better business practices. Yet, he is attuned to the racial element of the bill but does not clearly understand the underlying racial connections. “But when I look out into the audience [during community meetings and bill hearing] and I see a lot of Korean and Asian people there, are they are all opposing [the bill]? Am I reading the bill [differently]? I don’t really see why they would think that this would affect them so greatly. I’m wondering if I’m reading it differently than they are, and why they have such a different understanding that I do.” This delegate appears to be concerned with the Korean community’s opposition and his own understanding of the bill. However, he does not come to the conclusion that his Whiteness might matter, only that their Asian-ness or Korean-ness has something to do with it. This might be a business, rather than a racial, question for people of color as well does not occur to this delegate.

I attended a public hearing of the bill during the Montgomery County delegation meeting. There was standing room only because several Korean business owners in attendance as well as Korean media outlets that were covering the story. Despite the testimony and statements from the Korean business owners, the Montgomery County delegation decided to support the stamp license to allow supermarkets to sell wine and beer. The only Asian American in the Montgomery County Delegation voted that the county should oppose the bill. This hearing was an example of how a racialized understanding of legislation may alter the ways in which legislators understand who a bill impacts.

The majority of White legislators in this study agree that identity impacts the legislative decision-making process yet are unable to articulate precisely how race,

gender, or an intersectional approach is useful to them. In addition, the White legislators interviewed for this project were more likely than Black women or men to reference their professional identity as a factor in the legislative decision making process. Finally, both Black men and women legislators agreed that either a racial, gendered, or intersectional identity mattered in the legislative process but only White legislators said that identity did not matter at all.

Conclusion

The complexity of identity and the role it plays in the legislative decision-making process has long been overlooked in the empirical literature in U.S. politics on representation. While Black legislators interviewed for this study believe that identity relevant in their decision-making processes, White members of the Maryland state legislature had difficulty deciding whether their identities mattered and even more trouble articulating why they did. The differences in the data are striking, particularly with respect to the fourth hypothesis that White legislators would not use identity as a strong mediating factor in their legislative behavior. In this regard, the findings provide an important intervention for the American politics literature on legislative decision-making to show that legislators often include identity as a factor in the legislative process. Specifically, the Black women legislators provided examples of when and how they include identity in legislative decision-making through utilizing their experiences to better understand legislation; providing legislative examples that center on identity; by using intersectionality or race as a metalanguage or as a lens to center their legislative agenda and/or articulate their legislative priorities.

Indeed, the Black women legislators interviewed for this study had the most encompassing view of identity. They expressed a rhetorical commitment to the ways in which identity influences the legislative decision-making process. They were more likely to discuss identity than any other demographic group and African American women legislators were the only group to provide an intersectional analysis of identity, providing strong support for my first hypothesis.

By providing substantive examples of legislation that is overtly or implicitly racialized and or intersectional in nature, the African American women legislators said that race and or intersectionality matters in how they interpret legislation. The legislative examples that the legislators highlighted also showcased the types of the legislation that were personally important to them. These examples were mostly bills that the legislators sponsored or co-sponsored which illustrates their commitment to racialized and or intersectionality issues. Next, the legislative examples also spotlighted the differences in which identity is negotiated, reflecting a special attention to race and or intersectionality that influences their worldview.

Speaking to my third hypothesis, there was a universal theme that the African American legislators invoked but that Whites did not, and that was the significance of racial identification in legislative decision-making. Indeed, many of the Black legislators doubted if the types of legislation that they championed would be brought to the legislature if Black members did not sponsor these types of bills or take seriously issues of race. Whereas the White legislators were attuned to the effects of race, they were less likely to invoke race as a metalanguage through which they view legislation. This finding illustrates that Black legislators' presence in deliberative legislative bodies brings

attention to racial issues, and in particular, Black women legislators are necessary to achieve an intersectional perspective in legislatures.

While this chapter focused specifically on identity and the decision-making process, in subsequent chapters I focus on the effect that identity has on legislation. The dissertation will tie the findings from this chapter, that identity indeed factors into how legislators make decisions, to show the substantive outcomes based of identities effect on the legislative process. By examining the legislators' thought process of how they decided to vote on a selected bills, I find that identity can be a salient feature of the legislative decision making process.

Chapter Three: Black Women's Legislative Influence

The growing diversification of racial and ethnic minorities as well as women in state legislators (Smooth 2001; Preuhs 2006; Fraga 2005) has led scholars to explore the effects of race, gender, and ethnicity on legislative influence. My interest in legislative influence of African American women state legislators is prompted by studies that show that race and gender further serve to marginalize their legislative effectiveness. This chapter explores self-perceived legislative influence of Black women legislators. Furthermore, this study examines the Maryland legislator to question if women of color experience additional hardships because of their race and gender, significantly impacts the influence of African American women state legislators.

Building upon the research of women of color legislators and legislative influence (Smooth 2001, 2008; Hawkesworth 2003; Fraga 2005) I further illustrate how identities are privileged and how the somatic norm (Puwar 2004) of Whiteness and maleness is still a barrier that Black women legislators must overcome. Nevertheless, I find that Black women legislators can and do use their identity to their advantage to gain legislative influence. Black women legislators express different concerns, challenges, and advantages to the legislative process based on their social positioning (Smooth 2001, 2005, 2008). Black women legislators are also successful in developing tactics based on their identity that enhances their institutional power. Much like Smooth (2001, 2008), in this chapter I analyze Black women legislators' self-perception of their own legislative influence and agency. I find that Black women legislators in the Maryland state legislature perceive that they circumvent marginalization by drawing on their identity to achieve their legislative preferences.

Because institutions have their own unique norms and preferences that mediate power, it is important to understand how these factors influence the decision-making process. The legislative experiences of minority men and women as well as White women are often compared to that of White men. This comparison often fails to incorporate intra group comparisons, a large hole in both the Black politics and women and politics literature (Smooth 2001, 2005, 2008). This chapter fills in some of the gaps within this literature by exploring Black women legislators' experiences. Furthermore, by illustrating how gender and race simultaneously impact the legislative experiences of women of color, this chapter adds to the growing literature in the examination of the intersection of gender and race in studies of political elites (Prestage, 1977; Smooth, 2001, 2005, 2008; Bratton and Haynie, 1999; Button and Hedge 1996; Button, Hedge and Spear, 1996, Fraga et al 2008). Prestage's study of thirty-five Black women serving in state legislatures from 1971-1973 focused on the variance *among* African American women. This was the first study to utilize an intra-categorical analysis to illustrate the difference within groups. Similar to Prestage's groundbreaking work, this chapter seeks to uncover intra-group diversity to further demonstrate the complexity of identity politics.

I find that Black women legislators are well aware of how race and gender has political manifestations within legislatures that often silence, marginalize, and make invisible Black women or anyone with minority view points. However, the Black women legislators in this study find a way to use their social positioning to their advantage similar to Fraga et. al (2008) finding that strategic intersectionality plays to Latina legislators benefit. While negative effects of racing-gendering do exist, I find that Black

women legislators are skilled at negotiating around it, using their identity toward their desired outcome.

Legislative Influence

Legislators who hold leadership positions are often considered to be the most influential. Because the Maryland legislature is highly organized, party leaders, committee chairs, and other formal leaders are regarded as the most influential within the institution. Scholars (Hamm, et al., 1983; Meyer, 1980; Best, 1971; Bell and Price, 1975, Fenno, 1973) use leadership position to gauge which legislators are most effective and influential within institutions. Specifically, Fenno (1973) argues that formal leadership positions are crucial to gaining influence. Members without leadership positions are seldom regarded as influential in Congress. Legislators are typically selected for leadership positions because they have seniority, are majority party members, introduce more legislation, and or have specialized knowledge in certain policy areas (Hamm, et al., 1983; Best, 1971; Frances 1962). Matthews finds that effectiveness as a legislator, the ability to get bills and resolutions through the U.S. Senate, is usually accomplished by members in leadership positions such as the committee chairman or party leader. Those with leadership positions are often regarded as most influential.

Committee assignments are often important in legislative influence. Committees are widely described as where the action is within the legislature. Here, legislators are able to serve on committees that address the concerns of their constituents as well as build upon their individual prestige by serving on the money committees. Most legislators vie to obtain membership on a committee that will enable him or her to serve

the needs of their home district and or serve on a powerful and prestigious committee. Fenno (1973) finds that congressional committees that oversaw the distribution of funding were the most prestigious and were more likely to provide committee members with institutional power.

Introducing and passing legislation often contributes to legislative influence and effectiveness. Bill introduction and the co-sponsorship of bills and amendments are favorably regarded within the institution. Additionally, active in floor debates and visibility in a chamber are behaviors that lend themselves to increasing a legislator's influence within the institution. Members who have successful bills that become law are regarded as influential as well and enjoy popularity amongst their peers (Weissert 1989). Some scholars find that legislators who can negotiate legislation through the intricate process within the institution into law are regarded as the most influential (Frantzich, 1979; Weissert, 1989). The several pitfalls that prevent legislation from moving successfully through the institution require skill, compromise, consensus building, and careful negotiation (Rhode 1991).

Next, tenure - the amount of time a legislator has been in the institution, adds to his or her influence. The longer a legislator has spent in the institution the more likely he or she is to have developed nuanced and specialized techniques to achieving legislative success. For example, Frantzich (1979) finds that seniority lends itself to experiences that an increased success of bill passage. In addition, senior legislators are more likely to be reelected, as the incumbency rate is high, and therefore have more opportunities to participate in legislative activities. While activities in legislatures are not wholly dependent on length of time in the institution, many scholars find that inequalities in

participation emphasize partisan organization within the legislature (Aldrich 1995; Cox and McCubbins 1993; Fenno 1997; Rhode 1991).

Race and Legislative Influence

Studies of African American state legislators and influence find that the traditional venues of legislative influence, as discussed above, are often time closed to Black legislators or Black legislators experience marginalization based on their race. Hedge, Button, and Spear (1996) find that increased Black presence in state legislators do not affect the perception of individual influence or the perceptions of general influence on legislative decisions. This finding illustrates that the increase of Black legislators in state legislatures does not necessarily reduce racial bias. Haynie (2001) concludes that race plays a significant role in determining legislative influence.

Next, scholarship has shown that Black legislators are unable to successfully incorporate themselves into legislative bodies. Browning, Marshall, and Tabb (1984) contend that minority representatives must be incorporated into the dominant political regime in order to exert influence over policy decisions. “Institutional incorporation is defined as the ability of minority lawmakers to hold formal positions within a representative body that provide influence over policy decisions, such as committee chairs and formal chamber leadership positions as supported by the vast literature on Congress and state literatures (Deering and Smith 1990; Frances 1989; Jewell and Whicker 1999),” (Preuh, 2006, 586). King-Meadows and Schaller (2000) build upon Rosenthal’s (1995) claim that Blacks are excluded from the most influential leadership positions, speaker or majority leader. Nelson (1991) finds a negative relationship

between the proportion of leadership positions held by minority lawmakers and their policy preferences. Haynie (2001) finds a significant level of institutional incorporation of Black legislators that is positively associated with positive correlation of their policy preferences.

Lastly, scholars have examined the extent to which racialization of the legislature impedes the influence of Black legislators. Racialization within the legislature is most readily seen where racial cleavages persist despite of pluralistic and institutional mechanisms for color-blind legislative influence. Racialization dramatically reduces African American legislators' ability to exert legislative influence. For example, Wright, Osborn, and Winburn (2005) illustrated that in Southern state legislatures where liberal coalitions are nonexistent outside of Black legislator and liberal White legislators racism is the underlying factor that guides partisan affiliation (Valentino and Sears 2005). Next, racialization can also be seen in the types of formal positions afforded to minority legislators. In this context, formal leadership positions such as committee chairs and party leaders are assigned to Whites to ensure that the interests of the dominant racial group are not threatened (Friedman 1996; Orey 2000). In turn racialization has negative outcomes between representation and policy outcomes benefiting Blacks (Critzler 1998; Nelson 1991), or subjective evaluations of Black legislative influence (Smooth 2001; Hedge Button, and Spear 1996) and their ability to successfully navigate the legislative process (Bratton and Haynie 1999; Hamm, Harmel, and Thompson 1983). Lastly, racialization also impacts the amount of successful legislation introduced by Blacks. Hedge, Button, and Spear (1996) find that Black-sponsored legislation has lower passage rates than White-sponsored bills in state legislatures.

Gender and Legislative Influence

Historically White male-dominated, the institutional norms, procedures, rules, regulations, goals, and processes of legislatures have potentially gendered implications and biases. Women are marginalized in legislatures based on their gender and are instituting efforts to transcend this marginalization. Older research indicated that women were less active than their male counterparts and that women had distinct legislative behaviors that inhibited their legislative goals. Namely, women legislators were less likely to speak in committees and on the floor, meet with lobbyists, and bargain with colleagues to further their political agenda (Kirkpatrick 1974; Diamond 1977). However, Thomas and Welch (1991) demonstrate that women engage in a full range of legislative activities that outpace or equal men's activities. Women and politics scholars have made a connection between women's committee membership to indicate their progress in legislatures as well as to foreshadow to the possibility of advancement in the legislature (Norton, 1995; Winsky Mattei, 1998).

Women and politics scholars have investigated women's legislative and leadership styles, suggesting that women pursue cooperative legislative strategies, while men prefer competitive, zero-sum tactics, and women are more oriented toward consensus, preferring less hierarchical, more participatory, and more collaborative approaches than their male counterparts (Thomas 1994; Jewell and Whicker 1994; Rosenthal 2000). These tactics have helped women legislators to be more successful in getting their legislation passed (Carroll, Dodson and Mandel 1991, Saint-

Germain 1989; and Kathleen 1994, Thomas 1991, 1994). However, Reingold (2000) contends that there is less variance between men and women's legislative tactics.

While the research on state legislators often reveals significant gender differences in the ways committee chairs and party leaders exert power and influence, "it is the congressional research that highlights the power of institutional positions to shape policy efforts of women on behalf of women's interests" (Reingold 2006, 26). For example, Michele Swers (2002) maps the influence on policy that Congresswomen have. She finds that women are more likely than men to cross party and strict ideological lines to support women's issues legislation and feminist legislation. Using co-sponsorship on social welfare proposals and feminist initiatives, Swers finds that both Democratic and Republican women cosponsored these bills. In addition to women's unique voice as legislators, Swers also finds that "bill proponents recruited women as cosponsors because they wanted to enlist them as symbols of moral authority on an issue" (Swers 2002, 71). In this sense Swers showcases how the mere symbolic presence of women can offer value to and influence legislation.

Similarly, Walsh contends that women are afforded three distinct mechanisms to exert legislative influence: "contributing to distinct perspectives in issue framing; enlarging the consideration of which constituents are likely to be affected by a specific policy, and providing personal testimony that includes perspectives distinct from those provided by male legislators (2002, 373). As congressional scholars contend, those who wield institutional power are those most likely to influence policy, regardless of gender

(Hall 1996). Institutional status helps to determine the success or effectiveness of women's policy efforts

However, scholarship has shown the women feel marginalized because of their gender. Blair and Stanley (1991) find that women legislators believe that the old boys' club remains the center of legislative power and influence. As women, the female legislators are excluded from this network which in turn greatly reduces their legislative abilities and hinders the advancement of their policy priorities. Additionally, this exclusionary male dominated center of legislative power prohibits other legislators from viewing women legislators as equals. As a result, women legislators are not as influential in the legislative process as their male counterparts. In kind, Rosenthal finds that there is resistance and little adaptation "on the part of male [legislative committee] chairs when women hold greater institutional power" (2000, 41).

The Intersections of Race and Gender on Legislative Influence

This chapter seeks to intervene into these conceptual silos that fail to account for political elite women of color in leadership positions. Studies of elected women of color consistently document forms of marginalization including stereotyping in addition to invisibility, exclusion of women of color from leadership positions within legislatures, and lack of institutional responsiveness to the policies women of color champion (Bryce and Warwick 1977; Bratton and Haynie 1989; Swain 2000). If African Americans and women are marginalized and report less legislative influence than White men, than Black women are expected to experience "double disadvantage" due to racing-gendering of legislative bodies. By situating Black women legislators at the center of my analysis, I

find that while institutional barriers may serve to marginalize African American women legislators they are able to find innovative ways to exert legislative influence.

As detailed in chapter one, early research on African American women in politics depicted Black women political elites as suffering from a double disadvantage (King 1988) as both women and African Americans. Similarly, Darcy and Hadley (1988) and Moncrief, Thompson, and Schumann (1991) argue that Black women suffer from being doubly disadvantaged by both race and gender. However, these scholars do not examine the effects to which being doubly disadvantaged account for the legislative experiences of African American women legislators. Hedge, Button, and Spear (1996) and Barrett (1992) explore the experiences of African American women legislators. They find that Black women legislators report the effects of their race and gender as having to work harder than their racial and gendered counterparts. Bratton and Haynie (1999) find that African American women state legislators are significantly less likely to get their legislation passed than White women and Black men. Likewise, Darling found that African American women state legislators reported having to confront the challenges of “White racism” and “paternalism” that serves to impede the attainment of their legislative priorities (1995, 223).

Smooth (2001) measures the impact of African American women’s presence in the Maryland, Mississippi, and Georgia state legislatures. Smooth investigates Black women state legislators’ influence to better understand the impact of increased diversity on the allocation of institutional power. She documents alternative approaches which African American women have employed towards gaining institutional power: forming coalitions with the executive branch, building alliances with the African American caucus

and women's caucus, and engaging in individual acts of resistance on the House floor. Black women state legislators' access to power has important policy implications, as the African American women state legislators studied were most likely to emphasize education, health care, economic development, and women's and children's issues. She finds that under select circumstances, Black women state legislators can be influential. Specifically Smooth finds that African American women legislators' influence is curtailed to "specific policy areas in which they have developed expertise" as opposed to an encompassing definition of legislative influence (2001, 284). Additionally White legislators were least likely to view African American women as holding influence within the legislature. Smooth's study also reveals that more professionalized legislatures afforded Black women legislators to gain influence based on their policy expertise. In less professional legislatures or civilian legislature, having policy expertise is not a significant venue towards gaining legislative influence for African American women legislators (2008, 188).

Furthermore, Wendy Smooth (2001) argues that Black women legislators engage in the above stated legislative activity as well as engage in others. For example, using data from a national survey of African American women state legislators Smooth finds that Black women legislators speak on the floor but are more likely to discuss issues during committee hearings. "During committee hearings, half of African American women report participating by engaging witnesses posing questions of the witness while others prefer not to engage in questioning witness with any frequency" (Smooth, 2001, 77). She also finds that most Black women legislators engage in lobbying their colleagues and formal leaders regarding their policy preferences. Like most legislators, Smooth

contends the African American women legislators are outspoken on issues of importance to them. Smooth finds that “twenty seven percent of African American women report having more than forty percent of their bills signed into law, and twenty six percent report not having any of their bills signed into law” (Smooth, 2001, 76).

Next, Smooth finds that identity based caucuses are venues that allow Black women legislators to exert legislative influence (2001, 292-293). Lastly, based upon a national survey of African American women state legislators, Smooth finds that the vast majority of Black women state legislators do not hold membership on the prized monies committees “but twenty-seven percent of African American women state legislators do hold these prestigious committee assignments” (2001, 74). Smooth concluded that while democratic institutions may hold the promise of equality, the lived reality of Black women legislators continues to illustrate that the existing power structures that exclude their representation.

As previously noted, studies of elected Black women consistently document forms of marginalization including stereotyping in addition to invisibility, exclusion of Black women from leadership positions within legislatures, and lack of institutional responsiveness to the policies Black women champion (Bryce and Warwick 1977; Bratton and Haynie 1989; Swain 2000). In particular, Wendy Smooth (2001, 2008) has demonstrated that the experiences of marginalization are not mitigated by seniority or leadership positions. However she finds that the longer Black women have served in office and the more powerful the positions they hold within legislative institutions, the stronger are their feelings of exclusion. “The more success Black women have enjoyed in passing legislation, the less likely they are to feel they are full members of the

institution” (Smooth, 2001, 12). As a result, Smooth finds that marginalization does not disappear with the onset of legislative success for Black women state legislators. This finding led Mary Hawkesworth (2003) to investigate the effect of both race and gender in Congress.

According to Hawkesworth (2003) institutions are both raced and gendered which produces different effects for legislators at the intersection of these identities. The somatic norms of White and male found in institutions lead to advanced marginalization of bodies other than that of White men. Hawkesworth contends that “political institutions may play a critical role in producing, maintaining, and reproducing raced and gendered experiences within and through their organizational routines and practices” (2003, 530). Racialization and gendering can play a distinct role in organizational practice by recreating and reproducing symbols as well as identities. The interactive process of racing-gendering generates and maintains systems of power and disadvantage that are institutional processes, practices, images, ideologies, and distributional mechanisms (Acker 1989, 1992; Kenney 1996; Steinberg 1992). Racing-gendering accounts for the forms of obstruction and demoralization that can hinder women of color’s legislative achievements (Kathlene 1989, 1994; Thomas 1994). Furthermore, a theory of racing-gendering understands the ways in which masculinity and femininity are raced and how race is intimately connected to constructions of gender.

Additionally, Hawksworth contends that because a raced-gendered identity has tangible effects in the larger discourse outside of the institution, these identities are constantly renegotiated within the organization. “Rather than pre-existing the institution and being imported into it, raced-gendered identities are negotiated within the operating

practices and professional roles of the organization” (Hawkesworth, 2003, 537). For example because of their race and gender, congresswomen of color have to learn how to best operate in a White male dominated institution to best accomplish their legislative goals. Women of color legislators are often silenced or made to be invisible in key legislative functions such as committee negotiations or floor discussions. Furthermore, experiences of marginalization are not necessarily mitigated by seniority, leadership position, or policy success (Smooth 2001). This marginalization affects the tactics that African American women legislators employ to achieve their legislative priorities and how they advance their political agenda.

Fraga et. al (2005) find that Latina legislators employ strategic intersectionality – the combination of substantive policy focus on education, health care, and jobs, multiple identity advantage, and the gender inclusive advantage, to provide them with strategic advantages in the legislative process. Namely, they argue that the intersection of gender and ethnicity positions Latina legislators to have “a richer set of strategic options, relative to Latino male legislators, from which to choose as they negotiate the larger policy making process and try to serve the multiplicity of constituencies that depend on them for representation” (2005, 7). Specifically, strategic intersectionally affords Latina state legislators the ability to enter in coalitions, positions themselves distinctly from their male counterparts on salient issues that are supported by the women’s caucus, and serve on education and health and human services committees. A strategic intersectionality model provides for a more nuanced understanding of the complexity of representation and legislative influence minority women legislators. As Fraga et. al conclude “there is no singular experience of any female legislator” (2005, 17).

Bratton, Haynie, and Reingold (2006) find that African American female state legislators are uniquely responsive to both black interests and women's interests. In their analysis of bill introductions in ten state legislatures, these scholars find that African American women sponsored just as many Black interest measures as did African American men, and just as many women's interest measures as did non-Black women. Specifically, Bratton, Haynie, and Reingold find that Black women state legislators are more likely to sponsor at least one Black interest and one women's interest bill than their gender and/or racial or ethnic counterparts.

Taken together, the literature on Black women and Latina state legislators suggests that their race/ethnicity and gender may serve to reduce their legislative influence. However, this literature also illustrates that Black women and Latinas are uniquely positioned due to their race and gender to achieve their policy preferences. While minority women legislators may not hold vast amounts of legislative influence, they are able to use their identity to their advantage. The remainder of this chapter takes up this position to illustrate the ways in which Black women state legislators articulate how their identity effects their perceived legislative influence.

Black Women in the Maryland State Legislators

All twenty of Maryland's African American legislators were asked to place themselves on a scale from one to seven, where one is the margin of power and seven is the center of power "how do you believe you place within the Maryland legislature?" Black women legislators perceived influence range from those who do not believe that gender and race impact their legislative influence to those who found that their race and gender afforded them particular advantages in finding successful legislative tactics.

However, because this chapter relies solely on self-reports of legislative influence, it is difficult to measure the veracity of their claims. There is a gulf between what legislators may say on the record and what they believe. Indeed, as Smooth (2001) asserts, self reports may never depict the entire story of legislative influence. There is a rift between how legislators may see themselves and how their colleagues view them as well as the measured outcome of their legislative success. Nor do the tactics that these Black women legislators employ represent prevalent norms for all the Black women legislators in this study. It also does not illustrate how these stances affect various Black women's legislative initiatives. Despite these limitations it is useful to explore Black women legislators' self perceived influence because it alerts political scientists to their own understanding of agency in a structure that practices racing-gendering. This section presents Black women legislators' perceptions of institutional influence. They do not indicate that they feel marginalized and powerless. Instead, the Black women legislators in this study perceived that they succeed despite the obstacles that racism and sexism create. Table 2 below lists the name, districts, tenure, and party leadership positions for each of the Black women legislators in this study.

Table 2 - Black Women Legislators

Name	District	Year Elected	Party Leadership Status
Delegate Joanne Benson	24 – Prince George's County	1991	House Chair, Joint Committee on Access to Mental Health Services
Delegate Aisha Braveboy	25 – Prince George's County	2007	Chair, Washington Suburban Sanitary Commission Committee, Prince George's County Delegation
Delegate Jill P. Carter	41 – Baltimore City	2003	Chair, estates & trusts subcommittee
Delegate Tawanna Gaines	22 – Prince George's	2001	Deputy Majority Whip;

	County		Chair, Transportation and Environment subcommittee
Delegate Cheryl Glenn	45 – Baltimore City	2007	----
Delegate Melony Ghee Griffith	25 – Prince George's County	1999	House Chair, Special Joint Committee on Pensions; Chair, Prince George's County Delegation
Delegate Hattie Harrison	45 – Baltimore City	1973	Chair, Rules and Executive Nomination Committee
Delegate Carolyn J. B. Howard	24 – Prince George's County	1988-90, 1991	Deputy Speaker Pro Tem
Delegate Jolene Ivey	47 – Prince George's County	2007	Chair, Maryland-National Capital Park and Planning Commission Committee
Delegate Adrienne Jones	10 – Baltimore County	1997	Speaker Pro Tem
Delegate Ruth Kirk	44 – Baltimore City	1983	----
Delegate Gerron Levi	23a – Prince George's County	2007	----
Delegate Shirley Nathan-Pulliam	10 – Baltimore County	1995	Deputy Majority Whip
Delegate Barbara Robinson	40 – Baltimore City	2007	----
Delegate Veronica Turner	26 – Prince George's County	2003	Vice-Chair, Maryland-National Capital Park and Planning Commission Committee, Prince George's County Delegation; Chair, Legislative Black Caucus of Maryland
Senator Joan Carter Conway	43 – Baltimore City	1997	Chair, Education, Health, and Environmental Affairs Committee
Senator Lisa Gladden	41 – Baltimore City	2003	Majority Whip
Senator Delores Kelley	10 – Baltimore County	1995	Chair, Executive Nominations Committee
Senator Catherine Pugh Rodwell, Verna Jones	40 – Baltimore City	2007	Deputy Majority Whip
	44 – Baltimore City	2003	Chair, Joint Committee on the Management of Public Funds

Many of the Black women legislators viewed their power strictly in terms of leadership and tenure. As Smooth (2008, 181) details, Maryland state legislators reference leadership status when articulating measures of legislative influence. My finding detail how Black women see influence.

“I would say a six because I am second in command of the House.”

“I’m a freshman; I’ve only been here for three sessions. I don’t suffer any delusion of grandeur. I’m not at the center of power. Probably somewhere in the middle, I’d say a four”

“I’m in the middle. I’m new enough to know I don’t have that much power. Especially the newer members you have to pay your dues here to move yourself to the top. I have formed enough allegiances with people that I do have some power”

“If seven is where all the power’s happening, I think just because there is a lot of turnover in the General Assembly and this is my third, four year term [and] the budget and legislation are very complex and because of the time I’ve been here I think I have a better understanding of how things operate and a lot of the work that gets done here is because of relationship.”

“I’m a freshman; I’m probably in the mid-range. It’s really tough for freshman here. A lot of the decisions are made at the leadership and governable levels. There are some things I can really impact and some things where I just have to make a decision on priorities that have been set.”

“I am in the hierarchy of leadership. I came in in the hierarchy of leadership. I came in as assistant deputy majority rep my first year, I am now deputy majority rep. I hold the record of the passage of most bills by a new senator”

“I would say a five... I serve as the chair of the transportation and environment subcommittee. That means that every mode of transportation is directly under my jurisdiction.”

These comments reflect the traditional definitions of influence as mediated by seniority and tenure within the legislature. The Black women legislators’ comments presented above do not attribute their legislative influence to their intersectional identity. Instead, these Black women legislators gauge their legislative effectiveness on leadership status. Those with leadership positions are considered generally influential and institutional position.

The above quotes are akin to Smooth’s (2001, 2005, 2008) finding that Maryland state legislators are more likely to equate legislative influence and effectiveness with

leadership positions specifically committee chairs due to the small number of committees within Maryland's professional legislative structure. As the table above illustrates, subcommittees have proven to be the location of Black women's leadership positions. The Black women legislators quoted above regard holding formal leadership positions as being influential. In that vain, influence is not measured in policy expertise, tenure, or committee membership. However, Smooth finds "that very little institutional prestige or influence is afforded to the members in these expended leadership positions [newly created subcommittees that increased leadership positions]" (2008, 183-184). Furthermore, Smooth contends that this expanded leadership structure only offers the appearance of an equal distribution of power; instead this structure extends the influence of the Speaker. As one legislator commented in Smooth's study, the layers of leadership only serve to reinforce the wishes of those at the top of the leadership hierarchy (2008, 184). While African American women Maryland state legislators are afforded leadership roles, the low level party leadership positions do not offer institutional prestige and influence. However, due to Maryland's large leadership structure and focus on consensus building, many decisions are not made in secretive that excludes certain legislators (Smooth 2001, 2008).

Playing the Game

At the same time, some of the legislators interviewed said that although they do not have formal leadership positions or have only served in the institution for a relatively short amount of time, they are still able to exert influence in certain legislative aspects. Viewing her institutional power in terms of negotiating to achieve her desired policy

outcomes, a thirty seven year legislative veteran Black women delegate finds that her institutional power is derived from legislative bargaining:

I look at it from a point of how much power do I have, what can I get out of it, [and what] do they need me? From a seat of power, the power that I bring by being able to help them [White men] means a lot. It means a lot to me because I can change things for them and it means a lot to them because they never thought I could do that. They didn't think I had that much power.

When asked to expand on why she believes that her colleagues did not think that she had much power she referred to the newcomers to the institution. However, she claims that when other legislators realize that you can be an asset to their legislative priorities, then they are more likely to work with you and regard you as an influential member of the institution. This strategy has paid off. According to this delegate, “When I was named at Chairman of Rules and Executive Nominations Committee everybody began to look at me totally different.”

The Black woman delegate referenced her legislative tenure as the major component in achieving legislative success. However, when she learned to play the game – bartering, making compromises, offering political favors, and expending political capital – this delegate learned that seniority is not the only factor important to the achievement one's legislative priorities. She found that cooperation and being a team player is more of an asset in gaining legislative success than an intersectional identity is.

Although another Black woman delegate is a freshman legislator, she was asked to sponsor a bill by the chair of the judiciary committee. The chairman informed this delegate that because “everyone liked her” he wanted her to sponsor a bill that proposed a single license in an attempt to keep illegal immigrants from obtaining driver's licenses. The judiciary committee opposed another bill that would allow for dual driver's licenses

so that illegal immigrants could obtain a driver's license. According to this Black woman delegate was likable and amenable, she was asked to work with the judiciary committee and serve as sponsor for their bill. Because of this opportunity, this delegate was able to make valuable connections with members of the judiciary committee in leadership. She finds that these political relationships are the most important factor for freshman legislators who wish to build a strong legislative history. This Black woman delegate's intersectional identity as a Black woman did not play a role in building these relationships. Instead, she attributed this to her likeable personality opened the door to establish connections with powerful and more senior members of the legislature.

De-racialized/Gender Neutral Approach

Unlike Hawkesworth's (2003) finding that racing-gendering impedes Black women's legislative priorities and influence; one Black woman delegate finds that her identity as an African American woman is not the sole factor in her perceived legislative influence:

I don't believe that most of my relationships are because I'm a female or an African American; I think it's more based on personality and intellect, an ability to communicate. I don't see that as a race or gender attribute, but, as a part of who I am. I have some strength in terms of ability to build relationships and understand situations and processes. This makes me able to maneuver through the mine field.

Instead, of parsing out her identity, this delegate recognizes that her race and gender are inseparable parts of who she is. These attributes assist her building legislative relationships to help her push through her legislative priorities. This Black woman delegate is the chair of the Prince George County delegation; however she did not

mention this leadership position in her response. Maybe using a deracialized and gender neutral approach helped this delegate achieve a leadership position.

This Black woman delegate's approach of deracilization has a successful strategy for African Americans. As Hamilton (1977) finds, Black legislators have been advised to adopt this strategy over the past thirty years. More recently, a deracilization as a strategy has been used by younger Black politicians such as President Barack Obama, Mayor Cory Booker (Newark, NJ), and Governors Duval Patrick (MA) and David Paterson (NY). This new breed of Black politicians utilizes the politics of commonality (Cannon, 1999) to draw on a biracial voter base. This strategy plays up the finding that "Blacks have the same issue preferences as Whites on nonracial issues" (Cannon, 1999, 30). This delegate may utilize this strategy as way to build coalitions. While a gender neutral and deracialized strategy may be a necessary tactic in overcoming racing-gendering, it demonstrates that Black women legislators may have learned to overcome the obstacles of racing-gendering by sidestepping known traps, i.e. the politics of difference (Cannon, 1999). As more fully discussed in the conclusion chapter, younger Black politicians – third wave (Gillespie 2009), are more likely to pursue a deracialized approach to politics. In line with this finding, the Black woman delegate's quote above illustrates the new political strategy of African American lawmakers. However, the conclusion chapter expands upon Gillespie's finding to include gender into analysis of third wave Black politicians.

Extra-institutional Measures

Recognizing the advantages of more formalized power, another Black woman delegate, understands that having institutional backing is necessary in some regards as to

gain influence in the Maryland legislature. However, she finds that there are alternative venues to getting her voice across on issues of particular importance to her and her constituents. When asked where she believes she was on an institutional power scale from one to seven, this delegate answered:

I'd say I am slightly before the middle, closer to marginalized. I think that I'm not marginalized because when I speak on an issue it is recognized and not put to the side. But, I don't have the power without the machine with me or the leadership behind me to get legislation passed. [Nevertheless] I have been very effective in opposing legislation or bringing it to the forefront and the conscious of the public.

This Black woman delegate said that she uses the media and community outreach efforts to engage and mobilize the public. She often takes to the airways to oppose legislation. According to this delegate her ability to mobilize the community and get news coverage helps her remain an active legislative profile. Using outside institutional venues as part of legislative activity is another perspective that the literature does not account for. Perhaps this Black woman delegate's methods are a necessity due to racing-gendering or because she is a freshman legislator. However, extra institutional methods may be another avenue toward gaining legislative influence.

Institutional Prestige is Unnecessary

Another Black woman delegate understands her influence within the Maryland legislature to be outside of the traditional conceptualizations of institutional power. The below quote shows that her influence is felt on bills that most affect her constituents.

I do not have a reputation down here in putting in a lot of bills. African American woman are not selfish. I came down [to Annapolis] and begin to look at the bills that are being put forth. When I get up to speak on the floor people listen because of my years of experience and because of the knowledge I bring to the table. I can come with the history and the facts. It helps tremendously in the kind of influence that I can levy here relative to the package of [certain]

bills. I don't consider myself ineffective, no, I am very effective when it comes to ensuring that legislation either passes or fails and that has a positive or negative impact on the people I serve.

This delegate's understanding of legislative power and influence are not what is classified by legislative studies scholars. For her, her influence is directly related to what she can do for the people she serves, her constituents. She is not concerned with formal institutional power or influence. Does this mean that she is ineffective? I find that because her role as a legislator is to advance the priorities of her constituents, this delegate's main concern may be more important than culminating legislative prestige in the traditional sense. Indeed, literature links representation of Black legislators as representing their constituents (Fenno, 2003). For African Americans legislative effectiveness is tied to better representation of their constituents. Hence, legislative effectiveness is defined differently for Black legislators. This is not to say that this Black woman delegate would not be aided in her legislative effectiveness by obtaining formal leadership roles, serving on prestigious committees, or if she had a policy specialization. But this is not her goal. This delegate seeks to advance the priorities of her constituents in the legislature, not to seek personal accolades. Additionally, institutional markings of leadership and influence do not automatically lend itself to personal prestige if the goal is better representation for one's constituents.

Intersectional Identities – A Different Perspective

Another Black woman delegate is one of the few health care professionals in the Maryland legislature. She is also an immigrant from Jamaica who sees her experiences, gender, race, and immigrant status as helping to make her an effective legislator.

Because this delegate is not in leadership, she rates herself as a five on a scale of one to seven on institutional influence. However, this delegate finds that her legislative influence is based on her opportunity to persuade colleagues on issues that she knows most about. As a member of the Health and Government Operations committee, this delegate's professional background as a nurse gives her credence with many of her colleagues. "I think that gives a certain amount of respect that I gain from my colleagues and who I am and the type of legislation I put forth." The expertise that this delegate brings to her committee is also impacted by her race and gender. She also supports legislation that comes from her experiences as a Black woman. She finds that her positionality helps her to understand certain sensitivities that others may not. "Being a Black woman I understand the social determinants of health, I understand racism and the culture and the disparities the health care disparities that exist within the African American and other minority communities." Because her colleagues respect her, they are willing to listen to her racial and gendered perspective on health care. Similar to Smooth's (2001, 2008) findings, Black women legislators are afforded legislative influence in their area of policy specialization. However, African American women legislators are less likely to be seen as holding general legislative influence.

For example, this Black woman delegate is aware of the legislative consequences of speaking on behalf of one's constituency based on a racial and gendered perspective. She finds that while the majority of her colleagues respect her opinion others "want to kill me 'cause they can't stand my legislation and can't take it because of who I am. You are dealing with different parties [Republicans] and people coming from different sector of the state [Western Maryland], so you're dealing with different people." When asked to

explain her comment this delegate provided an example of a bill dealing with cultural competence and linguistics in healthcare.

One of my colleagues said to me [that he] was clear that when you are talking about cultural competence you are talking about all races, all ethnic groups we all have our own cultures and beliefs and norms that we come with. But, he still wanted to make it look like I was just looking at stuff from the African American perspective. So, I had to kind of made it quite clear that as a nurse I understand the pain from a clinical cultural competency component.

You have to know your colleagues and so with that it gives me a different little edge and some of the questions that they ask. I have been able to kind of get them back with responding in the way I do.

However, this Black woman delegate wanted to make clear that colleagues like this are in the minority and that for the most part other legislators view her professional experiences as an asset as well as respect the types of bills she supports. She acknowledges the presence of these issue concerns around race and gender. However, this delegate's race and gender are not determinants to her legislative priorities. Instead she has learned to navigate around difficult colleagues who do not value her policy preferences.

Similar to this delegate's experiences in subverting any possible negative backlash due to her race and gender, one Black woman senator finds that she is able to successfully traverse potential legislative handicaps because she is a Black woman.

I always believe that the power was at the urinal, I always believe that they stood there and just like did stuff. My mentor around here was Delegate Pete Rawlins who is deceased, he was the most powerful person in the House and it was just nice having him around. I used to say to him "I think they [male legislators] are making plans at the bathroom and I think you're tricking me. He said "what do mean X?" And I'd say "I know they are doing stuff and I don't know what it is." I do believe that there are probably some things going on that I'm missing. We have a window to the world of the White House as a Black community because of Barack, we never knew what was happening over there until Michelle and her mama was there. I know stuff is happening, I don't know what it is but it's not hurting me that I'm missing stuff, I'm not going to worry about what I'm missing because obviously it's not important.

This Black woman senator's quotes indicate that she does not pay much attention to how racing-gendering disadvantages her. As the deputy majority whip, this senator finds that she is influential and that the bills that matter most to her are successful. Instead of worrying about ways in which she is silenced or marginalized, this senator concentrates on what factors she can control. She is in charge of her legislative agenda and does not allow her intersectional identity to pigeonhole her to a disadvantaged legislative position.

Yet another Black woman delegate believes that her race and gender as a Black woman gives her an advantage in the Maryland legislature. When asked about her institutional influence, this delegate said "I have a lot of clout." Although this delegate has been a member of the legislature since 1983, she did not attribute her institutional status to seniority. "First off as a Black woman I have to feel that way [that I have legislative power], nobody else is going to feel that way unless I do it myself." This Black woman delegate further surmised that Black women have an intuition that helps them in the legislature, namely the ability to discern between what people say and their real intentions. She states "listen to the people and watch their eyes. People will tell you off." This is a skill that her mother taught her. A skill that she says Black women are taught because they have to be self sufficient and protect their best interests. This cultural competency of sorts has helped her remain successful in the Maryland legislature. She adds that many legislators ask for advice in navigating the legislature. She notes that it is all in the way that you talk to people. "You can't talk to people like they are in a classroom, they aren't students." Instead she finds it more effective to be a good

communicator in the legislature. Delegate Kirk attributes her communication style to what Black women have always done in order to discern between friend and foe.

One Black woman senator is one of the most powerful senators in the Maryland legislature. She is chair of the Education, Health and Environmental Affairs Committee. This committee is one of the four standing committees in the Maryland state senate. Partly because of her leadership position, Senator Conway rates herself as a “five or six” on a scale of one to seven of institutional effectiveness. At times she uses her identity as Black woman to get legislative goals accomplished. This senator best exemplifies Darling’s finding that “in the struggle against exclusion and marginalization, women of color in electoral politics have envisioned themselves as social change agents ‘trying to achieve the visibility and recognition that were symbolically reserved for White men’ (Darling 1998, 158 in Hawkesworth, 2003).

This Black woman senator believes that her personality traits have helped her achieve her leadership position. “Because of my aggression and my commitment and insistence and there are only four standing committees and I am one of the four and I’m the only African American woman, I’m the only woman of the four committees, they are all males and I’m a double minority.” This senator points out that she is making history as the first Black woman committee chair in Maryland’s legislative history. She attributes her achievement to the fact that she is persistent and “will not take no for an answer.” Senator Conway’s comments reflect the ethos of the American creed that privileges individual talent and effort. Articulating that creed may indeed be a prerequisite for success in mainstream politics in a “post racial” era. However, I find this senator’s assertion that personality and hard work enabled to become the first Black woman

committee chair indicates that she had to work harder and smarter to overcome institutional racing-gendering that often stymies Black women legislators. While recognizing that racing-gendering exists, this senator best illustrates Linda Williams' finding that the old "adage that Black parents often tell their children, 'You've got to work twice as hard to get half as far,' seems to partially explain the puzzle of Black women's success" (2009, 314).

Additionally, this Black woman senator feels that she is different from the other committee chairmen because of her intersectional identity. She believes she is in Annapolis to help her constituents, to fight for causes that she feels are important to the Black community and women, as well as to improve the quality of life for Maryland residents. However, this senator finds that her colleagues "really don't want to help people. It's about all people - it's not just about constituency, it's not about industry. And [for them] it's about what do I get out of it and that's not why we are here. And that's what I tell them on the floor, see, and they don't want to hear that because that is what embarrasses them." This Black woman senator is also known for her directness. She is unabashed in her legislative methods of promoting the interests of all of Maryland's citizens, not just legislators' individual constituents and big business. She attributes this quality to catapulting her into the position of the first Black woman vice chair which consequently led to her position as chair. The fact that this powerful senator is a "go getter" and is outspoken she is the first Black woman committee chairwoman in the Maryland senate. In this leadership position, Senator Conway uses her intersectional experiences in the legislative process to advocate for people who her colleagues may exclude.

As an aside, all women of color legislators interviewed for this study insisted that I interview this Black woman senator and that they are immensely proud of her. She is a trailblazer and is setting a positive example for the women of color legislators in Maryland. Another Black woman senator mentioned that this senator is her role model that she feels extremely fortunate to have this senator as her legislative mentor. The effects of this Black woman senator's chairmanship are widely felt among the Black and Latina legislators.

Conclusion

I contend that all women of color legislators by definition have learned how to successfully navigate the combined pressures of racing-gendering. These women, as Fraga et. al (2005) find, successfully may use strategic intersectionality to accomplish their legislative goals. These are women who have overcome several obstacles to earn elected office.

The Black women legislators in this study are intuitive, knowledgeable, and determined politicians who are diligent advocates for their communities. Therefore, I doubt that any Black woman officeholder would characterize herself as marginalized. While the system may reinforce structural and institutional inequalities, I do not believe that they think of their legislative work of having a marginal or having limited impact. Indeed, Vega (1997) found that both women and minority legislators in the Texas legislature were more likely to introduce and enact gender and ethnic related bills. African American women legislators are able to use their race and gender towards accomplishing their legislative goals. As theorized by Fraga et. al (2005), the usage

strategic intersectionality can be readily seen in the legislative maneuvering of the Black women in the Maryland legislature.

Black women legislators have found ways to overcome adversity to achieve their legislative priorities. Therefore, while political institutional and societal discrimination based on patriarchy, hegemony, racism, and classism have disadvantaged Black women, these legislators will not allow themselves to be marginalized. Specifically, as Smooth (2001) finds, Black women legislators can rely on identity based caucuses to exert legislative influence. She finds that caucuses are “instrumental in advocating policies on behalf of women and people of color, and likewise have created ‘safe spaces’ for its members – where they find solitude with legislators who often share their policy outlook” (Smooth 2001, 2001-202). Maryland’s formalized Black and Women’s caucus allow African American women to gain influence through participation in both caucuses. Smooth finds that “many African American women regard [caucuses] as sources for legislative power. Generally, these coalitions create a space for African American women to build relationships that help to increase their visibility in the institution” (2001, 203). As highlighted above, Delegate Veronica Turner is president of the Legislative Black Caucus of Maryland. Drawing on strategic intersectionality, Turner and the other Black women legislators are members of both the Women’s and Legislative Black Caucus. These institutional affiliations afford African American legislations the unique opportunity to utilize both their race and gender to as a platform for their issues.

This chapter addressed the self perceived influence of Black women in the Maryland legislature. While institutional norms and preferences as well as racing-gendering may inhibit Black women’s legislative success, the data from the Maryland

state legislature indicate that Black women have found a way to exert their influence in other means. Even when Black women legislators do not feel as if they are at the center of power, they readily admit that they are in positions of power in some regards within the institution. These women may measure influence differently, or place priorities on atypical venues of legislative activity. Instead, they use the tools available to them to achieve their legislative priorities in a raced and gendered institution.

This chapter mirrors the work of Wendy Smooth (2001, 2008) who finds that African American women state legislator, specifically Maryland state legislators are able to garner legislative influence. While Black women legislators do not consider themselves to have broad based legislative influence, they echo Smooth's findings that they are able to exert legislative influence in around public policy, issues that most directly impact their constituents, and traditional policy areas in which African American women champion.

However, my student adds to our understanding of legislative influence of African American women legislators. First, legislators in this study argue that they really on their identity to gain, exert, or maintain legislative influence. Additionally, one Black woman legislator articulated a race and neutral approach to gaining legislative influence. This delegate understands her race and gender as an attribute, but yet does not center her legislative relationships on her identity. In sum, in an myriad of forms the Black women legislators in this study find that their identity plays a role in legislative influence.

Furthermore, the Black women interviewed in this study find that their race and gender can be attributes to navigating the legislative process. The policy priorities of Black women legislators are always not hindered because of their intersectional

identities. Next, the Black women legislators understand that their identity does matter in the legislative process and are not blind to the racism and sexism within society as well as the legislature. Instead, armed with this understanding, they are able to take on patriarchy and racism by using their race and gender to their advantage.

Chapter Four – Who’s Worth Representing? Advanced Marginalization in the Context of Representation

Marginalization, advanced and integrative, is mediated through institutions. The legislature as a dominant political institution often reinforces practices of marginalization through policies and laws that control or restrict opportunities, civil liberties, and resources of marginal communities (Hawkesworth 2003). Certain groups are more likely than others to be oppressed or controlled by state sponsored initiatives that seek to exclude them. However within a representative democracy we would expect some of the effects of advanced marginalization in the context of representation to be reconciled with the election of members from marginalized groups. Does representation for historically disadvantaged or marginalized groups require the legislative presence of women and minorities? Melissa Williams (1998) argues that the identity of legislators from historically marginalized groups creates a system of fair representation. Williams argues that representation is ideally a form of mediation in which representatives intercede on the behalf of their constituents’ interests in the state’s policies and actions. Conversely, what ways if any do legislators from marginal groups advocate for members of advanced marginalized groups? This chapter investigates the role that intersectionality plays in the representation of advanced marginalized or intersectionally marginalized populations. While the extant literature presents a detailed empirical picture of the constituent/representative relationship, there has not been significant focus on how legislators with intersectional identities may impact legislation that directly impacts intersectionally marginalized groups.

Kimberle Crenshaw (1989) uses the term “intersectionally marginalized” to refer to double disadvantaged subgroups of marginalized groups such as women, racial minorities, and low income people. Cohen (1999) finds that advanced marginalization is an indicator of heightened stratification of marginal communities. Building upon the literature that investigates marginalization *within* marginalized groups, I concur that disadvantaged groups are neither monolithic nor homogenous. Within a marginalized group exist subgroups or intersectionally- disadvantaged subgroups that face additional marginalization based on other social inequalities. Recognizing that inequalities persist *within* marginalized groups, disadvantaged subgroups are situated partially or outside of the dominant group. Disadvantaged subgroups are othered within the marginalized population due to their gender, sexual orientation, disability, class, or any other identity that does is not advance universal claims that affect the population as a whole (Strolovitch, 2007). Consequently, disadvantaged subgroups or advanced marginalized populations are situated economically, socially, or politically outside of the broader marginalized population.⁹

My focus in this chapter is the way in which issues that affect sub-marginalized populations may or may not be reflected in the legislative priorities of legislators with intersectional and/or marginalized backgrounds. I begin with the premise that race, class, gender, and sexuality are all structurally- and historically-specific determinants of inequality (Crenshaw, 1989; Cohen, 1999; Guy-Sheftall, 1995; Hennessey and Ingraham, 1997; McCall 2001; Reed, 2002; Reskin, 2003; Smith, 2000; Young, 1990; Warren 2007). Unlike the politics of universalism most often found in liberal democracies that

⁹ I use the terms advanced marginalized group, intersectionally disadvantaged and disadvantaged subgroup/populations interchangeably to refer to the same population who are partially or wholly located on the outside of mainstream of the marginalized population.

downplay social cleavages based on historical marginalization, identity politics is utilized to unify members of disadvantaged groups around a particular set of issues that allegedly affect everyone to the same degree. As a result, marginalized groups often pursue consensus issues – “issues that are framed as somehow important to every member of ‘the Black community’, either directly or symbolically” (Cohen, 1999, 11) – which consequently fail to incorporate the most disadvantaged members within the marginalized group. Instead, Black politics scholars (Cohen, 1999; Warren 2007; Brown-Dean 2007) argue in favor of marginalized groups mobilizing around cross-cutting issues. Cross cutting issues referring “to those concerns which *disproportionately and directly* affect only certain segments of a marginal group...Cross-cutting issues, in addition to disproportionately impacting one segment of a group are also often situated among the subpopulations of marginal communities that are the most vulnerable economically, socially, and politically, and whose vulnerable status is linked to narratives that emphasize the ‘questionable’ moral standing of the subpopulation” (Cohen, 1999, 13-14). In the context of representation and the issues that legislators are likely to advocate on behalf of, I identify consensus and cross-cutting legislation within the Maryland state legislature to examine the role that identity plays in representation.

Cohen (1999) contends that marginal group members are those that are the closest to the edges of dominant power, where access and involvement in decision making actually seem possible, may be confronted to promote consensus issues. Minority legislators, therefore, may be active participants in creating secondary marginalization by failing to advance cross-cutting issues that affect disadvantaged subgroup members. Specifically, Cohen posits that minority political elites may have an incentive to enhance

the public image of the group by only making visible the issues that do not threaten the status of the community. Cohen finds that Black elites are responsible for replicating the rhetoric of blame and punishment and directing it at the most vulnerable and stigmatized in their communities.

Another condition of advanced marginalization is direct management of issues that affect other, less privileged marginal group members by more privileged individuals who share the same group identity. Minority legislators – women and racial/ethnic minorities – have an easier time mobilizing around consensus issues (Smith, 1981; Pinderhughes, 1995; Reed 1994; Truman 1958; Gamson, 1968) in the move from protest to politics. This strategy raises serious questions as a method to improve the quality of life of all members of a marginalized population and to challenge the political and economic systems which reinforce their marginalization. Hancock finds that legislators may be unwilling to be supportive of cross-cutting issues. “Lawmakers’ status as citizens leads them to similar exposure to the political context and [negative] public identities, shaping the public policy options considered in the legislative process” (2004, 17). However, American style democracy requires the integration of groups that are marginalized based on inaccurate stereotypes and moral judgments that *all* Americans believe (Hancock, 2004, 154).

Due to their own advanced marginalization within dominant society African American women legislators may be better suited to understand and address the failure of the politics of universalism in general and Black politics as well feminist politics specifically to improve the lives of the most marginalized. Orey et. al (2007) study of African American women Mississippi state legislators found that they are more likely to

introduce progressive legislation when compared to their peers. As a result of their own experiences with advanced marginalization and likelihood to campaign progressive legislation, African American women legislators may be more likely than their male counterparts to empathize with other disadvantaged subgroup populations. This chapter explores Black women legislators' willingness to represent disadvantaged subpopulations. I explore the legislators' rhetorical commitment to advocating on behalf of advanced marginalized groups, specifically the Lesbian, Bisexual, Gay, Transgendered and Queer (LGBTQ) community in the context of the Religious Freedom and Protection of Civil Marriage Act. This cross-cutting issue bill is juxtaposed to the Financial Exploitation of the Elderly Act, a consensus issue, to measure African American women legislators' commitment to sub-marginalized populations.

Religious Freedom and Protection of Civil Marriage Act

On September 18, 2007, a divided Maryland Court of Appeals ruled in a 4-3 decision that it was not a violation of the state constitution to deny marriage licenses to same sex couples¹⁰. Shortly after this decision Senator Gwendolyn Britt, an African American woman representing Prince George's County¹¹ and Delegate Benjamin Barnes, a White man representing liberal leaning Montgomery County, announced they would serve as the lead sponsors of legislation to end marriage discrimination. Following the sudden death of Senator Britt on January 12, 2008, Senators Richard Madelano, an openly gay White man also representing Montgomery County, and Jamie Raskin, a White man who

¹⁰ Harrell, Raker (2007-09-18). "Court of Appeals of Maryland Opinion on *Frank Conaway, et al. v. Gitanjali Deane, et al.*, No. 44, Sept. Term 2006"

¹¹ As of 2009 U.S. Census Bureau estimates, Prince George's County had a population of 834,560 and was the wealthiest county in the nation with an African-American majority. Prince George's County has become a stronghold for Democrats running in the state

represents Montgomery County¹² as well, announced they would lead efforts in the Senate to pass the measure.

While versions of this bill have been unsuccessfully introduced in the legislature for three consecutive years, other pro-civil union legislation has passed¹³. Three domestic partner measures have passed and become law in Maryland. One requires health insurance companies to offer domestic partner benefits at the request of an individual insured or an employer. The second requires health care and post-mortem decision making rights for domestic partners. The third eliminates the tax paid by an individual when one removes a partner from the deed to the house that they share. Many of the progressive legislators feel the best way to achieve civil marriage in Maryland is incrementally through legislation rather than through a constitutional amendment. A

¹² Montgomery County has the largest number of marriage bill supporters for a number of reasons. First, there are two openly gay and lesbian legislators (Senator Madaleno and Kaiser) from Montgomery, and this influences their colleagues to support them. Secondly, this jurisdiction is generally known as being more progressive, partially because it is right outside of Washington, D.C. Long before the state did so, Montgomery County passed a smoking ban, a living wage law, a sexual orientation non discrimination law, and a domestic partner benefits measure. Montgomery County's state legislators are all Democrats, and Democrats tend to answer to constituencies that favor Lesbian, Gay, Bisexual, and Transgendered (LGBTQ) civil rights more than Republicans. Finally, Montgomery County legislators view themselves as "adjunct" Washingtonians, and Washington, D.C. is an incredibly LGBTQ- friendly jurisdiction. It may be that people in Montgomery County are more apt to be out of the closet and free to be themselves than people in other areas of the state.

¹³ Although neither of the same-sex marriage bills were passed, the General Assembly did establish a weak form of domestic partnership in Maryland by the passage of two pieces of legislation, Senate Bill (SB) 566 and SB 597. SB 566 includes 11 protections for domestic partners, including hospital visitation and the making of funeral arrangements for each other; SB 597 allows a domestic partner's name to be added or removed from the deed of a residence, without incurring a tax liability, as with married spouses. According to the General Assembly's summary of SB 597, domestic partners are defined in that state as adults (same-sex or different-sex) in "a relationship of mutual interdependence" who are not related by blood and who are not in a marriage, civil union, or domestic partnership with anyone else. The law did not establish a domestic partnership registry, so couples may be required by officials or facilities to prove that their partnership exists by providing a sworn affidavit along with two other documents enumerated in the law, such as evidence of a joint mortgage, checking account, or insurance coverage, among others. The two bills were signed into law by Governor Martin O'Malley on May 22, and came into effect on July 1, 2008

constitutional amendment would require a super-majority vote of both the Senate and House of Delegates to make it to the ballot in Maryland. However, civil marriage does not have enough support in the legislature for a constitutional amendment. A constitutional amendment will never pass in the committee according to Equality Maryland, a LGBTQ civil rights group. Nevertheless, Governor O'Malley has stated in the *Washington Post* and the *Washington Blade* that he would sign a marriage bill if it reached his desk.

HB 1055 and SB 565, the Religious Freedom & Protection of Civil Marriage Bill, establishes that a marriage between two individuals who are not otherwise prohibited from marrying is valid in the State; prohibiting an official of a religious institution or body authorized to solemnize marriages from being required to solemnize any marriage in violation of the constitutional right to free exercise of religion; etc.¹⁴ I identify this bill as the cross-cutting issue. As previously mentioned, this bill has been introduced consecutively three times in the Maryland legislature. Each time the bill is introduced, more legislators sign on as co-sponsors which speaks to the slow but steady growth in popularity for the bill. Delegate Barnes credits this with hard lobbying by him and his fellow legislators along with support for LGBTQ supporters and constituents have placed on the Maryland state legislature. Additionally, Delegate Barnes feels that people in general and legislators specifically are starting to view gay marriage as a civil and human right that should be afforded to all people as opposed to a normative position. However,

¹⁴ In the House of Delegates, the bill was co-sponsored during the 2009 legislative session by: Delegates Barnes, McIntosh, Mizeur, Kaiser, Ali, Anderson, Barkley, Barve, Bobo, Bronrott, Carr, Carter, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Harrison, Heller, Hixson, Hubbard, Hucker, Ivey, Kirk, Kramer, Krysiak, Lee, Manno, Montgomery, Niemann, Pena-Melnyk, Pendergrass, Ramirez, Reznik, Rice, Rosenberg, Schuler, Stukes, F. Turner, Valderrama, and Waldstreicher. In the Senate, the bill was co-sponsored during the 2009 legislative session by: Senators Madaleno, Raskin, Forehand, Gladden, Kramer, Lenett, McFadden, Pinsky, and Pugh.

the 2009 session ended with no action on this bill. The Religious Freedom and Protection of Civil Marriage bill was selected for study because it is a case it highlights Black women legislators likelihood to represent a disadvantaged sub group. Additionally, this legislation was chosen because it directly affects a stigmatized sub marginalized population, the LGBTQ.

In contrast, the Financial Exploitation of the Elderly Act was a consensus issue. The bill prohibits a person from knowingly and willfully obtaining by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old with intent to deprive the individual of the individual's property. This bill was unanimously passed in the House of Delegates (134-0) on March 19, 2009 and the Senate (47-0) on April 7, 2009 and signed by Governor O'Malley into law on May 7, 2009. This bill was selected as a comparison case because it did not center on a stigmatized and marginalized subgroup.

Hypotheses

How will Black women legislators articulate their policy preferences on a cross-cutting issue when legislation uniquely favors a marginalized subgroup? I expect that African American women legislators will rely on an intersectional approach to identity politics that allows them to be more empathetic to other groups who also experience advanced marginalization. The specific hypotheses tested here are as follows:

H1: Black women legislators are more likely to support the Religious Freedom and Protection of Civil Marriage bill than Black men legislators

H2: White women and men legislators are more likely to support the Religious Freedom and Protection of Civil Marriage bill than Black women and men legislators

H3: All legislators, regardless of race/ethnicity or gender, are more likely to support the Financial Exploitation of the Elderly bill than the Religious Freedom and Protection of Civil Marriage bill

These hypotheses are informed by scholarship on representation, intersectionality research, case study analysis, along with Black politics and women and politics research.

I expect African American male legislators to be less supportive of cross-cutting issues than Black women legislators. Black men legislators may be less likely to support disadvantaged subgroups and continue the rhetoric of blame and punishment towards this group. African American women legislators' own experiences with advanced marginalization may cause them to support marginalized subpopulations such as the LGBTQ. However, unlike African American political elites, White legislators may have less of a vested interest in prioritizing consensus issues. Therefore, White legislators will be more likely than Black women and men legislators to support the policy preferences of a sub-marginalized group such as the LGBTQ.

Specifically, I find the silences and non-responses of legislators to be equally as important as what they said. In addition to data collected through elite interviews with the Maryland legislature I also utilize discourse analysis and participant observation. Interpretivist methods allow me to discern between what legislators said and did, which opened up the hidden transcripts - the critique of power that goes on offstage, which power holders do not see or hear, (Scott 1990) that skirt political correctness or the social desirability factor. Next, understanding which groups legislators feel deserve special attention in the legislative process – groups or constituents who are unable to represent themselves and/or require unique advocacy within the legislature – sheds light on the difference that Black women legislators bring to legislative decision-making. In

systematic examination of Black women, Black men, White men, and White women in terms of their rhetorical commitment to advanced marginalized groups, I find that Black women legislators are not more likely to feel they have a primary role to represent disadvantaged subpopulations. However, this is not a universal claim. My analysis moves beyond race and gender of the legislators to include legislative tenure, age, and constituency effects that further complicate the factors that legislators say influence their decision-making. The chapter concludes with an innovative approach to understanding the policy preferences of Black women legislators when the Black and feminist constituents and/or groups do not align.

Representation for Whom?

When asked about the decision-making process or factors they would include in deciding whether to support or oppose the Religious Freedom and Protection of Civil Marriage bill, legislators expressed a variety of concerns and issues. I pay close attention to what the legislators said and did not say. This chapter is organized into two analytical sections focusing on the two distinct bills. The Religious Freedom and Protection of Civil Marriage Bill is a cross-cutting issue bill where legislators are asked to articulate their policy preference on an issue that distinctly affects a sub-marginalized population. The latter section examines the Financial Exploitation of the Elderly bill as a consensus issue where legislators are asked to discuss their policy preference on an issue that effects a non-controversial population.

Black Women

A few African American women legislators articulated that they are able to think through controversial legislation such as the Religious Freedom and Protection of Civil Marriage bill using the same decision making process as non-controversial bills. This approach seems to be consistent with Kingdon's (1984) assertion that identity fails to play a large role in the decision making process.

One Black woman delegate suggests:

I would certainly review the legislation as it is introduced [since that] is often not the product that leads. There are often amendments, and so the first step is to look at the actual product that comes out of the committee. The second step is to factor whether or not it provides any inequitable benefit. Ultimately I represent all of the citizens of the 25th district and subsequently contribute to representing the State of Maryland. I'll give you an example: I haven't read the bill, certainly don't know of any amendments that are proposed, [but] one thing I do not do is communicate support or opposition to a bill based on the title. I would have to read the fine print and then do some research, communicate with some constituents, some opinion leaders in my district, some of my colleagues, and some of the sponsors. I try to speak with the ones with and against the legislation and look for the balance. I try to make sure I have an understanding of both sides of an issue and sometimes there are more than two sides of an issue.

Another Black women delegate articulates:

I have openly opposed it. This is an issue of a big social divide. There are those on the religious side who view it as a drift towards the secular. Those on the Civil Rights side view this as a civil right. It's also about 400 plus benefits, privileges and presumptions under state law and how you want to confer those. Do you want to confer those benefits, rights and privileges outside of the traditional marriage context? There are always fiscal considerations and the cost of the bill and all of that. So, I just looked at all three of those factors and my own personal convictions and came to a judgment.

Some African American women legislators weigh their own judgment, morals, and background in addition to their constituents' wishes in the legislative decision making process of the cross-cutting bill. For example, a Black woman delegate finds "I

do look at it from a standpoint of how I feel and how my people feel. My church is totally different. I ask what I can do.” Similarly, another Black woman delegates articulates that her constituency plays a role in the legislative decision making process:

I would look at my own personal beliefs. The beliefs of my constituents, and feedback from the members of my church [are factors I would include in the legislative decision making process]. I would put all that into consideration.

Likewise, one Black woman delegate finds:

Being Union I feel that we represent all types of people and I feel that everyone should have a right to be and do whatever they want to do. As for my own beliefs, I believe that a marriage is supposed to be between a man and a woman, but, I don’t judge the other people into what my beliefs are. But, I think that everyone should just have a right to do how they feel. If they feel that they want to do this, then that’s their right, but, don’t put it on the backs of other people. And I don’t bring my beliefs to other people. I know bills are going to be tough for us. I know I have to vote my conscious on that and how I feel in life about that bill.

Of the six Black women legislators who oppose the Religious Freedom and Protection of Civil Marriage bill, the majority outline ways in which their faith prohibits them from supporting same sex marriage. Six African American women legislators are opponents of the Religious Freedom and Protection of Civil Marriage bill due to their religious beliefs and consequently make decisions based on their faith.

A Black woman delegate acknowledged:

The marriage piece is troubling. It has to do with my upbringing; my father was a Baptist minister. I have my Bible here that talks about the marriage between a man and woman from a moral and religious standpoint that would create some problems for me.

Another Black woman delegate explains:

I don’t support same sex marriage. My Bible is clear: God created man and woman and He created the institution of marriage for one man and one woman. I would not defend discrimination against them. I keep an open door for all my constituents, whether I agree with them or not

One African American woman delegate concurs:

I don't support gay marriage because I believe marriage is between a man and a woman. My church upbringing helps me to make that decision and I get a lot of emails going both ways. But I know personally I could not vote for gay marriages; the majority of my citizens don't believe in it.

Another Black woman senator struggles over allowing same sex partners to marry

because of her religious beliefs as well. She notes:

Gay marriage is something I have been really struggling with because it's the fairness and equity issue on one hand, and then it's my faith on the other. Biblically I feel as though marriage is between a man and a woman. I have always supported domestic partnerships and other types of arrangements, but I felt as though the action word "marriage" was reserved and that's pretty much how I do feel. However, I do believe that individuals should have rights, partnership rights. It's just the word "marriage."

Likewise another Black woman senator will not support same sex marriage but is in favor of partnership right:.

I don't support gay marriage. My people know that. Probably one third of my district are partners, so I told them I do what's right, and I told them I have consistently defended you on every front in terms of housing, employment, healthcare, all the issues on discrimination. But in this instance this is my religious upbringing that will not allow me to vote for it.... It is because of my Christian, my religious upbringing that I cannot vote for it

This finding complicates Tate's (1993) finding that Black lawmakers are more progressive than their constituents. Another Black woman delegate also invokes religiosity as prohibiting her from fully supporting the Religious Freedom and Protection of Civil Marriage bill. However, unlike the other Black women legislators highlighted above, she also includes her own cultural understanding of this legislation. This Black woman delegate's faith and identity as a Jamaican woman clearly influences her decision making process on this issue:

I still can't believe that's how God had intended it to be and so there are some moral issues here that I have to be able to deal with. I have been listening and maybe one day I'll get there. It's my own morality and also keeping in mind the culture to which I was born. My culture doesn't tolerate homosexuality in Jamaica; people have been known to be stoned to death. I think maybe because of that I have not been able to bring myself to totally agree.

The Black women legislators quotes are best explained in the context of the Black church. Traditionally, Black churches have stressed an interpretation of scripture that opposes homosexuality. Several studies have found that the centrality of the Black church's role in the African American experience has led a majority of African Americans to strongly oppose homosexuality on religious grounds (Blaxton, 1998; Boykin, 1996; Cohen, 1999; Fullilove and Fullilove III, 1999; Griffin, 2000; Harris, 1986; Herek and Capitanio, 1995; Lemelle and Battle, 2004; Lewis, 2003; McDaniel, 2004; Schulte and Battle, 2004). The three mainline Black Protestant denominations – Baptists, Methodists, and Pentecostals – “originated within the cauldron of American slavery or Jim Crow segregation, these institutions intrinsically have been sympathetic to those who are politically marginalized, especially the poor and racial minorities” yet are opposed to same sex marriage (Lincoln and Mamiya, 1990). However, these churches also draw similar theological conclusions that interpret the Bible as seeing homosexuality as a sin and likely an “abomination” (Boykin, 1996; Gomes, 1996). Therefore, many scholars have concluded that religiosity is the strongest predictor of Black heterosexual opposition to homosexuality (Battle et al., 2004; Blaxton, 1998; Boykin, 1996; Constantine-Simms, 2000; Douglas, 2003; Herek and Capitanio, 1995).

Reverend Peter Gomes of Harvard Divinity widely regarded as one of America's most distinguished preachers, attributes Black social conservatism to racial assimilation.

"The African American religious community has spent so much time trying to prove to the White community that it is the same, that for all intents and purposes it shares many of the worst prejudices of the White community" (Boykin, 2004). Additionally, much of the Black civil rights movement grew out of the Black church. There are historical links between liberation theology preached in Black churches and anti-racist and civil rights movements. On October 25, 2009, a Stand for Marriage Rally in DC occurred in which Black ministers announced that Black politicians who supported same sex marriage were not acting in the interest of the Black community. Reverend Evans, president of the National Black Church Initiative, announced that the Black church will not support politicians of any race who push policies that hurt the Black church.

The Pew Research Center for the People and the Press find that religiosity affects attitudes towards same sex marriage. "More than three-quarters of White evangelical Protestants (77%) and two-thirds of Black Protestants (66%) oppose same-sex marriage, as do half of White mainline Protestants (50%). Catholics are evenly divided on the issue, with 45% favoring same-sex marriage and 43% opposing it. Most of those unaffiliated with any particular religion support same-sex marriage (60%)." More generally, race also affects the likelihood of one to support same-sex marriage. Whites and Hispanics are more supportive than Blacks (39%, 45% and 26% respectively) according to the Pew Research Center. Along with the Black church, the Black women legislators highlighted above are likely in line with the majority of their constituents' view of same sex marriage.

In comparing the wishes of the constituency groups in her district (Black and Jewish) on gay marriage, one Black woman senator finds that both are opposed to gay

marriage. She joked that she does not understand why the Black community pretends that homosexuals do not exist within the Black church. “The Black community and the Jewish community are very interested. The Black community has found stuff to do with their gay folks; they put them as choir directors, they put them pulpits, and they put them behind the candles. The Jews just haven’t found what to do with theirs yet.” This light-hearted comment reflects disparities between what the Black church preaches and in its lived practices.

In an interesting finding, Black women legislators born after 1960 were more likely to support the Religious Freedom and Protection of Civil Marriage bill. This cohort of legislators framed this cross cutting bill in terms of either human or civil rights. Because of this disjuncture with the older Black women legislators my hypothesis that Black women legislators would be more likely than Black men to support the Religious Freedom and Protection of Civil Marriage bill is not substantiated. Instead, I find that intra group difference among Black women legislators should have been accounted for.

In articulating same sex marriage as civil right, a Black woman delegate finds similarities in discrimination based on race to discrimination based on sexual orientation. She observed:

To me it’s a civil rights issue. Why should anybody tell someone else they can’t marry the person they love? My experience is that my mom is White and my dad is Black, they married in the 1950’s, they had to live in Washington DC because it was illegal in Virginia or Maryland. I think it’s better for the state as a whole for people to be married and be in committed relationships.

Similarly, one Black woman senator finds:

I’m a cosponsor of the Religious Freedom and Protection of Civil Marriage Bill. I think what they did in California is wrong in which Black churches joined with the Republicans by and large to eliminate gay marriage or same sex marriages in California and through a referendum a constitutional amendment. Some civil

rights should not be litigated through referendum or public policy because if that was the case I would still be a slave. Sometimes you just have to step up be a leader and do the right thing. In the issue of same sex marriage if we line for line look at same sex marriages in the same way you look at *Loving vs. Virginia* case, it would suggest to me that there is no difference. We should be about justice and fairness.

While these Black women legislators make a direct connection between racial discrimination and discrimination based on sexual orientation, one Black woman delegate also supports same sex marriage on the basis of affording citizens civil rights. However, she makes clear that gay marriage cannot be equally compared to the struggles that Blacks endured to gain civil rights:

Believing in civil rights and civil liberties for everyone has swayed me in favor of the gay marriage bill. I do make a distinction that some of the advocates [of gay marriage] do not make. I do not think it is in any way the same as the civil rights struggle for non-discrimination when it comes to race. Many of the [gay rights] advocates say it's a civil rights issue so they assume that because I'm a civil rights advocate that I'm going to be on board. I'm on board because I am one, but the pitch to me is a civil rights issue says that the Civil Rights Movement has failed because of the fact that one, whether or not you choose to be gay [and] to be married or not is a choice and it is also discrimination. We also know that when it's based on the hue, the pigment and the color of your skin is something that you can never overcome. But you can go through the world and exist without people knowing that you're gay.

Generally, this Black woman delegate is akin to many other African Americans who support gay rights but oppose the direct comparison with the Black Civil Rights Movement. While racism and homophobia are often two sides of the same coin, many Blacks insist that one cannot compare centuries of racial marginalization (Slavery, racial violence, disfranchisement, and an American legal caste system based on race) to states barring same sex-marriage. This viewpoint incorrectly ignores that the LGBTQ community has faced social stigmatization, violence, as well as state sponsored discrimination in America as well. In kind, this viewpoint creates a pecking order of

oppression - what Hancock (2007) refers to as the Oppression Olympics. This tactic allows for Blacks to denigrate sub-marginalized populations because they are deemed less worthy of support in their battle against discrimination.

Other African American women provided ambivalent answers when asked what factors would they include in the decision making process on a controversial bill such as the Religious Freedom and Protection of Civil Marriage bill. Perhaps these legislators were not ready to “go on record” with a position on this cross-cutting legislation.

An African American woman senator was a bill co-sponsor did not comment on the legislation because it has not come to vote.

First, the question should be will gay marriages come up in this body? At this stage of the game it won't. Bills that eventually hit that floor are dictated by leadership... No, it never hit the floor. Civil marriage may eventually one day get to the floor. I don't care who marries who, I really don't. I think what happens is it is the argument of what does the Bible say? I always say the Bible is interpreted by men, so what the Bible says is what man says or whoever did all of this anyway. I really had no opinion one way or the other, if you [referring to me, a woman researcher] want to marry Lisa and John wants to marry Joe, I don't care one way or the other, as long as they are happy and are paying their bills and taxes I don't care.

It is interesting to note that this Black woman senator is part of leadership and a co-sponsor on this bill. If she were committed to the bill, it would be easier for her to get it to the floor. Perhaps she is a co-sponsor because she believes this bill will never leave committee. For her, this bill may be a way to take a stance on an issue to please her constituents without having to directly advocate for it.

A few African American women legislators refuse to directly address the issue of same sex marriage. For example, one Black woman delegate shifts the conversation to civil unions:

When it comes to civil unions, I believe that the religious community should not be mandated to do anything. Civil unions in my opinion are talking about

personal benefits. They are not talking about religious benefits. These are personal civil benefits. It's whether or not you get to ride in the ambulance if your partner has a stroke, heart attack or accident. Do you have to ride behind in another car? You usually have your significant other with you to calm you down, it's a partnership. I know if I'm in an ambulance I'm terrified. I may not be thinking clearly, I need someone to be there, it may be my partner or it may be my spouse. But, it should be someone that I choose to have there. The government shouldn't intervene in that.

Next, another Black woman delegate also indirectly gives her opinion of the Religious Freedom and Protection of Civil Marriage bill.

It doesn't bother me. I had two brothers who were gay and that were their lifestyle. As long as they are not fooling around with little boys, what anyone does as a man and woman is not my business.

While perhaps this African American woman delegate is confusing pedophilia with homosexuality and/or gay marriage, this may be a product of her generation. Born in 1930, she is one of the oldest members of the Maryland legislature. I am not entirely certain that her non-answer is due to her lack of commitment to gay marriage or non-heterosexual orientations especially since she is a co-sponsor of the legislation. I find that these ambivalent answers illustrate how Black political elites are not cognizant of the advanced marginalization in within their communities.

The hypothesis that Black women legislators would be more likely to support the Religious Freedom and Protection of Civil Marriage bill than Black men is not supported because all of the Black women legislators do not explicitly state their policy preference. However, of the Black women legislators who articulated their policy preferences seven opposed this legislation compared to three who supported it. Therefore, contrary to my hypothesis, having an advanced marginalized identity does not cause Black women

legislators to supporting cross-cutting issues that affect other disadvantaged subpopulations.

Black Men

African American men legislators provided similar responses as their female counterparts on their views of the Religious Freedom and Protection of Civil Marriage bill. The Black men legislators who gave their opinion on this cross-cutting issue were more likely to oppose the legislation. Like the African American women legislators, Black men who opposed the legislation did so on religious grounds. Four examples of this type of responses were offered by several Black men legislators:

I'm a Christian and I accepted Christ in my life. I was actually sort of relieved when I heard President Obama's position; I said 'how do I handle this while holding on to my own Christian values'... marriage is between one man and one woman.

I'll be honest with you, and I have had a long time to think about that. That's an act I don't have to ask for they will answer to God for that so I'm not going to play God because I'm not and we can't have our cake and eat it too when we talk about equal protection under the law. Spiritually and morally I know its wrong but they also know it's wrong but I'm not going to be the one that has to stand in judgment and say "I condemn her and her and him and him.

If you are a believer in a Higher Being which I am and you are a person who studies and believes the King James Version of the Bible, it says there that it is an abomination. So I have to factor my personal beliefs, my spiritual beliefs when I look at that particular situation, now, with that said I'm not a gay basher, but at the same time it's something that I don't understand the origins of and I can't believe something that I don't understand. It would be hard for me to support something that I don't understand.

I'm against it, not only for religious reasons but it's bad economic policy, social policy, educational policy, it's just bad policy period.

Similar to the Black women legislators, Black men legislators also base their policy considerations on a mixture of constituency wishes and their personal beliefs.

On a bill like this I think, the first thing is I would try to tell myself is it right or is it wrong and that's what I have to ask myself, then the process becomes okay my constituents, what is the pulse of my community, what are their feelings on this bill. Am I doing the right things to represent my district? On the civil marriage bill I share the same beliefs as my constituents we have a pretty conservative group down there.

The first thing I would look at is my constituency as far as I have a sizeable gay community. Not enough to put you in office but enough to maybe put you out office if you just completely anti-gay or lesbian and transgendered. I look at do I want to pass a bill that puts them out of the process where it can only be seen as a marriage to a man or woman making part to the constitution. I don't want to do that. However I'm reluctant to cosponsor any gay marriage legislation. I understand where they are coming from but also as a Black man with family and raised by, I was very close to my father when he was alive that there are certain things that my community has taught me about relationships that don't always coincide with the gay community. Being from an African American socially conservative community that also goes into factoring how I would vote or support that issue.

Other Black men legislators provided ambivalent or non-answers when asked what factors they would include in the decision making process on how to vote on the Religious Freedom and Protection of Civil Marriage bill. A Black man delegate was the only legislator who refused to comment on this legislation stating "at this time I won't speak on that."

One Black man delegate is a co-sponsor of the bill, yet did not address the question:

For the most part we all have to live together in this society. No I don't have the exact same common interests, common thoughts on how we perceive particular issues. I think if we are going to have a harmonious society, one that works together, lives together, survives together, and then we better be a diverse society.

Another Black man delegate opined:

I think that a person should have the right to choose their partners. Similar to abortion it's a woman's priority, that's her right. I know we have a lot to do with messing it up but that's an ultimate decision for her she had to do that time

and nurturing. Certainly we are supposed to help and we men think we put the money out there. I just discovered talking to a friend of mine who is married five years, the baby is going on two years old and she said this is the hardest part of the marriage, I asked “why is that” she said “because her husband felt like his life just continued and her life changed because she has to take care of the baby, we don’t pick that up, we don’t understand that. As long as you don’t put your shit on me then we cool.

The non-responses indicate an unwillingness of these Black men legislators to go on the record either supporting or opposing this cross-cutting issue. However, only one Black male legislator interviewed for this study supported the Religious Freedom and Protection of Civil Marriage bill. Like the African American women who supported this cross cutting issue, a Black man delegate likened same sex marriage to civil rights:

Gay marriage is not controversial to me, I think every single person on the face of the earth should have the same right as every other single person on the face of the earth, that is the way Martin Luther King felt about it when he was doing the Civil Rights Movement that you had to look at each and everyone personally as if they were you, as your brother or as your sister, if you look at person like that then how can you not want to support that persons rights, it doesn’t really matter even if I were an extremely religious person and my thought process in which I am I believe in God I believe in church, I believe that Jesus gave his life to die for our sins. I also believe that there is a separation between the church and the state that exists not only in the state but also in the church itself, God wants there to be a difference. We can do the work of the state without it being center of the spirituality because you are basically giving a person the right to be free.

Overall similar to the Black women legislators, the Black men legislators interviewed for this study were more likely to oppose the Religious Freedom and Protection of Civil Marriage bill. Both Black women and men legislators presented similar arguments for or against this cross cutting bill. However, the majority of Black women and men who stated their policy preferences explicitly did not support this bill. In this regard, there are a few gender differences observed between Black women and men legislators. This finding further supports scholars’ claims that African Americans have a

strong group consciousness that is activated by racial identification (Tate 1993; Dawson 1992; Mansbridge and Tate 1992). As a result the hypothesis that Black women are more likely to support the Religious Freedom and Protection of Civil Marriage bill than Black male legislators is unsupported.

White Legislators

I expected to find that White legislators are more likely than Black legislators to support the Religious Freedom and Protection of Civil Marriage bill because of the African American community's historical and present day exclusion of LGBT individuals (Cohen, 1999). Additionally, because only Democrats were interviewed for this study my snowball sample included several progressive White legislators from liberal leaning districts. Consequently, I found that the White legislators, both men and women, were overwhelmingly supportive of this cross-cutting legislation.

White legislators framed the Religious Freedom and Protection of Civil Marriage bill in terms of civil or human rights.

I support that very strongly, again, from a civil rights prospective. There's no reason why rights granted by state should not be granted to same sex couples as well. Some personal experiences with friends and I think it's more social justice. I have to admit I did struggle with it for a while, because it does get tied up with religion. I did a lot of reading and I got over the word "marriage." Church can do one thing and nobody is going to say they can't, but, if the state is granting certain rights to individuals that have made a commitment to each other, there is no reason to discriminate based on sex. (White woman delegate)

I believe deeply in my core that when anybody's human rights are at risk everybody's human rights are at risk.... That is why I do the civil marriage act; I consider it a human rights issue.. it was just clearly the right thing to do, and that's the way I see it (White woman delegate).

The Gay Marriage bill, I have always felt strong about human rights. I am fully supportive of gay rights and the rights of individuals to choose their partners. I really believe that someday humanity is going to look back at us today and say "what were they thinking", when people are gay to be any less equal than

anyone else, I think we look today at slavery and say “what could they have been thinking, how could anyone accepted or tolerated that”, I really believe, I certainly hope so that they are going to look back on us and say “how could they have treated people differently because of their gender identity or their choice in mates”, it just makes no sense to me. (White woman delegate)

Every bill is different and as such requires different decision making processes. Some bills are so guttural and you just feel like it’s so black and white and this bill would certainly be one of those, it’s about equality, it’s about civil rights and just in my view the right thing to do. (White man delegate)

I don’t see it as a controversial issue because I believe it’s a civil rights issue and the answer is straightforward here. All people should have access to the same rights as all other people. This is part of a longer wider struggle for civil rights that has continued through many years that’s included folks of my faith, African Americans and Gays and Lesbians who are now struggling. (White man delegate)

I am a strong supporter of gay marriage, because it is a basic civil rights issue and people who are in committed relationships, gay couples, lesbian couples that deserve the same protections and rights as heterosexual marriages and right now we are in a situation where some churches are marrying people and it’s government is behind. I see that as a very clear issue and I’m very supportive of them. (White man delegate)

The six comments above illustrate that these White legislators, regardless of gender, feel a responsibility to provide civil rights for this disadvantaged subpopulation. More so than the Black legislators, the White legislators favored extending civil rights to same sex couples. This finding illustrates that Black elites in this study are more likely to oppress marginal groups within their community than Whites. Additionally, the White legislators do not mention their religion as a factor included in the legislative decision making process. This finding suggests that the Black church and/or religion have a large role in Black legislators’ decision making compared with White legislators. Lastly, Whites’ comparison to discrimination based on sexual orientation almost always included a reference to racial discrimination against Blacks. Only three Black legislators

made direct connections between racial discrimination and the plight of the LGBTQ. This finding may detail that the liberal Whites in this study are ever cognizant of past racial injustices and actively resist furthering de jure discrimination.

However, similar to the non-answers that Black legislators gave when asked about their the factors they would include in the decision making process in determining a position on the Religious Freedom and Protection of Civil Marriage bill two White male legislators failed to directly answer the question as well. These White men delegates both declined to answer the question on this cross-cutting issue. Instead, these legislators used this question to discuss other legislation that they were working on. For example, one White man delegate discussed education policy and the other discussed improvements being made to municipal governments. These non-answers point to an unwillingness to state a position on this bill perhaps because legislators are reluctant to share their opinion on controversial legislation.

Same sex couples are not afforded the same 1,138 benefits the United States government provides to legally married heterosexual couples such as tax breaks, sick leave to care for a partner, social security survivor benefits, and bereavement leave, to name just a few. According to Cathy Cohen, the Black community fails to fully address homosexuality because Black politics have accepted “the dominant discourse that defines what is good, normal, and acceptable, stratification among marginal group members is transformed into an indigenous process of marginalization targeting the most vulnerable of the group” (Cohen 1999, 64). For that reason same sex marriage combines an array of societal, religious, and cultural norms which therefore make this subject a hot button

political issue within the Black community. Many Black Christians are both politically liberal and socially conservative and have voted against same sex marriage in Arkansas, Georgia, Kentucky, Michigan, Mississippi, Ohio, and Oklahoma during November 2004 when these states proposed a constitutional ban on same sex marriage. However, women are more likely to support same sex marriage. A June 2008 Quinnipiac University poll found that 48 percent of women and 34 percent of men supporting same-sex marriage. In addition, according to the *Los Angeles Times* 70 percent of Blacks supported California's proposition 8, the ballot measure to overturn California's Supreme Court's May 2008 decision allowing same-sex marriage.

The interviews presented in this section showed the Black women legislators were just as likely to oppose same sex marriage as Black men. White women and men along with younger Black women legislators were more likely to frame the Religious Freedom and Protection of Civil Marriage bill as a civil or human rights issues. While younger Black women legislators were likely to support gay marriage, the older ones do not. This section supports Cohen's (1999) argument that Black political elites, regardless of gender, create or ignore sub-marginalized populations by failing to advocate on their behalf. However, the younger Black women legislators are more likely than Black legislators to support gay marriage which points to divergent generational attitudes towards same sex marriage for African American legislators. This finding can be attributed to the age and generational differences in attitudes towards the LGBTQ community.

I find that Black women born in the 1950s were more likely than Black women legislators born the 1960s-70s to oppose same sex marriage. Both older Black women

and Black men were likely to oppose same sex marriage. Black women, more than Black men, mentioned the role that the religion played in their decision not to support the Religious Freedom and Protection of Civil Marriage bill. While both Black women and men were likely to mention constituency as a factor used in decision making, a majority Black women approached this legislation using traditional legislative decision-making skills. Both Black women and men gave non-answers or avoided discussing same sex marriage. However, I posit that this finding may be due to legislators' desire to provide a culturally-based response to an interviewer who is African American. I also believe this finding maybe the result of legislators not wanting to go on the record about this controversial bill.

While the debate on the Religious Freedom and Protection of Civil Marriage bill was framed around providing government benefits to same sex partners, many of the older Black legislators cited religious reasons for opposing the bill. The bill explicitly stated that religious institutions do not have to solemnize a marriage that they did not want to. However, certain Black women legislators said that religion and their faith was a major concern. These older Black women legislators used their faith to guide the decision making process. Only Black women and men as compared to their White colleagues mentioned religion in the decision making process regarding this bill. Consequently, the influence of the Black church on social policy should be further studied.

Finally, the vast majority of legislators used identity or their personal experiences as a factor in the legislative decision making process. Only two Black legislators interviewed in this study did not. In this regard, these data indicate that legislators bring

a part of themselves into the legislative decision making process in helping to understand how to vote on a particular bill.

Financial Exploitation of the Elderly Act

Unlike the Religious Freedom and Protection of Civil Marriage bill, the Financial Exploitation of the Elderly bill was unanimously supported. As stated above, this legislation became law in Maryland after unanimously passing both chambers and being signed by Governor O'Malley. When asked about the factors that they would include in the legislative decision making process concerning the Financial Exploitation of the Elderly bill, many of the legislators cited their personal station in life as a reason why they will support this bill. Many others said that they came to Annapolis to protect the most marginalized, who in their eyes are children and the elderly. However, the legislators did not view the LGBTQ community as needing special advocacy in Annapolis. For that reason, this section of the chapter will juxtapose legislators' responses about who is worthy of representing between communities that are not socially stigmatized. Because all legislators, regardless of gender and race/ethnicity supported this legislation, this section is thematically structured instead of highlighting race, gender and/or intersectionality of the legislators. First, I explore the number of legislators who make personal connections to the bill, and second I present legislators' responses who feel that this bill is important because it protects a vulnerable population.

Personal Reflections

A majority of the legislators felt a personal connection to the Financial Exploitation of the Elderly bill. Several of them mentioned their family commitments or their own age as reasons to support this bill.

One African American woman delegate referenced her mother as a reason she supports this bill. She stated “I want you to know I take care of my 86 year old mother. I think the penalties should be as stiff as they can possible be, in reference to our seniors.” Similarly, an Asian American woman delegate commented on her parents’ age in explaining why she decided to co-sponsor this bill.

I am a co-sponsor of that bill. The way I would answer that is that thankfully I still have my parents and they are older now, they are in their mid seventies. When it comes to things like that I really try to be just who I am as a person just the way I care for other people not having to do with legislation, not having to do with politics, when I was approached with that bill.

One Black woman delegate observation of her father’s deteriorating health led her to support this legislation. She explained “I am very aware that the elderly change. I have a 90 year old father who lives with us. He is not the man he used to be.”

One African American woman senator’s parents suffered from dementia which led her to support this bill.

I believe victimizing the youth and the elderly is absolutely horrible and the exploitation either one of those extremes because it’s almost the same population except that one has a number of years. The children, the older you get the more child-like you become because you lose your faculty’s. Both of my parents had dementia and I have seen how people are victimized by the television.

A select number of legislators attributed to their support of the Financial Exploitation of the Elderly bill to their own advanced age.

When we go to church we talk about it all the time. Seniors have to be careful in giving their social security number out. Children have to pay more attention to the elderly. Our minds aren’t what they used to be. If I wasn’t here my mind

would probably be batty. I use my brain, when you don't use it you lose it. (Black woman delegate)

Since I am over the age of 68 they need to be arrested and fined, they need to be locked up. I don't think there should be no exploitation of any individual and never mind someone who has worked all their lives and have contributed and paid taxes in the state and in this country, that anyone should come and exploit them of their life earning at the time when they are getting ready for retirement when they most need their funds. (African American woman delegate)

I do look at that totally different because I don't want anybody to take advantage of the elderly. I am at that point myself and I know how I feel about the whole thing. I'm 81 years old. If you want me to help you, don't try to take advantage of me. (Black woman delegate)

It's good, I support that [Financial Exploitation of the Elderly bill] because I'm going to get old. I'm already old. (African American man delegate)

One African American woman delegate has direct experience with a family member who was financially exploited. Her story is important to read in entirety because it explains the personal connection she feels to the legislation and how her experience helped in the decision making process.

That bill is kind of personal. My mom died several years ago and I moved out when I was really young, she had a stroke, she was about 72-73 years old and I was one of the only children who would never move back home, but, when she had her stroke my sister and brother had moved in with her and had been living there for years and it didn't matter to me. The house was paid for and I figured they would figure out how they were going to buy the food and pay utilities and all of that. I knew that they weren't making a contribution. Once she had her stroke she had to come and live with me because my house was all on one floor, she could get her physical therapy, I knew I had physical therapist in my community, everyone called and wanted to volunteer their help, so, I had the best possible set-up for her. However, citizen legislature, I had to go to work and my sister was not working so she was to come to my house every morning and watch my mom in the morning and I would come home for lunch she would stay until I got home from work, then she would leave. But, she convinced my mother that I was so busy and it was such a huge inconvenience that it was time to go home. I was very busy, but I never let that show or neglected her. She said to me "you never sit down." That's because when I get home I have a lot of stuff to do she decided that she wanted to go home and my sister took her to an attorney without the rest of us knowing, switched her checking account into

my sisters name who was unemployed and was making no contributions to the household and once all of this happened, I didn't know it and my mom was getting progressively worse, she decided she wanted to go to a nursing home, she told me but she didn't tell me why. I told my sister okay, we had a family meeting where all of us could decide, and that is when my sister told me she had power of attorney. I had social services come in to prove my mom was extorted. It was horrible; I still don't speak to my sister. I just cannot bring myself to forgive her, for years my mother took care of her. So, I know there are people out there that are doing that, I try and go through the legal system, but, anyone is authorized. I understand that bill, I lived that bill.

This delegate's unfortunate story underscores the importance of the Financial Exploitation of the Elderly Bill that many other legislators articulated but did not have direct personal experiences with.

Responsibility

A recurring theme around which legislators framed their responses was responsibility to take care of the most vulnerable members of society, namely seniors. When asked about the factors that they included in the decision making process regarding the Financial Exploitation of the Elderly Bill many legislators solely mentioned this normative response. Additionally, legislators linked their responses to their personal experiences and identity by explaining their position.

One Black woman delegate said that she supports not taking advantage of the elderly because "seniors are our most vulnerable population. We are judged by how we treat vulnerable populations." Similarly a White woman delegate posited that "we will be judged by how we take care of those who can least take care of themselves." Similarly, a Black woman senator argues that is her responsibility as a legislator to protect seniors. She commented that she will support this bill:

I would probably vote in favor of it because I think we should be doing everything we can to protect seniors, they have protected and provided for most of us all of our lives so whatever we can do we should. There are a lot of scams out there, especially about this whole mortgage buy-back, I think what we are

doing is exploiting senior citizens, so, whatever we can do to protect our seniors I think we have the right and responsibility to do it and I'll be out there doing that.

Other legislators are of the opinion that protecting the elderly is based on a sense of responsibility to protect those that have once looked after them.

The old folks taught us and now we need to protect them. As a person that may be a mover or a shaker it's my responsibility to make sure that I give back something to somebody. (Black man delegate)

Anything exploiting the seniors I am going to be front and center making sure it doesn't happen, seniors are the ones that helped me get to where I am, I am heavily mentored by seniors in my community or in my fraternity, my neighborhood and my church. Seniors know that they have a real voice with Delegate Tarrant. (Black man delegate)

All the legislators interviewed for this study felt that this bill was non-controversial. There is no difference among legislators based on gender, race, age, legislative tenure, or constituency. The legislators felt as if the elderly were a special group deserving of special advocacy. While some legislators were able to make personal connections to senior citizens, either because they themselves were seniors, were caretakers of elderly parents, or were mentored by senior citizens, the legislators were able to make an individual association with who this bill would help. Other legislators felt that they had a responsibility to protect the elderly. This feeling can be attributed to personal connections and/or a moral compass. In both instances, legislators in this study incorporated aspects of their experiences or identity in the decision making progress.

Conclusion: A Comparative Analysis

Unlike the Religious Freedom and Protection of Civil Marriage bill, the Financial Exploitation of the Elderly bill became law with unanimous support in both chambers.

The first bill never made it out committee and is unlikely to do so next session. The legislators interviewed for this project clearly identify the elderly as a special group that needs their advocacy and special legislative attention. While some legislators, such as a Black woman senator, took issue with characterizing *all* elderly as vulnerable, she stated, “the part of the bill that is bothersome to me is the age 68. Some 68 year olds are pretty swift - Bernie Madoff being one of them!” But overall, the legislators felt a responsibility to protect this vulnerable population. This finding directly contrasts with the legislators’ view of LGBTQ community as needing special advocacy as a vulnerable population.

When asked to explain the decision making process between a controversial and a non-controversial bill situated around consensus and cross-cutting issues, legislators were implicitly regarding to a hierarchy of groups that they felt were deserving of their advocacy. Bills were viewed as controversial or non-controversial based on the specific population that was affected by the legislation. As example, one African American man delegate said that the Financial Exploitation of the Elderly bill was not controversial, so he would vote for it. The legislators viewed this bill as a “no brainer” - as articulated by an African American woman delegate - because it centered on protecting senior citizens. Seniors are a deserving group in their status as a vulnerable population. To no fault of their own, because of their declining mental and physical abilities caused by the normal aging process, the elderly are more susceptible to abuse. Seniors are often thought highly of in the community for their past work and current ability to share tidbits of wisdom with younger generations.

Juxtaposed with seniors who are a vulnerable population due to the life cycle are the LGBTQ community who are thought of as not deserving special attention because they may choose to become part of a vulnerable population. The legislators in this study did not question the “nature vs. nurture” debate surrounding differences in sexual orientation. However, they did not feel that this community required special advocacy because of their situation. The LGBTQ community is vastly seen as a non deserving population. By comparing a deserving and non deserving population to the differences in the rhetoric around rights and protection, it is plainly obvious that legislators are more comfortable extending their legislative abilities to assisting the deserving population. When asked about the marginal communities that the legislators feel need their voice in Annapolis, a great majority of the legislators responded that senior citizens and children do. Not one legislator mentioned the LGBTQ.

There is little difference between the policy preference of Black women and men legislators. However, this is a tentative finding given that I was not able to interview a representative sample. Black women legislators born in the 1960s-70s are more likely than Black women legislators born in the 1950s and earlier are more likely to hold progressive views on issues regarding sexuality. This younger generation is likely to favor extending civil rights to other groups. Therefore, in the near future perhaps Black women legislators will not resemble Cohen’s (1999) finding that Black political elites will not be active participants in further marginalizing disadvantaged subgroups. Additionally, because Black women are outpacing Black men in gaining elected office (Smooth 2006) Cohen’s (1999) finding may not hold true if younger Black women have an increased presence in legislatures. The conclusions drawn from this chapter suggest

that it may be beneficial to incorporate a generational analysis when comparing intra group policy preferences.

Chapter Five: Anti-domestic violence legislation

Domestic violence occurs across all races and classes. However, women of color have a unique relationship to anti-violence programs and politics. Straus and Gelles (1975) reported that African American husbands had higher rates of severe violence towards their wives than White husbands. Communities of color often tell women to keep silent about sexual and domestic violence to maintain a united front against racism. Unfortunately, racial justice organizing has generally focused on racism as it affects men and has often ignored the forms of racism and sexism that women of color face. As a result, women of color have often been marginalized due to both racism and sexism (Crenshaw, 1995).

By exploring select anti-domestic violence legislation proposed in the 2009 legislative session of the Maryland state legislature this chapter examines how Black women combine descriptive and substantive representation in their policy preferences. Unlike their male counterparts, the Black women legislators understand how anti-domestic violence legislation uniquely impacts women of color. Using Crenshaw's concept of political intersectionality – where feminist and anti-racist politics marginalize the intersectional politics of women of color, I detail how Black women legislators employ an intersectional analysis of anti-domestic violence legislation.

I find that Black women legislators in Maryland more likely than Black men, White men, and White women to mention domestic violence as a policy priority. Given the silence around domestic violence in the Black community, it is not a surprise that only Black women delegates bring up this topic. Similarly I find that Black women

legislators are more likely to discuss the role that race plays in domestic violence situations. Building upon the larger argument of this study that identity mediates legislative decision making, this chapter empirically illustrates the role that both race and gender play in representation on the issue of domestic violence.

In a broader context, and more relevant to the findings of the dissertation, these domestic violence bills are important to explore because they provide an indication of the legislators' policy priorities. This chapter demonstrates that Black women are needed at the legislative table because they have different policy preferences than Black men and White legislators. While I did not include questions about anti-domestic violence legislation in the in depth semi structured interviews, the legislators unsolicited responses give an indication of what types of bills are the legislators' minds. It is important to note that during the two-week period in which I conducted interviews there were several domestic violence bills before the legislature. Therefore, domestic violence might have been on the forefront of the legislators' mind. However, not all legislators mentioned domestic violence bills during the interview. Specifically, eleven out of the fifteen Black women delegates mentioned anti-domestic violence legislation. Senators did not mention anti-domestic violence legislation; hence the data in this chapter focuses on the House of Delegates in Maryland. Only one White woman spoke in depth about the domestic violence bills and another casually mentioned domestic violence as a cause for which she feels a special connection. No men, of any race or ethnicity, mentioned anti-domestic violence legislation. While I did not originally anticipate that Black women legislators to talk about anti-domestic violence legislation in the interviews, I did expect their

intersectional identities to affect what they do as legislators, who they represent, and how they represent this constituency.

Domestic Violence as a Distinctive Intersectional Issue

Domestic violence impacts women and men from all racial and ethnic groups. Domestic violence also transcends class boundaries. Yet, anti-domestic violence organizations find that there may be compounding factors for women from minority communities, including limited access to legal advice, racism, and discrimination against women from Black and minority ethnic communities, increased isolation, family and/or community pressure or collusion to keep the abuse a secret, discriminatory employment practices and reduced access to services. In addition, undocumented immigrant women share these compounding factors. For example, women for whom English is a second language may find language barriers that access to information and services.

Research indicates that domestic violence is tied to racial and socioeconomic make up. Specifically, Staples (1982) suggest that spousal abuse in lower class Black families is seen as the normative expectation, thus physical violence against the wife is natural or necessary. Dennis and Key (1995) research on domestic violence in the African American community found that the majority of the men had incomes less than \$20,000. Cazenave and Straus (1979) found that when income is controlled, Black respondents were less likely to report instances of spousal slapping at every income range except the \$6-11,999 level. Black respondents at both the lowest and highest income categories were less likely to report engaging in these behaviors than White respondents with comparable incomes.

As Crenshaw (1989) documents, domestic violence is an intersectional issue for women of color. Specifically she argues that violence against women is often shaped by other dimensions of their identity, namely race and class. Traditional analysis of identity politics that focuses on a single category fails to understand how issues and experiences of violence against women have intersecting effects. In observing structural intersectionality in a study of battered women's shelters, Crenshaw finds that those shelters are not equipped to deal with the multilayered forms of domination that structure the lives of women of color. For example, many women of color are victims of poverty as well because of racial discrimination in employment and housing practices. As a community, the high rates of unemployment for African Americans make it less likely that women of color can depend on financial support or temporary shelter from friends and relatives. Thus race, class, and gender intersect to further marginalize Black women who are victims of domestic violence.

Next, in examining the politicization of domestic violence, Crenshaw details how women of color "are situated within at least two subordinated groups that frequently pursue conflicting political agendas" (1989, 5). The Los Angeles Police Department refused to release domestic violence statistics for fear that activists from minority communities would believe that domestic violence is disproportionately viewed as a minority problem. While there were legitimate concerns about the misuse of the statistics, many minority activists felt that the statistics would portray Black and Latino men as pathologically violent. Crenshaw finds that the suppression of this information prohibits the broad mobilization against domestic violence within communities of color therefore, further disadvantaging women of color.

Domestic violence as anti-racist politics often silences feminist attempts to expose patriarchy within the Black community. Many communities of color find that feminism is distinctly White and that White women's issues have little relevance to Black issues. Not only does domestic violence have disastrous effects for Black women, it also has an impact on the Black community. Citing data from Women and Violence Hearings, Crenshaw demonstrates that "nearly forty percent of homeless women and children have fled domestic violence in their homes, and an estimated sixty-three percent of young men between the ages of eleven and twenty who are imprisoned for homicide have killed their mothers' batterers" (Crenshaw, 1989, 6).

Race and culture contribute to patriarchal ideas about gender and power within Black politics that prohibit discussion of domestic violence as Black-on-Black crime. In attempts not to "air dirty laundry," African Americans avoid public recognition of domestic violence out of fear that it will reinforce popular stereotypes of the Black community and Black men as violent beings. For example, Crenshaw notes the controversy of Alice Walker's novel, *The Color Purple* within the Black community. Specifically Celie, the emotionally and physically abused central character who triumphs in the end, was a victim of domestic violence. As a result, Walker was harshly criticized for openly portraying domestic violence in the African American community. Because information on and discussion around domestic violence has been suppressed within the Black community in attempts to curtail racist depictions of Black men – which posits that violence against women of color is just another manifestation of racism – domestic violence is consequently not seen as an appropriate issue for discussion.

Throughout her essay Crenshaw further documents how the intersectional identities of women of color affect how they deal with domestic violence. For example, she finds that language barriers for women who are not English proficient are turned away from shelters because they cannot participate in certain aspects of the program. Next, she finds that women of color are least likely to report domestic violence to the police due to racially-motivated police brutality. As a result, Crenshaw argues that social workers and counselors should develop different approaches that account for the intersectional experiences of women of color. To conclude, Crenshaw's findings demonstrate that the intersecting patterns of race, gender, and class produce multilayered dimensions of violence against women of color. Additionally, a history of institutionalized racism through law enforcement has left many African American women with nowhere to turn. These experiences are not represented in feminist or anti-racism discourse alone because their intersectional identities and the experiences and interests of women of color are simultaneously marginalized by both.

In this chapter, I hypothesize that Black women legislators will reference an intersectional analysis in viewing anti-domestic violence legislation. Next, I expect to find that Black women legislators' representational style will draw from their personal experiences. This intimate awareness of domestic violence will enable an understanding of anti-domestic violence legislation that is reflective of their intersectional identity.

Anti-domestic violence legislation

The vast majority of the anti-domestic violence legislation discussed by the Black women legislators centered on HB 1181 – Denial or Dismissal of Domestic Violence

Petitions: Expungement of Records.¹⁵ This bill included a proposal that would have allowed a respondent in a domestic violence protection order proceeding to request expungement of all court records relating to the proceeding if the petition requesting the protection order was denied or dismissed at the interim, temporary, or final protective order stage of the proceeding. Although this legislation generated extensive debate, it was not successful. As presented here, general sentiment around the bill was that it was just plain bad legislation. HB 1181 illustrates how feminist and anti-racist practices often expound identity as “woman” *or* “person of color.” Instead, the Black women legislators draw attention to the ways in which violence against women of color is often located within intersectional dimensions that further marginalize those with intersectional identities.

In what follows, I detail African American women legislators’ comments and argue that these statements demonstrate how an understanding of political intersectionality is necessary in legislating policies that have historically been seen as women’s issues without accounting for the intersection of other categories of marginalization including race and ethnicity. The legislators’ comments weave together

¹⁵ Court records, including those relating to a domestic violence proceeding, that are maintained by a court are presumed to be open to the public for inspection. Generally, a custodian of a court record must permit a person, who appears in person in the custodian’s office, to inspect the record. The Judiciary’s web site also includes a link to a database that provides public Internet access to information from case records maintained by the Judiciary. Maryland District Court traffic, criminal and civil case records and Maryland circuit court criminal and civil case records are available. Records can remain in the database indefinitely and are not removed except for court-ordered expungement. Subject to certain exceptions, a court record that is kept in electronic form is open to inspection to the same extent that the record is open to inspection in paper form. In September 2008, there were 1667 final protective orders that were denied or dismissed for various reasons (*e.g.*, denied because the petitioner could not meet the burden of proof or the petitioner is not a person eligible for relief under the statute; dismissed because of lack of personal jurisdiction, lack of service, the petitioner failed to appear, or the petitioner requested dismissal). In October 2009, there were 1288 final protection orders denied or dismissed, and in December 2008, there were 1334 final protective orders denied. Senate Bill 467/House Bill 1181 (*both failed*) would have provided for the expungement of court records relating to domestic violence protective order proceedings if a domestic violence petition is denied or dismissed.

an understanding of anti-domestic violence legislation that it is indeed an intersectional issue. Also, because the five younger Black women legislators, born after 1960, and three older Black women legislators, born prior to 1960, supported HB 1181, it suggests that greater and sustained scholarly attention should be paid to generational differences within groups. The differences surrounding policy preferences of the eight Black women legislators in favor of the bill juxtaposed to the seven who opposed it highlights that a shared identity taken alone does not mediate the legislative decision-making process in uniform ways.

Intersectional Analysis

In reflecting an understanding of political intersectionality an African American woman delegate finds that HB 1181 further silences women of color by failing to recognize its effects on women of color specifically and the Black community more generally. Using an intersectional analysis, she frames her support for the legislation, explaining that some women were opposed to this bill because they did not want to be seen as weak on women's issues legislation. However, this Black woman delegate alleged that on the surface the bill appears as if it is providing protection for domestic violence victims, who are usually women, yet actually has other longstanding cultural implications. In detailing the bill, she first described the process of obtaining a temporary restraining order. She stated that the bar is set very low for temporary restraining orders because the legal system does not want to create barriers for people who need protection. "It's a good thing that the bar is so low because it gives more people access, but, unfortunately on the other side it gives people who are presumed innocent a huge stigma as an abuser, both men and women." However, she acknowledges that individuals who

have not been victims can also obtain temporary restraining orders. “The bill would cause the accused to be put out of the house for seven days until the hearing. What the bill would say is if it is a TRO (temporary restraining order) that is dismissed by petitioner or the judge that the record would not be used by the public.” This Black woman delegate noted that Maryland has a publicly-accessible on-line database of people accused of crimes. Some people on this list have yet to be found guilty. Instead, it is a complete list of all people in Maryland who have been accused of a crime regardless of whether the claim was unsubstantiated. For that reason, she believes that if a person was not found guilty or a permanent restraining order was not granted, that the temporary restraining order should be expunged from the record.

Similarly, another African American woman delegate finds that the records should not be open to the public and that judges should have control over the length of time the file is open.

The issue was whether it we should expunge it from public view not expunge it entirely. So the judges, prosecutors and police still have access to these records. To me that was what was important. You can be accused of anything and could go to the cops right now and say keep him or her away from me and they would give me a stay away order against you and it will be in your record for the rest of your life. The judge may say later “I’m not going to keep this in place, but for that week it’s on. It could be on your record for the rest of your life and you haven’t done anything. If the judge doesn’t make it a permanent order then you can’t do that.

In explaining the possible negative effects of the bill for Black men one Black woman delegate explained:

To have something like this on their record, it makes it harder and you know what happens, I know black men just like white men can abuse their wives or girlfriends and at the same time Black men can also be unfairly accused, so in the interest of fairness it was important to vote for the bill and the woman’s

caucus went the other way. I didn't look at how the breakdown totally went on the black woman but I think black woman went both ways for the bill.

In yet another intersectional analysis of HB 1181, a Black woman delegate elucidated:

There were a lot of women and men [legislators] who had a problem with that because they believed that if we did this [expunge the record] it would be like protecting the abuser. I saw it very different as a Black woman...I supported the legislation because I believe that the public record should not reflect an unsubstantiated claim and not create a stigma for people when the allegations aren't proven to be true...What does it mean then if a Black man can't get a job to support his family. That's not right, especially if the TRO is unsubstantiated, this man should not be denied a job. What does it mean then if a Black man can't get a job to support his family? It adds extra pressure on the Black woman to make ends meet and take care of the family. What does that do for the community? A large number of Black men without jobs is not good for the community as a whole.

These Black women delegates make connections to their race and gender in this intersectional analysis of this domestic violence bill to conclude that it is a bad bill if one fails to understand how minority women are impacted by this legislation. Because HB 1181 does not include an anti-racist component, these delegates find that Black women are consequently marginalized by the legislation. These African American delegates find that legislators should not protect Black men at the expense of Black women. As such, these delegates are in favor of maintaining a low bar to obtain temporary restraining orders and expunging unsubstantiated claims.

This intersectional analysis of domestic violence is rooted in Black feminist theory. These Black women delegates applying the Combahee River Collective Statement to domestic violence legislation – “struggling with Black men *against* racism but also struggling with Black men *about* sexism (Combahee River Collective, 1986, 12). Next, these legislators display a commitment to third wave Black feminism in which they

critique social structures that hinder Black advancement by understanding gender dynamics and inequality. In sum, these delegates are in conjunction with tenets of Black feminism by asking Black men to take responsibility for their actions if found guilty of domestic violence, yet understands that racism plays a large role in societies depiction of Black men and do not want to needlessly continue to disadvantage Black men because of their race.

Another Black woman legislator understands the negative impact of racialized and gendered biases in legislation that disproportionately impacts her district where an overwhelming majority of her constituents are African American.

In Prince Georges¹⁶ we have more domestic violence, Prince Georges County than anywhere else in the state. Clearly that's a crime that affects more women and so you are conscious of that when you are making a decision about it.

Furthermore, this delegate explained the differences that arose on the floor between some members of the women's caucus. Her intersectional identity caused her to view HB 1181 differently than some of her female colleagues. She expanded on another Black woman delegate's depiction of the rift in the women's caucus over this bill:

We had an issue on domestic violence and expunging records from public view when the claims are dismissed or denied. I think that some of the woman's caucus felt very strongly about that issue and some felt differently. Well I don't know if that is a good example. In the minority community we see a lot of barriers to employment and that may be more of a minority experience than with others. Frequently, arrest records, domestic violence, civil records and things of this nature whether they go forward or not can be a barrier to employment, so we may see more of that in the minority community than others.

¹⁶ According to the 2000 census, Prince Georges County is 64% Black and 11% Hispanic. Only 30% have a college or higher and the annual per capita income is \$29,789.

The African American women delegates reference above exemplify an intersectional analysis of their understanding HB 1181. Juxtaposed to the Black women delegate's intersectional perspective of HB 1181 are one White woman delegate comments. This delegate was the only White woman legislator in this study to explicitly discuss the domestic violence bills. When asked if she had a particular affinity to any particular group within her constituency she answered "because I started coming down to Annapolis advocating for issues on domestic violence and sexual assault women's issues that still remains with me...My soul is women's issues, but most specifically domestic violence, sexual assault and child abuse." This White woman delegate clearly sees herself as fighting for women's issues. She is known in her district and the Maryland legislature as a champion of women's issues. Perhaps this is why Delegate Hecht was the only White woman interviewed who spoke explicitly about anti-domestic violence legislation.

However, in this White woman delegate's feminist commitment to anti anti-domestic violence legislation, she misses how the bill has a racial component. Through her feminist point of view, this delegate's comments on the unforeseen deflection of younger Black women delegates from the Women's caucus' opposition to HB 1181.

What came out of the first one [HB 1181] was I brought it to the Women's Caucus when I realized it was on third reader. Assuming that the Women's Caucus might this bill, that natural coalition [of women legislators] would coalesce around this bill to kill it – and much to my shock and education, the young minority women from the urban areas were not against the bill. In fact, they were for the bill. It was really interesting and it's something we are going to have to the Women's Caucus talk about.

When asked to explain why she believes that the young Black women legislators from urban districts supported the bill this White woman delegate said that she would like to

talk with those legislators and learn more about why they favored the bill. She also felt that young Black women legislators also needed to learn from the women legislators of her generation. Additionally, this White woman delegate expresses her desire to learn from the young Black women delegates. She is looking to expand the dialogue on this subject as well as share her experiences as a dedicated women's rights advocate with the women who supported HB 1181.

It was really a very important lesson to me and I need to share with them what I think and they need to hear from us. I don't think we as pioneers [first sizable cohort of women to enter the Maryland legislature] can assume that they have the same experience about domestic violence and child abuse and the whole thing that we fought for. The same as the women that fought for the rights for us to vote and so many women don't take that or use that right. So it's probably the same thing we don't realize what everyone had to do to come to this place to give women opportunities. So it's important to me that we talk to both sides of that and have a dialogue. I'm actually looking forward to it.

This White woman delegate's comments can be interpreted as being parochial and condescending toward the young Black women delegates, yet she understands that Black women's experiences have given them a different perspective in how they view domestic violence. Or perhaps, this delegate's comments illustrate her wish to talk about differences in policy preferences on women's legislation. As a longstanding champion of women's issues legislation this White woman delegate is committed to a feminist perspective of a universal or essential woman whose gendered identity largely shapes how she experiences and views the world. This sole perspective, as documented in Crenshaw's (1989) findings does not readily lend itself to anti-racist understandings of how legislation can have negative intersectional effects on Black women. Instead, Delegate Hecht's comments illustrate that a feminist only approach did not allow her to understand some of the Black women delegates' favorable view of HB 1181. Indeed this

experience has altered this delegate's views on natural coalition partners as well as the role race plays in legislating women's issues bills. HB 1181 led her to take a more complicated and nuanced approach to identity politics. Lastly, this White woman delegate's comments indicate that an intersectional approach is not beyond the capacity of Whites.

The Black women delegates' response above most aptly represent Crenshaw's conceptualization of political intersectionality. Their comments illustrate an understanding that the impact of inequalities and their intersections to political strategies have consequences that lie outside the traditional depictions of feminist or anti-racist tactics (Jordan-Zachary, 2007, 256). Because Black men legislators did not address anti-domestic violence legislation, it is likely that they do not view it as a legislative priority. Perhaps, as Crenshaw finds, Black men may not consider domestic violence as Black on Black crime and therefore, thusly it does not warrant their attention. As presented earlier, Black male legislators in this study overwhelmingly contend that their legislative agenda was heavily influenced by race. Several male legislations remarked that they do not include a gendered perspective in legislative decision making. Taken in tandem with Black men's silence on anti-domestic violence legislation and the White woman delegate's feminist perspective, it is clear that Black women's intersectional analysis of HB 1181 is a byproduct of their own intersectional identities.

Other legislators commented HB 1181 was not a good bill, namely it did not protect victims. The legislators' intersectional approach to understanding who the bill would affect led them to conclude that the legislation was flawed. Additionally, these legislators commented on the dissonance between the women's caucus.

African American women are not selfish. I come down and begin to look at the bills that are being put forth. Like the Domestic Violence Bill that was just on the floor. I have a little problem with this bill here. I'm not so sure if this is a good bill and if it's going to help woman that are experiencing domestic violence. I think this might be a little setback here. (Black woman delegate)

Similarly, an African American woman delegate invoked her identity in helping her to understand that all domestic violence bills are not designed to protect the victim

We all bring our own personal identity and our own personal experiences to what we do... We talk about the issues, today it was domestic violence and we passed two bills that will help protect victims of domestic violence. There was another bill that sounded like it would help people. We quickly understood as we discussed the bill that this was a bad bill. It had very little to do with protecting. It's those kinds of experiences, and you sit there and listen, things are not always explicitly said, you have to be able to comprehend and reason, who exactly supported this bill?

Another Black woman delegate echoed her Black women colleagues' worries about the bill.

Recently a big issue that came up was our bill that would allow people who are accused but the complaints are not substantiated for domestic violence to have their records expunged. The issue for me in the bill was not whether to allow those people to get their record expunged if they weren't determined to have committed the abuse. Women of women's caucuses saw that as a woman's issue and domestic violence issue. But, I saw it as a fairness issue.

While the legislators expressed some confusion as to who the bill would help, the women's caucus lobbied successfully to kill the bill. As floor leader, the White woman delegate's role was instrumental in the failure of HB 1181. With immense pride, she commented that "we were able to stop bad domestic violence bills."

Speaking for the sub marginalized groups

As expected, Black women legislators' personal experiences impact their legislative decision-making. Unfortunately, some Black women delegates have had personal experiences with domestic violence that enable them to intimately understand who the legislation would impact. Whether as victims or witnesses of domestic violence,

these Black women delegates expressed that their personal connection to domestic violence provided them a first-hand perspective on the legislation.

One African American woman delegate was a victim of domestic violence. Her experiences allow her to service as a victims advocate in the Maryland legislature:

[My understanding of this legislation] It goes deeper than that. I was actually a victim of domestic violence in my first marriage. When we were debating that bill I listened to the attorneys. As far as their legal perspective, I realized I needed to speak as a victim and be the face and the voice of thousands of victims that aren't here in the legislature and don't have a voice. I was able to share my story and put forth my perspective. It was very well received and very well respected by my colleagues, as opposed to the legalese. People who looked at me would never think I had ever survived anything so traumatic. My colleagues were very supportive of my perspective. The newspapers carried the story and I was on Fox TV. You know legislators are people too.

Similarly, an African American woman delegate finds that her experiences with domestic violence and other abuses cause her to advocate for victims. Additionally, her story of overcoming obstacles to allows her to serve as an example for others in bleak situations.

I have been an adult survivor of child abuse, coming from a home of domestic violence. All of those excuses that people use for not succeeding. Being transparent, and I am a published author written five books, my first book talks about molestation, abuse, drug abuse, and alcoholism the whole nine yards, which a lot of people can identify with. When people see that, that was not a hindrance of me becoming who I wanted to become, when they see this "successful person" and then realize that this person has not always been here, but how it was a process to get here and when they see that they can say "if she can, then I can too.

While some delegates have not personally experienced domestic violence, they have witnessed the tragic consequences of violence down to Black women. They bring this perspective to the types of legislation that they champion. Another African American woman delegate offered this type of response:

A couple of years ago, X had this bill about domestic violence I stood up [in support of the bill]. Not me personally but in my family there was domestic violence. I understood what she was going through. And so the White men look around, you know some Republicans [and then they decide to support the

bill]. Even if I have a bill that they don't want to vote on they sometimes will. It's alright they will vote for it. I have built this [reputation] for over twenty five years. They still respect me; they realize it's for my people.

One Black woman delegate gave another version of a personal connection to domestic violence as a response:

I do, because I see it from a different perspective, I have experienced some of the prejudices, some of the not so friendly family legislation as it impacts woman, like harassment, domestic violence, even though I have not personally experienced domestic violence, I see what it does for other Black women, I support that kind of legislation. Yes, you see it differently; I don't think men see it from the same perspective

Similarly, another African American woman delegate finds that her identity provides a different vantage point in which she views legislation "As a woman in terms of the gender I'm going to interpret a lot of legislation, there are different kinds of legislation come before me such as domestic violence. I see it differently from a male." The Black women legislators in this study find that their identity allows them to bring different sensitivities towards anti-domestic violence legislation.

Analysis

The attention that Black women legislators pay to domestic violence illustrates that they bring different policy preferences than their male and White colleagues. Additionally, because Black women legislators are more likely to reference an intersectional analysis in viewing anti-domestic violence legislation, the public policies they champion may be more likely to be both anti-racist and feminist. This multilayered approach to legislation will hopefully side- step some of the intersectional structural barriers that Crenshaw (1989) documents as prohibiting women of color domestic violence victims from accessing supportive services.

Next, because some Black women legislators have personal connections to domestic violence they are more understanding and committed to assisting other domestic violence victims. The reality that Black women are more likely to be victims of domestic violence increases the chances that Black women legislators throughout the country will have had similar experiences. Once in elected office, these Black women legislators can use their experiences to produce legislation that reflects an intersectional approach to protecting victims. In a representative these voices are necessary in helping to convince their colleagues to prioritize the concerns of domestic violence victims. As the Black woman delegate survivor of domestic violence testimony showcased, her story helped to change the way some legislators were planning to vote on the particular bill.

Additionally, Black women's representational style draw from their personal experiences and an understanding of legislation reflective of their intersectional identity. The quotes above illustrate that Black women invoke their identity in the legislative decision making process. Specifically, they utilize an intersectional analysis of identity that is not found in the representational styles of some White women and men as well as Black men.

Finally, an intersectional analysis of decision making exposes the silences in public policy on discourses of anti-racism and feminism. Because of their intersectional identities, the Black women legislators in the Maryland state legislature are more attuned to the ways in which the junctures of race and gender impact legislation. While it is clear that women bring a different perspective to the legislative process, this chapter has presented evidence that an intersectional vantage point produces different understandings of legislation.

Generational Shift as Seen Through Roll Call Data

HB 1181 presented an interesting study for how Black women vote vis-à-vis White women and men, Black men, and even intra-group differences among Black women legislators. On March 10, 2009 the bill failed on third reading 64-69. Breaking down the roll call vote by legislators' demographics we find eight Black women (five of whom were born after 1960 – the total of the young Black women legislators), six Black men, five White women, and forty five White men voted in favor of the bill. In a similar manner, those voting to oppose the bill were five Black women, ten Black men, twenty White women, and thirty four White men. Two Black women delegates (Jones and Nathan Pulliam) did not vote on HB 1181. Additionally, a Black man (Davis) and a White man (McHale) did not vote. There were four delegates excused from voting, two White women (James and Walkup) and two White men (Murphy and Sophocleus). Of the non voting delegates all were Democrats except Walkup. Table 3 presents a detailed breakdown of roll call votes by race, gender, generation and ethnicity.

Table 3 – HB 1181 Roll Call Votes						
Voting Yea - 64						
Black women born after 1960	Black women born before 1960	White women	Black men	White men	Other women of color	Other men of color
Braveboy	Gaines	Krebs	Anderson	Speaker Bush	Pena-Menyk	Barve
Carter	Harrison	McComas	Branch	Barnes	Valderrama	
Griffith	Turner, V.	Shewell	Conaway	Bartlett		
Gaines		Stifler	Oaks	Beitzel		
Ivey		Stocksdale	Proctor	Boteler		
Levi			Vaughn	Bromwell		
			Walker	Cardin		
				Clagett, G.		
				Costa		
				Dwyer		
				Feldman		
				Frank		
				George		
				Heller		
				Impallaria		
				Jennings		
				Kelly		
				King		

				Kipke		
				Kramer		
				McConkey		
				McDonough		
				Miller		
				Minnick		
				Myers		
				Norman		
				O'Donnell		
				Olszewski		
				Riley		
				Rosenberg		
				Schuh		
				Schuler		
				Serafini		
				Shank		
				Smigiel		
				Stull		
				Weir		
				Wood		

Not Voting – 4						
Black women born after 1960	Black women born before 1960	White women	Black men	White men	Other women of color	Other men of Color
	Jones		Davis	McHale		
	Nathan-Pulliam					

Voting Nay – 69						
Black women born after 1960	Black women born before 1960	White women	Black men	White men	Other women of color	Other men of color
	Benson	Aumann	Burns	Barkley	Gutierrez	Ali
	Glenn	Bates	Cane	Bohanan	Lee	
	Howard	Beidle	Carr	Bronrott		
	Kirk	Bobo	Haynes	Conway		
	Robison	Clagett, V.	Holmes	DeBoy		
		Doory	Rice	Donoghue		
		Dumais	Stukes	Elliott		
		Eckardt	Tarrant	Elmore		
		Frush	Taylor	Frick		
		Haddaway	Turner, F.	Glichrist		
		Healey		Guzzone		
		Hecht		Hammen		
		Hixson		Hubbard		
		Jameson		Hucker		
		Kaiser		Kach		
		Krysiak		Lafferty		
		Kullen		Levy		
		Love		Malone		
		McIntosh		Manno		
		Mizeur		Mathias		
		Montgomery		Morhaim		
		Pendergrass		Niemann		
				Reznik		
				Ross		
				Rudolph		
				Sossi		
				Stein		
				Waldstreicher		
				Weldon		

Excused (Absent) – 4						
Black women born after 1960	Black women born before 1960	White women	Black men	White men	Other women of color	Other men of color
		James		Murphy		
		Walkup		Sophocleus		

The roll call data indicate that Black women were divided. Black men were practically divided and White women overwhelmingly opposed HB 1181. Ideally, both Black men and women legislators would have mentioned HB 1181 which would have

provided analysis of why certain Blacks were against expungement and others were not. Yet, because of patriarchy and gendered dynamics in the Black community, this is not the case. This is part of the puzzle which illustrated that scholars should examine within categories among Blacks and Black women more specifically. What is interesting is how Blacks – specifically Black women – are coming to different conclusions.

The attention-grabbing roll call votes were the dissention among the Black women legislators where eight voted for in favor of the bill and five voting against it. Five Black women delegates under the age of 45 voted in favor of HB 1181. Joining the five younger Black women¹⁷ legislators were three Black women delegates¹⁸ born before the year 1960. As mentioned by the White woman delegate, it was the younger Black women delegates from urban areas who were in favor of this bill. Additionally, as the previous chapter detailed there is a noticeable difference in the policy preferences and decision making factors that Black women delegates born after 1960 include in the legislative process. The roll call votes indicate that age or generational differences account for vote differences between Black women. All of the five Black women that opposed HB 1181 were born after 1960¹⁹. This pattern is reversed for Black men. Black men delegates born before 1960 were more likely to support HB 1181²⁰.

There is no noticeable generational difference among White women delegates. The majority of White women legislators in this study were more likely to oppose HB 1181. Roll call data indicate that White men were more likely than White women to support HB 1181. A gender split is present for White legislators as well. However, this

¹⁷ Delegates Braveboy, Carter, Griffith, Ivey, and Levi.

¹⁸ Delegates Gaines, Harrison, and V. Turner

¹⁹ Delegates Benson, Glenn, Howard, Kirk, and Robinson

²⁰ Delegates Anderson, Branch, Oaks, Proctor, and Vaughn. Delegate Walker is under 45 but voted with his Black male counterparts in support of HB 1181.

split is attributed to partisanship as the greater part of White women legislators who supported HB 1181 are Republicans. Indeed, the majority of the White men who supported this bill are also Republicans. There are no partisan differences between the African American legislators as they are all Democrats.

Breaking down by legislators' demographics to investigate their roll call votes reveals that generation influences intra-group voting behavior on this particular bill. As the White woman delegate pointed out, this is cause to further explore policy preferences and the decisions behind the votes of women delegates as well as Black women as a demographic category. The younger Black women delegates vote on distinctly intersectional women's issue legislation differently than older Black women delegates. Because this same generational divide did not occur with White women or Black men, this is cause to extend our examination of Black women legislators. Additionally, as younger legislators enter the body, legislature-specific focus should be placed on generational differences and the policy preferences of these newcomers. In sum, Black women legislators' intersectional identities affect what types of issues they champion, who they represent, and how they represent their constituents.

Conclusion Chapter: Findings & Implications for Future Research

This dissertation has examined political representation and the role that identity plays in the legislative decision-making process. Through multi-method techniques, this research has shown that Black women Maryland state legislators are more likely than White men, White women, and Black men to express a rhetorical commitment to the effects of race, class, gender, and generation have on the legislative decision making process. Not only do Black women articulate an intersectional perspective in the context of legislative processes, they are more likely to use identity as a factor in the decision-making process. In adding to the growing body of literature on intersectionality and Black women's political preferences, this dissertation advances some evidence of a generational shift between Black women legislators who were born after 1960 and their older counterparts.

The analysis demonstrates that legislators incorporate identity into their legislative decision-making. African American women legislators are the only demographic group in this study who employ an intersectional analysis in the legislative decision-making process. Specifically, African American women's reliance on identity in the legislative process seems to denote a distinctive difference from the White and Black men legislators. Black men utilize a racialized approach in their decision making processes and the White women incorporate a feminist understanding toward legislative decision-making. The White male legislators in this study acknowledged that identity matters in the legislative decision making process. However, they were either reluctant to include their own identity in the process or unable to articulate it.

Contrary to my initial expectations, Black women legislators did not use feminism per se as an analytical category to mediate the legislative decision making process. Instead, similar to their male counterparts, Black women legislators articulated race as a metalanguage approach to the legislative decision-making process. When not employing an intersectional approach, the African American women legislators were more likely to use a racial lens in legislative decision-making. This finding suggests that for some Black women legislators “race trumps gender.” However, I argue that the majority of the time the Black women legislators had difficulty in parsing out their gendered and racialized identities, instead relying on an intersectional approach to legislative decision-making.

I also examined the self-perceptions of legislative influence of the Black women legislators. I find that Black women legislators report that racing-gendering does not prohibit their legislative influence. In fact, some legislators did not mention race or gender as factors in obtaining legislative influence and instead articulated that tenure and leadership status plays a larger role. Some Black women legislators found that their identity enables them to overcome obstacles created by institutional hierarchies based on racing-gendering. This evidence from my fieldwork shows consistency with Smooth’s (2001, 2005, 2008) findings.

My analysis included systematic analysis of legislators’ decision-making processes regarding the Religious Freedom and Protection of Civil Marriage bill and the Financial Exploitation of the Elderly bill in the Maryland state legislature. I examined how the identity of those targeted in legislation affect legislators’ decisions. In chapter four I hypothesized that Black women legislators would be more empathetic to the

LGBTQ community because of their own experiences with double marginalization. Because of African American politicians' reluctance to support cross-cutting issues, I expected less support among Black men legislators for the Religious Freedom and Protection of Civil Marriage bill. Finally, I expected Whites to be more supportive than Black of the Religious Freedom and Protection of Civil Marriage bill because of Blacks' historic relationship with their LGBTQ.

That analysis concluded that Black women legislators were just as likely as Black men to oppose the Religious Freedom and Protection of Civil Marriage bill, a cross-cutting issue. This finding is consistent with Cohen's (1999) portrayal of Black elected officials' failure to address the needs of the Black LGBTQ community. However, Black women born after 1960 were more supportive of the Religious Freedom and Protection of Civil Marriage bill. These younger Black women legislators viewed this bill in terms of civil or human rights and supported the position that marriage benefits should be extended to all people. White legislators, both men and women, were more likely than Blacks to support the Religious Freedom and Protection of Civil Marriage bill and framed this issue as civil/human right.

I compared the discussion of this bill with the Financial Exploitation of the Elderly bill, a consensus issue. Here I did not expect to see any differences between legislators who differed in gender and by race or ethnicity. Indeed, all legislators were much more supportive to protecting the rights of the elderly than they were with respect to LGBTQ people. In this regard, Maryland state legislators were more likely to represent constituents without sub-marginal identities. Therefore, contrary to my

hypothesis, having a marginalized intersectional identity does not make Black women legislators more likely to represent the needs of marginalized communities.

The last chapter examined anti-domestic violence legislation. This analysis utilized statements made by Maryland state legislators on a controversial domestic violence bill. Because I did not include questions in the prepared questionnaire about domestic violence legislation, responses relevant to this legislation were given as unsolicited responses during the interview. The fact that some legislators brought up the issue provides an indication of what types of bills are in legislators' minds. Chapter five showed that African American women draw from their personal experiences and an understanding of legislation reflective of their intersectional identity. Additionally, this finding suggests that Black women legislators are needed at the legislative table to provide an intersectional analysis to anti-racist and feminist legislation.

In sum, this project illustrates that Black women legislators' use of identity in the legislative process differs from Black men, White women, and White men. African American women legislators are more likely to employ an intersectional approach to legislative decision-making. This intersectional approach is most readily viewed in the types of legislation that the Black women legislators mentioned, co-sponsored, or provided as an example of how their identity influenced their decision-making. The female African American legislators were the only demographic group to express a commitment to an intersectional identity. In addition, this research showed that Black women express a rhetorical commitment to racial identity, similar to the male counterparts, more so than a feminist commitment. This finding supports Higginbotham's (1992) concept of race as a metalanguage for Black women legislators.

Generational Differences

This study unearthed an interesting finding that has yet to be fully examined by women and politics or Black politics scholars. This dissertation provides evidence that younger Black women have different policy preferences, vote differently, and/or articulate representation differently than Black women born prior to 1960. However, there is not such a noticeable divide among Black men. Interestingly, the Black women legislators all negotiate the decision making processes and racing-gendering of the legislature similarly. Consequently, the dissertation concludes that the differences are really around policy preferences on social bills.

This observed difference points to an ongoing trend in Black politics research but has yet to include a serious analysis of Black women elected officials. Little is known about third wave Black women politicians. Pointing to Congresswomen Yvette Clarke of New York and Laura Richardson of California as the only Black women born after 1960 to gain prominence on the federal level and Heather McTeer Hudson as mayor of a small city, Gillespie (2009) asks where the third wave women are. Gillespie finds that post-civil rights generation women in contrast to their male counterparts are concentrating their efforts on local and state elected positions. Lawless and Fox (2005) find that quality women are less likely to consider running for office and when they do consider running for office they are more likely to run for lower-level office. Consequently, focusing on Black women legislators in the Maryland legislature this study presents an opportunity to learn about the women in this new Black politician cohort. These highly ambitious state

legislators are likely to run for higher office in the future, therefore it is useful to understand how their intersectional identities impact their representational style.

This new generation of African American politicians, often called the third wave²¹ of the “new Black politics” is decidedly different than their predecessors. For starters, they were born or came of age after the civil rights movement, “their education (i.e. they were educated in Ivy League and other White institutions in addition to law schools while beginning to build their political careers), and their potential (i.e. they have realistic chances to hold higher executive office and legislative positions more frequently than any other generation of Black leaders” (Gillespie, 2009, 139) Examples of the third generation of Black elected leadership are President Barack Obama, Artur Davis, a congressman from Alabama, Adrian Fenty, the mayor of Washington, D.C., Congressman Harold Ford, Jr. of Tennessee, and Rhodes scholar mayor of Newark, New Jersey, Cory Booker. As Ford posits we are “part of the ‘diversity generation’ that grew up valuing difference rather than mediating racial strife” (Samuel, 2007, 3). This generation has ostensibly lived the dream and represents a generation of Black Americans who do not feel cut off from the larger society. The third wave generation are heirs to the civil rights movement. They are also determined to move beyond the mood and methods of their predecessors to conceptualizations of toward improving Blacks ability to live the American dream.

The third wave Black politicians are more likely to utilize a deracialized strategy and engage in more moderate politics. Bositis (2001) finds that these new Black leaders

²¹ The first wave of Black politicians achieved electoral success directly after the Voting Rights Act of 1965 and is demarcated by the time period 1965-1988. The second wave of Black politics is characterized by the prevalent use of a deracialized campaign strategy during the late 1980s and early 1990s such as the mayoral races of David Dinkins (NYC), Norm Rice (Seattle), John Daniels (New Haven), Chester Jenkins (Durham), and Douglas Wilder as governor of VA. (Gillespie, 2009, 142)

benefited for the successes of the civil rights movement. They were able to live in integrated neighborhoods and attend predominately White schools. Their integrated lifestyle makes them less likely to relate to the civil rights struggle (Bositis, 2001, 3-11). This generation of Black politicians have faced backlash from the civil rights generation. Namely, some find that this new generation is untested and does not have a clear agenda to organize their candidacies (Martin, 2003). Also, older Black elites find that this generation may be a tool for White elites to replace older Blacks with a civil rights agenda with younger less threatening Blacks. In an interview with *Savoy Magazine* political scientist, Ronald Walters expressed his skepticism of White political elites and new third wave Black politicians:

[The White power structure] would rather supplant [the old guard] with a far more accommodating leadership. They are going to pit them against the so-called old leadership because they have been threatened by the interests and power of the Black leadership who really have the influence and control of Black people (Walters quoted in Marin, 2006, 56).

This generation has had their race loyalty questioned by Blacks of the civil rights generations. As witnessed in Obama's unsuccessful bid for U.S. House of Representatives in 2000 against former Black Panther Bobby Rush in which the narrative of the race became the Black Panther against the professor (Scott, 2007). Another example of old guard race politics and third wave Black politicians is Mayor Cory Booker of Newark. His unsuccessful 2002 bid for mayor is documented in the Academy Award nominated film "Street Fight" that documents Booker's attempt to unseat 16 year incumbent Sharpe James and the role that racial authenticity plays in Black politics. Both Obama and Booker were criticized for not being Black enough. However, these

unsuccessful bids have helped Obama and Booker subsequently launch successful campaigns.

In the early 1980s, popular media began to label women in their teens and twenties as the “post feminist generation” (Bellafante, 1998; Bolotin, 1982; Whittier, 1995). This term applies to women who benefited from the women’s movement and have benefited from expanded access to employment, education, and new family arrangements. The idea of post feminism has led to significant debate, since this term connotes the death of feminism and because it incorrectly implies that women have achieved full equality with men (Coppock, Haydon, and Richter 1995; Overholser 1986; Rosenfelt and Stacey 1987; Whittier 1995). Scholars have found that young women are less likely to self identify as feminists and are more depoliticized than their feminist foremothers (Rupp, 1998; Stacey 1987). However, these young women also express feminist ideals without labeling them as such (Henderson-King and Stewart 1994; Morgan 1995; Percy and Kremer 1995; Renzetti 1987; Rupp 1998; Stacey 1987; Weis 1990).

Scholars have labeled these young women, most of who came of age in the 1990s, as third wave. The wave structure, which is problematic (Guy Sheftall 2002), classifies feminist activity into sections. The first wave is embodies the suffrage movement and the fight for a Equal Rights Amendment (ERA). The second wave includes women’s struggle for reproductive freedom, job equality, and the left over goal of the ERA. The second wave is also characterized by the feminist battle cry “the personal is political.” Third wave feminists’ lives have been criticized for lacking clear political struggles (Baumgarder and Richards, 2000). Third wave feminists are more likely to use

alternative spaces, such as personal stories and memoirs to explore political, social, and cultural phenomena. Baumgarder and Richards find that third wave feminism has distinct political goals such as: “equal access to the internet and technology, HIV/AIDS awareness, combating child sexual abuse, globalization, struggling against body images, and advocacy for a comprehensive view of women’s sexual health” (2000, 21). Third wavers are more likely to support feminist goals and be more politically active than the majority of the post feminist cohort, especially those who came of age in the 1980s (Whittier 1995). Furthermore, third wave feminist are more likely to make connections between racial, sexual, and gender identities (Heywood and Drake 1997, 7).

Although women may not self identify as feminist, they have incorporated feminist principles in to their lifestyles. Stacey finds that “young women have semiconsciously incorporated feminist principles into their gender and kinship expectations and practices” (1991, 262). Young women take for granted women’s work opportunities “combining work with family, sexual autonomy and freedom, and male participation in domestic work and child rearing” (Stacy 1991, 262). Therefore feminism has been depoliticized for young women who grew up with the benefits of the women’s movement.

African American women have argued that the women’s movement marginalized issues of race and class. Specifically, Hill Collins (1991) argues that the women’s movement place White, middle class concerns at the center of its political agenda. The ideas of women of color were ignored. Despite claims that the some feminist organizations were universal, instead women of color were not full participants (Hill Collins, 1991, 7). As a result, some women of color have rejected feminist identities.

Because women of color to do not accept a feminist label does not mean that they are anti-feminist. Instead, African Americans are more likely than Whites to support feminist positions, to favor egalitarian role attitudes, and to engage in collective action (Hunter and Sellers, 1998).

Table 4 outlines the Black women legislators born after 1960. This table includes their educational background and profession.

Table 4
Black Women Legislators Born after 1960

Name	Birth date	Highest Degree Earned	Profession
Senator Lisa Gladden	October 6, 1964	JD; University of Maryland	Assistant Public Defender
Delegate Aisha Braveboy	July 29, 1974	JD; Howard University	Assistant General Counsel
Delegate Jill P. Carter	June 18, 1964	JD; University of Baltimore	Sole practitioner lawyer
Delegate Melony Ghee Griffith	June 5, 1963	MSW; Howard University	Clinical Social Worker
Delegate Jolene Ivey	July 30, 1961	MA; University of Maryland	Freelance Writer
Delegate Gerron Levi	July 1, 1968	JD; Howard University	Senior Lobbyist

The third wave Black women legislators of Maryland have several things in common. These women are highly educated. First, they all have advanced degrees - four of out of the six have law degrees. Next, they attended predominately White institutions for their undergraduate scholarship. Linda Williams (2001) finds that Black women and men have higher overall educational levels than White legislators. Indeed, Black women have the highest educational levels of all four race-gender groups. She also demonstrated similar situations for occupational data in which a higher percentage of Black women held jobs perceived to be 'high prestige,' followed by Black males, White males, and

then White women. Williams contends that the old “adage that Black parents often tell their children, ‘You’ve got to work twice as hard to get half as far,’ seems to partially explain the puzzle of Black women’s success in winning public office” (2009, 314).

In her examination of race and gender to better understand the political attitudes of post-civil rights generation Blacks, Andrea Simpson finds the young women interviewed for her project expressed tension between racial and gendered identities. In citing Allen, Epps, and Haniff (1991), Simpson points to Black women on predominantly White campuses as outnumbering Black men by two to one. However, she finds that Black women fare better academically than Black men. This finding was recently addressed by Brown University President, Dr. Ruth Simmons, on the *Tavis Smiley Show* in which she discussed the differences between how Black boys and girls are socialized. Dr. Simmons finds that Black girls are taught to listen, follow instructions, and to be model citizens. These characteristics are rewarded by teachers and Black girls find that they excel in the classroom. In contrast, Black boys are often unruly, disruptive, and more individualistic. These are not traits that lend themselves to a successful academic career. Dr. Simmons finds that teachers are less tolerant of this conduct and thus more likely to put Black males with these behavioral issues outside of the classroom. As a result, Dr. Simmons finds that Black boys and young men drop out of school to pursue other venues whereas Black girls and young women remain in school and go on to advance their education in college and beyond.

Since 1990 Black women have increased their four-year college graduation rate to 48 percent. For Black men’s college graduation rate lags at 37 percent. Sixty-five percent of bachelor's degree recipients are Black women, nearly double the number of their male

counterparts, according to the U.S. Department of Education. And the education gap between the two sexes is projected to continue. This finding represents the national trend where a majority of the bachelor's degrees are now awarded to females in every racial/ethnic group (National Center for Education Statistics). However, Mortenson (2009) finds that "Black women feel this gender imbalance more acutely than do other women of other racial/ethnic groups because it has been a problem in the Black community far longer than in other population groups." This achievement gap has garnered significant attention by both Black and White scholars. Dr. Anthony Young, past president of the National Association of Black Psychologists, points out that "Black women more than men are getting an education because of problems endemic within the Black community: low self-esteem, lack of Black-on-Black encouragement, and ultimately Black men buying into the belief they can't afford or compete in a higher education environment" (Ballard, 2002, 1). If Black men are not getting an education, where are they? According to recent statistics from the U.S. Department of Justice, approximately 1 of every 4 Black males between the ages of 17 and 27 is involved in the criminal justice system.

Black women's education attainment and Black men's lack of formal education combined with their high incarceration rates points to a sustained need to investigate gender dynamics within the Black community. This trend suggests that Black women will have the skills to achieve elected office while large populations of Black men will be explored from the franchise. As Smooth (2006) outlines Black women are the new Black voters due to the ever increasing number of Black men who lost suffrage due to felony disfranchisement laws. Smooth points out that an intersectional perspective helps to shed

light on gendered issues within the Black community as opposed to a feminist approach would only highlight women's issues. Thus, the achievement gap is likely to produce more Black women than men voters and elected officials. As a result, I posit that the face of the third wave Black politician will be Black women in the years to come.

As compared to Black women legislators of the civil rights generation, the younger Black women legislations have achieved different educational successes. Some legislators' internet profile lists that they attend institutions of higher learning but does not list a degree, perhaps these legislators did not graduate. These legislators are Gaines, Glenn, and Turner. Others did not attend college at all. Delegate Ruth Kirk did not attend college. Dissimilar to the younger generation of Black women legislator, some of the older Black women legislators attended community college (Delegates Glenn, Turner and Senator Carter Conway). Of the fourteen civil rights generation Black women Maryland legislators, six attended historically Black Colleges and Universities (Delegates Benson, Howard, Robinson, and Turner in addition to Senators Kelley and Pugh). Unlike the predominance of lawyers in the younger cohort of Black women legislators, the civil rights generation is more likely to be teachers and/or majored in education in college (Delegates Benson, Gaines, Howard, and Harrison). Indeed, none of the 14 older Black women legislators are lawyers. As a nurse, Delegate Shirley Nathan Pulliam is only healthcare professional in her cohort. Senator Delores Kelley is the only Black women legislator to have a Ph.D. Like the third wave Black women legislators, several of the civil rights generation Black women legislators hold advanced degrees (Delegates Benson, Howard, Nathan Pulliam, and Robinson along with Senators Pugh, Jones, and Kelley).

As previously stated, four of the six younger Black women legislators are lawyers. Perhaps, the observed generational differences can also be attributed the possibility that legal training and influences how this younger cohort thinks about civil liberties and the employment of a legal lens. The perceived generational differences among them are on law-related issues - domestic violence: expungement of the record bill and the religious freedom and protection of civil marriage bill, which centers around legal rights. As lawyers with a civil liberties background, these Black women legislators may be more likely to view these issues differently than their counterparts.

The older generation of Black women legislator has far greater educational diversity than the younger generation. This may do to less racial barriers for the younger women to achieve educational success. Certainly for the oldest members of the Maryland legislature, Delegates Kirk (age 78) and Harrison (age 81) received a segregated education prior *Brown vs. Board of Education* (1954) which certainly impacted Blacks access to quality education. Additionally, unlike the older generation of Black women legislators, the younger Black women legislators had the option to attend predominate White institutions of higher learning in addition to historically Black colleges and universities. Younger Black women legislators also had the opportunity to attend law schools, where older generations of Black women were most likely steered to careers in education.

The third wave Black women legislators have benefited from the struggles of the civil rights and women's movement. As third wave²² Black feminist Joan Morgan

²² referring to a younger generation of women in the 1990s who were certainly influenced by their feminist foremothers but would define feminism differently and in some ways reject what they perceived to be the doctrinaire aspects of an ideology, mainstream feminism, that they both respect and find limiting (Walker 1995, xxxiv)

comments, daughters of the post-feminist, post-civil right, post-soul hip hop generation that younger Black women are reaping the benefits of the struggles that older Black women suffered through. These third wave Black women politicians are privileged from battles that older generations endured to produce a more accepting society of raced and/or gendered bodies. Morgan theorizes that some Black women of this generation are “college-educated, middle-class Black girls, are privileged because we now believe that there is nothing we cannot achieve because we are women, though sexism and racism might fight us every step of the way” (Morgan, 1999, 59). However, Morgan points out that referring to third wave Black feminists as post-Civil Rights or post-feminist does not indicate that the goals of those movements were fulfilled or no longer relevant to third wave Black feminists. The new generation of Black women legislators are aware of the challenges and obstacles they face as women of color, yet their education and professional backgrounds prove that they have been advantaged by the intersection of their race and gender. Next, because education is liberalizing socialization method, perhaps Black women’s experiences with other cultures and viewpoints have allowed them to view social legislation differently than their civil rights generation counterparts.

In providing context to third wave Black feminism, Kimberly Springer differentiates generational differences between Black and White feminists to find that younger Black women pay homage to their feminist foremothers from whom they modeled their politics after. “As young White feminists are seeking to step outside of what they consider rigid lifestyle instructions of their feminist foremothers (e.g., stylistic and political), young Black women are attempting to stretch beyond the awe-inspiring legendary work of women like Fannie Lou Hamer, Coretta Scott King, Ruby Doris Smith

Robinson, Barbara Smith, bell hooks, and Angela Davis” (Springer, 2002, 1068). In doing such, third wave Black feminist reach beyond the Ivory Tower to effectively make a difference in the lives of others.

However, because there are such few Black women foremothers that achieved elected office and most of Black women’s politics have been outside of the traditional forms of political engagement, the third wave Black women legislators do not have direct legacies to follow. For example, Black women political elites such as Shirley Chisholm and Barbara Jordan did not have children. So unlike third wave Black male politicians who come from Black political families (i.e. Jesse Jackson Jr., Harold Ford Jr., Kwame Kilpatrick) few Black women political elites of the civil rights generation had children to pass direct political lineage onto. Unlike like Latina politicians of the civil rights generation (Garcia et al., 2008) Black women political elites of this generation by and large did not have families. Of the third wave generation Black women legislators in this study, only two have children (one is married and the other is divorced). While the feminist movement created space for Black women to enter into previously male dominated fields and disrupted other gender norms within the family structure, Black women of both generations do not seem to be able to achieve a balance between a professional and personal life. Perhaps this finding points to a pipeline issue.

None of the Black women legislators, regardless of generation referred to themselves as feminist. Therefore, I do not want to stretch beyond the voices my research subjects to label their comments as something other than what they would. However, I find that a feminist analysis, specifically a third wave Black feminist analysis helps to contextualize the how younger Black women legislators are excelling in a discriminatory

society that continues to marginalize the theorizing of Black women, who but themselves honor and respect the contributions that generations before them have made as they continue the legacy of struggle to end racism, sexism, heterosexism, and classism.

Linda Williams (2001) finds that post civil rights generation Black women state legislators are least likely to consider economic redistributive programs and civil rights issues as their legislative priorities. Unlike their predecessors, third wave Black women state legislators serve on more the more powerful monies communities. It is in this new venue that post civil rights Black women state legislators' exhibit racial consciousness (2001, 325-326). However, Williams finds that retrenchment of race based policies and programs of the 1990s, when the data was collected, provided an inhospitable climate for Black women state legislators to pursue a civil rights agenda. Therefore, her findings are not generalizable to include an analysis of post civil rights generation Black women state legislators in 2009.

Instead, I posit that third wave Black women state legislators are committed to racial and gendered issues. Their understanding of political phenomena is colored by their generation's privileged background of benefiting from the civil rights and feminist movements. Therefore, this vantage point leads new Black women legislators to view public policy differently than their civil rights counterparts. The third wave Black women legislators are more likely to pursue an encompassing political agenda that understands the intersections of race and gender but is not built or sustained around identity alone. Similar to their male counterparts of the third wave Black politician generation, Black women legislators may pursue a strategy of deracilization but as this dissertation finds identity plays a role in the legislative process. In this manner, Black

women legislators are alike. However, the younger cohort of Black women legislators express policy preferences differently than their older counterparts as influenced by experiencing the benefit of the civil rights and feminist movements. As a result of their experiences, generational differences are noticed in the way third wave Black women legislators express their policy preferences. This new perspective is beneficial in a representative democracy in adding to the pluralistic approach of policy formation. These generational perspectives lead to a new understanding of social phenomena and how to better legislate issues of difference.

Third wave Black women legislators bring distinctive and intersectional differences to the Maryland legislature. The younger cohort of Maryland's African American women legislators are multi-faceted, well educated, and likely to have a long and successful political careers. Future research is needed to fully examine the intra-group differences between Black women. Hopefully, the third wave generation of Black women legislators highlighted here will gain elected offices at the federal level similar to their male counterparts to provide for a gender comparison between post civil rights generation Blacks.

Future Directions in Intersectionality Research

Here I present future implications for empirical research on intersectionality. I address the applications of intersectionality theory and propose new ways to utilize the theory. Scholars have begun to locate the intersection of race and gender in analyzing the importance of intersectionality in descriptive and substantive representation (Hardy-Fanta et al. 2005; Paxton, Kunovich and Hughes 2007; Garcia Bedolla, Tate and Wong 2005). This scholarship breaks from the additive and multiplicative approaches to studying

Black women political elites that combined theories of race and gender, yet did not explore the ways in which race and gender interact to produce a new category of understanding identity. These studies have focused on inter-group representation. While an intersectional approach to understanding the effects of both race and gender in representation are necessary, more research is needed on understanding intra-group representation (Orey et al 2006). This approach to empirical intersectional research avers that no single aspect of a person's identity can explain how they view the world and his or her experiences. As Orey et al detail, disaggregating data into race, gender, and political parties allows researchers to fully understand the dynamics informing representation in state legislatures (2006, 100).

This dissertation advances that scholars should explore the intra-groups differences among Black women legislators. This study points to the need to create models to empirically study the ways in which difference is recognized within groups not just between groups. I find that beyond disaggregating the group of "women" or "Blacks" scholars must look within those categories to locate the ways in which an intersectional approach to empirical analysis of representation illustrate group differences. While scholars have long advanced that notion that African American women as a group have specificities informed by the intersection of both race and gender in their lived experiences that provide a unique worldview from their racial and gendered counterparts, it is necessary to further explore differences *among* Black women. For example, this dissertation points to intra group differences between Black women legislators on the bases of generation. It is feasible that other social markers such as geographic region, sexual orientation, generation, or parental status may produce other

cleavages between Black women legislators. These differences point to the need to further specify our models. In order to fully utilize an intersectional approach to studying difference, scholars should investigate differences within group, paying special attention to subgroup membership.

As either a positivist or an interpretivist approach to intersectionality, scholars should be reflective in the pursuit for knowledge. In *PS: Political Science and Politics* symposium “Fieldwork, Identities, and Intersectionality” implored scholars to enhance our own awareness of the role that our of our own and that of our subjects’ identities, and that such a design is a tool for negotiating those identities in the field. Such a reflexive understanding of identity is needed to produce new insights into political phenomena. The effect of the race and gender of the researcher produces different outcomes. Scholars engaged in qualitative research must be cognizant of their own identity in preparing for, conducting, and analyzing research. This reflexive account exposes bias and advantages in how researchers understand the experiences, meanings, and politics of those that they research. Therefore, all scholars – not just minority researchers, should include details of the effect their identity had on the research they produced. In this way, identity is used as a lens to simultaneously explore power and social relations in a more complex manner than solely presenting findings on the identity of the researched. Studies that take seriously the complexity of identity must include how context effects the questions asked and answered, the ways in which subjects view the researcher, as well as how privilege and access are built in markers of identity.

Next, while the dissertation was informed by a deductive design – built upon existing theory, it also incorporated an inductive element that permitted the researcher to

have an open mind and let the research findings guide the design. This inductive design enabled me to find generational differences between Black women legislators as explored in chapter five. Lastly, inductive research provides a unique opportunity for theory building.

Finally, there are enormous benefits to incorporating an intersectional analysis into the study of representation. Such an approach would delineate complexities in identity to further showcase how White males are the unmarked norm in American society in general and political actors' in particular. An intersectional approach will allow scholars of representation, not just scholars of women and minority politics, to investigate how Whiteness and maleness are privileged. Using an intersectional approach would examine the ways in which identity that of their constituents, as well as of the identities of political elites inform representation. Additionally, utilizing an intersectional approach to identity problematize the ideal of a static and monolithic American citizen. Hancock finds that "the goals of American democracy require us to integrate groups that are marginalized" (2004, 154). Similar to other theorists (Williams, 1998) who expose the belief that more diverse voices are beneficial for deliberative democracy²³, I find that perspectives of marginalized groups contribute to the legitimacy of political decisions reached through democratic deliberation. It is clear that many different forms of social diversity will enhance the deliberative process, and "that marginalized group perspectives constitute a dimension of pluralism which will contribute at least as much to the comprehensiveness of political decisions as any other" (Williams, 2000, 131). Sub-marginalized groups may see things and understand social forces differently than the

²³ Deliberative democracy is a conception of democratic politics in which decisions and policies are justified in a process of discussion among free and equal citizens or their accountable representatives.

majority. This sub-marginalized perspective on social forces may be extremely valuable for the formulation of good public policy (Cohen and Rogers, 1995, 42-43; Young 1997). Following this premise, it is important to study intra-group distinctions, specifically utilizing an intersectional perspective, to examine the ways in which high-quality public policy is achieved through the legislative tactics of sub-marginalized group as best illustrated in chapter four of this dissertation. An intersectional analysis presents reasons why the perspectives of marginalized subgroup members demonstrate that social policy might improve. The dynamics of deliberation through which marginalized sub group perspectives could reshape public policy can be used to help dismantle the social structures of inequality.

Why Continue to Study Black Women Legislators?

African American women are central to Black political representation. Namely, Black women have achieved elective offices more than Black men since 1990 (Orey et al 2006). Bositis finds (2001) that the increase in the number of Black elected officials can be attributed to Black women. Recent CAWP data and Smooth (2005) have demonstrated that while overall women's election to state legislatures has begun to languish (Sanbonmatsu 2005) that in 1998 African American women saw an increase of twenty eight percent. Since 1992 African American women and Latinas have outpaced African American and Latino men (Garcia Bedolla, Tate, and Wong, 2005; Smooth, 2006; Tate 2003; Bositis 2001; Fraga et al., 2006). As a result, female legislators have become more racially and ethnically diverse. Gender diversity is higher among Blacks and Latinos than it is among White congressional and state legislators (Bratton, Haynie, and Reingold, 2008; Fraga et al. 2006; Garcia Bedolla, Tate, and Wong, 2005; Montoya,

Hardy-Fanta, and Garcia; Smooth 2006; Tate 2003). These findings have been attributed to the creation of majority-minority districts (Smooth 2006) and strategic intersectionality (Fraga et al. 2006). Once in office, scholars argue that Black women are positioned to be aware of and respond to the demands of diverse interests of racial/ethnic and gender representation. This finding illustrates that Black women legislators are more likely to view race/ethnicity and gender as intersectional forms of representation (Barrett 1995, 1997; Bratton, Haynie, and Reingold 2006; Carroll 2002; Garcia Bedolla, Tate, and Wong, 2005).

This trend suggests that women and politics scholars as well as Black politics scholars must begin to employ an intersectional analysis of identity. No longer can discussions of race not include gender and vice versa. New questions should be explored that recognize the totality of identity. At least as a starting point, scholars must examine the ways in which race is gendered and gender is raced. Researchers must seriously investigate sub group membership within categories of difference. It is no longer sufficient to solely study women and politics or Black politics. Instead, scholars should explore the diversity among groups and the varied experiences that lend itself to better explaining political phenomena. Next, scholars should not only problematize issues surrounding the intersection of race and gender, but include other social forces as well in order to stay at the forefront of our fields. Scholars should incorporate factors such as generation, disability, language, region, culture, and sexual orientation (to name a few examples) to understand how this new wave of women of color legislators identify. As this research demonstrates this generation of Black women legislators view identity as more encompassing than that of just race and gender identities. While the intersection of

race and gender are organizing principles at times in the legislative decision making process, these legislators also incorporate other aspects of their identity as well. Scholars should be sensitive to the ways in which multiple identities influence the legislative process.

The sheer growing number of Black women elected officials speaks to the continued need to study this population. The difference in how these women express identity signifies the requirement to move towards an encompassing intersectional methodological approach. This dissertation contributes to furthering the study of Black women legislators.

Appendix A – Methods

Data Analysis

All fifty one interviews were transcribed from audio to text by a professional transcriber which provided for greater accuracy of the interview data. The interviews were coded based on themes that emerged from the transcripts. I then looked for patterns from which to draw comparisons. Once distinct patterns were discerned, I thematically organized the interviews around context and legislator identity. Because I went back and forth with my thematic conceptualization and the transcripts to look for connections and disconnections, part of the process of coding was simultaneously involved in the data analysis. Beyond what the legislators told me during their interviews, I also included research on the specific legislation, participant observation with the legislators and their staff, and demographic information about the legislators' districts. The inclusion of these extra-interview data helps to substantiate the information that was provided through the interviews as well as helps to confirm the legislators' words and actions.

This dissertation consists of my own interpretation of the data as well as my considerations of what story to tell. From the recorded interviews, participant observation, biographies, and case studies, I selected quotes that validate my central argument. However, the process of selecting quotes is a subjective element of the analysis process. But I am confident that the subjectivity was purposively done to substantiate the claims that I make rather than being based on particular preferences for certain interviewees or one perspective. By attributing each comment to the legislator that made them, I am held accountable for accurately portraying their words

Negotiating the Insider/Outsider Status

Throughout this study I include my experience in negotiating the insider/outsider status because I believe it influenced what legislators told me or refused to tell me. The change in the social status and backgrounds of many social scientists has engendered concerns with the “insider” versus “outsider” dichotomy (Scott, 1985). Sociologists have argued that ascriptive categories such as race, class, and gender matter in our studies and thus should be discussed (Chung, 2007; Collins 2000). They contend that a researcher of a particular race is just as much an insider to a particular group vis-à-vis sharing the same race as he or she can be an outsider by having another status as a researcher. Collins (2000) finds that people of color are placed in a particular position as outsiders within. She suggests that one’s racial identity is constructed by power differences and that minorities have various lenses that help them to understand the dominant group. All the while, minority researchers are made aware to their privileged or othered position in comparison to the group that they are researching. As a result, the minority scholar has to juggle oppositional roles by maintaining distinct insider/outsider repertoires. The minority scholar is part of the privileged sphere of academia, however which is a role as a researcher may also be contested by Whites. However, the minority scholar can be advantaged due to certain shared experiences or culture that can lead to a level of identification between the researcher and the researched. In turn, the minority scholar can better articulate that information in the best possible way to those who lack access to the researched group.

In my case, the issue of identity and its multiple constructions affected my qualitative methods. Because of my identity as an African American woman who received an education from a historically Black college or university [HBCU] and hold membership in a historical African American sorority [also known as Black Greek Letter Organizations], I held inside status with several of the legislators that were interviewed. As mentioned briefly above, my identity most likely played a role in what legislators told me and in their decision to grant me an interview. However, this section of the chapter will detail the ways in which my insider/outsider status influenced the study. The insider status allowed me to access gatekeepers (for example, referenced in my introduction to the Black caucus as detailed above). This insider status was facilitated by a number of aspects including: a shared racial background, a shared gender identity, cultural respect for higher education, my age and appearance as younger than what I actually am, and an understanding for cultural norms. Additionally, many of the legislators and staff saw me as an insider as emulated what De Andrade recalls in her work that: “the participants perceived me as a member of the next, upcoming generation, and they viewed the interview as an opportunity to express their hopes and expectations about how my generation would engage in the [author’s identity] cultural life” (2000, 238).

For example, one Black woman legislator born prior to 1960 told me that she granted me an interview because it was important to document the stories and experiences of trailblazing women such as herself so that young Black women would have a successful model to replicate themselves after. Many Black legislators expressed that they are where they are today because they stand on the shoulders of giants who paved the way for them. They hope to be those giants for future generations interested in

serving 'our' community. To illustrate this point Senator Lisa Gladden told the story of her great grandfather, Ned Rawles, a member of the North Carolina House of Representatives during Reconstruction. Representative Rawles was born a slave in 1857. Despite his slave status, Ned Rawles attended Shaw University and later became a mathematics teacher in North Carolina. Rawles ran unsuccessfully in 1885 for the House of Representatives. In fact, that year the ballot boxes were burned to keep African Americans from achieving elected office. Rawles ran again in 1889 and won. His bid in 1894 was also successful. While Rawles electoral success can be attributed to his determination, skill, and political abilities, Rawles' father in law was U.S. Senator Matt Ramson (who married a slave woman named Allison). The influence of former Confederate General Ramson may have helped Rawles achieve his position in the North Carolina House of Representatives. When Reconstruction ended, Rawles lost his seat in the N.C. House of Representatives. He later successfully sued the state of North Carolina for \$50 for failing to pay the remainder of his salary when he was ousted by White supremacists. Senator Gladden proudly displays Rawles' picture in her office and retells his story because it exemplifies the African American expression of standing on the shoulders of giants. Senator Gladden said that she is where is today because of Ned Rawles. I believe that Senator Gladden went into depth about her great grandfather not only because she is proud of his accomplishments, but that she was being interviewed by an African American woman who shares the common history of slavery. Also, because I shared with Senator Gladden that my father's side of the family is from Eden, North Carolina and were slaves to the Hairstons (the wealthiest Southern family in the decade leading up to the Civil War) we had a unique connection. I am very familiar with slavery

in North Carolina because my Aunt, who is the keeper of our family records, and I work closely to uncover our genealogy. Senator Lisa Gladden most likely would not have shared Ned Rawles' story with a non-Black researcher or a researcher who was less familiar with slavery in North Carolina.

Many of the cultural comments were not made on tape but were gestures or innuendos. One older Black woman legislators seemed to be uncomfortable in openly discussing racial differences. Instead, when she would refer to Whites she would hold up the palm of her hand. When she was referring to Blacks she would say "us" or hold up the back of her hand. It was fairly common for many of the Black legislators to refer to Blacks as "us" and Whites as "them" during the interviews. One Black male legislator would refer to Whites as "you know who" instead of explicitly stating Whites. It was readily accepted that I was a racial insider in the manner in which the legislators referred to "us" or "we" as compared to "them." Indeed, almost all of the Black legislators made reference to our common racial background in how they discussed their identity. I never asked the legislators to detail who they were referring to as "us", "we", or "them" because I understood what they meant at all times.

In gaining access to the legislators, I would often speak with staff members to inquire about being put on the legislators' schedule. The majority of staff members for the Black legislators were also African American. The staff members are gate keepers of the legislators' schedules and I understood that it was important to make a good impression on the staff if I hoped to speak with certain legislators. The staff members inferred certain aspects about me based on my identity. One inference was based on my class background. As a PhD student, some staff members believed that I was middle class

because I was pursuing a higher degree. For example, a staffer in Senator Pugh's office mentioned that I had an obligation to give back to the less fortunate because I had been blessed with the opportunity to go to school. This staffer commented on her work with inner city Baltimore youth who do not have Black role models. She said that I should serve as a mentor for young Black girls who did not think that college was accessible. During this conversation, the staffer said that I had no idea what it was like to grow up in poverty and not have a future. This staffer inferred from my professional status and educational background that I was middle class.

Conversely, other staffers assumed that I was a 'poor student.' Perhaps because I would eat my lunch (a peanut butter sandwich and bottle of water) in the state house while waiting to talk with legislators, the staffers – and at times legislator - who witnessed my paltry meal assumed that I was poor. For example, my interview with Senator Pugh was pushed back due to her busy committee schedule, the Senator informed her staff to "feed the child." Senator Pugh's birthday was the previous day and the staff had prepared a large home cooked lunch for the celebration. There was smoked turkey, macaroni and cheese, greens, and a banana pudding. The staffer that was instructed to 'feed me' said "I know you must be hungry. I saw you eating that dry sandwich. I remember what it was like to be in college – you always need a good home cooked meal." The staffer then went on to ask me the last time I had a 'good meal' and that she knows college students struggle. The following day, a staffer for Delegate Valdermma took me lunch because she said she would want someone to take care of her daughter in college in the similar manner. The staffer said "I know you can't afford to eat like you

should.” I was extremely grateful for the hospitality that was shown to me and for the good food.

Also working in my favor, is the fact that I am petite. Numerous comments were made about my small size “what are you, a size 1?” or I know you don’t eat “your pants are falling off you” and my all time favorite “baby, you look like you need a meal – you’re an itty bitty thing.” Some of the younger staffers, usually interns, told me about ‘free food’ at the Delegation Night. I was told that the Delegation Nights were great opportunities to eat good food for free and that as college students we should take advantage of this opportunity. Indeed, during the Delegation Night I surrounded myself with the younger staffers/interns and visited three Delegations. That night, I had four plates of food.

Several legislators and staff members are members of Black fraternities and sororities and because I am a member of Delta Sigma Theta Sorority, Inc. I had an instant connection with some legislators and staff. For example, one staffer was my sorority sister. Her legislator scheduled an interview with me prior to my arrival in Annapolis. While waiting in the legislator’s office to speak with him, his staffer became friendly with me. We learned that we were sorority sisters. Upon completion of the interview the staffer/soror asked me how the interview went. I confided in her that I was a bit disappointed in the interview. Namely, her legislator gave me canned political answers that were extremely politically correct and vague. The staffer/soror told me that the legislator acted this way because he was “trying to sound professional” since he was a freshman. She then told her legislator, in front of me, that I was her soror and to “keep it

real” with me because I was “good people.” The legislator than told me to come back for a “real” interview after voting session.

Another is example occurred in an interview with Delegate Keith Haynes, a member of Alpha Phi Alpha Fraternity, Inc. When asked to rate himself on an institutional scale of marginalization from one to seven instead of answering the question, Delegate Haynes asked “why the number seven? Do you have a preference for seven?” When I explained the statistical reasoning about the numbering of the question Delegate Haynes did not seem to be playacted. I then said that I’m a 7 (my number on line) and that seven is the number of completion. Delegate Haynes said that he believed that scale numbering was more than just statistical reasoning and that only a Greek would give preference to numbers. He then briefly told me about his line number before answering the question. Another Greek connection was made with Delegate Shawn Tarrant who is a member of Kappa Alpha Psi Fraternity, Inc. who shares colors with my sorority. Delegate Tarrant said that he was happy to grant me an interview due to our crimson and creme connection. I am sure that Delegate Tarrant would have granted me an interview despite our Greek affiliations, but this comment reflects the connection that Black Greeks have. Next, Delegate Frank Turner is a member of Omega Psi Phi Fraternity, Inc. which is often considered the brother fraternity of my sorority. Delegate Turner told me that he was an Omega and was pleased to see Deltas doing positive things. Several of the younger staffers were members of Iota Phi Theta Fraternity, Inc. One of the staffers became a member of his organization the same year and semester I did (we are called sands because we crossed the burning sands into our organizations). This staffer would later refer to me as “sands” and lobbied his legislator on my behalf to grant me an

interview. An intern in Senator Pugh's office was also a member of Iota Phi Theta Fraternity, Inc. and influential in helping to set up interviews with other Senators. Upon learning that I was a member of Delta Sigma Theta Sorority, Inc he started to ask if knew any of the sorors on his yard (campus) or any of his fraternity brothers at Rutgers University. Because I knew some of the same people he did and had good relationships with them, this intern said that I was good in his book. He later proved to be very instrumental in my securing interviews with other Senators. This intern called eight other staffers that he knew and told them to schedule me for an interview with their Senators. Because of his assistance, I was able to interview three Senators who had previously denied my request to interview.

Akin to membership in a Black Greek Letter Organization (BGLO) is attending a historically Black college or university (HBCU). There is a special bond among people who attended and graduated from HBCUS. Many of the staffers and legislators attended HBCU's and because I graduated from Howard University there was an instant connection. For example, Delegate Jay Walker also graduated from Howard University, which our mascot is a bison. Delegate Walker would refer me as Bison during my time in Annapolis and let me know that if there was anything that he could do for a fellow HU grad to let him know. Several legislators are graduates of Morgan State University in Baltimore who is one of Howard's rival schools. Delegate Walker jokingly told me that it was good to be around Bison since he was surrounded by Morgan people. Another example of HBCU connection came from two staffers who are graduates of Morgan State University. Although the staffers initially teased me for attending Howard, they said would always "look out" for me since they had love for people who went to HBCUs.

However, my Howard affiliation was not always perceived as being positive. I overheard one staffer who went to Coppin State University saying that Howard folks thought they were better than other HBCU graduates. I didn't address this statement because it was not made directly to me but also because I would have nothing to gain by responding to her statement. While there is playful teasing and competition among HBCU graduates, there is also a hierarchy of sorts between those that attended the flagship schools²⁴ and those that did not.

Lastly, my gendered identity influenced my interactions with legislators and staff as well. For example, Delegate Hecht, a known feminist activist, talked to me in depth about women's issues and how being a woman impacted her decision to run for office and the types of legislation that she championed. Because Delegate Hecht was scheduled to be in her committee hearing during the interview I asked her if she needed to cut the interview short. Delegate Hecht told me that talking to a young woman about women's issue was more important than that particular hearing. My academic grounding in feminist theory and familiarity with the women's movement enabled me to fully engage in Delegate Hecht's conversation. My affiliation with Rutgers University also yielded preferential treatment around gender issues. Because Rutgers University is known for the Center for American Women and Politics (CAWP) many of the staff and legislators were willing to talk to me about gender issues. For example, Senator Lisa Gladden was a resident faculty in NEW Leadership which is a CAWP program that educates students through programs that teach about women's participation in politics and policymaking, cultivate leadership skills, and build networks between participants and community

²⁴ Howard University, Hampton University, Morehouse College, Spelman College, and Florida A& M University

leaders. Senator Gladden informed me that she really enjoyed the program, its message, and what it accomplished. She said it was an asset for young women. Furthermore, Senator Gladden commented that when she noticed my Rutgers affiliation she was eager to grant me an interview. Next, a staffer in Delegate Adrienne Jones' office was preparing to attend Run Sister Run, a CAWP program that helps women of African descent in the political arena to increase their numbers in elected and appointed office at all levels. The staffer was excited to talk with me about Rutgers and CAWP. I was able to tell her about the people, give a more personalized description of the program, and let her know what to expect. The staffer said that because I helped her 'prepare' for the program that she would squeeze me onto Speaker Pro-Tempe Delegate Jones' extremely packed schedule. The staffer told me that because there were so few women involved or interested in politics that we needed to stick together.

Next, when interviewing women legislators the majority of them made inclusionary remarks such as "us" when referring to women and "them" when referring to men. For example, when asked about how identity matters in the legislative process Delegate Veronica Turner said "you know how we do, baby. Black women can make a dollar out of fifteen cents." While this is clearly a cultural reference to Black women being able to make a way out of no way with little assistance, it is also a gendered remark. Delegate Turner included me in her characterization of Black women in her statement "you know how *we* do, baby." It is unlikely that Delegate Turner would have made this culturally based comment to a Black male. Similarly, Delegate Pena-Melnyk discussed the challenges of being a mother and politician. She said that while she always makes time for her family, especially her children, but that there are times that she has to

make tradeoffs between what she will be able to do and what her husband will do. While she wants to participate in every aspect of her children's lives, she is a professional woman who has work related obligations that often prohibit her from doing so. Indeed, Delegate Pena-Melnyk stayed late to interview with me is an example of such tradeoffs that she chooses to make. Checking her watch, Delegate Pena-Melnyk commented that "I'd understand this [situation] one day." Delegate Pena-Melnyk's statement refers her understanding of what it means to be a working mother. It also denotes that she believes I too will one day be a working mother. Again, I doubt that Delegate Pena-Melnyk would have made this comment to a male researcher.

Lastly, I profoundly felt my gender when interviewing some of the male legislators. One legislator called me baby girl throughout the interview. Another one said that I looked like "a young tender" he used to date. He then asked how old I was and then compared our age difference. One male legislator commented on my boots and said that he liked the way I wore them. Another male legislator cussed profusely around me and made jokes that were not meant to be told in mixed company.

I also felt my gender while in the legislative waiting room uploading my interviews. The waiting room is a large room with a vending machine, tables, and chairs. I set up my computer and notes on an empty table towards the back of the room. There were union members waiting to meet with several legislators after voting session but prior to committee meeting. The union members and their hired lobbyist were going over their notes and what legislators they wished to speak with. The union members were all men with the exception of one woman and their lobbyist was a man. The lobbyist made several comments about Senator Pugh's wardrobe and her body. The union members also

concurred that Senator Pugh was extremely attractive. Then one union member told the lobbyist it was ok to make those types of comments because the woman union member who was present was used to those types of comments. I do not believe that the union members or their lobbyist noticed me in the back of the room. However, I found it very disturbing that those comments were made especially since they only spoke about the way the Black woman senator looked. While the lobbyist was a Black man and all the union members were White, I interpreted this situation akin to urinal talk. Race did not matter in this conversation as much as gender did. Also, I believe that the reason the union members and their lobbyist felt it was acceptable to talk about Senator Pugh in that way was because she is a Black woman. Because of African American women's historical and stereotypical portrayal of being lascivious and wanton it is 'natural' for men to sexually desire Black women because they are less than virtuous. While this conversation did not impact my access to legislators or what legislators told me in the interview process, it does point to the fact that race and gender continue to play a role in American political culture.

Appendix – B

Interview Questions

The Impact of Race, Gender, and Class Intersections on Black Women Officeholders' Legislative Decisions

- 1) Can you describe your district, your constituents, and the people you represent for me?
 - a. Nadia – can you talk specifically who the people are in your district?
- 2) What particular groups or people in your constituency that was particularly important in getting you elected?
 - a. Particular groups/people/organizations – not necessarily in your district that were important in getting you elected?
- 3) Are there people in you district or your constituency who feel a special connection to you? Can you tell me about that?
 - a. Who are they?
 - b. Why?
 - c. Are there people in your constituency that you share a special connection with?
- 4) Do you think your background/ personal characteristics matters in how your constituency sees you?
- 5) Do you think your identity (specifically – tailored to reflect the legislators racial and gendered make up) matters in how you see/interpret legislation?
- 6) Do you think your identity (specifically – tailored to reflect the legislators racial and gendered make up) plays a role in the legislative process? If so, how?
- 7) In general, do you believe identity effects or matters in the legislative process?
- 8) What pressures, if any, do you feel your personal identity brings to bear on legislative decision making?
- 9) Thinking of where you consider yourself within this body where would you place yourself on a scale from 1-7? Where 1 is at the margin of power and 7 is at the center, where do you feel you fit into this body?
 - a. Why?
- 10) How did you come to your position on this policy (HB 1055 or SB 565 - Religious Freedom & Protection of Civil Marriage Act)?
 - a. How did you decide whether you were for or against it?
- 11) How did you come to your position on this policy? Financial Exploitation of the Elderly?
- 12) How if any, did your background/personal characteristics and experiences that influenced the position you took (will take) on HB 1055 or SB 565 (Religious Freedom & Protection of Civil Marriage Act) preferences?
- 13) How, if any, did your identity (specifically – tailored to reflect the legislators racial and gendered make up) matter in this (HB 1055 or SB 565 -Religious Freedom & Protection of Civil Marriage Act) policy context?
- 14) Do you represent marginalized groups?
 - a. If so, what are those groups?

- 15) What is your relationship with marginalized communities? (LGBT, incarcerated, drug users, etc.)
- a. How close to feel to
 - b. Are there active LGBT groups in your constituency?
 - c. Do you feel responsibility to represent the LGBT community?
 - d. Did the LGBT community play an active role in your election
- 16) What is your relationship with the elderly community?
- a. How close do you feel to the elderly?
 - b. Are there active elderly groups in your constituency?
 - c. Do you feel a responsibility to represent the elderly community?

Appendix C: Recruitment letter

February 3, 2009

Dear Delegate _____:

I'm writing to ask for your help with research I am conducting on how identity affects representation among state legislators. My study will examine how legislators view themselves and their constituencies and will help provide a better understanding of legislative decision-making.

I would like to schedule an appointment to interview you for this research sometime between March 10 and March 22. The interview should take only about 15 minutes. Please email me at nbrown22@rci.rutgers.edu with the date and time that would be most convenient for you. If I do not hear from you in the next few days, I will call your office to schedule a time for the interview.

I am a Ph.D. candidate in the Department of Political Science at Rutgers University, and this study is a critical part of my dissertation research. My dissertation adviser is Susan Carroll, a professor of political science and a senior scholar at the Center for American Women and Politics at the Eagleton Institute of Politics. If you have any questions about the interview or the study, please feel free to contact me at 732/932-4044 or nbrown22@rci.rutgers.edu or Professor Carroll at scarroll@rci.rutgers.edu.

Your participation is critical to the success of this project, and I thank you in advance for your contribution to my research.

Sincerely,
Nadia Brown

Footnotes

¹ Evertt Cherrington Hughes, “Dilemmas and Contradictions of Status,” in *The American Journal of Sociology*, March, 1945

² Throughout the dissertation I used the terms “Black” and “African American” interchangeably. I capitalized “Black” because “Blacks, like Asians and Latinos, and other ‘minorities’ constitute a specific cultural group and, as such, require denotation as a proper noun.” (Crenshaw, 1988, 1332 n. 2, citing Mackinnon 1982, 516).

³ The term “intersectionality” refers to *both* a normative theoretical argument *and* an approach to conducting empirical research that emphasizes the interaction of categories of difference (including but not limited to race, gender, class, and sexual orientation). Hancock 2007, 63-64

⁴ See example Cathy Cohen (1999)

⁵ recognizes a priori the role of several categories, such as race *and* gender or race *and* class as equally important yet conceptually independent considerations when examining political phenomena (Hancock 2007, 67)

⁶ It posits an interactive, mutually constitutive relationship among these categories and the way in which race (or ethnicity) and gender (or other relevant categories) play a role in the shaping of political institutions, political actors and the relevant categories themselves (Hancock 2007, 67)

⁷ Strolovitch describes axis issues as those that differentiate between dichotomous choices affecting the entire group rather than incorporating subgroups. This conflates the issue into two separate categories, failing to distinguish between the interests of the majority from the interests of the advantaged subgroup (Strolovitch 2007, 28).

⁸ As of 2009 U.S. Census Bureau estimates, Prince George’s County had a population of 834,560 and was the wealthiest county in the nation with an African-American majority. Prince George’s County has become a stronghold for Democrats running in the state

⁹ Montgomery County has the largest number of marriage bill supporters for a number of reasons. First, there are two openly gay and lesbian legislators (Senator Madaleno and Kaiser) from Montgomery, and this influences their colleagues to support them. Secondly, this jurisdiction is generally known as being more progressive, partially because it is right outside of Washington, D.C. Long before the state did so, Montgomery County passed a smoking ban, a living wage law, a sexual orientation non discrimination law, and a domestic partner benefits measure. Montgomery County’s state legislators are all Democrats, and Democrats tend to answer to constituencies that favor Lesbian, Gay, Bisexual, and Transgendered (LGBTQ) civil rights more than Republicans. Finally, Montgomery County legislators view themselves as “adjunct” Washingtonians, and Washington, D.C. is an incredibly LGBTQ- friendly jurisdiction. It may be that people in Montgomery County are more apt to be out of the closet and free to be themselves than people in other areas of the state.

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¹² Court records, including those relating to a domestic violence proceeding, that are maintained by a court are presumed to be open to the public for inspection. Generally, a custodian of a court record must permit a person, who appears in person in the custodian's office, to inspect the record. The Judiciary's web site also includes a link to a database that provides public Internet access to information from case records maintained by the Judiciary. Maryland District Court traffic, criminal and civil case records and Maryland circuit court criminal and civil case records are available. Records can remain in the database indefinitely and are not removed except for court-ordered expungement. Subject to certain exceptions, a court record that is kept in electronic form is open to inspection to the same extent that the record is open to inspection in paper form. In September 2008, there were 1667 final protective orders that were denied or dismissed for various reasons (*e.g.*, denied because the petitioner could not meet the burden of proof or the petitioner is not a person eligible for relief under the statute; dismissed because of lack of personal jurisdiction, lack of service, the petitioner failed to appear, or the petitioner requested dismissal). In October 2009, there were 1288 final protection orders denied or dismissed, and in December 2008, there were 1334 final protective orders denied. Senate Bill 467/House Bill 1181 (***both failed***) would have provided for the expungement of court records relating to domestic violence protective order proceedings if a domestic violence petition is denied or dismissed.

¹³ According to the 2000 census, Prince Georges County is 64% Black and 11% Hispanic. Only 30% have a college or higher and the annual per capita income is \$29,789.

¹⁴ Delegates Braveboy, Carter, Griffith, Ivey, and Levi.

¹⁵ Delegates Gaines, Harrison, and V. Turner

¹⁶ Delegates Benson, Glenn, Howard, Kirk, and Robinson

¹⁷ Delegates Anderson, Branch, Oaks, Proctor, and Vaughn. Delegate Walker is under 45 but voted with his Black male counterparts in support of HB 1181.

¹⁸ The first wave of Black politicians achieved electoral success directly after the Voting Rights Act of 1965 and is demarcated by the time period 1965-1988. The second wave of Black politics is characterized by the prevalent use of a deracialized campaign strategy during the late 1980s and early 1990s such as the mayoral races of David Dinkins (NYC), Norm Rice (Seattle), John Daniels (New Haven), Chester Jenkins (Durham), and Douglas Wilder as governor of VA. (Gillespie, 2009, 142)

¹⁹ referring to a younger generation of women in the 1990s who were certainly influenced by their feminist foremothers but would define feminism differently and in some ways

reject what they perceived to be the doctrinaire aspects of an ideology, mainstream feminism, that they both respect and find limiting (Walker 1995, xxxiv)

²⁰Deliberative democracy is a conception of democratic politics in which decisions and policies are justified in a process of discussion among free and equal citizens or their accountable representatives.

Acknowledgement of Previous Publications

Junn, Jane and Nadia Brown. 2008. "What revolution? Incorporating intersectionality in women and politics" In *Political Women and American Democracy*, eds. Christina Wolbrecht, Karen Beckwith, and Lisa Baldez. New York: Cambridge University Press.

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