AMERICAN POLITICS

The Macropolitics of Congress. Edited by E. Scott Adler and John S. Lapinski. Princeton: Princeton University Press, 2006. 288p. $47.50 cloth, $21.95 paper.
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— Kathryn Pearson, *University of Minnesota*

In this edited volume, 18 scholars provide new insight into congressional policymaking and the role of Congress in the separation-of-powers system. Taken together, the 11 chapters advance theories of congressional policymaking, analyze links between representation and policymaking, employ impressive new data sets, use a historical as well as contemporary lens to evaluate policymaking and institutional shifts, and, perhaps most significantly, demonstrate that there are many innovative ways to study policy outputs as a dependent variable.

The Macropolitics of Congress grew out of a conference convened by E. Scott Adler and John S. Lapinski designed to stimulate macro-level research on Congress. Noting that most contemporary congressional scholarship analyzes the micro-level behavior of individual legislators, the editors call upon scholars to "refocus a portion of their attention away from the institutional and behavioral trees that so often occupy us and toward the governing forest" (p. 7). They are successful: The heterogeneous chapters cover a broad range of topics, demonstrating the myriad ways in which congressional outputs can be studied. The downside of this approach is that coverage of significant aspects of policymaking is often reduced to a single chapter, such as the effect of public preferences on congressional policy, explored in the chapter by Robert S. Erikson, Michael B. MacKuen, and James A. Stimson. On the plus side, conversations among authors across chapters strengthen the book. For example, in his chapter on "Lawmaking and History," David Mayhew draws upon Charles Shipan's findings that divided government increases the size of the legislative agenda in order to argue that government productivity should be measured on the basis of "actual changes from status quo policies" (p. 242), rather than as a ratio of the policy agenda. Given the rise of small conferences devoted to the study of a specific topic in the discipline, this book is an excellent model of how a conference can bolster scholarship in the field.

Short descriptions of each chapter hint at the innovative ways in which scholars have conceived of congressional performance and productivity, but they cannot adequately address the significant contributions each chapter makes. Keith Krehbiel tests the predictions of pivotal politics theory and the cartel agenda model in a macropolitical framework, specifically under conditions when the party of the president changes and the congressional majority does not and is of the opposite party. John D. Huber and Nolan McCarty develop a game theoretic model of legislative productivity that incorporates bureaucratic capacity. Erikson, MacKuen, and Stimson provide further evidence that Congress responds to public opinion when enacting liberal or conservative legislation. Lamenting the lack of a data set that contains the policy content of roll call votes across history, Ira Katznelson and Lapinski introduce a new, multitiered coding scheme to classify policy substance as both an independent and dependent variable. Their approach will influence analyses of congressional policymaking for years to come.

Valerie Heitshusen and Garry Young develop a new measure of legislative production using data from the U.S. Code from 1874 to 1946, counting the number of sections within each title that were changed by each public law created in a given Congress, summed across the entire Congress. They find that critical elections affect policy production, but divided government does not once the size and unity of the president's party are taken into account. Like Katznelson and Lapinski and Heitshusen and Young, Shipan takes a historical perspective, with data from the 80th to the 104th Congresses, when analyzing the effects of divided government on the size of the legislative agenda.

There is no consensus on whether the role that Congress plays relative to the other branches is a distinct way of defining its performance or whether it is simply a mechanism that affects outputs (p. 7), but it is clear that more research is warranted on Congress's role in the policymaking process relative to the other branches. Several chapters provide excellent examples of such research. Grace R. Freedman and Charles M. Cameron analyze congressional policymaking—its timing and volume—in the domain of telecommunications. They find that more telecommunications laws are enacted when the ideology of the Federal Communications Commission (or the appointing president) is out of line with the ideology of the committees with jurisdiction. Brandice Canes-Wrone analyzes the influence of Congress and the courts on the bureaucracy, specifically the decision of the Army Corps of Engineers to issue permits for the development of wetlands between 1988 and 1996. She finds that Congress plays a greater role: Bureaucratic decisions are influenced by the membership of the House and Senate oversight committees and by the ideological preferences of all floor members.

Adler and David Leblang show that the composition of Congress matters when added to models of economic performance that typically only consider the partisanship and the president. Mayhew updates his time series of landmark legislation to include the "unusually productive" 107th Congress (p. 246). By comparing the "September 11th" Congress to other sessions spanning major national

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crises, Mayhew shows the limitations of existing models of legislative productivity and unanimous votes.

In the concluding chapter, David Brady reminds readers that "macropolitics seeks to understand the nature of the equilibrium between mood, elections, institutions, and policy and to explain how an equilibrium shifts" (p. 253). Political science has made considerable advances—in this volume and elsewhere—in this domain since Joe Cooper and Brady first called for the study of the macropolitics of Congress in their landmark 1981 *American Political Science Review* article. But it is also clear that considerable work remains. This book succeeded in meeting its first objective: helping to develop new, important work on macropolitics research (p. 11). It is too soon to know whether it succeeded in the second, providing "an impetus for a new wave of macro-oriented research, specifically involving Congress" (p. 11), but given the uniform high quality of the chapters and its breadth, it seems poised to do so. Indeed, I have already recommended it to graduate students and advanced scholars alike studying the U.S. Congress and American politics more generally.

Answering the Call of the Court: How Justices and Litigants Set the Supreme Court Agenda. By Vanessa A. Baird. Charlottesville: University of Virginia Press, 2006. 240p. $45.00.

Strategic Selection: Presidential Nomination of Supreme Court Justices from Herbert Hoover Through George W. Bush. By Christine L. Nemacheck. Charlottesville: University of Virginia Press, 2007. 192p. $35.00.

Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections. Edited by Matthew J. Streb. New York: New York University Press, 2007. 272p. $45.00.
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— Frank B. Cross, *University of Texas*

These three books on the judicial system address how the law evolves. While there is little direct overlap in the coverage of the books, they all discuss the development of the law from different perspectives. They amply illustrate how political considerations become incorporated in the legal decisions of courts.

Running for Judge is an edited compilation of essays on state judicial elections. Its chapters vary from traditional doctrinal analysis of the law of these elections to a variety of quantitative empirical analyses of the influences on the election process. Judicial elections obviously influence the path of the law, as different candidates may rule differently on issues that may include the constitutionality of legislative action. While state judicial elections have been much studied and debated, the book brings together a valuable series of chapters on various aspects of the process, including some insightful new findings.

The fact that some states have elections for judicial office, either for selection or retention, has been much criticized. The practice is derided as producing low-quality judges, chosen by an uninformed electorate, and yielding a judiciary committed to political ends rather than the rule of law. Yet much of the normative discussion of judicial elections has lacked any rigorous examination of its true effects. *Running for Judge* adds information to the active debate over the practice of judicial elections.

An important aspect of this edited volume is its consideration of the U.S. Supreme Court's decision in *Republican Party of Minnesota v. White,* which largely deregulated the judicial election process. States had typically restricted what candidates could say in judicial elections, with requirements grounded in the American Bar Association's (ABA) "Canons of Judicial Ethics." Among the restrictions imposed was a prohibition on candidates' declaration of their views on disputed legal issues. While such statements might seem of particular interest to voters, the ABA and states had concern over the appearance of justice in subsequent rulings, after the candidate had publicly announced a position on the legal question. *White* found that such restrictions were an infringement on the free speech rights of candidates for judicial office, though it left open the possibility of some additional regulation of judicial elections.

Rachel Caufield's chapter explores "The Changing Tone of Judicial Election Campaigns as a Result of *White*." She considers how various states have interpreted the Supreme Court decision, narrowly or broadly, and proceeds to examine the nature of campaign advertising. The research found a significant and interesting difference in advertising practices. The deregulatory states with a broad interpretation of *White* had no more pure negative advertising that those with continued stronger regulation, but it displayed a marked increase in "contrast" ads that drew distinctions between the candidates. Moreover, states with a broad interpretation were more likely to have messages about topics like qualifications and experience and less likely to feature messages about criminal justice mattes. While very preliminary, these findings suggest that *White*'s campaign deregulation did not create an unseemly free-for-all in judicial campaigns but may have improved the electoral process, contrary to common worries.

This book also considers the partisan role in judicial elections. A number of states have judicial elections that are formally nonpartisan, without party designations on the ballot. Matthew Streb's chapter illustrates how these restrictions are circumvented by the political parties. He examines the role of parties in nonpartisan elections, ranging from candidate recruitment to fund-raising to get-out-the-vote activities, and finds a material role for the parties in nonpartisan elections, though one that is less than in partisan judicial elections.

Information for voters in state judicial elections is also a contested question. Research in the book confirms the limited press coverage of such elections, though this

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