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Absolute Power: How the Unitary Executive Theory is Undermining the Constitution, John P. MacKenzie, Brookings Institution Press, 2008, ISBN 9780870785115, \$14.95, paper, 104 pages.

In the latest report from The Century Foundation (founded in 1919, it “sponsors and supervises timely analyses of economic policy, foreign affairs, and domestic political issues”), John P. MacKenzie, writer, former *Washington Post* reporter, Supreme Court observer, *New York Times* editorialist, professor of law, and scholar at NYU School of Law, has written a lucid and concise account of the “unitary executive” theory of presidential power.

According to MacKenzie, “[t]he unitary executive theory of national government power holds that the president, given ‘the executive power’ under the Constitution, has virtually all of that power, unchecked by Congress or the courts, especially in critical realms of authority” (1). As the title indicates, MacKenzie is highly critical of such a view and the “unitarians” and “presidentialists” who support it (17). Although, he believes, the theory does contain a “a kernel of accuracy – that executive officials had their own duty to interpret and obey the Constitution” (20), “the theory, when examined, is historically baseless” (3) and an odd one to be extolled in “a nation that won a revolution against a monarchy and enacted a constitution that rejects a king” (2).

MacKenzie spends the next seventy pages defending his view, explaining the origination and development of the theory, and detailing its most prominent contentions in the Bush administration. He documents the rise of the theory over twenty years ago under Reagan Attorney General Edwin Meese III and those serving underneath him or in Congress sympathetic to the desire for the president to ascertain more power. He notes the first uses of the term in presidential proclamations and federal and Supreme Court cases and briefs as well as its more frequent defenses in law related works.

This is a succinct and engaging account filled with interesting details (could it really be the case that John Yoo’s defense of broad executive power comes from his birthplace’s [South Korea] relationship with communism? [37]). MacKenzie uses history nicely and draws upon the founding documents and figures that spoke most frequently about “energy in the executive”. It covers important Supreme Court cases such as *INS v. Chadha* (1983) and *Morrison v. Olson* (1988) as well as important and now well-known figures in the (broadly speaking) “conservative legal movement,” who were sympathetic or involved in some way with the unitary executive theory: Douglas Kmiec, Charles Fried, John Bolton, Dick Cheney, John Yoo, David Addington, Steven Calabresi, Samuel Alito, and John Roberts.

This work is ideal for the undergraduate classroom as discussion builds from the seemingly simply foundations of our constitutional system and straightforward language of Articles I and II to issues dealing with the role of “independent” agencies created by Congress, the administrative state, inter-branch relations, and war-powers. Congressional scholars will obviously want to analyze the implicit and explicit role of Congress within these pages and analyze why it appears that Congress as an institution has been either a naïve accomplice or passive enabler of such far-reaching executive claims. Some may want to incorporate “departmentalist” literature to help analyze the normative claims of founders, leaders, and scholars about proper inter-branch relations and congressional behavior more specifically. Many will be able to elucidate modern issues through the lenses of our history, tradition, and case law, and this work is ideal for comparison with other accessible material on particular issues. As Don Wolfensberger and Lou Fisher have both written (“Signing Statements: What To Do?” *The Forum* 4, no. 2 [2006]), for example, in relation to signing statements, maybe “[t]he proof is in the pudding, not in its labeling” (Wolfensberger, *Roll Call*, August 14, 2006).

MacKenzie writes with an overt normative tone. For example, he states that “[w]ith the encouragement of Federalist Society allies, a rightward-veering Court has not been shy about asserting *itself* – *disturbingly* in commerce clause cases, *alarmingly* in decisions restricting legislative enforcement of Fourteenth Amendment values, and *notoriously* in *Bush v Gore*, halting the recount of the 2000 presidential election and the operation of the regular constitutional machinery for electing the president” (emphasis added, 58). Some of his rhetoric may be too absolutist, given that even he sometimes admits the issues and boundaries are not always delineated with precision.

Absolute Power addresses a timely topic, particularly as we collectively seek to continually assess where we have been these past eight years and as we anticipate and observe what former constitutional law lecturer and now President-Elect Obama and a Democratically-controlled Congress will choose to do with such controversial, executive-strengthening, precedents.

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The Age of Impeachment: American Constitutional Culture since 1960, David E. Kyvig, University Press of Kansas, 2008, ISBN 978070015810, \$34.95, cloth, 482 pages.

In the *Age of Impeachment: American Constitutional Culture since 1960*, David E. Kyvig (Distinguished Research Professor, Northern Illinois University) has written an impressively researched account of the political, cultural, and constitutional contexts surrounding impeachment in the United States over the last forty years. Blending all of the essential elements of the historian's trade, including first-hand interviews, congressional debate records, published and unpublished personal papers, and even analyses of political cartoons, Kyvig has provided in rich detail the definitive story of impeachments since 1960.

More than a simple synthetic account, however, Kyvig's book also seeks to use impeachment as a lens through which to characterize larger issues of political and constitutional development in the United States. Before 1960 there were only thirteen impeachments (or proceedings); between 1960 and 2008, however, there were almost as many as there had been in the entire history of United States. As the book's subtitle indicates, impeachment is a significant cause of our particularly caustic constitutional culture since the 1960s. Moreover, it has become more than just a reflection of constitutional and political culture, as Kyvig argues that it has had the ironic effect of increasing executive secrecy and power as presidents during the "Age of Impeachment" have learned to hide actions that tend to augment executive power as a whole.

The book begins with a useful overview and account of the understanding and use of impeachment in England and the United States before the twentieth century. Of particular note here is Kyvig's suggestion that the development of parties as effective mechanisms of political order and control served to decrease the felt need for impeachment in the nineteenth century, effectively rendering it a dead letter until middle of the twentieth century. The book then proceeds to document the historical and political contexts of post-1960 impeachments. Beginning with the failed – but ultimately prescient – campaign against Chief Justice Earl Warren, impeachment as a tool for political change began to appear again in American legal and political culture. The use of impeachment against sitting federal judges is perhaps one of its ideal uses, as it would serve to remove the "unremovable" – unelected and life-tenured judges. However, as Kyvig demonstrates in subsequent chapters on Abe Fortas and William O. Douglas, impeachment was slowly developing into something much more. The caustic political environment of the late 1960s and early 1970s both shaped, and was shaped by, the increasing use of impeachment as a simple political tool to punish and destroy political enemies. Not to be undone by impeachment's initial resurrection by the emerging political right, however, was its use by the Democratic Party and the American left, and the chapters detailing Nixon's impeachment and resignation, as well as the travails of Spiro Agnew, paint a rich and detailed picture of impeachment's ascendance. As a consequence, then, the institutionalization of the special prosecutor and the American public's educational crash-course in the impeachment act itself, become more salient after 1973.

Aside from Kyvig's rich account of the impeachment of federal judges, which occupy the next few chapters, the account of Reagan's ability to thwart impeachment is noteworthy, especially when we consider similar calls against President George W. Bush. Because presidents have operated within the culture of impeachment since the 1960s, they have also learned how to fend it off. The increasing secrecy of the executive branch is both a result of increased impeachment talk and a cause of the increase in executive power in the twentieth century.

There are, however, two potentially troubling features of the book that limit its extrapolation beyond a wonderfully rich detail of actual impeachments since 1960. First, Kyvig seems to suggest that the American public, as well as political elites, has been affected by increased impeachment. Without detailed proof, however, this suggestion is merely speculative. Aside from a nice account of the *Washington Post* cartoonist Herbert L. Block's caricatures of impeachment politics, it is debatable whether the average American was thinking about impeachment as much as the average congressman was. Second, while it is clear that American politics has been characterized by polarization and divisiveness since the 1960s – and that impeachment as such is an important part of that story – it is not clear that American politics is any less caustic or nasty than at any other time in American history, especially during the 171 years before 1960 when impeachment was, according to Kyvig, a dead letter. In other words, impeachment might be part of a series of other causes – like race, economics, and the rise of cultural politics – that have shaped constitutional culture since the 1960s. Nevertheless, Kyvig's account of impeachment is an impressive contribution to the political and constitutional history of the second half of the twentieth century.

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Black Americans in Congress, 1870-2007, U.S. House of Representatives, Committee on House Administration, U.S. Government Printing Office, 2008, ISBN 9780160801945, \$54.00, paperback, 803 pages w/illustrations.

This beautifully prepared volume provides a plethora of information about African-Americans who have served in the Congress. Part I provides four chronologically organized chapters under the heading "Former Black Members of Congress." Each chapter provides a lengthy biographical sketch of the members who served during the period addressed, along with a narrative historical account of the era and tables of information about the Congress during that time. Part II provides similar information about current African-American members. There are 10 appendixes providing tabular information of a variety of sorts about the service of Black members, including such things as a summary list, service on committees and in party leadership posts, familial connections, and so forth. The entire volume is 803 large folio pages in length and there are many illustrations. The book should be part of every library and research collection, and congressional scholars may well wish to obtain it for their personal libraries.

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Courts and Congress: America's Unwritten Constitution, William J. Quirk, Transaction Publishers, 2008, 9781412807739, \$49.95, cloth, 330 pages.

William J. Quirk, professor of law at the University of South Carolina School of Law, is less than satisfied with constitutionalism as currently practiced in this country. According to Quirk, we now have a "Happy Convention," which is a "new, unwritten constitution." It is "an informal rearrangement of government powers by which each of the three branches assigns many of its constitutional responsibilities to other branches. Congress, the supposed legislative leader in our republic, passes off controversial domestic issues to the Supreme Court and controversial foreign policy issues, like declaring and financing war, to the president. The 'Happy Convention' is not designed to provide effective government. Instead, its purpose is to get congressman re-elected" (2).

After this introduction, Quirk moves immediately into issues involving the "culture wars" and the "war on terror." He then returns to his operational phrase and over the next three chapters explains what the "Happy Convention" is, how it arose, and what it is like today. Next, he focuses on the nomination hearings for the two most recent Supreme Court justices, returns to history for a discussion of the founding and antebellum eras, and concludes with thoughts on amending the Constitution. At each step, Quirk critiques the "Imperial Presidency" and the "Imperial Judiciary" for overstepping their prerogatives while excoriating Congress for abandoning its rightful responsibilities and, instead, inordinately focusing upon its spending power, which he believes protects member incumbency.

Quirk is passionate about his subject. He writes that "[p]reaching Christianity to a grizzly [a Lincolnian phrase] is pointless and preaching Lincoln, Jefferson, and Jackson to our legal establishment seems equally pointless" (188); "'Happy Convention' elections emphasize emotional rather than substantive issues" (59); "[w]e have created a supreme, irresistible, absolute, uncontrollable authority shared by an Imperial President and an Imperial Court" (210); and refers to a "ruling class" (210) that conspires to enforce the "Happy Convention": protect incumbency in the Congress, power in the President, and authority in the Court through buck-passing by the Congress and subsequent acquiescence to the president and the Supreme Court.

This is an intriguing and thought-provoking work (with a foreword by Ralph Nader and thanks given by the author to Linda Greenhouse *and* Pat Buchanan, how could it not be?). It is ideal for discussion in the undergraduate classroom as it nicely incorporates a large amount of political history, constitutional law, and contemporary congressional debates, hearings, floor exchanges, and votes. It has a long and useful collection of historical appendixes and may also make for a useful juxtaposition with Laurence Tribe's recently published and similarly titled *The Invisible Constitution* (Oxford University Press, 2008).

Quirk's work would also be useful to discuss with other recent literature in political science and public law, such as J. Mitchell Pickerill's *Constitutional Deliberation in Congress: The Impact of Judicial Review in a Separated System* (Duke University Press, 2004), which argues the threat of judicial review by the Court actually induces constitutional deliberation in Congress; Neal Devins and Keith E. Whittington's (eds.) *Congress and the Constitution* (Duke University Press, 2005), a collection of essays which demonstrate the many different facets that Congress in its actual workings as an institution is engaged with the Constitution; and, of course, the work of Louis Fisher, who has spent an impressive career documenting and discoursing over Congress' constitutional and legislative roles (His recent book, *The Supreme Court and Congress: Rival Interpretations*, is reviewed [here](#)).

Courts and Congress is an interesting and highly readable work that will introduce students of Congress, the Court, and the Presidency to many of the most important debates surrounding constitutionalism, inter-branch relations, constitutional interpretation, the scope of congressional behavior, and most importantly, the relationship between "We the People," our Constitution, and our government(s).

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The Cure for Our Broken Political Process: How We Can Get Our Politicians to Resolve the Issues Tearing Our Country Apart, Sol Erdman and Lawrence Susskind, Potomac Books, 2008, ISBN 9781597972697, \$19.95, cloth, 210 pages.

In this book Erdman and Susskind make a compelling argument as to how to increase the accountability of members of the House of Representatives. This book is broken up into three sections. The first is a discussion of why politicians cannot reach a compromise and a way to make such resolutions possible. The second section begins a fictitious tale, primarily of dialogue, of an individual elected to the House and his desire to institute change to the current political system and the forces working against him. The third section continues along these lines but contains a plan for implementing a political system that citizens will agree upon and that will force politicians to be accountable to the people.

The authors begin with a discussion of representatives' unwillingness or inability to compromise on select issues. In describing a situation in which two parents disagree on where their child should attend college, they illustrate that the most amenable outcome is what they refer to as the midpoint of the frontier. According to the authors, this point indicates a compromise that is the fairest to both sides given the zero-sum game of agreement. Politicians struggle with finding agreeable solutions when they want policy that will be most advantageous to their camp. The authors indicate that even in writing the Constitution, delegates had to appease interests other than their own for progress to be made on those issues more critical to their own state. Thus, Erdman and Susskind believe that if politicians had the best interest of the country and its citizens in mind, they would be able to negotiate lasting agreements.

In order to illustrate these points, the authors use fictional characters within the current United States governing system. They describe a highly-regarded local individual who is elected to the House and ultimately has an agenda of what he would like to accomplish, but faces roadblocks in understanding the way the current governing system works. Through the help of the members of congressional office, this newly-elected representative begins to understand that taking a firm stance on an issue may cause him trouble in gaining reelection, despite the nature of the issue.

Thus begins a dialogue between characters, which is present through nearly the remainder of the book, of how to reform Congress such that members are accountable and issues receive adequate attention. Ultimately, the authors, by way of these fictional characters, propose what they refer to as "personally accountable representation" in which all candidates compete for seats in a combined election. This type of election uses a preferential ballot in which voters indicate their first, second, etc. choices for the seat. In order to determine the winners, those with the fewest number of first choice votes are eliminated and thus those voters who indicated this individual as their first choice have their votes reclassified for those they indicated as their second choice. This process continues until all seats are filled and those elected receive voting power proportional to the number of votes they received. Once representatives have been determined, voters are mailed information about election winners and must indicate who, of the elected representatives, they would like to be in the constituency of. Thus, voters choose their own representative and these representatives are ideally more accountable to the people than in the current system.

Erdman and Susskind argue that such a system would increase the competition for seats therefore forcing politicians to come up with results, meaning he/she must reach an agreement with his/her opponents. The fictional characters of this book acknowledge that such a system cannot be proven efficient and effective until it is actually instituted, but that the current system has proven to be highly incapable such that this alternative appears much more logical. Accordingly, Erdman and Susskind are of the belief that such a system as "personal accountable representation" will aid our country in creating a Congress filled with members who are accountable to the citizenry.

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Party Polarization in Congress, Sean M. Theriault, Cambridge University Press, 2008, ISBN 978-0-521-88893-6, cloth, \$80.00, 243 pages.

The current relationship between Democratic and Republican party elites in Congress has been a topic of much concern in American political discussion. Many political commentators and legislators have suggested that the legislative system has become so rife with partisanship, political bickering, and increasing division between the two parties that it is nearly impossible to accomplish key legislative goals. This is a far cry from the type of parties in Congress described by George Wallace that did not even have “a dime’s worth of difference” between them. However, what has caused political parties in Congress to become so divided on many of the important political issues of our time? In *Party Polarization in Congress*, Sean Theriault excellently presents and tests some of the main explanations for why polarization has occurred recently in Congress.

Theriault begins his discussion of polarization by using a variety of measures based off of roll call votes to point out how parties have become increasingly divided and polarized in the past 32 years (chapter 2). Next, Theriault describes some of the main factors that could be causing the polarization trend, including redistricting (drawing the lines of legislative districts to make congressional seats safer and more partisan), constituent sorting (individuals choosing to live around people who share similar political views), extremism of party activists (legislators having to focus on meeting the needs of increasingly extreme primary voters), and institutional changes (rules changes within Congress increasing the power of party leaders to enforce party discipline among their members) (chapter 3). Theriault argues that each of these explanations, on their own, cannot explain the entire polarization phenomenon, and proposes a more complex model of polarization that takes into account each of the factors described above. For instance, Theriault notes how the variables that make constituents more extreme (i.e. redistricting and constituent sorting) will also have an indirect impact on polarization by bringing to office more polarized legislators who will enact rules to encourage more partisan behavior from fellow party members (55).

Next, Theriault sets out to test each of the explanations and finds convincing support for each, as ingredients in explaining the polarization puzzle. First, Theriault finds that states that purposefully redistrict along partisan lines produce districts with more extreme legislators (chapter 4). Second, Theriault discovers that both districts and states have become more divergent with respect to each other and more homogeneous in terms of constituent characteristics, and that these more homogeneous states and districts have elected more extreme legislators (chapter 5). Third, Theriault reveals that the increasingly extreme ideologies of partisan activists who served as delegates on national nominating conventions has had a statistically significant impact on the roll call voting scores of both senators and representatives (chapter 6). Fourth, Theriault finds that the more extreme legislators that have been brought to Congress by the constituent mechanisms described above have given more power to party leaders, who have used this power to enforce party support on procedural votes that will give party leaders more control over the legislative process (chapter 7). Furthermore, the increasing partisanship and frequency of these procedural votes have accounted for almost all of the growth in polarization in the last 32 years (chapter 8). Finally, Theriault links polarization in the House to polarization in the Senate, which has experienced similar trends in polarization without exposure to the same variables (i.e. redistricting) that the House has, by describing how Newt Gingrich-led activities, including the Conservative Opportunity Society, have increased the extremism of members of his party even as some of them made their way to the Senate (chapter 9).

Party Polarization in Congress is an excellent addition to the literature on how parties within Congress have changed over time. As Theriault helpfully demonstrates, it is not necessary to think of each of the explanations of polarization as competing with one another. In fact, as Theriault does here, it is likely more helpful to include each of the explanations into one coherent model that gives researchers more insight into how the polarization process in Congress has occurred. In, quite literally, writing the book on the causes of polarization in Congress, Theriault may have put to rest the significant debates that have occurred in the political science literature, as of late, on the causes of polarization. Now, with the causes laid out, future researchers can, and indeed should, concentrate their efforts on what the effects of this polarization are for congressional policy making and whether these polarization trends should be considered helpful or detrimental to society.

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Reassessing the Incumbency Effect, Jeffrey M. Stonecash, Cambridge University Press, 2008, ISBN 9780521515511, \$75.00, cloth, 169 pages.

Since the early 1960s, the advantages incumbents have had over their challengers have been magnified due to the dramatic increase of incumbents' victories and earned vote percentages. This had led to the development of the incumbency literature. While this literature had been dominated by scholars trying to figure out what has led to the incumbency advantage, Jeffrey M. Stonecash's book, *Reassessing the Incumbency Effect*, takes a different look at the incumbency effect than previous studies. While past works have focused more on the aspects that encompass the incumbency effect like more media attention and larger fundraising bases, Stonecash looks at the incumbency effect to see if the situation of incumbents has improved and how the incumbency effect can affect democracy.

Stonecash breaks the book up into three sections. Part I begins with four main arguments for why critics believe that the incumbency effect is bad for democracy. These arguments center around a lack of focus on issues and how a greater increase in the incumbency effect will negate the current public sentiment in regards to congressional elections. However, Stonecash counters this argument with excerpts from texts on American politics that consistently tout the incumbency advantage as a mainstay in the current political system. The author is clearly bothered by such rhetoric because it ignores the option of scaling back certain advantages held by incumbents while promoting a non-challenger system. Instead of arguing for limiting advantages held by incumbents, Stonecash uses these arguments to transition into an analysis of three indicators that could illustrate whether or not the situation of incumbents has improved.

These three indicators take into account the length of the careers of each incumbent and whether or not their service was interrupted. Stonecash also does not include any member who is still in the House for it would be impossible to know how their careers would end. While the rhetoric surrounding the incumbency effect would indicate that most House careers are ended voluntarily as opposed to in defeat, Stonecash finds that 59.7 House careers ended voluntarily while 40.3 ended in defeat (34). Therefore, it is not surprising that the author does not find any evidence in part I to support the idea that the incumbency effect is increasing.

Part II illustrates alternative explanations for an increase in the incumbency effect since the evidence in part I did not support the conclusion that there has been an increase in the incumbency effect. These alternative explanations center around realignment and the fortunes of some incumbents. Stonecash finds that incumbents of each party were affected differently by realignment. Republicans tended to benefit more than the Democrats. In fact, today, Republican incumbents still have experienced more gain in recent decades than the Democrats. However, it would be interesting to see what Stonecash would find if he included the 2008 election results in his analysis. While it may not be dramatic, he would probably find the vote percentages of Republican incumbents to decrease and Democrat incumbents to increase.

Finally, part III of the book includes a more detailed analysis of incumbency effect indicators. Within part III, Stonecash takes a closer look at the Gelman-King approach as their results are quite different from the author's. He finds that the major changes that affect their estimation of the incumbency effect were due to what was occurring in open-seat races and not what was happening with incumbents. Therefore, his results can stand apart from the Gelman-King approach and other previous research since his data does not include open seat races.

Overall, Jeffrey Stonecash's *Reassessing the Incumbency Effect* is excellent. It does not take the incumbency effect for granted. Stonecash questions previous research and sets out to find out if the incumbency effect is as great as it has been proposed to be. He opens reader's eyes to the truths about incumbency and provides readers with an insight into their own influence and power as voters in future congressional elections. This is a must read for anyone interested in incumbency or congressional elections in general for it demystifies the phenomenon that is the incumbency effect.

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Representative Democracy: Legislators and Their Constituents, Michael L. Mezey, Rowman and Littlefield Publishers, 2008, ISBN 9780742547704, \$34.95, paper, 237 pages.

I rarely find books written specifically for classroom use to be of much interest to me as a teacher or scholar. Most textbooks are bland syntheses of familiar information, formatted to appeal to today's students and their notoriously short attention spans. Thus, I am happy to report that Michael L. Mezey's *Representative Democracy* is clearly an exception to the rule, and deserves to be read widely by all who are interested in the nature of representative democracy in America and elsewhere.

Above all, *Representative Democracy* investigates the complex relationship between representatives and their constituents within the American context. Which interests are most likely to be represented? Do representatives primarily listen to narrow, moneyed interests, or do broader interests wield significant influence? How much assistance do representatives provide to individual constituents, and what are the consequences of casework and earmarks? How much do the citizenry's views (or lack thereof) shape the decisions representatives make about public policy? In analyzing these questions, though, Mezey wisely compares the American experience with those found elsewhere, and demonstrates that there is more to representation than merely responding to simple incentive structures.

For example, American scholars have long maintained that congressional representatives perform casework and seek earmarks because such activities enhance their reelection chances. However, as Mezey points out, representatives abroad routinely provide services for individuals even when their party controls their electoral fate or when they are barred from seeking immediate reelection. In their circumstances, Mezey contends, constituency assistance only aids their interests indirectly, either by enhancing the electoral appeal of their party or by demonstrating their commitment to party service. Moreover, legislators everywhere view helping individual constituents to be part of what it means to be representatives — a perspective that may occasionally foster unrealistic expectations among the populace. In Chile, for instance, lawmakers are inundated with requests for personal services and favors but have lacked the capacity to respond to these demands since the political reforms of the 1990s.

In any case, Mezey's decision to incorporate a comparative perspective into this study enhances its value enormously. The boundary between the American and comparative politics subfields has always been artificial, and this book should be particularly enlightening to undergraduates (and even some scholars) who remain mired in a parochial approach to American politics. Also welcome is Mezey's discussion of how representation in the United States has changed over time. Though brief, his history of representation raises a number of interesting questions. For example, as states and congressional districts have seen their populations become larger and more heterogeneous, it has become "difficult...to think of them as having a community of interest over a broad range of issues" (141). Indeed, since today's representative may no longer be able to speak for a set of viewpoints associated with a particular geographical area, she may just choose to represent those interests most likely to advance her reelection, even if they are narrow. So, why retain geography as the basis of representation?

A further strength of *Representative Democracy* lies in its frequent references to the normative debates swirling around the idea of representative democracy and its operation. Along with the questions included in the Appendix, these passages raise controversies that can readily serve as starting points for class discussion. In that way, this book avoids one of the greatest weaknesses of the standard textbook: a failure to effectively grapple with provocative questions.

Of course, one could easily find flaws in this study. It does not advance novel theoretical insights or produce fresh empirical data, and never aspired to. Moreover, not every reader will agree with Mezey's assumptions or conclusions. For instance, the author idealizes the professional politician, who presumably uses his time in office to acquire the expertise and long-range vision required to make good public policy, rather than to make dubious contacts and learn how to game the system. Similarly, Mezey's critique of the filibuster and other legislative rules ignores the possibility that institutional culture may shape the character of legislative processes far more than the existence of formal procedures. After all, when Senate norms like deference were robust, the use of the filibuster was relatively rare.

Still, even the scholar who quibbles with Mezey's contentions can appreciate what he has accomplished in *Representative Democracy*. In an increasingly specialized and often fragmented discipline, Mezey has produced a broadly-informed study that speaks to all interested in representative democracy. Furthermore, it is an accessible and appropriate text for teaching undergraduates, especially for courses on Congress, comparative legislatures, or democratic governance.

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The Supreme Court and Congress: Rival Interpretations, Louis Fisher, CQ Press, 2008, ISBN 9780872895249, \$115.00, cloth, 321 pages.

The Supreme Court and Congress: Rival Interpretations is an ideal classroom tool and reference source. It should be used widely especially by those teaching who are more historically, legally, and normatively minded in the areas of Congress, the Supreme Court, constitutional “dialogues”, and congressional history.

The Supreme Court and Congress is the first volume in a Court-focused series (The Supreme Court’s Power in American Politics) which, according to CQ Press, “takes an institutional approach to studying the Court’s role in American politics” and will “examine the Court’s impact on different groups, agencies, and public policies as well as on public philosophies about the appropriate dimensions of judicial power.” More precisely, “this first volume . . . begins our exploration into the pronouncements of the most powerful constitutional court in the world and their incorporation in the political processes of governance” in order to “develop an appreciation of the ongoing dialogue among judicial and nonjudicial forces, with neither side having the ‘final word’ until a policy emerges that is politically stable” (xiv-xv).

Fisher, senior scholar in the Law Library at the Library of Congress and author of more than a dozen books, has done a nice job compiling these Court pronouncements and congressional debates. This work is less encompassing than some of Fisher’s other works like *Constitutional Conflicts Between Congress and the President*, *Presidential War Power*, and his (with David Gray Adler) two volume *Constitutional Law* work (*Constitutional Structures* and *Constitutional Rights*), in which much of the material assembled here is provided at greater length and exposition.

As is well known, Fisher is a vigorous defender of the first branch of government and a firm non-believer in judicial supremacy (he succinctly writes: “one finds scant support for judicial supremacy in the intent of the framers, the structure and purpose of the Constitution, early rulings of the Court, or the practices and precedents of the national government over the past two centuries.” [xv]). Some readers may be less legislatively minded when it comes to espousing constitutional values. Nevertheless, one will come away from this volume thoroughly informed about the changing relationship between Congress and the Court. As Melvin I. Urofsky states in his forward, “[t]o look at Court decisions as simply doctrinal statements is to ignore the dynamic of governance” (xiv), a dynamic that sometimes includes, as in the post-Civil War era, Congress taking a “far more rights-protective position than . . . the justices” (xiv).

Seeking to explain how the Court operates in relation to legislative action and how the Court has defined congressional power, the book is organized around five main chapters. Each contains a brief discussion of the issues outlined below followed by 20-40 pages of primary documents, which, confined to their most pertinent portions, are of quite suitable length for classroom discussion. They capture the heart of the argument and refrain from including excessive text. While not an exhaustive list of the intra-chapter topics, The Formative Years (1789-1856) covers judicial review, implied powers, appointments, the removal power, investigations, treaty power, war power, “sole organ” issues in external affairs, the bank of the United States, and the dormant Commerce Clause. The Civil War and Its Aftermath covers slavery, *Dred Scott*, Lincoln as president, habeas corpus, commander-in-chief powers, civil rights statutes, and women’s rights. Regulating the Economy covers the commerce power, the greenback issue, income taxes, liberty of contract, child labor, and FDR’s Court-Packing Plan. Individual Rights covers religious freedom, flag salutes, school prayer, the Yarmulke Case, Indian religious practices, equal accommodations, interracial marriages, women’s rights, the rights of pregnant women, and women in combat. Structural Disputes covers Bill of Attainder issues, the Statement and Account Clause, unvouchered funds, covert funding, the CIA’s Budget, legislative vetoes, one-House and two-House controls, war powers, and military tribunals. Two excellent appendixes detail amendments to the U.S. Constitution overturning Supreme Court decisions and Supreme Court decisions overruled by subsequent Court decisions (1789-2007).

Far from being a passive and subservient bystander, Congress has often been the home of robust constitutional debate about important issues. Furthermore, the interactions between Congress and the Court have historically been anything but static or one-sided. We have Louis Fisher to thank for making these facts accessible once again.

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Vital Statistics on Congress 2008, edited by Norman Ornstein, Thomas E. Mann, Michael Malbin, Brookings Institution Press, 2008, ISBN 9780815766650, \$26.95, paper, 192 pages.

As its title implies, Norman J. Ornstein, Thomas E. Mann, and Michael J. Malbin's book, *Vital Statistics on Congress 2008*, is a vital tool to anybody interested in the United States Congress. Whether you are a congressional scholar, a journalist, or even a congressional aide, this book will be very useful since it is overflowing with interesting details on Congress. It includes some of the most visible and widely demanded statistics on campaign finance to the harder to find statistics on congressional staff and operating expenses.

In its introduction, the authors detail many changes that have occurred within Congress and on Capitol Hill between the 82nd Congress in 1951, the 94th Congress in 1975, and the 110th Congress in 2007. They do so by imagining what Rip Van Winkle would have thought of Congress if he awoke in each respective Congress listed above. The authors believe that he would have seen an abundance of change each time he woke up. One interesting change the authors believe that Van Winkle would have seen when he awoke in the 110th Congress is more members spending less time in Washington due to the growth of home office staffing. They believe that this led to the number of meetings in the 109th Congress to be 2,492 down from an average of 4,793 in the 1980s and 1990s (18). Since this volume only includes statistics through the first session of the 110th Congress, it will be interesting to see what the authors say about this statistic in the next volume due to Speaker Nancy Pelosi's promise to get more work done in the House.

Like past editions, this book is comprehensive in its detail, but it lacks completeness. If someone were to seek a "vital statistic on Congress" beginning with the 1st Congress and ending with the 110th, they would not find it in this book. While Congresses may not have adequate data for such a presentation, the more complete each statistic is, the more useful it may be to congressional scholars or anyone else interested in congressional or institutional change.

Nevertheless, Ornstein, Mann, and Malbin's 2008 volume is a tremendous asset to anyone interested in Congress. Not only is it comprehensive, it is an incredibly handy source. It will be interesting to see what the authors add to their next volume in order to top the present book.

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Why Not Parties? Party Effects in the United States Senate, edited by Nathan W. Monroe, Jason M. Roberts, and David W. Rohde, The University of Chicago Press, 2008, ISBN 9780226534893, \$24.00, paper, 282 pages.

For decades congressional scholars have taken hits for ignoring the Senate to examine the larger (more observations) House of Representatives. This is especially true in studies of parties and partisanship, primarily due to the majoritarian rules of the House allowing for party to play a more visible and significant role as opposed to the individualistic institutional norms, and the super-majoritarian rules of the Senate. *Why Not Parties? Party Effects in the United States Senate* provides an array of work aiming to fill this void from a powerful list of established and up-and-coming scholars of the United States Congress.

In three parts, this edited volume not only explores the role of parties in the modern Senate, but also provides an advanced understanding of the inner workings of the chamber. Divided into three parts, the volume explores the role of parties as they relate to the entire gauntlet of Senate policy making. Part I provides three entries (chapters 2-4) exploring the link between party and constituents in three areas: the electoral effects of party loyalty in legislative voting behavior, variation in constituent and party interests across policy issues, and the influence of interest groups on party line voting.

Part II (chapters 5-9) explores the often over looked areas of institutional process and procedure. Chapter 5 examines the leadership system, specifically the workings of the Senate whip process. Chapters 6 and 7 continue by examining the disciplinary options available to Senate party leaders (6) and the expanding role of party in the committee system (7). Chapters 8 and 9 conclude the process and procedure theme by exploring obstructionism and agenda setting in terms of the open amendment process and the filibuster, respectively.

Finally, part III (chapters 10-12) completes the circle by considering the influence of party on senatorial policy outcomes from a procedural and distributive perspective. Continuing from Part II, chapters 10 and 11 explore partisan tools of negative agenda control, focusing on the role and use of the filibuster in policy making. Chapter 12 turns to pork-barrel politics and completes the policy-making circle by examining the role of party in earmark distribution and finding that universal benefits permeate Senate appropriations, although the majority may see a dollar-for-dollar edge in some instances.

In its sum, this book makes a needed contribution to congressional scholarship, providing notice that the increasing role of party in the U.S. Congress is not unique to the House of Representatives, as many inside and outside the beltway often assume.

Why Not Parties? can fill the gamut of academic uses, due to its structure and detail. This volume would work well for a high level undergraduate Congress course, as well as fit nicely into the Senate section of a graduate seminar. From a demonstrative perspective, the creative and ambitious nature of the individual authors provides a how-to manual for aspiring congressional scholars. As handy reference for the current role of party contemporary Senate policymaking, from start to finish and back again, this edited volume should have a place on the book shelf of most congressional scholars.

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Woman of the House: The Rise of Nancy Pelosi, Vincent Bzdek, Palgrave Macmillan, 2008, 9780230603196, \$13.95, cloth, 272 pages.

Know Your Power: A Message to America's Daughters, Nancy Pelosi, Doubleday, 2008, ISBN 9780385525869, \$23.95, cloth, 292 pages.

Madam Speaker: Nancy Pelosi's Life, Times, and Rise to Power, Marc Sandalow, Modern Times, 2008, ISBN 9781594868078, \$25.95, cloth, 344 pages.

A few U.S. House Speakers have written autobiographies, and several have been the subject of biographical treatments. None, however, has both written and been written about in the first term as Speaker. Not, that is, until Nancy Pelosi came along. In addition to the books described here, Pelosi was also written up in several juvenile biographies – as far as I know, another first.

No doubt this biographical interest derives from Pelosi's status as the first woman to become Speaker. Hers was to be a historic speakership before it even commenced, and anticipating this, she and her biographers moved quickly to bring narratives to market.

Pelosi's own memoir offers lessons from her experience in life and in politics in a "message to America's daughters." It does not offer itself as a reflective autobiography drawing on the lessons and reporting the narratives of her speakership. Instead, it reports selectively on her personal life and political career to establish that she understands the nature and uses of power. She offers herself as a model for women who might aspire to political leadership.

The other two biographies offer more depth than does Pelosi, although they too show marks of the haste that a rush to market would necessarily require. Bzdek, who appears to have had no prior relationship to Pelosi, relied on an extensive set of interviews with Pelosi confidants, academics, and other observers. Sandalow, who covered Pelosi for years as a reporter for the *San Francisco Chronicle*, is able to draw upon his reportorial archive to build a much more detailed account of Pelosi's rise to power. Bzdek recites mostly what people told him about Pelosi; Sandalow reports mostly on what he actually observed as Pelosi built her political career. Interestingly, Pelosi offered Bzdek an interview while denying Sandalow an audience (although he had often interviewed her in years past).

Neither of these two books can offer a definitive account of a speakership that has yet to fully unfold. Both offer interesting insights into Pelosi's character and background, and anecdotes aplenty to color their accounts. They aim at a lay audience who will be most interested in Pelosi as a public figure, rather than set her leadership in the context of the speakership itself or congressional leadership more generally. Still, they help us understand Pelosi and provide useful grist for more systematic analysis.

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