

a somewhat stylized, bare-bones understanding of the relationship between the federal courts and the president. But the thrust of the book sounds more in the key of a specific statement of ideals than of a careful account of how public views, professional norms, and elite strategies affect federal courts. It is instead in the ideal of unusually broad-minded judicial polymaths working diligently—without distraction or constraint—that one might find justification for the author's interest in enhancing judges' administrative abilities, their willingness to discuss with candor the costs and consequences of their rulings, along with the ambiguities that force them to engage in acts of judgment (as in his discussion of statutory interpretation circa p. 243). It is faith in that ambitious ideal that presumably best explains Posner's (not obviously necessary or justified) acerbic disappointment at the perceived limitations of judicial colleagues (e.g., p. 401, n. 6), disdain for congressional interference in statutory interpretation (p. 243), and frustration at the lack of willingness of federal courts to experiment with live-streamed hearings.

Similarly, the extensive discussion of limitations in the work of immigration judges includes relatively meager coverage of the incentives that may create and sustain dysfunctional adjudication arrangements, and the not-so-easy second-order questions facing a principled judge trying to address such dysfunction. And critically, from Posner's romantic sense of a (nerdy yet) heroic federal judge, protected from outside pressure but not from external ideas, one can derive an understanding of why the book is far less concerned in any intellectually sustained way with all the institutional norms, hard-fought compromises, and delicate balances that sustain the judicial enterprise writ large: the balance between institutional interest and individual quirkiness that defines an insulated judiciary, and the delicate interplay of potentially countermajoritarian principle and public confidence that lies at the heart of much prudent judging. If commitment to that ideal is not entirely surprising in someone like the author—who mostly lives up to it—it yields a less than complete practical guide to the complexities of the federal courts and the values they are generally understood to serve.

Although Posner's contributions to our understanding of the federal courts has likely come more from his remarkable body of opinions and statements over the years than from anything in this tome, it makes an intriguing, opinionated guide to many dilemmas associated with the federal judiciary. Denizens of Silicon Valley with little knowledge of the federal courts or their procedures often extol the virtues of "design thinking," a practice made possible by eschewing the nit-picky concerns about which reforms are feasible, who might be for or against them, or (more generally) why seemingly inefficient outcomes might arise not just because of a lack of ideas or creativity but also because such outcomes are sometimes deeply rooted in social behavior and difficult to

change. The book is engaging in part because its ethos is consistent with such design thinking, as reflected in (for example) his exaltation of judicial hearings as a corrective for administrative error.

Such intellectual moves are not without costs, however, and one is sometimes left wondering where the resulting insights sit relative to a coherent theory of how institutions behave or change, and how that theory applies to the federal judiciary. This alternative approach would tend to foreground such questions as how to take sufficient account of heterogeneous goals and constraints affecting judges and how those goals affect both their strategic choices and their habits of mind; the benefits and costs of having judges with the specific blend of "genuine cultural breadth" that Judge Posner seems to admire (p. 225) and how their presence might affect (for example) the length of their questions at oral argument; and the inevitable friction arising from interactions between federal courts, other institutions, and the public. That such questions are given only limited if any exploration in *The Federal Judiciary* leaves similar questions unresolved, making the book—at its best—more of an exercise in a kind of "design thinking" about a vital institution than an account of why that institution is given power and influence in the first place.

#### **Congress and the Media: Beyond Institutional Power.**

By C. Danielle Vinson. New York: Oxford University Press, 2017. 256p. \$105.00 cloth, \$29.95 paper.  
doi:10.1017/S1537592718001500

— Ryan J. Vander Wielen, *Temple University*

Samuel Kernell's seminal book *Going Public* (1986) pushed scholars of American politics to think more seriously about how U.S. presidents utilize the media to further their legislative agendas. Although Congress has been subject to similar political tides and changes to the media environment over the past several decades, little scholarly attention has been given to examining how members of Congress similarly use the media to communicate with the public in the pursuit of their policy goals. C. Danielle Vinson does precisely that in her outstanding book, *Congress and the Media*. Drawing upon a wealth of data, Vinson argues that legislators use the media to gain leverage beyond their institutional powers.

The public strategy offers members of Congress a means of building public support for their legislative causes and public opposition to the legislation they wish to block. Vinson's core theoretical argument is that members turn to the media to overcome the institutional barriers that prevent them from having the influence they desire. She notes that both internal and external changes in Congress have set the stage for members to make more expansive use of the media in recent decades. A decline in the traditional communication apparatus, a corresponding

proliferation of media, a more aggressive public strategy by the president, and a more internally competitive environment, to name just a few factors, have encouraged members of Congress to engage in more concerted communications efforts.

Yet members vary across time in both their desire and ability to attract media attention, based in part on the given political context. Party status and control of Congress have meaningful implications for the public strategy by way of affecting the media's calculus. Polarization has also changed the contours of going public by making party leaders more central to messaging strategies, by transitioning power from committee chairs to party leaders, and by discouraging members from using the media to target their own party. Moreover, polarization has created greater need for minority party leaders to make public appeals, both to cultivate the conflict demanded by the media and to overcome the increasing disadvantages they face in accomplishing their legislative agendas.

To empirically explore these dynamics, Vinson examines 40 years of members' public statements, the result of a herculean data-collection undertaking. The bulk of the analysis relies on two data sets generated from the *New York Times*. Examining these cases, Vinson finds that context indeed affects media coverage of Congress, as expected. And while some things have changed over time with respect to members' use of the media, other things have remained constant. For instance, party leaders have garnered more attention in recent years (p. 32), likely due to polarization, yet members have consistently had success going public on only a small set of issues across time (p. 38). By coding each case in her data sets for whether members went public with the intension of passing policy, stopping it, or something else, she further explores the connections between public strategies and contextual factors. The author hypothesizes that majority party members go public more often to pass legislation, since they have more formal powers to do so, and conversely, minority party members are more likely to make public appeals to block policies, given their institutional disadvantages. The evidence supports these claims (pp. 58, 64). Furthermore, she argues that members tend to use the media as a reaction to their political environment and other politicians, most importantly the president, because they are ill-suited to act in a more assertive manner (p. 68).

These are clearly interesting findings, and a contribution in their own right. However, I am somewhat less convinced about the sufficiency of the theoretical framework motivating Vinson's expectations, namely, the notion that members pursue a public strategy as a means of supplementing institutional powers. One might reasonably expect that members *always* want to supplement their powers regardless of their relative institutional influence. Alternatively, one could take this to mean that diminishing institutional power yields comparatively

greater demands for members to communicate directly with the public, which I read to be Vinson's central thesis. Yet this argument would seem to generate expectations that public efforts are linear in (and inversely related to) institutional power. By this logic, we might expect the minority to go public more often than the majority, for instance. However, the hypotheses and results seem to reflect a far more involved relationship with the media that is never fully fleshed out.

Vinson also makes the important distinction between traditional print media and other media sources. She examines member appearances on NBC's *Meet the Press* between 1990 and 2009, and finds that interviews map closely onto the results from the *New York Times* data, which is not entirely surprising given the natural commonalities of these forums (p. 86). However, innovations in the media environment, such as Twitter, have created additional opportunities for members to bypass more traditional outlets in communicating with the public. Importantly, members with more limited institutional powers (e.g., junior members) find greater success in gaining attention using new media (p. 94), and members possess considerably more autonomy in controlling the issue agenda (p. 97).

Vinson concludes the book with three case studies that allow her to gather data from a wider array of news outlets and to explore the varied ways in which members use the media to exert influence (Chaps. 5–7). Consequently, these chapters add some valuable theoretical richness by offering a more nuanced and multifaceted account of the public strategy that goes beyond the relatively simplistic theoretical arguments that motivated the earlier chapters. She finds evidence that members use the media to frame debate, and that members must achieve a certain level of influence in order to attract media attention. She also makes an interesting argument that members occasionally use the media not to influence the public but, rather, to signal other elites, with the goal of directly influencing the legislative process and positioning themselves for future negotiations. While some discussions of these cases raise the question of whether all public appearances qualify as "going public," since some are not intended to engage the attentive public, the case studies effectively underscore the diversity of goals that motivate members' use of the media.

While growing, the literature examining the intersection of media and legislative behavior is still in its nascent stages. This book advances the conversation in an important way, by systematically examining the evolving use of the media by members of Congress. What the book lacks at times in theoretical development it makes up for in its empirical rigor. Vinson offers the reader a comprehensive view of the behaviors of members who successfully attract media attention. Unfortunately, and by her own admission, this project is unable to address those members who were unable to gain media access,

and so attempts to generalize these findings to the population of members, all of whom presumably pursue a public strategy from time to time, is more speculative.

This work only scrapes the surface of the ways in which members communicate with the public via the media. That is not an indictment of the project by any means. After all, one can only cover so much ground in a single monograph, and *a lot* of ground is covered with this one. Rather, it is a testament to the importance of the topic and Vinson's significant contribution to pushing the conversation forward. Data limitations pose considerable impediments to scholars working in this area, and this project is among the most ambitious and impressive I have encountered. Vinson's rich data analysis and elegant presentation make this book essential reading for students of Congress and the media.

**Presidential Leverage: Presidents, Approval, and the American State.** By Daniel E. Ponder. Stanford: Stanford University Press, 2017. 240p. \$90.00 cloth, \$27.95 paper. doi:10.1017/S1537592718001627

— Jennifer L. Selin, *University of Missouri*

Since the 2016 presidential election, there has been much attention focused on President Trump's public approval ratings. This is in part due to the fact that, in his first year in office, Donald Trump had the worst approval average of any president elected since World War II (Jeffrey M. Jones. 22 January 2018. "Trump's First-Year Job Approval Worst by 10 Points." Gallup). Yet in comparison to the rest of government ("The Pew Research Center for the People & the Press Poll Database." November 2017. Pew Research Center), the public's opinion of Trump is not so bad; at the end of 2017, while 32% of Americans approved of the way Trump handled his job as president, just 18% of Americans said that they trust the federal government ("Public Trust in Government: 1958-2017." 14 December 2017. Pew Research Center). In *Presidential Leverage*, Daniel Ponder argues that this difference between how Americans view the president and how they view government as a whole likely has real policy consequences.

Ponder explores the relationship between presidential approval, trust in government, and the American policy landscape. While scholars traditionally have recognized the importance of approval ratings, research on the impact of presidential approval on policy success is conflicted. For example, there is disagreement over the extent to which approval influences policy, whether that influence varies over time, the political circumstances that impact the relationship, and the types of policy for which approval matters the most. The author argues that this disagreement may result from the fact that the American public's evaluation of the president is made in response to events and outcomes across the entire government. He recognizes that presidents will almost always want high

approval ratings, but that the actions of other political figures constrain presidential success in utilizing that approval to pursue policy. Put another way, the nature of the American separation-of-powers system limits presidential power and forces the president to exert leverage over competing institutions.

This means that any assessment of presidential strength is relative. Thus, when considering the effect of presidential approval on policy, we should account for approval compared to the public's trust in government as a whole. Ponder's examination of each presidency from John F. Kennedy to Barack Obama illustrates that presidential leverage, when measured as the ratio of presidential approval to the public's level of trust in government, is related to presidential policy success. When the public approves of the president's actions in times of high trust in government, the president has little leverage over other political actors. However, if the president's approval ratings are significantly higher than the public's trust in government (even if those approval ratings are low), then the president may be in a more favorable position. For example, in the first three years of President Obama's first term, both presidential approval and trust in government were below average. Yet because Obama's approval ratings exceeded trust in government, the president had more leverage to pass major legislation, such as the Affordable Care Act.

The author explores both macro- and micropolitical policy factors and finds that they vary with leverage in predictable ways. First, he explores macropolitics, or the production of government policy output over time. Leverage directly affects how successful presidents are at creating substantively important, lasting policy legacies. Because the public views the president more favorably than the rest of government, those with high leverage are more successful at pursuing legislative policy, are less likely to rely on executive orders to enact policy change, and are more likely to concentrate their policy agendas on a few significant issues. Second, Ponder examines micropolitical factors, or the organizational resources and personnel that enable the president to pursue his policy and political goals. He finds that presidential leverage influences the capacity of the White House and the location of policymaking. Presidents with low leverage want to protect their policy agendas from the influence of competing political figures, and thus, low-leverage presidents increase the strength of the Executive Office of the President and centralize policymaking in the White House.

Although *Presidential Leverage* contributes in important and new ways to our understanding of the relationship between presidential approval and policy success, a careful reader of the book is left with some theoretical questions. First, Ponder's conceptualization of leverage and his theoretical story may not entirely match. The author compares the public's evaluation of an individual political