

All Roads Lead to Congress: The \$300 Billion Fight over Highway Funding. By Costas Panagopoulos and Joshua Schank. Washington, DC: Congressional Quarterly, 2008. 220p. \$26.95. doi:10.1017/S153759270999051X

— Michael Krasner, *Queens College*

Undergraduates striving to learn what Congress does and how and why they do it may memorize a blizzard of terms—like the famous “hopper” into which House members submit their bills—and a complex flow chart of “How a Bill Becomes a Law,” but too often they have difficulty grasping the concrete, day-by-day realities that actually produce legislation. This well-written, engaging case study provides a useful corrective. Costas Panagopoulos and Joshua Schank undertake to illuminate the politics of the legislative process using a very simple framework, more of a checklist really, that consists of power, process, policy, and price. The list constitutes system elements to be discussed, but relative weights and dynamics are not assessed beyond the descriptions of this particular situation.

The authors draw knowledgeably on David Mayhew’s work when discussing specifics such as member motivation, and they demonstrate a firsthand familiarity with congressional practices acquired from their experience as full-time fellows in the office of then-Senator Hillary Clinton. The book’s great strength lies precisely in their ability to discuss both the substance of transportation policy—including such related issues as air pollution and traffic congestion—and the concrete realities of congressional politics in a lively, even entertaining, prose. Their descriptions of particular steps in the process, such as how a bill is actually written and submitted—usually with the aid of an automatic pen machine—are informative.

This well-paced narrative brings forth the key elements of the bill, emphasizing distributive issues by applying concepts such as donor and donee states and explaining terms such as “minimum guaranteed return.” The attentive reader will gain considerable understanding of why certain states and groups of states undertook the strategies they did and how these strategies shaped the final outcome of the process.

The authors also illuminate the important details of procedures, including the markup and the floor vote. I learned, for example, that amendments are only proposed in the committee markup and must be voted up or down on the floor. They also do an excellent job on the power of conference committees, noting that they often fail to adhere to the limits implied or directly stated in textbook treatments of their role. All of these characteristics make the book especially attractive for undergraduate courses, but a graduate student’s understanding would also be enhanced by the specificity and concreteness of the exposition.

If the book has one overriding theme it is the importance of staff. The first chapter introduces Dawn Levy, chief transportation staff person to Max Baucus, the rank-

ing member of the Senate Finance Committee and a key player on the Environment and Public Works Committee. Described as “smart, confident, and ambitious” (p. 1), Levy becomes the central figure in a subsequent chapter on the convoluted workings of the Senate committees as they wrestle with a bill that eventually dies. Interesting details are illuminated. The authors note, for example, that she gained power and confounded the opposition by never committing to paper her most important financing proposal, a practice that echoes an ancient Washington maxim, “Never give them anything they can Xerox.” She also controlled a key power resource—rooms large enough for all the rebellious staff to meet at one time.

All of this suggests that a fifth “p” should be added to Panagopoulos and Schank’s checklist, to stand for “personality”—the impact of personality and personal relationships on political dynamics. As the authors note, for instance, even more senior staffers shivered upon hearing Dawn Levy’s name (p. 1), while other staffers of meeker disposition inspired no such anticipatory deference.

Perhaps reflecting the authors’ experience in the Senate, the Senate side of the story dominates their rendition (something they concede); the details of the House of Representatives’ proceedings are often vague or skimpy. Surprising in a book that is, for the most part, surefooted on procedure, the normally crucial distinction between authorization and appropriation is not discussed until quite late in the narrative, and most of it deals, therefore, with the authorization process. No explanation for this pattern is offered. If authorization was paramount in this case, the readers should know why.

More generally, questions can be raised about the book’s focus on staff. Most scholars would acknowledge that staffers carry out most of the day-to-day business of the Congress; indeed, most would argue this is inevitable given the growth of American government and the competing demands, especially fund-raising, on elected officials’ time and energy. The sticking point is the issue of power. Panagopoulos and Schank do show that a staff trying to protect its own power may affect the legislative process, especially in terms of timing and sometimes in terms of the success or failure of negotiations, but they never show staff exercising independent power on fundamental policy issues. Moreover, what they cannot show within the structural limits of a case study on a single piece of legislation is how frequent or important such procedural staff exercises of power are in a more general sense.

Another way of putting this point is to say that the authors eschew the central issue in the recent literature on Congress—the question of who wields power over the legislative process. They do say that with regard to the transportation bill, regionalism overcame party, but they do not link this conclusion to the debate over whether committees (the view associated with David Mayhew and others) or parties (the view associated with John Aldrich,

David Rohde, and others) should be considered the main power centers in the Congress, nor do they link it with recent attempts by Rohde and others to go beyond this debate to create a more powerful analytical synthesis. The potentially intriguing suggestion that regionalism merits consideration as a third variable in the discussion of congressional power is not followed up, even at the level of a hypothesis. The book thus remains resolutely descriptive. In this way, its value to scholarship remains largely illustrative and suggestive. It is, nonetheless, of considerable value to students of Congress because of its compelling, detailed description.

The Michigan Affirmative Action Cases. By Barbara A. Perry. Lawrence, KS: University Press of Kansas, 2007. 210p. \$35.00 cloth, \$16.95 paper.
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— Rosalee A. Clawson, *Purdue University*

In this book, Barbara A. Perry draws on her experiences as a judicial fellow at the Supreme Court, and relies on archival research and interviews with key individuals, to provide an in-depth examination of the University of Michigan affirmative action cases, *Gratz v. Bollinger* and *Grutter v. Bollinger*. She begins by describing the history of affirmative action in the United States, including a discussion of *Bakke* and other relevant cases. Next, she reviews the political context and judicial history of the Michigan cases. Then, Perry discusses the petitioner briefs, the University of Michigan briefs, and several important amici briefs submitted to the Supreme Court. She also summarizes the oral arguments before the Court and analyzes the rulings in the cases. Finally, Perry closes with a discussion of affirmative action policies in the aftermath of the Michigan rulings. Along the way, the reader gains insights into the experiences and motivations of many of the critical individuals involved in these cases.

Perry's examination of the Michigan affirmative action cases illustrates how the demographic characteristics, experiences, and ideology of the Supreme Court justices (and lower court judges) influence their rulings. The importance of the justices' characteristics is apparent throughout the book, but Perry provides the most details on Justice Sandra Day O'Connor. Perry explains how O'Connor's background and experiences shaped the rulings in the cases and demonstrates that the petitioners and respondents carefully crafted their briefs to appeal to O'Connor's predispositions because she was the swing vote in the cases.

The book has several strengths, although here I will focus on the three most important. First, Perry discusses affirmative action in a balanced, neutral way. She articulates both the pro- and anti-affirmative action positions (and the reasoning behind those positions) with great respect. She does not create a straw man argument out of either side of the debate; instead, Perry presents an even-

handed account of affirmative action and the Michigan cases in particular. I suspect that advocates from both sides of the issue might find her even-handedness maddening.

Second, Perry's primary goal is to illuminate the history, context, and details of the Michigan affirmative action cases. Perry meets that goal, but also goes beyond it. Her book offers more general insights into the judicial system as well. For example, readers will gain an understanding of the complexity of the judicial system and how slowly cases move through it. Readers will also be exposed to a number of legal concepts, which Perry nicely explains without interrupting the flow of her narrative.

That brings me to the third strength of this book. It is well written and easy to read. Perry provides an instructive and engrossing account of the Michigan affirmative action cases. She successfully conveys the abstract legal issues at hand while maintaining her focus on the concrete facts of these particular cases.

At the same time, the book also has limitations. First, Perry's analysis of the Michigan cases illustrates the importance of justices' characteristics and ideologies; however, her work is not grounded in models of judicial decision making, nor does it provide new theoretical insights into these models. Political scientists have developed a significant body of literature examining judicial decision making. For example, C. Neal Tate's classic work draws attention to the influence of personal characteristics on Supreme Court voting behavior ("Personal Attribute Models of the Voting Behavior of U.S. Supreme Court Justices," *American Political Science Review* 75 [June 1981]: 355–67), and Jeffrey A. Segal and Harold J. Spaeth's attitudinal model focuses on the impact of ideology on judicial decision making (*The Supreme Court and the Attitudinal Model Revisited* [2002]). Considering how the Michigan cases shed light on these models and vice versa would have been a helpful addition to this book.

Second, Perry discusses many of the important documents in the Michigan affirmative action cases, but does not review the respondent briefs filed with the Supreme Court by the student intervenors. The lawyers representing the student intervenors (including Theodore Shaw of the NAACP Legal Defense and Educational Fund) argued that the Supreme Court should uphold the Michigan affirmative action programs because of historical and current racial discrimination. The student intervenors supported affirmative action as a policy promoting justice for racial minorities, whereas the University of Michigan supported affirmative action because it creates a diverse student body benefiting all students. The tension between these two perspectives is important, and exploring it would have provided a more thorough treatment of the Michigan cases. Further, an analysis of the lawyers and students behind these briefs would have provided a more detailed portrait of the people affected by the Michigan affirmative action cases. For a behind-the-scenes journalistic account of the