

 **Book Notes**

Election Reform: Politics and Policy, edited by Daniel J. Palazzolo and James W. Ceaser, Lexington Books, 2004, ISBN 0739107968, \$25.00, paper, 280 pages.

The 2000 election debacle in Florida exposed significant problems in that state's electoral procedures. Presumably, the protracted tabulation of votes could have happened elsewhere in the country. However, election issues identified in Florida failed to produce anything akin to a uniform response from state legislatures. Palazzolo and Ceaser, along with a host of contributors, seek to explain why states respond with different election reform initiatives, and to place their findings about election reform in the broader policy innovation literature.

Palazzolo divides state performance on electoral reform into three camps: leading reform states—those that took significant initiative in reforming election law; states that made incremental changes to election law; and late-developing reform states—those that waited for direction from federal legislation (the Help America Vote Act or HAVA). The book employs eleven case studies of individual states, representing the gambit of reform performance, in its analysis of election reform. Florida, Georgia and Maryland were each proactive on election reform; California, Idaho, Missouri, Pennsylvania and Virginia implemented incremental reforms; and reforms in Arizona, Illinois, and New York were late to develop.

Each case addresses similar broad hypothesized variables determinate of reform performance, lending useful comparison to the study. Certain “structural factors” including the threat of a close election, the capacity of election law (codified registration, provisional ballot, vote change, and recount procedures), political culture, and unified or divided party control, each is hypothesized to affect reform performance. “Situational factors” including commissions reviewing election procedures, the states’ fiscal situations, the influence of key stakeholders, leadership, and external pressures from the federal government are also studied as potential contributors to reform performance.

The strongest determinate of reform, interestingly, does not appear to be the threat of an electoral fiasco. Reform performance appears to vary most significantly with party control, commission recommendations, and leadership. Leadership and the involvement of commissions relate most strongly to policy adoption, with party unity playing a lesser, but important, role. While the election reform process may have entered a new phase with the passage of HAVA (2002), it is suggested that factors shaping state reform initiatives up to that point remain relevant to understanding the various processes of election reform yet to come.

Contributors to *Election Reform* include: Bruce Cain, James W. Ceaser, Doug Chapin, Joshua Dyck, James Gimpel, Mathew Gunning, David Kimball, Martha Kropf, Glen Krutz, R. Doug Lewis, Sarah Liebschutz, Todd Lochner, Karin MacDonald, Susan A. MacManus, Jerome Maddox, Daniel J. Palazzolo, Robert Montjoy, Gary Moncrief, Elizabeth Peiffer, Randall Strahan, and John T. Whelan.

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The First Presidential Communications Agency: FDR's Office of Government Reports, by Mordecai Lee, State University of New York Press, 2005, ISBN 0791463591, \$70.00, cloth, 288 pages.

Mordecai Lee's work, *The First Presidential Communications Agency: FDR's Office of Government Reports*, tells the story of Franklin Roosevelt's ongoing battle to establish an Office of Government Reports to act as a two-way information street informing the government and affected administrations about public opinion and simultaneously providing the public with information about administration policies and decisions.

From the creation of its predecessor, the National Emergency Council (which, before switching to the currently used and shorter title, *US Government Manual*, humorously issued their annual report as the loquaciously titled *Daily Revised Manual of Emergency Recovery Agencies and Facilities Provided by the United States Government: A Simplified Textbook of Federal Activities which Enables Every Citizen to Use Effectively, Speedily, and Directly the Emergency Service which the Government has Established*), to the legislative passage of congressional authorization for OGR, and then to its eventual death by funding starvation, the Office of Government Reports was a provocative and controversial enterprise.

Lee seeks to place this ebb and flow within a broader framework. Given the twentieth century evolution of the modern federal government, Lee sees this long ignored story highlighting three themes: the struggle for preeminence between presidents and Congress, the transformation of the president by the rise of the information age, and reporting by government agencies to the public. Lee believes these themes are of interest to political science, communications, and public administration.

The First Presidential Communications Agency is rich in historical detail. His narrative spreads from Woodrow Wilson's 1917 creation, the Committee on Public Information, through the turn of the new century. Lee analyzes FDR's National Emergency Council and its many divisions and tasks. He dissects the Brownlow Committee's (named after the chair, Louis Brownlow; the actual name was the President's Committee on Administrative Management) ideas for a genuine separate entity for presidential communications as part of FDR's proposed new Executive Office of the President. The military had its own idea and wanted a War Resources Board to advocate adherence to an Industrial Mobilization Plan needing only symbolic presidential approval (and therefore providing the president with little actual power). A real Office of Government Reports finally passed Congress in 1941, even though FDR had created the EOP in 1939 by executive order. Due mainly to the drawn out fight over the US Information Center, only a year later the OGR was merged into the Office of War Information. After the war, Truman ended OWI and returned OGR to its prewar status. It died in 1948 when Congress refused to authorize funds.

Lee goes into extensive detail about each of these facets of OGR's life. The laborious inter-branch battles are combed over in almost daily progressions. In relation to the three themes mentioned earlier, the first is where Lee is at his best. Congress, specifically the conservative coalition, is continuously critical and suspicious of public-relations expenditures in executive-branch agencies. Not only were some members of the coalition of the opposing political party, but, as Lee says, "[l]egislators have an institutional interest in minimizing public relations in public administration" (4). The institutional rhetoric reached hyperbolic levels. Either OGR or the US Information Center especially, at various times were called "a personal OGPU [the acronym of the political secret police in the Soviet Union, prior to the KGB] for the President" (70), "Dr Roosevelt's Propaganda Trust" (97), or a "potential Ministry of Propaganda" (97), to name a few attacks. The *Washington Post* was fond of using sarcastic headlines, such as "Found: A Man Who Could Use Mellett's [Lowell Mellett was head of the OGR] Madhouse [referring to the US Information Center]" (132). At one point FDR had to issue a public letter saying, "I am as much opposed to American Dictatorship as you are" (38).

Lee ostensibly believes that FDR's general idea to inform the public and to be informed about the public was sound. He writes, "The demise of OGR contributed to the demise of public reporting. This was a regrettable development if one accepts the theory that public reporting is one way to harmonize the modern administrative state with democracy" (12). Yet, in order to justify this position and make FDR shine even brighter, it would have been advantageous to delve into the legislative-executive issues even more deeply. Even though OGR "would not be a propaganda agency, trying overtly to persuade and convince people about how well the administration was performing" (15), or "a censorship agency vis-à-vis the work of reporters" (15), how does an administration stay away from these two troubled paths? Every administration seemingly wants to win reelection to further implement policy goals. How does one simply inform the public without trying to persuade the public the administration (as opposed to Congress,

the courts, or the opposing party members) is right? How does a government distribute movies like *The River* and *The Plow That Broke the Plains* (about flooding and soil conservation respectively) without straying into “propaganda” for their policy proposals in those areas? Lee touches briefly on these issues in chapter six but does not stay long on the topic.

As has been hinted at, FDR assumes a prominent role in this work. He is energetic, altruistic, and hard working, sometimes pushing the idea of an OGR alone. No one knew what to call the new agency so FDR wrote in the title himself (47). He insisted the low point in the depression be fixed in early March (99). He fought tooth-and-nail with the War Resources Board. He intervened personally to help change the opinion of a Bureau of the Budget report over the movement of NEC’s information activities. On September 8, 1939 FDR issued Executive Order 8248 establishing the EOP, which included OGR as one of its five agencies. Therefore, it would have been interesting to see why FDR disdained the Committee on Public Information, which was created by executive order by Wilson in 1917 to “be the central source for information about US involvement in World War I” (13). What exactly did FDR think the differences were between the two agencies?

As Lee points out, the OGR was an important conception because its effects are quite obvious today. The US Governmental Manual is still published. The Ad Council continues to provide public-service campaigns for federal agencies. The president gets daily news summaries. The White House Office of Public Liaison provides information directly to the public about programs and activities of the administration. Most importantly, debates regarding censorship, propaganda, legislative and executive tussles, the role of the Office of Communications (since 1969), and the fine line between informing and advocating are everyday occurrences. Mordecai Lee has provided an important look at where so much of our contemporary scene originated.

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Television: The Limits of Deregulation, by Lori A. Brainard, Lynne Rienner Publishers, 2004, ISBN 1588262448, \$49.95, cloth, 197 pages.

This book combines three of my interests: the Congress, the regulatory state, and television. Lori Brainard offers a very readable and interesting narrative of policy development at the FCC. Framed by regulation theory, the book does an excellent job of placing the ongoing policy debates within the FCC, between the FCC and the Congress, and within and among the various affected groups into both historical and theoretical context. Communications policy is the product of a jumble and a jungle of competing interests. It has been driven by technological change, by the visions of both Republican and Democratic administrations, and by entrenched interests at the communications bar and in the congressional subcommittee rooms. If readers of this review are interested in a book that is accessible to students, informed, and educative, I strongly recommend it.

The book fares less well as a study in congressional policy making or of congressional oversight of bureaucracy. To be sure, the main contours of congressional interest in and action upon communications policy are plainly and interestingly described. But the case study has its main focus on policy evolution and not on the mechanics or dynamics of legislation or oversight. It sticks to the large overview, and not to the small detail.

Brainard observes that theories of bureaucratic and legislative policy making tend to focus on the role and impact of organized groups. Both the Congress and the FCC have been thought to be responsive to the most influential players in the communications field, whether they be the major broadcast networks in their heyday, the upstart cable industry, the dominant Bell system, or the new internet firms. She argues that an interpretation communications policy that restricts itself to rent-seeking and/or coalition-building is not adequate because so much of the policy debate was framed by ideology. It turns out that what people believe really has made a difference in shaping communications policy. Is fairness important? Is competition important? Is there an overarching public good to be served? Is concentration of power a danger? These are normative questions that have divided Republicans from Democrats but also Republicans from Republicans and Democrats from Democrats.

And, very importantly, we learn why communications policy did not fall prey to deregulation as had other areas of regulatory policy such as the airlines and trucking industry. It was only partly because self-interested businesses sought to retain regulation; it was also because policy makers in both political

parties believed in it. The evolution of communications policy, says Brainard, has been slow and incremental. Yet it is best explained, she believes, by a contingency theory approach that stresses the evolution of communications policy within the context of the ideological forces that have shaped it over time.

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Term Limits and the Dismantling of State Legislative Professionalism, by Thad Kousser, Cambridge University Press, 2005, ISBN 0521839858, \$70.00, cloth, 288 pages.

While most scholars have focused attention on how term limits affect who serves in state legislatures, Thad Kousser breaks new ground in his book, *Term Limits and the Dismantling of State Legislative Professionalism*, by focusing on how features of institutional design, and principally term limits, alter legislative procedures, policy innovation, and the balance of power among institutional actors.

Using multiple methods and sources of data, Kousser engages in both deductive theorizing, quantitative analysis, and elite interviews with staff, lobbyists and legislators. In doing so, he succeeds in assembling an accessible account while satisfying the scholarly reader with several appendices covering the details of his statistical analysis, equations and proofs for his formal models, and an epilogue on legislative adaptations to term limits. If adopted for classroom usage, the book could provide multiple ways to explore formal theory, legislative institutional issues, and member behavior.

Kousser's research question is to assess the impact of both legislative professionalization and term limits on state legislatures' *form* (defined as the internal organization and dynamics) and *function* (defined as external interactions with other branches of government and policy outputs) (4). His data incorporates aggregate cross-sectional measures across all 50 states as well as longitudinal comparisons of both institutional and individual level measures in six states (California, Colorado, Illinois, Maine, New Mexico, and Oregon) of varying degrees of professionalization and experience with term limits.

The results are in some cases fairly predictable. For example, Kousser finds, not surprisingly, that leadership stability declines after the advent of term limits (91) and that legislatures with the most staff, higher lawmaker salaries, and longer sessions also tend to be the ones that allow committees the most autonomy over legislative procedure and staffing (113). On the other hand, some of the findings provide new insight into the importance of legislative design, and particularly term limits. He shows, not surprisingly, that a member's legislative "batting average" (operationalized as of bills passed/bills introduced) is greater for majority party members and leaders than rank-and-file members (144). But with term limits, Kousser demonstrates altered patterns of legislator "batting averages" in a way that enhances even more the advantages of majority party control (146). Kousser concludes that term limits have a "polarizing effect" in the sense that "each legislature's rich have gotten richer while its poor performers have grown poorer" (147).

In terms of the balance of power between the legislative and executive branches, Kousser undertakes a detailed analysis of higher education and health care budgets in comparable legislative sessions before and after the implementation of term limits. Here, he posits a formal bargaining game between the two branches and then tests two main hypotheses with empirical data. He shows that less professional legislatures have less bargaining leverage vis-à-vis the governor and the legislatures after implementing term limits experience a substantial decline in their ability to alter a governor's budget (174-5). Interestingly, Kousser also demonstrates that more professional legislatures and the presence of veteran legislators produce more innovative policies (199), but that veteran legislators are also most likely to maximize their efforts at innovation when they are on the verge of being term limited (202).

In sum, Kousser argues that legislative professionalism and term limits pull in opposite directions in terms of the effects on legislative behavior, form, and function. By linking formal theory to his empirical analysis, he describes not only what has changed as a result of professionalization and term limits but also to offer some explanation of why. This book offers welcome empirical data to the normative debate about the value of the term limit "reform."

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