



# Designing Judicial Review: Interest Groups, Congress, and Communications Policy

*Charles R. Shipan*

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Members of Congress and interest groups fiercely struggle over the seemingly unimportant procedural details of legislation such as the provisions for judicial review. Charles R. Shipan, in a study based on a detailed consideration of congressional debates over communications legislation, argues that the actors realize that current procedural choices will structure future alternatives and thus are willing to expend considerable resources over these issues. Using a rational choice framework, Shipan argues that provisions for judicial review, such as the specification of which agency actions are reviewable and which courts have review authority, are among the issues over which interested parties struggle because these issues will significantly affect the outcome of important future court action.

Shipan tests his theory in a detailed exploration of the development of communications legislation during the 1920s and 1930s. This is a rich period in which to study the importance of judicial review provisions, for, while most political actors accepted the courts as part of the regulatory process, the concept of assigning broad decision-making powers to agencies was new and controversial. In addition, regulation of radio was both an important issue and one fraught with uncertainty, thus inducing members of Congress and interest groups to attempt to plan ahead for future actions. Shipan examines the motivations, actions, and choices of both interest groups and members of Congress. He then looks at the impact of the choices made on later court action in the communications legislation.

This book will appeal to political scientists and legal scholars interested in the politics of judicial review, the courts, legislative politics, and communication policy.

Charles R. Shipan is Assistant Professor of Political Science, University of Iowa, and is a Robert Wood Johnson Fellow, University of Michigan.

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