

**Special Districts** There are more than thirty-three thousand special-district governments (sometimes called authorities) in the United States. They have specific responsibility for some single governmental function—handling sewage treatment and the supply of water, managing airports and bridges, or getting rid of mosquitoes. The biggest is the New York Port Authority, which operates airports, bridges, and bus terminals. Most are much smaller. The number of special-district governments has increased in recent years. Their proponents claim that they make possible more efficient management; their critics argue that they so diffuse responsibility for governmental functions as to make them hard to control.

School districts (there are more than fourteen thousand of them) are a familiar example of special-district governments. Though arrangements vary from state to state, often the voters elect school board members (the school board thus becomes a miniature legislature), who then choose a school superintendent (the executive). Where the progressive tradition is strong, the emphasis is on finding an “expert” school superintendent and giving him or her a great deal of power to run the schools on the basis of the best professional opinion. Where the Jacksonian tradition is strong, the emphasis is on finding a local person to be school superintendent and having the school board become deeply involved in the details of school management.

## The Structure of State Government

Politically the essential difference among state governments is not whether they are big or small, urban or rural, but whether they embody the Jacksonian or the progressive philosophy of governance. Some states, such as California and Wisconsin, have governmental institutions that represent the high-water mark of progressive thinking—a strong governor, relatively few other elected executive officials, a more or less full-time, professional legislature, and a tradition of active (and expensive) governmental involvement in various policy areas such as welfare and education. Other states, such as Indiana, Louisiana, and Texas, were largely unaffected by the progressive movement and have institutions that reflect a desire



In mid-1997, two women served as state governors: Jeanne Shaheen (above) of New Hampshire and Christine Todd Whitman of New Jersey.

for limited government by part-time officeholders: a weak governor who cannot serve more than one or two consecutive terms, many elected executive officials, a legislature that meets infrequently or for only a brief period, and a tradition of relatively limited (and less well funded) state activity.

To speak of two styles of state politics is, of course, to oversimplify matters greatly. California has some features of the Jacksonian system, such as an elected superintendent of instruction, and Texas has some features of the progressive system, such as a governor who can serve an unlimited number of terms. And state politics is changing—more and more states have moved in the progressive direction. Moreover, the states differ in many ways in addition to their governmental systems—some have rural populations that want small government concerned about the needs of farmers; others have large urban populations that generate a wider variety of political demands. But the oversimplification is a useful one, for it reminds us that institutions make a difference in how politics works and that institutions arise out of competing philosophies as to what constitutes good government.



## California

California's politics reflects two deep divisions in the state—between north and south and between liberals and conservatives. Its congressional delegation, the largest in the nation, is perhaps the most divided ideologically: California Democrats are more liberal than Democrats elsewhere, and California Republicans are more conservative than Republicans elsewhere. The state's governors have ranged from the conservative Ronald Reagan to the liberal Jerry Brown. Today California has two Democratic senators, both of them women (Barbara Boxer and Dianne Feinstein). But for many years the state sent one Democrat and one Republican to the Senate.

The governor serves a four-year term, to which he or she can be reelected once. The governor shares authority with six other elected executive officers, an elected Board of Equalization, and several quasi-independent commissions (such as the one that runs the universities). The number of appointments that the governor can make is limited by a strong civil service system, but the governor does have a line-item veto and substantial reorganization authority.

The legislature, which meets annually, is one of the most professionalized in the nation; its forty senators (who serve four-year terms) and eighty Assembly members (who serve two-year terms) are among the best paid and best staffed in the country. The speaker of the Assembly is very powerful, appointing all committee chairmen and most committee members.

California's political parties are organizationally quite weak, a legacy of the progressive reforms begun in 1911. The real influence in elections comes not from party leaders but from elected officials and interest groups, professional campaign management firms, newspaper endorsements, and television advertising.

The initiative, referendum, and recall are heavily used in California. Between 1981 and 1990, fifty-eight statewide initiative measures got on the ballot and twenty-seven were approved. The famous Proposition 13, which cut property taxes, was an initiative measure approved in 1978. So important are these petitions that firms have sprung up that are in the business of gathering signatures.

## Governors

By considering various aspects of the formal (that is, legal) authority of governors—their tenure in office, their ability to appoint subordinates and reorganize the executive branch, and their budgetary and veto powers—it is possible to distinguish between those who are relatively strong and those who are relatively weak. Thad L. Beyle did this and came up with the following ranking:

- *Very strong governors:* New Jersey, Pennsylvania, Utah, Hawaii, Maryland, Massachusetts, Minnesota, New York
- *Weak governors:* Mississippi, Texas, South Carolina, New Hampshire, North Carolina, Nevada<sup>5</sup>

The other governors were in between, with those in California and Connecticut tending toward the “very strong” end of the scale and those in Missouri, Ohio, and Virginia tending toward the “weak” end. Note that states with strong governors tend to be populous, urban states and those with weak ones tend to be rural or southern states. It is important to bear in mind, however, that these rankings are based only on legal authority; personal skill, the strength of political parties and interest groups allied with the governor, and the governor's use of the media all affect how much actual power he or she will have.

The typical governor, if there is such a thing, is elected for a four-year term and (in thirty-eight states) can serve for only two terms. In the typical state the governor does *not* run as a team with the candidate for lieutenant governor, so that unlike the case of the U.S. president and vice president, it is possible for the governor to be from one party and the lieutenant governor to be from a different one (this has happened in California and some other states). There is a growing tendency, however, to change the rules to require that the two candidates run as a team; that rule is now in effect in twenty-seven states.

Most governors have the authority to prepare the state budget, veto legislation, take command of their state's National Guard, and grant pardons or clemency to persons convicted of a crime. In forty-three states the governor can use a *line-item veto*: that is, he or she can veto one provision of some or all bills without vetoing the entire bill. In some states the governor can go even further than this—he or

she can reduce the amount appropriated for a specific purpose. The legislature can override the line-item veto or the appropriation reduction, usually by a two-thirds vote.

The power of the governor to appoint other executive officers varies greatly from place to place. The limitations on the appointive power are of two kinds—constitutional and legal. The constitutional limitation arises from the requirement that certain executive offices be filled by direct election. About thirty states elect six or more executive officials in addition to the governor and lieutenant governor; these tend to be southern and midwestern states with a strong Jacksonian tradition. About twenty elect five or fewer; these tend to be eastern or far western states. Just Maine, New Hampshire, New Jersey, and Tennessee follow the national practice of electing only the chief executive. Over the last quarter century there has been a trend toward reducing the number of elected executive officers.

The political limitation arises from civil service laws. In progressive states, such as California, these laws are very strong and restrict the governor from making more than a small number of appointments entirely at his or her discretion. In many Jacksonian states, such as Indiana, the civil service laws are weak and the governor can make thousands of patronage appointments. Once again, the link between constitutional philosophy and the appointive process is not perfect. Some states, such as Pennsylvania, that have powerful governors and only a few elected executives also have extensive opportunities for patronage appointments. And things are changing: whereas in 1958 only half of all state jobs were under the civil service, today the great majority are.

Just as the constitutional base and political powers of the governor's office have been changing, so also has the kind of person who becomes governor. In the past a few governors, such as Al Smith in New York and Earl Warren in California, were important figures, but many were unimpressive time-servers who did little more than cut ribbons to open new public buildings and pose for the cameras. The states were not so much "laboratories of democracy" as havens for second-rate politicians. That seems to have changed.

A new breed of governor has come to the fore, bringing energy and intelligence to an office that has grown in both importance and power. Many new

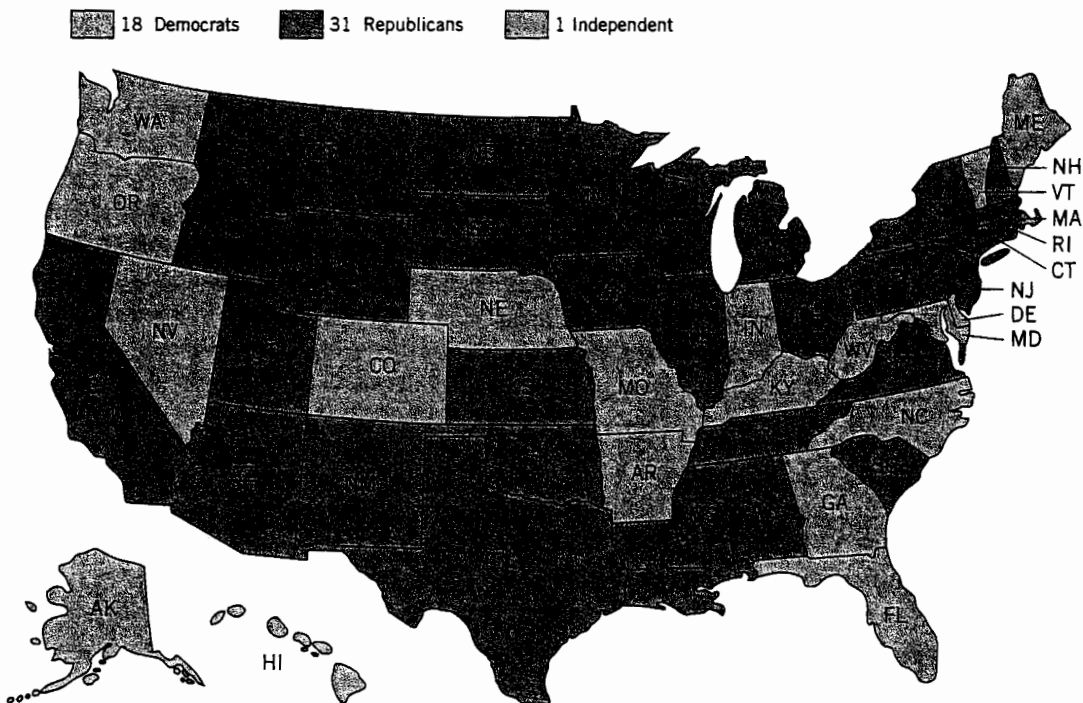
national policies have been modeled on ones pioneered in the states. For example, the Family Support Act of 1988 and the Welfare Reform Act of 1996 designed to encourage welfare recipients to become self-supporting, were based in part on work-oriented welfare programs begun by governors in California, Massachusetts, Michigan, New Jersey, Wisconsin, and elsewhere. Federal efforts to improve education have grown out of meetings of the governors from states that have experimented with school reform plans. Three of the last four presidents—Jimmy Carter, Ronald Reagan, and Bill Clinton—came to the White House as former governors, as did thirteen presidents before them.

From 1970 until 1994, Democrats held a majority of the governorships, and they did this despite the increasing tendency of white southerners to vote for Republican candidates. In 1994 that changed. Republicans lost none of the statehouses they already controlled and won eleven more while four Democratic incumbents were defeated. For the first time in a quarter century, Republicans had more governorships (thirty-one) than did the Democrats (eighteen) (see map, page 706). The Republicans now controlled the statehouses in eight of the ten largest states and in half of the Southern ones.

Until the 1994 election, Democrats had been doing a better job of winning governorships than of winning the presidency. There were several reasons for this. Presidential elections are often influenced more by the economic condition of the nation and the character of the candidates than by party loyalty. State elections, by contrast, are more likely to reflect traditional party allegiances; for a long time more voters have been Democratic than Republican. Another reason is that in most states gubernatorial elections are no longer held on the same day as presidential ones. In the 1930s thirty-three states chose their governors in the same election as they chose the president. In 1992 only twelve states did this. As a result the popularity of a Republican presidential candidate cannot readily be transferred to a Republican gubernatorial candidate—having the two chosen in different years cuts the president's coattails. Moreover, the president's party often loses popularity during off-year elections, just at the time when most governors are being elected.

Like most recent presidents, most governors face legislatures in which one or both houses are con-

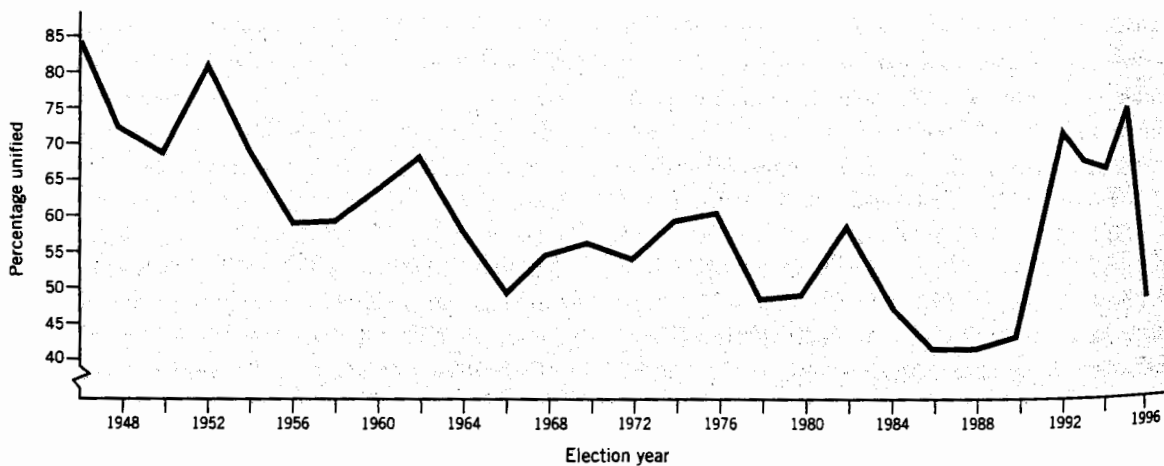
PARTY CONTROL OF STATE GOVERNORSHIPS, 1995



trolled by the opposition party. In 1952, about 80 percent of the states had a government in which the same party controlled the governor's office and both houses of the legislature; by 1986, only about 40 percent had unified governments (see Figure 25.1). The

main reason for the decline in unified state governments has been the inability of Republicans to elect state legislators. Once, a Republican governor could count on having a Republican-controlled legislature; no more. In 1993 eighteen states had Republican

FIGURE 25.1 The Decline of Unified State Government



SOURCE: Morris Fiorina, *Divided Government* (New York: Macmillan, 1992), 25. Updated by the author.

governors; in only three (Arizona, New Hampshire, and Utah) did the Republicans also control the legislatures. After the 1996 election, divided control continued to be the rule rather than the exception. Before it, thirty-one states had divided rule; after it, twenty-eight did. Republican governors did make some progress; before the election, only three of them had legislatures of the same party, but after it fifteen did. Even so, Republican governors had to face legislatures with at least one house under Democratic control in such important states as California, New York, and Texas.

### State Legislatures

State legislatures are not small-scale versions of Congress. Though all but Nebraska's have two houses, the way in which they are elected, organized, and led often differs greatly from what one finds in Washington. A member of Congress represents a large district (half a million people), is paid a good salary, has a large staff, and works at his or her job full-time; in many states exactly the opposite is true.

**Elections and Electoral Districts** Many state legislators are not even chosen from single-member districts but rather from multimember ones. About a third of all members of the lower houses of the state legislatures (and about one-eighth of all state senators) are elected from districts that choose more than one legislator.<sup>6</sup> Until 1980, for example, three members of the Illinois house were chosen from each electoral district. Each voter in those districts could cast three votes, giving one to each of three candidates, or three to one candidate and none to any other, or some other combination. This meant that a passionate Republican could give all three of his or her votes to a single Republican candidate, and if enough other passionate Republicans did the same thing, a Republican could be elected from a district where the vast majority of voters were Democrats.

In most states the effect of multimember districts (as well as other factors) is to give the dominant political party a big advantage—if it wins 55 to 60 percent of the popular vote in a state, it will win 65 to 70 percent of the legislative seats.<sup>7</sup>

Except in Nebraska, all state legislators run under a party label. Just as with members of Con-



## The People's Representatives Speak

When you have over a half million elected officials at the state and local levels, you should not assume that they all will speak with the clarity and wisdom of Winston Churchill.

Take lawmakers in Michigan. Reporters covering that state's legislature have written down some of the flakier examples of official phrase making. Each exchange was heard by at least two reporters.

"There comes a time to put principle aside and do what's right."

"I don't see anything wrong with saving human life. That would be good politics, even for us."

"Some of our friends wanted it in the bill, some of our friends wanted it out. Jerry and I are going to stick with our friends."

"From now on, I'm watching everything you do with a fine-toothed comb."

"The chair would wish the members would refrain from talking about the intellectual levels of other members. That always leads to problems."

"Mr. Chairman, fellow members and guests. That's a god-damn lie."

"I don't think you appreciate how difficult it is to be a pawn of labor."

"Let's violate the law one more time."

"Now we've got them right where they want us."

"Mr. Speaker, what bill did we just pass?"

SOURCE: Adapted from Eugene Carlson, " 'Now,' the Senator Said, 'We've Got Them Right Where They Want Us,'" *Wall Street Journal* (March 19, 1982): 27. Reprinted by permission of the Wall Street Journal, © 1982 Dow Jones & Company, Inc. All rights reserved worldwide.

gress, they get on the ballot by winning a primary election. But in some states political parties play a much bigger role in deciding who gets the nomination than they do in others. In Connecticut and Pennsylvania, party leaders will often help recruit candidates and give to favored candidates a party endorsement. In other states, such as Minnesota and Washington, party organizations are much weaker, candidates are likely to be self-selected (rather than party-recruited), and only a minority of the primary candidates will be endorsed by party leaders.<sup>8</sup>

**The Determinants of Legislative Elections** Traditional party loyalties have kept southern state legislatures overwhelmingly Democratic even though these states have increasingly voted for the Republican candidate for president and, of late, have begun to elect Republican governors in large numbers (there were five Republican governors in the South in 1996).

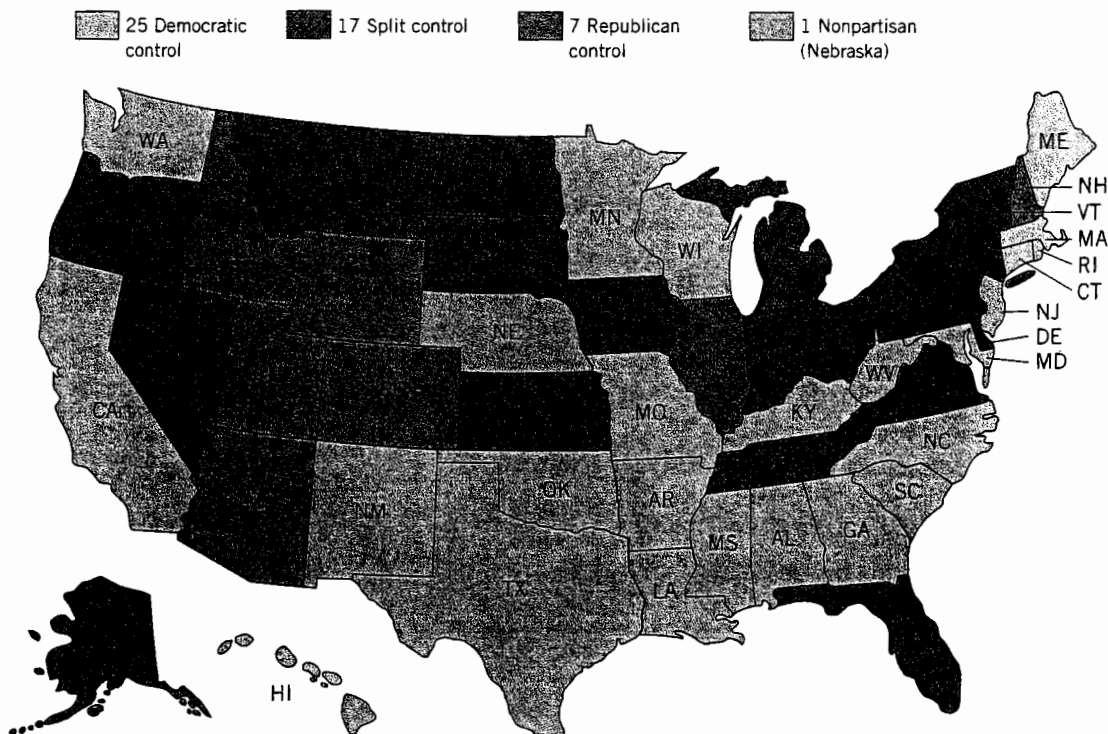
Outside the South, state legislative elections tend to be influenced by some of the same forces that shape national elections. For example, since 1950 the president's political party has lost seats in the state legislatures (outside the South) in every election occurring between the regular presidential elections. This is strikingly similar to the losses that the president's party almost always suffers in congressional seats, and it suggests that voters approach state legislative elections in much the same way as they approach congressional ones.

Further evidence of this is a fact discovered by political scientist John Chubb: the condition of the *national* economy has a strong effect on *state* legislative elections, just as it does on national ones.<sup>9</sup>

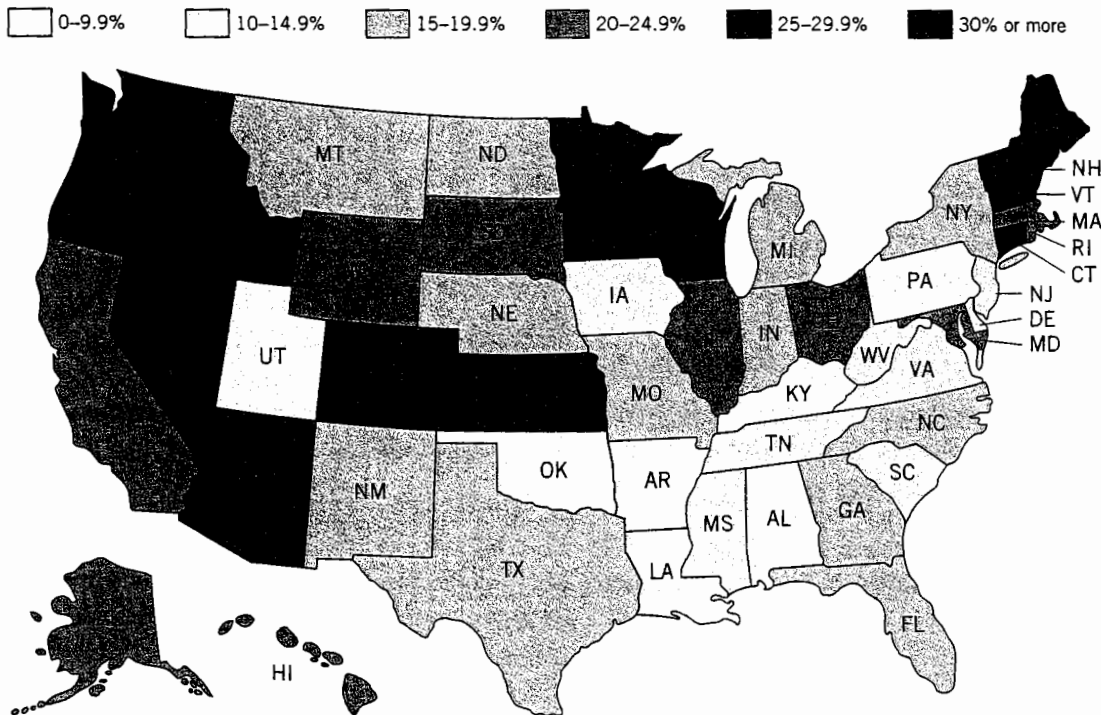
Once elected, legislators tend to be about as safe in most states as they are in the U.S. House of Representatives. In most years, about 90 percent of all state legislators who stand for reelection are reelected, just as in the U.S. House.<sup>10</sup> (However, fewer state legislators stand for reelection, and so the turnover in membership is higher in state legislatures than in Congress.) But in 1992 public criticism of career politicians reduced the rate at which state legislators were reelected (down to "only" about 70 percent), just as it cut the reelection rate of members of Congress. Proposals to place term limits on state and national legislators passed in each of the fourteen states that had them on the ballot.

There are about 7,400 legislative seats in the American states; Democrats have won a majority of them in virtually every election for the last forty years, including 1994. The Republicans have closed the gap a bit, even in the South. In 1994 they took control of the lower houses in both North and South Carolina for the first time in this century. As of 1996, eighteen states were under Republican control, nineteen were under Democratic sway, and

PARTY CONTROL OF LEGISLATIVE CHAMBERS, 1995



## PERCENTAGE OF STATE LEGISLATORS WHO ARE WOMEN, 1993



SOURCE: Rob Gurwitt, "Legislatures: The Faces of Change," *Governing* (February 1993): 30.

fourteen had divided control. (One state, Nebraska, has a nonpartisan legislature. See map at left.) In 1992 women and minorities made big gains in state capitols when 125 more women, 65 more blacks, and 27 more Hispanics entered office (see map above). One-fifth of all legislators are female.

**Apportionment** Once, many state legislatures were unrepresentative of the people of the state, as a result of malapportionment. District lines were drawn so as to give an enormous advantage to some parts of the state, usually rural ones, at the expense of other parts, usually urban and suburban ones. Before 1964, for example, a vote cast in a rural county would, on the average, be worth twice as much as one cast in a big city, because in the former there would be only half as many voters per elected representative as in the latter.<sup>11</sup> In certain states the underrepresentation was much greater than these national averages suggest. Los Angeles County, with almost 40 percent of California's population, had but one state senator (out of forty). In 1964 the

United States Supreme Court ruled, in the case of *Reynolds v. Sims*,<sup>12</sup> that the populations of each district in a given house of a state legislature had to be substantially equal. The rule to be followed was "one person, one vote."

As a result of this decision many state legislatures had to be redistricted. The consequences were often dramatic. In Georgia, for example, the number of representatives from urban areas increased by a factor of ten in the lower house of the legislature and by a factor of twenty in the upper house.<sup>13</sup> In other states the chief beneficiaries were suburban rather than urban voters. Moreover, the partisan and racial composition of state legislatures began to change. In the South Republicans (from suburban districts) and blacks (from urban districts) increased in number. Urban and suburban interests got more attention from state government, and rural interests got somewhat less. But some of these gains for big cities have proved to be short-lived. As people have moved out of large, older cities and into the suburbs, the continuing process of reapportionment

means that many big cities have lost voting strength in their state capitols, and suburbs have gained strength.

**Professional versus Amateur Legislators** Though state legislative districts are about the same size within a given state, they of course differ greatly in size across states. A California legislative district may have 300,000 people in it while one in New Hampshire may have only 2,000.<sup>14</sup> Thus in California legislative politics is big business; in New Hampshire it is a folksy, friends-and-neighbors affair.

States differ not only in the size of their legislatures but also in the extent to which being a legislator is a full-time job. California paid its representatives (in 1995) \$72,000 a year; New Hampshire pays its representatives \$100 a year. California legislators work in an institution with a large, professional staff and many conveniences; New Hampshire legislators are pretty much on their own. Twenty-seven states pay their legislators \$15,000 a year or more; thirteen pay them less (often much less) than \$10,000 a year.

There has been a significant increase in the number of legislatures that have been professionalized. A **professional legislature** has some or all of the following characteristics:

- It meets during most of the year.
- Its members are relatively well paid.
- Its members regard being a legislator as their main job.
- Members and committees have sizable, year-round staffs.

California has a professional legislature, as do Illinois, Massachusetts, Michigan, Minnesota, New York, New Jersey, Ohio, Pennsylvania, and Wisconsin. By contrast, New Hampshire, Texas, Wyoming, and many other states have an **amateur**, or part-time, legislature. One of the striking features of professionalized legislatures is the low turnover among members. In eight of the ten professionalized legislatures listed above, turnover in the 1988 election was less than 10 percent.

The rise of the professional legislature means an increase in the number of legislators whose full-time occupation is politics. This fact may help explain

why Democrats do better at winning elections to state legislatures than do Republicans. As Morris Fiorina and Alan Ehrenhalt have pointed out, the two parties differ in the kinds of people who are active in them.<sup>15</sup> Republican party activists are often older persons, especially lawyers, farmers, and business executives. Conservative Republicans tend to be people who are suspicious of government, wishing that it were smaller. By contrast, Democratic party activists tend to be younger persons for whom politics (or work for various social movements involved in politics) has been a full-time career. Liberal Democrats tend to like government and want it to do more.

If this line of argument is correct, it means that Republicans will tend to be people who, because they have careers outside of politics, will find it easy to be part-time legislators but hard to be full-time ones. And it means that Republicans, because they think government should do relatively little, may enjoy serving in a legislature that does little but dislike serving in one that does a lot. As a result, Republicans will be less likely than Democrats to be vigorous, persistent, and skillful candidates for elective office, and so Democrats will win a larger-than-expected share of seats in the legislatures. The result will be a tendency toward divided government—Republican governors who do not have a Republican legislature.

**Party Organization** Party leaders in Congress are important but have only a little power; they cannot choose committee chairmen or remove members from committees. But party leaders in many state legislatures often have a great deal of power.

A few states, mostly in the South (Alabama, Louisiana, Mississippi, New Hampshire, South Carolina, and Texas), have no distinct majority and minority leaders, in part because there are so few Republicans in these legislatures as to make party organization almost meaningless. Nebraska has no party leaders because its state legislators are all elected on a nonpartisan ballot.

In the rest of the states the influence of party leaders varies considerably. In Massachusetts and California, for example, the speaker of the lower house handpicks committee members and committee chairmen. Chairmen who act against the speaker's

wishes risk losing their chairmanships and all the accompanying powers and privileges. Similarly, the speaker of the House in Michigan is a dominant figure; as one state legislator put it, "nothing happens without the speaker's approval."<sup>16</sup> In New York party discipline is quite strong; as one former speaker of the Assembly said, "never once in the fifteen years I've been here have we failed to get a Republican majority for a 'must' piece of legislation."<sup>17</sup> In a few states not only do party caucuses meet regularly to decide what positions their parties will take on pending legislation, those decisions are binding on party members. But in other states party leaders have relatively little influence.

Party leaders derive their power not only from their ability to pick committee chairmen (posts that often carry higher salaries and more fringe benefits than ordinary legislative seats) but also from the legislative patronage that they have to dispense (a lot in states such as New York, New Jersey, and Pennsylvania) and from the campaign funds that they frequently control. In California, for example, the last few speakers of the Assembly (Jesse Unruh, Leo McCarthy, and Willie Brown) have raised millions of dollars from interest groups. The speakers then passed out this money to support the reelection campaigns of loyal legislators.

One would like to know how effective all this leadership is in producing party-line voting in the state legislatures. But we don't know: the research on this subject is too fragmentary to permit one to say much. It appears that in the legislatures of states such as California, Colorado, Rhode Island, and Pennsylvania there has been a high level of party voting and in states such as Montana, Washington, and Wyoming there has not been much.<sup>18</sup>

No one is quite certain why some states are more partisan than others, though it appears that the urbanized, industrialized states tend to have more party-line votes than do more rural states. But there are at least two qualifications that have to be made to this—and any other—generalization about legislative voting. One is that the patterns change over time. A second is that the concept of party is relatively meaningless in one-party states. In Alabama, Georgia, Louisiana, or Mississippi almost everybody in the legislature is a Democrat. The real cleavages in these states tend to be between urban and rural or



## Texas

Politics in Texas has traditionally been a contest among Democrats whose campaigns focused on the state's small towns but were financed by big-city oil and banking money. But that is changing. Liberal Democrats, with support in the big cities and among ethnic minorities, have been growing in influence. In response, people who were once conservative Democrats increasingly have been campaigning and voting as Republicans, at least for statewide and national office. As a result, the old one-party politics of Texas has given way to two-party politics.

The emergence of a two-party Texas is especially important given the state's power in national affairs. It has the third-largest congressional delegation, two of its citizens have been president (Lyndon Johnson and George Bush), and in recent years it has produced two powerful speakers of the House (Sam Rayburn and Jim Wright), a Senate majority leader (Johnson), and two secretaries of the treasury (John Connally and Lloyd Bentsen).

Since 1978 both parties have had a good shot at winning the governorship; Republican William Clements won in that year, Democrat Mark White in 1982, Clements again in 1986, Democrat Ann Richards in 1990, and Republican George W. Bush in 1994. Currently both senators are Republican (Phil Gramm and Kay Bailey Hutchinson). In both houses of the state legislature, however, Democrats enjoy large majorities.

The governor serves a four-year term and can be reelected, but his or her executive authority must be shared with six other elected statewide officials and an elected Railroad Commission. The detailed, Jacksonian-style constitution places sharp limits on government power. The lieutenant governor is not elected on the same slate as the governor and enjoys considerable independent power as a result of his ability, as presiding officer of the Senate, to pick its committee members and chairmen. The speaker is equally influential in the House. The Texas legislature is a part-time venture, meeting only in odd-numbered years and paying its members \$7,200 a year.

The state is fiscally conservative: it has no state income tax, and it spends less per capita than most other states. The recession in the oil industry hurt the state in the 1980s, but in the 1990s it was enjoying an economic revival and industrial diversification.

liberal and conservative legislators, not between Democrats and Republicans.

**Committees** State legislatures, like Congress, have committees, in which much of the real lawmaking work is done. But state committees are often much less important than their congressional counterparts, and for good reason. Where the party leaders are powerful, committee chairmen will be less powerful. One indication of committee weakness is the turnover in their membership—it is often higher in the states than in Congress. Another is that seniority often counts for much less in picking a state committee chairman than it does in choosing a chairman in Congress.

In sum, the legislatures of many of the bigger, industrialized, northern states tend to be more partisan, more highly organized, and more tightly led than is Congress, whereas legislatures in small, rural, and southern states tend to be somewhat less structured than Congress. Committees tend to be somewhat less important in the states than in Congress.

### State Courts

In general the structure of state courts looks much like the federal system. There are many trial courts in most states and usually a single supreme court. In most states there are also intermediate appeals courts. But when examined more closely, state courts turn out to be much more diverse and specialized than federal ones. Let us start at the bottom and work up.

**Trial Courts** There are two kinds. First, there are minor courts (in cities they are usually called municipal courts; in rural areas they are sometimes called justices of the peace) that handle traffic tickets, small claims, and minor criminal offenses. Second, there are trial courts with broad jurisdiction over all criminal and civil matters. These are called, variously, superior courts, county courts, circuit courts, district courts, or courts of common pleas. (In New York they are called supreme courts, but they are not really supreme.) People charged with serious crimes are tried in these courts, and major lawsuits are settled there. At this level there may also be specialized courts to handle probate

(that is, the wills and estates of deceased persons) and juvenile or family matters. Most general jurisdiction trial courts are part of a county government, though the judges may be selected by the governor.

**Appeals Courts** At the top of the system there are the state equivalents to the United States Supreme Court. In most states it is called the state supreme court, but in Maine and Massachusetts it is called the Supreme Judicial Court and in Maryland and New York the Court of Appeals. (Two states have separate supreme courts for civil and criminal matters.) State supreme courts, like their federal counterpart, have the power to declare acts of state government to be unconstitutional. They can also claim that federal laws are unconstitutional, but such decisions almost always get reviewed by the United States Supreme Court. Between the highest court and the trial courts there are, in most states, appeals courts on which several judges sit.

**Choosing Judges** There is a bewildering variety of methods for choosing judges. In general, states that reflect the Jacksonian tradition elect their judges, and states that embody the progressive tradition appoint theirs. The Jacksonians believe that election guarantees that the judges will be close to the people; the progressives argue that appointment ensures that the judges will be competent. But within this framework are countless combinations and exceptions.

To simplify matters a bit, let us look at five methods for picking judges:

1. *Partisan elections.* In fifteen states judges run for office as Democrats or Republicans. Among the larger states that use this method are Illinois, New York, North Carolina, Pennsylvania, and Texas. In five of these states, including New York, partisan elections are used for some but not all courts.
2. *Nonpartisan elections.* In sixteen states judges run for office in nonpartisan elections. Among the larger states using this method are Michigan, Minnesota, Ohio, and Wisconsin. Five of these states combine this method with another for different courts.

3. *Appointment by governor.* In ten states the governor appoints the judges. These include Maryland, Massachusetts, and New Jersey. Three of these states combine this method with another for different courts.
4. *Appointment by legislature.* In four states the judges are appointed by the legislature. These are Connecticut, Rhode Island (appeals judges only), South Carolina, and Virginia.
5. *"Missouri Plan."* In this system, used in whole or in part by sixteen states, the judge is first appointed and then must face the electorate at the end of his or her first term. The governor makes the appointment from a list of candidates produced by a screening committee of citizens and lawyers. When the judge completes the first term of office, his or her name goes on the ballot with the question, "Shall Judge A be retained in office?" There is no opponent (except in California, where trial court judges, but not appellate judges, face an opponent). If more people vote "yes" than "no" on retaining the judge in office, the judge stays. Among the states using this plan are California, Colorado, Florida (appeals judges), Indiana (appeals judges), Iowa, Missouri, Nebraska, and Utah.<sup>19</sup>

Experts argue over what difference, if any, the selection method makes in the quality of judges. No one knows for certain, in part because people disagree as to what constitutes a good judge. We do know a few facts, however. First, not many people vote in those elections where judges are chosen. Second, most incumbent judges don't face an opponent when they stand for reelection. Third, the Missouri Plan results in the defeat of only a tiny proportion of all judges who run. Sometimes, though, that small fraction can include some celebrated cases. One such was Chief Justice Rose Bird of California, who in 1986 was defeated by a massive campaign to unseat her because of decisions that she had written preventing the carrying out of the death penalty in various criminal cases. Fourth, elected and appointed judges do not differ greatly in their decisions, though elected Democrats tend to be somewhat more liberal than elected Republicans.

## Political Culture

These facts and figures, though important, do not capture the flavor of daily life in state government, because each state has a style, or political culture, that is often quite distinctive. Alan Rosenthal suggests some of this with these thumbnail sketches:

*In New York professional politics, political wheeling and dealing, and frantic activity are characteristic. In Virginia, one gets a sense of tradition, conservatism, and gentility, and the General Assembly has been described by its admirers as the "first men's club" in the state. Louisiana's politics are wild and flamboyant. By contrast, moderation and caution are features of Iowa. A strong disposition of compromise pervades Oregon. . . . In Kansas hard work, respect for authority, fiscal prudence, and a general conservatism and resistance to rapid social change are pervasive features of the state environment. Indiana is intensely partisan, Wyoming is mainly individualistic and Ohio is fundamentally conservative. In Hawaii the relatively recent political dominance of Japanese, and the secondary status of Chinese, native Hawaiians, and Haoles (whites) makes for tough ethnic politics. Yankee Republicans used to run Massachusetts, but now the Irish dominate. . . . Mormonism, of course, dominates Utah.<sup>20</sup>*

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## The Structure of Local Government

Just as states tend to reflect either the Jacksonian or the progressive political culture, so also do cities, especially big cities, differ in this way. Many scholars distinguish between **unreformed cities** and **reformed cities**. They do not mean by this that unreformed cities are bad and reformed ones good, only that in the latter case the progressive impulse has made greater headway. These differences can be summarized, in oversimplified form, as follows:

Unreformed (Jacksonian) city	Reformed (progressive) city
Elections partisan	Elections nonpartisan
City council elected from districts	City council elected at large