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BASES OF ELECTORAL COMPETITION IN MICHIGAN APPELLATE COURT
ELECTIONS, 1948-1982

Michigan State University

Ph.D. 1983

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BASES OF ELECTORAL COMPETITION IN MICHIGAN
APPELLATE COURT ELECTIONS, 1948-1982

By

Diane Eve Wall

A DISSERTATION

Submitted to
Michigan State University
in partial fulfillment of the requirements
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ABSTRACT

BASES OF ELECTORAL COMPETITION IN MICHIGAN APPELLATE COURT ELECTIONS, 1948-1982

By

Diane Eve Wall

This dissertation analyzes the relative influence of candidate attributes which may explain who wins and who loses in contested Michigan appellate court elections. Two courts currently comprise the appellate level. The electoral rules for the Michigan Supreme Court and Court of Appeals differ. Two research objectives guide this study. The first is to determine the relative influence of bases of candidate competition which may explain the election outcome for each of the Michigan appellate courts. This analysis refines the information already established about bases of candidate competition for Michigan Supreme Court elections and provides information about those bases for Michigan Court of Appeals contested elections.

The second objective is to compare the relative influence of the bases of candidate competition between two time periods and court levels. The two periods analyzed were for Supreme Court elections before and after adoption of the 1963 Michigan Constitution. The other comparison is between the rank ordering of the relative influence

of candidate attributes in Supreme Court elections and the ranking for Court of Appeals contests.

The data are aggregate voting statistics and candidate biographical information for all Michigan Supreme Court elections from 1948 to 1982 and all contested Michigan Court of Appeals general elections from 1970 to 1982. The appellate court models are tested with Probit, an ordinal analog of regression.

Four major conclusions from this analysis differ from earlier Michigan studies. First, five candidate attributes have a positive relationship to winning an appellate court election, the most important of which is support from the candidate's geographical section. Only this attribute provides an advantage during the total period studied and for both courts. Second, incumbency and strength of the candidate's political party are positively related to only Supreme Court election outcomes during the earlier period. Third, ethnic appeal of the candidate's name and the candidate's unearned name familiarity are positively related to winning contested Court of Appeals elections. Fourth, single estimation of one appellate court model of candidate attributes is inappropriate. Clearly, the rules of the game and national trends have had an impact on Michigan's appellate court elections.

Dedicated to God and my
special friends

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CHAPTER I

INTRODUCTION AND THEORY

Objectives

Two courts currently comprise the appellate court level of Michigan's judicial system. The Michigan Supreme Court is the state's highest court of appeal. The seven Justices who serve eight-year terms on this court are elected on a nonpartisan ballot although they are nominated by a partisan convention. The Court of Appeals of Michigan is organized into three districts for purposes of selection. Each district has five judges who are nominated by nonpartisan petition and elected on nonpartisan ballots for six-year terms. A Court of Appeals primary is only conducted when the number of candidates exceeds double the number of seats. This dissertation is a study of one aspect of the selection process. My research is an analysis of the relative influence of the candidate attributes which may explain who wins and who loses in a contested Michigan appellate court general or vacancy election.

The objectives of my research are twofold. My first objective is to determine the relative influence of the bases of candidate competition which may explain the election outcomes for each of the Michigan appellate courts. I hope this study will add to the development of a framework for the analysis of the other states which have judicial elections. Likely, modifications will be needed in this

model to adapt for each state's particular historical, cultural, and political context. Also I wish to refine the information already known about the bases of candidate competition for Michigan Supreme Court elections and to provide information about those bases for Michigan Court of Appeals contested elections. At this time, none exists.

My second objective is to compare the relative influence of the bases of candidate competition between two time periods and court levels. The two time periods analyzed are for the Supreme Court elections before and after the adoption of the Michigan Constitution of 1963. This approach provides an opportunity to study the differences resulting from changes in the formal rules. That is desirable because the Constitution of 1963 and the implementing legislation created significant changes in the election procedures governing the Supreme Court contest. The other comparison is between the rank ordering of the relative influence of candidate attributes which may explain who wins and loses in Supreme Court elections and the ranking for the Court of Appeals contests. This investigation will add to our understanding of the differences between the levels of state courts.

These two research objectives address my general goal of refining and expanding our knowledge about judicial elections in Michigan. In the past, policy makers in Michigan have urged drastic changes in the state's judicial selection process without adequate information. I hope my research is a step toward fulfilling the need for more

empirically based information to be available for policy makers. The following are my objectives for the rest of Chapter I.

A scholar's theoretical and methodological orientations interact in any research endeavor. However, theory informs the researcher and should be preeminent over methodology. Therefore, the next portion of this chapter contains my theory; methodology is reserved for Chapter II. A sketch of Michigan's judicial system follows discussion of the theoretical frame for my study. Chapter I is concluded with a summary.

Theory

Judges as Policy Makers

The judiciary is one of three branches of government in the American political system. It is conceptualized as a political institution which interacts with the other institutions and interests in our political system. This Systems Theory conceptualization is an essential foundation for my research because it places the courts under conventional political norms.

The "political jurisprudence" approach is well established among American political scientists.¹ Most scholars envision the key component of politics as conflict--conflict over the determination of the allocation of society's values.² The function of American courts as: (1) administrator of the law, (2) resolver of disputes between parties, and (3) policy maker places the judiciary in the core of the political process.³ Court decisions advantage one party over another.

As Justice Cardozo (1921) noted, judging is making choices. At issue is how the choices are made and on what grounds.

Courts, as political institutions, can be analyzed by the decision-making models which were developed for other political institutions. Herbert Jacob and Kenneth Vines were frontrunners in the political process approach to state courts. They maintained that state courts have historically been actors in the state political system.⁴

Legitimacy of the Judge's Authority

The next theoretical issue is the means by which judicial power is legitimized. Does legitimacy derive from the inherent authority of the Law, custom, or popular consent? Jack Ladinsky and Allan Silver (1967) review the debate over judicial legitimacy. They clearly establish that your view of the judicial role determines your answer. Declaratory theorists view the judge as an impartial declarer of the known Law and find judicial legitimacy in legal and traditional sanctions. Legal Realists view judges as policy makers and believe that judicial authority flows from popular consent in a democracy.

My research is based on the belief that judges are policy makers. In a constitutional democracy judges should obtain their authority to make political decisions from the consent of the people. This adheres to conventional democratic theory. All political officers in a democracy theoretically gain their authority from election, either directly or indirectly. Therefore, the selection process for obtaining judicial office is an important field for research by political scientists.

State Judicial Selection Methods

The debate over the role of the judiciary is partially responsible for the variety of selection methods at the state level. Currently, there are five main methods for selecting state judges.⁵ The alternatives range from gubernatorial appointment of judges to exclusive control by the people through elections. In some appointive systems the governor has exclusive control over selecting the nominee. Some governors must share their power with a commission which provides a list of eligible candidates. Several states have modifications of this. In some states the appointed judge is required to run on a retention ballot.

Almost three-fourths of the states provide for the election of some or all of their judges. In a small number of states the legislature elects the judges. Twenty-two states provide for the people to elect the justices of the highest appellate court. These states are divided almost equally between those conducting partisan judicial elections and nonpartisan ones. Although political parties are formally removed from the electoral process in nonpartisan elections, partisan can still be present.⁶ A few states even combine a partisan nomination procedure with a nonpartisan general election.⁷ In elective systems an explanation for who does and does not become a judge is grounded in the voter's decision-making process.

Sources of electoral support. Since the role of elections is to legitimize judicial policy making, it is significant to identify the relative influence of the bases of candidate support--those

attributes which may explain who wins and who loses.⁸ Decision-making theory, in the context of how a voter decides to cast his/her ballot, is linked to an identification of what factors can advantage a candidate over the other candidates. Political scientists recognize three basic approaches to such voter decision-making. These approaches are now discussed in order to develop which bases of candidate support would be suggested by each approach.

First, those researchers in the American Voter theoretical orientation believe that political party identification acts as a perceptual screen.⁹ Therefore, these theorists would suggest the strength of the candidate's political party in the election is a powerful base of support for a candidate. Additionally, Campbell et al., found that when attitudes are weak, such as in issueless elections, the voter will rely more on personal characteristics of the candidate to determine the vote decision.¹⁰ Due to the American Bar Association's Code of Judicial Conduct discouraging substantive issue debates, most judicial elections are issueless.¹¹ Therefore, the personal characteristics of the candidate or political party affiliation can be important bases for candidate support.

Second, there are variations in the theoretical orientation that voters are rational decision makers.¹² However, there is general agreement among these theorists on two points. First, the voter is self-interested, attempting to act in a manner which is best for her/himself. Second, information is processed to determine a decision. Many rational choice theorists stress the importance of issues. However, as has been noted, judicial elections have special constraints

which result in campaigns lacking issue positions that are debated by the candidates. Thus, the voter has to turn to other kinds of information which are accessible.

Third, within Herbert Simon's (1969) cybernetic approach to decision making, a decision can be portrayed as a complex problem. In order to cope, the decision maker decomposes the problem into less complex parts which are solved and then reconstructed. In a vote decision, these less complex components could be the cues the voter envisions as relevant. Cues are simple bits of information which represent a greater wealth of detailed information. Therefore, within this theoretical frame the bases of support for a candidate might be the candidate's political party affiliation, if known; indicators of achievement; or personal candidate characteristics.

Although some tension exists between these theoretical approaches, adherence to any one does not preclude the possibility of a role for the bases of support suggested by the other theories. The three types of bases of candidate support suggested by the theoretical frameworks above are incorporated into my model of factors which provide a Michigan appellate court candidate an advantage over the other candidates who possess those attributes to a lesser degree.

Implications for Michigan judicial elections. The sources of electoral support I discussed in general are now developed in regard to Michigan's electoral system. First, the judicial electorate in Michigan is discussed. Then, the specific bases of candidate support in Michigan are identified.

Judicial voters in Michigan possess candidate preferences which vary in degree of intensity and saliency. Those preferences are the underlying theoretical dependent variable in voting studies. Michigan's electoral scheme does not provide a preferential ballot in which the candidates in a contest can be rank ordered. Therefore, the judicial voters must transform their preferences into a dichotomous vote decision which is used in my study.

The judicial electorate is a special subset of the total electorate participating in those elections. Political scientists have explored the concept of voter subsets. Joseph Schlesinger found that at the state level different public offices have different electorates.¹³

The following are my four assumptions about the judicial electorate in Michigan. First, the judicial electorate will be influenced by the attributes of the judicial candidates since most judicial elections lack the issue focus which typifies nonjudicial elections.¹⁴ Second, the judicial electorate is more interested in judicial contests and aware of candidate attributes than the whole set of voters. Richard Watson and Rondal Downing found the existence of a subset--"attentive publics" of the court.¹⁵ These are individuals active in legally related fields and those appearing regularly in court. In her Michigan study, Susan Hannah is in agreement with Watson and Downing that the uninterested voter quits voting before reaching the judicial contests at the end of the ballot.¹⁶

Third, Michigan's judicial electorate is more aware of the party affiliation of judicial candidates than the whole set of voters.

Frequently in Michigan contests at the top of the state ballot, e.g., Governor and Secretary of State, focus on personalities. That attracts additional voters. Those voters attracted only by personalities have ceased voting before reaching the bottom of the partisan race contests, e.g., Michigan State University Board of Trustees. Additionally, political stalwarts would be less deterred from voting by the multi-winner characteristic of most of the judicial races.¹⁷ For the period from 1948 to 1980 the vote totals for judicial contests do reveal only a slight continued drop-off from the number of voters casting ballots for the Michigan State University Board of Trustees--a multi-winner partisan race. These votes appear in Table A.1 in the Appendix.

Fourth, not all of the judicial electorate necessarily has such a pre-determined vote decision that they may not be influenced by the characteristics of the judicial ballot. Normally, the only information present on the judicial ballot in Michigan is the incumbency designation and the appearance of the candidate's printed name which may convey ethnic cues.

Bases of candidate support in Michigan. The three general bases of support for a judicial candidate discussed earlier can be subdivided into more specific attributes in order to address Michigan's historical, cultural, and political environment. The American Voter theorists emphasize the significance of a candidate's political party affiliation. Although Michigan's judicial elections are nonpartisan, election laws provide for the nomination of Supreme Court candidates

by a political party. Court of Appeals candidates have typically held previous public offices which are partisan, e.g., county prosecutor. At the beginning point for my data set--1948, "spirited two party competition had come to Michigan."¹⁸ Therefore, the strength of the appellate court candidate's political party can provide a base for a judicial candidate to win in Michigan.

As stated earlier, the rational choice orientation stresses the importance of issue positions and information which indicates the quality of the candidate. In Michigan the formal and informal rules of judicial campaigning mute an effective issue dialogue among the candidates.¹⁹ However, in Michigan elections only the judicial candidates are provided with an incumbency designation on the ballot. Also the people in this state traditionally have respected governmental service and Michigan has a substantial number of state and local positions. Therefore, the specific bases of candidate support in Michigan linked to this approach are such factors as the candidate's status as an incumbent and the length of public office service--appointive or elective.

Cybernetic theorists stress the role cues play in aiding the voter in deciding which candidates to support. Four factors in Michigan may play a role as cues for judicial voters. One factor is Michigan historically has had a population containing a large and diverse pool of ethnic backgrounds. Therefore, a candidate's ethnic surname may be a cue. A second factor is Catholicism which had an early influence role in the development of the state. A candidate may be

associated as a Catholic from some of the organizations listed on the campaign literature or from having a traditionally Catholic name. Thus, recognition of a candidate as a Catholic may be a cue for the voter. As is true in other states, a third factor is Michigan's political culture which contains a group of family names prominent in Michigan politics. A candidate's name which is the same or similar to an established name may be a possible cue.

The fourth factor is sectionalism. Geographical and economic elements in the development of Michigan resulted in the existence of three distinctive sections.²⁰ These sections periodically come into conflict in the political arena over the allocation of scarce resources. One section is the Detroit Metropolitan Area in southeastern Michigan. It is heavily industrialized and the largest urban center in the state. The greatest variety of Michigan's ethnic groups are located there. The second section is journalistically referred to as "Outstate." It contains the rest of the lower peninsula. This section is predominately rural and agriculturally oriented, although it has several metropolitan areas. In this section the Hollanders have made a strong impact on the development of western Michigan.

The third section is Michigan's Upper Peninsula. This land was added to Michigan in conjunction with the settlement of a dispute over Michigan's southern boundary. Folklore indicates that many people in the lower peninsula were outraged over this addition. The Upper Peninsula has a heritage as a mining and forestry center. It has an agricultural economic base as does Outstate Michigan. However, due to the Upper Peninsula's soil and climate its agriculture is more

similar to Wisconsin's than to the rest of Michigan's. The people of the Upper Peninsula have strong ethnic identifications, especially those persons with a Scandinavian background.

The media regularly refer to the residence of each judicial candidate in their campaign coverage.²¹ This reinforces the sectional identification of judicial candidates as a cue in Michigan. Any of the four factors discussed may be valuable to a Michigan voter as a cue to simplify his/her vote decision in judicial contests.

State Judicial Selection Research

My review of the research on state judicial selection is divided into two portions. In the first section I discuss the major studies which compare appointive and elective judicial selection systems. In the second section I focus on the literature which concentrates on elective methods for judicial selection.

Comparative studies. The studies which compare state appointive and elective systems are an integral part of the continuing debate on the source of judicial legitimacy. This literature focuses on the characteristics of the judges as a basis for evaluating which selection process is best. This approach is encouraged by many in the legal profession. They view analysis of the characteristics of judges produced by a selection system as the appropriate criterion. Therefore, this orientation results in researchers analyzing data sets which encompass several states and are restricted to only the characteristics of the winners--the judges.

"The Effect of Institutional Differences in the Recruitment Process" by Herbert Jacob is an early study which often is cited in other comparative research. Jacob reasserted the need for political scientists to explicitly study the impact of formal institutions on behavior. He did so through assessing the effect of appointment and election procedures and office level on the selection of judges. This was accomplished by examining the local ties, the political experience, and the partisan affiliation of judges in twelve states. Jacob concluded that the selection procedures and level of office do affect the judicial selection outcome.²²

Michigan was not one of the states comprising Jacob's data set. However, Bradley Canon's replication of Jacob's research did include Michigan as one of the partisan election states. Canon indicated that he had been informed by Michigan scholars that Michigan Supreme Court elections actually were partisan. While Jacob drew his conclusions from analyzing state trial judges, Canon's research was on state supreme court selection during the 1960's. The judicial characteristics analyzed in this study were party affiliation, religion, career pattern, educational background, and localism. Canon concluded that institutional differences do not make as much of an impact on the variations in judicial characteristics as Jacob had reported. For example, Canon agreed with Jacob that localism was emphasized in partisan and legislative election systems; but Canon found that localism was really a regional phenomena.²³ Since Canon found that regional variation accounts for some of the differences in

judicial characteristics, a regional or state case study research design is warranted. Most of the studies of elective methods for judicial selection have that approach and I will discuss them in the next section.

There is one major comparative study with a data set restricted to an individual state. This is Watson and Downing's comprehensive study on Missouri's appointive and partisan election system. They systematically analyzed the selection process for justices to the Circuit Court, Court of Appeals, and Supreme Court. In this state it was possible to compare the characteristics of the judges of the Court of Appeals to those of the Supreme Court under both selection methods. The background characteristics they analyzed were: age, legal education, place of birth, partisan affiliation, prior judicial experience, and prior political experience.

For the appellate courts, Watson and Downing concluded that the parochial character of the Missouri bench was not affected by the introduction of the Missouri Plan. However, they did find a difference between the levels of appellate courts. Localism (the justice's birth place is within the district) was less strong at the Supreme Court level than the Court of Appeals. Also Watson and Downing concluded that the partisan composition of the appellate judges had not become more balanced. However, the major party's representation on the bench had not increased as much as it would have under an elective system. Their analysis revealed that the judges possessing political experience continued as a background characteristic. Interestingly, with the change to the Missouri Plan the political

experience of judges declined at the Court of Appeals level while it increased as a characteristic at the Supreme Court level.²⁴

Stuart Nagel's Comparing Elected and Appointed Judicial Systems was published soon after Canon's article which had demonstrated the impact of regional differences on judicial characteristics. The research design in this book did not appear to control for regional differences. Nagel used a 1960 national sample of bipartisan Congressional elections to compare to Supreme Court partisan elections. It is unclear whether Michigan is included as a partisan election state. He concluded "that voters in judicial elections consider party affiliation less than voters in general elections, although they seem more prone to consider ethnic affiliations."²⁵ In regard to nonpartisan elections, Nagel's research did not contain any empirical evidence on the impact of ethnic affiliation. However, he did suggest that especially voters in nonpartisan elections would need to resort to ethnic surnames as a source of information about the judicial candidates.²⁶

The research reviewed in this section was designed for comparing elected judges to appointed judges. The findings reported are in general agreement that localism, political party affiliation, political experience, and ethnic appeal are the predominant characteristics of the elected judges. However, these cross-state studies suffer from an inclusion of a variety of selection methods and the regional differences in political culture lessens their comparability. The next section contains studies which concentrate on the characteristics of the judges produced by elective selection methods. Many of these are studies of an individual state.

Elective studies. First I will review judicial election studies which do not concentrate on Michigan. Then I will discuss the research specific to Michigan's judicial elections. As with the studies comparing the systems, almost all of these researchers restrict their data to the characteristics of the winners.

Two scholars conducted research on elections in more than one state. In a study on the aspirations of Southern attorney generals, Samuel Krislov found an important characteristic of state Supreme Court judges was their previous state and local public office experience. The high visibility of the county prosecutor was the basis for Krislov's stressing the influence of the local level experience.²⁷ The other researcher also included in his study offices other than judicial ones. James Eisenstein collected information on elections of state attorney generals, prosecuting attorneys, and judges to make some tentative generalizations. For the judicial races he noted that the incumbent is rarely defeated. Eisenstein concluded that in partisan elections the political party affiliation of the judicial candidate was the most important information. For nonpartisan races, Eisenstein noted that the voter has to rely on other cues such as incumbency, name recognition, and endorsement by groups.²⁸

Partisan elections for state judicial offices seem to lack enough interest for scholars (outside of the comparative orientation mentioned above) to conduct research on them. An exception is the exploratory investigation of Texas judicial elections by Bancroft Henderson and T. C. Sinclair. However, as they noted, these partisan

elections are conducted in a one-party state. Questionnaires and interviews of the 1962 federal judges in Texas and the state judges--appellate and trial--provided the information Henderson and Sinclair analyzed.

Henderson and Sinclair described the Texas process as dominated by incumbents in mainly uncontested elections. More than one-half of the appellate judges came to the court via appointment. The other characteristics they found the selection process rewarded were: high economic and social and religious status, legal tradition in the family, long residence by the judge and family in the district, law degree from University of Texas Law school, political party activity, public office experience, and an average age of 58.8 years. Henderson and Sinclair identified three characteristics as irrelevant. Sex was not considered a determining factor because the percentage of women judges was close to the percent of female lawyers. Also race and ethnicity were not considered as relevant characteristics because the minority ethnic and racial groups are not represented in the lawyer pool. This pool acts as a filter to attainment of a judicial post. Henderson and Sinclair suggested those characteristics revealed a process of selective "recruitment" which increases in exaggeration from the lower courts to the highest in Texas.²⁹

Kennth Vines' study of the open bipartisan elections in Louisiana produced conclusions similar to Henderson and Sinclair's. The data set included any Louisiana state judge who served from 1945 to 1960. Vines found that the longer a candidate's incumbency, the

less opposition the incumbent faced in the election which assured victory. The other characteristics favored in Louisiana included being early middle-aged, home born and raised, educated within the state, an established local resident of the election district, and having a political rather than private practice career. In his conclusion, Vines stated that "like legislators and many other elected officials, state judges in Louisiana are selected according to the principle of localism. . . ."30

Nonpartisan election of judges has received more attention by judicial researchers. In an early study, Malcolm Moos investigated the effect of partisan endorsements of Supreme Court and District Court candidates in Minnesota's nonpartisan elections. Beginning in 1912 Minnesota removed party designations from the nomination and election process. At the Supreme Court level, Moos found that party endorsement had a negligible effect on the election outcome. Actually, the best strategy for incumbents is to campaign as a team, irrespective of their party affiliations. Moos identified a difference between the level of courts. He noted that the partisan endorsements of district court candidates have been more effective because these races have more active campaigns.³¹

Robert Heiberg's study of the social backgrounds of Minnesota Supreme Court Justices confirmed Moos' conclusion. Heiberg found that judicial incumbency has been impregnable in Minnesota elections since 1912. He posited that the incumbent's advantage was cemented by two election rule changes. Since 1949, candidates must identify which

Supreme Court seat they are running for and incumbents are designated on the ballot. No incumbent has lost a re-election bid since that date!

Another notable judicial characteristic analyzed by Heiberg was the justices' ethnic origins. Of the new justices from 1931 to 1968, 90 percent were either Scandinavian, Irish-Catholic, or German. The Irish-Catholic representation on the court has been increasing since 1931. Also previous public office experience was a prevalent characteristic with the state level experience greater than local. Name recognition also seemed to have an occasional role in Minnesota elections. Heiberg provided an example of an election where the other candidates attempted to reduce the name recognition advantage of one of the candidates who was running for his father's vacant seat.³²

Research on a neighboring state also stressed the power of the incumbent in winning nonpartisan elections. In investigating Wisconsin's judicial and district attorney elections, Jacob found that the judges were insulated from the rest of the political system. He noted that incumbents typically won regardless of the shift in the partisan affiliation of the electorate. Jacob concluded that this was partially a result of the lack of competition in these elections.³³

Two other Midwestern states have been the focus of analysis by political scientists. Michigan and Ohio have election rules for selection of the Supreme Court Justices which leads to these states

being labeled as "mixed."³⁴ In mixed states the nomination process is partisan but the election ballot is nonpartisan.

The research reported in two studies comprise the substantial analysis of judicial elections in Michigan. "An Evaluation of Judicial Elections in Michigan, 1948-1968" is the earlier study, by Susan Hannah. She developed a multi-factored model of competition in Michigan Supreme Court elections from 1948 to 1970. Her data set included the challengers as well as the winners which was an improvement over most of the research discussed up to this point. The two scholars whom I discuss after Hannah also included the challengers in their data sets. However, a limitation of Hannah's data set is that her pool of candidates was restricted to only the Democratic and Republican candidates, with one exception. The additional information on the excluded candidates may provide a better understanding of Michigan's Supreme Court elections. The candidate characteristics which she hypothesized as likely personal advantages in a Supreme Court election are: the incumbency status of the candidate, the strength of the candidate's nominating political party, the public office experience of the candidate--state and local, the candidate's private practice reputation, sectional support for the candidate, and the ethnic appeal of the candidate.³⁵ These characteristics and her methodology are extensively discussed in my Chapter II.

Hannah concluded that in Supreme Court elections the advantage from being an incumbent was the strongest asset, but it was rarely sufficient to win. The other attributes advantaging a candidate were the strength of the candidate's nominating party and the

previous political office experience--state and local. Also, she noted that those candidates beating incumbents had strong local and ethnic appeal as well. In summary Hannah characterized Michigan's Supreme Court elections as "partisan elections in everything but name."³⁶ The candidate advantages in Supreme Court elections were not compared to Court of Appeals elections. The Court of Appeals elections were excluded from this analysis because of their recent creation.

In the other major study, From Ballot to Bench, Philip DuBois surveyed the research based on judicial elections held between the years 1948 to 1974. As an overview of voting in nonpartisan elections, DuBois suggested the following factors may be used by the voters in deciding their vote choice. Voters may be guided by the candidate's political party affiliation when that information is accessible. DuBois indicated that the major guides for the voters are the candidate's incumbent status and familiar name. He asserted that name familiarity is not totally a function of incumbency. Another factor suggested was the candidate's residence. Additionally, cues drawn from the ballot may be used, such as the ethnic or religious appeal of the candidate's surname, the candidate's sex, a candidate's eye-catching nickname, or the position of the candidate on the ballot. DuBois believed that it would be an impossible task to estimate the precise effects of those nonparty cues in nonpartisan elections. Therefore, he partially assessed the impact of the nonparty cues through examination of the disruption in the partisan division of the vote when the party cue was removed and replaced by the other factors.³⁷

DuBois' conclusions about which judicial characteristics were influential in Michigan Supreme Court elections were basically the same as Hannah's. However, DuBois did not find strong evidence that Michigan's Supreme Court elections are partisan in every respect but name. He obtained a mean correlation ($r = .40$) of the partisan division of the vote for Supreme Court Justice and Governor which was lower than for partisan states but higher than for nonpartisan states. Noting that some Michigan Supreme Court elections evoked partisan responses, DuBois concluded that Supreme Court elections in Michigan were determined largely independent of partisan politics.

His analysis revealed that when partisan lines were not followed in Michigan, long-term incumbency or name familiarity was present. All of the mixed states reported in From Ballot to Bench had incumbency and name familiarity as important cues for the voters. Also, DuBois discovered that sometimes sectionalism, name confusion, and ethnic-religious cues influenced the outcome of the election in Michigan. As for the Irish-Catholic cue, he believed survey data were needed to explain why it was important.³⁸

The other Midwestern state which has a mixed electoral process for the selection of state Supreme Court Justices is Ohio. Kathleen Barber's paper at the 1982 Midwest Political Science Association Meeting builds on her earlier studies of judicial elections in Ohio. Her data on the Supreme Court and Court of Appeals were expanded to cover the years from 1960 to 1980. She found that the correlation between partisan vote for Governor and Supreme Court Justice had been

declining over those years. Barber characterized the voter in Ohio as following party cues when they were available and when they were not available the voter relied on such cues as name familiarity, ethnicity, or race. Barber suggested that holding public office could be a source for establishing name familiarity in Ohio. Also, she maintained that even though incumbency did not guarantee re-election, incumbents won more often than they lost.³⁹

How do the research findings for these two Midwestern states compare? They have a common denominator in presenting evidence for the influence of incumbency, name familiarity, and ethnicity in advantaging a candidate to win a Supreme Court election. In contrast, in Michigan sectional ties advantaged candidates but this is not mentioned as relevant in Ohio. Also, neither researcher studying Michigan reported a decline in the significance of partisan voting for Supreme Court Justices as Barber reported for Ohio. Hannah and DuBois did not seem to have their analyses of judicial competition directed toward studying temporal trends.

The following are summary observations about the research on judicial selection. First, it is quite evident that the "factual vacuum" lamented by Jacob so many years ago has not been adequately filled.⁴⁰ Second, most research has focused on the state Supreme Courts--a phenomena paralleled at the federal level. Third, research on judicial elections only recently has progressed beyond the stage of inventorying the predominant characteristics of judges. Last, the first evaluation of Michigan's judicial system by a political

scientist was completed just ten years ago. Substantial changes in Michigan's system occurred near the end of that study which could not adequately be captured due to the long terms of office for the major judicial seats and the relatively recent introduction of an intermediate appellate court. In the rest of Chapter I, I outline Michigan's judicial system and the relevant changes brought by the adoption of a new state constitution.

Michigan's Judicial System

Michigan's courts are provided for in the state constitution. The state has had four constitutions, each reflecting the contemporary times and attitudes. The judicial system established in the Constitution of 1908 was substantially altered by the current constitution, adopted in 1963.⁴¹ This occurred at approximately the midpoint of the period I analyzed. The new constitution created an unitary judicial system comprised of a Supreme Court, a Court of Appeals, a Circuit Court, a Probate Court, and other courts of limited jurisdiction that may be established by two-thirds vote of the state legislature. Also this constitution established these uniform qualifications for all judges in Michigan courts: they must be licensed to practice law in Michigan and under seventy years of age at the time of election or appointment. I will sketch the main courts' organization, jurisdiction, and selection process in order to provide the environmental context relevant to this study.⁴²

Appellate Courts

The Michigan Supreme Court is the state's final appellate court. The justices on this court maintain their office in their resident city rather than in the capital. Draft opinions are circulated among the Justices via the mail. Previous to the new constitution, this court consisted of eight justices who were nominated in party convention. In the odd-numbered year Spring elections, candidates ran at-large for staggered eight-year terms on a nonpartisan ballot. Incumbents were so designated on the ballot. The Governor had the power to appoint justices to fill vacancies until the next general election.

The Michigan Constitution of 1963 and subsequent implementing election laws made the following changes at the Supreme Court level. The number of justices was reduced to seven. This was accomplished in 1968. Elections for the justices are held in the Fall of even-numbered years. Supreme Court incumbents can file an affidavit of candidacy in place of a political party nomination. Gubernatorial appointment for vacancies was abolished by the new constitution, but it was reinstated in 1968.⁴³

The Michigan Court of Appeals was created by the Constitution of 1963 to reduce the burden on the Supreme Court. This was particularly necessary because the new constitution provided the right to appeal in criminal and civil cases. The Court of Appeals' jurisdiction is provided for in the Rules of the Supreme Court. Cases are heard by panels of three judges. They are assigned by the Chief Justice of the

Court of Appeals who ensures that every judge sits equally with the other judges.

Initially, the Court of Appeals consisted of nine justices who were elected in 1964 for varied terms of office in order to stagger the six-year term of office. The number of justices on the court may be increased by law with its size currently at eighteen. New judge-ships are filled by election. Judges of the Court of Appeals are nominated by petition. A primary election is required if the number of candidates from the petitions becomes more than double the number of seats. Nonpartisan elections for the Court of Appeals are held in the Fall of even-numbered years. Justices are elected from three approximately equally populated districts drawn to follow county lines. Since this court's creation in 1964, the districts have been reapportioned only once--in 1972. Beginning with the 1972 election, two counties were shifted from the Second District to the First District. The incumbents are designated on the ballot and may file for re-election by affidavit. Provision for vacancy appointment by the Governor is the same as for the Supreme Court.

There are several outstanding differences between these two courts relevant to my candidate selection study. The Court of Appeals candidate has an electoral district which is geographically smaller than the Supreme Court's and with approximately one third the number of potential voters. In Court of Appeals elections, the political parties are formally removed from the process. Often candidates for the Court of Appeals face less competition in the election because

the requirement for party nomination of Supreme Court candidates has resulted in every race under this system being contested. The Court of Appeals candidate may have to face a primary election, but Supreme Court candidates never do. The whole existence of the Court of Appeals until 1983 has been under Republican administrations--Romney's and Milliken's--while for the period studied the Supreme Court has been under both party administrations (Democratic from 1949 to 1963 and Republican from 1963 to 1982).

Trial Courts

The Circuit Court is Michigan's court of general original jurisdiction. Although Circuit Court judges also hear appeals from lower courts and state administrative agencies, the Circuit Court is not classified as an appellate court. Candidates are placed on the ballot via a petition for six-year terms. Incumbents may file an affidavit and are designated as incumbents on the ballot. The non-partisan elections before 1963 were held in the Spring of odd-numbered years and are not held in the Fall of even-numbered years. Vacancies may be filled by Gubernatorial appointment until the next election. The Circuits are designed along county lines and may be multi-judge and/or multi-county in composition. The number of circuits and judgeships may be increased by law with the number currently at fifty-two and sixty-three, respectively.

The Probate Court has original jurisdiction in juvenile delinquents and dependents cases. The seventy-nine districts (105 judges) are organized along county lines. However, eight counties are

consolidated into four districts. Qualifications, election, filling of vacancies, and term of office are the same as for the Circuit Court.

The District Court has jurisdiction in civil cases up to \$10,000; all misdemeanors where less than one year punishment; arraignment, setting and accepting bail; preliminary examination in felony cases; evictions; garnishments; mortgage and land contract foreclosures; and a small claims division for civil cases under \$600. This court was created because the 1963 Constitution required the state legislature to create a court or courts to replace the offices of Justice of Peace and Circuit Court Commissioner. The districts (currently 97) are determined by population and existing political boundaries. Qualifications, election, filling of vacancies, and term of office are the same as for the Circuit Court.

Selection Issue in Michigan

Except for the first twenty-two years of Michigan's statehood, its appellate judiciary has been elected. However, this does not mean that judicial selection in Michigan is a settled matter. A running dialogue continues in Michigan's law journals and as recently as two years ago a serious movement was underway to institute an appointed Supreme Court. Why may the selection procedure for judicial offices be an issue? Jacob (1964) discovered that the different selection methods resulted in variations in the characteristics of the judges. Also, partisan motives have been a strong basis for the changes in judicial selection methods in the United States. This was documented by William S. Carpenter in his Judicial Tenure in the United States.⁴⁴

Several times during the period before 1948, proposed alterations of the selection process were on the ballot. In 1934, reformers placed a constitutional amendment on the ballot which would have provided for the nonpartisan election of judges; it failed.⁴⁵ Next, under the sponsorship of the Michigan State Bar, a form of the Missouri Plan was placed on the ballot in 1938. This failed due to the poor use of propaganda and opposition by the Wayne County Circuit judges.⁴⁶ In the following year these judges and sympathetic Democrats who feared discrimination under the proposed Missouri Plan, placed on the ballot a proposal for the nonpartisan election of state judges. This one passed.⁴⁷

For the period included in my study, from 1948 to 1982, alterations in the electoral system were still being urged. Considerable energy was exerted on the question of judicial selection in the Constitutional Convention of 1961-1962. Albert Sturm noted that no set of issues gave more trouble in the Committee of the Whole debate than the judiciary article. Generally, the Republican delegates supported a merit selection plan while the Democratic delegates backed nonpartisan election.⁴⁸ A poorly worded poll of the state bar membership revealed that they were divided over this issue.⁴⁹ The outcome was that the existing method prevailed for the Supreme Court and the Court of Appeals was required to have complete nonpartisan procedures.

Another issue for contention was vacancy appointments. The abolition of Gubernatorial vacancy appointments to the court in the Constitution of 1963 had little impact on the appellate courts because

of its short life. A constitutional amendment passed in 1968 restored the Governor's appointment power. A significant change brought about by the Constitution of 1963 was switching the judicial elections to the Fall. A second significant change was the provision in the new constitution allowing incumbents to file an affidavit for re-election.

Another attempt to place a merit selection plan on the ballot occurred in 1968. A coalition of associations which met in 1967 had agreed upon a list of the deficiencies in the current process and a plan to correct those procedures. However, their campaign to "take the courts out of politics" failed.⁵⁰ More recently, in 1970 all four of the Supreme Court candidates publicly denounced the prevailing selection procedure. They all favored some form of merit plan.⁵¹ A merit plan also was the recommendation of the Special Commission to Review Article VI of the Michigan Constitution.⁵²

Not all of the Supreme Court Justices nor all of those on the Special Commission rejected an elective process. Justices Paul Adams and George Edwards supported judicial selection by election because they claimed that it provides for participation by the people and ensures the justices will know the people and their needs.⁵³ The Commission's dissenting report included the point that a referenda vote on judges, as suggested by the Commission, would not be as meaningful a contest as we have now because the Supreme Court candidates face opposition in the election.⁵⁴ Current support for an elective system can also be found in the on-going dialogue carried out in the legal periodicals. For a recent example of this interchange, see "The Way I See It" in the Michigan Bar Journal.⁵⁵

Two recent episodes reinforce the seriousness of the struggle over Michigan's selection procedure. In 1981, Lt. Governor Brickley actively supported a reactivation of the movement to appoint Michigan's Supreme Court.⁵⁶ Brickley had experience, as a losing Court of Appeals candidate. At the time he sought the Republican party's gubernatorial nomination in 1981, his visibility in the selection issue diminished. After a Democratic gubernatorial victory, just before leaving office in 1982, Republican Governor Milliken appointed Brickley to the Supreme Court.

The next Milliken appointment created the second episode. With the November, 1982, death of a re-elected Democratic Supreme Court incumbent, Milliken appointed Court of Appeals Justice Dorothy Comstock Riley to both the unexpired term and the new term of the deceased Justice. Blanchard, the new Democratic Governor, challenged in the Supreme Court Milliken's power to fill the new term vacancy. The initial vote by the Supreme Court split along political party lines with Justice Levin's deciding vote creating a 3-3 tie which allowed her to remain on the Supreme Court. The Supreme Court and in particular Justice Levin drew heavy criticism in the press. Soon afterward Levin switched his vote which resulted in the removal of Riley from the bench. Riley who had lost in the 1982 Supreme Court election now lost in the Supreme Court! The whole series of actions has left the dignity of the Supreme Court and the power of gubernatorial appointment in an uncertain state.⁵⁷

What is certain is that the selection process used to determine Michigan's appellate judiciary is extremely important to various

interests in Michigan. The debate on which method should be adopted is based on the assumption that any method influences the selection outcome. Unfortunately, there still exists a "factual vacuum" about the nature of that influence. My goal is to fill some of that vacuum with information supported by empirical evidence. I have developed a model of appellate court candidate attributes to determine the relative influence of those bases of competition. These candidate attributes are grounded in the theoretical approaches of the American Voter, rational choice, and cybernetic theorists. As Watson and Downing sought to identify the groups advantaged by the Missouri Plan and Hannah sought to identify the groups advantaged in Michigan, my study is intended to additionally compare their power as reflected by the relative influence of the candidate attributes. How the existing nonpartisan election procedures operate should be known before further changes are adopted. My methodology for this model is outlined in the next chapter.

FOOTNOTES--CHAPTER I

¹Glendon Schubert, "Academic Ideology and the Study of Adjudication," American Political Science Review (March 1967): 106-29.

²This is one of the many definitions based on Systems Theory. See David Easton, The Political System (New York: Knopf, 1953); and A Framework for Political Analysis (Englewood Cliffs, N.J.: Prentice-Hall, 1965).

³Harold J. Spaeth, Supreme Court Policy Making: Explanation and Prediction (San Francisco: W. H. Freeman and Company, 1979), pp. 1-8.

⁴Herbert Jacob and Kenneth Vines, "Studies in Judicial Politics," Tulane Studies in Political Science, VIII (New Orleans: Tulane University, 1962). Also see James Herndon, "The Role of the Judiciary in State Political Systems," in Judicial Behavior, ed.: Glendon Schubert (Chicago: Rand McNally, 1964), pp. 153-61; and Wallace S. Sayre and Herbert Kaufman, Governing New York City (New York: Russell Sage, 1960).

⁵Book of the States, 1982 (Chicago: Council of State Governments, 260-261).

⁶Oliver P. Williams and Charles R. Adrian, "The Insulation of Local Politics Under the Nonpartisan Ballot," American Political Science Review (1959), p. 1053; and Eugene Lee, The Politics of Non-partisanship (Berkeley: University of California Press, 1960), pp. 98 and 117.

⁷The "mixed" states are Arizona, Michigan, and Ohio and are analyzed in Philip DuBois, From Ballot to Bench: Judicial Elections and the Quest for Accountability (Austin: University of Texas Press, 1980).

⁸My study does not include other factors which are hypothetically significant in judicial elections. The limitations of aggregate voting data and secondary biographical material as well as limited funds precludes analysis of such factors as: the influence of bar polls, newspaper coverage, and campaign activities. The latter two factors in particular provide an opportunity for further state judicial research.

⁹Campbell, et al., The American Voter (Chicago: University of Chicago Press, 1960), p. 131.

¹⁰Ibid., p. 141.

¹¹Canons 7(B)(1)(c), 7(A)(2), and 7(A)(4).

¹²Early leaders in rational choice decision-making include Herbert A. Simon's early work such as Administrative Behavior, 3rd ed. (New York: The Free Press, 1976); and Anthony Downs, An Economic Theory of Democracy (New York: Harper and Row, 1957).

¹³Joseph A. Schlesinger, "The Structure of Competition for Office in the American States," Behavioral Science 5 (July 1960): 198.

¹⁴A study in Michigan found as partisan issues decreased, other dimensions formed the electorate divisions. See Norman C. Thomas, "The Electorate and State Constitutional Revision: An Analysis of Four Michigan Referenda," Midwest Journal of Political Science 12 (February 1968): 115-29.

¹⁵Richard A. Watson and Rondal G. Downing, The Politics of The Bench and the Bar: Judicial Selection Under the Missouri Nonpartisan Court Plan (New York: John Wiley, 1969), pp. 334-335, 352.

¹⁶Susan B. Hannah, "An Evaluation of Judicial Elections in Michigan, 1948-1968," (Ph.D. dissertation, Michigan State University, 1972), Chapter II.

¹⁷Campbell, et al., argue that the form of the ballot has the greatest impact on political behavior when the attitudes are weak. American, p. 283.

¹⁸Carolyn Stieber, The Politics of Change in Michigan (East Lansing: Michigan State University Press, 1970), p. 1.

¹⁹DuBois, Ballot, pp. 65-66, 69.

²⁰The development of sectionalism in a state often has at its root economic factors. Therefore, the suburbs surrounding Detroit and Detroit are economically bound together to form a section--Detroit Metropolitan Area. They have more intertwined interests versus the rest of the state than they have differences between them. For a scholarly history of Michigan, see Willis Frederick Dunbar, Michigan: A History of the Wolverine State (Grand Rapids: William B. E. Erdmans Publishing Co., 1965); and Carolyn Stieber, Politics, for recent rivalries.

²¹It is not unknown for articles on the court elections to elaborate on sectional rivalries. See Detroit Free Press, 5 February 1961, p. 1.

²²Herbert Jacob, "The Effect of Institutional Differences in the Recruitment Process: The Case of State Judges," Journal of Public Law (1964): 116.

²³Bradley C. Canon, "The Impact of Formal Selection Processes on the Characteristics of Judges--Reconsidered," Law and Society Review 6 (May 1972): 582-588.

²⁴Watson and Downing, Bench and Bar, pp. 206, 217-219.

²⁵Stuart Nagel, Comparing Elected and Appointed Judicial Systems (Beverly Hills: Sage Professional Papers in American Politics, 1973), p. 37.

²⁶Ibid., p. 23.

²⁷Samuel Krislov, "Constituency vs. Constitutionalism: The Desegregation Issue and Tensions and Aspirations of Southern Attorneys General," Midwest Journal of Political Science 3 (1959): 88.

²⁸James Eisenstein, Politics and the Legal Process (New York: Harper and Row, 1973), p. 31.

²⁹Bancroft C. Henderson and T. C. Sinclair, Judicial Selection in Texas: An Exploratory Study, University of Houston Studies in Social Science (Houston: Public Affairs Research Center, 1965), pp. 19-21, 51-68.

³⁰Kenneth N. Vines, "The Selection of Judges in Louisiana," in Studies, pp. 104-113, 118.

³¹Malcolm Moos, "Judicial Elections and Partisan Endorsements of Judicial Candidates in Minnesota," American Political Science Review 35 (February 1941): 71-73.

³²Robert A. Heiberg, "Social Backgrounds of the Minnesota Supreme Court Justices: 1858-1968," Minnesota Law Review 53 (1969): 903-908, 914-931.

³³Herbert Jacob, "Judicial Insulation--Elections, Direct Participation, and Public Attention to the Courts in Wisconsin," Wisconsin Law Review (1966): 818.

³⁴DuBois, Ballot, p. 73.

³⁵Hannah, "Evaluation," p. 172.

³⁶Ibid., pp. 181-182.

³⁷DuBois, Ballot, pp. 72-81.

³⁸Ibid., pp. 81-88, 132.

³⁹Kathleen L. Barber, "Nonpartisan Ballots and Voter Confusion in Judicial Elections," paper prepared for delivery at the 1982 Annual Meeting of the Midwest Political Science Association, Milwaukee, Wisconsin, pp. 28-32.

⁴⁰Herbert Jacob, Justice in America (Boston: Little Brown, 1965), p. 207.

⁴¹Albert L. Sturm and Margaret Whitaker, Implementing a New Constitution: The Michigan Experience, Michigan Governmental Studies No. 50 (Ann Arbor: University of Michigan Press, 1968), p. 138.

⁴²Michigan State Constitution (1908), Article VII; Michigan State Constitution (1963), Article VI; and Laws Relating to Elections, compiled by the Michigan Secretary of State, Chapters XVIII and XIX.

⁴³Amendment proposed by H.J.R. F, Ratified August 6, 1968, P.A. 1968, 711.

⁴⁴William S. Carpenter, Judicial Tenure in the United States (New Haven: Yale University Press, 1918), p. 73.

⁴⁵Daniel McHargue, Direct Government in Michigan, Michigan Constitutional Convention Studies, No. 17, Lansing, 1961, p. 38.

⁴⁶George E. Brand, "Michigan State Bar's Work for Judicial Appointment," Journal of the American Judicature Society 22 (February 1939): 197-202.

⁴⁷McHargue, Direct, p. 39.

⁴⁸Official Record of the Michigan Constitutional Convention, 1961-1962, V. I, pp. 1256, 1313-1342, 1355-1372, 1596-1604; and Albert L. Sturm, Constitution-Making in Michigan, 1961-1962, Michigan Governmental Studies No. 43 (Ann Arbor: University of Michigan Press, 1963), p. 201.

⁴⁹Michigan State Bar Journal 41 (1962): 12-16.

⁵⁰Hannah, "Evaluation," p. 35.

⁵¹Kalamazoo Gazette, 14 October 1970, p. A-10.

⁵²H.C.R. 22, 1971 Session, pp: 6-7.

⁵³Ibid., pp. 32-35.

⁵⁴Ibid., p. 37.

⁵⁵"The Way I See It," The Michigan Bar Journal 80 (October 1981): 761-762; and (December 1981): 963-965.

⁵⁶Address to the Michigan Press Association by Lt. Governor James Brickley, January 30, 1981.

⁵⁷As well as regular television coverage of this episode, the following is indicative of the press coverage: Lansing State Journal, 4 January 1983; 5 January 1983; 6 January 1983; 12 February 1983; Detroit Free Press, 13 February 1983; 12 February 1983; 15 February 1983. Even an article on the "Riley Ouster" by an United Press International writer appeared in the Michigan State University newspaper, The State News, 1 March 1983, p. 5.

CHAPTER II

METHODOLOGY

Chapter Objectives

With the theoretical framework established in Chapter I, the methodology is indicated in this chapter. Initially, the research design is described. Next, the data set is identified. Then discussed are the five research hypotheses, techniques to test them, and the criteria. Chapter II is concluded with a summary.

Research Design

Approximately three-fourths of the states elect some of their judicial officers. Refining our knowledge by identifying the relative relationships between the bases of competition for these judgeships is long overdue. As a beginning, this is a case study of Michigan's appellate court elections. There is little doubt that changes in the rules of the game may affect behavior.¹ Adoption of the 1963 Michigan Constitution and the resulting election laws, which were described in Chapter I, provide a prime opportunity for investigation of changes in the influence of the bases of candidate competition in Supreme Court elections. The formal selection rules for the recently created Court of Appeals are different than for the Supreme Court. This also provides a special opportunity to investigate the differences in the relative influence of the candidate attributes which may explain the

election outcome in each of these courts. Therefore, Michigan's judicial electoral scheme has several qualities which warrant its separate analysis.

The research focus is to determine the relative influence of selected candidate attributes which may explain the election outcome for Michigan's appellate court races. The attributes analyzed are derived from three basic approaches to decision making. Aggregate voting statistics and candidate biographical information from the years 1948 to 1982 comprise the data set.² These data are analyzed with Probit, an ordinal analog of regression, to answer the following questions about Michigan's appellate court elections. What are the relative influences of the bases of competition for Michigan Supreme Court elections before and after the Michigan Constitution of 1963? Does the Michigan Court of Appeals have the same rank ordering of these bases as the Supreme Court?

I began the analysis of Supreme Court elections by updating Susan Hannah's model of the bases of candidate competition in Michigan Supreme Court races for the years 1948 to 1970. With the addition of the elections for the years from 1971 to 1980 (elections in 1981 and 1982 were reserved for predictive purposes), I evaluated her model and used it as a standard for my model. Part of the analysis included testing Hannah's model with the data divided into two periods--before and after the adoption of the 1963 Constitution. This is a pretest-posttest quasi-experimental research design. The changes resulting from this Constitution may have significantly affected the bases of competition in Supreme Court elections.

Next, I determined the relative influence of the set of candidate attributes which may explain who wins and who loses in a contested Supreme Court election. This model contains an important attribute omitted by Hannah and a refinement of her operationalization of the bases of candidate competition. The coefficients produced by Probit represent the relative influences of the bases of candidate support for the two periods: from 1948 to 1963 and from 1964 to 1980. The analysis included a comparison of my model for the period from 1948 to 1963 to Hannah's model for the same period. Of greater interest is the comparison of these two periods to determine changes in the relative influence of the candidate attributes which may explain who wins or loses a contested Supreme Court election. Chapter III presents the results of the Supreme Court election analysis.

The other appellate court analyzed is the Michigan Court of Appeals. As far as I am aware, no model on the bases of competition for Michigan Court of Appeals elections exists. Again, I used Probit to determine the relative influence of the bases of competition which may provide a candidate for a Court of Appeals contested race an advantage over the other candidates not possessing those attributes or possessing them to a lesser degree. Even though the Court of Appeals began in 1964, only the elections from 1970 to 1980 were utilized to determine the relative influence of the candidate attributes. The reason for exclusion of the elections from 1964 to 1969 is indicated when the data set is discussed. The elections in 1981 and 1982 were reserved for predictive purposes.

There are differences in the formal selection processes for the two appellate courts. Therefore, the analysis also included a comparison of the rank order of the relative influence of candidate attributes which may explain who wins and loses in Court of Appeals elections and the ranking for the Supreme Court contests. Chapter IV contains the findings from the Court of Appeals elections analysis. The preceding discussion of the research design provides a framework for elaboration of the methodology in the rest of this chapter.

Data Set

The data set contains all Michigan Supreme Court elections for the period from 1948 to 1982 and all contested Michigan Court of Appeals general elections from 1970 to 1982. See Table 2.1 for the dates of these judicial elections and the number of candidates. 1948 was chosen as the starting date for the Supreme Court in order to include in the data set the entire period analyzed by Hannah. The latter starting date for the Court of Appeals elections was necessary for the following reason. Because this is a recently created appellate court, it is not until 1970 that an incumbent runs in a contested election. Since incumbency is one of the candidate attributes under investigation, I wished to avoid possible bias due to the inclusion of the earlier elections.

Another concern about possible bias resulted in the decision to omit unopposed elections. The prerequisite for inclusion of an election was that each judicial office had to have more than one serious candidate on the ballot. I adopted V. O. Key's criterion that a

TABLE 2.1.--Data set

Office	Year	Number of Candidates
<u>Judicial Office</u>		
Supreme Court	49,51,52,53,55,56,57, 59,60,61,62,63	51
	66,68,70,72,74,76,78, 80,82	41*
Court of Appeals		33
First District	74,76,82	
Second District	70,74,76,78,80	
Third District	70,74,78,80	
<u>Nonjudicial Office**</u>		
State Board of Agriculture	49,51,53,55,57,59	
MSU Board of Trustees	61,63,66,68,70,74,78,80,82	
State Treasurer	52	
Auditor General	56,60,62	
State Board of Education	72	
Wayne State Univer- sity Board of Governors	76	

*42 actual candidates; one was excluded as a nonserious candidate.

**Used to operationalize strength of the candidate's political party.

serious candidate had to receive at least 5 percent of the vote.³ Inclusion of unopposed elections could bias the results with the attributes of candidates who were not in a competitive situation.

This particular data set was chosen for several reasons. First, appellate courts are the more pervasive policy-making courts. Therefore, there is greater voter attention on state appellate court elections than on the lower state court elections.⁴ Second, information is more readily available for these more prestigious courts. The availability of information is often a greater problem at the state level than at the federal level. Third, this period was chosen because it includes the recent past. Hopefully, analysis of this data set will provide the best indication of how Michigan's electoral process presently operates.

Fourth, at approximately midpoint in this period a new Michigan Constitution was adopted.⁵ It contained and led to provisions significant to the competition for judicial seats. Of particular interest was the creation of the Court of Appeals, change from Spring to Fall elections for judicial seats, and ballot admission for incumbents via filing an affidavit of candidacy. The time span of my data set allows these changes to be examined. Last, the time span is long enough to provide for elections with incumbents running for re-election and short enough to exclude the pre-1948 period in which information in many instances was not recorded or has been destroyed. Unfortunately, irretrievable information was lost in a Michigan State Library building fire in the 1950's.

Research Hypotheses

Five research hypotheses guide the empirical analysis of Michigan appellate court elections. In this section, each of the hypotheses is introduced. Within the discussion of the second hypothesis is a comparison of Hannah's and my conceptualizations of the bases of candidate competition. Their operationalization is also contrasted. For each hypothesis, the analytical techniques and criteria used to test it are identified.

Hypothesis I

My research on Michigan Judicial candidate attributes evolved from interest piqued by Hannah's preliminary study of Michigan judicial elections. It contained a model of partisan and nonpartisan competitive bases for Supreme Court candidates.⁶ The partisan base which would advantage a candidate was the strength of the state political party nominating that candidate. The nonpartisan bases were a candidate's incumbency, political background of the candidate, the candidate's private practice experience, sectional support for the candidate, and ethnic appeal of the candidate.

The data Hannah used were all Supreme Court elections from 1948 to 1970. An important question is: With the inclusion of the elections since 1970, does her model explain Supreme Court election results with the same ability as for the 1948 to 1970 period? Therefore, the first hypothesis is:

Hypothesis I: The bases of competition for Michigan Supreme Court elections as identified by Hannah for the period 1948 to 1970 are still bases of competition for the period from 1971 to 1980.

Model and operationalization. The following are the bases of competition in the Hannah model and their operationalization:⁷

1. Incumbent. A candidate was scored positively if at the time of election the candidate was a Supreme Court Justice--appointed or elected.
2. Party. A candidate was scored positively if the nominating political party won the state office having the most votes.
3. State Office. A positive score was recorded for candidates who held or previously had held state elective or appointive office.
4. Local Office. The candidate who held or previously had held local appointive or elective office was scored positively. State judgeships other than Michigan Supreme Court were scored as local offices.
5. Private. A candidate with a lifetime private practice and an "A" Martindale-Hubbel Law Directory rating was scored positively.
6. Section. A candidate from Detroit or the Upper Peninsula was scored positively.
7. Ethnic. A candidate was scored positively if the candidate was Roman Catholic, or Black, or had a name easily identified with an ethnic group.

Hannah tested her model with the requirement that for each election the winning Supreme Court candidates were to have higher

scores than their opponents. The statistic Hannah used to evaluate her model was the percent of winners predicted correctly. A score for each candidate was determined by adding points awarded for the presence of each of the bases of competition. In assigning points for each of these bases, Hannah awarded each factor, in the order listed above, an equally decreasing value. Thus, a candidate scored positively for Incumbent received seven points and so forth down to one point for the presence of Ethnic.

Technique and criterion. I tested the first hypothesis by updating the Hannah model with her operationalization. Also, I duplicated her scoring procedure and statistic. The criterion was that the updated model must have a percent predicted correctly no less than five percentage points of the original table's. Therefore, at least 81 percent predicted correctly by the updated model was required.

Hypothesis II

The original Hannah model predicted judicial winners from 1948 to 1970 remarkably well. However, I believe that a very important candidate attribute, name familiarity, was not included in her model and other attributes can be more distinctly conceptualized.⁸ More advanced analytical techniques have become available since Hannah's study. These techniques facilitate the addition of a time dimension to the meaning of three of the variables in the Hannah model. Another variable in her model is separated into three bases of candidate competition in order to provide further conceptual refinement. Therefore, building upon the preliminary study by Hannah (1972) and

Philip DuBois' (1980) later research leads to a more sophisticated model of the bases of competition for candidates in Michigan judicial elections.⁹ Thus, the second hypothesis, which is the foundation of my research, is:

Hypothesis II: There is a positive relationship between winning an appellate court election in Michigan and the incumbency status of the candidate, strength of the candidate's political party, state and local political office experience of the candidate, support from the candidate's geographical section, unearned familiarity of the candidate's name, Irish or other ethnic appeal of the candidate's name, and support from the candidate being recognized as a Catholic.

Discussion of Hypothesis II continues with a comparison of Hannah's and my conceptualizations of the bases of competition. Next, my variable operationalizations are presented and contrasted with Hannah's. Last discussed are my model and the techniques used to test it, including the criteria.

Conceptualizations contrasted. Two of the candidate attributes in my model were conceptualized as in Hannah's. They are the strength of the candidate's political party and support from a candidate's geographical section. I reconceptualized four of the bases of competition in Hannah's model. These candidate attributes are incumbency, state public office experience, local public office experience, and ethnic appeal. A comparison of those differences follows.

Hannah conceptualized a candidate's incumbency as an advantage in judicial elections because that incumbency is designated on the ballot for all Michigan judicial offices. Other than the appearance

of the candidate's name and what association they may evoke the only information available from the ballot is whether the candidate currently holds that office.¹⁰ Hannah concluded that since the public seems to desire stability in the judicial arena, the incumbent has an advantage over the challengers who are on the ballot without this designation.

An alternative conceptualization of incumbency is suggested in the voting literature. Although these scholars do not agree on the magnitude of incumbency's impact on election outcomes, they agree that the length of time a candidate has been an incumbent is an important research consideration.¹¹ Therefore, the notion of incumbency is broadened to include the frequency and nature of the candidate's ballot appearances. The judge who has held office for more terms and whose name has appeared on the ballot more often with the incumbency designation would have an advantage over the other candidates. In addition to the extraordinary advantage present at the polls in the form of the ballot designation, the incumbent has the benefit of wide and numerous contacts with potential voters through the performance of his/her judicial office.

To give this base of competition a fuller dimension, the other possibility for a candidate's ballot appearances was also incorporated into my conceptualization of incumbency. Remember, one possibility is that the candidate, as an incumbent, is thought of by the voters as a previous winner who is the current officeholder. Another possibility for a candidate is repeated appearances on the ballot without the

incumbency designation. After an initial candidacy, the repeat candidate may become disadvantage due to a growing image as "a loser." I do not believe the initial ballot appearance portrays a candidate as a success or failure; it was viewed as neutral for all candidates, except for those candidates who were designated incumbents in their first race. They have the advantage of their incumbency.

My conceptualization of judicial incumbency is a modification of the conceptualization found in the voting literature due to the influence of the rules of the game for Michigan judicial elections. I posit a positive linear relationship between incumbency and the election outcome while some scholars have suggested a nonlinear relationship in which the influence of a candidate's incumbency begins to decline for the long time incumbent. Even if nonjudicial elections are nonlinear as just described, the type of election I modeled would contain just the earlier gradually ascending portion of that curve which can be represented linearly.

There are three reasons why a Michigan appellate court incumbent can have very few re-election bids. First, admission to the Michigan State Bar is a qualification for judicial office. This along with the higher status of appellate court office results in an overwhelming number of candidates who are at least middle-aged. Second, the term of office is long which reduces the frequency of re-election bids. Third, a candidate who is seventy years of age or older is ineligible for judicial office in Michigan. This shortens a judicial career in comparison to other offices. Therefore, neither Hannah's

nor my conceptualization of this base of competition is curvilinear. My conceptualization of incumbency has a broader dimension because I included the frequency and nature of the candidate's ballot appearances.¹²

The second and third candidate attributes--state public office experience and local public office experience--are contrasted together because the differences in conceptualization between Hannah and me are the same for both. Hannah's conceptualization of the advantage derived from holding public office was restricted to whether the candidate had ever held a public office, irrespective of how long that office had been held. My conceptualization of the advantage derived from holding public office was extended to include the length of that service. It would seem that the longer a candidate's officeholding experience, the greater the advantage. Longer periods in office may provide more opportunities for the candidate to establish her/his visibility and a communications network; both may be more fully established over a longer period of time.

The fourth candidate attribute which Hannah and I conceptualize differently is ethnic appeal. Hannah grouped together Catholics, Blacks, and those having a name easily associated with an ethnic group to comprise one base of competition. I reconceptualized it into three distinct bases of competition. They are the support a candidate may receive from: (1) having an Irish name, (2) having a name easily associated with another major ethnic group in Michigan, and (3) being recognized as a Catholic. Also, I would have included a separate base

of competition for being a Black, but there are too few Black candidates in my data to statistically justify such a category.

This racial candidate attribute should not be incorporated with either of the other two attributes, as Hannah did, because the basis for the support a Black would receive is different than the support from being recognized as a Catholic or having an easily identifiable ethnic name. Recognition as a Catholic is a distinct candidate attribute for the following reasons. Michigan histories note the early introduction and influence of Catholicism in Michigan. Catholicism is one of Michigan's largest religious groups. Also, this religion has a highly organized and unified nature, weekly attendance as a religious tenet, and the presence of diverse social activities. These characteristics of Catholicism provide a Catholic candidate readily available organizational resources and communication channels. Finally, the special nature of Catholicism results in higher voter participation by Catholics.¹³ As a group, Blacks in Michigan do not have these characteristics, especially the higher voting rate, which may provide a source of candidate support.

Being a Black should not be incorporated with the candidate attribute of ethnic appeal. One reason ethnic appeal is conceptualized as a separate candidate attribute is because a candidate with an easily identifiable ethnic name can gain support at the polls from the appearance of his/her name on the ballot. Blacks do not have this advantage because, in many instances, they are not easily identified as Blacks from the appearance of their name on the ballot.

Instead of only two categories for the ethnic appeal of a candidate's name, it would be ideal to have a separate one for each major ethnic group in Michigan.¹⁴ Then the influence of each group could be established. Unfortunately, this was not possible because there were too few cases for all of the ethnic groups except the Irish. Historically, the Irish in America have been politically active.¹⁵ Also, the Kennedy mystique in the 1960's may have contributed to popularization of Irish candidacies. For example, 25 percent of the Michigan Supreme Court candidates between 1964 and 1980 had Irish names. Since this ethnic group would seem to have a different effect than the other prevalent ethnic groups, I established it as an individual base of competition.

Operationalization. The operationalization of the nine candidate attributes which comprise the model differs in some respects from those in the Hannah model. These differences are noted as I present the operationalization of each of the candidate attributes which may explain who wins or loses in a Michigan judicial contested election. In many instances I was able to retain a greater amount of information through use of a higher level of measurement and/or more precise conceptualization. Greater validity would be obtained from reducing the loss of information about the candidates. Sources of information for each candidate attribute are listed in Table A.2 in the Appendix. I will operationalize the dependent variable first, then proceed with the independent variables.

The dependent variable is the appellate court election outcome. Each candidate's election result is measured by collapsing the theoretical interval level of measurement into an empirically available level--a dichotomy. The multi-winner nature of these judicial elections complicates the use of any other level of measurement. Winning candidates received a "1" while losing candidates were scored a "0" for all contested term and vacancy elections.

Now I operationalize the nine independent variables in my research. The first candidate attribute is the advantage derived from appearing on the ballot as an incumbent. I operationalized this variable as the number of consecutive elections in which a candidate was designated on the ballot as an incumbent minus the number of elections, after the initial one, in which the candidate ran without benefit of the incumbency listing for that office. Therefore, the initial ballot appearance of a candidate, except for appointed incumbents, was coded a "0." The second ballot appearance of a successful candidate was coded a "1." The second ballot appearance of an unsuccessful candidate was coded a "-1." The level of measurement I used is higher than Hannah's. Therefore, more information about a candidate was incorporated in this variable.

The second candidate attribute is the strength of a candidate's political party. I measured this variable as the percent of the vote for the candidate's party for the partisan state office which consistently received the amount of votes closest to the judicial office's. As mentioned in Chapter I, use of this lower partisan race more accurately reflects the strength of the political parties.¹⁶ Most of

these races are multi-winner. Therefore, I determined each political party's strength by adding the votes for that party's candidates and dividing that sum by the total votes cast in that election. See Table A.3 in the Appendix for my manipulation of the vote statistics.

During the 1948 to 1963 period when most of the judicial elections were held in the Spring, the partisan state office was the Board of Agriculture (now titled Trustees of Michigan State University). For the four November vacancy elections, the Auditor General race had the closest vote total. From 1964 to 1982 the Supreme Court and Court of Appeals elections were held in the Fall. The Michigan State University Trustees race consistently had the closest vote total and therefore I used it to determine the strength of the political parties for these general and vacancy elections.

For a Court of Appeals candidate to qualify for a percentage score, the candidate must have been associated with a political party to the extent that there was a party endorsement or the candidate had previously run under that party label without a switch in party allegiance being declared. Unfortunately, the strength of the candidate's political party could not be determined for the Court of Appeals elections. During the period under study, there were instances of conflicting candidate endorsements by the county political party organizations.¹⁷

The basic differences between my operationalization and Hannah's are that I used a lower level of state office and my level of measurement is higher--interval. I captured the degree of party

support through the use of percentages. Therefore, the gradual changes over the years in political party strength in Michigan can be seen more fully. My finer gradations than Hannah's "1"/"0" scoring add to the variation of this variable.

The third candidate attribute is a candidate's state public office experience. I operationalized the advantage obtained from a candidate having state political office experience as the number of years the candidate held a substantial state elective or appointive office in Michigan. Offices qualified if they were full time and either referred to in print during the campaign, listed by the candidate in either the Michigan State Bar Journal Roster or Martindale-Hubbel Law Directory, or recorded in the Michigan Manual. The records I used only allowed me to round the length of public office experience to tenths of a year as a meaningful measurement. My operationalization of this variable and the next one differed from Hannah's due to the differences in our conceptualizations. My higher level of measurement than Hannah's should increase the variation contained by these variables.

The fourth candidate attribute is a candidate's local public office experience. The measurement procedure used for the advantage a candidate has from the years of holding local public office was basically the same as for the state level experience. I added the Directory of the Michigan Municipal League to the above indicators of a substantial office at the local level. For Supreme Court candidates, I recorded holding a Court of Appeals judgeship as a local office.

The fifth candidate attribute, support from the candidate's geographical section, is measured as a percentage. The vote in the candidate's section which was cast for that candidate was divided by the total vote in that section. For multi-winner contests, the "total vote" was approximated by dividing the recorded vote by the number of seats in the contest. I identified a candidate's section by the location reported in my biographical sources. Most often this was where the candidate was currently working.

For the Supreme Court, I summed the county vote totals which comprise the candidate's section in order to determine each candidate's percentage. In the Appendix, Table A.4 indicates the division of the counties for the three Supreme Court sections and the aggregated votes I used to determine the percentages. For the Court of Appeals, Table A.5 identifies the counties in each District and each candidate's home county vote percentage.

Hannah's and my operationalizations differed in two respects. First, we used different levels of measurement. The comments on pages 54 to 55 in which I contrasted Hannah's and my operationalizations of the strength of the candidate's political party also apply here. Second, Hannah included only two geographical sections--Detroit and the Upper Peninsula. I explicitly included all three sections in the measurement procedure. The highest Supreme Court voter turnout occurs Outstate. However, support from this section is tempered in relation to the others by its expansive geographical size. The Detroit Metropolitan area regularly has fewer votes cast for Supreme Court candidates but this area also has more issues arising which reinforce

sectional identification. The Upper Peninsula has the fewest votes cast in Supreme Court contests. This is compensated for by stronger sectional unity with candidates from this area having fewer competitors from their own section than do candidates in the other two sections. Thus, it is easier to rally around a single "favorite son."

The sixth candidate attribute is name familiarity. I measured the advantage a candidate has from possessing a name which was made popular by others as a dichotomy. A candidate was scored a "1" if he/she had a name which was the same as or similar to a name popular in Michigan politics or a judicial incumbent's. I determined which candidate names were familiar by a scrutiny of the Michigan election documents, legal sources, and Michigan histories indicated in Table A.2 in the Appendix. All other candidates were scored as a "0," including candidates with familiar names due to their having established its popularity. To remain meaningful and distinct from the other bases of competition, this variable must be restricted to an advantage obtained by a candidate who has not her/himself earned the voters' recognition. This variable was not included in Hannah's model and therefore, this operationalization is not compared to hers.

Now, I operationalize the seventh and eighth candidate attributes--the advantage from having an Irish name or having a name easily associated with a major ethnic group in Michigan. For all of the candidates, including married females, I focused on the name as it appeared on the ballot. The measurement procedure was the same for both of these attributes. I scored a candidate possessing a name easily

identified with an ethnic group prevalent in Michigan as a "1." I coded all the rest of the candidates as a "0."

For the Court of Appeals elections, the ethnic group prevalent in Michigan additionally had to be sizeable in that District. An ethnic group had to be at least four-tenths of a percent of the population in Michigan to be considered prevalent. For an ethnic group to be considered sizeable in the District, it had to be identified in a cultural history as influential.¹⁸ The level of measurement I used for my seventh through ninth candidate attributes was the same as Hannah's for her Ethnic.

Last, I operationalize my ninth candidate attribute--the advantage an appellate court candidate may have from being recognized as a Catholic. I scored a candidate who is recognized as a Catholic as a "1"; all other candidates I coded as a "0." I determined the presence of that recognition from candidate actions, e.g., an obvious reference to her/his Catholicism in campaign literature; or from the candidate's having a traditionally Catholic name. A candidate was not coded as a Catholic because of his/her name if the candidate's non-Catholicism was widely known. For example, non-Catholic John W. Fitzgerald, son of a former Michigan Governor and a well-known politician in his own right, was scored a "0."

Model. In research, correct specification of the model is a basic assumption. The second hypothesis establishes a model in which the dependent variable is a linear function of the independent variables. I assume that function is linear because the approach to

studying judicial elections I use is in its infancy. Additionally, I assume that the value of none of the candidate attributes interacts with the value of any of the others. Until further understanding can be obtained, a simpler linear equation without interactive terms is preferred.

A crucial difference between my model and Hannah's is that I did not predetermine the relative influence of the candidate attributes which may explain who wins and loses in a contested Michigan appellate court election. She assigned a value to each of her bases of competition in order to identify the most successful combinations of advantages for winning. I did not do so because there is not yet enough research to know that any base is, for instance, exactly twice as influential as another. The newer techniques, such as Probit, enable avoidance of predetermined weightings of the independent variables.

Techniques and criteria. The following are the techniques and criteria used to test the second hypothesis. I tested this hypothesis with Probit, an ordinal analog of regression. For my research question, Probit or Logit are the most appropriate statistical techniques.¹⁹ Probit was designed for research inquiries in which the underlying theoretical dependent variable is interval but was measured ordinally. The probability of winning cannot be measured--just whether the candidate won or lost. Probit provides maximum likelihood estimates (MLE) which indicate the relative influence of each of the independent variables.

Least squares regression is currently being used to analyze judicial data and has the advantage of an extensive groundwork already laid to facilitate its use with political science issues. Specialized techniques have been developed to correct for violation of the regression assumptions. However, least squares regression cannot adequately fit the data when the dependent variable is measured as a dichotomy--such as judicial case votes or the win/loss outcome of judicial elections. Frequently, the result is that a model tested with least squares regression is rejected due to a low goodness of fit measure when the goodness of fit statistic from the more appropriate Probit would suggest that the model not be rejected.

The criteria for the Probit test of the model follows. The goodness of fit measure, estimated R^2 , must be at least .60.²⁰ Additionally, the summary statistic, Spearman's r , should be significant with alpha at the conventional value of .05. Also included is λ_b , a reduction in error statistic, in order to take into account the size of the marginals. λ_b should be at least .50. This is an arbitrary decision in which a reduction in error by 50 percent is a reasonable expectation. In regard to the maximum likelihood estimates for each model, the criteria were that they are positive and statistically significant. For each coefficient, this was determined by a one-tailed t-test of significance with alpha set at .05. The statistic, -2 Times Log Likelihood Ratio, is used to test the overall significance of the independent variables. -2 Times Log Likelihood Ratio is analogous to the F-Test in regression. Chi-square for -2 Times Log Likelihood Ratio must be significant at alpha equal to .05.

Another technique used to evaluate both appellate court models was ex post forecasting.²¹ This type of forecasting can test the predictive ability of a model. In order to ex post forecast the most recent data must be withheld from the data which is used to estimate the model coefficients. The data excluded were the appellate candidates running in the 1981 and 1982 elections. I calculated a score for each of those candidates by entering my withheld data into the estimated equation. Then, I predicted whether a candidate won or lost by comparing that candidate's forecasted score to the scores in my original Probit run. Last, I determined the percent of candidates predicted correctly and λ_b . The models for the two appellate courts should be able to predict the outcome of those withheld elections with at least 60 percent accuracy and at least 50 percent reduction in error for the λ_b .

For the Supreme Court model, I also used a dummy variable technique to test my belief that there are two distinct periods for Supreme Court elections between 1948 and 1980. For each independent variable and the constant term, I added to the equation a binary variable which captures the change in the coefficient from the first period to the second. This technique is not used for the Court of Appeals elections to establish two periods because all of the Court of Appeals elections occur in the second time period. A t-test of significance (alpha equal to .05) can be performed on these binary variables to substantiate that the coefficients representing the relative influence of the candidate attributes are different in the two time periods.²²

In regard to the Supreme Court models which were estimated for the two time periods, another basis used for evaluating them is that they should predict better than the Hannah model when it also is divided into the same time periods. The original Hannah model correctly predicted 86 percent of the candidates from 1948 to 1970. The percent predicted correctly by the Hannah model for the 1948 to 1963 period and the 1964 to 1980 period may be different than the percent reported in the Hannah study. Thus, the percentages calculated for each time period in the Hannah model are the more fitting standards for evaluating my Supreme Court models. Therefore, the percent predicted correctly obtained from the two Probit runs must be higher than the respective Hannah percentages.

Hypothesis III

In the remaining hypothesis, I investigate the differences between the models in the influence of the candidate attributes which may explain the election outcome in an appellate court contest. The Supreme Court elections are compared for the two time periods. Then, the Supreme Court and Court of Appeals contests are compared for the same time period. The third hypothesis begins this examination with the earlier period Supreme Court races.

Which are the strongest bases of competition which may provide support for a Supreme Court candidate's electoral success? The judicial election literature reviewed in Chapter I repeatedly indicated that during the 1948 to 1963 period three candidate attributes had a strong influence on who would win. The incumbency status of the

candidate overwhelmingly was identified in that literature as the prime factor leading to victory. The other two candidate attributes were the candidate's political party affiliation and state political office experience of the candidate. According to Hannah's study, the order in which I just presented these three candidate attributes indicates the order of the magnitude of their influence.²³ Therefore, the third hypothesis is:

Hypothesis III: For Supreme Court elections during the period from 1948 to 1963, the incumbency status of the candidate, strength of the candidate's political party, and state political office experience of the candidate are the candidate attributes which have the strongest relative influence, respectively.

Technique and criterion. I standardized the value of the maximum likelihood estimate coefficients in order to be able to compare the relative influence of the candidate attributes.²⁴ This was necessary because the maximum likelihood estimate coefficients for the independent variables were estimated using different scales of measurement. I deemed the relative influence of a candidate attribute as greater than another if the value of its standardized coefficient was larger. The criterion was that the larger of the two standardized coefficients must be at least 10 percent larger.²⁵

Hypothesis IV

How do the relative influences of the candidate attributes which may explain who wins and loses in the more recent Supreme Court elections compare to the earlier period? The fourth hypothesis answered this question by reflecting the changes in the rules of the game brought into effect by the Michigan Constitution of 1963 and

national trends.²⁶ I believe the influence of two candidate attributes were negatively affected. They are the candidate's incumbency status and strength of the political party nominating the candidate.

The following are my reasons for focusing on these two attributes. First, nationally and within Michigan it is becoming more frequent and easier to create a political party in order to place a special candidate on the ballot. It would seem that this would have an impact on both of the candidate attributes just mentioned, especially incumbency. The creation of a new party enables a ballot position for a candidate who may be able to effectively challenge the judicial incumbents who regularly capture their party's nomination. Remember, in Michigan a nonincumbent candidate must be nominated by a political party in order to run for a Supreme Court seat.

Second, the last several national elections have revealed that in a strongly challenged election incumbency is not the automatic ticket it once seemed to be. This recent "Throw-Out-The-In's" psychology of some of the voters may have been extended to judicial elections and has an impact on the Michigan voters' desire for stability in the judiciary. This especially may be a possibility as more voters in Michigan come to acknowledge that the courts are in the political arena.

Third, the influence of the strength of the candidate's political party may be lessened in relationship to the other candidate attributes due to the provision since 1963 which permits a judicial incumbent to file an affidavit of candidacy. A judge may even have established his/her incumbent status by the viable alternative of

creating a political party in which she/he was the sole candidate. Therefore, a candidate who has other strong bases of support may effectively by-pass the established political parties.²⁷

A fourth reason is that the degree of political party identification in Michigan is decreasing; as it is nationally.²⁸ This may have altered the previous balance of party supporters and non-identifiers comprising the Michigan Judicial electorate. Therefore, the fourth hypothesis is:

Hypothesis IV: For the Supreme Court elections from 1964 to 1980, the incumbency status of a candidate and strength of the political party nominating the candidate have less of an influence than during the 1948 to 1963 period.

Techniques and criteria. Techniques are available to investigate two aspects of the decreased influence of the two candidate attributes specified in this hypothesis. I determined the existence of a decrease in the influence of the attributes and also whether that decrease resulted in a change in the relationship of the influence of all of the attributes. First, the amount and direction of the change from the first period to the second is indicated by the coefficients for the binary variables created in the dummy variable technique. I used a one-tailed t-test (alpha set at .05) to determine the statistical significance of the decrease in the relative influence of the two candidate attributes. Second, a change in the relationship of the influence of the candidate attributes to each other is indicated by a difference in the rank ordering of the standardized coefficients for the two periods. The criterion was that both of the

hypothesized candidate attributes had to have a lower rank in the second time period than in the first.

Hypothesis V

In this last hypothesis, I explore differences between the relative influence of Court of Appeals candidate attributes and Supreme Court candidate attributes. The nomination process for the Court of Appeals candidates does not provide a formal role for Michigan's political parties. Therefore, the Court of Appeals elections are more like nonpartisan elections than are the Michigan Supreme Court elections.²⁹ Another difference is that the Michigan Court of Appeals elections have less media coverage than the Supreme Court elections. Thus, less information about the Court of Appeals contests is available to the judicial voters.

Three studies provide guidance on how the relative influence of the Court of Appeals candidate attributes may differ from the Supreme Court's. In a nonjudicial study, Gerald Pomper found that nonpartisan elections make ethnic factors the chief basis of political division while partisan elections incorporate ethnic factors into more general cleavages. In a recent article, Hannah also indicated that ethnic names, as well as sex, were cues used by judicial voters in elections which lacked information. Dubois' research found name identification and incumbency as strong cues in nonpartisan states.³⁰ Therefore, the fifth hypothesis is:

Hypothesis V: In contested Court of Appeals elections from 1970 to 1980, the ethnic appeal of a candidate's name and a candidate's unearned name familiarity have greater relative influence than in Supreme Court contests for the same period.

Techniques and criterion. I standardized the maximum likelihood estimate coefficients for the relative influence of the candidate attributes in order to compare the Court of Appeals to the Supreme Court. Standardization enabled a rank ordering of the attributes in both models to be meaningful. These rank orders were compared. The criterion was that for an attribute to display a greater influence in one model its rank order had to be higher than in the other model.

Summary

Chapter II presented the methodology for an empirical analysis of several unanswered questions about Michigan's appellate Court elections. What is the relative influence of each of the bases of candidate competition which may explain the election outcome for each of the Michigan appellate courts? What are the differences in the relative influence of the bases of competition for Supreme Court elections for the two time periods--before and after the adoption of the Michigan Constitution of 1963? What are the differences in the relative influence of the Court of Appeals and Supreme Court bases of competition for the same period?

First, I discussed the research design used to answer these questions--a case study. Second, the data set was described. It contains all Michigan Supreme Court elections for the period from

1948 to 1982 and all contested Michigan Court of Appeals general elections from 1970 to 1982. Third, the five research hypotheses, techniques to test them, and criteria were elaborated. The major technique used was Probit, an ordinal analog of regression. It provided estimates for the relative influence of the candidate attributes and statistics for evaluation of the models. For the tests of significance, alpha was set at the conventional value of .05. Results of the analysis of Michigan Supreme Court and Court of Appeals elections follow in Chapters II and IV, respectively.

FOOTNOTES--CHAPTER II

¹V. O. Key, Jr., American State Politics: An Introduction (New York: Alfred A. Knopf, 1956), Chapter 7; and Eugene Lee, The Politics of Nonpartisanship (Berkeley: University of California Press, 1960), p. 6.

²The use of aggregate voting data was introduced by Rice and perfected by V. O. Key, Jr. Ranney cautioned that the use of aggregate data cannot provide predictions about individual voting behavior. Stuart Rice, Quantitative Methods in Politics (New York: Alfred A. Knopf, 1928); V. O. Key, Jr., A Primer of Statistics for Political Scientists (New York: Thomas Y. Crowell, 1966); and Austin Ranney, "The Utility and Limitations of Aggregate Data in the Study of Electoral Behavior," Essays on the Behavioral Study of Politics, ed.: Austin Ranney (Urbana: University of Illinois Press, 1962), pp. 91-102.

³V. O. Key, Jr., Southern Politics (New York: Vintage Books, 1949), p. 421. Because most of the judicial elections were multi-winner, the vote cast for an office was approximated by dividing the total vote by the number of seats.

⁴A basic tenet in the behavioral judicial literature is that appellate courts make policy, although there is disagreement as to the extent. For a lucid treatment of the policy making of a national appellate court, see Harold J. Spaeth, Supreme Court Policy Making: Explanation and Prediction (San Francisco: W. H. Freeman and Company, 1979). At the state level, see Herbert Jacob and Kenneth Vines, "Studies in Judicial Politics," Tulane Studies in Political Science 8 (New Orleans: Tulane University, 1962). For literature specific to Michigan, see Glendon Schubert, "The Packing of the Michigan Supreme Court," Quantitative Analysis of Judicial Behavior (Glencoe: The Free Press, 1959), pp. 129-41; and Sidney Ulmer, "The Political Party Variable in the Michigan Supreme Court," Journal of Public Law 11 (1962): 353-62. An additional study which also has mean voter turn-out rates in Michigan (see Figure 2.1) is Susan B. Hannah, "An Evaluation of Judicial Elections in Michigan, 1948-1968" (Ph.D. dissertation, Michigan State University, 1972).

⁵For this and the remaining references in Chapter II to constitutional provisions and elections laws, see Michigan State Constitution (1963), Article 6; and Laws Relating to Elections, compiled by the Michigan Secretary of State, Chapters 18 and 19.

⁶Hannah, "Evaluation." This exploratory model was only one component of her analysis which was the first comprehensive evaluation of Michigan judicial elections. Hannah did not update the Supreme Court model nor extent it to the Court of Appeals elections. Instead, her recent research has concentrated on other Michigan judicial election issues, such as the degree of competition and voter participation. See, "Competition in Michigan's Judicial Elections: Democratic Ideals vs. Judicial Realities," Wayne Law Review 24 (July 1978): 1267-1306; and "Voting in Local Judicial Elections: The Case of the Faithful Electorate," paper delivered at the 1982 Annual Meeting of the Midwest Political Science Association, Milwaukee, Wisconsin.

⁷The following are the sources for each Factor:

- Factor I: Biographical material in the Michigan Manual
- Factor II: State of Michigan, Official Canvass of Votes for the election concerned.
- Factor III: Michigan Manual, Martindale-Hubbell Legal (sic.) Directory
- Factor IV: Same as Factor III
- Factor V: Michigan State Bar Journal Roster, Michigan Manual, Martindale-Hubbell Legal Directory
- Factor VI: Same as Factor V
- Factor VII: Same as Factor V.

Quoted from Footnote 6 in Hannah, "Evaluation," p. 214.

⁸See my discussion of the studies by Eisenstein, Heiberg, DuBois, and Barber for their recognition of the role played by name familiarity in Chapter I, pp. 13-20.

⁹See my Footnote 8 in Chapter I. Several other likely variables were also not included in my model. Often the ballot position of a candidate's name is a consideration in studying electoral success. In Michigan the names are alphabetically rotated by precinct. James Chapman of the Elections Office, Secretary of State, indicated in a November 3, 1981, phone conversation that this has been in effect for at least the last thirty years. My model also does not include a variable for gender or Blacks because there were too few cases in my data set. This was also true in regard to the role of appointment.

¹⁰When candidate names are similar, the occupations for those candidates are indicated on the ballot. This exception occurred in the 1959 Supreme Court contest with Kenneth Cole and Maurice Cole as candidates. For a discussion of ballot designations which includes the appropriate legal citations for Michigan, see Maurice Kelman, "Ballot Designations: Their Nature, Function and Constitutionality," 12 Wayne State Law Review (Summer 1966): 777.

¹¹Richard G. Niemi and Herbert F. Weisberg, Controversies in American Voting Behavior (San Francisco: W. H. Freeman, 1976), p. 243. For an update on the literature on incumbency, see Herbert Asher, "Voting Behavior Research in the 1980s: An Examination of Some Old and New Problem Areas," paper delivered at the 1982 Annual Meeting of The American Political Science Association, Denver Hilton Hotel, September 2-5, 1982, pp. 43-50. For incumbency at the state level, see Malcolm E. Jewell and David M. Olson, American State Political Parties and Elections (Homewood, Il.: Dorsey Press, 1978), pp. 237-244.

¹²The two conceptualizations of incumbency provide an opportunity to test two models. The naive model used in this test will conceptualize incumbency as influential only in its immediate state. It was coded as a "1" if the candidate was the incumbent and "0" otherwise. A test of the difference in the -2 Times Log Likelihood Ratio was performed on both models. The model with the higher significant (alpha equal to .05) chi-square is preferred.

¹³See Table A.2. In nonpartisan elections religious identity and religious groups can perform some of the mobilization and cue-giving functions performed by political parties. However, since the religious affiliation of candidates is less frequently known to the whole electorate, the bulk of the impact is more likely to come from the organizational resources and communication channels religious groups provide. See Willis D. Hawley, Nonpartisan Elections and the Case for Party Politics (New York: John Wiley and Sons, 1973), pp. 95-96. For the greater participation by Catholics, see Robert Lane, Political Life (Glencoe, Il.: Free Press, 1959), p. 236, 244-247.

¹⁴Hawley cites studies of nonjudicial elections which indicate that the ethnic identity of political candidates is an important resource among persons of the same ethnic background. See footnotes 24 and 25 in Hawley, Nonpartisan, p. 103. In 1940, Michigan was fifth in the country for white, foreign born electorate, comprising 16 percent of Michigan's electorate. See James K. Pollock and Samuel Eldersveld, Michigan Politics in Transition, University of Michigan Government Studies #10 (Ann Arbor: University of Michigan Press, 1942), pp. 59-60 for the counties with a high ethnic percentage.

¹⁵Robert Lane, Political Life, p. 236. In an August 23, 1982, conversation with Archie Fraser, State Public Administrator, retired, he indicated that the Irish name popularity in Michigan started in the early 1930s.

¹⁶In partisan elections, the popular vote for lesser offices is more party determined than for the top of the ballot--Presidency. Philip Converse et al., "Stability and Change in 1960: A Reinstating Election," American Political Science Review 55 (June 1961): 273-280.

¹⁷In 1970 Robert Danhof was a candidate in the Second District Court of Appeals and he received both the Ingham County Democratic Party and Ingham County Republican Party endorsement. As another example, in the 1978 Second District Court of Appeals primary and Macomb County Democratic Party endorsed Walter Cynar while the Genessee County Democratic Party endorsed Luke Quinn. Information confirmed by Paul Mooradian, Former Assistant to the Chair, Michigan Democratic Party.

¹⁸See Table A.2 for the sources I used to determine the ethnicity of a candidate's name. The following are the percents for the countries and the appellate candidates easily identified with each ethnic groups:

Poland	255,467	3.3%	Walter Cynar, Roman Gribbs, and Meyer Warshawsky
Germany	234,183	2.9%	
U.K.-- <u>Scot</u>	179,826	2.3%	Emerson R. Boyles, George E. Bushnell, Ross Campbell, Maurice F. Cole, Neil E. Reid, Gary McDonald, Louis McGregor, Barbara MacKenzie, Edward M. Sharpe
Italy	120,363	1.5%	
Netherlands	85,797	1.1%	Robert Danhof, John R. Dethmers, John D. Voelker
USSR	77,441	1.0%	
Hungary	46,811	.6%	Zolton Ferency and Stephen J. Roth
Finland	45,671	.6%	
Sweden	44,991	.6%	John Swainson
Austria	43,675	.6%	
Czech	38,475	.5%	
Ireland	34,527	.4%	Thomas Brennan, Vincent Brennan, Michael Cavanagh, E. T. Fitzgerald, John W. Fitzgerald, Michael Hegarty, T. G. Kavanagh, T. M. Kavanagh, Michael Kelly, Harry Kelly, Richard Maher, James McLaughlin, Joseph Moynihan, John Murray, Michael O'Hara, Dorothy C. Riley, James L. Ryan, Theodore Ryan, Joseph A. Sullivan, Joseph B. Sullivan, Joseph Swallow, and Daniel Walsh
Yugoslavia	30,736	.4%	

Population statistics obtained from Anthony V. Rizzo, Atlas of Michigan's Foreign Born Population (Dearborn, Mi.: Free World Press, 1968).

¹⁹I used the Probit program brought to Michigan State University by John Aldrich. Logit was unavailable.

²⁰Probit's estimated R^2 is not as meaningful as the R^2 from least squares regression because the residual sum of squares is set at the number of cases. Therefore, I avoided use of tests of significance which are based on the R^2 .

²¹Charles W. Ostrom, Jr., Time Series Analysis: Regression Techniques (Beverly Hills: Sage Publications, 1978), pp. 58-59.

²²Robert Pindyck and Daniel L. Rubinfeld, Econometric Models and Economic Forecasts (New York: McGraw-Hill, 1976), pp. 77-84.

²³Hannah, "Evaluation," pp. 204-5.

²⁴The formula $\beta^* = \beta_i \frac{\sigma_i}{\sigma_y}$ is from Richard D. McKelvey and William Zavoina, "A Statistical Model for the Analysis of Ordinal Level Dependent Variables," Journal of Mathematical Sociology 4 (1975): 115.

²⁵Probit does not provide the information necessary to perform tests of significance for differences of coefficients as described in Jan Kmenta, Elements of Econometrics (New York: Macmillan, 1971), p. 372.

²⁶The original change to nonpartisan Spring elections in Michigan was an attempt to remove these offices from national and state partisan influence. Oliver P. Williams and Charles R. Adrian, Four Cities (Philadelphia, Pa.: University of Pennsylvania Press, 1963), pp. 33-90. Believing that this resulted in a malleable small voter turnout, framers of the 1963 Constitution of Michigan switched the nonpartisan judicial elections back to the Fall. See Albert Lee Sturm, Constitution Making in Michigan, 1961-62 (Ann Arbor: Institute of Public Administration, University of Michigan, 1963).

²⁷For example, in 1976 T. G. Kavanagh was a successful incumbent candidate who had filed an affidavit. According to a November 3, 1976, Detroit News article, the Democrats refused to nominate Kavanagh because of his refusal to campaign for the other Democratic Supreme Court candidates. Another interesting example is Charles L. Levin's candidacies. A political party, Non-Partisan Judiciary Party, was established just for his 1976 successful Supreme Court candidacy. The party most likely to nominate Levin was already committed. Then, in 1980 Levin filed an affidavit of candidacy and won.

²⁸Data and letter from Robert M. Teeter, President, Market Opinion Research on February 24, 1983.

²⁹Using Adrian's typology for nonpartisan elections, Michigan Supreme Court elections would be classified as Type I and Michigan Court of Appeals elections as Type III. Since the same election rules apply for the Court of Appeals and Circuit Court, Hannah's research may be used as support for this classification of Michigan's appellate courts. Charles Adrian, "A Typology for Nonpartisan Elections," Western Political Quarterly 12 (1959): 449-58; and Hannah, "Evaluation," pp. 182, 210-212.

³⁰Gerald Pomper, "Ethnic and Group Voting in Nonpartisan Municipal Elections," Public Opinion Quarterly (Spring 1966): 96; Hannah, "Voting," p. 4; and DuBois, Ballot, p. 89.

CHAPTER III

ANALYSIS OF SUPREME COURT MODELS

Chapter Objectives

The research objectives addressed in Chapter III are twofold. The first objective is to determine the relative influence of the bases of candidate competition which may explain the election outcome for the Michigan Supreme Court. The second objective is to compare the relative influence of the bases of Michigan Supreme Court candidate competition between two time periods. Michigan Supreme Court data for elections from 1948 to 1982 are used to evaluate the first four research hypotheses discussed in Chapter II. See Table A.6 in the Appendix. Therefore, Chapter III is divided into: first, presenting the results from testing the updated Hannah model and second, reporting the results from testing the hypothesized models. This chapter concludes with a summary of the findings for the highest appellate court in Michigan--the Supreme Court.

Hannah Model

Susan B. Hannah's preliminary study of Michigan judicial elections from 1948 to 1970 contained a model of partisan and nonpartisan competitive bases for Supreme Court candidates. Does her model explain Supreme Court election results for the period since 1970 with the same ability as for the 1948 to 1970 period? The findings from a

test of the first research hypothesis provide an answer to this question.

Hypothesis I: The bases of competition for Michigan Supreme Court elections as identified by Hannah for the period 1948 to 1970 are still bases of competition for the period from 1971 to 1980.

Analysis of the results from updating the Hannah model is divided into two sections. Discussed first is the ability of the updated model to correctly predict the Supreme Court winners from the candidate's total score. Discussed next is the ability of Hannah's model to correctly predict Supreme Court winners when the whole time period is divided into two periods--before and after the adoption of the Constitution of 1963.

Updated Period

Hannah's model was tested with the elections from 1971 to 1980. Her operationalization of the bases of competition, scoring procedure, and statistic were duplicated. A total score was determined for each candidate by adding the points for each positively scored attribute. Candidates with the highest total scores in each election were predicted to win and this was indicated with a star in the score column. The actual winners were designated with a star in the candidate-party column.

Table 3.1 presents the Hannah model for Michigan Supreme Court elections from 1948 to 1980. The model's ability to correctly predict Supreme Court winners for the whole period, from 1948 to 1980, is 85 percent. This statistic is very close to the 86 percent predicted correctly for the original period--from 1948 to 1970. The

Table 3.1.--Tabulation of candidate advantage in Supreme Court elections, 1948-1980

Candidate-Party	Incumbent	Party	State Office	Local Office	Private	Section	Ethnic	Score
Hannah's, 1948-1970								
April 1948								
Bushnell (D)*	+	-	-	-	+	+	-	12*
Sharpe (D)* ¹	+	-	-	-	-	-	-	7
Moore (R) ¹	-	+	-	+	+	-	-	13
Rigney (R) ¹	-	+	-	+	+	-	-	13*
April 1951								
Boyles (R)* ¹	+	+	+	+	+	-	-	25*
Reid (R)*	+	+	-	+	-	-	-	17*
Ryan (D) ¹	-	-	+	-	-	-	-	5
Lee (D) ¹	-	-	-	+	-	+	-	6
Nov. 1952								
Adams (D)* ¹	+	+	+	+	+	-	-	25*
King (R) ¹	-	-	-	-	-	+	-	2
April 1953								
Dethmers (R)*	+	+	+	+	-	-	-	22*
Kelly (R)* ¹	-	+	+	+	+	+	+	21*
Adams (D) ¹	+	-	+	+	+	-	-	19
Smith (D)	-	-	+	-	-	-	-	5
April 1955								
Black (D)* ¹	+	-	+	+	+	-	-	19*
Carr (R)*	+	+	+	+	-	-	-	22*
Roth (D)	-	-	+	+	-	-	+	10
Brake (R) ¹	-	+	+	+	+	-	-	13

Table 3.1.--Continued

Candidate-Party	Incumbent	Party	State Office	Local Office	Private	Section	Ethnic	Score
<u>Nov. 1956</u>								
O'Hara (R) ¹	-	-	-	-	-	+	+	3
T. Smith (D)* ¹	+	+	+	-	+	-	-	22*
Edwards (D)*	+	+	-	+	-	+	-	19*
Simpson (R)	-	-	-	+	-	-	-	4
<u>April 1957</u>								
T. Smith (D)* ¹	+	+	+	-	+	-	-	21*
T. M. Kavanagh (D)* ¹	-	+	+	+	-	-	+	16*
O'Hara (R) ¹	-	-	-	-	-	+	+	3
Childs (R) ¹	-	-	-	-	-	+	-	2
Voelker (D)*	+	+	-	+	-	+	+	20*
Moynihan (R)	-	-	-	+	-	+	+	7
<u>April 1959</u>								
Edwards (D)*	+	+	-	+	-	+	-	20*
Voelker (D)*	+	+	-	+	-	+	+	21*
Baldwin (R)	-	-	-	-	+	-	-	3
K. Cole ¹	-	-	-	-	-	-	-	0
M. Cole (R) ¹	-	-	-	+	+	-	-	7
<u>Nov. 1960</u>								
Souris (D)* ¹	+	+	-	+	+	+	-	21*
Breakley (R)	-	-	-	+	-	-	-	4
<u>April 1961</u>								
Dethmers (R)*	+	-	+	+	-	-	-	16*
Kelly (R)* ¹	+	-	+	+	+	+	+	22*
McLaughlin (D) ¹	-	+	+	+	-	-	+	16
Boehm (D)	-	+	-	+	-	+	-	12

Table 3.1.--Continued

Candidate-Party	Incumbent	Party	State Office	Local Office	Private	Section	Ethnic	Score
<u>Nov. 1962</u>								
O'Hara (R)* ¹	-	+	-	-	-	+	+	9
Adams (D) ¹	+	-	+	+	-	+	-	18*
O. Smith (D)*	+	-	+	-	-	-	+	13*
McGregor (R) ¹	-	+	-	+	-	-	+	11
<u>April 1963</u>								
P. Adams (D)*	-	+	+	+	-	+	-	17*
Black (D)* ¹	+	+	+	+	+	-	-	25*
Holbrook (R) ¹	-	-	-	+	-	-	-	4
R. Smith (R)	-	-	-	+	-	-	-	4
<u>Nov. 1966</u>								
T. M. Kavanagh (D)*	+	-	+	+	-	-	+	17*
T. Brennan (R)* ¹	-	+	-	+	-	+	+	13
O. Smith (D) ¹	+	-	+	+	-	-	+	17*
Warshawsky (R)	-	+	+	+	-	-	+	16
<u>Nov. 1968</u>								
T. G. Kavanagh (D)*	-	+	-	+	-	+	+	13*
O'Hara (R)	+	-	-	-	-	+	+	10
<u>Nov. 1970</u>								
Williams (D)* ¹	-	-	+	-	-	+	-	7
Swainson (D)* ¹	-	-	+	+	-	+	+	12
Dethmers (R) ¹	+	+	+	+	-	-	-	22*
Piggins (R) ¹	-	+	-	+	+	+	-	15*

Table 3.1.--Continued

Candidate-Party	Incumbent	Party	State Office	Local Office	Private	Section	Ethnic	Score
Replication, 1971-1980 ²								
<u>Nov. 1972</u>								
Coleman (R)*	-	+	-	+	-	-	-	10*
Levin (-)*	-	-	-	+	+	+	+	10
Gilmore (D)	-	-	+	+	-	+	-	11*
Evans (D)	-	-	-	+	-	+	+	7
Thorburn (R)	-	+	-	+	-	-	-	10
<u>Nov. 1974</u>								
J. Fitzgerald (R)*	+	+	-	+	-	-	+	18*
T. M. Kavanagh (D)*	+	-	+	+	-	-	+	17*
Miller (R)	-	+	-	+	-	-	-	10
Moody, Jr. (D)	-	-	-	+	-	+	-	6
<u>Nov. 1976</u>								
T. G. Kavanagh (-)*	+	-	-	+	-	+	+	14*
Gribbs (D)	-	+	-	+	-	+	+	13
Swallow (R)	-	-	-	+	-	-	+	5
<u>Nov. 1976 Vac</u>								
Ryan (R)*	+	-	-	+	-	+	+	14*
Kaufman (D)	-	+	-	+	-	+	+	13
<u>Nov. 1976 Vac</u>								
Moody, Jr. (D)*	-	+	-	+	-	+	-	12
Lindemer (R)	+	-	+	+	+	-	-	19*

Table 3.1.--Continued

Candidate-Party	Incumbent	Party	State Office	Local Office	Private	Section	Ethnic	Score
Nov. 1978								
Williams (D)*	+	-	+	-	-	+	-	14*
Ryan (R)*	+	+	-	+	-	+	+	20*
McDonald (D)	-	-	-	+	-	-	+	5
Gilbert (R)	-	+	-	+	-	+	-	12
Nov. 1980								
Coleman (R)*	+	+	-	+	-	-	-	17*
Levin (-)*	+	-	-	+	+	+	+	17*
Burch (D)	-	-	+	-	-	+	-	7
Hegarty (R)	-	+	+	-	-	+	+	14
Sullivan (D)	-	-	+	+	-	+	+	12
Percentage of Winners Predicted Correctly								
	Hannah's	Replication	Pre-Period	Post-Period	Total			
	1948-1970	1971-1980	1948-1963	1964-1980	1948-1980			
% Predicted by Party	68	45	74	44	62			
% Predicted by Score	86	82	91	75	85			

*Denotes winner of election when under candidate-party column and predicted winner when under score column.

¹Correction of Hannah data.

²For the 1971-1980 period, it was necessary to include candidates who were not nominated by a major political party which was one of Hannah's restrictions.

percent predicted correctly for just the updated period, from 1971 to 1980, is 82 percent. The criterion was that the value of this statistic must be at least 81 percent. This criterion was satisfied. Therefore, the first hypothesis was confirmed. The bases of competition for Michigan Supreme Court elections as identified in the Hannah model are still bases of competition for the period from 1971 to 1980.

Further analysis of the expanded data revealed interesting differences from the earlier study. First, a slightly different conclusion may be drawn for the two periods through investigation of a subset--the Supreme Court winners. Hannah organized the Supreme Court candidate winners according to their total score--from the highest points to lowest. The winners of the 1971 to 1980 Supreme Court elections were so organized. Table 3.2 presents the 1971 to 1980 winners and the percentages for both periods.

Hannah's analysis of the percentage of winners possessing various combinations of the candidate attributes led to the following conclusion. Incumbency was the strongest candidate advantage, but it was rarely sufficient to provide a victory. The other attributes providing a candidate an advantage were the strength of the political party which nominated the candidate and previous political office experience--state or local. The three candidates who defeated incumbents had strong local and ethnic appeal as well.

A comparison of the percentages for the combinations of attributes for the two time periods supports the conclusion that the relationships for the different periods are similar, except that in

Table 3.2.--Supreme Court advantages of winners, 1971-1980

Winner	Incumbent	Party	State Office	Local Office	Private	Section	Ethnic	Score
J. Ryan (R-78)	+	+	-	+	-	+	+	20
J. Fitzgerald (R-74)	+	+	-	+	-	-	+	18
T. M. Kavanagh (D-74)	+	-	+	+	-	-	+	17
M. Coleman (R-80)	+	+	-	+	-	-	-	17
C. Levin (--80)	+	-	-	+	+	+	+	17
T. G. Kavanagh (- -76)	+	-	-	+	-	+	+	14
J. Ryan (R-76V)	+	-	-	+	-	+	+	14
G. Williams (D-78)	+	-	+	-	-	+	-	14
B. Moody, Jr. (D-76V)*	-	+	-	+	-	+	-	12
M. Coleman (R-72)	-	+	-	+	-	-	-	10
C. Levin (- -72)	-	-	-	+	+	+	+	10
Combination of Attributes	Hannah's, 1948-1970				Replication, 1971-1980			
Incumbent, Party, State	26%				0%			
Incumbent, Party, Local	38				27			
Incumbent and Party	23				27			
Incumbent and State	23				18			
Incumbent and Local	8				27			
Party, State or Local	20				18			
Incumbent and Section	31				45			
Incumbent	77				63			

*Defeated an incumbent.

the period from 1971 to 1980 the advantage from a candidate's local public office experience was more influential than a candidate's state public office experience. Also in that period, the only candidate who defeated an incumbent did so with an advantage from the strength of the nominating political party, local office experience, and sectional support, but not ethnic appeal. The advantage derived from the combination of incumbency and sectional support was not reported by Hannah. The percentage of the winners possessing this combination for the original period and updated period is 31 percent and 45 percent, respectively. For both periods, the percentage of winners having this combination of bases of competition is higher than for the combinations reported above.

Second, an important change in the influence of another of the candidate attributes exists between the original period, from 1948 to 1970, and the updated period, from 1971 to 1980. In Hannah's exploration of the bases of competition, she noted that a high percentage of the winners could be correctly predicted solely on the basis of their having been nominated by the political party which won the state office with the greatest voter participation in that election. Table 3.2 presents the calculations for both time periods.

While the percent predicted correctly from the total score for each candidate is very similar between those two periods, a considerable drop--23 percentage points--occurs when the winners are predicted from only the candidate's rating on the political party factor. Clearly, the influence of the strength of the candidate's political

party has not remained stable. For the period since 1970, both of the Supreme Court candidates who filed an affidavit of candidacy were winners. The new constitution provided incumbents this alternative. Also, one of the two candidates who created a political party to qualify for the ballot during this period was a winner. These results warranted further analysis of Hannah's model with the data divided into two periods to reflect the change in Michigan's constitutions.

Pre- and Post-Periods

Table 3.2 also provides the values for the percent predicted correctly by the whole model and by only utilizing the political party variable with the data split into the pre- and post-1963 Constitution periods. Reorganization of the data is informative. The complete Hannah model has a greater ability to correctly predict the winners during the 1948 to 1963 period than the 1964 to 1980 period-- 91 percent as compared to 69 percent. Also, note that the pre-period's percentage is higher than the percentage for the original time period. This supports the belief that the change in the model's ability to predict winners is associated with the adoption of the new constitution.

Further support for this conclusion is obtained from focusing on the success rate for the incumbents.¹ In the 1948 to 1963 period, only two incumbents lost their re-election bid (10 percent of incumbents running), while in the later period, four incumbents lost (31 percent of incumbents running). This represents a 100 percent increase in the number of incumbents who lost. Also, in the earlier

period only 50 percent of the election outcomes of the incumbents were incorrectly predicted. However, 75 percent were mispredicted in the period after 1963.

Similar results occurred with the analysis above was repeated for candidate scores based only on the political party factor. The 1948 to 1963 period has a higher percent predicted correctly than for the original time period. With the periods split into the years from 1948 to 1963 and from 1964 to 1980, the percent predicted correctly plunged from 74 percent to 44 percent. All of the candidates before 1964 were nominated by a political party. Since 1964, four candidates either ran without a party nomination or created a party for their candidacy.

Empirical evidence provided confirmation of research Hypothesis I--the bases of competition identified by Hannah are still bases of competition. However, additional manipulation of the data on candidate bases of competition for Supreme Court elections during the period from 1948 to 1980 clearly indicated the necessity for creating two distinct time periods. The electoral changes associated with the adoption of the 1963 Michigan Constitution suggest that 1964 is an appropriate dividing point. Also, this analysis of the Hannah model led to the conclusion that an investigation of the bases of candidate competition--especially incumbency, strength of the political party which nominated the candidate, and support from the candidate's section--with a newer analytical technique would be profitable.

Hypothesized Model

Next presented is an expanded and reconceptualized model of the candidate attributes which may explain who wins and who loses in a contested Michigan Supreme Court election. The following section discusses the results from a set of statistical tests of two models which were conducted in order to test Research Hypothesis II.

Hypothesis II: There is a positive relationship between winning an appellate court election in Michigan and the incumbency status of the candidate, strength of the candidate's political party, state and local political office experience of the candidate, support from the candidate's geographical section, unearned familiarity of the candidate's name, Irish or other ethnic appeal of the candidate's name, and support from the candidate being recognized as a Catholic.

Tests of Models

The first question resolved by the -2 Times Log Likelihood Ratio Test of Differences is which conceptualization of incumbency more adequately explains the election outcome.² In one conceptualization, incumbency is influential only in its immediate state. The other conceptualization of incumbency incorporates the influence derived from the length of the incumbency or image developed from a series of ballot appearances. Hannah had remarked that two variables--incumbency and strength of political party--enabled a loose categorization of the Supreme Court election outcomes. Therefore as a simplification, only those two variables were used in the -2 Times Log Likelihood Ratio Test of Differences. The constrained model contained the political party variable. Each of the unconstrained models contained one of the conceptualizations of incumbency and the party variable.

The criterion was that the model with the higher significant chi-square for the difference in the Log Likelihood Ratio provides greater explanatory power than the other model. The naive model in which incumbency was conceptualized as influential only in its immediate state has a substantially higher chi-square--approximately twenty-six to fourteen.³ Based on the criterion, the naive model was accepted. Also, a conventional rule in model building is that when all else is equal, the more parsimonious model is to be preferred. Therefore, in the rest of this research, incumbency was conceptualized as the immediate status of the candidate and operationalized as a dichotomy--scored as a one when present and as a zero otherwise.

For the period analyzed, the simple incumbent designation better explains appellate court election outcomes even though both conceptualizations of incumbency significantly added explanatory power to the model. It is possible that the impact of the incumbency designation on the ballot overshadows the influence of the candidate's length of incumbency or image developed from a series of ballot appearances. However, it also may be possible that my conclusion about which conceptualization is best applies only for appellate court elections from 1948 to 1980. That period contained a few unusual elections which suggests that the more complex conceptualization of incumbency should not be totally rejected for future study.⁴

A second question is whether certain of the candidate attributes in the hypothesized model (unconstrained model) add significantly to the explanatory power of that model. A constrained model was

developed as a means to conduct the -2 Time Log Likelihood Ratio Test of Differences described above. Selection of the candidate attributes for the constrained model was guided by the preliminary investigation of the Hannah model and the media's perpetual focus on three candidate characteristics: incumbency status, strength of political party, and sectional support. Therefore, the constrained model posited that the incumbency status of the candidate, strength of the candidate's political party and the support from the candidate's section are positively related to winning a Supreme Court election. Tables 3.3 and 3.4 present the Probit estimates of the models and the results of this test conducted for two time periods--before and after the adoption of the Michigan Constitution of 1963, respectively. The relative influence of the candidate attributes is addressed in the discussion of Hypotheses III and IV.

The hypothesized model (unconstrained) in both of the periods satisfied the goodness of fit criteria. The -2 Times Log Likelihood Ratio for both of the unconstrained models is statistically significant. The constrained models for both of the periods also satisfied these criteria. It may be concluded that both the unconstrained and constrained models adequately explain Supreme Court election outcomes during the periods under study. Thus, additional information is needed. The -2 Times Log Likelihood Ratio Test of Differences can provide the required information on whether the additional candidate attributes in the unconstrained model add significantly to the explanatory power of the model.

Table 3.3.--Test of two Supreme Court models, 1948-1963

Attributes	Unconstrained Model			Constrained Model			
	MLE	SE	MLE/SE	MLE	MLE*	SE	MLE/SE
Incumbency	2.251	1.004	2.244**	2.144	2.104	.816	2.622**
Party	.386	.301	1.280	.303	9.293	.178	1.699**
Sectional	.135	.078	1.745**	.118	4.800	.050	2.368**
State	-.068	.162	-.421				
Local	-.061	.069	-.876				
Ethnic	-.317	1.212	-.262				
Catholic	-.314	1.142	-.275				
Constant	-26.014			-21.811			
Est. R ²	.985			.979***			
-2 x LLR	52.353**			51.091**			
PPC	88.235			90.196			
r _s	.762**			.803**			
λ _b	.739			.783			
-2 x LLR(difference) = 1.262							
(Chi square, 4 degrees of freedom)							
N = 51							

*Indicates significant standardized MLE

**Indicates significance at .05 level

(Critical values, Z = 1.64, r_s = .305, $\chi^2_7 = 14.1$, $\chi^2_4 = 9.49$, $\chi^2_3 = 7.81$)

***For comparison: linear regression R² = .629

Farrar-Glauber R² = .586 as estimate of degree of multicollinearity.

I do not consider this a serious level in which the model should not be used.

Table 3.4.--Test of two Supreme Court models, 1964-1980

Attributes	Unconstrained Model			Constrained Model			
	MLE	SE	MLE/SE	MLE	MLE*	SE	MLE/SE
Incumbency	-.738	.869	- .850	-.437	0	.645	- .678
Party	-.042	.027	-1.561	-.032	0	.020	-1.632
Sectional	.117	.041	2.865*	.103	4.430	.032	3.276**
State	.096	.122	.786				
Local	.100	.097	1.027				
Irish	1.409	1.626	.867				
Other Ethnic	-.652	1.291	-.505				
Catholic	-.383	1.498	-.256				
Name	-.310	1.298	-.239				
Constant	-5.085			-3.611			
Est. R ²	.832			.774***			
-2 x LLR	33.645**			30.168**			
Percent Predicted Correctly	82.927			90.244			
r _s	.646**			.795**			
λ _b	.562			.750			
-2 x LLR (difference)	= 3.4						
(Chi square, 6 degrees of freedom)							
N = 41							

*Indicates significant standardized MLE

**Indicates significance at .05 level

(Critical values, Z = 1.64, r_s = .305, $\chi^2_9 = 16.92$, $\chi^2_6 = 12.59$, $\chi^2_3 = 7.82$)

***For comparison: linear regression R² = .229

Farrar-Glauber R² = .085 as estimate of degree of multicollinearity.

I do not consider this a serious level in which the model should not be used.

For both periods, $-2 \text{ Times Log Likelihood Ratio}_{(\text{difference})}$ is not statistically significant with alpha set at .05. This is a clear signal that the additional candidate variables--length of the candidate's state and local public office experience, Irish or other ethnic appeal of the candidate's name, and the candidate being recognized as a Catholic--do not add to the ability of the model to explain who wins and who loses Supreme Court elections from 1948 to 1980.

Additional guidance is available from ex post forecasting. In the ex post forecast, both models incorrectly predicted a victory for Dorothy Comstock Riley in the 1982 election. However, the constrained model was closer to correctly predicting her election outcome than the hypothesized (unconstrained) model. The ex post forecasting results will be discussed later. Therefore, with Ockham's Razor as the conventional wisdom, the parsimonious three variable model is used in the dummy technique discussed next.

The third question is whether there exists a significant difference before and after adoption of the 1963 Constitution in the relative influence of one or more of the candidate attributes which may provide an electoral advantage in Supreme Court elections. A dummy variable technique is available in which binary variables are added to a model in order to identify the possible change in the relative influence of the candidate attributes from the first time period to the second.

The Probit estimates of the model and statistics present in Table 3.5 provide empirical evidence to support my theoretical position

Table 3.5.--Dummy technique Supreme Court model, 1948-1980

Attributes	MLE	SE	MLE/SE
Incumbency	2.144	.818	2.622**
Incumbency x D*	-2.576	1.042	-2.472**
Party	.303	.178	1.699**
Party x D	- .334	.179	-1.863**
Sectional	.118	.050	2.368**
Sectional x D	- .014	.059	- .230
Constant	-21.811	10.699	-2.039**
D	18.071	10.771	1.678**
Est. R^2	.965		
-2 x LLR	81.463**		
Percent Predicted Correctly	90.217		
r_s	.801**		
N = 92			

*D = $\begin{cases} 1 & \text{when election occurs after 1963} \\ 0 & \text{otherwise} \end{cases}$

**Indicates significant at .05 level

(critical values, $Z = 1.64$, $r_s = .305$, $\chi^2 = 14.1$)

that the two periods under study are different. The binary variables for the strength of the candidate's political party and the incumbency status of the candidate are statistically significant. Also, the binary variable for the constant is statistically significant. These results legitimize separate estimation of the two time periods. The maximum likelihood estimate coefficients from the dummy variable technique estimation and from separate estimation for the two periods should be essentially equivalent.⁵ They are. Separate estimation of the two periods is required for this study because it provides the information necessary in order to rank order the relative influence of the Supreme Court candidate attributes.

Now, the last criteria for the test of Hypothesis II may be addressed. The requisite theoretical condition was that the hypothesized candidate attributes positively influence the probability of a candidate's winning an appellate court election. The criteria were that in a one-tailed t-test each coefficient be positive and significant at alpha equal to .05. In Table 3.3 and 3.4, the positive and significant coefficients for the relative influence of the candidate attributes are identified for each period.

In the earlier period, winning a Supreme Court election is positively related to the incumbency status of the candidate, strength of the candidate's political party, and support from the candidate's geographical section.⁶ Although Hannah concluded that state and local public office experience were attributes which advantaged a candidate, the length of such experience was not influential in the Supreme Court

elections from 1948 to 1963. Also, lacking significant influence were the ethnic appeal of a candidate's name and support from the candidate being recognized as a Catholic. A lack of significant cases during this period prevented estimation of the advantage derived from the unearned familiarity of a candidate's name.

The results are different for the period from 1964 to 1980. The only candidate attribute which continued to be positively related to winning a Supreme Court election was the support from a candidate's geographical section. The new constitution contained two relevant changes: Supreme Court elections were moved from the Spring to Fall and provision for incumbents to file an affidavit of candidacy. Since 1963, the strength of a candidate's nominating political party and incumbency status of the candidate were not influential in determining the election outcome. The length of a candidate's state or local office experience, Irish or other ethnic appeal of the candidate's name, unearned familiarity of a candidate's name, and being recognized as a Catholic also lacked significant influence during the second period.

In regard to Supreme Court elections, testing Hypothesis II with data from two distinct time periods produced mixed support for this hypothesis. The positive relationship hypothesized for most of the bases of competition and winning an appellate court election was not substantiated. At the Michigan Supreme Court level, the attributes which did not provide an advantage for a candidate were the length of elected or appointed public office experience at the state or local

level, ethnic appeal of the candidate's name, and the candidate being recognized as a Catholic. It is doubtful that the unearned familiarity of a candidate's name provides any advantage to a candidate.

Two candidate attributes had provided an electoral advantage in the Supreme Court elections from the years 1948 to 1963. These were the strength of the political party which nominated the candidate and the candidate's incumbency status. However, their relative influence decreased to such an extent that in the second period they no longer provided a candidate an advantage. The only candidate attribute which supplied an electoral advantage during the whole period studied was support from the candidate's geographical section.

Therefore, I conclude the second research hypothesis was confirmed, with two caveats. First, some of the attributes did not provide a candidate an additional advantage to defeat the other Michigan Supreme Court contestants. Even though the hypothesized positive relationship was not supported for all of the candidate attributes, none of them exhibited a significantly negative relationship. Second, although all the rest of the criteria were satisfied by the hypothesized Supreme Court model, a more parsimonious model was preferred because it better satisfied those criteria. Next, the results of the tests of Hypotheses III and IV explore the relationship of the Supreme Court candidate attributes.

Relationship of Attributes

The focus of this section is comparison of the relative influence of the candidate attributes within each period and between the two time periods. The judicial election literature reviewed in Chapter I consistently indicated that during the 1948 to 1963 period, three candidate attributes had a strong influence on who won and who lost. A candidate's incumbency status overwhelmingly was identified as the prime factor leading to an appellate court victory. The candidate's political party affiliation and state political office experience were the other two attributes. According to Hannah's study, the order in which these three attributes were presented indicates the order of the magnitude of their influence.⁷ Corroboration of Hannah's research finding may be provided in the conclusion drawn from testing Hypothesis III.

Hypothesis III: For Supreme Court elections during the period from 1948 to 1963, the incumbency status of the candidate, strength of the candidate's political party, and state political office experience of the candidate are the candidate attributes which have the strongest relative influence, respectively.

The standardized maximum likelihood estimates indicate the relative influence of the candidate attributes in a form which allows comparisons. The criterion for one standardized maximum likelihood estimate being larger than another was that the larger of the two standardized maximum likelihood estimates must be at least 10 percent larger. Inspection of Table 3.3 reveals that the relationship of the relative influence of the attributes was not as expected.

First, although the candidate's incumbency status did provide a positive influence, it was not the most powerful factor as hypothesized. The most influential of the candidate attributes was the strength of the political party which nominated the candidate. Its influence is more than four times greater than the influence of incumbency and obviously satisfied the criterion for one coefficient to be larger than another.

Second, the length of a candidate's state public office experience--elected or appointed--did not even add significantly to the explanatory power of the model. This attribute, as measured in this study, can not be considered the second most powerful factor to provide an advantage for a candidate in a Michigan Supreme Court election. A candidate attribute which was not included in Hypothesis III was one of the three variables having the strongest relative influence. The support from a candidate's geographical section provided more than two times greater an advantage for a candidate to win than the candidate's incumbency status.

Therefore, results from the test of research Hypothesis III with data from Supreme Court elections during the period from 1948 to 1963 clearly led to the conclusion that this hypothesis was not confirmed. The advantage derived from being an incumbent was third strongest--not first. The strength of the candidate's nominating political party was the most influential, rather than second. As measured, the length of a candidate's state public office experience had no influence over the election outcome.

Thus Hannah's conclusion about the strength of the bases of competition was not corroborated by the findings in this study. Her conclusion was predicated on the magnitude of incumbency being seven points, party as six points, state office as five points, and section as two points. Using data to estimate the coefficients for these variables revealed that the relative influence of these candidate attributes was not of equally decreasing units. The rounded standardized maximum likelihood estimates for these attributes are two, nine, zero, and five, respectively. The large differences between these values is obvious.

Does this difference between the models account for the two incorrect predictions in the Hannah model? Yes. Hannah's model erred in predicting Charles Rigney as winner of the Supreme Court seat rather than predicting a victory for Edward M. Sharpe in 1949, while the Probit model showed Sharpe had a higher probability for a victory than a loss. Both models incorrectly predicted a loss for Michael O'Hara in 1962. O'Hara defeated the recently appointed Supreme Court Justice Paul L. Adams. The political party which nominated Adams was slightly stronger at the polls than O'Hara's. However, O'Hara's sectional support was much greater than Adams'. Because the Hannah model established such a low value for sectional support, this model would have predicted a victory for Adams over O'Hara even if Adams' incumbency had not been included in his score. Both of the errors in the Hannah model were on predicting losses for candidates who had greater sectional support than the incorrectly predicted winners.

Does the importance of the support from a candidate's section continue in the more recent period? This question will be investigated in the following discussion of the test of the fourth hypothesis.

How do the relative influences of the candidate attributes which may explain who wins and loses in Supreme Court elections during the period from 1964 to 1980 compare to the earlier period? Hypothesis IV addressed this question by reflecting the changes in the rules of the game brought into effect by the Michigan Constitution of 1963 and national trends as described in Chapter II. I believe that the relative influence of the candidate's incumbency status and strength of the political party which nominated the candidate were negatively affected. Information on the attributes of the serious Supreme Court candidates running for office from 1964 to 1980 were used to test Hypothesis IV.

Hypothesis IV: For the Supreme Court elections from 1964 to 1980, the incumbency status of a candidate and strength of the political party nominating the candidate have less of an influence than during the 1948 to 1963 period.

Dramatic changes in the relative influence of the candidate attributes are displayed in Table 3.4. Two aspects of the hypothesized decrease were analyzed. First, the two attributes hypothesized to provide a candidate less of an advantage than earlier have such a decreased influence that they are statistically insignificant in this period. The one-tailed t-test of the coefficients of these binary variables in the dummy technique equation substantiated a significant reduction in the influence of the candidate's incumbency status and strength of the candidate's nominating political party.

Second, for the change in the relationship of the influence of the two candidate attributes, the criterion was that the rank of both of the attributes had to be lower than in the earlier period. The rank orders are indicated in Table 3.6. Obviously, this standard was satisfied.

Table 3.6.--Rank order of Supreme Court candidate attributes

1948-1963			1964-1980		
Attributes	MLE*	Rank	Attributes	MLE*	Rank
Party	9.293	1	Sectional	4.430	1
Sectional	4.800	2	Party	0	
Incumbency	2.104	3	Incumbency	0	
State	0		State	0	
Local	0		Local	0	
Ethnic	0		Name	0	
Catholic	0		Ethnic	0	
			Catholic	0	

*Indicates significant standardized MLE.

In the period from 1948 to 1963, the strength of the political party which nominated the candidate was ranked in first place and the incumbency status of a candidate was ranked as third in the rank ordering of the candidate attributes which had a positive influence on the election outcome. In the more recent period, these two candidate attributes were not even ranked as one of the variables providing an electoral advantage to a Supreme Court candidate. The only significant

base of competition, sectional support, was ranked in first place. Interestingly, the standardized maximum likelihood estimate for the support from a candidate's geographical section remained stable between the two periods. It would seem that the foundation for a candidate's competitive position was his/her ability to effectively communicate he/she is the "local boy."

An evaluation of the model suggested in Hypothesis IV can be conducted via ex post forecasting. The Supreme Court candidates in 1981 and 1982 were used to predict who won and who lost in those elections. The established standards were that for the set of forecasted candidates the percent predicted correctly statistic must be at least .60 and λ_{D} be at least .50. Inspection of Table 3.7 identifies the only incorrect prediction was the forecasted victory for Dorothy Comstock Riley. The percent predicted correctly was .80. This is well above the criterion set for the model. Also, λ_{D} was .50 which is the reduction in error required of the model. Therefore, I conclude that this model more than adequately predicts an election outcome which was excluded from the data used to estimate the relative influence of the Supreme Court candidate attributes.

The criterion for both of the analyzed aspects of a decrease in the relative influence of candidate attributes was satisfied. The decrease in the relative influence of a candidate's status as an incumbent and strength of the political party which nominated the candidate was so drastic that both of these attributes cannot be considered as providing a competitive advantage in a Supreme Court

Table 3.7.--Forecasting Supreme Court election, 1982

Attributes	MLE	Candidates				
		M. Cavanagh	B. Moody, Jr.	R. Campbell	D. Riley	P. Avery
Party	- .032	56.	56.	41.	41.	2.
Sectional	.103	53.	79.	16.	48.	10.
Incumbency	- .437	0	1	0	0	0
Constant	-3.611					
Sum		.059	2.308	-3.280	.026	-2.642
P(Z = 1)		.53	.99	.00	.53	.00
Prediction		1	1	0	1	0
Outcome		1	1	0	0	0
$\frac{\text{Correct Predictions}}{\text{Total Predictions}} = .80$						
$\lambda_b = .50$						

election since 1963. Also, the values for the relative influence of the candidate attributes, as suggested in this hypothesis, enabled prediction of a future election which was beyond expectation. Therefore, Hypothesis IV was deemed confirmed.

Does the drastic drop in influence of two of the candidate attributes account for which Supreme Court winners since 1963 were incorrectly predicted in the Hannah model? Yes, the five Supreme Court winners which the Hannah model scored as losers had probabilities indicating a victory in the model estimated by Probit. Thomas E. Brennan in 1966, G. Mennen Williams and John Swainson in 1970, Charles Levin in 1972, and Blair Moody, Jr., in 1976 all had established stronger support in their geographical section than had the opponents they defeated.

Summary

Chapter III contained the findings from tests of the first four research hypotheses. The models of the candidate attributes which may explain who wins and who loses Michigan Supreme Court elections were tested with data obtained from the years 1948 to 1980. The test results for elections at the Supreme Court level were mixed.

The first hypothesis was confirmed. The bases of competition for Supreme Court elections as identified by Hannah are still bases of competition for the period from 1971 to 1980. However, further analysis of the elections from 1948 to 1980 led to a different model posited in Hypothesis II. Extensive tests of Hypothesis II suggest that caveats should be attached to the conclusion that this hypothesis was

also confirmed. Several of the candidate attributes, as measured, did not provide a base of support for a candidate to win. Therefore, I concluded that a more parsimonious model than the one posited in the second hypothesis should be preferred.

Empirical evidence pertaining to the relative strength of the three candidate attributes, indicated by Hannah, which provide the strongest advantage for a candidate to win did not lend adequate support for confirmation of Hypothesis III. The incumbency status of the candidate, strength of the candidate's political party, and length of the candidate's state public office experience were not the strongest bases of competition, respectively, for candidates running in Supreme Court elections from 1948 to 1963. State public office experience of a candidate, as operationalized in this study, had no influence on the election outcome. However, the fourth hypothesis was confirmed when it was tested with data on Supreme Court elections from 1964 to 1980. The relative influence of the candidate's status as an incumbent and strength of the political party which nominated the candidate not only decreased, as hypothesized, they no longer provided a candidate an advantage in competition for a Supreme Court seat.

The third and fourth hypotheses enabled a comparison of two time periods for one appellate court level. The next chapter presents the results of a test of Hypothesis II with data from another appellate court--the Michigan Court of Appeals. Also, the relative influence of the candidate attributes is compared between the two appellate courts for the same time period.

FOOTNOTES--CHAPTER III

¹In analyzing the success rate for Supreme Court incumbents, possible bias due to the candidate being an appointee rather than an elected incumbent must be considered. The number of cases is small, but I conclude that being an appointed incumbent does not strongly affect the success rate for Supreme Court incumbents during the period studied. Also, both Democratic and Republican governors appointed Supreme Court Justices during the time period studied and party control of the governorship did not have a substantial influence on the success rate for Supreme Court incumbents.

Comparing Appointed and Elected Supreme Court Incumbents

Elected Incumbents First Re-election			Appointed Incumbents First Election		
1948-1963					
Harry Kelly	1961	won	Clark Adams	D ¹	1952 won
Eugene Black	1963	won	Talbot Smith	D	1956 won
			George Edwards	D	1956 won
			John Voelker	D	1957 won
			Theodore Souris	D	1960 won
			Paul Adams	D	1962 lost
			Otis Smith	D	1962 won
0% of elected lost			14% of appointed lost (a Democrat)		
100% of first election as			incumbent losers were appointed		
1964-1980					
T. M. Kavanagh	1966	won	John W. Fitzgerald	R ²	1974 won
M. D. O'Hara	1968	lost	James L. Ryan	R	1976 won
T. G. Kavanagh	1976	won	Lawrence Lindemer	R	1976 lost
G. M. Williams	1978	won			
M. S. Coleman	1980	won			
Charles Levin	1980	won			
17% of elected lost (a Republican)			33% of appointed lost (a Republican)		
50% of first election as			incumbent losers were appointed		

¹D = Appointed by Democratic governor

²R = Appointed by Republican governor.

²-2 Times Log Likelihood Ratio Test of Differences provides information on whether additional variables in a model add significantly to the explanatory power of the model. This is determined by comparing the Log Likelihood Function of two models. Both models have a common set of variables and the unconstrained model contains additional variables. The difference in the Log Likelihood Function between the constrained and unconstrained models measure the difference in goodness of fit. When this difference is multiplied by -2 it is a chi-square statistic under the hypothesis that constraints (the model without the additional variables) do not significantly change the goodness of fit. If the chi-square is significant at the alpha level established, then it may be concluded that the additional variables significantly add to the explanatory power. This test may be conducted twice with two different unconstrained models; in this case, two different conceptualizations of incumbency. Between the two unconstrained models, the model with the higher chi-square calculated in the -2 Times Log Likelihood Ratio Test of Differences may be concluded to have the additional variable with the stronger explanatory power. See John H. Aldrich, "Electoral Choice in 1972: A Test of Some Theorems of The Spatial Model of Electoral Competition," Journal of Mathematical Sociology 5 (1977): 234.

³All Probit estimations were achieved before ten iterations. -2 Times the difference in the Log Likelihood Functions (the Log Likelihood Function of the constrained model minus the Log Likelihood Function of the unconstrained model) is called the -2 Times Log Likelihood Ratio and is chi-square distributed.

Naive Incumbency

$$\begin{aligned}\chi^2 &= -2[\text{LLF}_{\text{constrained}} - \text{LLF}_{\text{unconstrained}}] \\ &= -2[-29.3566 - (-16.0429)]\end{aligned}$$

$$\chi^2_1 = 26.6274 \quad p < .001$$

Hypothesized Incumbency

$$\begin{aligned}\chi^2 &= -2[\text{LLF}_{\text{constrained}} - \text{LLF}_{\text{unconstrained}}] \\ &= -2 [-29.3566 - (-22.1645)]\end{aligned}$$

$$\chi^2_1 = 14.3842 \quad p < .001$$

⁴For instance, in 1970 a long-time incumbent, John Dethmers, was defeated when two former Governors of Michigan won in that election. Also, a Supreme Court candidate who unsuccessfully ran for office several times finally won in 1962. Michael D. O'Hara won during the aura of the Kennedy years. Interestingly, O'Hara lost his re-election bid in 1968 when his only challenger was T. G. Kavanagh.

⁵Robert Pindyck and Daniel L. Rubinfeld, Econometric Models and Economic Forecasts (New York: McGraw-Hill, 1976), pp. 81-82.

⁶The party variable is not significant in the unconstrained model but is in the constrained model. Of possible concern is the phenomenon that in the constrained model this variable is acting as a proxy for the omitted variables. I do not believe this to be the case, especially since under the same pair of models in the second period the party variable remained insignificant.

⁷Susan B. Hannah, "An Evaluation of Judicial Elections in Michigan, 1948-1968" (Ph.D. dissertation, Michigan State University, 1972), pp. 204-205.

CHAPTER IV

ANALYSIS OF COURT OF APPEALS MODELS

Chapter Objectives

The research objectives addressed in Chapter IV pertain to issues which, to the best of my knowledge, have not been analyzed by political scientists. The first objective is to determine the relative influence of the bases of candidate competition which may explain the election outcome for the Michigan Court of Appeals. The second objective is to compare the relative influence of the bases of candidate competition between the two appellate courts--Michigan Supreme Court and Michigan Court of Appeals.

The Court of Appeals is included in this study because the two appellate courts differ in ways that are relevant to candidate selection. The Court of Appeals candidate has an electoral district which is geographically smaller than the Supreme Court's and with approximately one-third the number of potential voters. In Court of Appeals elections, political parties are formally removed from the process. Often candidates for the Court of Appeals face less competition in the election because the requirement for party nomination of Supreme Court candidates has resulted in every Supreme Court race under this system being contested. The Court of Appeals candidate may have to face a primary election, but Supreme Court candidates never do.

The whole existence of the Court of Appeals through 1982 has been under Republican administrations--Romney's and Milliken's--while for the period studied the Supreme Court has been under both party administrations (Democratic from 1949 to 1963 and Republican from 1963 to 1982).

Data on Michigan Court of Appeals contested elections from 1970 to 1982 are used to evaluate Hypotheses II and V. See Table A.7 in the Appendix. Hypothesis V also required use of Michigan Supreme Court data for elections from 1970 to 1980 in order to make appropriate comparisons between the appellate courts. Therefore, Chapter IV first presents the results from testing the Michigan Court of Appeals model and second, reports the results from comparing the relative influence of the candidate attributes. This chapter concludes with a summary of the findings for the Court of Appeals of Michigan.

Hypothesized Model

The hypothesized model of the relative influence of candidate attributes which may explain who wins and who loses in appellate court elections was tested with Michigan Court of Appeals contested elections. This provided additional information from another level appellate court in order to more adequately test research Hypothesis II.

Hypothesis II: There is a positive relationship between winning an appellate court election in Michigan and the incumbency status of the candidate, strength of the candidate's political party, state and local political office experience of the candidate, support from the candidate's geographical section, unearned familiarity of the candidate's name, Irish or other ethnic appeal of the candidate's name, and support from the candidate being recognized as a Catholic.

In this section, the hypothesized model's goodness of fit is reported. Next, the significance of the coefficients which indicate the relative influence of the candidate attributes is discussed. This includes a test of two models. Then, the forecasting ability of the model is presented. Table 4.1 contains the estimation of two Court of Appeals models and their statistics.¹

The goodness of fit of the hypothesized model is evaluated first. The criteria for three goodness of fit statistics follow. Estimated R^2 must be at least .60. Spearman's r , another summary statistic, must be significant at alpha equal to .05. λ_{pb} , which measures reduction in error, must be at least .50. The goodness of fit statistics, reported in Table 4.1, for the hypothesized model handily surpassed the minimum requirements. The estimated R^2 is .95. Spearman's r is .82 and λ_{pb} is .80. Also, the percent predicted correctly is 91 percent which outperforms the Supreme Court model for both periods.

Positive and Significant Coefficients

The requisite theoretical condition was that the hypothesized candidate attributes positively influence the probability of a candidate's winning an appellate court election. The criteria were that in a one-tailed t-test each coefficient be positive and significant at alpha equal to .05. The three coefficients which satisfied that requirement are indicated in Table 4.1. The support from a candidate's geographical section, ethnic appeal of a candidate's name, and unearned familiarity of a candidate's name were positively related to

Table 4.1.--Test of two Court of Appeals models, 1970-1980

Attributes	Unconstrained Model				Constrained Model		
	MLE	MLE*	SE	MLE/SE	MLE	SE	MLE/SE
Incumbency	7.411	0.	35.086	.211	5.127	38.039	.135
Sectional	.079	2.653	.038	2.075**	.034	.018	1.865**
Local	.084	0.	.064	1.323			
Ethnic	4.086	4.057	2.191	1.865**			
Catholic	-2.814	0.	2.060	-1.366			
Name	3.455	3.090	1.790	1.931**			
Constant	-9.748				-2.688		
Est. R ²	.948***				.876		
-2 x LLR	33.748**				22.020**		
Percent Predicted Correctly	90.909				78.788		
r _s	.817**				.589**		
λ _b	.800				.533		
-2 x LLR (difference) = 11.728**							
(Chi square, 4 degrees of freedom)							
N = 33							

*Indicates significant standardized MLE

**Indicates significance at .05 level

(Critical values, Z - 1.64, r_s = .305, $\chi^2_6 = 12.59$, $\chi^2_4 = 9.49$, $\chi^2_2 = 5.99$)

***For comparison: linear regression R² = .665

Farrar-Glauber R² = .482 as the estimate of degree of multicollinearity.

I do not consider this a serious level in which the model should not be used.

winning a contested Court of Appeals election during the years from 1970 to 1980.

However, three other candidate attributes--incumbency status of the candidate, length of the candidate's local public office experience, and a candidate's being recognized as a Catholic--lacked significant influence in determining the election outcome. This finding for incumbency is not totally surprising. In Court of Appeals elections, the incumbent often is not challenged.² The incumbents in this data set are the ones who, for whatever reasons, were challenged in their re-election bid.

The opposite results for one of the candidate attributes is suggestive. In From Ballot to Bench, Philip DuBois referred to the Irish-Catholic winning phenomenon in Michigan judicial elections.³ For the Court of Appeals elections from 1970 to 1980, being recognized as a Catholic was not an advantage, while the ethnic appeal of a candidate's name was. Unfortunately, too few cases prohibited a separate category for the Irish names, but my results suggest that the appeal of a candidate's Irish name provided the advantage--not the candidate's also being recognized as a Catholic. Survey data from voters who participate in Michigan judicial elections would further enlighten Michigan's Irish-Catholic phenomenon.

Two candidate attributes were not estimated in this model. A lack of sufficient cases during the period investigated prevented estimation of the advantage derived from the length of a candidate's state public office experience. Also, the advantage provided a

candidate from his/her political party affiliation was not estimated because of data limitations. There were discussed in Chapter II.

Additional information about the significance of the coefficients is available from the -2 Times Log Likelihood Ratio Test of Differences. This test indicates whether certain of the candidate attributes in the hypothesized model (unconstrained model) add significantly to the explanatory power of that model. The constrained model used for the Court of Appeals elections is similar to the one developed for this test at the Supreme Court level in Chapter III. The political party variable was omitted from the Court of Appeals constrained model.

The -2 Times Log Likelihood Ratio_(difference) is statistically significant with alpha set at .05.⁴ The criterion was satisfied. Therefore, this result supports the conclusion that the ethnic appeal of the candidate's name and unearned familiarity of the candidate's name add to the explanatory power of the hypothesized model.

Ex Post Forecasting

Another source of information for evaluation of the hypothesized model is available in the form of ex post forecasting. The Court of Appeals elections from 1981 to 1982 were excluded from the data used to estimate this model in order to be used in the ex post forecast. When the 1982 election was held (after this research design was firmly set), only one Court of Appeals seat was contested. There were only two candidates. This small data set makes interpretation of the summary goodness of fit statistics difficult.

Inspection of Table 4.2 identifies the only incorrect prediction was the forecasted loss for Roman S. Gribbs. Both of the

Table 4.2.--Forecasting Court of Appeals election, 1982

Attributes	MLE	Candidates	
		Roman S. Gribbs	Geraldine B. Ford
Incumbency	7.411	0	0
Sectional	.079	55.	45.
Local	.084	20	18
Ethnic	4.086	1	0
Catholic	-2.814	1	0
Name	3.455	0	0
Constant	-9.748		
Sum		-2.443	-4.675
P(Z=1)		.07	.00
Prediction		0	0
Outcome		1	0

candidates in this race were forecasted to lose. Gribbs did have a slight forecasted probability of winning, while Geraldine B. Ford did not. Gribbs won the election. This does supply some support to the model. Therefore, the ex post forecast results are not clear.

Testing Hypothesis II with data obtained from Court of Appeals elections from 1970 to 1980 produced mixed support for this hypothesis. The model's goodness of fit provided exceptional support. Also, three candidate attributes, as hypothesized, provided an electoral advantage in Court of Appeals contested elections from the years 1970

to 1980. These were the support from the candidate's geographical section, appeal of the candidate's ethnic name, and unearned familiarity of the candidate's name.

However, the positive relationship hypothesized for the rest of the bases of competition and winning an appellate court election was not substantiated. At the Court of Appeals level, the attributes which did not provide an advantage for a candidate were the incumbency status of the candidate, length of the candidate's local public office experience--appointed or elected, and the candidate being recognized as a Catholic. It is doubtful that the length of a candidate's state public office experience provides any advantage to a candidate. Electoral laws for the two appellate courts differ over the role for political parties in the respective contests. Therefore, whether the strength of the candidate's political party provides or does not provide an advantage to a Court of Appeals candidate is still an open question.

Also, the ex post forecast performance of the model does not clearly support the second hypothesis. In the ex post forecast, the actual winner of the 1982 Court of Appeals contest was not predicted to win. However, this candidate did have a small forecasted probability of winning.

Therefore, I conclude Hypothesis II was confirmed, with a caveat. Some of the attributes in the model did not provide a candidate an additional advantage to win over the other Court of Appeals contestants who possessed those attributes to a lesser extent.

Even though the hypothesized positive relationship was not supported for all of the candidate attributes, none of them exhibited a significantly negative relationship. In the next section, the results of the test of Hypothesis V explore the relationship of the Court of Appeals candidate attributes.

Relationship of Attributes

This section compares the relative influence of the candidate attributes which may explain who wins and who loses a contested Court of Appeals election with the relative influence of Supreme Court candidate attributes. Also, compared is the relationship of the relative influence of the Court of Appeals candidate attributes.

Michigan's Court of Appeals contests are more like nonpartisan elections than Michigan's Supreme Court races. The Court of Appeals elections also have less media coverage. Thus, three studies which were discussed in Chapter II provide guidance on how the relative influence of the Court of Appeals candidate attributes may differ from the Supreme Court's. Based on these studies, I believe that ethnic factors, such as the ethnic appeal of a candidate's name, and a candidate's unearned name familiarity are more influential attributes in Court of Appeals elections than Supreme Court races. Data from Supreme Court and Court of Appeals contested elections from 1970 to 1980 tested Hypothesis V.⁵

Hypothesis V: In contested Court of Appeals elections from 1970 to 1980, the ethnic appeal of a candidate's name and a candidate's unearned name familiarity have greater relative influence than in Supreme Court contests for the same period.

Rank ordering of the standardized maximum likelihood estimate coefficients enabled comparison of the relative influence of the Court of Appeals candidate attributes to the Supreme Court's. The criterion was that for an attribute to display a greater influence in one model its rank order had to be higher than in the other model. The rank orderings for both models are reproduced in Table 4.3.

Table 4.3.--Rank order of appellate court candidate attributes, 1970-1980

Court of Appeals			Supreme Court		
Attributes	MLE*	Rank	Attributes	MLE*	Rank
Ethnic	4.057	1	Sectional	4.788	1
Name	3.090	2	Name	0.	
Sectional	2.653	3	Ethnic	0.	
Incumbency	0.		Incumbency	0.	
Local	0.		Party	0.	
Catholic	0.		State	0.	
			Local	0.	
			Catholic	0.	

*Indicates significant standardized MLE.

In the contested Court of Appeals elections from 1970 to 1980, the ethnic appeal of the candidate's name has a first place rank. The unearned familiarity of the candidate's name has a second place ranking. Neither of those two candidate attributes even qualified for ranking in the Supreme Court model for the same period. Definitely, the criterion was satisfied. Therefore, Hypothesis V was confirmed.

The ethnic appeal of the candidate's name and a candidate's unearned name familiarity have a greater relative influence in contested Court of Appeals elections than in Supreme Court races for the same period.

Surprisingly, in Court of Appeals elections from 1970 to 1980, the relative influence of the ethnic appeal of the candidate's name and unearned familiarity of the candidate's name was even greater than the relative influence of support from the candidate's geographical section. Remember, in the Supreme Court contests support from the candidate's section was viewed as the foundation of the candidate's electoral advantage. Only the strength of the candidate's political party was higher ranked in one of the Supreme Court models. Also, in the initial Court of Appeals race one of the candidates even explicitly campaigned as the "local boy" who would give their county its deserved representation on the court.⁶

My theoretical expectation was that these two candidate attributes would have greater influence in the Court of Appeals contests than the Supreme Court elections because political parties do not have a formal role at the Court of Appeals level. With a reduced party cue, other cues would take on greater importance. Perhaps the surprising degree of strength of the advantage provided by the ethnic appeal of the candidate's name and the candidate's unearned name familiarity is due to an even greater reduction in the role for the strength of the candidate's political party affiliation than anticipated. Information from a survey of the electorate who actually vote in Court of Appeals elections would be tremendously helpful in explaining this result.

Summary

Chapter IV contained the results from tests of the second and fifth research hypotheses. The data set included contested Court of Appeals elections from 1970 to 1982 and Supreme Court elections from 1970 to 1980. Test results for elections at the Court of Appeals level were mixed.

Hypothesis II was confirmed, with a caveat. Some of the candidate attributes, as measured, did not have the hypothesized positive relationship to winning an appellate court election. They are the incumbency status of the candidate, length of the candidate's local public office experience, and recognition of the candidate as a Catholic. The results of the test of the model via ex post forecasting were not as straightforward as desired. However, the set of candidates was very small.

Hypothesis V was confirmed. In contested Court of Appeals elections, the relative influence of the ethnic appeal of the candidate's name and a candidate's unearned name familiarity was greater than their relative influence in Supreme Court elections for the same period. The relative strength of these two Court of Appeals candidate attributes was even greater than anticipated.

Tests of Hypothesis II and V incorporated information from both of the appellate courts. Chapter V contains my conclusions which will draw together the separate findings in Chapters III and IV on the relative influence of Supreme Court and Court of Appeals candidate attributes. Also, Chapter V discusses suggestions for

further research on the relative influence of candidate attributes which may explain who wins and who loses appellate court elections.

FOOTNOTES--CHAPTER IV

¹Both estimates of the Court of Appeals models failed to converge within ten iterations. That means that a local maximum for the estimates was not achieved. I do not consider this a serious problem, however, due to the fact that the failure to achieve convergence did not appear to be due to serious data problems.

²Of the seats having an incumbent in the race, 64 percent were unchallenged contests. Of the nine incumbents who were challenged, four were recent appointees--about 44 percent. Taking that into consideration, only five incumbents who were not recent appointees had competitors. This is 20 percent of all of the seats having an incumbent in the race.

Court of Appeals Incumbent Races 1970-1980

Year	First District	Second District	Third District
1970	J. H. Gillis	R. Danhof ^{1,2} L. McGregor	R. B. Burns ¹
1972	T. J. Lesinski	T. C. Quinn	D. E. Holbrook
1974	V. J. Brennan G. Bashara, Jr. ²	S. Bronson ¹ R. Danhof ¹	T. M. Burns G. Allen, Jr. ²
1976	J. H. Gillis D. C. Riley ^{1,2}	W. R. Beasley ^{1,2}	R. B. Burns
1978	D. C. Riley	W. Cynar ^{1,2}	
1980	G. Bashara, Jr. V. J. Brennan	R. Danhof ¹ S. Bronson ¹	T. M. Burns G. Allen, Jr.

¹Opposed incumbent

²Appointee

³Philip DuBois, From Ballot to Bench: Judicial Elections and the Quest for Accountability (Austin: University of Texas Press, 1980), pp. 81-88, 132.

⁴-2 Times the difference in the Log Likelihood Functions (the Log Likelihood Function of the constrained model minus the Log Likelihood Function of the unconstrained model) is called the -2 Times Log Likelihood Ratio and is chi-square distributed.

$$-2 \times \text{LLR} = -2[\text{LLF}_{\text{constrained}} - (\text{LLF}_{\text{unconstrained}})]$$

$$= -2 [-11.7274 - (-5.8633)]$$

$$\chi^2 = 11.7282 \quad p < .02$$

$$(\text{critical value } \chi^2_4 = 9.49, \alpha = .05)$$

⁵The estimations of the Supreme Court model for the two different time periods--1964 to 1980 and 1970 to 1980--are very similar. Therefore, the conclusions drawn here about the differences between the two courts also appropriately apply to the Supreme Court elections from 1964 to 1980. See Table A.8 in the Appendix.

⁶In the November 1, 1964, p. 23, issue of the Grand Rapids Press, Robert B. Burns advertised himself as "Kent County's Only Candidate" and pointed out "Kent County should have one out of three judges on the Court of Appeals."

CHAPTER V

CONCLUSIONS AND FUTURE RESEARCH

Chapter Objectives

In the past, policy makers in Michigan have urged drastic changes in the state's judicial selection process without adequate information. Therefore, the general goal of this research is to refine and expand our knowledge about judicial elections in Michigan. This study builds on the preliminary findings by Susan B. Hannah.

The theoretical framework for my study included viewing judges as policy makers whose authority is legitimized through election. Three approaches to decision-making theory--American Voter, rational choice, and cybernetic--aid the identification of what factors may provide a candidate an advantage over the other candidates when the voter casts his/her ballot. Therefore, the first research objective was to determine the relative influence of the bases of candidate competition which may explain the election outcome for each of the Michigan appellate courts. The second research objective was to compare the relative influence of the bases of candidate competition between two time periods and court levels. Five research hypotheses were tested with data from Michigan Supreme Court elections for the years from 1948 to 1982 and Michigan Court of Appeals elections for the period from 1970 to 1982.

As the last chapter in this dissertation, two objectives structure Chapter V. The two previous chapters separately presented the results of the tests of the hypotheses for the two appellate courts in Michigan. Therefore, the first objective is to compare these findings in order to develop conclusions about Michigan's appellate court elections. Research is a cumulative endeavor. Thus, the second objective is to identify avenues for continued research on the relative influence of candidate attributes which may explain who wins or loses a major judicial election.

Conclusions

This section compares the findings from my separate analysis of the two appellate courts in Michigan. Three questions organize this synthesis. First, which candidate attributes provide an advantage in Michigan appellate court elections? Second, how well do the models perform? Third, would estimation of one model for appellate court elections from 1948 to 1982 create an appropriate model?

Candidate Attributes

Which candidate attributes provide an appellate court candidate an electoral advantage? Hypothesis 1 was confirmed. The bases of competition for Supreme Court elections as identified by Hannah for the period from 1948 to 1970 are still bases of competition for the period from 1971 to 1980. However, further analysis revealed that a more sophisticated model estimated with a newer technique was better able to determine the relative strength of the candidate attributes

which may explain who wins and who loses an appellate court election.

For both appellate courts, Hypothesis II, which specified the new model, was confirmed, with caveats. They are: for both courts, not all of the candidate attributes are positively related to the election outcome and for the Supreme Court level, a more parsimonious model is preferred. The only candidate attribute which remained influential in elections for both courts and during both time periods was the support from the candidate's geographical section.

Four candidate attributes were influential only in one court level for one time period. The incumbency status of the candidate and strength of the candidate's political party were positively related to only Supreme Court election outcomes for the period from 1948 to 1963. The relationship of these two attributes' relative influence, as specified in Hypothesis III, was not confirmed. However, Hypothesis IV was confirmed. The relative influence of the Supreme Court candidate's incumbency status and strength of the political party nominating the candidate decreased to such an extent that in the period from 1964 to 1980 they no longer provided an electoral advantage.

The other two candidate attributes which had a positive influence in only one court for one period were the ethnic appeal of the candidate's name and unearned familiarity of the candidate's name. In Hypothesis V, they were hypothesized to be more influential in

Court of Appeals elections than Supreme Court elections for the same period. This hypothesis was confirmed. In fact, these two attributes only provided an electoral advantage in Court of Appeals elections during the years from 1970 to 1980.

Therefore, five candidate attributes had a positive relationship to winning an appellate court election. The key to an appellate court victory was support from the candidate's geographical section. Only this attribute consistently provided an advantage during the total period and for both courts. The status of the candidate as an incumbent and strength of the political party nominating the candidate were positively related to only Supreme Court election outcomes during the years from 1948-1963. The ethnic appeal of the candidate's name and the candidate's unearned name familiarity established a positive relationship to winning contested Court of Appeals elections during the years from 1970 to 1980.

Model Performance

The models for both levels of appellate courts performed remarkably well. The criteria for the -2 Times Log Likelihood ratio, estimated R^2 , percent predicted correctly, Spearman's r , and λ_{B} were satisfied by the Supreme Court models and Court of Appeals model. The percent predicted correctly are essentially the same for both appellate court models. Also, the λ_{B} values for the models are very similar.

The nature of the models' incorrect prediction is another basis for comparison. Incorrect predictions from the estimation procedure

and ex post forecasting are used to make this comparison. Basically, the nature of all of the models' incorrect prediction is the inability of Probit to accommodate the constraint of the number of seats to be filled in each election. For some elections, too few winners were predicted and the actual winner, who was incorrectly predicted as a loser, had the highest score among the predicted losers. In other cases the direct opposite occurred. Too many winners were predicted with the actual loser having the lowest score among the predicted winners.

Two examples to illustrate the first situation are selected. One example is from an estimates Supreme Court model. The other is from a forecasted Court of Appeals election. In 1972, Mary Coleman surprised some people when she became the first female to be elected to Michigan's Supreme Court. The Supreme Court model had predicted a loss for her, but only one winner was predicted for the two seats in this election. She did have the second highest score among the nine candidates in this race. As an "Outstate" candidate, Coleman had the highest percentage of sectional support and probably won because the six Detroit Metropolitan candidates split the support from their geographical section.

In the ex post forecast of the 1982 Court of Appeals election, no winners were predicted for the contested seat. The actual winner, Roman S. Gribbs, did have a higher score than his opponent, Geraldine B. Ford.

The example for the other situation--too many winners predicted--comes from the ex post forecast of the 1982 Supreme Court

election. In this election, Dorothy Comstock Riley was predicted to win. She lost. However, the model predicted three winners for the two seats in this contest and Riley did have the third highest score. Also, the vote totals for second and third place, as recorded in Michigan's Official Canvass of Votes, were very close--Michael Cavanagh (1,092,507) and Dorothy C. Riley (1,079,437).

Two prediction errors for Supreme Court elections during the period from 1948 to 1963 had other dynamics operating. Both involved Supreme Court candidate Michael O'Hara. In 1957, three winners were predicted in a two-seat race. O'Hara, the loser, had the second highest score while Thomas M. Kavanagh, a winner, had the third highest score. Both were scored positively for the ethnic appeal of their name and unearned name familiarity. The model could not discern that "Kavanagh" was and is a more politically powerful name than "O'Hara."

In 1962, O'Hara was predicted to lose to an appointed incumbent, Paul Adams. O'Hara's values on the other variables were as good as or better than Adams', except for a 1 percent difference between the two candidates' strength of political party. Credit as an incumbent resulted in a higher score for this recent appointee than O'Hara's. However, no winner would have been predicted if Adams' incumbency had not been scored. In that case, O'Hara would have had the higher score, although not predicted as a winner.

From the 1962 election, not distinguishing between a recently appointed and elected incumbent appeared to be a weakness of the model.

However, in the 1956 Supreme Court contest the recently appointed incumbent, Talbot Smith, was correctly predicted in his race against O'Hara. During the period from 1948 to 1963, five additional appointed incumbents were correctly predicted as winners in their first race as incumbents. Two of the three appointed Supreme Court incumbents in the 1964 to 1980 period were also predicted correctly in their first race as an incumbent. On the whole, the appointed incumbent phenomenon does not misguide the model's predictions.

Supreme Court elections from 1964 to 1980 also had other dynamics operating in three incorrect predictions. First, in 1968 O'Hara was predicted to win but lost to his challenger, Thomas G. Kavanagh, who was also predicted as a winner for the single Supreme Court seat. Another more powerful "Kavanagh" name outperformed an "O'Hara" name.

Second, in 1974 too many winners were predicted and even in order of the scores of the predicted winners was incorrect. The actual loser, Blair Moody, Jr., had the second highest score in a two-seat race. Moody's sectional vote was higher than one of the other winners. However, Moody's geographical section was Detroit Metropolitan Area which typically did not have the highest voter participation in Supreme Court elections. Third, in 1976 the model did not predict any winners. James Ryan, the actual winner, did not have the highest score. He had the same percentage of sectional support as his opponent, Charles Kaufman. A possible explanation for Ryan's victory is that he is a "joiner." A long list of associations are included in his biography.

Therefore, my conclusion about the comparative performance of the models is that they performed equally well. The ability of the models to explain who wins and who loses appellate court elections exceeds expectations. However, all of the models have the same weakness--an inability to account for the constraint of the number of seats available in the elections. For a few elections, too many winners were predicted; for other elections, too few winners were predicted. If the prediction results were adjusted by using the candidate's ranking in those elections, the models' predictive ability would approach perfection. However, recalculation of the prediction results is unnecessary considering the models' outstanding performance and inappropriate for the technique used to test the models.

Model Estimation

Would a single estimation of one appellate court model of the candidate attributes which may explain who wins and who loses an appellate court election during the years from 1948 to 1982 be an appropriate model? No, it would not be appropriate for the following reasons. The rules of the game and national trends which were described in Chapter 1 have had an impact on Michigan's appellate court elections. First, in Michigan the set of candidate attributes which provide an advantage are different for the two appellate courts. Also, the standardized coefficient for the relative influence of the attribute which both courts have in common--sectional support--is different for each court. The value for the Supreme Court is

approximately twice the value for the Court of Appeals. Therefore, these two courts have great enough differences that they should have the relative influence of their candidate attributes separately determined.

Second, there is a need for special organization of the time periods used to establish the relative influence of the candidate attributes. At the Michigan Constitution Convention, some of the delegates intended to change the basis for election to the Supreme Court. Significant changes in the relative influence of some Supreme Court candidate attributes occurred. Thus, the relative influence of candidate attributes for Supreme Court elections should not have one estimated value for the whole period, for the year 1948 to 1982. The appropriate dividing point is 1964.

1964 is also the year in which the first elections for Justices of the Court of Appeals were held. However, the relative influence of candidate attributes which may explain who wins and who loses Court of Appeals elections should not be determined by using data for elections from 1964 to the present. It is essential that the early elections in which no incumbents ran for re-election be excluded. The election in 1970 is the appropriate initial election for the data set. Therefore, three distinct sets of periods exist for appellate court elections and should be used in determining the relative influence of candidate attributes. The Supreme Court has two periods--from 1948 to 1963 and 1964 to the present. The Court of Appeals period--from 1970 to the present--is a subset of the recent Supreme Court period.

This section of Chapter V contained three major conclusions from my research on Michigan appellate court elections. First, the support from the candidate's geographical section, incumbency status of the candidate, strength of the candidate's nominating political party, ethnic appeal of the candidate's name, and the candidate's unearned name familiarity are the five candidate attributes which had a positive relationship to winning an appellate court election. The key to an appellate court victory was the candidate's support from her/his geographical section. Second, the models of candidate attributes which may explain who wins and who loses an appellate court election performed extraordinarily well. However, all the models had the same weakness--an inability to adjust for the number of seats to be filled in an election. Third, a single estimation of one appellate court model of the relative influence of the attributes which provide a candidate an electoral advantage would not be an appropriate model. The electoral phenomena were different for the two appellate courts and estimation using different time periods is required.

Future Research

Conventionally, it is the responsibility of the scholar to conclude a research project with suggestions for future research. My suggestions are directed to: first, further research with additional data and second, expanding the scope of the research.

Additional Data

I suggest future research be conducted with two kinds of additional data--more elections and survey information. First, incorporation of future elections into the data set will enhance investigation of the relative influence of candidate attributes for both appellate courts. The Supreme Court and Court of Appeals should be compared again when the Court of Appeals is more established and a longer time period than ten years is available. Re-estimation of the relative influence of Supreme Court candidate attributes may provide new insights because in the future the Court of Appeals may act as a career step for Supreme Court candidates.

Also, an interesting question for the Court of Appeals is whether there are significant differences in the relative influence of candidate attributes between the three Court of Appeals districts. I suspect significant differences in the relative influence of the candidate attributes exist because of the greater number of contested elections in the Second District. An attempt to answer this question was made by using the dummy variable technique. Data limitations prevented meaningful results. With additional elections, estimation of the changes between the three districts should be possible.

Second, I suggest continued pursuit of this research topic with the addition of survey data. It is essential that the electorate surveyed be actual appellate court voters. Too often this discrimination is not implemented. At least three benefits would be gained from survey data. The assumptions on the composition and knowledge

base of the appellate court electorate could be tested and hopefully corroborated. Greater insight on Michigan's Irish-Catholic candidate popularity might be obtained. Perhaps a survey could help clarify whether the media led Supreme Court voters to focus on three candidate attributes--incumbency, party, and section--or the media's coverage of these is in response to the voters.

Expanded Scope

The scope of this research topic may be expanded to analyze other Michigan judicial elections or include other state judicial elections. First, this study of the bases of competition for appellate court elections could profitably be expanded to become an investigation of Michigan's judicial elections. Inclusion of Circuit Court elections would provide for two comparisons. The relative influence of candidate attributes could be compared between the different types of courts--appellate and trial. Also, a comparison could be made between the Supreme Court and the two courts with the same electoral rules--the Court of Appeals and Circuit Court.

Another interesting issue is the possible differences in the relative influence of Court of Appeals candidate attributes for primary candidates and general election candidates. In primary elections the number of competitors for a seat is greater and the judicial electorate probably different than in general elections.

Second, an expanded study could compare the relative influence of candidate attributes in Michigan's appellate court elections to those in another state. Are the candidate attributes and their

relative influence similar in another "mixed" state? If Michigan is compared to Ohio, the comparison would be informative about appellate court elections within the same geographical region of the United States. If Arizona were selected as the other "mixed" state, then appellate court elections would be contrasted between regions. An ambitious project would incorporate all three states.

What are the differences in the relative influence of appellate court attributes which may explain who wins and who loses in a "mixed" state election and a partisan election state? The differences in the formal roles for the political parties should produce interesting results. Again, the partisan judicial election state selected could be one within Michigan's region or outside of that region. A more sophisticated research design might include both--states within and outside of Michigan's region. Our federal system fosters experimentation by state government. With substantial differences between each state's judicial electoral process, opportunities for further research abound.

My intention was for this study to reduce the "factual vacuum" in the area of state judicial selection. This research provides scholars and policy makers empirically based evidence on the relative influence of candidate attributes which may explain who wins and who loses contested appellate court elections. At the Supreme Court level, greater refinement of our knowledge was achieved. Information was provided at the Court of Appeals level, where none existed. I hope this study will add to the development of a

frame work for future analysis of the other states which have judicial elections.

Also, this research provides a comparison of the relative influence of the bases of candidate competition between two time periods and court levels. Evidence was provided to substantiate that changes in the rules of the game do affect behavior. Differences between the two appellate courts were revealed.

Hannah pioneered analysis by political scientists of judicial elections in Michigan with her extensive evaluation of Michigan judicial elections from 1948 to 1968. This study refined and expanded that information. Development of newer analytical techniques will enable even greater refinement and accumulation of knowledge.

APPENDIX

Table A.1.--Voter drop-off between state partisan office and Supreme Court

Election	State Partisan Office		Supreme Court
April 1949	State Board of Agriculture	1,687,180	Regular 1,353,444
April 1951	State Board of Agriculture	1,383,061	Regular 1,133,670
Nov. 1952	(Auditor General) ¹	2,762,362	Vacancy 1,941,768
	State Treasurer ²	2,766,954	
April 1953	State Board of Agriculture	1,608,409	Regular 1,348,983
April 1955	State Board of Agriculture	2,057,453	Regular 1,593,384
Nov. 1956	Auditor General	2,968,909	Vacancy 2,003,438
			1,964,299
April 1957	State Board of Agriculture	2,174,931	Regular 1,647,039
			Vacancy 801,705
April 1959	State Board of Agriculture	2,386,146	Regular 1,630,739
Nov. 1960	Auditor General	3,179,722	Vacancy 1,966,904
April 1961	Trustees of Mich. State Univ. ³	2,434,014	Regular 1,822,418
Nov. 1962	Trustees of MSU	2,638,903	Vacancy 1,846,009
			1,760,339
April 1963	Trustees of Mich. State Univ.	3,181,626	Regular 2,480,695
Nov. 1966	Trustees of Mich. State Univ.	4,455,529	Regular 3,131,439
Nov. 1968	Trustees of Mich. State Univ.	5,757,532	Regular ⁴ 2,098,134
Nov. 1970	Trustees of Mich. State Univ.	4,689,065	Regular 3,945,389
Nov. 1972	State Board of Education ²	5,984,618	Regular 4,749,517
	(Trustees of Mich. State Univ.)	5,886,128	
Nov. 1974	Trustees of Mich. State Univ.	4,425,457	Regular 3,593,754

Table A.1.--Continued

Election		State Partisan Office		Supreme Court	
Nov. 1976	Governors of Wayne State Univ. ²	5,995,132	Regular ⁴	2,638,153	
	(Trustees of Mich. State Univ.)	6,014,778			
			Vacancy	2,484,417	
			Vacancy	2,331,169	
Nov. 1978	Trustees of Mich. State Univ.	4,575,498	Regular	4,261,360	
Nov. 1980	Trustees of Mich. State Univ.	6,350,508	Regular	5,243,952	

¹No multi-winner partisan state office on ballot.

²These contests were required in order to have the necessary political parties represented.

³Name change from State Board of Agriculture was effective May 6, 1959.

⁴Only one regular term seat to be filled due to reduction in size of the Supreme Court.

Table A.2.--Variable's sources of information

Candidate Outcome	<u>State of Michigan, Official Canvass of Votes, Michigan Manual</u>
Incumbency	Same as Candidate Outcome
Strength of Candidate's Political Party	<u>Elections Division of Secretary of State of Michigan; State of Michigan, Official Canvass of Votes; Lansing State Journal; Detroit News; and Detroit Free Press</u>
State Political Office Experience	<u>Michigan Manual, Martindale-Hubbell Law Directory, Michigan State Bar Journal Roster, Detroit News, Detroit Free Press, and Lansing State Journal</u>
Local Political Office Experience	<u>Same as above and Directory of Municipal Officials, Grand Rapids Press, and Marquette's The Mining Journal</u>
Sectional Support	<u>Michigan Manual, Official Canvass of Votes, Michigan Bar Association Journal Roster, Detroit Free Press, Detroit News, and Lansing State Journal</u>
Name Familiarity	<u>Michigan Manual, Michigan State Bar Journal; Dunbar's Michigan: A History of the Wolverine State; Martindale-Hubbell Law Directory biographical section; Michigan Reports; Michigan Court of Appeals Reports; Michigan Biographies, 1-2; Who's Who in Michigan; Bench and Bar of Michigan, 1938; Michigan Through the Centuries: Family and Personal History, 3-4; Who's Who Among Black America; Michigan Chronicle; E. Krasicky, Deputy Attorney General; John Stenger, Michigan Court of Appeals Research Staff; Archie Fraser, State Public Administrator, retired; and the newspapers listed above</u>
Irish Ethnic Appeal	<u>Same as Name Familiarity plus Rizzo's Atlas of Michigan's Foreign Born Population, Michigan: A Guide to the Wolverine State, Smith's New Directory of American Family Names, Pollock and Eldersveld's Michigan Politics in Transition, and Graff's The People of Michigan: A History and Selected Bibliography of the Races and Nationalities Who Settled Our State</u>
Other Ethnic Appeal	Same as Irish Ethnic Appeal
Catholicism	Same as Irish Ethnic Appeal

Table A.3.--Strength of political party in lower state partisan contests

Year	Office	Party's Percentage of Vote												
		1	2	3	4	5	6	7	8	9	10	11	12	13
April 1949	State Board of Agriculture	43.60	54.69							.99	.72			
April 1951	State Board of Agriculture	38.01	60.17							.54	.96	.31		
Nov. 1952	State Treasurer (Auditor General)	47.12	52.42							.13	.28	.05		
		46.77	52.90								.28	.05		
April 1953	State Board of Agriculture	37.97	60.95								.74	.33		
April 1955	State Board of Agriculture	50.20	49.05								.53	.22		
Nov. 1956	Auditor Gen.	50.42	49.34								.25			
April 1957	State Board of Agriculture	51.69	47.38								.94			
April 1959	State Board of Agriculture	49.36	49.53								.53	.41		
Nov. 1960	Auditor Gen.	52.03	47.71				.05				.08	.06	.08	
April 1961	Trustees of Mich. S. Univ.	50.65	48.30				.29				.32	.27	.17	
Nov. 1962	Auditor Gen.	50.32	49.46									.22		
April 1963	Trustees of MSU	49.28	50.05									.67		

Table A.3.--Continued

Year	Office	Party's Percentage of Vote												
		1	2	3	4	5	6	7	8	9	10	11	12	13
Nov. 1966	Trustees of MSU	46.38	53.24									.38		
Nov. 1968	Trustees of MSU	52.32	46.97						.28			.23	.20	
Nov. 1970	Trustees of MSU	54.02	44.50	.92								.57		
Nov. 1972	State Board of Education	45.64	50.86	2.02	.27	.71						.50		
	(Trustees of MSU)	47.89	50.86			.72						.52		
Nov. 1974	Trustees of MSU	53.30	43.15	1.28		1.38						.28	.41	.19
Nov. 1976	Governors of Wayne State University	52.06	45.32			.43		.55				.28	.28	
	(Trustees of MSU)	52.44	45.50			.97		.79				.31		
Nov. 1978	Trustees of MSU	51.85	48.14											

Table A.3.--Continued

Year	Office	Party's Percentage of Vote												
		1	2	3	4	5	6	7	8	9	10	11	12	13
Nov. 1980	Trustees of MSU	47.69	48.70	1.36				2.24						
Nov. 1982	Trustees of MSU	55.65	41.31	1.07				1.97						

¹Democratic⁸New Politics²Republican⁹Progressive³American Independent Party¹⁰Prohibitionist⁴Conservative¹¹Socialist Labor⁵Human Rights¹²Socialist Worker⁶Independent American¹³U.S. Labor Party⁷Libertarian

Table A.4.--Supreme Court candidate's sectional support, 1948-1982

Year	Candidate	Section ¹	Section Vote/State Vote		% Support ²
April 1949	E.M. Sharpe* ^I	Outstate	212727	374064	57
	G.E. Bushnell* ^I	Detroit Metropolitan	178101	252193	71
	C.W. Rigney	Outstate	90117	374064	24
April 1949	A.E. Moore	Detroit Metropolitan	79700	252193	32
	M.A. Eden	Detroit Metropolitan	36989	252193	15
April 1951	E.R. Boyles* ^I	Outstate	201923	326764	62
	N.E. Reid* ^I	Outstate	220801	326764	68
	M.A. Eden	Detroit Metropolitan	20493	201855	5
	J.H. Lee	Detroit Metropolitan	63788	201855	16
	T.P. Ryan	Outstate	75931	326764	23
	C.L. Simmons	Detroit Metropolitan	26058	201855	7
November 1952	C.J. Adams* ^I	Outstate	588255	1090892	54
	M.A. Eden	Detroit Metropolitan	77908	760963	10
	C.H. King	Detroit Metropolitan	209113	760963	28
April 1953	J.R. Dethmers* ^I	Outstate	215918	373994	58
	H.F. Kelly*	Detroit Metropolitan	148123	254354	58
	C.J. Adams ^I	Outstate	198579	373994	53
	T. Smith	Outstate	75377	373994	20
April 1955	L.W. Carr* ^I	Outstate	299123	467611	64
	E.F. Black*	Outstate	217367	467611	47
	S.J. Roth	Outstate	153963	467611	33
April 1955	D.H. Brake	Outstate	264763	467611	57
November 1956	T. Smith* ^I	Outstate	552000	1133368	49
	M.D. O'Hara	Upper Peninsula	53394	90485	59
November 1956	G. Edwards* ^I	Detroit Metropolitan	655149	799811	82
	J. Simpson	Outstate	384595	1084873	36

Table A.4.--Continued

Year	Candidate	Section ¹	Section Vote/State Vote		% Support ²
April 1957	T. Smith* ^I	Outstate	249088	471052	53
	T.M. Kavanagh*	Outstate	254657	471052	54
	R.E. Childs	Detroit Metropolitan	71332	301640	24
	M.D. O'Hara	Upper Peninsula	34035	50829	67
April 1957	J.D. Voelker* ^I	Upper Peninsula	34194	49704	69
	J.A. Moynihan	Detroit Metropolitan	131966	305774	43
April 1959	J.D. Voelker* ^I	Upper Peninsula	34059	44595	76
	G. Edwards* ^I	Detroit Metropolitan	240719	317522	76
	K.W. Cole	Outstate	131163	453254	29
	M.F. Cole	Detroit Metropolitan	66364	317522	21
	W.H. Baldwin	Detroit Metropolitan	15748	317522	5
November 1960	T. Souris* ^I	Detroit Metropolitan	449603	671791	67
	J.R. Breakey, Jr.	Outstate	617361	1211182	50
April 1961	J.R. Dethmers* ^I	Outstate	392481	593816	66
	H.F. Kelly* ^I	Detroit Metropolitan	185624	269298	69
	J.H. McLaughlin	Outstate	195388	593816	33
	E.C. Boehm	Detroit Metropolitan	104486	269298	39
November 1962	M.D. O'Hara*	Upper Peninsula	44551	81360	55
	P.L. Adams ^I	Upper Peninsula	36809	81360	45
November 1962	O.M. Smith* ^I	Outstate	521861	1760339	48
	L.D. McGregor	Outstate	564888	1760339	52
April 1963	P.L. Adams*	Upper Peninsula	35910	57713	62
	E.F. Black* ^I	Outstate	455084	786145	58
	R.G. Smith	Outstate	376937	786145	48
	D.E. Holbrook	Outstate	362139	786145	46

Table A.4.--Continued

Year	Candidate	Section ¹	Section Vote/State Vote		% Support ²
November 1966	T.M. Kavanagh* ^I	Outstate	712679	1024998	70
	T.E. Brennan*	Detroit Metropolitan	267144	472134	57
	O.M. Smith ^I	Outstate	506348	1024998	49
	M. Warshawsky	Outstate	308027	1024998	30
November 1968	T.G. Kavanagh*	Detroit Metropolitan	326152	603787	54
	M.D. O'Hara ^I	Upper Peninsula	57868	91871	63
November 1970	G.M. Williams*	Detroit Metropolitan	375926	637963	59
	J. Swainson*	Detroit Metropolitan	437536	637963	67
	J.R. Dethmers ^I	Outstate	600744	1264272	48
	E.S. Piggins	Detroit Metropolitan	293640	637963	46
November 1972	M.S. Coleman*	Outstate	703190	1641005	43
	C.L. Levin*	Detroit Metropolitan	25729	650386	40
	V.J. Brennan	Detroit Metropolitan	206909	650386	32
	Z. Ferency	Detroit Metropolitan	133237	650386	20
	H.W. Gilmore	Detroit Metropolitan	143033	650386	22
	W.J. Beer	Outstate	168217	1641005	10
	R.L. Evans	Detroit Metropolitan	160722	650386	25
	W.A. Ortman	Detroit Metropolitan	40566	650386	6
	J.S. Thorburn	Outstate	431407	1641005	26
November 1974	J.W. Fitzgerald* ^I	Outstate	693273	1258244	55
	T.M. Kavanagh* ^I	Outstate	903135	1258244	72
	A.C. Miller	Outstate	319354	1258244	25
	B. Moody, Jr.	Detroit Metropolitan	292826	468046	63
November 1976	T.G. Kavanagh* ^I	Detroit Metropolitan	307226	638031	48
	R.S. Gribbs	Detroit Metropolitan	245443	638031	38
	J.P. Swallow	Outstate	176590	1902861	9
	J.E. Wells	Detroit Metropolitan	27467	638031	4

Table A.4.--Continued

Year	Candidate	Section ¹	Section Vote/State Vote		% Support ²
November 1976	J.L. Ryan* ^I	Detroit Metropolitan	283963	566877	50
	C. Kaufman	Detroit Metropolitan	282911	566877	50
November 1976	B. Moody, Jr.*	Detroit Metropolitan	307373	595878	52
	L.B. Lindemer ^I	Outstate	720667	1795235	40
	Z. Ferency	Detroit Metropolitan	124612	595878	21
November 1978	G.M. Williams* ^I	Detroit Metropolitan	394355	488817	81
	J.L. Ryan* ^I	Detroit Metropolitan	305370	488817	62
	G.R. McDonald	Outstate	479440	1563220	31
	A. Gilbert	Detroit Metropolitan	146891	488817	30
November 1980	M.S. Coleman* ^I	Outstate	1344832	1923275	70
	C.L. Levin* ^I	Detroit Metropolitan	425496	603973	70
	E. Burch	Detroit Metropolitan	140641	603973	23
	M. Hegarty	Detroit Metropolitan	73485	603973	12
	J.B. Sullivan	Detroit Metropolitan	197700	603973	33
November 1982	B. Moody, Jr.* ^I	Detroit Metropolitan	382844	483824	79
	M.F. Cavanagh*	Outstate	793952	1504645	53
	D.C. Riley	Detroit Metropolitan	232028	483824	48
	R. Campbell	Outstate	244755	1504645	16
	P.W. Avery	Outstate	155952	1504645	10

¹Section: Detroit Metropolitan Area: Wayne County

Outstate: All counties not included in the other two sections

Upper Peninsula: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft counties.

²The vote per seat was approximated by dividing by the number of contested seats. Therefore, in some instances, the percentages do not sum exactly to 100 percent.

*Winner

^IIncumbent

Table A.5.--Court of Appeals candidate sectional support, 1970-1982

Year	Candidate	County District	Votes	% Support
1970	R.J. Danhof	<u>Ingham</u> <u>Second</u>	<u>33865</u> <u>55677</u>	61
	D.R. Freeman	<u>Genesee</u> <u>Second</u>	<u>71241</u> <u>99116</u>	72
	R.B. Burns	<u>Kent</u> <u>Third</u>	<u>67582</u> <u>86655</u>	78
	J.E. Carr	<u>Branch</u> <u>Third</u>	<u>4185</u> <u>7169</u>	58
1974	R.M. Maher	<u>Wayne</u> <u>First</u>	<u>276055</u> <u>450328</u>	61
	N.J. Kaufman	<u>Wayne</u> <u>First</u>	<u>259356</u> <u>450328</u>	58
	J.A. Sullivan	<u>Wayne</u> <u>First</u>	<u>176221</u> <u>450328</u>	39
	H. Heading	<u>Wayne</u> <u>First</u>	<u>189023</u> <u>450328</u>	42
	R.J. Danhof	<u>Ingham</u> <u>Second</u>	<u>45575</u> <u>60433</u>	75
	S.J. Bronson	<u>Oakland</u> <u>Second</u>	<u>128724</u> <u>154067</u>	84
	D.R. Freeman	<u>Genesee</u> <u>Second</u>	<u>71765</u> <u>81294</u>	88
	M.J. Kelly	<u>Oakland</u> <u>Second</u>	<u>83185</u> <u>161350</u>	52
	M.F. Cavanagh	<u>Ingham</u> <u>Second</u>	<u>47407</u> <u>62041</u>	76
	G.E. Montgomery	<u>Macomb</u> <u>Second</u>	<u>47002</u> <u>120859</u>	39
	B.L. Kaufman	<u>Oakland</u> <u>Second</u>	<u>89696</u> <u>161350</u>	56
	D.F. Walsh	<u>Otsego</u> <u>Third</u>	<u>2903</u> <u>2630</u>	110
	D.E. Holbrook, Jr.	<u>Clare</u> <u>Third</u>	<u>3555</u> <u>4182</u>	85

Table A.5.--Continued

Year	Candidate	County District	Votes	% Support
1974	R. Richardson	<u>Saginaw</u> Third	<u>24956</u> 38366	65
	J.T. Letts	<u>Kent</u> Third	<u>77167</u> 91068	85
1976	D.C. Riley	<u>Wayne</u> First	<u>314397</u> 529925	59
	R.L. Evans	<u>Wayne</u> First	<u>215527</u> 529925	41
	W.R. Beasley	<u>Oakland</u> Second	<u>149223</u> 237298	63
	E.T. Fitzgerald	<u>Shiawassee</u> Second	<u>12520</u> 19432	64
1978	W.P. Cynar	<u>Macomb</u> Second	<u>112029</u> 163078	69
	E.T. Fitzgerald	<u>Shiawassee</u> Second	<u>14019</u> 19165	73
	B.B. MacKenzie	<u>Emmet</u> Third	<u>5720</u> 7218	79
	K.L. Block	<u>Kent</u> Third	<u>55483</u> 113354	49
1980	R.J. Danhof	<u>Ingham</u> Second	<u>63124</u> 79610	79
	S.J. Bronson	<u>Oakland</u> Second	<u>196770</u> 239872	82
	J.J. Murray	<u>Macomb</u> Second	<u>79138</u> 149122	53
	G.S. Allen, Jr.	<u>Kalamazoo</u> Third	<u>48098</u> 55050	87
	T.M. Burns	<u>Saginaw</u> Third	<u>47363</u> 55616	85
	P.S. Hirzel	<u>Calhoun</u> Third	<u>15083</u> 31270	48
1982	R.S. Gribbs	<u>Wayne</u> First	<u>287965</u> 527650	55
	G.B. Ford	<u>Wayne</u> First	<u>239654</u> 527650	45

Table A.6.--Supreme Court candidates, 1948-1982

Candidate	Outcome	Incumbency	Party	State	Local	Name	Sectional	Other Ethnic	Catholic	Irish	Dichotomous Incumbency
102491* E.M. Sharpe	1	2	44.	0.	4.	0	57.	1	0	0	1
102491 G.E. Bushnell	1	1	44.	0.	7.	0	71.	1	0	0	1
102491 C.W. Rigney	0	0	55.	0.	8.3	0	24.	0	1	0	0
102491 A.E. Moore	0	0	55.	0.	17.3	0	32.	0	0	0	0
102491 M.A. Eden	0	0	1.	0.	0.	0	15.	0	0	0	0
102511 E.R. Boyles	1	2	60.	8.	11.	0	62.	1	0	0	1
102511 N.E. Reid	1	1	60.	0.	50.3	0	68.	1	0	0	1
102511 M.A. Eden	0	-1	1.	0.	0.	0	5.	0	0	0	0
102511 J.H. Lee	0	0	38.	0.	40.3	0	16.	0	0	0	0
102511 T.P. Ryan	0	0	38.	5.	0.	1	23.	0	0	1	0
102511 C.L. Simmons	0	0	1.	0.	2.	0	7.	0	0	0	0
104522 M.A. Eden	0	-2	0.	0.	0.	0	10.	0	0	0	0
104522 C.H. King	0	0	52.	0.	0.	0	28.	0	0	0	0
104522 C.J. Adams	1	1	47.	4.	8.	0	54.	0	0	0	1
102531 J.R. Dethmers	1	2	61.	3.7	11.	0	58.	1	0	0	1
102531 C.J. Adams	0	2	38.	4.	8.	0	53.	0	0	0	1
102531 T. Smith	0	0	38.	0.	0.	0	20.	0	0	0	0
102531 H.F. Kelly	1	0	61.	8.	8.	0	58.	0	1	1	0
102551 L.W. Carr	1	3	49.	9.	24.8	0	64.	0	0	0	1
102551 E.F. Black	1	0	50.	2.	1.	0	47.	0	0	0	0
102551 S.J. Roth	0	0	50.	2.	8.3	0	33.	1	1	0	0
102551 D.H. Brake	0	0	49.	12.	13.	0	57.	0	0	0	0
104562 T. Smith	1	1	50.	3.	0.	0	49.	0	0	0	1
104562 M.D. O'Hara	0	0	49.	0.	0.	1	59.	0	1	1	0
104563 G. Edwards	1	1	50.	0.	15.	0	82.	0	0	0	1
104563 J. Simpson	0	0	49.	0.	36.	0	36.	0	0	0	0
102571 T. Smith	1	2	52.	3.	0.	0	53.	0	0	0	1
102571 T.M. Kavanagh	1	0	52.	3.	11.	1	54.	0	1	1	0
102571 R. Childs	0	0	47.	0.	7.3	0	24.	0	0	0	0
102571 M.D. O'Hara	0	-1	47.	0.	0.	1	67.	0	1	1	0
102572 J.D. Voelker	1	1	52.	0.	20.	0	69.	1	0	0	1
102572 J.A. Moynihan	0	0	47.	0.	43.3	0	43.	0	1	1	0
102591 J.D. Voelker	1	2	49.	0.	20.	0	76.	1	0	0	1
102591 G. Edwards	1	2	49.	0.	15.	0	76.	0	0	0	1
102591 K.W. Cole	0	0	1.	0.	3.	0	29.	0	0	0	0
102591 M.F. Cole	0	0	50.	0.	29.3	0	21.	1	0	0	0

Table A.6.--Continued

Candidate	Outcome	Incumbency	Party	State	Local	Name	Sectional	Other Ethnic	Catholic	Irish	Dichotomous Incumbency
102591	W.H. Baldwin	0	0	50.	0.	0.	0	5.	0	0	0
104602	T. Souris	1	1	52.	5.	1.	0	67.	0	0	1
104602	J.R. Breakey, Jr.	0	0	48.	0.	14.7	0	50.	0	0	0
102611	H.F. Kelly	1	1	48.	8.	8.	0	69.	0	1	1
102611	J.H. McLaughlin	0	0	51.	5.	0.	0	33.	0	1	0
102611	E.C. Boehm	0	0	51.	0.	26.3	0	39.	0	0	0
102611	J.R. Dethmers	1	3	48.	3.7	11.	0	66.	1	0	1
104622	M.D. O'Hara	1	-2	49.	0.	0.	1	55.	0	1	0
104622	P.L. Adams	0	1	50.	6.	6.	1	45.	0	0	1
104623	O.M. Smith	1	1	50.	4.3	4.	0	48.	0	1	1
104623	L.D. McGregor	0	0	49.	0.	3.7	0	52.	1	0	0
102631	P.L. Adams	1	0	49.	6.	6.	1	62.	0	0	0
102631	E.F. Black	1	1	49.	2.	1.	0	58.	0	0	1
102631	R.G. Smith	0	0	50.	0.	9.8	1	48.	0	0	0
102631	D.E. Holbrook	0	0	50.	0.	22.3	0	46.	0	0	0
104661	T.M. Kavanagh	1	1	46.	3.	11.	1	70.	0	1	1
104661	T.E. Brennan	1	0	53.	0.	5.	0	57.	0	1	0
104661	O. Smith	0	2	46.	4.3	4.	0	49.	0	1	1
104661	M. Warshawsky	0	0	53.	3.	13.	0	30.	1	0	0
104681	T.G. Kavanagh	1	0	52.	0.	4.	1	54.	0	1	0
104681	M.D. O'Hara	0	-1	47.	0.	0.	1	63.	0	1	1
104701	G.M. Williams	1	0	54.	16.	0.	0	59.	0	0	0
104701	J. Swainson	1	0	54.	4.	9.5	0	67.	1	0	0
104701	J. Dethmers	0	4	45.	3.7	11.	0	48.	1	0	1
104701	E. Piggins	0	0	45.	0.	15.	0	46.	0	0	0
104721	M.S. Coleman	1	0	51.	0.	15.	0	43.	0	0	0
104721	C.L. Levin	1	0	0.	0.	6.	1	40.	0	0	0
104721	V.J. Brennan	0	0	0.	3.	7.	1	32.	0	1	0
104721	Z. Ferency	0	0	1.	12.	0.	0	20.	1	0	0
103721	H. Gilmore	0	0	46.	4.5	18.	0	22.	0	0	0
104721	W. Beer	0	0	2.	0.	14.	0	10.	0	0	0
103721	R.L. Evans	0	0	46.	0.	6.	0	25.	0	0	0
104721	W. Ortman	0	0	0.	0.	4.	0	6.	0	1	0
104721	J. Thorburn	0	0	51.	0.	16.	0	26.	0	0	0
104741	J.W. Fitzgerald	1	1	43.	0.	16.	1	55.	0	0	1
104741	T.M. Kavanagh	1	2	53.	3.	11.	1	73.	0	1	1

Table A.6.--Continued

Candidate	Outcome	Incumbency	Party	State	Local	Name	Sectional	Other Ethnic	Catholic	Irish	Dichotomous Incumbency
104741 A.C. Miller	0	0	43.	0.	16.	0	25.	0	0	0	0
104741 B. Moody, Jr.	0	0	53.	0.	9.	0	63.	0	0	0	0
104761 T.G. Kavanagh	1	1	0.	0.	5.	1	48.	0	1	1	1
104761 R.S. Gribbs	0	0	52.	0.	12.	0	38.	1	0	0	0
104761 J.P. Swallow	0	0	45.	0.	14.	0	9.	0	1	1	0
104761 J.E. Wells	0	0	1.	0.	0.	0	4.	0	0	0	0
104762 J.L. Ryan	1	1	45.	0.	13.	0	50.	0	1	1	1
104762 C. Kaufman	0	0	52.	0.	18.	0	50.	0	0	0	0
104763 L. Lindemer	0	1	45.	5.8	3.	0	40.	0	0	0	1
104763 Z. Ferency	0	-1	0.	12.	0.	0	21.	1	0	0	0
104763 B. Moody, Jr.	1	-1	52.	0.	11.	0	52.	0	0	0	0
104781 G.M. Williams	1	1	52.	16.	0.	0	81.	0	0	0	1
104781 J.L. Ryan	1	2	48.	0.	13.	1	62.	0	1	1	1
104781 G.R. McDonald	0	0	52.	0.	7.	0	31.	1	1	0	0
104781 A. Gilbert	0	0	48.	0.	12.	0	30.	0	0	0	0
104801 M.S. Coleman	1	1	49.	0.	15.	0	70.	0	0	0	1
104801 C.L. Levin	1	1	0.	0.	6.	1	70.	0	0	0	1
104801 E. Burch	0	0	48.	1.	0.	0	23.	0	0	0	0
104801 M. Hegarty	0	0	49.	4.	0.	0	12.	0	1	1	0
104801 J.B. Sullivan	0	0	48.	2.	9.	1	33.	0	0	1	0
104821 M.F. Cavanagh	1		56.				53.				0
104821 B. Moody, Jr.	1		56.				79.				1
104821 R. Campbell	0		41.				16.				0
104821 D.C. Riley	0		41.				48.				0
104821 P.W. Avery	0		2.				10.				0

*Identified Code: First and second digits on left--level 10 = Supreme Court
Third digit--month 1 = February; 2 = April, 3 = September; 4 = November
Fourth and Fifth Digits--Year
Sixth digit --Type Election. 1 = regular; 2 = vacancy; 3 = additional vacancy

Table A.7.--Court of Appeals candidates, 1970-1982

Candidate	Outcome	Sectional	Name	Ethnic	Catholic	State	Local	Incumbency
224702* R.J. Danhof	1	61.	0	1	0	6.	1.	1
224702 D.R. Freeman	0	72.	0	0	0	0.	14.	0
234701 R.D. Burns	1	78.	0	0	0	0.	6.	1
234701 J.E. Carr	0	58.	1	0	0	0.	4.	0
214741 R.M. Maher	1	61.	1	1	1	0.	14.	0
214741 N.J. Kaufman	1	58.	1	0	0	0.	29.	0
214741 J.A. Sullivan	0	39.	0	1	0	2.	23.7	0
214741 H. Heading	0	42.	0	0	0	0.	7.	0
224741 R.J. Danhof	1	75.	0	1	0	6.	1.	1
224741 S.J. Bronson	1	84.	0	0	0	0.	4.	1
224741 D.R. Freeman	0	88.	0	0	0	0.	18.	0
224741 M.J. Kelly	1	52.	1	1	1	0.	0.	0
224741 M.F. Cavanagh	1	76.	1	1	1	0.	5.	0
224741 G.E. Montgomery	0	39.	0	0	0	0.	3.	0
224741 B.L. Kaufman	0	56.	0	0	0	0.	0.	0
234741 D.F. Walsh	1	110.	0	1	1	5.	7.	0
234741 D.E. Holbrook, Jr.	1	85.	1	0	0	0.	13.	0
234741 R. Richardson	0	65.	0	0	0	0.	15.	0
234741 J.T. Letts	0	85.	0	0	0	0.	19.	0
214762 D.C. Riley	1	59.	0	1	1	0.	13.3	1

Table A.7.--Continued

Candidate	Outcome	Sectional	Name	Ethnic	Catholic	State	Local	Incumbency
214762 R.L. Evans	0	41.	0	0	0	0.	10.	0
224761 W.R. Beasley	1	63.	0	0	0	0.	26.	1
224761 E.T. Fitzgerald	0	64.	1	1	1	0.	1.	0
224781 W.P. Cynar	1	69.	0	1	1	0.	12.	1
224781 E.T. Fitzgerald	0	73.	1	1	1	0.	1.	0
234781 B.B. MacKenzie	1	79.	0	1	0	0.	0.	0
234781 K.L. Block	0	49.	0	0	0	0.	0.	0
224801 R.J. Danhof	1	79.	0	1	0	6.	1.	1
224801 S.J. Bronson	1	82.	0	0	0	0.	4.	1
224801 J.J. Murray	0	53.	0	1	1	0.	15.	0
234801 G.S. Allen, Jr.	1	87.	0	0	0	11.	12.	1
234801 T.M. Burns	1	85.	1	0	1	7.	10.	1
234801 P.S. Hirzel	0	48.	0	0	0	0.	0.	0
214821 R.S. Gribbs	1	55.	0	1	1	0.	20.	0
214821 G.B. Ford	0	45.	0	0	0	0.	18.	0

* Identification Code: First and second digits on left-- level 21 = first court appeals;
22 = second court appeals; 23 = third court of appeals
Third digit-- month 1 = February; 2 = April; 3 = September; 4 = November
Fourth and Fifth digits-- year
Sixth digit-- type election 1 = regular; 2 = vacancy; 3 = additional
vacancy

Table A.8.--Comparison of Supreme Court models for two periods

Attributes	1964-1980			1970-1980		
	MLE	SE	MLE/SE	MLE	SE	MLE/SE
Incumbency	-.738	.869	-.850	.637	1.078	.591
Party	-.042	.027	-1.561	-.007	.049	-.140
Sectional	.117	.041	2.865**	.109	.047	2.295**
State	.096	.122	.786	.089	.164	.540
Local	.100	.097	1.027	.075	.142	.531
Irish	1.409	1.626	.867			
Other				-1.117	1.275	-.876
Ethnic	-.652	1.291	-.505			
Catholic	-.383	1.498	-.256	1.097	1.538	.713
Name	-.310	1.298	-.239	1.810	2.142	.845
Constant	-5.085			-6.310		
Est. R^2	.832			.894		
-2 x LLR	33.645**			30.562**		
Percent Predicted Correctly	82.927			88.571		
r_s	.646**			.755**		
λ_b	.562			.692		
N = 41						

**Indicates significance at .05 level.

(Critical values, $Z = 1.64$, $r_s = .305$, $\chi^2_9 = 16.92$
 $\chi^2_8 = 15.51$).

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