Scholar Studies Politics of Judicial Nominations

Professor Gregory A. Caldeira, a widely recognized authority in the field of public law and judicial behavior, is currently researching nominations to the U.S. Supreme Court. His study, undertaken in collaboration with Professor John Wright of the University of Iowa, is funded through a research grant from the National Science Foundation. The general purpose of the project, titled "Organized Interests Before the Senate: the Politics of Federal Judicial Nominations," is to investigate the politics of judicial selection for the federal bench. Currently their efforts have been focused on a number of nominations, including the failed attempt to elevate Judge Robert Bork to the Supreme Court.

Their interest in judicial nominations was sparked while conducting a separate study. "We were investigating the impact of interest group participation in the selection of cases for the Supreme Court," Caldeira noted. "About halfway through the project, the Bork nomination came along, and it so happened that Jack Wright was working on a lobbying project in agriculture and energy policy." Professor Wright was testing various notions: Do interest groups lobby only their friends? Do they lobby the undecided? Do groups lobby where they have the most members? Do they lobby where they have contributors?

Department Scholars Featured at APSA

Labor Day generally signifies the end of summer for most people. For political scientists across the country, however, the September holiday weekend marks the annual meeting of the American Political Science Association. This year's meeting—the eighty-fifth annual—was held from August 31 through September 3 at the Atlanta Hilton in Atlanta, Georgia. As usual the program featured the scholarship of numerous Ohio State faculty and graduate students.

Professor Herbert Asher presented a paper on "Voting Decision Making in Initiative Elections." Professor Lawrence Baum was a participant in a roundtable discussion of "Crucial Themes in Civil Rights and Civil Liberties." Serving as Section Head for the program section on Electoral Behavior and Public Opinion was Professor Paul Allen Beck. He also participated in a roundtable discussion, "State Political Parties and Elections." In addition, he and Professor Bradley M. Richardson delivered their paper
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Real Estate Brokers Association in 1948, played a key role in the Shelley v. Kraemer Supreme Court case, a landmark decision striking down state enforcement of private, racial discrimination in housing.

The Ohio State Ph.D. noted, "The University wanted to put together a bigger public policy research center." And as director, LeLoup is very enthusiastic about helping the University realize its goal. While serving in his new position, he will have a host of responsibilities. They include developing policy, raising funds, selecting fellows, as well as coordinating conferences, seminars, and research activities. "It's a fabulous opportunity" he commented.

Professor LeLoup is taking full advantage of this opportunity, and has already begun developing a number of programs, among them, the creation of a survey research unit (which is currently conducting a number of citizen satisfaction studies), sponsoring a number of conferences on such varied topics as "gangs" and "the congressional budget process." He is also planning research programs which will focus on urban and national political economy as well as the problems of housing and the homeless.

Directing these two centers marks just another outstanding achievement for the noted scholar of American politics. The Troy, New York native received his undergraduate training at Georgetown University in Washington, D.C., from which he was graduated in 1970. He then moved on to pursue graduate work in political science at Ohio State. A Marshon Fellow, LeLoup received his master's degree in 1972 and his doctorate in the following year. As he was completing work on his Ph.D. he also began a stint in the Ohio Senate, where he served as a legislative assistant.

In 1974 he moved to the University of Missouri at St. Louis, where he has taught ever since. During his tenure there, he has been awarded one of the prestigious Dirksen Congressional Fellowships, and, in 1986, was named chair of the department of political science.

Now, in his new appointment he is faced with a new set of challenges. "It's a real change from being department chair," he noted, "but I do hope to continue to do my own research. It is that research which has helped identify Professor LeLoup as an expert in several fields of American politics.

Pursuing a research agenda is an important aspect of the academic agenda, and LeLoup's contributions to the field of political science have distinguished him as a scholar of considerable repute. He is a leading national authority on the complex topic of budgetary politics and has published numerous books, including Budgetary Politics, The Fiscal Congress: Legislative Control of the Budget, and The Presidency Studies in Public Policy. His introductory text in American government, Politics in America, is a staple of colleges and universities across the country. In addition, the most prominent of political science journals have featured his scholarly writings.

With LeLoup as director, the Center for Metropolitan Studies and the James T. Bush, Sr. Center for Law, Social Change and Conflict Resolution will now have the opportunity to benefit from his scholarly and administrative talents.

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The subsequent events which lead ultimately to Bork's defeat demonstrated considerable mobilization on the part of interest groups. This led these scholars to speculate on the role of interest groups in judicial selection. At first, it seemed that the mobilization of interest groups in the Bork nomination was quite unusual. As they probed the issue, however, Caldeira and Wright discovered that what happened in the Bork case was not so novel as it may have appeared.

"The perception was that the Bork controversy may have been a unique historical episode," said Caldeira. "So we did some preliminary interviewing, collected some data, and realized that this was something that had been going on for quite a while, that it extended to several nominations, and that it wasn't likely to go away. There is an institutionalized set of groups who watch nominations and are ready to do battle on both sides."

Presently, Professor Caldeira is studying a rather substantial collection of archive data which covers President Johnson's attempt to elevate Justice Abe Fortas to the Chief Justiceship. That nomination also sparked a considerable fray.

"One of the things I've been doing is looking into those archives, trying to collect information on lobbying and grassroots activities. What's interesting is that many of the same things done in the Bork fight were done earlier in the Fortas nomination," Caldeira commented. "For example, Johnson and Fortas' allies created a lawyers committee for the Supreme Court, and this was supposed to bring together distinguished lawyers who were in favor of Fortas. And it was really a cover, a lobbying device, a means of showing that distinguished people supported the nomination. There was another committee made up of law professors, some four or five hundred of them, who signed a letter in favor of Fortas. The same sort of thing was done on the Bork nomination."

The similarities between these nominations suggests that lobbying has been an ongoing component of judicial selection. "Most of the things done in the fight over Bork were done earlier—there were really only a few innovations. And of course the scope of activity was a lot broader," said Caldeira.

At the beginning of the Bork nomination, there were about four hundred groups declared against him and roughly one hundred twenty who openly pledge support. These investigators plan to survey these groups in order better to understand the nature of their involvement in the fight. To focus on the more prominent interest group activity in the Bork battle, Caldeira and Wright are planning to interview representatives from a number of groups who played especially active roles in the nomination. This would include some ten conservative groups, as well as twenty to thirty liberal interests.

"An awful lot of pro and anti Bork activity was out in the states. There were coalitions in some forty states, and we have a list on the liberal side of all the activists. So one thing we would like to ascertain is how and why these people became active," Caldeira noted.

Caldeira and Wright's interest in the politics of judicial selection is not limited to the Bork nomination alone; its scope is considerably more broad. As Caldeira noted, "We're going to focus on the rise of interest groups in the politics of judicial nominations and how that goes back to the 1930s and the fight over Judge Parker and then Fortas, Carswell, and Haynesworth." For more recent years, one of the ways in which they will examine lobbying is by analyzing Senate roll call votes. "We're interested in several questions: When you control for constituency pressure, party, and other factors, what effect did lobbying have? Did grassroots pressure have any independent effect?"
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Why do groups mobilize either for direct lobbying or at the grassroots level with respect to particular states or senators?"

Popular accounts of judicial selection, said Caldeira, seem to have missed the importance of interest group influence. "In the case of Bork, for example, journalists have tended to impute causation to large forces like the president or particular events, instead of seeing what was really going on is grassroots mobilization and direct lobbying, which are systematic forces."

The role of interest groups in judicial selection may ultimately have important policy consequences, Professor Caldeira suggested. "Studying the activities of organized interests in these nominations, of course, is a natural extension of looking at the influence of groups on case outcomes, because one way to affect case outcomes is to replace the staff of the Court."

Clausen and Mary Ann Kasofsky Kushner presented their paper, entitled "Dynamic Modelling of Campaign Effects on Voting Participation Level."

Professor Richard Gunther served as Section Head for the Comparative Politics Section on the First World. He also chaired a roundtable discussion on "The New Democratic Politics."

Professor Marita Kaw chaired a panel entitled "Decision-Making in Soviet Foreign Policy: Contending Approaches." She was also the author of "An Empirical Study of the Domestic Roots of Globalism in Soviet Foreign Policy."

Professor John H. Kessel, John M. Bruce, and John A. Clark presented paper, "I'd Rather Switch than Fight: Lifelong Democrats and Converts to Republicanism among Campaign Activists." Thomas Kephart presented his research on "Changing Party Competitiveness in Statewide Electorates."

"Ideology, Party Identification, and Issue Preferences in the 1980s" was the title of a panel led by Professor Jon A. Krosnick. Professor William Liddle presented "The Politics of Economic Liberalism in New Order Indonesia, 1965-1989."


Professor Samuel C. Patterson led a panel discussion on the topic of "Getting Published in a State Political Science Journal: Editorial Perspectives." He also participated in a roundtable on "Changing the Chilly Climate for Women in the Profession."

"A Game Theoretic Analysis of the Civilian-Military Relationship in the Process of Democratic Consolidation: The Case of Brazil and Argentina" was delivered by Professor David Pion-Berlin. "Interstate Disputes Over Time" was a panel on which Professor Brian Pollins served as chair. He also delivered a paper titled "Long Cycles and Militarized Interstate Disputes." Professor Goldie A. Shabad authored a paper on "Basque Terrorism is Spain."

Professor Elliot Slotnick served as a discussant on a panel focusing on "Church, State and the Court." Professor Herbert Weissberg presented his paper, "Some Perspectives on the 1988 Presidential Election."
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1950
John R. Price (M.A.) of Woodbridge, Virginia, has retired from his job at the Central Intelligence. His wife, Laurabel, another Ohio Stater, recently died.

1960
Tittica Roberts Mitchell (B.A.) of Columbus, Ohio, is president of TRM Management, Inc.

1970
W. Joseph Strapp (B.A.) of Los Angeles, California, is a labor and employment lawyer with the firm of Littler, Mendelson, Fastiff, and Tichy.

1972
Bruce A. Hertz (B.A.) of Woodbridge, Virginia, is working in sales of Atlantic Foods, Inc.

1973
David Lewandowski (B.A.) of Toledo, Ohio, is serving as Lucas County Auditor for Lucas County in Ohio.

1976
Barbara J. Nelson (Ph.D.) of Minneapolis, Minnesota, is a professor at the Humphrey Institute at the University of Minnesota. Her recent book, Wage Justice: Comparable Worth and the Paradox of Technocratic Reform, was published by the University of Chicago Press.

1979
Charles R. Moses (B.A.) of Columbus, Ohio, is serving as executive assistant for legislative affairs to Governor Richard Celeste. He was appointed to the position in July 1988.

1988
Sheila M. Guin (B.A.) of Dayton, Ohio, is a customer service Representative for Citizen's Federal Savings and Loan Association.

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