

Book Reviews

- ***Choosing State Supreme Court Justices: Merit Selection and the Consequences of Institutional Reform.*** Greg Goelzhauser. 2016. Philadelphia: Temple University Press. ISBN: 978-1-4399-1340-6 (paper).

For years, Pennsylvanians for Modern Courts and the Pennsylvania Bar Association have been working to change how Pennsylvania selects its judges. Currently, all state judges within the Commonwealth are chosen in partisan elections, but there has been a sustained drive to amend the state's Constitution to create a form of merit selection, whereby a nominating commission forwards select names to the governor, who then makes the appointment. Many Pennsylvania officials, including governors, have supported the adoption of merit selection. The question regarding how states choose their judges speaks to important concerns relating to democratic theory, namely whether the people should elect their judges or whether merit selection or gubernatorial appointment sufficiently shields judges from the whims of the masses.

In this book, Goelzhauser wades into the debate by presenting some needed empirical evidence related to judicial selection methods. For decades, numerous claims have been proffered that merit selection systems somehow produce “better” judges and legal outcomes. Rather than accepting this at

face value, Goelzhauser presents his evidence and adds much-needed nuance to the debate.

Given the recent clamor for merit selection, Goelzhauser first answers the question of how and when it originated. While states have experimented with various selection methods, states began moving toward merit selection in the early twentieth century, a reform consistent with the Progressive Era. At that time, many people were concerned with how often politics was mixed with the delivery of justice, which eventually led many states to experiment with merit selection. What is clear, however, is that in recent years, states have been moving away from judicial elections and replacing them with some form of merit selection. Currently, “more than half of all states have experimented with merit selection systems for at least some of their state supreme court justices” (p. 33).

In Chapter 3, Goelzhauser investigates “whether judicial selection systems produce state supreme court justices with different types of professional experience” (p. 48). The judicial selection debate produces competing claims about whether merit systems are more or less likely to produce judges with political connections. After compiling a database for all state supreme court judges from 1960 to 2004, Goelzhauser finds that there are “more similarities than differences across selection systems in terms of the work experience compiled by state supreme court justices” (p. 56) and that judges with varying experiences are seated across all forms of selection systems.

Proponents of merit selection often claim that merit selection produces better qualified judges than any other form of judicial selection. In Chapter 4, Goelzhauser presents original empirical research to evaluate this claim. While “better qualified” is somewhat subjective, Goelzhauser argues that most individuals equate judicial qualifications with the quality of the law school the judge attended, as well as judicial experience. The results, however, demonstrate that “no selection system enjoys a systematic advantage over any other system” (p. 82).

In recent years, we have also seen the claim that merit selection produces a more diverse judiciary. The idea behind this is that with judicial elections, the people choose candidates that are predominantly white and male. Once again, Goelzhauser does not accept these claims at face value; rather, he puts these claims to an empirical test. In Chapter 5, Goelzhauser “trace[s] the historical development of the push toward gender and racial diversification of the judiciary” (p. 86), explains how “arguments linking merit selection with increased judicial diversification became more popular” during President Carter’s administration (pp. 86–87), and seeks to answer some of the claims using new data.

The diversity data is interesting. Goelzhauser demonstrates that “selection systems matter for the diversification of state supreme courts but not necessarily in a consistent way” (p. 106). Merit selection is less likely than appointment to produce female or minority candidates but more likely than elections to produce nonwhite individuals.

As states, including Pennsylvania, are debating whether to replace judicial elections with either merit selection or gubernatorial appointment, policymakers should be aware of the empirical findings that speak to the many claims made by interest groups and organizations regarding the advantages and disadvantages of each judicial selection method. Goelzhauser’s research makes clear that there is no magic formula and that the strengths and weaknesses of each judicial selection method are more nuanced than we might want to admit. States should proceed with caution and temper their expectations regardless of which judicial selection method is adopted.

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- ***A Nice Place to Visit: Tourism and Urban Revitalization in the Postwar Rustbelt.*** Aaron Cowan. 2016. Philadelphia: Temple University Press. ISBN: 978-1-4399-1346-8 (paper).

On April 20, 1965, Pennsylvania governor William Scranton spoke to a joint session of the General Assembly on the future of the Commonwealth’s urban communities. He stated that “[f]or of all human creations none is more perverse than the urban community. It gives with one hand, and takes away with the other. Cities exist, for example, to provide otherwise impossible opportunities for economic development. Yet, they also spawn the cruelest poverty.” Governor Scranton’s comments succinctly sum up the difficulty cities faced in post-World War II America. Historically urban centers had been viewed as the economic lynchpins of metropolitan areas. However, suburbanization, deindustrialization and race relations contributed to a white exodus from cities. Left behind were abandoned downtowns, poor housing stock, and a dearth of job opportunities that led to increased concentration of poverty. The primary question for policymakers was how to reverse this decline and revitalize cities and their place in American life.

Aaron Cowan’s *A Nice Place to Visit* explores the privileged place that political and civic leaders gave to tourism as the primary method to rejuvenate urban economies. He selects four midsized Rustbelt cities, because they were especially hurt by deindustrialization. Each city lacked major historical or

cultural attractions that would entice visitors, so they needed to create reasons for out-of-towners and suburbanites in their metropolitan region to visit the downtown area. Cowan follows the development of tourism trends in postwar American cities through case studies of investments in hotels (Cincinnati), convention centers (St. Louis), sports stadiums (Pittsburgh), and festival marketplaces (Baltimore).

Several common themes emerge from the case studies. First, the revitalization of cities focused on encouraging economic development in central cities at the expense of other potential policy solutions. Cowan argues that there was a conscious, and not historically inevitable, decision to focus on economic growth to help cities deal with poverty rather than invest in human capital through education or other services. This became even more prevalent after urban riots in the 1960s led to a revolt of middle-class whites against programs such as the Model Cities of the Great Society. Second, clearing urban space for tourist development often meant displacing or marginalizing the poor, particularly minorities. Barriers or buffer zones were often developed to isolate downtowns from low-income communities. Consequently redeveloped urban spaces alleviated the fears of crime and otherness that were necessary to attract conventions and tourists at the expense of being welcoming to everyone. Finally, the more successful attempts at urban revitalization created shared spaces across classes and races rather than creating isolated islands of economic activity within a city's core. Anchor hotels and convention centers focused on luring national audiences to cities and offered little of interest to the surrounding metropolitan area. Conversely, at their best, stadiums and festival markets such as Baltimore's Harbor Place attracted tourists as well as residents from the city and the surrounding suburbs.

Cowan positions himself between advocates of tourism development and critics who claim it has resulted in the "Disneyfication" of the urban experience. His case studies show that while tourism has not been a panacea for urban ills, it has improved the financial footing of cities and, in some cases, reconnected them with their suburban populations. Cowan concludes that tourism is an important ingredient in a comprehensive plan to revitalize cities.

The discussion of the renaissance of Pittsburgh is a primary example. The effort was led by the Allegheny Conference on Community Development (ACCD), an organization that had the support of business and political leaders. Over several decades ACCD spearheaded a comprehensive plan revitalizing the city through "pollution and flood controls, slum clearance, redevelopment of downtown, and heavy private and public investment in restricting the region's economy" (p. 104). The plan to diversify the economy by focusing on higher education, finance, and technology allowed the city to weather the

decline of the steel industry. This included many of the tools used by other cities in the second half of the twentieth century. Eminent domain was used to condemn and demolish abandoned or unsightly properties downtown. They were replaced with new business development, a convention center, civic arena, and a park. However, Cowan contends that one tourism project was the lynchpin that brought the entire master plan together to rebrand Pittsburgh: Three Rivers Stadium. He argues sports were an important part of consumer culture in the 1970s that helped attract suburbanites to the city. A new stadium, built on reclaimed railroad and industrial property across the river from downtown, combined with the success of the Steelers and Pirates during the 1970s, helped to rebrand the city. Cowan argues that the national attention paid to the teams and the stadium provided positive press for the city and helped shift its image from a “smoky center of industry” to the “City of Champions.” Most important, it contributed to a sense of civic pride that united the Pittsburgh metropolitan region. Hotel- or convention-centered tourism sought to segregate visitors from the urban population. Alternatively, Three Rivers Stadium was a public expenditure that helped bring together people of all races and socioeconomic classes.

Cowan concludes that the attention paid to tourism as a form of economic development in the last half of the twentieth century was a conscious choice by urban leaders to find an easy fix to deindustrialization and suburbanization. This focus helped stem the economic decline of cities. However, poverty is still a major problem in all four cities explored in *A Nice Place to Visit*. Cowan seems to prefer a policy solution that would focus on revitalizing human capital rather than economic development. However, the pragmatist in him is resigned to the attention given to growth in neo-liberal city regimes. In that context Pittsburgh seems like a good model to follow, if you're a city leader.

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- ***Undocumented Fears: Immigration and the Politics of Divide and Conquer in Hazleton, Pennsylvania***. Jamie Longazel. 2016. Philadelphia: Temple University Press. ISBN: 978-1-4399-1268-3 (paper).

In *Undocumented Fears: Immigration and the Politics of Divide and Conquer in Hazleton, Pennsylvania*, Jamie Longazel frames a liberation sociological approach to the study of racial and ethnic change in small-town America.

The author uses the philosophy of “neo-liberalism,” defined as “implementing the most ruthless economic and political policies without having to open such actions to public debate and dialogue,” to discuss one city’s reaction to the rapid growth of its Hispanic population. In his sociological approach, the author attempts to compare and contrast a “Latino threat narrative” to a “white affirmation narrative.” Referencing many sources and citations, the author examines the approximately five to six years of socioeconomic and political activities before, during, and after the passage of Hazelton’s municipal ordinance: the Illegal Immigration Reform Act (2006) (IIRA).

While much more narrowly focused, the theory applied in this study appears to be similar to that utilized by Dan Rose in his work entitled, *Energy Transition and the Local Community: A Theory of Society Applied to Hazelton, Pennsylvania*. Rose, like Longazel, posits that dramatic socio-economic changes within small towns are often addressed not with progressive approaches, or with a best-possible-solution scenario; instead, the objective is to retain the status quo, devising a policy acceptable to the community. In a broader sense, Cohen, et al.’s Garbage Can Model of Policy Making may be more applicable here, because it suggests that independent problems, opportunities, and solutions exist until a solution is selected that fits rather than a solution developed for the specific problem.

The author effectively depicts the creation and success of the economic development organization known as CAN DO. However, the unwillingness or inability of the CAN DO leadership to change or update its corporate model led to business locating in its industrial park that offered mostly low-skilled and low-paying jobs.

The Hazelton community, which had changed little in ethnicity and racial makeup (98–99% white non-Hispanic) in over 50 years, attempted to solve its societal problems by not changing. The white population misunderstood the different languages and cultures of those newly arrived residents, thereby creating a racial divide and the IIRA. Longazel’s depiction of the divisions in Hazelton Pennsylvania, during the first decade of the twenty-first century is no different from those divisions of a century earlier, when white, English-speaking residents discriminated against the white, non-English-speaking immigrants. Race was not a factor. The story of American immigration always seems to involve one or more established ethnic groups looking down the socioeconomic ladder on those newly arriving.

The author provides extensive commentary about the ordinance and the legal proceedings that challenged it. A more thorough analysis of the political structure and the events surrounding the ordinance, however, might have

revealed that both sides of the conflict lacked effective leadership, which could have promoted the “building of bridges.” Without effective leadership and fruitful dialogue, compromise and equitable solutions cannot be achieved.

The author is clear in his presentation and applies his theory in an effective manner. Based on the extensive notes provided, the footnote section can be read separately as an explanation of theory and analysis. The concepts used are applied to the events in the creation of and battle over the ordinance, but not to achieving a solution to the community’s problems. With further political analysis of both sides in this conflict, one may understand what actions the leaders might have taken to avert the ordinance and bring the two communities together.

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